

PLANNING BOARD

PACKET OF MATERIALS

MEETING MAY 4, 2016

Cover page with date

Agenda

Minutes for approval

April 20. Workshop +
Regular meetings

Applications

Supporting Documents

Agenda
Bar Harbor Planning Board
Wednesday, May 4, 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** (April 20, 2016 Workshop and April 20, 2016 Regular Meeting)
- V. REGULAR BUSINESS**
 - a. **Land Use Ordinance Discussion of Definition for Commercial Waterborne Passenger Facility (Cruise Ship Operations) and inclusion of the use in the Bar Harbor Gateway and Shoreland General Development III districts.**
 - b. **Land Use Ordinance Discussion of Parking.**
 - c. **Land Use Ordinance Discussion of Housing.**
- VI. OTHER BUSINESS**
- VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**
- VIII. ADJOURNMENT**

PENDING APPLICATIONS: (Public Hearing on May 18, 2016)

Site Plan Review– SP-2016-03– The Jackson Laboratory

Project Location: 600 Main Street, Bar Harbor Tax Map 253, Lot 003-000

Applicant: The Jackson Laboratory

Application: The applicant is proposing to construct a three-story, 31, 000 sq. ft. addition to the JAX Core Research Complex for the Center for Biometric Analysis in a Scientific Research for Eleemosynary Purposes district.

Minutes
Bar Harbor Planning Board Workshop
Wednesday, April 20, 2016
Council Chambers – Municipal Building
93 Cottage Street
4:00 P.M.

I. CALL TO ORDER

Vice Chair St. Germain called the meeting to order at 4:00 PM. Planning Board members present: Tom St. Germain, Vice Chair; Basil Eleftheriou, Jr., Secretary and Joseph Cough, Member. It was noted that Ivan Rasmussen and John Fitzpatrick were excused absences.

Also present: Robert Osborne, Planning Director, Stewart Brechman; Dessa Dancy; Jake Jagel; Donna Karlson; Ruth Eveland; and Pat Samuels.

II. ADOPTION OF THE AGENDA

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

III. REGULAR BUSINESS

- a. Land Use Ordinance Discussion of Parking. The purpose of this public meeting is to learn from businesses and institutions what their parking needs are and how the Land Use Ordinance impacts their operations.**

Mr. St. Germain introduced the topic and provided some background. The meeting was a wide open discussion of issues related to parking. It was noted that the Town Council has set the Planning Board's course of action on this question. They wanted the Board to take a more comprehensive look at parking and go beyond simply the questions created with the 2010 omissions.

Stewart Brechman spoke about parking garages and meaningful definitions. He spoke about scaling structures to the neighborhoods.

Dessa Dancy asked questions about off-site parking.

Pat Samuels talked about the Transitional district and that noise was a focus regarding residential viability.

Donna Karlson asked questions about off-street, off-site parking and shared parking.

Stewart Brechman emphasized the importance of the appearance of the streetscape as it relates to parking.

Tom St. Germain discussed which Downtown Village district uses do and do not require parking.

Pat Samuels noted the importance of getting employees to park off-street so that those spaces are available to visitors. She noted that there are not rules that prevent the elimination of existing parking spaces within the downtown districts as sites are improved or expanded.

Donna Karlson noted that Andy Hill did identify demand by employees on parking and its reach into residential areas of the town. She noted that Connors Emerson may have parking available in the busy days of August when the need is highest. She asked for a map of municipal properties that could be reviewed when discussing municipal parking lots.

b. Land Use Ordinance Discussion of Housing. The purpose of this public meeting is to learn from citizens, builders and developers what their housing needs are and how the Land Use Ordinance impacts their housing needs.

David Witham's memorandum on housing issues was provided to the Board and it is attached to the minutes. He indicated that there is need of seasonal worker housing and he laid out some ideas as to how that might be accomplished.

Pat Samuels provided some background on the long discussions of providing affordable housing. She noted that seasonal and year-round housing are both in demand and that perhaps micro-housing could play some role as a solution.

