

PLANNING BOARD

PACKET OF MATERIALS

MEETING JUNE 1, 2016

Cover page with date

Agenda

Minutes for approval

Applications

Supporting Documents

Agenda
Bar Harbor Planning Board
Wednesday, June 1, 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 (May 18, 2016)

V. REGULAR BUSINESS

- a. **Land Use Ordinance – Draft Parking Amendments** - Article III Land Use Activities and Standards, Article V Site Plan Review, Article XII Construction and Definitions and Appendix C Table of Permitted Uses draft amendments in the form of draft warrants.

1... Draft Warrant Article a LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to parking regulations in the Land Use Ordinance” be enacted?

(An amendment to add the terms parking garage and parking deck with definitions, to add language to the definition of accessory use, to add certain parking uses and accessory uses to certain districts, delete certain accessory parking uses from certain districts and adds provisions for greater utilization of off-site, off-street parking).

2. Draft Warrant Article b LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to restore parking garage use to the Bar Harbor Gateway district in the Land Use Ordinance” be enacted?

3. Draft Warrant Article c LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to restore parking garage use to the Downtown Village I district in the Land Use Ordinance” be enacted?

4. Draft Warrant Article garage d LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to restore parking garage use to the Downtown Village II district in the Land Use Ordinance” be enacted?

5. Draft Warrant Article garage e LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to add parking garage use to the Educational Institutional district and Scientific Research for Eleemosynary Purposes district in the Land Use Ordinance” be enacted?

6. Draft Warrant Article garage f LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to remove parking garage use from the

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Downtown Residential District and Town Hill Business District in the Land Use Ordinance” be enacted?

- b. **Land Use Ordinance – Draft Commercial Waterborne Passenger Facility Amendments** - Article III Land Use Activities and Standards and Article XII Construction and Definitions draft amendments in the form of draft warrants.
- c. **Land Use Ordinance – Draft Minimum Area Per Family Amendments** - Article III Land Use Activities and Standards draft amendments in the form of draft warrants.
- d. **Land Use Ordinance – Draft Maximum Floor Area Ratio Amendments** - Article III Land Use Activities and Standards draft amendments in the form of draft warrants.

VI. OTHER BUSINESS

- a. **Pending Applications** (none)

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VIII. ADJOURNMENT

**Minutes
Bar Harbor Planning Board
Wednesday, May 18, 2016
Council Chambers – Municipal Building
93 Cottage Street
6:00 P.M.**

I. CALL TO ORDER

The Chair called the meeting to order at 6:00 PM. Planning Board members present: Ivan Rasmussen, Chair; Tom St. Germain, Vice Chair; Basil Eleftheriou, Jr., Secretary; 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. St. Germain moved to adopt the agenda as presented. Mr. Eleftheriou, Jr. seconded the motion and the Board voted five in favor and none against the motion.

III. EXCUSED ABSENCES

None

IV. APPROVAL OF THE MINUTES

a. May 4, 2016

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

Mr. Fitzpatrick made a motion to be recused from the next item. The remainder of the Board approved the motion unanimously.

V. REGULAR BUSINESS

a. Public Hearing- Site Plan Application – 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.

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. masonry addition to the existing facility. The height of the building was discussed in great detail including the definition for building height and how the height of the building was established. They

discussed how the elevation data for mean height from grade was gathered. She indicated the new proposal creates a net loss of one parking space.

Mr. Cough asked about the idea that the Board is reviewing just the new work for its review but is looking to the entirety of the building for the height analysis and had concerns about that approach.

125-67C was discussed as it relates to the mechanicals on the roof of the building as it relates to height. Mechanicals are exempted from building height provided that they do not exceed 30% of the floor below.

Chair Rasmussen opened the public hearing and asked for comments. No one from the public wished to speak. Chair Rasmussen closed the public hearing.

The Board continued to explore why the building with regard to height is looked at as a whole and not as an addition or separate building. Mr. Taber discussed the definition of building noting that the definition says: "Building- Any roofed structure built, maintained, or intended for use fo the shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any thereof. Where independent units with separate entrances are divided by walls, each unit is a building." Mr. Taber noted that the proposed addition has no exterior entrances and is solely dependent of the remainder of the building for access. The addition in no way functions independent of the remainder of the building. As such, the building height question is subject to the definition of building.

