Agenda
Bar Harbor Joint Town Council and Planning Board
Wednesday, November 9, 2016
Council Chambers- Municipal Building
93 Cottage Street
6:00 P.M.

I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

III. REGULAR BUSINESS

a. **Land Use Ordinance Discussion of Parking warrant articles.**
Warrant Article a1 Parking Lots
Warrant Article a2 Accessory Uses
Warrant Article a3 Parking Decks
Warrant Article a4 Off-site, Off street Parking
Warrant Article a5.1 Parking Garage in Bar Harbor Gateway district
Warrant Article a5.2 Parking Garage in Downtown Village I district
Warrant Article a5.3 Parking Garage in Downtown Village II district
Warrant Article a5.4 Parking Garage in Educational Institutional district
Warrant Article a5.5 Parking Garage in Marine Research district
Warrant Article a5.6 Parking Garage in Scientific Research district

b. **Land Use Ordinance Discussion of Draft Shoreland District at Ferry Terminal warrant article.**
Warrant Article b Shoreland Maritime Activities District

c. **Land Use Ordinance Discussion of Minimum Area Per Family warrant article.**
Warrant Article c Minimum Area Per Family

IV. OTHER BUSINESS

a. **Possible Planning Board action to set warrant articles for Public Hearing.**

V. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VI. ADJOURNMENT

MEMORANDUM

DATE: NOVEMBER 3, 2016

TO: BAR HARBOR TOWN COUNCIL

FROM: ROBERT OSBORNE, PLANNING DIRECTOR

RE: PARKING LUO DISCUSSION

The Planning Board offers the attached draft warrant articles to revise the parking content that generally was contained in the prior attempt. They cover parking lots, parking decks, parking garages, accessory uses. Off-site, off-street parking.

Draft Warrant Article a1 proposes to add parking lot use to: Bar Harbor Gateway district, Mount Desert Street Corridor district, Downtown Village I district, Downtown Village II district, Downtown Village Transitional district, Shoreland General Development III district, Educational Institutional district, Hulls Cove Business district, Ireson Hill Corridor district, Marine Research district and Scientific Research district in the Land Use Ordinance.

Draft Warrant Article a2 proposes to: add language to the definition of accessory use to include parking as an accessory use, an amendment to allow accessory uses in every district, an amendment to delete redundant accessory parking lot uses from certain districts, an amendment to clarify that legally constituted accessory uses and structures are allowed in certain districts.

Draft Warrant Article a3 proposes to define parking deck and add parking deck use to: Bar Harbor Gateway district, Downtown Village I district, Downtown Village II district, Shoreland General Development III district, Educational Institutional district, Marine Research district and Scientific Research district in the Land Use Ordinance.

Draft Warrant Article a4 proposes to: add regulations to allow greater utilization of off-site, off-street parking regulations and to add parking reference citations in certain districts

Draft Warrant Article a5.1 through a5.6 proposes to separately define the term "parking garage" and add the use parking garage to the Bar Harbor Gateway, Downtown Village I, Downtown Village II, Educational Institutional, Marine Research and Scientific Research districts.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a1

LAND USE ORDINANCE AMENDMENT – Parking Lot – Shall an Ordinance dated x, 2016 and entitled "An amendment to add the defined use "parking lot" as a principal use permitted by Planning Board site plan review to the Bar Harbor Gateway district, Mount Desert Street Corridor district, Downtown Village I district, Downtown Village II district, Downtown Village Transitional district, Shoreland General Development III district, Educational Institutional district, Hulls Cove Business district, Ireson Hill Corridor district, Marine Research district and Scientific Research district in the Land Use Ordinance" be enacted?

Parking Lot

An amendment to add parking lot use to the Bar Harbor Gateway, Mount Desert Street Corridor, Downtown Village I, Downtown Village II, Downtown Village Transitional, Shoreland General Development III, Educational Institutional, Hulls Cove Business, Ireson Hill Corridor, Marine Research and Scientific Research districts as a principal 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 underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.
[Amended 6-14-2011]

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

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities...

§ 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.

D. Uses allowed by site plan.

(1) Principal uses allowed by minor site plan approval: wind turbines, offices, all types of schools, bed-and-breakfast I and II.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; parking lot; theaters.

(3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

§ 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; farmers market; home occupation.

[Amended 11-5-2013; 6-14-2016]

(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 lot; road construction; automobile sales lot; automobile repair garage; retirement community.

[Amended 6-14-2016]

(3) Uses allowed by conditional use permit: public utility facility.

[Added 6-9-2015]

§ 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; farmers market; single-family dwelling; two-family dwelling; home occupation.

