AGENDA
Special Bar Harbor Town Council
By Zoom webinar
June 3, 2020

I. CALL TO ORDER – 5:00 P.M.

II. ADOPTION OF AGENDA

III. REGULAR BUSINESS

A. FY21 Budget – Possible motion to adopt the revised budget and recommend it to the Warrant Committee.

B. 2020 Annual Town Meeting Warrant

1. Council's Recommendations on Warrant Budget Articles.
2. Possible motion for staff to prepare the final Warrant for Council's signature.

IV. ADJOURNMENT

To ensure your full participation in this meeting, please inform us of any special requirements you might have due to a disability. Please call 288-4098

Please click the link below to join the webinar:

https://us02web.zoom.us/j/81787258818?pwd=bnhJcE9Pd2NlVkJnY2R2bThJbW10QT09

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III A

TOWN OF BAR HARBOR
Manager's Office

93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tel. 207-288-4098 Fax 207-288-4461

Cornell F. Knight Town Manager email: cknight@barharbormaine.gov

May 28, 2020

Memo

To: Town Council

From: Cornell Knight, Town Manager CFK

Re: 2021 Revised Budget

Attached is the revised 2021 budget. Due to the pandemic, revenues were reduced in the general fund as well as the cruise ship and parking budgets. The cruise ship budget reflects no ships in calendar year 2020.

As presented there is no tax increase on the municipal side of the budget and a small increase (.6%) for the Connors Emerson school (see page 6). Adding in the Hancock County and MDI High School assessments, the mil rate is estimated to rise 1.5%, from 11.85 to 12.03. A $51 increase on a median valued home (see page 6). The school budgets were reduced to reflect lower fuel oil prices and lower health premiums.

Changes in the budget since you first approved it in February have been highlighted in yellow. There is a summary of the changes on page 4. The only addition to the budget is the increase in CIP tennis court repair from $4,412 to $25,000, as construction estimates ($130,000) came back higher than budgeted.

The budget review is Wednesday June 3rd at 5 pm by zoom webinar. I will send a connection notice next week.

Proposed Adjustments to the FY21 Budget since the Town Council Approval of 1/23/2020

Estimated Property Taxes in 1/23/2020 Budget book:				$	**18,321,072**
mill rate 12.03 or 1.5%		mill rate -12.03			
Changes, Due to:					
Assessments:					
	Final County Assessment	$	(264)		
	High School Assessment	$	88,722	$	**88,458**
Municipal Budget:					
Exp	Eliminate new police hire & benefits	$	(87,121)		
Exp	Other GF line item cuts (9 items)	$	(19,600)		
Exp	Eliminate Island Explorer subsidy	$	(40,902)	$	(147,623)
Rev	Reduce Ambulance billings to FY20 bud	$	23,000		
Rev	Eliminate Mt.Des. PD reimbursement	$	14,390		
Rev	Reduce Rent on Isl Exp bldg to contract	$	15,902		
Rev	Reduce Transfers in From Cship Fd	$	302,789		
Rev	Increase Parking Fd support-Hwy wages	$	(53,173)		
Rev	Reduce MV Excise taxes to FY20 bud	$	35,000	$	337,908
CIP	Reduce for PSBldg budget error	$	(50,000)		
CIP	Revise Estimate for Tennis Courts	$	20,588		
CIP	Budget line item cuts (19)	$	(61,388)		
CIP	Refinance 2010 Bond	$	(47,490)	$	(138,290)
Total Proposed adjustments to Municipal budget:				$	**140,453**
Elementary School:					
Rev	Changes to 3 revenue items	$	(74,000)		
Exp	Reduced to Health Ins. & Heating Fuel	$	(61,147)	$	**(135,147)**
Revised Estimated Budget:				$	**18,326,378**
mill rate 12.03 or 1.5%					
(municipal portion 0% tax rate change)					
Other Budget Cuts made that do not impact taxes:					
	Cruise Ship-Direct Expenses	*$*	*126,683*		
	Parking Fund-Direct Expenses	*$*	*5,000*		
	Direct Exps - Total			*$*	*131,683*
	Cruise Ship-CIP Transfers	*$*	*211,881*		
	Parking Fund-CIP transfers	*$*	*420,000*		
	Capital Transfers to CIP Fund			*$*	*631,881*
				$	*763,564*
	Cruise ShipRevenues	*$*	*959,568*		
	Parking Fund Revenues	*$*	*182,000*		
	Total Revenue cuts			*$*	*1,141,568*

III B

memo

Town of Bar Harbor

To: Town Council

From: Sharon Linscott, Town Clerk

CC: Cornell Knight, Town Manager

Date: 5/27/2020

Re: Draft Annual Town Meeting Warrant and Warrant Recommendations

Attached is the draft 2020 Annual Town Meeting Warrant. Pursuant to Town Charter section C-5 C.(2)(e), the warrant shall include "For each ballot article except Land Use Ordinance amendments and election of officeholders, the recommendation of the Town Council, including the number of Councilors and the number of Councilors voting for and against the recommendation."

