

Agenda
Special Joint Meeting with
Bar Harbor Town Council &
Planning Board
May 24, 2016

- I. **CALL TO ORDER** – **5:00 p.m.** – Town Council Chambers
- II. **ADOPTION OF AGENDA**
- III. **REGULAR BUSINESS:**
 - A. **November 2016 Warrant: Land Use Ordinance Amendments** - Discussion with Planning Board on the following possible LUO amendments for special town meeting, November 8, 2016.
 - 1. **Cruise Ship Land Use Ordinance Amendment update**
 - 2. **Parking Land Use Ordinance Amendments update**
 - 3. **Housing Land Use Ordinance Amendments update**
- IV. **ADJOURNMENT**

**In order to assure your full participation in this meeting,
we would appreciate your informing us of any special
requirements you might have due to a disability.**

Please call 288-4098

MEMORANDUM

To: Cornell Knight, Town Manager

From: Bob Osborne, Planning Director

Subject: Draft Cruise Ship, Parking and Housing Amendments to Land Development Code

Date: May 20, 2016

1) CRUISE SHIP DISCUSSION:

The ferry terminal lot: What exists is a 7.1 acre site, 450 feet of ocean frontage and lot coverage of exceeding 80%. Proposed is a newly constructed facility with an expanded pier, facilities capable of servicing cruise ships, gangways that are elevated up to 60 feet in height. Also proposed is a new facility whose functional building height is undetermined.

Will the dimensional standards of the Shoreland General Development III constrain the redevelopment of the ferry terminal? *The concern is that the district does NOT provide setback exemption for functionally water dependent uses; The district requires a 20 foot height limitation for structures on the pier; The district has a 35 foot building height limit; The district limits lot coverage to 25% and The district requires additional shore frontage for each building/use.*

Will the dimensional standards of the Bar Harbor Gateway district constrain the redevelopment of the ferry terminal? *The concern is that the district requires 100 foot front setback and 25 foot side and rear setbacks and the maximum lot coverage is 50%.*

Should consideration be given to establishment of a new Shoreland District limited strictly to the ferry terminal parcel? Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances makes provision for a district they call "Commercial Fisheries Maritime Activities district". This model ordinance district can be as small a single lot, can cover a wide range of uses and allows liberal dimensional standards more like the existing ferry terminal site development. It contemplates:

- (1) Minimum lot size: None stated.
- (2) Minimum road frontage and lot width: None stated.
- (3) Minimum setback from shoreline: None stated.
- (4) Minimum shore frontage: None stated.
- (5) Minimum front setback: 25 feet.
- (6) Minimum side and rear setback: None stated.
- (7) Maximum lot coverage: 70%.
- (8) Maximum height: None stated.

These dimensional standards are clearly less constraining. Construction of a new pier would not be an issue. Reconstruction of the entire facility appears possible with these standards. *Concerns include: Institution of a new Shoreland District is a major change and must have multiple public hearings. It requires MDEP approval. Neighboring properties may not be receptive to the change. The town would need to dispel the concern that this is spot zoning.*

Should the town insert "Commercial Waterborne Passenger Facility Use" in those two existing districts? Neither district currently allows the mix of uses required for a cruise ship operation. *The concern is that in putting the draft proposed commercial waterborne transportation facility use into these two districts will alter the districts in ways that are undesirable and unintended.*

What language should be contained in the definition for “Commercial Waterborne Passenger Facility”?

The Maine Port Authority proposed the following language: *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.*

The Planning Board has identified language from Seattle’s ordinance: "Transportation facilities" means one (1) of the following commercial uses:

6. "Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, buses or planes that provide transportation to passengers for hire by land, sea or air. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, shops and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered -part of the passenger terminal use and shall not be treated as separate uses. Bus stops are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.

Should the Board craft an alternative definition or make adjustments to the definition provided by the Maine Port Authority? The Port Authority’s definition has a number of open-ended phrases in it such as “including, but not limited to”; “public uses such as open air events, and other outdoor activities” that are indeterminate in nature.

2) PARKING - The Planning Board has had a number of meetings where parking issues and the Land Use Ordinance was discussed. What is proposed is to add parking uses to certain districts and to remove them from other districts. The Downtown Village districts and Jackson Lab would be the primary focus for a parking garage. The proposal also adds a new type of parking facility called parking deck to the ordinance. The Board has discussed a number of concerns it has regarding parking. There is the question of how to allow private entities to have off-site, off-street parking. There is some concern that essentially any proposed mechanism to allow off-site parking may have unintended consequences but Staff feels that there is compelling need to allow off-site parking. There are also concerns that have been raised that municipal parking lots should not be intrusive in residential neighborhoods.

What districts should allow parking lots, parking decks and parking garages?

The proposal is to **add parking lots** in the following districts: Bar Harbor Gateway, Mount Desert Street Corridor, Village Residential, Downtown Village I, Downtown Village II, Downtown Village Transitional, Shoreland General III, Educational Institutional, Hulls Cove Business, Ireson Hill Corridor, Salisbury Cove Corridor, Scientific Research, Shoreland Limited Residential.

The proposal is to **add parking decks** in the following districts: Bar Harbor Gateway, Downtown Village I, Downtown Village II, Shoreland General III, Downtown Residential, Educational Institutional, Scientific Research.

The proposal is to **add parking garage** in the following districts: Bar Harbor Gateway, Downtown Village I, Downtown Village II, Educational Institutional, Scientific Research.

The proposal is to **remove parking garage** in the following districts: Downtown Residential and Town Hill Business.

Should parking lot be added to residential districts? There is developing concern that the rationale for allowing parking lots in residential districts is flawed.

What mechanism should be used to evaluate how to allow off-site parking lots? What is proposed is to allow off-site parking on land in common ownership within 500 feet of the site.

3) HOUSING - The Planning Board has had a number of meetings where housing issues and the Land Use Ordinance was discussed. What is proposed is to make adjustments to “minimum area per family” to delete “maximum floor area ratio”.

Does it make sense for the adjustments to minimum area per family to go forward without the more meaningful provisions such as dormitory housing and micro housing?

The Planning Board expressed concern that these adjustments do not address the major concern regarding dormitory style worker housing and the diminishing supply of entry level year round rentals. The Board seem to indicate that they would prefer to wait to have hearings on the seasonal workforce housing until there is adequate time to move through the issue and hear from all sides.