Ruth Eveland indicated that dormitories must be purpose designed. She also urged the pursuit of micro-housing as a solution given the smaller land requirements and the affordability. She noted that the Hub of Bar Harbor has been working on affordable housing as a major effort. She cited the possibility of small infill developments that can best take advantage of location, utilities and pedestrian access.

Basil Eleftheriou, Jr. indicated that safety is a major focus for housing.

Jake Jagel discussed the KOA Kampground and the trailers that could provide some relief for seasonal housing.

There was some discussion about the economic viability of tiny houses from the real estate community and banking community.

Stewart noted that multifamily housing is always viewed through the prism of single-family housing and is somehow found to be less acceptable but it should not be thought of that way.

Youth hostels were also discussed as a use that is viable for potential seasonal employees to come to town and find a better and more permanent solution within a few days.

The YWCA used to serve this function years ago but the residents do not seem to turn over in that way now.

IV. OTHER BUSINESS (none)

V. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VI. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn the meeting at 5:41 pm. Mr. Cough 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

Town of Bar Harbor

Planning Board Workshop ~ Housing Issues

April 20, 2016

I would first like to take this opportunity on behalf of Witham family Hotels to thank the Planning Board for allowing me to share some thoughts in regards to the housing issues Bar Harbor is facing at this time while also apologizing for being unable to attend the workshop. As the Board is well aware you are not alone as much of the Northeast's coastline is grappling with these same problems. I realize the Board is looking at a wide range of issues from affordable housing to short-term rentals to seasonal housing. At this time I would like to comment on the seasonal housing issue.

Seasonal Employees

The reality of the situation at this time is Bar Harbor's economy is largely driven by the seasonal tourism industry and there is no great shift on the horizon as far as we can see. Along with this is the fact that most local employers like ourselves are unable to fill our job openings strictly with the local population no matter how hard we try. We unfortunately have become dependent on visa worker programs to get us through and with that comes the federal requirement that we provide each visa employee with a place to stay.

Current Housing Options to Employers

We would like to be clear that as hoteliers we really do not want to be in the housing business and would much rather channel our energies towards renting hotel rooms as opposed to employee housing rooms, but at this time we have no option. It is also well documented that many local employers, including ourselves, have had to buy apartment units and houses in town for their employees which is putting a strain on the available housing for the local population. Along with this has come a change in the characteristics of some neighborhoods that many understandably find unwelcoming.

Opportunities

There is no simply solution to the problem of seasonal housing, but ask anyone depending on it and they will most often tell you it is their number one "challenge". With that said, we believe there is an opportunity to help address the issue through zoning and more specifically identifying areas to allow dormitory style housing beyond the Lab and COA. The other reality is that developing apartment style housing to address seasonal housing is cost prohibitive and requires a much greater footprint than necessary as compared to dormitories.

I would also caution those from carrying a stigma towards dormitory housing. The seasonal workers who would take advantage of this housing are not typical young college kids but rather older individuals who are most often mature and responsible and have come to the States to make money to bring back home to their families.

The challenge then lies as to where in the community this use makes sense considering all the varying interests and variables involved. One thing we have learned over the years is that walking distance to work is very important because transportation has proven over and over again to be problematic. With no personal transportation, these employees rely on walking for daily living whether it's getting to work or buying groceries.

Current Zones to Consider

The Transient Accommodation (TA) Zones should be strongly considered for dormitory designation as these zones have already been deemed to support "housing" albeit on a short-term nightly basis. The discussion would need to look at all the TA Zones and where it makes sense, maybe it is only TA Zones 4 thru 8 for example.

Another opportunity is along both Main Street and Cottage Street at the second floor level and higher. For example there are sections along upper Cottage Street that are underutilized. It would seem to be a prime area to allow commercial development along the street level with dormitory style housing at the upper levels. Zoning would also need to exempt this type housing from any parking requirements (same for consideration with any TA Zone). This type of thinking "outside the box" will be needed to best solve the problems before us all.

Zones along the Route 3 Corridor present another opportunity to incorporate dormitory style housing, though as shared previously these areas pose the transportation challenges (trust as great as the shuttle service is there are still many issues).

Lastly, the Town could also look at dormitory housing on a "case by case" basis. Though this often gets labeled as "spot zoning" and thus heaped with negative connotations, this type of approach can often make the most sense because there is often that one piece of land that makes a great deal of sense for a project yet does not neatly fit into a designated use zone.