The following articles require Council's recommendation of adoption or rejection. They may be taken as one single motion in sections or individually.

Education Budget Articles C through Q:

- Article C – Regular Instruction
- Article D – Special Education
- Article E – Career and Technical Education
- Article F – Other Instruction
- Article G – Student & Staff Support
- Article H – System Administration
- Article I – School Administration
- Article J – Transportation & Buses
- Article K – Facilities Maintenance
- Article L – Debt Service and Other Commitments
- Article M – All Other Expenditures
- Article N – Essential Programs and Services
- Article O – Additional Local Funds
- Article P – Total Expenditures
- Article Q – State, Federal and Other Funds

Municipal Articles R through X:

- Article R – Municipal Budget: Expenditures
- Article S – Municipal Budget: Other Revenues
- Article T – Municipal Budget: Tax Cap Override
- Article U – Municipal Budget: Grants and Donations
- Article V – Prepayment of Taxes
- Article W – Tax Due Date and Interest Rate
- Article X – Overpayment of Taxes

Thank You.

DRAFT - THE WARRANT

ANNUAL TOWN MEETING – JUNE 30 & JULY 14, 2020

TOWN OF BAR HARBOR

STATE OF MAINE **County of Hancock, ss**

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the **MDI High School Gymnasium** in said Town on Tuesday the thirtieth day of June, A. D., 2020 at **seven** o'clock in the afternoon, then and there to act on *Articles A through X;*

And to notify and warn said voters to meet in the **Municipal Building, Third Floor Auditorium** in said Town on Tuesday, the fourteenth day of July, A. D., 2020 at eight o'clock in the forenoon until eight o'clock in the afternoon, then and there to act on *Articles One through Eight* of said articles being set out below to wit:

Reminder

~ Voter Check-in Required ~

"Open Town Meeting", June 30, all Voters must check-in at the table in the lobby outside the gym to obtain a voter card prior to entering the Town Meeting. Voters are encouraged to arrive at least 30 minutes before the start of the meeting.

LD#1, Property Tax Relief, requires voter hand count and written ballot on several Articles.

Action on the following articles will be on the Town Meeting floor
Tuesday, June 30, 2020 starting at 7:00 p.m.
MDI High School Gymnasium

Article A **ELECTION OF MODERATOR** - To choose a Moderator to preside at said meeting.

Article B **ELECTION OF WARRANT COMMITTEE MEMBERS -** To elect Warrant Committee members as required by Section C-34 of the Town Charter.
(Insert slate here)

Note: Articles C through M authorize expenditures in cost center categories.

Article C **EDUCATION BUDGET EXPENDITURES: Regular Instruction -** To see what sum the School Committee is authorized to expend for **Regular Instruction** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$2,899,167	*$2,899,167*	*$2,899,167*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article D **EDUCATION BUDGET EXPENDITURES: Special Education -** To see what sum the School Committee is authorized to expend for **Special Education** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$1,476,693	*$1,476,693*	*$1,476,693*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article E **EDUCATION BUDGET EXPENDITURES: Career and Technical Education –** To see what sum the School Committee is authorized to expend for **Career and Technical Education** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 0	*$ 0*	*$ 0*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article F **EDUCATION BUDGET EXPENDITURES: Other Instruction -** To see what sum the School Committee is authorized to expend for **Other Instruction** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 109,434	*$ 109,434*	*$ 109,434*

The School Committee recommends adoption.