The Board discussed lot coverage and what impact this project has. Ms. Nicholson indicated that the building addition is being placed almost entirely on existing impervious surfaces and results in a negligible increase in lot coverage.

The Board discussed loading berths and what impact this project has. Ms Nicholson explained that this is regulated in 125-67F Loading requirements. She noted that items (1) and (2) apply in that the site itself has required loading berths of a given size, and it does. The addition does not propose any new loading berths and is not required to do so as it is not one of the item (3) uses for which a specific requirement is assigned: health institution, hotel, office, retail, commercial, industrial, school or funeral home. The use is a research facility. Mr. Taber indicated that the lab has loading well suited to their needs and the existing four docks are adequate for this addition as well.

The term research facility was discussed as the use cited in the district that the lab has a longstanding history of operating under. 125-109 defines "Research facility-A building or part of a building devoted to scientific inquiry and ancillary functions. No manufacturing is conducted on the premises except as related to the scientific research being conducted; said activities shall solely be for eleemosynary purposes."

Parking was discussed. Mr. Taber indicated that there are typically 40 additional summer employees that are transferred by van to the facility. The lab has certain events with between 20 and 160 attendees that are shuttled between the lab and the hotels and airport. Busses move 130 employees. There are 15 carpools moving 45 employees. With regard to the fill rate of the lots Mr. Taber indicated that they are not overflowing.

Mr. Eleftheriou Jr. made a motion to approve the site plan application with the condition that the Building Permit not be issued until the Fire Marshal issues a permit and grammatical corrections in the

Board Decision on items 2 and 3 as were noted. Mr. St. Germain seconded the motion. Mr. Cough indicated that he would not support the motion because he did not agree with the building height interpretation or the loading berth interpretation . The Board voted three in favor and one against the motion.

- b. Land Use Ordinance – Draft Commercial Waterborne Passenger Facility Amendments - Article III Land Use Activities and Standards and Article XII Construction and Definitions draft amendments in the form of draft warrants.**

The Planning Board discussed the definition and the definition found in the Seattle ordinance and agreed that the Seattle definition should be fully explored. The Board also discussed the question of new district vs. revision to existing districts and determined that they favored moving to a new shoreland district that better addresses water setback issues as well as avoids unintended impacts on the existing districts.

- c. Land Use Ordinance – Draft Parking Amendments - Article III Land Use Activities and Standards, Article V Site Plan Review, Article XII Construction and Definitions and Appendix C Table of Permitted Uses draft amendments in the form of draft warrants.**

The Board indicated that they would like to see these standard go forward. They did acknowledge that the changes to the residential districts were a sensitive issues that needs to be discussed with the Council next Tuesday.

- d. Land Use Ordinance – Draft Minimum Area Per Family Amendments - Article III Land Use Activities and Standards draft amendments in the form of draft warrants.**

Mr. Cough indicated that he would like to see these standards move forward.

- e. Land Use Ordinance – Draft Maximum Floor Area Ratio Amendments - Article III Land Use Activities and Standards draft amendments in the form of draft warrants.**

VI. OTHER BUSINESS

It was noted that there were no pending applications for Planning Board review. The Board indicated that with regard to LUO housing efforts the important issues are weekly rentals, seasonal workforce housing solutions and the preservation of year-round housing opportunities for the town.

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

None.

VIII. ADJOURNMENT

Mr. Cough. moved to adjourn the meeting at 8:10 pm. Mr. Fitzpatrick seconded the motion. The Board voted unanimously to adjourn.

Signed as approved:

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

Date

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

- I. **CALL TO ORDER** – 5:00 P.M. – In attendance were Councilors: Paul Paradis, Anne Greenlee, Peter St. Germain, Burt Barker, Clark Stivers; and Town Manager Cornell Knight.

Planning Board members in attendance were: Ivan Rasmussen, Basil Eleftheriou, Tom St. Germain, and Joe Cough (arrived late) and Planning Director Bob Osborne.

- II. **ADOPTION OF AGENDA** – Town Council Chair Paradis announced the two boards would review each proposed ordinance and after each ordinance, the floor would be open for public comments up to ten minutes total per ordinance.

