PLANNING BOARD

PACKET OF MATERIALS

MEETING OCTOBER 26, 2016

__X__ Cover page with date

__X__ Agenda

__X__ Minutes for approval

_____ Applications

__X__ Supporting Documents

Agenda
Bar Harbor Planning Board
Wednesday, October 26, 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 (October 19, 2016 – regular meeting)

V. REGULAR BUSINESS

a. **Land Use Ordinance Discussion of Parking**

b. **Land Use Ordinance Discussion of Draft Shoreland District at Ferry Terminal update.**

c. **Land Use Ordinance Discussion of Minimum Area Per Family update.**

VI. OTHER BUSINESS

a. **Cottage Street Streetscape Update**

b. **Pending Applications**
(CU) Mount Desert Street, LLC (68 Mount Desert Street)
(SD & SP) Acadia Corp. (134 Main Street)

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VIII. ADJOURNMENT

Minutes
Bar Harbor Planning Board
Wednesday, October 19, 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: Tom St. Germain, Vice Chair; John Fitzpatrick, Secretary; Joe Cough, Member and Basil Eleftheriou, Jr., Member.

Also present: Robert Osborne, Planning Director and Cornell Knight, Town Manager.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda as published. Mr. Fitzpatrick seconded the motion which was approved unanimously.

III. EXCUSED ABSENCES

None (It was noted that there is now an opening on the Planning Board)

IV. APPROVAL OF THE MINUTES

a. October 5, 2016 meeting and October 14, 2016 special meeting

Mr. Fitzpatrick moved to approve the minutes of October 5, 2016 as presented and Mr. Eleftheriou, Jr. seconded the motion which was approved unanimously.

Mr. Fitzpatrick moved to approve the minutes of October 14, 2016 as presented and Mr. Eleftheriou, Jr. seconded the motion which was approved unanimously.

V. REGULAR BUSINESS

a. Land Use Ordinance Discussion of Draft Shoreland District at Ferry Terminal

Each member of the Planning Board indicated that they support creating a district in which cruise ship operations may be conducted. They proceeded to finalize a list of uses that might be allowed in the proposed Shoreland Maritime Activities District.

The Board discussed the draft language for the proposed use: Passenger Terminal. The Planning Board discussed some background concerning the request from Maine Port Authority requesting the zoning amendment to add the cruise ship use to the Eden Street location.

It was discussed that open air activities are not contemplated in any district in the Land Use Ordinance. It was discussed that with the creation of a new shoreland district that it would be necessary to review all citations for shoreland districts to see if an unintentional conflict was created.

It was discussed that there are a list of uses contemplated in the district that need not be repeated in the passenger terminal definition. It was also noted that there are some inclusive terms such as multi modal facility that would include uses such as bus stops. It was discussed that "tourist related" may also allow busses.

Mr. Cough asked questions related to the potential marina use for recreational boating. Water related public recreation uses. He indicated that open air events were not needed in the list of uses in the draft definition for passenger terminal.

Mr. Eleftheriou, Jr. suggested that shops and restaurants need not be in the definition of passenger terminal because they are in the uses allowed in the district. He suggested that bus stop could be in the allowed uses. He suggested that welcoming center, excursion operations and bus stops/ground transportation could be put in allowed uses.

Commercial waterborne passenger facility from the Port Authority letter was discussed. It was agreed that shops and restaurants did not need to be in the definition but that welcoming center and excursion operations might be appropriate.

There was some discussion about what a water dependent use is and the setback requirements are.

There were several attempts to list what was in and out of the definition. Finally Mr. Fitzpatrick asked the Board to go through the list of uses in the district to identify what uses are appropriate and which are not.

The Board reasoned that a few of the uses currently allowed in the neighboring districts are likely inappropriate for this location and propose that bed and breakfasts; child care center; motel; nursing or convalescent home; private compulsory school and wind turbines are not appropriate at this location but the remainder of the uses found below are appropriate. The Board thought that the remaining uses will provide flexibility to the Maine Port Authority/Maine Department of Transportation:

Based on this discussion the Board agreed to meet with the Council in a joint meeting .

Mr. Fitzpatrick indicated that the overall goal is a pier not the other uses and that the dimensional standards are very important in that regard.

b. Land Use Ordinance Discussion of Parking

Mr. Osborne indicated that there would be a draft set of warrant articles available for the next meeting that would attempt to address a number of questions that had been raised through the recent hearings and reviews.

c. Land Use Ordinance Discussion of Minimum Area Per Family

The Board briefly discussed the minimum area per family amendments and agreed that they are ready to be discussed with the Town Council.