[Amended 6-14-2016]

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community.

[Amended 6-14-2016]

(3) Uses allowed only by conditional use permit: public utility facility.

[Added 6-9-2015]

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

[Amended 6-14-2016]

(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; farmers market; home occupation.

(2) Uses allowed by site plan review: multifamily dwelling I and II; parking lot; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community.

§ 125-49.1 Shoreland General Development III.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling and two-family dwelling.

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

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; 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 lot		b		b						b				b	
	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 lot		b					b								

Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)
b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]
blank space = activity prohibited.

EXPLANATION: This warrant restores the defined use "parking lot" to the Bar Harbor Gateway district, Mount Desert Street Corridor district, Downtown Village I district, Downtown Village II district, Downtown Village Transitional district and Shoreland General Development III district as a use allowed by Planning Board Site Plan Review. The use was removed from these areas in 2010 when the current districts were adopted. This warrant adds the use "parking lot" to the Educational Institutional district, Hulls Cove Business district, Ireson Hill Corridor district, Marine Research district and Scientific Research district as a use allowed by Planning Board Site Plan Review. Parking lot is defined as: "An open area other than a street used for the parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers." Parking lots are regulated in the Land Use Ordinance for dimensional, design and locational standards.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a2

LAND USE ORDINANCE AMENDMENT – Accessory Uses and Accessory Use Parking – Shall an Ordinance dated x, 2016 and entitled "An amendment to clarify the definition of accessory use to include accessory use parking; an amendment to permit accessory uses in the Mount Desert Street Corridor district, Downtown Village I district, Downtown Village II district, Downtown Village Transitional district; an amendment to delete redundant accessory use parking lot uses and to clarify that legally constituted accessory uses and structures are allowed in the following districts: Downtown Residential district, Educational Institutional district, Emery district, Hulls Cove Business district, Hulls Cove Residential district, Hulls Cove Rural district, Indian Point Rural district, Industrial district, Ireson Hill Corridor district, Ireson Hill Residential district, McFarland Hill Residential district, McFarland Hill Rural district, Marine Research district, Otter Creek district, Resource Protection district, Salisbury Cove Corridor district, Salisbury Cove Residential district, Salisbury Cove Rural district, Salisbury Cove Village district, Schooner Head district, Scientific Research district, Shoreland General Development I district, Shoreland General Development II district, Shoreland Limited Residential district, Stream Protection district, Town Hill Business district, Town Hill Residential Corridor district, Town Hill Residential district and Town Hill Rural district in the Land Use Ordinance" be enacted?

Accessory Uses and Accessory Use Parking

An amendment to add language to the definition of accessory use to include parking as an accessory use, an amendment to allow accessory uses in every district, an amendment to delete redundant accessory parking lot uses from certain districts, an amendment to clarify that legally constituted accessory uses and structures are allowed in certain districts.

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:

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

§ 125-19 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.

§ 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; farmers market; home occupation.

[Amended 11-5-2013; 6-14-2016]

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction; automobile sales lot; automobile repair garage; retirement community.

[Amended 6-14-2016]

(3) Uses allowed by conditional use permit: public utility facility.

[Added 6-9-2015]

(4) 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.

§ 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; farmers market; single-family dwelling; two-family dwelling; home occupation.

[Amended 6-14-2016]

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community.

[Amended 6-14-2016]

(3) Uses allowed only by conditional use permit: public utility facility.

[Added 6-9-2015]

(4) 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.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.
[Amended 6-14-2016]
(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; farmers market; home occupation.
(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community.
(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.

[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 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 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

Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)

b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]

c = Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built.

1 = CEO permit required for uses or structures accessory to uses or structures requiring CEO permit; Planning Board/Planning Department approval required for uses or structures accessory to uses or structures requiring Planning Board/Planning Department approval. [Amended 5-5-2003]

2 = CEO permit required for uses or structures with total developed area not exceeding 2,000 square feet; Planning Board approval required for uses or structures with total developed area of more than 2,000 square feet.

12 = Except when the area is designated resource protection due to floodplain, in which case a site plan review is required. [Amended 6-8-2010]

blank space = activity prohibited.