- 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** –

Planning Director Bob Osborne reported that the amendment is in response to a letter from the State of Maine Port Authority to add ‘commercial waterborne passenger facility’ use. Following several Planning Board meetings, concerns arose that no amendments be made to accommodate this use that create undesirable or unintended consequences in the Bar Harbor Gateway and Shoreland General Development III districts which the property is zoned. Upon further research, Mr. Osborne found a State provision under Chapter 1000, Guidelines for Municipal Shoreland Zoning, for a district called “Commercial Fisheries Maritime Activities District”. This model ordinance district can be adopted to a small single lot and allows for development more like the existing ferry terminal.

Following discussion, it was of general consensus from both boards to create a new district and its proposed water uses without compromising the Gateway and Shoreland General Development III districts. It was duly noted that Tom St. Germain was the dissenting vote at their Planning Board meeting, he opposed this idea partially

because of the neighboring properties are zoned for less allowable lot coverage.

In addition, it was suggested that the Planning Board review the consultant's plans for the ferry terminal and the public comments received that provided the list of proposed uses. Also in the discussion, during Planning Board meetings concerns were raised about the public uses such as open air events. It was suggested that the concerns raised could be addressed through a town ordinance to manage the activities, noise, and traffic. The Planning Board will continue to work on a set of amendments to address the reuse of the ferry terminal.

The meeting was opened to the public for comments:

Matt Hochman – He thinks the new district for the one lot is the cleaner way to go. He reported that he still hears a lot of comments about allowing restaurant use at this facility. It takes away from other established businesses. He fears if a list of outdoors activities is created that one might be missed and that maybe unfortunate.

Ellen Dohmen provided the definition of 'grandfathering' in terms of a LUO amendment. An amendment could not scale back what is already in place. She also cautioned against using the phrase "but not limited to" when developing language for outdoor activities.

Dessa Dancy inquired if the town can request use of the terminal for parking during the busy tourist season, especially this year with the celebration of Acadia National Parks centennial year.

Jonathan Eno inquired why this single district would not be considered spot zoning. Mr. Osborne explained that Chapter 1000 expressly allows a municipality to opt to identify one or more CFMA Districts, each of which may be as small as a single parcel, provided that the municipality takes into consideration certain criteria.

Other supporting public comments, and grandfathering and development comments were received from Donna Karlson and Erin Early Ward.

2. **Parking Land Use Ordinance Amendments update -**
Planning Director Bob Osborne explained the board held a number of meetings discussing parking issues – where to add parking uses in certain districts and to remove them from other districts. The proposed Parking ordinance amendment is addressing off-site, off-street parking. Parking includes parking lots, parking decks, and parking garages.

It was of general consensus from both boards to allow parking lots in the districts listed, except Village Residential and Shoreland Limited Residential.

It was also of general consensus from both boards to allow parking decks in the districts listed, except Downtown Residential.

Much discussion ensued regarding adding parking garages to the proposed list of districts. Noting that Bar Harbor Gateway, Downtown Village I, Downtown Village II were districts that allowed parking garages previously to the June 2010 LUO amendments. So these three districts would be corrective action, and Educational Institutional and Scientific Research would be two new districts allowing parking garages. Further, it is proposed to remove parking garages from two districts that currently allows this use: Downtown Residential and Town Hill Business.

The floor was then open to the public.

Martha Searchfield stated it cannot be underestimated the negativity about the Backyard Parking Lot. Even though it is corrective action in the Downtown Village I, she would hate to see the new districts compromised. She felt education and communication would be necessary to amend the Downtown Village I. She suggested baby steps and thought perhaps if Jackson Lab built their parking garage and people saw it, they maybe more receptive to one intown. She recommended that the two new districts be the only two to go before the voters, and sometime later consider amending the remaining three districts.

Matt Hochman cautioned off-site parking lots could take away land for housing.

Ellen Dohmen proposed 'good planning'. "Don't run scare, educate the public and sell it." Do not place something to vote, if you know it's not going to pass. Do not place the corrective districts as separate articles; good planning envisions the town as a whole, not in sections.

