

PLANNING BOARD
PACKET OF MATERIALS
MEETING APRIL 6, 2016

Cover page with date

Agenda

Minutes for approval (March 30, 2016)

Applications (See March 16, 2016 Packet)

Supporting Documents

Agenda
Bar Harbor Planning Board
Wednesday, April 6, 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 (March 30, 2016)**
- V. REGULAR BUSINESS**
 - a. **Public Hearing- Site Plan Application – SP-2016-02– Arthur Davis – JAD Holdings, LLC**
Project Location: 111 Eden Street, Bar Harbor Tax Map 101, Lot 004-000
Applicant: Arthur Davis – JAD Holdings, LLC
Application: The applicant is proposing to construct a 105 foot long residential pier in a Shoreland Limited Residential district.
 - b. **Land Use Ordinance Discussion of Parking.**
 - c. **Land Use Ordinance Discussion of Housing.**
 - d. **Land Use Ordinance Discussion of Cruise Ship Operations definition.**
- VI. OTHER BUSINESS**
- VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**
- VIII. ADJOURNMENT**

Item 1 a.

TOWN OF BAR HARBOR PLANNING BOARD

93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tel. 207-288-3329 Fax 207-288-3032

DECISION

Date: March 30, 2016

Application: SP-2016-02– Arthur Davis – JAD Holdings, LLC

Project Location: 111 Eden Street, Bar Harbor Tax Map 101, Lot 004-000

Applicant: Arthur Davis – JAD Holdings, LLC

Application: The applicant is proposing to construct a 105 foot long residential pier

Zoning District: in a Shoreland Limited Residential district.

Permitted Use: Pier, permanent structure

To the Code Enforcement Officer:

Under the authority and requirements of the Land Use Ordinance Article V, Section 125-61. F, at the properly noticed public hearing on April 6, 2016, by a motion duly made and seconded, it was voted to approve the noted application.

This approval is based upon the following submitted plans:

1. "JAD Holdings, LLC Pier Permit Plan", exhibit C1, dated January 19, 2016 and prepared by G.F. Johnson & Associates, Engineer.
2. "JAD Holdings, LLC Pier Site Plan", exhibit C2, dated March 2, 2016 and prepared by G.F. Johnson & Associates, Engineer.
3. "JAD Holdings, LLC Pier Riparian Line Exhibit", exhibit (not identified), dated (not identified) and prepared by G.F. Johnson & Associates, Engineer.

This approval is based upon the following FINDINGS AND CONCLUSIONS OF LAW:

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.

2. Based on the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-68 Shoreland Standards, and more specifically (6) Uses extending over or below the shoreline as found below:
 - a. The Board finds the site is located in the Shoreland Limited Residential district and that the proposed permanent pier construction is located over and beyond the shoreline of the district.
 - b. The Board finds the proposed pier satisfies the requirements (a) through (i) of 125-68(6) Uses extending over or below the shoreline. Access from the shore will be on appropriate soils and erosion control measure are applied. The location does not interfere with developed beach areas. The facility will not adversely affect fisheries. The size of the pier is appropriate and in character with the area. No sewage facilities are proposed or necessary. No other structures will be constructed on the pier. A permanent pier is necessary and appropriate and permitting has been obtained as required. No additional structures will be constructed or converted to dwellings. The pier will not exceed 20 feet in height.
 - c. The Board finds in accordance with 125-68(4) Erosion and sedimentation control Standards are satisfied.
 - d. The Board finds in accordance with 125-68 13) Clearing and removal of vegetation for activities other than timber harvesting. Minimal clearing is proposed and no opening in the tree canopy are proposed.
3. Based on the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-68 Shoreland Standards as found below:
 - a. The Board finds that the application meets the standards for Shoreland Zoning .
4. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-67 as found below:
 - a. The Board finds the use of the property for a permanent pier is a permitted use in the Shoreland Limited Residential district.
 - b. The Board finds that the development will meet the minimum lot standards for the Shoreland Limited Residential district.
 - c. The Board finds that the proposed structure shall meet the minimum height requirements for the Shoreland Limited Residential district.
 - d. The Board finds that the development does not require parking spaces as it is an accessory use to the dwelling unit.
 - e. The Board finds that the minimum parking areas and driveways standards are not applicable to this application.
 - f. The Board finds that the minimum loading requirements are not applicable to this application.

- g. The Board finds that the streets, sidewalks and access standards are not applicable to this application.
- h. The Board finds that the buffering and screening standards are not applicable to this application.
- i. The Board finds that the water standard is not applicable to this application.
- j. The Board finds that the municipal water standard is not applicable to this application.
- k. The Board finds that the groundwater standards are not applicable to this application.
- l. The Board finds that the development will meet the stormwater management standards.
- m. The Board finds that the municipal sewer facilities standard is not applicable to this application.
- n. The Board finds that the sewage waste disposal standards are not applicable to this application.
- o. The Board finds that the development is located in an area where the soils are not rated severe or very severe for the proposed activity.
- p. The Board finds that the development will meet the landscaping requirements.
- q. The Board finds that the development will not cause unreasonable soil erosion.
- r. The Board finds that the development is located within a flood prone area but the design is consistent with piers located in floodplains. **Condition:** Receipt of a Flood Hazard Development Permit in accordance with 125-67R prior to issuance of a Building Permit.
- s. The Board finds that the development will not result in undue air pollution.
- t. The Board finds that the refuse disposal standards are not applicable to this application.
- u. The Board finds that the dangerous and hazardous materials and wastes standards are not applicable to this application.
- v. The Board finds that no vibration will be transmitted outside the proposed development.
- w. The Board finds that there are no significant spawning grounds or wildlife habitat located on this property.
- x. The Board finds that there are no rare and irreplaceable natural areas located on this property.
- y. The Board finds that the development will not cause radiant heat to be perceptible beyond the proposed development.
- z. The Board finds that the development will meet the lighting standards.
- aa. The Board finds that the proposed development will comply with the Bar Harbor Noise Ordinance.
- bb. The Board finds that the development will meet the sign standards.

