

# **PLANNING BOARD**

## **PACKET OF MATERIALS**

### **MEETING AUGUST 24, 2016**

Cover page with date

Agenda

Minutes for approval

Applications

Supporting Documents

**Agenda**  
**Bar Harbor Planning Board**  
**4:00 pm, Wednesday, August 24, 2016**  
**Council Chambers- Municipal Building**  
**93 Cottage Street**  
**4:00 P.M.**

**I. CALL TO ORDER**

**II. ADOPTION OF THE AGENDA**

**III. EXCUSED ABSENCES**

**IV. APPROVAL OF MINUTES (August 3, 2016)**

**V. REGULAR BUSINESS**

- a. November 2016 Special Town Meeting: LUO Amendments – Planning Board Recommendation on proposed LUO articles on Special Town Meeting Warrant for November 8, 2016.**

- 1. Article 2 – Parking definitions and regulatory changes (Dated 8/9.2016).**
- 2. Article 3 – Parking, restoring and adding parking garages (Dated 8/9/2016).**

**VI. OTHER BUSINESS**

**a. Pending Applications**

(CU/SP) Acadia Corporation (68 Mount Desert Street),  
(SP) H&P Enterprises, LLC (16 Mount Desert Street) and  
(SD) Acadia Park Company (134 Main Street)

**VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

**VIII. ADJOURNMENT**

**Minutes**  
**Bar Harbor Planning Board**  
**Wednesday, August 3, 2016**  
**Council Chambers – Municipal Building**  
**93 Cottage Street**  
**4:00 P.M.**

**I. CALL TO ORDER**

*The Chair called the meeting to order at 4:00 PM. Planning Board members present: Ivan Rasmussen, Chair; Tom St. Germain, Vice Chair; John Fitzpatrick, Secretary; Joe Cough, Member and Basil Eleftheriou, Jr., Member.*

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

**II. ADOPTION OF THE AGENDA**

*Mr. Cough raised a question regarding 68 Mount Desert Street appearing on the agenda because at the Completeness review it was moved that the public hearing be set to August 3 pending the recommendation from Design Review Board. Mr. Cough noted that the plan had not yet been approved by the Design Review Board. It was discussed that Public Hearing had been advertised and people were present. Member Eleftheriou, Jr. moved the agenda as presented and Member Fitzpatrick seconded the motion which was approved four in favor and one against.*

**III. EXCUSED ABSENCES**

*None*

**IV. APPROVAL OF THE MINUTES**

**a. July 20, 2016 Regular Meeting**

*Member Fitzpatrick moved to approve the minutes as presented and Member Eleftheriou seconded the motion which was approved unanimously.*

**V. REGULAR BUSINESS**

**a. Public Hearing- Conditional Use Application – CU-2016-01– Mount Desert Street, LLC**

**Project Location:** 68 Mount Desert Street, Bar Harbor Tax Map 104, Lot 414-000

**Applicant:** Mount Desert Street, LLC (Cathy Coston and Stephen Coston)

**Application:** The applicant is proposing demolition of an existing 12-room motel and construction of the Mount Desert Street Inn Bed and Breakfast, a 3 and 4-story, 19,500 sq. ft., 36-room bed and breakfast (a bed and breakfast III use).

*Member Cough noted that he was recused from this item and left the room.*

*The Board discussed that they had previously perhaps acted in error to accept Mr. Cough's offer to recuse himself on this item. Mr. Cough has no financial connection to this application and applicant and can reasonably be objective with regard to the application and applicant.*

*Mr. Eleftheriou, Jr. moved that Mr. Cough not be recused on this item and Mr. St. Germain seconded the motion which was approved four in favor and none against.*

*Mr. Cough returned to the meeting.*

*Greg Johnston, PE and Todd Hardy, Architect spoke in support of the application providing a brief description of the project.*

*The Board discussed the fact that the Design Review Board had not yet acted on the application and reasoned that there was no ordinance prohibition from proceeding with the public hearing to hear from those in attendance although it could prevent the Board from making a ruling on the item.*

*Chair Rasmussen opened the public hearing and asked for those who wished to speak on the application.*

*Eric Altham, 74 Mount Desert Street, stated that he is not against development but noted that the state definition of bed and breakfast includes the phrase "provided in a private home". He stated his concern to the impact on the historic corridor and cautioned that it needs to be looked into carefully.*

*Robert Bahr, 47 Mount Desert Street, 57 Mount Desert Street and 92 Eden Street addressed the Board. He noted that they own several bed and breakfasts in the area. There had previously been a 10 room limit on bed and breakfasts but that limit was removed. He noted that state licensing is required for a bed and breakfast. He asked that the application be denied.*