The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article G **EDUCATION BUDGET EXPENDITURES: Student & Staff Support -** To see what sum the School Committee is authorized to expend for **Student & Staff Support** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 593,866	*$ 593,866*	*$ 593,866*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article H **EDUCATION BUDGET EXPENDITURES: System Administration -** To see what sum the School Committee is authorized to expend for **System Administration** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 146,739	*$ 146,739*	*$ 146,739*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article I **EDUCATION BUDGET EXPENDITURES: School Administration -** To see what sum the School Committee is authorized to expend for **School Administration** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 405,174	*$ 405,174*	*$ 405,174*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article J **EDUCATION BUDGET EXPENDITURES: Transportation & Buses -** To see what sum the School Committee is authorized to expend for **Transportation & Buses** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 331,000	*$ 331,000*	*$ 331,000*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article K **EDUCATION BUDGET EXPENDITURES: Facilities Maintenance -** To see what sum the School Committee is authorized to expend for **Facilities Maintenance** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 635,446	*$ 635,446*	*$ 635,446*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article L **EDUCATION BUDGET EXPENDITURES: Debt Service and Other Commitments -** To see what sum the School Committee is authorized to expend for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 0	*$ 0*	*$ 0*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article M **EDUCATION BUDGET EXPENDITURES: All Other Expenditures -** To see what sum the School Committee is authorized to expend for **All Other Expenditures** for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$ 105,000	*$ 105,000*	*$ 105,000*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Note: Articles C – M authorize a total budget of:

School Committee	*Town Council*	*Warrant Committee*
$6,702,519	*$6,702,519*	*$6,702,519*

Note: Articles N & O raise funds for the Proposed School Budget

Article N **EDUCATION BUDGET: Essential Programs and Services –** To see what sum the voters of the Town of Bar Harbor will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (State Recommends $4,064,624) and to see what sum the voters of the Town of Bar Harbor will raise as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2020 to June 30, 2021.

***Explanation**: The Town of Bar Harbor's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
State Subsidy	*$ 585,536*	*$ 585,536*	*$585,536*
Town's Minimum Share	*$3,479,088*	*$3,479,088*	*$3,479,088*
State's Essential Programs & Services Model	*$4,064,624*	*$4,064,624*	*$4,064,624*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Note: Article O raises additional local funds recommended to support the proposed school budget

Article O **EDUCATION BUDGET: Additional Local Funds -** To see what sum the voters of the Town of Bar Harbor will raise and appropriate in additional local funds for school purposes for the period July 1, 2020 to June 30, 2021, which exceeds the State's Essential Programs and Services allocation model by as required to fund the budget recommended by the school committee.

Written Ballot Vote Required

***Explanation**:*
The additional local funds are those locally raised funds over and above the Town of Bar Harbor's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-

state funded debt service that will help achieve the Town of Bar Harbor's budget for educational programs. The School Committee recommends the additional local funds shown below and gives the following reasons for exceeding the State's Essential Programs and Services funding model. The State funding model underestimates the actual costs to fully fund the proposed budget.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
Additional Local Funds	*$2,283,955*	*$2,283,955*	*$2,283,955*
Exceeding EPS by	*$2,283,955*	*$2,283,955*	*$2,283,955*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Note: Articles N & O raise a total town appropriation of:

School Committee	*Town Council*	*Warrant Committee*
$5,763,043	*$5,763,043*	*$5,763,043*

Note: <u>Article P summarizes the proposed school budget and does not authorize any additional expenditures</u>

Article P **EDUCATION BUDGET: Total Expenditures-** To see what sum the voters of the Town of Bar Harbor will authorize the School Committee to expend for the fiscal year beginning July 1, 2020 and ending June 30, 2021 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Recommendations:	*School Committee*	*Town Council*	*Warrant Committee*
	$6,702,519	*$6,702,519*	*$6,702,519*

The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article Q **EDUCATION BUDGET: State, Federal, and Other Funds -** In addition to the amount in Articles C – P, shall the School Committee be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2020-2021 for school purposes provided that

such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

Current Year Totals: $226,152

Recommendations:
The School Committee recommends adoption.
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article R **MUNICIPAL BUDGET: Expenditures -** To see what sum the Town will raise and appropriate for the Municipal Budget for FY21 (7/1/20 TO 6/30/21).

Explanation:
This is the total amount that the Town Council is allowed to spend from all sources except grants and donations, as provided in Article U, and from reserve accounts.

Recommendations:	*Town Council*	*Warrant Committee*
Total Expenditures	*$15,493,028*	*$15,493,028*

The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article S **MUNICIPAL BUDGET: Other Revenues -** To see what sum the Town will vote to reduce the amount to be raised by taxation by using estimated revenues and fund balance for the Municipal Budget for FY21 (7/1/20 TO 6/30/21).