EXPLANATION: This warrant adds language to the definition of accessory use stating that parking is considered a permitted accessory use. It adds accessory use to the Mount Desert Street Corridor district, Downtown Village I district, Downtown Village II district, Downtown Village Transitional district. Every other district expressly allows accessory uses and structures. This warrant deletes the redundant accessory use parking lot uses, and the warrant clarifies that legally constituted accessory uses and structures are allowed in the following districts: Downtown Residential district, Educational Institutional district, Emery district, Hulls Cove Business district, Hulls Cove Residential district, Hulls Cove Rural district, Indian Point Rural district, Industrial district, Ireson Hill Corridor district, Ireson Hill Residential district, McFarland Hill Residential district, McFarland Hill Rural district, Marine Research district, Otter Creek district, Resource Protection district, Salisbury Cove Corridor district, Salisbury Cove Residential district, Salisbury Cove Rural district, Salisbury Cove Village district, Schooner Head district, Scientific Research district, Shoreland General Development I district, Shoreland General Development II district, Shoreland Limited Residential district, Stream Protection district, Town Hill Business district, Town Hill Residential Corridor district, Town Hill Residential district and Town Hill Rural district.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a3

LAND USE ORDINANCE AMENDMENT – Parking Deck – Shall an Ordinance dated x, 2016 and entitled "An amendment to define parking deck and add parking deck use to the following districts: Bar Harbor Gateway district, Downtown Village I district, Downtown Village II district, Shoreland General Development III district, Educational Institutional district, Marine Research district and Scientific Research district in the Land Use Ordinance" be enacted?

Parking Deck

An amendment to define the term "parking deck" and to add parking deck use to the Bar Harbor Gateway district, Downtown Village I district, Downtown Village II district, Shoreland General Development III district, Educational Institutional district, Marine Research district and Scientific Research district in the Land Use Ordinance as a principal 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 underlined.]

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 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.

[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.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.
[Amended 6-14-2011]

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

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities...

§ 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; farmers market; home occupation.
[Amended 11-5-2013; 6-14-2016]
(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; road construction; automobile sales lot; automobile repair garage; retirement community.
[Amended 6-14-2016]
(3) Uses allowed by conditional use permit: public utility facility.
[Added 6-9-2015]

§ 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; farmers market; single-family dwelling; two-family dwelling; home occupation.
[Amended 6-14-2016]
(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community.
[Amended 6-14-2016]
(3) Uses allowed only by conditional use permit: public utility facility.
[Added 6-9-2015]

§ 125-49.1 Shoreland General Development III.

C. Allowed uses.
(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling and two-family dwelling.
(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.
D. Uses allowed by site plan.
(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or

congregate housing; parking 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 deck		b												b	
	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 deck							b								

Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)

b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]

blank space = activity prohibited.

EXPLANATION: The term parking deck is defined to establish a structural parking alternative somewhere between parking lot and parking garage. Parking decks typically consist of at grade parking and one level of structured parking directly above. Parking decks can be designed to utilize existing grades to eliminate the need for internal ramps in the structure. This warrant adds parking deck to the following districts: Bar Harbor Gateway district, Downtown Village I district, Downtown Village II district, Shoreland General Development III district, Educational Institutional district, Marine Research district and Scientific Research district.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a4

LAND USE ORDINANCE AMENDMENT – Off-site Off-street Parking – Shall an Ordinance dated x, 2016 and entitled "An amendment to add regulations to allow greater utilization of off-site, off-street parking regulations and to add parking reference citations in certain districts in the Land Use Ordinance" be enacted?

Off-site, Off-street Parking

An amendment to add regulations to allow for greater utilization of off-site, off-street parking and to add parking reference citations in certain districts.

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.

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]
(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.

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.

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.

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.

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.

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)).

[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-site, 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) Such off-site, off-street parking lots 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.

(b) Such off-site, off-street parking lot shall be located in a district that permits the use of the principal building or use.

EXPLANATION: This warrant makes provisions for off-site, off-street parking through Planning Board Site Plan review. It adds reference citations to make clear that this district is subject to parking regulations found in a different part of the ordinance. It clarifies the circumstances under which parking is required.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a5.1

LAND USE ORDINANCE AMENDMENT – Parking Garage – Shall an Ordinance dated x, 2016 and entitled "An amendment to define the use "parking garage" and to restore parking garage use permitted by Planning Board site plan review to the Bar Harbor Gateway district in the Land Use Ordinance" be enacted."

Parking Garage

An amendment to define the use "parking garage" and 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.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.
[Amended 6-14-2011]
(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.
(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking garage; 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

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

~~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.

EXPLANATION: This warrant article defines the use "parking garage" and restores parking garage use approved by Planning Board Site Plan review in the Bar Harbor Gateway district. The parking garage use was permitted in this location prior to the adoption of the current zoning in 2010. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a5.2

LAND USE ORDINANCE AMENDMENT – Parking Garage – Shall an Ordinance dated x, 2016 and entitled "An amendment to define the use "parking garage" and to restore parking garage use allowed by Planning Board site plan review to the Downtown Village district I in the Land Use Ordinance" be enacted."