There was some general discussion that the housing issue is much deeper than this and would require good data to analyze. The questions include lack of seasonal housing for workers; affordability of housing for seasonal and year round workers and other issues as well. Mr. Fitzpatrick suggested that the Board obtain better information regarding this question noting that any effort to truly address the many housing issues of the town would require better data.

OTHER BUSINESS

a. Cottage Street Streetscape RFP Update

Mr. Osborne noted that the review committee had met with design firms and that a recommendation to contract with one of them was on the Town Manager's desk at this time.

b. Pending Applications
(CU) Mount Desert Street, LLC (68 Mount Desert Street)
(SD & SP) Acadia Park, LLC (134 Main Street)

Mr. Osborne indicated that Mr. Cough had provided questions that he had regarding MDOT approval, curb cuts, parking, driveways, loading berths and non-conformities and that the list was passed on to the applicant.

c. Sign Minor Subdivision Plans–

Mr. Osborne noted that this plan had been approved by staff in accordance with the LUO. The Planning Board signed the subdivision plans after they adjourned. The plans were subdivision revisions for the White Deer Subdivision and the Under the Hill subdivision.

VI. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VII. ADJOURNMENT

Mr. Cough moved to adjourn the meeting at 6:25 pm. Mr. Fitzpatrick seconded the motion. The Board voted four in favor and none against the motion to adjourn.

Signed as approved:

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

V. a.

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 <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

PARKING DECK - As a principal use, a structure for parking vehicles on a deck supported above grade. Parking decks may utilize site grade differential to access parking. 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 – As a principal use, a ~~A~~ multi-story structure used for parking vehicles ~~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~~ legally constituted 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~~ legally constituted 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 12~~	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~~ legally constituted 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~~ legally constituted uses or structures	c	c	c	c	c	c	c	c	c	c	c	c	c	c	c

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

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.1 (formerly b, c, d and e)

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."

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 <u>underlined</u>.]

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.

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.

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.

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 <u>underlined</u>.]

APPENDIX C, Table of Permitted Uses

	Educational Institution	Scientific Research
Parking garage	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.

V. b

Draft Order

Of the Bar Harbor Town Council
For the June 2017 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 – Shoreland Maritime Activities District – Shall an Ordinance dated x, 2016 and entitled "An amendment to create a new shoreland district entitled Shoreland Maritime Activities District and define "passenger terminal" use in the Land Use Ordinance" be enacted?

Shoreland Maritime Activities District

An amendment to create a new Shoreland Maritime Activities District at the ferry terminal site 121 Eden Street and define "passenger terminal" use.

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 <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

<u>§ 125-49.3 Shoreland Maritime Activities District.</u>

<u>A. Purpose. The Shoreland Maritime Activities District seeks to support maritime activities related to the reuse of Bar Harbor Tax Map 231, Lot 004, the ferry terminal for both cruise ship and ferry activities. This district includes all land currently occupied by or suitable for active water dependent uses, taking</u>

into consideration: (1) Shelter from prevailing winds and waves; (2) Slope of the land within 250 feet, horizontal distance, of the shoreline; (3) Depth of the water within 150 feet, horizontal distance, of the shoreline; (4) Available support facilities including utilities and transportation facilities; and (5) Compatibility with adjacent upland uses.

B. Dimensional standards.

(1) Minimum lot size: None.

(2) Minimum road frontage and lot width: None.

(3) Minimum setback from shoreline: None.

(4) Minimum shore frontage: None.

(5) Minimum front setback: 50 feet (measured from centerline of Route 3).

(6) Minimum side 25 feet and rear setback: None.

(7) Maximum lot coverage: 70%.

(8) Maximum height: 35 feet.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(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. The following uses shall be permitted by site plan review in any part of this district: bank; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; parking lot, professional office building; restaurant; retail; road construction; services; take-out restaurant and wireless communication facilities.

E. Allowed activities.

(1) Non-intensive recreational uses not requiring structures such as fishing and hiking

(2) Emergency operations

F. Other requirements.

(1) Multifamily I and Multifamily II uses are limited to employee housing.