- cc. The Board finds that the development does not include the outdoor storage of materials.
- dd. The Board finds that the development will meet the utilities standard.
- ee. The Board finds that the development will not cause an unreasonable burden on the Municipal Fire Department.
- ff. The Board finds that the development conforms to the Comprehensive Plan.
- gg. The Board finds that the applicant meets the financial and technical capacity standard.
- hh. The Board finds that there is no registered farmland in Bar Harbor.
- ii. The Board finds that the Town is able to provide municipal services to the proposed development.
- jj. The Board finds that there are no known violations of the Bar Harbor Land Use Ordinance.
- kk. The Board finds that the legal documents standard is not applicable to the proposed development.
- ll. The Board finds that the site does not contain any historic and archaeological resources.
- mm. The Board finds that the utilization of the site standard is not applicable to the proposed development.
- nn. The Board finds that there are no natural features of interest located on the property.

Conditions of Approval:

1. Applicant must obtain a Flood Hazard Development Permit prior to issuance of a Building Permit by the Code Enforcement Officer.

The applicant is advised of the following:

1. No modifications shall be made to this approval including changes to the plans, accompanying documents, and conditions without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.
2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards conditions that will be applied to the construction of this project. No performance bonds are required.
4. Building permits are required for this project.
5. There is an appeal period for any interested party of 30 days to appeal this decision of the Planning Board. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.

*Signed as **approved**:*

Ivan Rasmussen, Chair
Planning Board, Town of Bar Harbor

Date

Appeals of this decision may be made to the Board of Appeals pursuant to section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this date of this decision.

Minutes
Bar Harbor Planning Board
Wednesday, March 30, 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 and Angela Chamberlain, Code Enforcement Officer.

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

John Fitzpatrick and Basil Eleftheriou, Jr.

IV. APPROVAL OF THE MINUTES

a. March 16, 2016 Workshop Meeting and March 16, 2016 Regular Meeting

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. Public Hearing- Site Plan Application – 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, Landscape Architect, along with Carla Haskell, Architect,, Jerilyn Bowers and Mark Hanscome from the MDI Biolab, and Eero Hedefine, Civil Engineer presented the application for the Site Plan review.

Mr. Hanscome described the project and the projected schedule: April demolition, May footings, June through February and occupancy in March, 2017.

Ms. Bowers spoke about the changing mission of the lab and the great need for this proposed building. She indicated that this lab provides tremendous opportunity for young people to get training in biological research.

Mr. Coplon discussed the location of the proposed new construction and the lot coverage, setback and parking requirements for the proposed plan. The building is located by Frenchman's Bay and replaces a smaller building that no longer serves the purpose. With the new construction coverage will be at 16.5%.

Ms. Haskell discussed the building with regard to its location on the lot as well as its occupancies and exterior design. She noted that the request is to build a portion of the building in the Shoreland Zone setback and that they wish to utilize the allowable one-time 30% expansion. It was noted that the fish shed would be removed as part of this project and that none of that building is in the setback or counted against the 30% calculation. It was also noted that the existing building has a deck that is projecting toward the water side of the building but that the new building would not be designed that way. Instead what is proposed is that the deck proposed is actually the roof of a portion of the first floor of the building. It was established that the building would meet both the floor area and volume calculation for the 30% expansion. The building would be on frost wall and slab with the exception of a pit for the proposed elevator.

Chair Rasmussen opened the public hearing and asked for comments.

Chris Peterson from College of the Atlantic spoke in support of the proposed project noting the great benefit that the program provides to the College's students and faculty

As no one else wished to speak Chair Rasmussen closed the public hearing but noted that it could be re-opened if there was a need to do so.

Mr. Fitzpatrick asked questions regarding the proposed lighting of the building. Mr. Coplon noted that there are there types of lights proposed and all are dark sky compliant. Mr. Fitzpatrick asked about vegetative screening for noise and Mr. Hanscom indicated that they propose to provide noise mitigation for HVAC.

Mr. Cough asked about the dormitories and their occupancy. It was answered that there were two, 16-bed dorms. A total of 32 occupants are possible.

Mr. Cough asked about the 800 sq. ft. deck on the proposed building as to if it is included in traffic generation numbers. It was answered no because the interior space of the building sets the traffic generation as per the Fire Marshal.

Mr. Cough asked questions to help evaluate what other alternatives were explored to avoid the need to build a portion of the proposed building in the shoreland setback. It was noted that there were several issues involved. Safety area between the building and the street was a key consideration. There is some ledge that was to be avoided if possible to limit the need for blasting. There was a conscious effort to limit site disturbance and tree clearing. And there was better grades between the street and the building as proposed rather than moving the building closer to the street. It was noted that there was a fulcrum point on the north east corner of the old building that was established for the new building because that location functioned well serving the noted considerations. It was noted that the proposed footprint of the building is approximately 3,600 sq. ft. in area. The new deck is within that footprint above the first floor level.

