

# Order

of the Bar Harbor Town Council

For the November 5, 2019, Town Meeting

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

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## Warrant Article

**Article ? – Land Use Ordinance Amendment – Shall an ordinance, dated May ??, 2019, to amend Article III Land Use Activities and Standards; Article V Site Plan Review §125-67 General Review Standards (Parking Requirements) and §125-69 Standards for Particular Uses, Structures, or Activities; and Article XII Construction and Definitions, be enacted?**

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## Employee Dormitory, Rooming House, and Workforce Housing

Summary: Add definitions for Employee Dormitory, Rooming House, and Workforce Housing; amend the definition of family; allow these activities in certain districts; and provide parking standards and standards specific to these particular uses.

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

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

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**Article III**

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**Land Use Activities and Standards**

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**§ 125-17 Bar Harbor Gateway.**

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**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; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines; ~~and~~ wireless communication facilities; employee dormitory; rooming house; and workforce dormitory.

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**§ 125-19 Mount Desert Street Corridor District.**

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**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; theaters; rooming house; and workforce dormitory.
- (3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

(4) Employee Dormitory.

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**§ 125-21 Downtown Village I.**

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**C. Allowed uses:**

- (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; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; employee dormitory; rooming house; and workforce dormitory.

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**§ 125-21.1 Downtown Village II.**

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**C. Allowed uses.**

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; 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; veterinary clinic; employee dormitory; rooming house; and workforce dormitory.

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**§ 125-21.2 Downtown Village Transitional.**

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**C. Allowed uses.**

(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; employee dormitory; rooming house; and workforce dormitory.

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**§ 125-22 Downtown Residential.**

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**D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:**

Child-care center

Hospital

Multifamily dwelling I

Parking garage and parking lot

Place of worship

Road construction

Rooming house

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

Workforce dormitory

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**§ 125-24 Hulls Cove Business.**

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**D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:**

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Employee dormitory

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Rooming house

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

Workforce housing

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§ 125-27 Hulls Cove Rural.

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Mineral extraction

Mineral extraction and processing

Mobile home park

Municipal school

Place of worship

Retirement community

Road construction

Rooming house

Transient accommodations (TA-1)

Wireless communications facility

Workforce dormitory

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§ 125-31 Ireson Hill Corridor.

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Employee dormitory

Mineral extraction

Mineral extraction and processing

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

Rooming house

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

Workforce housing

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**§ 125-42 Scientific Research for Eleemosynary Purposes.**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Employee dormitory

Parking deck

Parking lot

Road construction

Rooming house

Wireless communications facility

Workforce dormitory

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**§ 125-43 Town Hill Business.**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station  
Bank  
Campground  
Commercial boatyard  
Eleemosynary, educational or scientific institution  
Food processing and freezing (excluding slaughterhouse)  
Food processing and freezing  
Hospital  
Light manufacturing/assembly plant  
Mobile home park  
Multifamily dwelling I  
Multifamily dwelling II  
Municipal school  
Newspaper or printing facility  
Parking garage and parking lot  
Research facility  
Research production facility  
Road construction  
Rooming house  
Terminal yard and trucking facility  
Transient accommodations (TA-1)  
Transient accommodations (TA-2)  
Transient accommodations (TA-3)  
Transient accommodations (TA-4)  
Transient accommodations (TA-5)  
Transient accommodations (TA-6)  
Transient accommodations (TA-7)  
Transient accommodations (TA-8)

Upholstery shop

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

Workforce dormitory

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**§ 125-44 Town Hill Residential Corridor.**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Municipal facility and grounds

Place of worship

Road construction

Rooming house

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

Workforce dormitory

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**§ 125-47 Shoreland General Development I.**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge



Commercial fish pier

Commercial structure

Employee dormitory

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

Road construction

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Ships chandlery

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

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§ 125-49 Shoreland General Development II (Hulls Cove).

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built.

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Commented [mg1]: Consider adding "Rooming house"

Employee dormitory

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Rooming house

Single-family dwelling

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**§ 125-49.1 Shoreland General Development III.**

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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; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, ~~and~~ wireless communication facilities; and employee dormitory.

Commented [mg2]: Consider adding rooming house

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**§ 125-51 Marine Research.**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Employee dormitory

Nonresidential facility for education and scientific purposes

Parking deck

Parking lot

Research facility

Residential facility for use by employees, students, trainees or visiting scientists and academicians, such facilities being necessary for the furtherance of the institutional mission

Road construction

Rooming house

Transient accommodations, nonprofit

Wireless communications facility

Workforce dormitory

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§ 125-51.1 Educational Institution.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Employee dormitory

Museum

Parking deck

Parking lot

Pier, dock, wharf, breakwater or other use projecting into the water

Road construction

Rooming house

Student housing

Wireless communications facility

Workforce dormitory

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## Article V

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### Site Plan Review

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#### § 125-67 General review standards.

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#### D. Parking Requirements

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- (3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

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(x) Employee dormitory shall not be required to provide parking.

(y) Rooming house: one parking space.

(z) Workforce dormitory: one space plus once space for every 10 occupants based on maximum capacity or fraction thereof.

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#### § 125-69 Standards for particular uses, structures, and activities.

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#### 125-69 W Employee Dormitory.

##### A. Employee Dormitory. All employee dormitories shall meet the following standards:

(1) Employee dormitories can be attached or stand-alone structures on the same parcel as the principal use.

(2) The gross floor area of an employee dormitory shall not exceed twenty-five (25) percent of the gross floor area of the principal building(s) on the lot.

(3) Density Bonus: Construction of an employee dormitory on the premise of the primary use as defined in 125-69. W(1) is exempt from lot coverage. Other uses and structures on the lot serving the employee dormitory are subject to the lot coverage

requirements. Employee dormitories, and required parking and necessary accessways, are exempt from lot coverage calculations. All other uses, activities, and structures, on the lot, shall be subject to meeting lot coverage requirements.

(4) Employee dormitories shall not be used as vacation rentals and units shall not be sold separately as condominiums.

125-69 X. Rooming House.

A. Rooming House. All rooming houses shall meet the following standards:

(1) Rooming Houses shall not be used as vacation rentals and units shall not be sold separately as condominiums.

125-69 Y. Workforce Dormitory.

A. Workforce Dormitory. All workforce dormitories shall meet the following standards:

(1) Workforce dormitories shall not be used as vacation rentals and units shall not be sold separately as condominiums.

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## Article XII

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### Site Construction and Definitions

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#### § 125-109 Definitions

**EMPLOYEE DORMITORY** – An accessory use to hotels, motels, hospitals, restaurants and transient accommodations, and other businesses where a building or portion of a building is used for group sleeping accommodations solely for on premise employees for more than 16 persons in one room, or a series of closely associated rooms, under joint occupancy and single management.

**FAMILY** – Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit that includes living, sanitary, sleeping, and cooking facilities, such a group to be distinguished from a group occupying a rooming boardinghouse, lodging house, employee dormitory, workforce dormitory, club, fraternity or transient accommodations.

**ROOMING HOUSE** – A building or portion thereof in which group sleeping accommodations are provided for more than 5 but less than 16 persons who are not members of the same family in one room, or a series of closely associated rooms intended to be used for living and sleeping, but not for cooking or eating purposes, under joint occupancy and single management.

**WORKFORCE DORMITORY** – A building or portion of a building in which group sleeping accommodations are provided solely for employees of one or more businesses or institutions for more than 16 persons who are not members of the same family in one room, or a series of closely associated rooms, under joint occupancy and single management.

Commented [mg1]: Inconsistent with the other two definitions (Emp. D and Workforce D.). Consider deleting.