Final Thoughts

As shared, there is no easy answer to the housing issues before all us but with the many ideas of concerned citizens we can definitely improve on the situation. I encourage the Town to also look at what other municipalities have done to successfully address the problem.

I do know that if through zoning an opportunity arose that made economical sense to develop seasonal employee housing, our company would seriously explore the possibilities to get our employees under one roof and be able to put back the housing we now have onto the market for the local pool.

I look forward to being part of further discussions moving forward.

Respectfully,
David C. Witham

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

I. CALL TO ORDER

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

Also present: Robert Osborne, Planning Director and Angela Chamberlain, Code Enforcement Officer.

II. ADOPTION OF THE AGENDA

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

III. EXCUSED ABSENCES

Ivan Rasmussen

IV. APPROVAL OF THE MINUTES

a. April 6, 2016 Regular Meeting

Mr. Fitzpatrick made a motion to approve the minutes with the change that there were no absences. Mr. Eleftheriou, Jr. seconded the motion and the Board voted four in favor and none against the motion.

V. REGULAR BUSINESS

a. Completeness Review – SP-2016-03– The Jackson Laboratory

Project Location: 600 Main Street, Bar Harbor Tax Map 253, Lot 003-000

Applicant: The Jackson Laboratory

Application: The applicant is proposing to construct a three-story, 31, 000 sq. ft. addition to the JAX Core Research Complex for the Center for Biometric Analysis in a Scientific Research for Eleemosynary Purposes district.

John Fitzpatrick asked to be recused from this item. Mr. Eleftheriou, Jr. moved to recuse Mr. Fitzpatrick and Mr. St. Germain seconded the motion which passed three in favor and none against.

Sarah Nicholson, PE and Patrick Taber, Jackson Laboratory spoke about the application. Ms. Nicholson described the project as the center for biometric analysis comprised of a three-story, 31,000 sq. ft. addition to the existing facility. She indicated that it creates a net loss of one parking space.

Mr. Taber indicated that the project as currently proposed is a relocation of functions within the building (rather than a new group of activities or uses). The overall project has four phases and this constitutes the first one and one half phases.

The board proceeded to the application. Mr. Cough raised a question about the date that the application was submitted and the date that the check list review was done with staff. He cited language in the Land Use Ordinance (125-61A(1) that calls for checklist review seven days prior to submission of the application. He noted that standard was not met and asked fellow Board members if they were willing to move forward. Mr St. Germain and Mr. Eleftheriou, Jr. indicated that they wished to proceed.

Mr. Cough had questions about the loading berth requirements for this application. He noted that by size the new space would be required to have certain loading berths. He indicated that he looked at the use as "industrial use" and that would have specific loading standards. Mr. Taber and Ms. Nicholson indicated that in this case the functional loading areas for the building are already well established and new spaces are not proposed for the addition. They noted that the use is "research facility" and as such would not be held to the standard specifically called out for industrial use. Angela Chamberlain, Code Enforcement Officer was asked for the Town's position on the question. She indicated that the use is research facility and is not subject to the standards for an industrial use. Mr. Taber described the layout of the building and the general needs related to loading and indicated that these are well met. It was noted that the standard that Mr. Cough was citing is 125-67F Loading requirements. Would a waiver be necessary for this item?

Mr. St. Germain discussed the lot coverage proposed for the project. It was proposed to be 30.4% for the main campus. There was some discussion regarding where that information is found.

Mr. Cough suggested working through the requested waivers. He moved to accept waiver items 3 through 6 and Mr. Eleftheriou, Jr. seconded the motion which was approved 3 in favor and none against.

Mr. Cough asked questions about several of the waivers requested for clarification.

Mr. Eleftheriou, Jr. asked about impervious surface area and green area. Mr. Taber noted that a bit of relocation of paved and green area would occur with the plan. The plan has a net loss of one parking space. It was noted that the loading is disposal of animal waste primarily.

Mr. Cough moved to approve the waivers except loading berths, more information on lot coverage. Mr. Eleftheriou, Jr. seconded the motion which was approved three in favor and none against.