Mr. Cough asked questions to evaluate the overall parking requirements for the site. The discussion questioned if there is a full documentation in the application for the board to evaluate the parking requirements. Parking is based on one space per 1.5 employees plus spaces as necessary for visitors and customer parking.

Mr. Hanscom briefly described the use of each building on the campus. He indicated that the fish shed, gull shed, kidney shed pavilion and instrument shed are not occupied buildings. Most of the other buildings are occupied in some form but many are for low occupancy and relatively short periods of time. The Kingsley-Smith building, maintenance building and Morris-Davis building are year round buildings. The Auditorium is a large building with 150 seats located on the front of the campus but only utilized occasionally. He also noted the utilization of vans when students are on the campus and indicated that this greatly reduces the need for spaces because the van delivers the students 12 at a time.

Mr. St. Germain asked questions about the shoreland element of the application. It was established that there is an error in the application and the request is for 1,391 sq. ft. in floor area within the shoreland setback.

Mr. Cough indicated that the calculations for parking should be part of the application.

Mr. Hanscom noted that these buildings were approved previously by the Planning Board and the application currently is to replace an existing building with a marginally larger building with no new employees.

Mr. Fitzpatrick indicated that this use with multiple buildings and various programs does not work as well as a restaurant or store where the parking demand is well demonstrated nationally. For training and education the metric is not there.

Mr. St. Germain made a motion that the findings of the draft Planning Board Decision are correct and the application be approved with conditions.

The first condition is that applicant provide a revised exhibit 9 to show 1,391 sq. ft. floor area conforms to the one-time 30% expansion regulating. This would include a stamped document by a Professional Land Surveyor. The second condition is that the Fire Marshal permit is approved prior to issuance of a Building Permit. Mr. Fitzpatrick seconded the motion.

Mr. Cough objected to proceeding without documentation on the parking demand for the full campus.

The Board voted four in favor and one against the motion.

I. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were no comments.

II. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn the meeting at 8:08 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: MARCH 14, 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.

DISTRICTS UNDER CONSIDERATION FOR PARKING CRITERIA

§ 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, parking lot, 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)

DOWNTOWN RESIDENTIAL from Appendix C

A. Activity or structure allowed without a permit, provided it complies with all provisions of this chapter INCLUDE: Activities necessary for managing/protecting land #1 #1 Activities necessary for managing/protecting the land such as surveying, fire protection, emergency operations, etc. , Filling/earth moving activity less than 10 cubic yards, Forest management activities except timber harvesting 1, Non-intensive recreational use not requiring structures...#3 #3 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking. a

B. Activity or structure requires approval through site plan review process before it may be commenced or built INCLUDE: Child care center, Hospital, Multifamily dwelling I, Parking Deck, Parking garage and parking lot, Place of worship, Road construction, Transient accommodations (TA-1), Transient accommodations (TA-3), Transient Accommodations (TA-4) AND Wireless communications facility.

. b

C. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built INCLUDE: Accessory dwelling, Commercial garden, greenhouse or nursery, Driveway construction, Essential services accessory to a permitted use or structure, Farmer's market, Government facility and grounds, Home occupation, Medical clinic, Museum, Nursing/convalescent home or congregate housing, Filling/earth moving activity 10 cubic yards or more, Noncommercial greenhouse, Parking lot with 10 or fewer spaces accessory to permitted uses, Professional office building, Public or private park with minimum structural development, Public utility installation, Single-family dwelling, Vacation rentals, Two-family dwelling, Undertaking establishment, Uses or structures accessory to permitted uses or structures, Uses or small structures accessory to permitted uses or structures, Nursing/convalescent home or congregate housing, Professional office building, Public utility installation, Uses or structures accessory to permitted uses or structures. c

I. Activity or structure requires permit by local Plumbing Inspector before it may be commenced or built INCLUDE: Private sewage disposal system accessory to permitted uses I

m. Minor site plan review required INCLUDE: Wind turbine. m

1. CEO permit required for uses or structures accessory to uses or structures requiring CEO permit; Planning Board/Planning Department approval required for uses or structures accessory to uses or structures requiring Planning Board/Planning Department approval INCLUDE: Uses or structures accessory to permitted uses or structures. c, b1

2. CEO permit required for uses or structures with total developed area not exceeding 2000 sq. ft.; Planning Board approval required for uses or structures with total developed area of more than 2000 sq. ft. INCLUDE: Government facilities and grounds, Public utility installation. c, b2

7. CEO permit for services accessory to uses or structures requiring CEO permit; Planning Board/Planning Department approval required for services accessory to uses or structures requiring Planning Board approval INCLUDE: Essential services accessory to a permitted use or structure. c, b7

10. CEO permit required for uses or structures with gross leasable area not exceeding 2,000 sq. ft.; Planning Board/Planning Department approval required for uses or structures with gross leasable area of more than 2,000 sq. ft. INCLUDE: Medical clinic, Museum, Nursing/convalescent home or congregate housing, Professional office building. C, b10

11. Minor site plans for lots with frontage on Route 3 and Route 102 for home occupations with non-family members as employees; otherwise, Code Enforcement Officer permit INCLUDE: Home occupation. C, b11

§ 125-24 Hulls Cove Business.

[Amended 5-1-1995]

A. Minimum lot size: 10,000 square feet with sewers; 40,000 square feet without sewers.

[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.

B. Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.

C. Minimum front setback: 15 [feet].

D. Minimum side setback: five [feet].

E. Minimum rear setback: 15 [feet].

F. Maximum lot coverage: 75%.

G. Maximum height: 40 [feet].

H. Minimum area per family: 5,000 square feet with sewers; 20,000 square feet without sewers.

[Amended 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.