Parking Garage

An amendment to define the use "parking garage" and 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; farmers market; home occupation.
[Amended 11-5-2013; 6-14-2016]
(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; automobile sales lot; automobile repair garage; retirement community.
[Amended 6-14-2016]
(3) Uses allowed by conditional use permit: public utility facility.
[Added 6-9-2015]

[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:

~~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.

EXPLANATION: This warrant article defines the use "parking garage" and restores parking garage use approved by Planning Board Site Plan review in the Downtown Village I district. The parking garage use was permitted in this location prior to the adoption of the current zoning in 2010. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a5.3

LAND USE ORDINANCE AMENDMENT – Parking Garage – Shall an Ordinance dated x, 2016 and entitled "An amendment to define the use "parking garage" and to restore parking garage use allowed by Planning Board site plan review to the Downtown Village II district in the Land Use Ordinance" be enacted."

Parking Garage

An amendment to define the use "parking garage" and 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; farmers market; single-family dwelling; two-family dwelling; home occupation.
[Amended 6-14-2016]
(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; automobile sales lot; automobile repair garage; retirement community.
[Amended 6-14-2016]
(3) Uses allowed only by conditional use permit: public utility facility.
[Added 6-9-2015]

[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:

~~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.

EXPLANATION: This warrant article defines the use "parking garage" and restores parking garage use approved by Planning Board Site Plan review in the Downtown Village II district. The parking garage use was permitted in this location prior to the adoption of the current zoning in 2010. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a5.4

LAND USE ORDINANCE AMENDMENT – Parking Garage – Shall an Ordinance dated x, 2016 and entitled "An amendment to define the use "parking garage" and to add parking garage use by Planning Board site plan review to the Educational Institutional district in the Land Use Ordinance" be enacted."

Parking Garage

An amendment to define the use "parking garage" and to add parking garage use, to the Educational Institutional 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	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		b													
	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															

Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)

b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]

blank space = activity prohibited.

[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:

~~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.

EXPLANATION: This warrant article defines the use "parking garage" and adds parking garage use approved by Planning Board Site Plan review in the Educational Institutional district. The Educational Institutional district is in the area of College of the Atlantic. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a5.5

LAND USE ORDINANCE AMENDMENT – Parking Garage – Shall an Ordinance dated x, 2016 and entitled "An amendment to define the use "parking garage" and to add parking garage use by Planning Board site plan review to the Marine Research district in the Land Use Ordinance" be enacted."

Parking Garage

An amendment to define the use "parking garage" and to add parking garage use, to the Marine Research 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	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														b	
	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															

Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)

b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]

blank space = activity prohibited.

[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:

~~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.

EXPLANATION: This warrant article defines the use "parking garage" and adds parking garage use approved by Planning Board Site Plan review in the Marine Research district. The Marine Research district is in the area of MDI Biological Laboratory. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

Draft Order

Of the Bar Harbor Town Council
For the June x, 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 a5.6

LAND USE ORDINANCE AMENDMENT – Parking Garage – Shall an Ordinance dated x, 2016 and entitled "An amendment to define the use "parking garage" and to add parking garage use by Planning Board site plan review to the Scientific Research for Eleemosynary Purpose district in the Land Use Ordinance" be enacted."

Parking Garage

An amendment to define the use "parking garage" and to add parking garage use, to the Scientific Research for Eleemosynary Purpose 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	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															
	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							b								

Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)

b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]

blank space = activity prohibited.

[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:

~~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.

EXPLANATION: This warrant article defines the use "parking garage" and adds parking garage use by Planning Board site plan review to the Scientific Research for Eleemosynary Purposes district. The Scientific Research district is in the area of The Jackson Laboratory. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

MEMORANDUM

DATE: NOVEMBER 3, 2016

TO: BAR HARBOR TOWN COUNCIL

FROM: ROBERT OSBORNE, PLANNING DIRECTOR

RE: FERRY TERMINAL LUO DISCUSSION

The Planning Board offers the attached draft warrant article to craft a new district for the ferry terminal site located at 121 Eden Street. The Board reached a general consensus on the draft language and zoning map amendment. Each Board member indicated that they support creating a district in which cruise ship operations may be conducted. They propose to create a new district, the Shoreland Maritime Activities District that would be limited to this one parcel of land.

The language is crafted is such a way as to propose that the land be used for water related uses with a group of other uses that might be done accessory to the water related uses. For example a hotel can be an accessory use but not if the water related use is eliminated.