Explanation:
In addition to property taxes, the Town receives other revenues from fees, licenses, excise taxes, etc., and we sometimes use monies left over from prior years (fund balance). The funds shown in this article reduce the amount of property taxes that have to be raised.

Recommendations:	*Town Council*	*Warrant Committee*
Other Revenues	*$ 6,574,330*	*$ 6,574,330*
Fund Balance	*$ 55,000*	*$ 55,000*
Fund Balance - Cruise Sh. Fund	*$ 205,588*	*$ 205,588*
Fund Balance - Parking Fund	*$ 268,592*	*$ 268,592*

The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article T **MUNICIPAL BUDGET: Tax Cap Override** – To see if the Town will vote to increase the property tax levy limit of *$8,279,884* established for the Town of Bar Harbor by State law in the event that the FY21 Municipal Budget approved by the Town results in a tax commitment that is greater than the property tax levy limit.

Written Ballot Vote Required.

Explanation:
In 2005 the State Legislature passed a "tax reform" law known as LD#1. This bill created a maximum municipal tax levy based upon this year's tax, plus an allowance for personal income growth and the town's tax base growth due to new construction. However, LD#1 allows Bar Harbor voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot. Using the State's formula, the maximum tax levy for Bar Harbor's Municipal Budget is $8,279,884. As detailed in your copy of the annual Town Report, currently the proposed budget is $109,633 over the tax cap.

Recommendations:
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article U **MUNICIPAL BUDGET: Grants and Donations –** In addition to the amount in Article R, shall the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY21 (7/1/20 TO 6/30/21) for municipal purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated?

Explanation:
From time to time, the Town Council receives funds from state and federal grants, and donations, as well as sources other than local tax dollars. This article gives the Town Council the authority to spend such funds, as long as no local property tax dollars are required to match them, other than those already in the budget.

Recommendations:
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article V **PREPAYMENT OF TAXES -** To see if the Town will vote to accept tax payments prior to the commitment date and to pay interest on said tax payments in the amount of 0% per year figured on a monthly basis until the tax commitment date is reached.

Explanation:
On rare occasions, taxpayers need to pay their taxes before they have been billed. The Town Treasurer cannot accept such early payments unless an article is passed.

Recommendations:
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article W **TAX DUE DATE AND INTEREST RATE -** To see if the Town will vote that the first half taxes shall be due and payable on or before September 30, 2020 and that second half taxes shall be due and payable on or before March 31, 2021 and that

interest shall be charged at the annual rate of 9.0% on any unpaid taxes due on September 30, 2020 beginning October 1, 2020 and on any unpaid taxes due March 31, 2021 beginning April 1, 2021.

Explanation:
The due dates proposed are essentially the same as last year. The proposed interest rate is the highest allowed by State Law to encourage taxes to be paid on time.

Recommendations:
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Article X **OVERPAYMENT OF TAXES -** To see if the Town will vote to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2020 at 5.0% per year on the amount of overpayment.

Explanation:
If a taxpayer prevails in a tax assessment appeal against the Town, we must pay interest on the tax amount being refunded. The Town is required by law to set the interest amount each year. We are suggesting the lowest interest rate allowed by law, which is 4% less than what we charge for late payments.

Recommendations:
The seven-member Town Council recommends adoption by a vote of X to Y.
The 22-member Warrant Committee recommends adoption by a vote of X to Y.

Election of Town Officers

Action on the following articles will be at the Town Election with

Polls Open Tuesday, July 14, 2020 from 8:00 a.m. to 8:00 p.m.

Municipal Building Auditorium

Article 1 - ELECTION OF OFFICERS - To elect Town Officers as are required to be elected by secret ballot.

Article 2 - LAND USE ORDINANCE AMENDMENT – Addressing Officer – Shall an ordinance dated December 16, 2019 and entitled "An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor" be enacted?

Addressing Officer

An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor

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 V Site Plan Review

***

§ 125-66 Submission requirements

***

K. Assessor's certification of street names. Written certification of the ~~Municipal Tax Assessor~~ <u>Addressing Officer (as defined in Chapter 5, §5-5)</u> that the proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

§ 125-67 General review standards

***

G. Streets, sidewalks and access.

***

(4) Names.

***

(b) No plan shall be approved unless the Planning Board finds that the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) has issued written certification that proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

EXPLANATION:
The replacement of the words "Municipal Tax Assessor" with the words "Addressing Officer" updates the Land Use Ordinance and aligns it with language used in Chapter 5 (Addressing Ordinance) of the town's Municipal Code (which took effect November 14, 2019).