There was a discussion of the loading berth calculations.

There was discussion regarding the completeness of the application. It was noted that the fire marshal and DEP approvals have not been issued yet. It was noted that these could be a condition of building permit issuance. The Board discussed May 18, 2016 as the next date that the item could be put to public hearing. Mr. Eleftheriou, Jr. moved to find the application complete. Mr. Cough seconded the motion which was approved three in favor and none against.

b. Land Use Ordinance Discussion of Definition for Commercial Waterborne Passenger Facility (Cruise Ship Operations) and inclusion of the use in the Bar Harbor Gateway and Shoreland General Development III districts.

John Henshaw, Maine Port Authority spoke to the Board about their request to amend the Land Use Ordinance for purposes of reuse of the ferry terminal. He indicated that the clarification is needed for cruise ship operations at this location.

Mr. Cough asked about the ferry terminal and the possible utilization of tenders at the terminal. Would this activity be similar enough to the ferry terminal that it could be done without amendment to the ordinance?

Mr. Henshaw indicated that what is needed and being asked for is a pier facility, a cruise ship berth.

Mr. St. Germain asked about the excursion operators and how they can be operated inside/outside the facility? Mr. Henshaw indicated that they must be structured in a way to do this in an orderly fashion.

Mr. St. Germain asked what was proposed for the size of restaurant(s) in the plan and would the spaces be leased? Mr. Henshaw indicated that there are only concept plans and no firm sq. ft. numbers for restaurant or retail operations.

It was asked if there was the possibility that there would be both cruise ships piers operating as well as moorings and tender operations. Mr. Henshaw indicated that this is a possibility.

The Port Authority's timeline was discussed and the general idea was that this is a multi-year process and that immediate activity is not proposed.

The Board discussed the proposed Commercial Waterborne Passenger Facility use.

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

They noted that there are uses already in the districts that bear similarity to portions of this definition. (Emphasis added).

The Land Use Ordinance's Bar Harbor Gateway district allows the following uses:

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; private compulsory school; **professional office building**; **restaurant**; **retail**; road construction; services; **take-out restaurant**; wind turbines, and wireless communication facilities.

c. Land Use Ordinance Discussion of Parking.

It was noted that there was good discussion of parking at the 4:00 pm meeting and that progress is being made. Mr. Cough noted that the discussion of parking needs to include calculable numbers for laboratory uses.

d. Land Use Ordinance Discussion of Housing.

It was noted that there was good discussion regarding housing at the 4:00 pm meeting. The Board discussed what the timeline might look like moving forward.

Mr. Osborne indicated that he would have a report on the timeline at the next meeting.

VI. OTHER BUSINESS

Mr. Cough indicated that he would like to see pending public hearing agenda items for those applications that are somewhere between completeness review and site plan review. He indicated that the public would be better aware of what is pending review.

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Cough moved to add pending public hearing items to the agenda (in the form of a list). Mr. Fitzpatrick seconded the motion which was approved four in favor and none against.

VIII. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn the meeting at 8:22 pm. Mr. Cough seconded the motion. The Board voted four in favor and none against the motion to adjourn.

Signed as approved:

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

Date

**Deadlines for
Land Use Ordinances for a November 8, 2016 Town Meeting**

Time Required	Action to be Taken	Adopted Deadline
	Planning Board holds public workshops as each section is rewritten.	Ongoing
	Council introduced to each section of LUO rewrite	Continuously, until Planning Brd Public Hearing 3 Jun
≥ 13 days prior to Planning Board Hearing	Notice for Planning Board Hearing on recommendations: see Land Use Ordinance section §125-9C.	3 wks prior to public hearing
	Planning Board holds public hearing, agrees on draft language and sends to Council.	1st or 15 Jun
	Council receives Planning Board's final language. Considers joint meeting with Planning Board and/or holds a public workshop of their own.	21-Jun
	Joint Planning Board/Council Workshop to discuss language and determine if further changes are required. Possibly special meeting.	n/a
Only 1 June Mtg. - 1st Mtg w/new TC	Town Council holds optional public workshop on Planning Board's recommended articles. Finalizes language this meeting.	n/a
	Council reviews final draft language and calls for Public Hearing see Land Use Ordinance section §125-9B.	5-Jul
≥ 13 days prior to Council Hearing	Council advertises Public Hearing see Land Use Ordinance section §125-9C.	14 & 21 Jul
Hear public comments, no substantive changes.	Council holds final public hearing; see Land Use Ordinance section §125-9B. Council orders placement or rejects articles for the Warrant.	2-Aug
	Planning Board makes recommendations for voters to adopt or reject.	19-Aug
*≥10 days prior to special town mtg	Warrant Committee submits LUO recommendations to Town Clerk: see Charter section §C-36	31-Aug
All recommendations received ≥ 7 days prior to Council hearing	Town Council signs Public Hearing Notice; see 30-A MRSA 2528(5) and Warrant; see 30-A MRSA 2523(4)	20-Sep
≥ 7 days prior to election day	Report of Warrant Committee printed and available: see Charter section §C-36	20-Sep
≥ 2 weeks before delivery date	Ballots to the printer	23-Sep
45-30 days ≥ election day	Absentee ballots available	10-Oct
≥ 7 days prior to Council hearing	Warrant posted, along with notice of Council's public hearing on articles	26 Sep or 10 Oct
≥ 10 days prior to election day	Council holds a public hearing on referenda articles: see 30-A MRSA 2528(5)	4th or 18th Oct
<i>Adopted by Council on</i>		
*≥ 60 days prior to annual town mtg		

MEMORANDUM

DATE: APRIL 27, 2016
TO: BAR HARBOR TOWN COUNCIL/PLANNING BOARD
FROM: ROBERT OSBORNE, PLANNING DIRECTOR
RE: DRAFT CHANGES TO FERRY TERMINAL/CRUISE SHIP REGULATIONS

The purpose of this memorandum is to lay out changes proposed to the Land Use Ordinance that would facilitate the reuse of the ferry terminal for a cruise ship port of call. The changes were recommended by the Maine Port Authority.

§ 125-109 Definitions.

The following terms shall have the following meanings:

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

§ 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; commercial waterborne passenger facility; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; 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.

§ 125-49.1 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; commercial waterborne passenger facility; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

E. Allowed activities.

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(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.

MEMORANDUM

DATE: APRIL 27, 2016
TO: BAR HARBOR TOWN COUNCIL/PLANNING BOARD
FROM: ROBERT OSBORNE, PLANNING DIRECTOR
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§ 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; commercial waterborne passenger facility; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; 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.

§ 125-49.1 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; commercial waterborne passenger facility; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; 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.

MEMORANDUM

DATE: April 27, 2016

TO: BAR HARBOR TOWN COUNCIL AND PLANNING BOARD

FROM: ROBERT OSBORNE, PLANNING DIRECTOR

RE: PROPOSED LAND USE ORDINANCE PARKING AMENDMENTS

The purpose of this memorandum is to address the topic of parking that the Planning Board has worked on in the past months.

The Planning Board started with an effort to set some goals for the nature of amendments to parking regulations that would be acceptable to identify, address and correct:

Address stated goals found in the Comprehensive Plan.

Correct conflicts that were created with the 2010 amendments to the Land Use Ordinance

Address Issues of errors and omissions within the Land Use Ordinance.

Address specific issues brought to light through public meetings.

Address specific issues identified in the Jackson Laboratory ten year master plan.

Address issues of fairness and equity between similar districts.

Using these issues as the basis to move forward the Board then identified as the primary study area as Hulls Cove to Jackson Laboratory but also including a few noted questions elsewhere. (As a practical matter there are fewer identified parking issues in the more rural areas of the town).

Address stated goals found in the Comprehensive Plan: The 2007 Comprehensive Plan expressly lays out a directive that the Town pursue parking strategies (most particularly Strategy 5D) that include sufficient off-street parking, structured and other parking in the Downtown, purchase of lands for parking, satellite lots and embracing alternative transportation modes.