HULLS COVE BUSINESS USES from Appendix C

a. Activity or structure allowed without a permit, provided it complies with all provisions of this chapter INCLUDE: Activities necessary for managing/protecting land #1 #1 Activities necessary for managing/protecting the land such as surveying, fire protection, emergency operations, etc., Agriculture, homestead, Filling/earth moving activity less than 10 cubic yards, Forest management activities except timber harvesting 1, Non-intensive recreational use not requiring structures...#3 #3 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking..a.

b. Activity or structure requires approval through site plan review process before it may be commenced or built INCLUDE: Bank, Commercial stable, Commercial boat yard, Commercial fish pier, Ferry terminal, Hospital, Light manufacturing/assembly plant, Marina, Multifamily dwelling I, Multifamily dwelling II, Municipal school, Parking lot, Recreational boating facility, Research facility, Research production facility , Wireless communications facility, Road construction, Transient accommodations (TA-1), Transient accommodations (TA-2). b

c. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built INCLUDE: Accessory dwelling, Agriculture, avocational, Commercial art gallery or pottery barn, Commercial garden, greenhouse or nursery, Driveway construction, Farmer's market, Filling/earth moving activity 10 cubic yards or more, Forest management activities including timber harvesting..#2, Parking lot with 10 or fewer spaces accessory to permitted uses, Single-family dwelling, Two-family dwelling, Public or private park with minimum structural development, Uses or small structures accessory to permitted uses or structures, Vacation rentals. c

l. Activity or structure requires permit by local Plumbing Inspector before it may be commenced or built INCLUDE: Private sewage disposal system accessory to permitted uses l

m. Minor site plan review required INCLUDE: Wind turbine. m

1. CEO permit required for uses or structures accessory to uses or structures requiring CEO permit; Planning Board/Planning Department approval required for uses or structures accessory to uses or structures requiring Planning Board/Planning Department approval INCLUDE: Uses or structures accessory to permitted uses or structures. c, b1

2. CEO permit required for uses or structures with total developed area not exceeding 2000 sq. ft.; Planning Board approval required for uses or structures with total developed area of more than 2000 sq. ft. INCLUDE: Government facility and grounds, Lumberyard or sawmill, Parking lot with 10 or more spaces accessory to permitted uses, Public utility installation. C, b2

6. CEO permit required for temporary structures; Planning Board approval required for permanent structures INCLUDE: Pier, dock, wharf, breakwater or other use projecting into the water. c, b6

7. CEO permit for services accessory to uses or structures requiring CEO permit; Planning Board/Planning Department approval required for services accessory to uses or structures requiring Planning Board approval INCLUDE: Essential services accessory to a permitted use or structure. C, b7

10. CEO permit required for uses or structures with gross leasable area not exceeding 2000 sq. ft.; Planning Board/Planning Department approval required for uses or structures with gross leasable area of more than 2,000 sq. ft. INCLUDE: Commercial structure, Gift shops, Grocery stores, Laundry or dry cleaning establishment, Liquor store, Medical clinic, Noncommercial greenhouse, Noncommercial stable, Private school, Professional office building, Restaurant, Restaurant, take out, Retail business establishment not otherwise listed, Undertaking establishment, Upholstery shop, Seafood market, Veterinary clinic. C, b10

11. Minor site plan for lots with frontage on Route 3 and Route 102 for home occupations with non-family members as employees; otherwise, Code Enforcement Officer permit INCLUDE: Home occupation. C, b11

§ 125-42 Scientific Research for Eleemosynary Purposes.

- A. Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers.
- B. Minimum road frontage and lot width: 100 feet with sewers; 200 feet without sewers.
- C. Minimum front setback: 100 [feet].
- D. Minimum side setback: 25 [feet].
- E. Minimum rear setback: 40 [feet].
- F. Maximum lot coverage: 50%.
- G. Maximum height: 40 [feet].
- H. Minimum area per family: not applicable.

SCIENTIFIC RESEARCH from Appendix C

A. Activity or structure allowed without a permit, provided it complies with all provisions of this chapter INCLUDE: Activities necessary for managing/protecting land #1 #1 Activities necessary for managing/protecting the land such as surveying, fire protection, emergency operations, etc. , Filling/earth moving activity less than 10 cubic yards, Forest management activities except timber harvesting 1, Non-intensive recreational use not requiring structures...#3 #3 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking. a

B. Activity or structure requires approval through site plan review process before it may be commenced or built INCLUDE: Parking garage, Road construction, Wireless communications facility. b

C. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built INCLUDE: Driveway construction, Filling/earth moving activity 10 cubic yards or more, Parking lot with 10 or fewer spaces accessory to permitted uses, Public or private park with minimum structural development, Uses or small structures accessory to permitted uses or structures. c

l. Activity or structure requires permit by local Plumbing Inspector before it may be commenced or built INCLUDE: Private sewage disposal system accessory to permitted uses. l

m. Minor site plan review required INCLUDE: Wind turbine. m

1. CEO permit required for uses or structures requiring CEO permit; Planning Board/Planning Department approval required for uses or structures accessory to uses or structures requiring Planning Board/Planning Department approval INCLUDE: Uses or structures accessory to permitted uses or structures. c, b1,2