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 and shall include bank; farmers market; hotel; multifamily dwelling I; multifamily dwelling II; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; services.

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.

§ 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.

MAP AMENDMENT

Assign the Shoreland Maritime Activities District to the following Property Tax Map and Lot number pursuant the Official Neighborhood District Map of Bar Harbor, Maine effective November 5, 2013:

Map and Lot
231-004-000

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.

MEMORANDUM

DATE: OCTOBER 28, 2016

TO: BAR HARBOR TOWN COUNCIL

FROM: ROBERT OSBORNE, PLANNING DIRECTOR

RE: MINIMUM AREA PER FAMILY LUO DISCUSSION

The Planning Board offers the attached draft warrant article to adjust the minimum area per family in the Downtown Village I and Downtown Village II districts down from 750 sq. ft. to 400 sq. ft. The effect of this change is: At the current standard a 5,000 sq. ft. lot located it these two districts would allow 6 dwelling units. After the change the 5,000 sq. ft. lot would allow 12 dwelling units. This could translate into a three-story building with four dwellings per floor or a three-story building with a first floor of retail space and either four or six dwelling units per floor on the second and third floor.

It would appear that this standard would allow significantly more development opportunity but does not throw the door open to tiny 80 sq. ft. apartments.

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 c

LAND USE ORDINANCE AMENDMENT – Minimum Area Per Family – Shall an Ordinance dated x, 2016 and entitled "An amendment to adjust minimum area per family in the Downtown Village I district and Downtown Village II district in the Land Use Ordinance" be enacted?

Minimum Area Per Family

An amendment to adjust the required minimum area per family within the Downtown Village I and Downtown Village II districts.

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.

B. Dimensional standards.
(1) Minimum lot size: 1,000 square feet.

(2) Minimum road frontage and lot width: 20 feet.
(3) Minimum front setback: zero feet.
(4) Minimum side setback: 25 feet on any side yard that abuts a residential or historic district; zero feet elsewhere.
(5) Minimum rear setback: 25 feet on any rear yard that abuts a residential or historic district; zero feet elsewhere.
(6) Maximum allowable lot coverage: 100%, exclusive of setbacks.
(7) Maximum height: 45 feet and within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:
(a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;
(b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
(c) The building must provide a minimum number of dwelling units (See Table 3.[2]) which qualify as affordable housing as defined or otherwise provided.
[2]Editor's Note: Table 3 is included as an attachment to this chapter.
(8) Minimum lot area per family: 400 ~~750~~ square feet.

§ 125-21.1 Downtown Village II.

B. Dimensional standards.
(1) Minimum lot size: 1,000 square feet.
(2) Minimum road frontage and lot width: 20 feet.
(3) Minimum front setback:
(a) Ten feet for buildings up to 30 feet in height.
(b) Twenty feet for buildings over 30 feet and up to 45 feet in height.
(c) Ten feet for buildings up to 45 feet in height, provided that the portion of the building above 30 feet in height meets all three of the following conditions:
[1] The portion of the building which is above 30 feet in height shall be set back no fewer than 20 feet from the front property line;
[2] The dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
[3] The building must provide a minimum number of residential units (See Table 3.[2]) which qualify as affordable housing as defined or as otherwise provided.
[2]Editor's Note: Table 3 is included as an attachment to this chapter.
(4) Minimum side setback: zero feet.
(5) Minimum rear setback: 20 feet for buildings on any yard that abuts a residential district; 10 feet for accessory structures and parking on any yard that abuts a residential district; five feet elsewhere.
(6) Maximum lot coverage:
(a) Ninety percent for buildings up to 30 feet in height.
(b) Eighty percent for buildings over 30 feet and up to 35 feet in height.
(c) Seventy percent for buildings over 35 feet and up to 45 feet in height.

(7) Maximum height: 45 feet and: within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:
(a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;
(b) These dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
(c) The building must provide a minimum number of dwelling units (See Table 3.[3]) which qualify as affordable housing as defined or otherwise provided.
[3]Editor's Note: Table 3 is included as an attachment to this chapter.
(8) Minimum lot area per family: 400 ~~750~~ square feet.

EXPLANATION: The term minimum area per family is a metric utilized to require a certain number of square feet of land area for each dwelling unit or "family" on a lot within the Town. The proposed change would reduce the minimum area required per family requirement in the Downtown Village I and Downtown Village II districts in order to facilitate construction of additional dwelling units in the location with the most demand. These districts already allow between 75 percent to 100 percent lot coverage (building and pavement). The anticipated visual impact of this amendment: The Land Use Ordinance would allow an additional story (floor) of apartments.