Dessa Dancy favored voting each of the districts separately to give the voters a choice.

Discussion then returned to the boards. It was of general consensus to proposed five parking articles. The first three articles adding parking garages in the three districts where it was previously allowed separately, one question for adding the use in the two new districts (Educational Institutional, Scientific Research); and one question removing parking garages in the two proposed districts (Downtown Residential, Town Hill Business).

Lastly on the parking issue, it was of general consensus to support the proposed language for allowable off-site parking lots as written:

to allow off-site parking lots on land in common ownership within 500 feet of the site.

3. **Housing Land Use Ordinance Amendments update**

Planning Director Bob Osborne reported the board held several meetings and proposed to make adjustments to “minimum area per family” to delete “maximum floor area ratio”. The Board’s concern is these adjustments do not address the dormitory style worker housing and the shrinking supply of entry level year round rentals.

The floor was then opened to public comment:

Ellen Dohmen expressed her concerns of how it could be consistent across all districts.

Donna Karlson gave an example of her house lot and possible development. She inquired if the different setbacks for different districts were considered.

Following public comments, it was of general consensus to continue to work on the Housing amendment.

IV. **ADJOURNMENT** – The meeting adjourned at 8:02 p.m. by acclamation of both boards.

Patricia A. Gray, Town Clerk

Draft Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Draft Warrant Article a

LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to parking regulations in the Land Use Ordinance” be enacted?

Parking

An amendment to add the terms parking garage and parking deck with definitions, to add language to the definition of accessory use, to add certain parking uses and accessory uses to certain districts, delete certain accessory parking uses from certain districts and adds provisions for greater utilization of off-site, off-street parking.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

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 internal 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.

~~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 either public or private, either self-service or valet, 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.~~

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.

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

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 lot; private compulsory school; professional office building;

restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities...

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.)

§ 125-18 Village Historic.

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))...

§ 125-19 Mount Desert Street Corridor District.

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...

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))...

§ 125-20 Village Residential.

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...

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))...

§ 125-21 Downtown Village I.

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 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...

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)).

§ 125-21.1 Downtown Village II.

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 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...

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))...

§ 125-21.2 Downtown Village Transitional.

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...

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)).

§ 125-49.1 Shoreland General Development III.

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.

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

APPENDIX C, Table of Permitted Uses

	Downtown Residential	Educational Institution	Emery	Hulls Cove Business	Hulls Cove Residential Corridor	Hulls Cove Rural	Indian Point Residential	Indian Point Rural	Industrial	Ireson Hill Corridor	Ireson Hill Residential	McFarland Hill Residential	McFarland Hill Rural	Marine Research	Otter Creek
Parking garage and parking lot	b														
Parking garage															
Parking deck		b													
Parking lot	b	b		b						b					
Parking lot with 10 or fewer spaces- accessory to permitted uses	e	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Parking lot with 10 or more spaces- accessory to permitted uses		b		e, b2					e, b2					e, b2	
Uses or structures accessory to permitted <u>legally constituted</u> uses or structures	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	b	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1
Uses or small structures accessory to permitted <u>legally constituted</u> uses or structures	c	c, b2	c	c	c	c	c	c	c	c	c	c	c	c	c
	Resource Protection	Salisbury Cove Corridor	Salisbury Cove Residential	Salisbury Cove Rural	Salisbury Cove Village	Schooner Head	Scientific Research	Shoreland General Development I	Shoreland General Development II	Shoreland Limited Residential	Stream Protection	Town Hill Business	Town Hill Residential Corridor	Town Hill Residential	Town Hill Rural
Parking garage and parking lot												b			
Parking garage															
Parking deck							b								
Parking lot		b					b					b			
Parking lot with 10 or fewer spaces- accessory to permitted uses	b-1,2	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Parking lot with 10 or more spaces- accessory to permitted uses		e, b2	b									e, b2			
Uses or structures accessory to permitted <u>legally constituted</u> uses or structures		c, b1	c, b1	c, b1	c, b1	c	c, b1,2	c, b1	c, b1	c, b1	b5	c, b1	c, b1	c, b1	c, b1
Uses or small structures accessory to permitted <u>legally constituted</u> uses or structures	c	c	c	c	c	c	c	c	c	c	c	c	c	c	c

Chapter 125 , LAND USE ORDINANCE

ARTICLE V, Site Plan Review

§ 125-67 General review standards.