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 18 to 0.

Article 3 - LAND USE ORDINANCE AMENDMENT – Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District

An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting

by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities 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.); multifamily dwelling I; municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.

***

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.

***

§ 125-18 Village Historic

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; multifamily dwelling I; vacation rentals; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

***

D. Uses allowed by site plan.

(1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following uses shall be permitted in the district: bed-and-breakfast I; eleemosynary; private club.

(2) In addition to the above-noted uses, the following uses shall be permitted for properties with road frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only: municipal schools, museums.~~, multifamily I, two-family dwellings.~~

***

§ 125-19 Mount Desert Street Corridor

***

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, multifamily dwelling I, 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 dwelling ~~I and~~ II; theaters.

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

***

§ 125-20 Village Residential

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; multifamily dwelling I; roadside stand; 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 use.

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.

***

§ 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; multifamily dwelling I; 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.

(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.

***

§ 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; multifamily dwelling I.

(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.

***

§ 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; multifamily dwelling I; 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.

***

§ 125-22 Downtown Residential

***

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

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-24 Hulls Cove Business

***

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

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-26 Hulls Cove Residential Corridor

***

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:

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor

***

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

Mineral extraction

Mineral extraction and processing

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

***

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

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-32 Ireson Hill Residential

***

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:

Cemetery

Eleemosynary, educational or scientific institution

~~Multifamily dwelling I~~

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-37 Salisbury Cove Corridor

***

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:

Cemetery

Kennel, boarding

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-38 Salisbury Cove Residential

***

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:

Kennel, boarding

~~Multifamily dwelling I~~

Road construction

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-40 Salisbury Cove Village

***

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

Marina

~~Multifamily dwelling I~~

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

***

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

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business

***

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

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

***

§ 125-44 Town Hill Residential Corridor

***

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

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

***

§ 125-45 Town Hill Residential

***

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

Commercial stable

Marina

Mobile home park

~~Multifamily dwelling I~~

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

***

§ 125-47 Shoreland General Development I

***

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

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

***

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

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49 Shoreland General Development II

***

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

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Road construction

~~Single-family dwelling~~

***

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

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 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.); multifamily dwelling I; 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; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.2 Shoreland General Development IV

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, multifamily dwelling I, cabins and cottages, all vacation rentals, artist studio, home occupation, 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. Uses allowed by site plan. The following uses shall be permitted by site plan review in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, ~~multifamily dwelling I,~~ museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

***

§ 125-49.3 Shoreland Maritime Activities

***

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 deck; 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: functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

E. Allowed activities.

(1) Nonintensive 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.~~

***

EXPLANATION:
This amendment will change the permitting authority for all multifamily dwelling I uses from site plan review through the Planning Board process to a permit from the Code Enforcement Officer in all districts where the use is currently allowed. Multifamily dwelling I use is three or four dwelling units on one parcel. Additionally, it will do the following: address an inconsistency in the ordinance by making CEO the permitting authority for two-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by the CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 9 to 7 with 2 abstentions.

Article 4 - LAND USE ORDINANCE AMENDMENT – Employee Living Quarters – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Employee Living Quarters

An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee living quarters; 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.

***

§ 125-19 Mount Desert Street Corridor District.

***

D. Uses allowed by site plan.

***

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

***

§ 125-20 Village Residential.

***

D. Uses allowed by site plan.

***

(2) Uses allowed by conditional use permit:

(a) F~~f~~or properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

(b) Employee living quarters.

***

G. Other requirements:

(1) Accessory structures shall be located in the side and rear yard of the property. Employee living quarters are exempt from this requirement.

***

§ 125-21 Downtown Village I.

***

C. Allowed uses:

***

(2) Uses allowed by site plan review: employee living quarters; 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.

***

§ 125-21.1 Downtown Village II.

***

C. Allowed uses.

***

(2) Uses allowed by site plan review: employee living quarters; 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.

***

§ 125-24 Hulls Cove Business.

***

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 living quarters

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

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

§ 125-31 Ireson Hill Corridor.

***

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

<u>Employee living quarters</u>

Mineral extraction

Mineral extraction and processing

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

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

***

§ 125-40 Salisbury Cove Village.

***

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 living quarters

Marina

Multifamily dwelling I

Place of worship

Road construction

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)

Wireless communications facility

***

§ 125-43 Town Hill Business.