2. CEO permit required for uses or structures with a total developed area not exceeding 2,000 sq. ft.; Planning Board approval required for uses or structures with a total of more than 2,000 sq. ft. INCLUDE: Uses or structures accessory to permitted uses or structures. (c, b1,2) Nonresidential facility for education and scientific purposes, Research facility, Research production facility, Residential facility for use by employees, students, trainees..#5 #5 Residential facility for use by employees, students, trainees or visiting scientists and academicians, such as facilities being necessary for the furtherance of the institutional mission. , Small, nonresidential facility for educational, scientific or..#6 #6 Small, non-residential facility for educational, scientific or nature interpretation purposes., Transient accommodations, nonprofit. C, b2

7. CEO permit for services accessory to uses or structures requiring CEO permit; Planning Board/Planning Department approval required for services accessory to uses or structures requiring Planning Board approval INCLUDE: Essential services accessory to a permitted use or structure. c, b7

10. CEO permit required for uses or structures with gross leasable area not exceeding 2,000 square feet; Planning Board/Planning Department approval required for uses or structures with gross leasable area of more than 2,000 square feet INCLUDE: Museum. c, b10

§ 125-48 Shoreland Limited Residential.

A. Minimum lot size: 30,000 square feet per dwelling unit with sewer adjacent to tidal areas; 40,000 square feet, or same as nearest adjacent upland district, whichever is greater, for all other uses and structures.

[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.

B. Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.

C. Minimum shore frontage: 150 [feet] per dwelling unit adjacent to tidal areas; 200 [feet] for all other uses and structures.

D. Minimum front setback: same as nearest adjacent upland district.

E. Minimum side setback: same as nearest adjacent upland district.

F. Minimum rear setback: same as nearest adjacent upland district.

G. Maximum lot coverage: 20%.

H. Maximum height: 35 [feet].

I. Minimum area per family: 30,000 square feet.

SHORELAND LIMITED RESIDENTIAL from Appendix C

A. Activity or structure allowed without a permit, provided it complies with all provisions of this chapter INCLUDE: Activities necessary for managing/protecting land #1 #1 Activities necessary for managing/protecting the land such as surveying, fire protection, emergency operations, etc. , Filling/earth moving activity less than 10 cubic yards, Forest management activities except timber harvesting 1, Non-intensive recreational use not requiring structures...#3 #3 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking. a

B. Activity or structure requires approval through site plan review process before it may be commenced or built INCLUDE: Essential services accessory to a permitted use or structure, Parking lot, Road construction. b

C. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built INCLUDE: Accessory dwelling, Driveway construction, Filling/earth moving activity 10 cubic yards or more, Parking lot with 10 or fewer spaces accessory to permitted uses, Public or private park with minimum structural development, Single-family dwelling, Small, nonresidential facility without structures for educational, scientific or..#7 #7 Small nonresidential facility, without structures, for educational, scientific or natural interpretation purposes., Uses or small structures accessory to permitted uses or structures, Vacation rentals. c

l. Activity or structure requires permit by local Plumbing Inspector before it may be commenced or built INCLUDE: Private sewage disposal system accessory to permitted uses. l

m. Minor site plan review required INCLUDE: Wind turbine. m

1. CEO permit required for uses or structures requiring CEO permit; Planning Board/Planning Department approval required for uses or structures accessory to uses or structures requiring Planning Board/Planning Department approval INCLUDE: Uses or structures accessory to permitted uses or structures. c, b1

2. CEO permit required for uses or structures with total developed area not exceeding 2,000 sq. ft.; Planning Board approval required for uses or structures with total developed area of more than 2,000 sq. ft. INCLUDE: Government facility and grounds, Public utility installation. c, b2

6. CEO permit required for temporary structures; Planning Board approval required for permanent structures INCLUDE: Pier, dock, wharf, breakwater or other use projecting into the water c, b6

§ 125-49 Shoreland General Development II (Hulls Cove).

[Amended 11-5-1996]

A. Minimum lot size: 30,000 square feet per residential dwelling unit in tidal areas and 40,000 square feet per residential dwelling unit in nontidal areas; 60,000 square feet per governmental, institutional, commercial or industrial structure adjacent to nontidal areas; 40,000 square feet for all other uses or structures.

[Amended 11-3-2009]

- B. Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.
- C. Minimum shore frontage: 150 [feet] per residential dwelling unit adjacent to tidal areas; 300 [feet] per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 [feet] for all other uses or structures.
- D. Minimum front setback: 75 [feet] from the center of Route 3, and 25 [feet] from the front lot line elsewhere.
- E. Minimum side setback: five [feet].
- F. Minimum rear setback: 15 [feet].
- G. Maximum lot coverage: 70% adjacent to tidal areas and rivers which do not flow to great ponds classified GPA; 20% elsewhere.
- H. Maximum height: 40 [feet].
- I. Minimum area per family: 30,000 square feet.

SHORELAND GENERAL DEVELOPMENT II from Appendix C

A. Activity or structure allowed without a permit, provided it complies with all provisions of this chapter INCLUDE: Activities necessary for managing/protecting land #1 #1 Activities necessary for managing/protecting the land such as surveying, fire protection, emergency operations, etc. , Filling/earth moving activity less than 10 cubic yards, Forest management activities except timber harvesting 1, Non-intensive recreational use not requiring structures...#3 #3 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking. a

B. Activity or structure requires approval through site plan review process before it may be commenced or built INCLUDE: Commercial fish pier, Commercial structure, Eleemosynary, educational or scientific institution, Essential services accessory to a permitted use or structure, Farmer's market, Ferry terminal, Marina, Multifamily dwelling I, Multifamily dwelling II, Road construction, Single-family dwelling. b

C. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built INCLUDE: Accessory dwelling, Driveway construction, Filling/earth moving activity 10 cubic yards or more, Parking lot with 10 or fewer spaces accessory to permitted uses, Public or private park with minimum structural development, Small, nonresidential facility without structures for educational, scientific or..#7 #7 Small, non-residential facility, without structures, for educational, scientific or nature interpretation purposes., Uses or small structures accessory to permitted uses or structures, Vacation rentals. c

I. Activity or structure requires permit by local Plumbing Inspector before it may be commenced or built INCLUDE: Private sewage disposal system accessory to permitted uses. I

m. Minor site plan review required INCLUDE: Wind turbine. m

1. CEO permit required for uses or structures requiring CEO permit; Planning Board/Planning Department approval required for uses or structures accessory to uses or structures requiring Planning

Board/Planning Department approval INCLUDE: Uses or structures accessory to permitted uses or structures. c, b1

2. CEO permit required for uses or structures with total developed area not exceeding 2,000 sq. ft.; Planning Board approval required for uses or structures with total developed area of more than 2,000 sq. ft. INCLUDE: Government facility and grounds, Public utility installation. c, b2

6. CEO permit required for temporary structures; Planning Board approval required for permanent structures INCLUDE: Pier, dock, wharf, breakwater or other use projecting into the water c, b6

10. CEO permit required for uses or structures with gross leasable area not exceeding 2,000 square feet; Planning Board/Planning Department approval required for uses or structures with gross leasable area of more than 2,000 square feet INCLUDE: Gift shop. c, b10

§ 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.

B. Dimensional standards.

(1) Minimum lot size: 30,000 square feet per residential dwelling unit in tidal areas and 40,000 square feet per residential dwelling unit in nontidal areas with sewer; 60,000 square feet per governmental, institutional, commercial or industrial structure adjacent to nontidal areas; 40,000 square feet for all other uses or structures without sewer.

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

(3) Minimum shore frontage: 150 feet for residential use or dwelling unit adjacent to tidal areas; 300 feet per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 feet for each other use, dwelling unit or structure for all other uses or structures.

(4) Minimum front setback: 100 feet from the center of Route 3, and 75 feet from the front lot line elsewhere.

(5) Minimum side setback: 25 feet.

(6) Minimum rear setback: 25 feet.

(7) Maximum lot coverage: 25%.

(8) Maximum height: 35 feet.

(9) Minimum area per family: 30,000 square feet on sewers; 40,000 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; all vacation rentals; single-family dwelling and two-family dwelling.

(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 lot and parking deck, 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.

(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.

§ 125-51.1 Educational Institution.

[Added 5-3-2004]

A. Minimum lot size: 40,000 square feet.

B. Minimum road frontage and lot width: 100 feet.

C. Minimum shore frontage: 150 feet per dwelling unit adjacent to tidal areas; 200 feet for all other uses and structures, excluding functionally water-dependent structures.

[Added 11-3-2009[1]; amended 6-8-2010]

[1]Editor's Note: This ordinance also provided for the redesignation of former Subsections C through I as Subsections D through J, respectively.

D. Minimum front setback: 25 feet.

E. Minimum side setback: 25 feet.

F. Setback from district boundary line: 25 feet; 110 feet along the eastern boundary of the district; 200 feet along the eastern boundary of the district for student housing, as defined.

G. Minimum setback from Shoreline: zero for functionally water-dependent uses; 75 feet for all other uses.

[Amended 6-8-2010]

H. Maximum lot coverage: 30%.

I. Maximum height: 40 feet.

J. Minimum area per family: 20,000 square feet.

EDUCATIONAL INSTITUTIONAL from Appendix C

A. Activity or structure allowed without a permit, provided it complies with all provisions of this chapter INCLUDE: Activities necessary for managing/protecting land #1 #1 Activities necessary for managing/protecting the land such as surveying, fire protection, emergency operations, etc. , Filling/earth moving activity less than 10 cubic yards, Forest management activities except timber harvesting 1, Non-intensive recreational use not requiring structures...#3 #3 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking. a

B. Activity or structure requires approval through site plan review process before it may be commenced or built INCLUDE: Eleemosynary, educational or scientific institution, Museum, Parking lot with 10 or more spaces accessory to permitted uses, Parking deck, Parking garage, Pier, dock, wharf, breakwater or other use projecting into the water, Road construction, Student housing, Uses or structures accessory to permitted uses or structures 1, Uses or small structures accessory to permitted uses or structures 2, Wireless communications facility. b

C. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built INCLUDE: Driveway construction, Essential services accessory to a permitted use or structure, Filling/earth moving activity 10 cubic yards or more, Noncommercial greenhouse, Parking lot with 10 or fewer spaces accessory to permitted uses, Single-family dwelling, Uses or structures accessory to permitted uses or structures, Uses or small structures accessory to permitted uses or structures AND Vacation rentals. c

l. Activity or structure requires permit by local Plumbing Inspector before it may be commenced or built INCLUDE: Private sewage disposal system accessory to permitted uses..1

m. Minor site plan review required INCLUDE: Wind turbine. m

1. CEO permit required for uses or structures accessory to uses or structures requiring CEO permit; Planning Board/Planning Department approval required for uses or structures accessory to uses or structures requiring Planning Board/Planning Department approval INCLUDE: Uses or structures accessory to permitted uses or structures. c, b1

2. CEO permit required for uses or structures with total developed area not exceeding 2000 sq. ft.; Planning Board approval required for uses or structures with total developed area of more than 2000 sq. ft. INCLUDE: Uses or small structures accessory to permitted uses or structures, Government facility and grounds, Public utility installation. c, b2

7. CEO permit for services accessory to uses or structures requiring CEO permit; Planning Board/Planning Department approval required for services accessory to uses or structures requiring Planning Board approval INCLUDE: Essential services accessory to a permitted use or structure. c, b7

PARKING REGULATIONS UNDER CONSIDERATION

§ 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.