*Pat Samuel, Graycote Inn addressed the Board. She stated that the current design does not support the purpose of the Mount Desert Street District which includes the phrase "retain the historic character of the corridor". She urged that the Board deny the application in its current form because a bed and breakfast should look like a home (she had previously noted that this looks like an apartment house).*

*Dianna Moran, Spring Street addressed the Board. She expressed concern that a wider area should have been notified. She expressed concerns regarding traffic. She expressed concern about the building design.*

*Marie x addressed the Board. She questioned how this came about? She stated that a bed and breakfast of this size is a mistake.*

*As no one else wished to speak Chair Rasmussen closed the Public Hearing and asked the Board for comments.*

*Mr. Eleftheriou, Jr. questioned the required setback for the driveway. Greg Johnston stated that the driveway setback is 10 feet.*

*Mr. Elefthreiou, Jr. questioned the required setback for the dumpster and its pad.*

*Angela Chamberlain. Code Enforcement Officer indicated that the setback would be 25 feet.*

*Greg Johnston questioned if the dumpster would qualify as an essential service which could exempt the setback previously stated. Essential services as identified in 125-67.6 H allows collection – supply – disposal systems.*

*Angela Chamberlain indicated that this would be up to the Planning Board to determine.*

*Member Fitzpatrick indicated that he would disagree that a dumpster is an essential service reading the entire section.*

*Member Cough questioned the proposed radius on the driveway at the street and does it meet what is needed?*

*Mr. Johnston indicated that the Mount Desert Street cuts would meet a 40 foot radius on a right turn which is adequate.*

*Mr. Cough asked if the details of the curb cuts could be expanded and detailed for the front curb cuts.*

*Mr. Johnston indicated that the Spring Street curb cuts show a 10 foot radius. It also shows that the drive would be widened 6 to 8 feet at the opening.*

*Mr. Fitzpatrick suggested that the dumpster be moved. He noted that the lighting photometric range in the parking lot is 25 to 1 which is a broad range. He suggested adding poles and lights to even out the lighting. He noted that for light color that 3,000K is preferred.*

*Mr. Fitzpatrick suggested that the definition of dwelling unit (bed and breakfast is to be conducted within a dwelling unit) is not met although he conceded that the ordinance is not well written.*

*Mr. Johnston stated that with regard to the lighting of the parking lot he was working with the fact that there is lighting in the street which contributes illumination to the parking lot. The proposed poles are 12 feet in height.*

*Mr. Fitzpatrick asked if the Planner would seek a town legal opinion on the dwelling unit question (“in a dwelling unit”).*

*Mr. St. Germain moved to continue the Public Hearing to August 17, 2016 contingent on Design Review Board decision and information from the Town Attorney. Mr. Eleftheriou, Jr. seconded the motion which was approved five in favor and none against.*

**b. Completeness Review- Site Plan Application – SP-2016-01– Acadia Hotel**

**Project Location:** 16 Mount Desert Street, Bar Harbor Tax Map 104, Lot 452-000

**Applicant:** H&P Enterprises, LLC (Peter Hastings)

**Application:** The applicant is proposing demolition of an existing commercial building and construction of a 3 -story, 10,000 sq. ft. building used for an eight-room expansion of the Acadia Hotel with retail space and year-round, two bedroom apartment and employee housing, with associated parking.

*Peter Hastings was present to discuss the project with the Board. He briefly discussed that the application is for an 8 room addition to the Acadia Hotel with the new lobby and elevator in the building and an elevated walkway to the existing building. The first floor would contain retail space. There would be a studio apartment in the basement.*

*Mr. Fitzpatrick asked if there would be signage? Mr. Hastings stated that the signage had not yet been determined. He indicated that there were a total of 21 guest rooms with the two buildings combined.*

*Mr. Fitzpatrick requested that applicant provide an area map that shows the curb openings.*

*Mr. Cough indicated that a 10,000 sq. ft. building requires a loading berth for a hotel and cited the ordinance reference as 125-67 on page 125 58.2.*

*Chair Rasmussen called for a motion on the requested waivers. Mr. Fitzpatrick moved to accept the request for waivers except for 9M and Mr. St. Germain seconded the motion which was approved five in favor and none against.*

*The Board proceeded to discuss the completeness of the application itself.*

*Mr. Fitzpatrick identified the photometric of the site shielding from neighbors, output rating and color of bulbs. 125-67Z-3.*

*Mr. St. Germain identified parking space details at the Public Hearing.*

*Mr. Eleftheriou, Jr. moved that the application was complete and to set it for public hearing on September 7, 2016. Mr. St. Germain seconded the motion which was approved unanimously.*

#### **VI. Land Use Ordinance Discussion of Draft Shoreland District at Ferry Terminal**

*The Board discussed the need to visit this site and asked the Planning Director to arrange for that to happen.*