Correct conflicts that were created with the 2010 amendments to the Land Use Ordinance: Regarding parking and the 2010 Land Use Ordinance amendments it was identified that parking lots and parking garages which were longstanding uses in the Downtown Business districts but they were not carried forward to the Downtown Village districts. It was also identified that the Bar Harbor Gateway District which was adopted in 2010 also had the effect of deleting the parking garage and parking lot use from that area of the town as well. The proposal would be to add these back into the mix in the Downtown Village districts.

Address Issues of errors and omissions within the Land Use Ordinance: One example of an omission identified with the review of the ordinance is that several districts do not contemplate accessory uses. Because on-site parking is generally considered an accessory use the lack of accessory uses in the Mount Desert Street Corridor and Downtown Village districts leaves the question unanswered. This has other related implications for these districts and should be corrected. For example, technically this would preclude issuing a permit for a potting shed.

Address specific issues brought to light through public meetings: An example of an item brought to light through the public process is the concern that off-premise parking and public parking lots be located/managed in ways that are not intrusive in quiet residential areas. It would follow that in order to accomplish this goal the permitting of off-site parking should include regulations to guide it to areas most appropriate for the use and/or include screening and bufferyards appropriate to the parking lot

location. (It should be noted that the public also had issues with parking availability and parking policy that are not specifically Land Use Ordinance issues).

Address specific issues identified in the Jackson Laboratory ten year master plan: Two of the issues that Jackson Laboratory identified are the need for a parking garage and the need for changes to the land use ordinance that will allow off-site parking on nearby lots. Currently Jackson Laboratory own's a parking lot across the street from their facility which they utilize, but under the ordinance Jackson Laboratory cannot count those parking spaces toward their parking requirement because it is considered off-premise. Looking forward in time they also see the need for more parking and have propose that a parking garage will allow them to provide needed parking without unnecessary sprawl of parking lots.

Address issues of fairness and equity between similar districts: Why, for example, is a parking lot contemplated in some residential districts and not others? For example, why are parking lots and parking garages allowed in Downtown Residential but not allowed in certain other residential districts and commercial districts?

The attached document is the proposed amendments for parking. (Highlighted text is parking related in nature):

[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.

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 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 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

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. 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

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

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

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..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

§ 125-43 Town Hill Business.

- A. Minimum lot size: 40,000 square feet.
- B. Minimum road frontage and lot width: 200 [feet].
- C. Minimum front setback: 75 [feet].
- D. Minimum side setback: 25 [feet].
- E. Minimum rear setback: 25 [feet].
- F. Maximum lot coverage: 50%.
- G. Maximum height: 40 [feet].
- H. Minimum area per family: 10,000 square feet.

TOWN HILL BUSINESS (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: Automobile repair garage, Automobile sales lot, Automobile service station, Bank, Campground, Commercial boat yard, Eleemosynary, educational or scientific institution, Food processing and freezing (excluding slaughterhouse), Food processing and freezing, Hospital, Light manufacturing/assembly plant, Mobile home park, Multifamily dwelling I, Multifamily dwelling II, Municipal school, Newspaper or printing facility, ~~Parking garage~~ and parking lot, Research facility, Research production facility, Road construction, Terminal yard and trucking facility, Transient accommodations (TA-1), Transient accommodations (TA-2), Transient accommodations (TA-3), Transient accommodations (TA-4), Transient accommodations (TA-5), Transient Accommodations (TA-6), Transient accommodations (TA-7), Transient accommodations (TA-8), Upholstery shop, Warehousing or storage facility, Wireless communications facility. b Lumberyard or sawmill. b4 b 4. Lumberyard only.

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, Grocery stores, Noncommercial greenhouse,

Noncommercial kennel, Noncommercial stable, Parking lot with 10 or fewer spaces accessory to permitted uses, Public or private park with minimum structural development, Roadside stand, Single-family dwelling, Two-family dwelling, Undertaking establishment, Uses or small structures accessory to permitted uses or structures, Vacation rentals, Veterinary clinic, 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, Municipal facility and grounds, Parking lot with 10 or more spaces accessory to permitted uses, 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 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: Commercial structure, Gift shops, Liquor store, Medical clinic, Museum, Private school, Professional office building, Repair services (other than automobile), Restaurant, Restaurant, take out, Retail business establishment not otherwise listed, Seafood market. 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