A. Permitted uses. Any proposed use must be a permitted use with site plan approval, as determined by reference to Article III for each district in which it is proposed.

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]

(1) Any yard adjacent to a street shall be considered a front yard.

(2) Front setback distances shall be measured from the center line of the traveled way in all districts except the Village Historic, Mount Desert Street Corridor District, Downtown Village, Downtown Residential, Hulls Cove Business, Village Residential and Shoreland General Development I Districts where setback distances shall be measured from the edge of the lot line.

[Amended 11-2-2010]

(3) In any subdivision in which lots are not created, the distance from the side of one principal building to the side of another principal building shall be no less than twice the distance of the side yard setback in the district; the distance from the side of one principal building to the front of another principal building shall be no less than twice the distance of the front yard setback in the district; the distance from the side of one principal building to the back of another principal building shall be no less than twice the distance of the rear yard setback in the district; the distance from the front of one principal building to the front or back of another principal building shall be no less than twice the distance of the front yard setback in the district; and the distance from the back of one principal building to the back of another principal building shall be no less than twice the distance of the rear yard setback in the district.

(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.

(5) If there is more than one principal structure on a lot, the lot area, yard setback, and height requirements of the applicable district shall apply separately to each building, but the combined area occupied by the total number of buildings on the lot shall not exceed the maximum lot coverage requirement of the district. However, in the event a lot is occupied by a principal structure or structures comprised exclusively of dwelling units and any structures accessory thereto, then regardless of the number of separate or detached structures, lot shall comply with both of the following requirements:

(a) The area of the lot must equal or exceed the minimum lot area requirements for the district in which it is located or be buildable as a nonconforming lot of record; and

(b) The area of the lot must equal or exceed the lot area per family requirement of the district regulations multiplied by the number of dwelling units on the lot.

(6) Exceptions to setback. The following structures, subject to the limitations set forth below, are not subject to the setback requirements of the district in which they are located, provided that no such structure shall be constructed in such a way as to obstruct visibility from the end of any driveway or otherwise to constitute a safety hazard, and provided that the following structures comply with the provisions in § 125-68B, if applicable.

(a) Fences shall be set back 18 inches from the property line to allow both sides to be maintained from the land belonging to the owner of the fence and sufficient to allow compliance with driveway and sight distance standards found in Subsection E(27) and (20). Fences may be installed along a property line, provided that the abutting property owners consent to the location and agree to provide access for maintenance on the fence side separately and there is compliance with driveway and sight distance standards found in Subsection E(27) and (20).

(b) Driveways and walks, only with respect to front setbacks.

(c) Septic tanks and leach fields, except as necessary to comply with state law.

(d) Signs, provided that no sign shall be located closer than five feet to a lot line unless the setback requirement in that district is less than five feet.

(e) Lights and mailboxes.

(f) Equipment and structures necessary for access to or egress from any existing structure by a person with a disability as such term is defined in 5 M.R.S.A. § 4553, as amended, provided that such equipment or structures shall comply with the applicable setback requirements to the greatest extent possible and shall not be used for any other purpose, such as, but not limited to, display, dining or waiting area or living space. However, such access to or egress from any nonresidential structure constructed after May 7, 1996, shall comply fully with all applicable setback requirements.

(g) Trellises, arbors or other structures intended solely for the support of live plants; structures less than three feet in height used solely for containing live plants, such as raised bed planters, hollow piers or walls containing raised plant beds; and freestanding dry laid stone walls less than four feet in height. In no case may any of the above be connected to a principal structure or used as an enclosure that would extend the footprint of an accessory structure inside the required setback.

(h) Essential services.

(i) Structures for active recreation in a public or private park may be required to meet only the front setback.

(j) Roadside stands.

[Added 11-2-2010]

(k) Streetscape improvements, such as sidewalks, benches, public bike and walking paths and the like.

[Added 11-2-2010]

(7) Road frontage exemption for certain lots. A lot may be exempt from the road frontage requirements, provided that the lot is serviced by a driveway that meets the requirements contained in Subsection E and is located within a thirty-foot-wide easement running from the street to the lot.

(8) Exceptions to lot coverage.

(a) In the required front setback, the footprint of driveways and sidewalks required for access to a site from a public or private road shall not constitute lot coverage, except in the Shoreland Districts. In the

application of this standard, any footprint area of the portion of driveways larger than the minimum width required under § 125-67E(26) shall constitute lot coverage; and any footprint area of a sidewalk that exceeds four feet in width or is wider than that required under § 125-67G(3)(a) shall constitute lot coverage.

(b) In the required setbacks, essential services shall not constitute lot coverage.

C. Height. Any proposed structure must comply with the height requirements, as determined by reference to Article III for each district in which it is proposed. In no event shall a mechanical space exempted from height requirements have a footprint area greater than 30% of the floor below.

[Amended 5-2-1994; 11-4-2003; 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.

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"

Parking Angle Stall Width Skew Width Stall Depth Aisle Width

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 curblineline or edge of shoulder.

Allowable Speed on Road To Be Entered (miles per hour)	Required Sight Distance (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 curblines, 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 curblines. 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.