#### **VII. OTHER BUSINESS**

*None*

#### **VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

*Mr. Fitzpatrick indicated that he would not be available on August 17, 2016.*

#### **IX. ADJOURNMENT**

*Mr. Cough moved to adjourn the meeting at 5:56 pm. Mr. Eleftheriou seconded the motion. The Board voted five in favor and none against the motion to adjourn.*

*Signed as approved:*

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**John Fitzpatrick, Secretary  
Planning Board, Town of Bar Harbor**

**Date**

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**MEMORANDUM**

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**DATE:** AUGUST 18, 2016  
**TO:** BAR HARBOR PLANNING BOARD  
**FROM:** ROBERT OSBORNE, PLANNING DIRECTOR  
**RE:** PLANNING BOARD RECOMMENDATION FOR LAND USE ORDINANCE  
WARRANT ARTICLES

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As the Board is aware the Town Council, at its final public hearing has signed two warrant articles that contain the Land Use Ordinance amendments on parking. They proposed no changes to the document that the Planning Board sent to the Town Council. Thus, the Planning Board can make a recommendation on the warrant articles without a public hearing. The process governing this recommendation is contained in Amendment 125-9D.

*D. Following a hearing conducted pursuant to the preceding subsection, the Planning Board shall, by majority vote, make a recommendation as to whether the proposed amendment ought to be adopted or ought not to be adopted. Such recommendation shall be printed on the warrant.*

Staff recommends that the Planning Board makes a favorable recommendation on the adoption of the two warrant articles.

**BACKGROUND.**

In 2010 there were a number of new districts created in the town of Bar Harbor. When they were adopted there was not a clear presentation of what the old district allowed as uses and which uses were proposed to be deleted. One outcome of the adoption of the new districts was that in three cases parking garage and parking lot use was deleted from the Bar Harbor Gateway district (then the Bar Harbor Corridor district), Downtown Village I and Downtown Village II districts (then Downtown Business district).

As a result of a joint Town Council and Planning Board meeting the Planning Board was charged to develop a comprehensive set of parking amendments that addressed issues beyond the elimination of parking in the Bar Harbor Gateway, Downtown Village I and Downtown Village II districts. What resulted was a review of the town's off-street parking standards primarily for where is parking allowed and where is it not allowed and why, and this set of amendments was the outcome.

The amendments that appear in "Warrant Article 2" were developed to address issues including definitions, districts and parking regulations related to off-site parking. The amendments that appear in "Warrant Article 3" are all specific to parking garage as a use. Parking garage use requiring Planning Board site plan review is proposed to be added to the Bar Harbor Gateway, Downtown Village I, Downtown Village II, Educational Institutional and Scientific Research districts.

This review of parking amendments has been ongoing for months and the Planning Board has held a number of meetings and workshops on the topic leading up to the public hearing which has resulted in some accommodations to concerns from citizens in residential districts. This public hearing notice for the parking warrant articles was mailed to every landowner in Bar Harbor and advertised twice in the Islander.

The 2007 Comprehensive Plan Policy 5D identifies the chronic lack of parking in the downtown and offers as a solution land acquisition and construction of structured parking. It also recommends leading an effort to expand parking, including and not limited to parking garages and satellite parking.

The Maine Department of Environmental Protection was sent a letter and the draft amendments (by certified mail) for their comments under Shoreland Zoning. Staff received email from Dawn Abbot on June 29, 2016:

*Bob,*

*I have reviewed the draft Land Use Ordinance amendments. My comments are as follows: Concerning the Parking Deck, as long as the dimensional standards are met and it is not exempt from the ordinance regulations, the amendment is fine. Parking Deck definition is fine. Changes in the definition of Parking Garage is fine. Adding Accessory uses and Parking lot to Mount Desert Street Corridor District, and Downtown Village Transitional, is fine. Adding Accessory uses and Parking deck; Parking lot to Bar Harbor Gateway, Downtown Village I, Downtown village II, and Shoreland General Development III, is fine. Adding the reference (see parking requirements found in 125-67B(4)) is a good idea.*

*If you have any further questions, please feel free to contact me.*

*Thank you,*

*Dawn M. Abbott  
Maine Department of Environmental Protection  
Assistant Shoreland Zoning Coordinator  
106 Hogan Road, Suite 6  
Bangor, Maine 04401  
Ph- 207-356-8318  
Fax- 207-941-4584*

# 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.

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## Warrant Article

**Article 2 - LAND USE ORDINANCE AMENDMENT – Parking** – Shall an Ordinance dated June 1, 2016 and entitled “An amendment to parking regulations in the Land Use Ordinance” be enacted?