PARKING REVIEW STANDARDS 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 Required Sight Distance

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

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

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

[Amended 5-6-1996; 6-8-2010]

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

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

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

(26) Driveways shall be designed and constructed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily to the development for which a site plan is prepared, subject to the following minimums, provided that the maximum width of any driveway shall not exceed double the minimum required width:

[Amended 5-7-1991; 5-6-1996; 5-1-2000; 6-8-2010]

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

NOTES:

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

(27) At each driveway curb cut, no visual obstructions higher than three feet above street level shall be allowed closer than 10 feet to the traveled way for a distance of 25 feet from the intersection, measured along both the street and the driveway.

(28) Entrances and exits shall be clearly identified by the use of signs, curb cuts, and landscaping and shall comply with the Bar Harbor policy on curb cuts and street entrances.

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

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

[Amended 5-6-1996]

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

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

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

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

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

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

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

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

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

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

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

[Amended 6-8-2010]

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

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

MEMORANDUM

DATE: April 27, 2016

TO: BAR HARBOR TOWN COUNCIL AND PLANNING BOARD

FROM: ROBERT OSBORNE, PLANNING DIRECTOR

RE: PROPOSED LAND USE ORDINANCE HOUSING AMENDMENTS (Minimum area per family and Floor area ratio)

The purpose of this memorandum is to address the topic of housing that the Planning Board has worked on in the past months.

The Planning Board started with an effort to set some goals for the nature of amendments to housing regulations that would be acceptable to identify, address and correct:

Address stated goals found in the Comprehensive Plan.

Correct conflicts that were created with the 2010 amendments to the Land Use Ordinance

Address Issues of errors and omissions within the Land Use Ordinance.

Address specific issues brought to light through public meetings.

Address issues of fairness and equity between similar districts.

Using these issues as the basis to move forward the Board then identified as the primary study area as Hulls Cove to Jackson Laboratory but also including a few noted questions elsewhere

Address stated goals found in the Comprehensive Plan: The 2007 Comprehensive Plan expressly lays out a directive that the Town pursue affordable housing solutions. The purpose of these amendments are to adjust the minimum area per family to better reflect the purpose of the regulation which is two-fold: To avoid unreasonable densities in sewered areas and to avoid septic system failures in unsewered areas.

Correct conflicts that were created with the 2010 amendments to the Land Use Ordinance: Most of the issues that were concerning housing were addressed in the June ballot initiative.

Address Issues of errors and omissions within the Land Use Ordinance. The use of floor area ratio a single district is not defensible and it was previously recommended to be removed.

Address specific issues brought to light through public meetings: The primary issue brought to light was a recommendation that workforce dormitories be utilized as a form of Transient Accommodations.

Address issues of fairness and equity between similar districts: The use of minimum area per family varies wildly from district to district. What is proposed is to create defensible minimums that consider something greater than a single family use on the minimum lot size.

The attached document is the proposed amendments for housing. (Highlighted text is housing related in nature):

DISTRICTS UNDER CONSIDERATION FOR HOUSING 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; 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.

§ 125-18 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~~ 5,000 square feet with sewers; 10,000 square feet without sewers.

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.

(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~~ 5,000 square feet with sewers; 10,000 square feet without sewers.

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.

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; 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.
 - (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~~
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: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; roadside stand; vacation rentals.

[Amended 6-14-2011]

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

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: multifamily I; nursing/convalescent home in a building constructed before June 8, 2010, road construction.

(2) Uses allowed by conditional use permit for properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

E. Uses allowed by planned use development.

(1) Multifamily II.

F. Allowed activities.

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

yards; forest management activities except timber harvesting; nonintensive recreation uses not requiring structures; public utility installation.

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

G. Other requirements:

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

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

[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; road construction.

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.

(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; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers.

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.

(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.

(6) Minimum area per family: 1000 square feet with sewers; 10,000 square feet without sewers.

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; all other types of child-care facilities; medical clinics.

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:

(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; 10,000 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.

~~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.

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 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 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 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, 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: 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, 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

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

§ 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

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

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, 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.~~ 5,000 square feet with sewers; 10,000 square feet without sewers.

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, 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