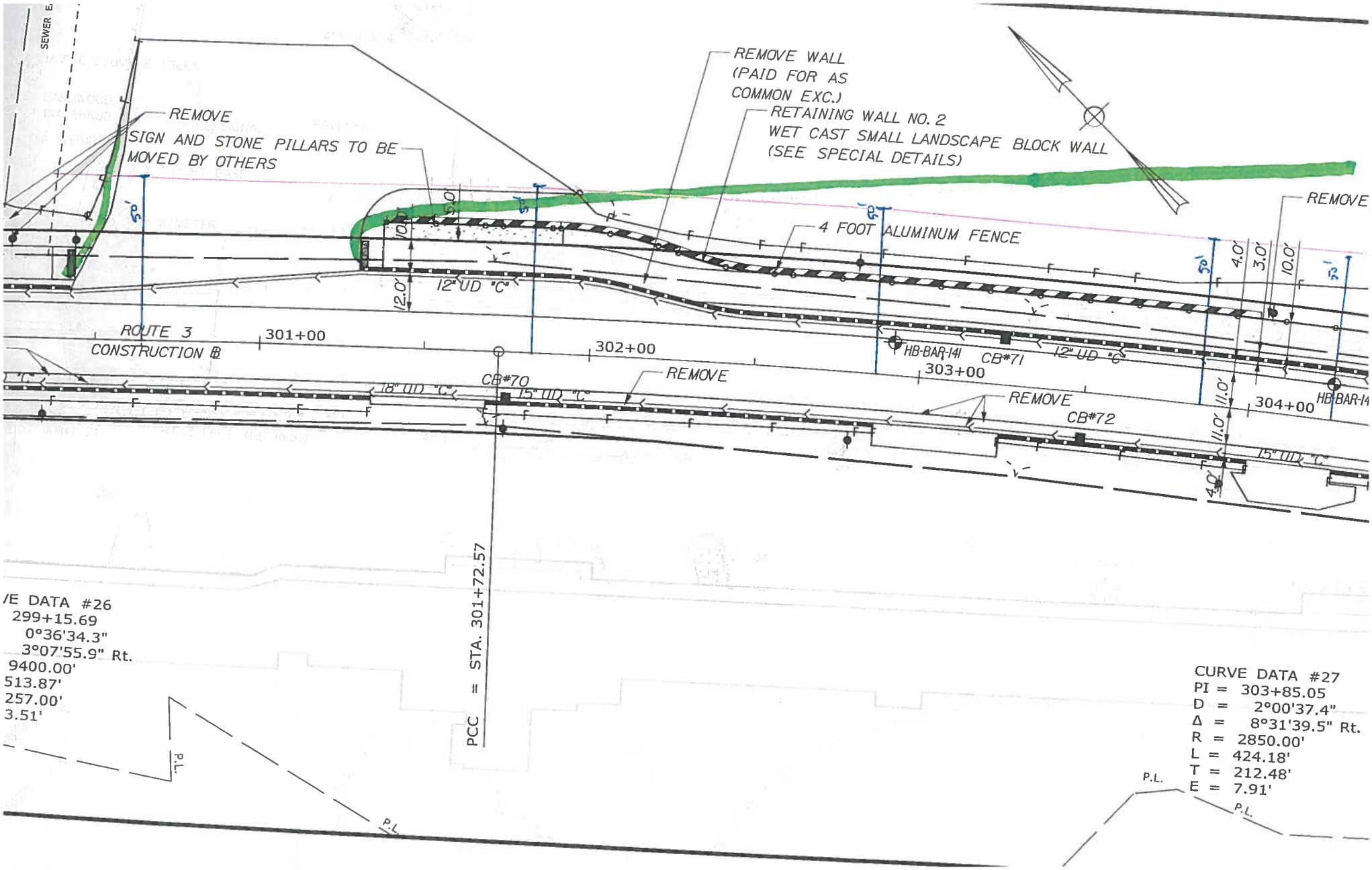
(2) Road construction conditions.

§ 125-109 Definitions.

The following terms shall have the following meanings:

PASSENGER TERMINAL - A transportation facility where passengers embark on or disembark from carriers such as ferries and buses that provide transportation to passengers for hire by land or sea. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, visitor center. 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.

EXPLANATION: Maine's Municipal Guide to Shoreland Zoning, Chapter 1000 allows municipalities to create a shoreland district on a single parcel of land to facilitate the uses and structures necessary for a deep water port. Thus the district proposed to cover the single parcel at 121 Eden Street. The dimensional standards proposed are compliant with Chapter 1000.



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