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## 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**

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### **ARTICLE XII Construction and Definitions**

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#### **§ 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
<del>Parking garage and parking lot</del>	b														
<del>Parking garage</del>															
<del>Parking deck</del>		b													
<del>Parking lot</del>	b	b		b						b					
<del>Parking lot with 10 or fewer spaces- accessory to permitted uses</del>	e	e	e	e	e	e	e	e	e	e	e	e	e	e	e
<del>Parking lot with 10 or more spaces- accessory to permitted uses</del>		b		e-b2					e-b2					e-b2	
<del>Uses or structures accessory to permitted <u>legally constituted</u> uses or structures</del>	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
<del>Uses or small structures accessory to permitted <u>legally constituted</u> uses or structures</del>	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
<del>Parking garage and parking lot</del>												b			
<del>Parking garage</del>															
<del>Parking deck</del>							b								
<del>Parking lot</del>		b					b					b			
<del>Parking lot with 10 or fewer spaces- accessory to permitted uses</del>	b-12	e	e	e	e	e	e	e	e	e	e	e	e	e	e
<del>Parking lot with 10 or more spaces- accessory to permitted uses</del>		e-b2	b									e-b2			
<del>Uses or structures accessory to permitted <u>legally constituted</u> uses or structures</del>		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
<del>Uses or small structures accessory to permitted <u>legally constituted</u> uses or structures</del>	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.

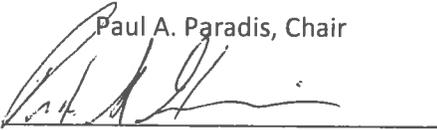
**EXPLANATION:** The term commercial garage is defined but not found in any district, this warrant replaces that term with parking garage. The term parking deck is coined and defined to provide a structural alternative somewhere between parking lot and parking garage. This proposal adds language to the 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.

Given under our hands and seal at Bar Harbor on this sixteenth day of August, 2016.

### Municipal Officers of the Town of Bar Harbor



Paul A. Paradis, Chair



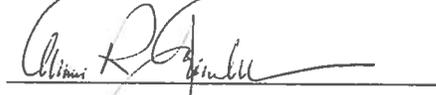
Peter St. Germain



Burt O. Barker



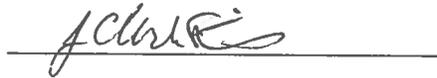
Gary Friedmann, Vice Chair



Anne R. Greenlee



Matthew A. Hochman



J. Clark Stivers

# 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.

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### Warrant Article

**Article 3 - LAND USE ORDINANCE AMENDMENT – Parking** – Shall an Ordinance dated July 6, 2016 and entitled “An amendment to restore parking garage use to Bar Harbor Gateway district, Downtown Village district I, Downtown Village II district, and add parking garage use to the Educational Institutional district and Scientific Research for Eleemosynary Purpose district in the Land Use Ordinance” be enacted”?

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### 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.]

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## Chapter 125 , LAND USE ORDINANCE

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### ARTICLE III Land Use Activities and Standards

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#### § 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.

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## 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**

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#### **ARTICLE III Land Use Activities and Standards**

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#### **§ 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.

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## 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

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### ARTICLE III Land Use Activities and Standards

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#### § 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.

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## 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 striken. New language is underlined.]

### Chapter 125 , LAND USE ORDINANCE

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#### APPENDIX C, Table of Permitted Uses

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

**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.

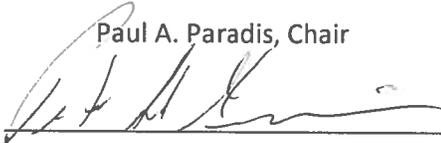
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Given under our hands and seal at Bar Harbor on this sixteenth day of August, 2016

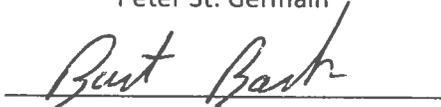
**Municipal Officers of the Town of Bar Harbor**



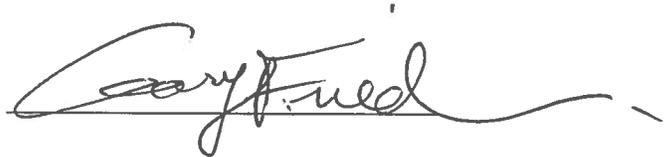
Paul A. Paradis, Chair



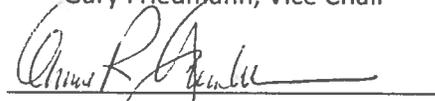
Peter St. Germain



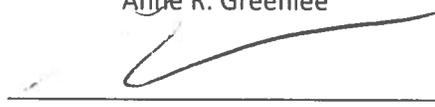
Burt O. Barker



Gary Friedmann, Vice Chair



Anne R. Greenlee



Matthew A. Hochman



J. Clark Stivers