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John H. Henshaw

March 15, 2016

Mr. Robert Osborne
Planning Director
Town of Bar Harbor
93 Cottage St., Suite 1
Bar Harbor, ME 04609-1400

RECEIVED
MAR 18 2016
TOWN OF BAR HARBOR
PLANNING/CODE ENFORCEMENT

Re: Bar Harbor Terminal

Dear Robert:

Consistent with our prior discussions, the Maine Department of Transportation and the Maine Port Authority are moving forward with plans to acquire the Bar Harbor Terminal. MDOT and Marine Atlantic, the current owner of the Terminal, are putting the finishing touches on a three year lease which contains an option for MDOT to purchase the Terminal at any time during the lease. MDOT expects that the parties will sign the lease in the near future.

As you know, MDOT and the Maine Port Authority have long viewed the Terminal as the logical location for not only the resumption of ferry service to and from Bar Harbor, but also as an appropriate facility to berth cruise ships visiting Bar Harbor. There is no question that Bar Harbor has a long history of hosting the cruise ship industry and its passengers. Fostering such business with appropriate facilities, but always keeping in mind the needs of the Town, would clearly be in the public interest of not only the Town of Bar Harbor, but also the State of Maine.

In reviewing the Town's zoning ordinance, both MDOT and the Maine Port Authority felt that those sections of the Ordinance addressing permitted uses for the zones in which the Terminal is currently located are not as clear as they could be with regard to a ferry and cruise ship facility, and its ancillary uses. We would, therefore, suggest that the permitted uses in the Bar Harbor (Gateway) District and the Shoreland General III District be clarified by adding "Commercial Waterborne Passenger Facility" as a permitted use in both Districts. A "Commercial Waterborne Passenger Facility" would be defined as including:

"a facility providing a ferry or cruise ship terminal for waterborne transportation; ferry and/or cruise terminal related operations, including, but not limited to land transportation; government related operations, including, but not limited to the United States Department of Homeland Security, including Customs and Border Protection; marina and marine uses; public access to

Mr. Robert Osborne
Planning Director
March 15, 2016
Page 2

pedestrian trails; public uses such as open air events, and other outdoor activities; parking of cars and buses; and, tourist related uses, including, but not limited to, a welcoming center, restaurant(s), and related office spaces.”

Such a clarification would certainly add some certainty to the scope of uses in both districts. We would appreciate your thoughts with regard to the above proposal.

We look forward to working with the Town of Bar Harbor to accomplish the longstanding goal of providing an appropriate facility to handle both existing and future ferry, cruise ship and their related uses, while at the same time addressing a number of infrastructure issues relating to traffic, and access to Acadia National Park.

Given the fact that the Maine Department of Transportation and the Maine Port Authority expect that the lease will be signed in the very near future, any efforts the Town can make to expedite the review/approval process would be greatly appreciated.

Please do not hesitate to contact me if you, or any other Town official, have any questions, or if either the MDOT or the Maine Port Authority can provide you with any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Henshaw", with a horizontal line and a small flourish at the end.

John H. Henshaw
Executive Director

Item VI

LOCATIONS

109 Main Street
Bar Harbor, Maine 04609
(207) 949-2309

710 New Limerick Road
Linneus, Maine 04730
(207) 532-2695

dba Good Deeds
109 Main Street
Belfast, Maine 04915
(207) 338-5743

Stanley J. Plisga, Jr.
Richard A. Day
Norris G. Staples
Henry J. Hunter, III

**PLISGA & DAY
LAND SURVEYORS**

72 MAIN STREET
BANGOR, MAINE 04401

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Gusta Ronson
Brian P. Taylor
Timothy F. Cady
Patrick J. Donovan
Jonathan M. Stewart
Clark G. Staples
Adam N. Robinson
Keith E. Blanchard
J. Patrick Pinkham
Isak A. Porter
Julian M. Wiggins

April 1, 2016

Mark Hanscome
MDI Biological Laboratory
159 Old Bar Harbor Road
Bar Harbor, ME 04609

RE: Existing Conditions of Hegner Lab in Shoreland Zone

Dear Mark:

Per request of Sam Coplton, I write to you to report the areas and volumes of Hegner Lab that Plisga & Day observed on December 1, 2015 on the MDI Biological Lab campus. Of note according to the Bar Harbor Land Use Ordinances, a deck or porch adds to the Floor Area computation.

Floor Area

The floor area of the deck is 563 SF and the building is 1,878 SF (ground floor). Where the floor area within the 75' setback is 563 SF + 828 SF is **1,391 square feet**.

Volume

The volume of Hegner Lab is 22,747.1 cubic feet where this includes the volumes of the first floor (elevation of 30.98' NAVD88) and attic. Where the volume within 75 foot setback is **10,570 cubic feet**.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Jonathan M. Stewart
Jonathan M. Stewart, Plisga & Day
Maine Professional Land Surveyor No. 2327



Reference: Chapter 125. Land Use, Article XII. Construction and Definitions, § 125-109. Definitions

Allowable Floor Area and Volume Calculations
for the proposed MDI Biological Laboratory Training Laboratory

	Existing Hegner Laboratory	Proposed Training Laboratory
Existing Floor Area Inside 75' Setback	1,391 SF	n/a
Allowable Floor Area	1,808.3 SF (Existing Plus 30%)	1680 SF
Existing Volume Inside 75' Setback	10,570 CF	n/a
Allowable Volume	13,741 CF (Existing Plus 30%)	13,375 CF