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 legally constituted use ~~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~~.

(a) If parking spaces are on an off-site parking lot, such parking lot may not be farther than 500 feet from each entity requesting utilize those spaces. This distance shall be measured following a reasonable, safe walking route between the primary use and the parking lot being utilized.

EXPLANATION: The term commercial garage is defined but not found in any district, this warrant replaces that term with parking garage. The term parking deck is coined and defined to provide a structural alternative somewhere between parking lot and parking garage. This proposal adds language to the definition of accessory use stating that parking shall always be considered a permitted accessory use. This warrant adds parking uses approved by Site Plan review in the following districts: Bar Harbor Gateway, Mount Desert Street Corridor, Downtown Village I, II and Transitional, Shoreland General Development III, Downtown Residential, Education Institution, Hulls Cove Business, Ireson Hill Corridor, Scientific Research, Town Hill Business. This warrant removes redundant accessory parking language from Appendix C. This warrant makes provisions for off-site, off-street parking through Site Plan approval.

Draft Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Draft Warrant Article b

LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to restore parking garage use to the Bar Harbor Gateway district in the Land Use Ordinance” be enacted?

Parking

An amendment to add parking garage use, to the Bar Harbor Gateway District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

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

F. Other requirements.

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

EXPLANATION: This warrant adds parking garage use approved by Site Plan review in the Bar Harbor Gateway district. Parking garage use was previously allowed in the district that preceded the Bar Harbor Gateway district.

Draft Order

Of the Bar Harbor Town Council

For the November 8, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Draft Warrant Article c

LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to restore parking garage use to the Downtown Village I district in the Land Use Ordinance” be enacted?

Parking

An amendment to add parking garage use, to the Downtown Village I District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

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 garage; road construction.

E. Other requirements.

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

(2) Parking requirements.

EXPLANATION: This warrant adds parking garage use approved by Site Plan review in the Downtown Village I district. Parking garage use was previously allowed in the business district that preceded the Downtown Village I district.



Draft Order

Of the Bar Harbor Town Council

For the November 8, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Draft Warrant Article d

LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to restore parking garage use to the Downtown Village II district in the Land Use Ordinance” be enacted?

Parking

An amendment to add parking garage use, to the Downtown Village II District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21.1 Downtown Village II.

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

E. Other requirements.

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

(2) Parking requirements.

EXPLANATION: This warrant adds parking garage use approved by Site Plan review in the Downtown Village II district. Parking garage use was previously allowed in the business district that preceded the Downtown Village II district.

Draft Order

Of the Bar Harbor Town Council

For the November 8, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Draft Warrant Article e

LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to add parking garage use to the Educational Institutional district and Scientific Research for Eleemosynary Purposes district in the Land Use Ordinance” be enacted?

Parking

An amendment to add parking garage use, to Educational Institutional district and Scientific Research for Eleemosynary Purposes district.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

APPENDIX C, Table of Permitted Uses

	Educational Institution	Scientific Research
<u>Parking garage</u>	b	b

EXPLANATION: This warrant adds parking garage use approved by Site Plan review in the Educational Institutional district and Scientific Research for Eleemosynary Purposes district. The Educational Institutional district is in the area of College of the Atlantic and the Scientific Research district is in that area of The Jackson Laboratory. Parking garages are considered a tool to accommodate parking with reduced lot coverage. This is a new use for both districts.

Draft Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Draft Warrant Article f

LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to remove parking garage use from the Downtown Residential District and Town Hill Business District in the Land Use Ordinance” be enacted?

Parking

An amendment to remove parking garage use from the Downtown Residential District and Town Hill Business District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

APPENDIX C, Table of Permitted Uses

	Downtown Residential	Town Hill Business
Parking garage and parking lot	b	b
<u>Parking garage</u>		
<u>Parking lot</u>	<u>b</u>	<u>b</u>

EXPLANATION: This warrant removes parking garage use approved by Site Plan review in the Downtown Residential district and Town Hill Business district. It continues to allow parking lot.