***

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

Employee living quarters

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

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

***

§ 125-45 Town Hill Residential.

***

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

Commercial stable

Employee living quarters

Marina

Mobile home park

Multifamily dwelling I

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

§ 125-47 Shoreland General Development I.

***

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 living quarters

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

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)

***

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

***

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

<u>Employee living quarters</u>

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

***

§ 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; <u>employee living quarters;</u> 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.

***

§ 125-49.3 Shoreland Maritime Activities District.

***

C. Allowed uses.

***

(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 deck; 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: employee living quarters; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

***

~~F. Other requirements.~~

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

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any 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.

***

(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.

***

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

***

§ 125-69 Standards for particular uses, structures, or activities

***

W. Employee living quarters. All employee living quarters shall meet the following standards:

(1) Design: When employee living quarters are visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the employee living quarters shall be visually compatible with the principal building(s) and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building(s).

(2) Setback requirements: Employee living quarters shall meet the same setback requirements as principal structures.

(3) Building footprint area: The total building footprint area of the employee living quarters shall not exceed 25% of the total building footprint area of the principal building(s) on the lot.

(4) Density bonus.

(a) An employee living quarters (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

[1] 63% in the Bar Harbor Gateway district

[2] 44% in the Mount Desert Street Corridor district

[3] 63% with sewers and 31% without sewers in the Village Residential district

[4] 85% in the Hulls Cove Business district

[5] 31% in the Ireson Hill Corridor district

[6] 44% in the Salisbury Cove Village district

[7] 63% in the Town Hill Business district

[8] 19% in the Town Hill Residential district

(b) All other (non-employee living quarters, including its associated accessways and parking) uses, activities, and structures, on the lot, shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

(c) If an employee living quarters (including its associated accessways and parking), increases the lot coverage as allowed under section 125-69 W.(4), it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

(5) Change of Use. A change of use from employee living quarters to another use shall comply with all requirements of this chapter, including lot coverage requirements.

(6) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters.

(7) Every bedroom in employee living quarters shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

***

EMPLOYEE LIVING QUARTERS

An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal structure is located. Employee living quarters serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

***

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, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or employee living quarters.

***

FOOTPRINT AREA, BUILDING

The total square footage of a building or buildings if viewed from above, including areas under overhangs.

***

EXPLANATION:

This amendment would create and define a new use titled "employee living quarters"; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of "family"; and create a new definition titled "floor area, ground"; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities District.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 22-member Warrant Committee recommends adoption by a vote of 14 to 2 with 2 abstentions.

Article 5 - LAND USE ORDINANCE AMENDMENT – Shared Accommodations – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'" be enacted?

Shared Accommodations

An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'

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.

***

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; <u>shared accommodations (SA-1);</u> vacation rentals; single-family dwelling and two-family dwelling.

***

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; shared accommodations (SA-2 and SA-3); 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, shared accommodations (SA-1); single- or two-family dwelling; vacation rentals.

***

D. Uses allowed by site plan.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; shared accommodations (SA-2 and SA-3); theaters.

***

§ 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~~,~~; shared accommodations (SA-1); 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.

(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; shared accommodations (SA-2 and SA-3).

***

§ 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~~,~~; shared accommodations (SA-1); 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.

(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; shared accommodations (SA-2 and SA-3).

***

§ 125-24 Hulls Cove Business.

***

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

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

Shared accommodations (SA-2)

Shared accommodations (SA-3)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor.

***

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

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business.

***

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

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

***

§ 125-44 Town Hill Residential Corridor.

***

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

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any 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.

***

(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.

***

(y) Shared accommodations

[1] Shared accommodations (SA-1): Based on maximum occupancy, parking shall be provided at a rate of 0.5 parking space per occupant in the Bar Harbor Gateway, Mount Desert Street Corridor, Hulls Cove Business, Ireson Hill Corridor, Town Hill Business, and the Town Hill Residential Corridor districts. Parking spaces may be allowed in tandem with a maximum of two vehicles in a row. The minimum area per parking space shall be 136 square feet.

[2] Shared accommodations (SA-2 and SA-3): Based on maximum occupancy, parking shall be provided at a rate of 0.2 parking spaces per occupant in the Bar Harbor Gateway and the Hulls Cove Business districts and 0.1 parking spaces per occupant in the Mount Desert Street Corridor District.

***

§ 125-69 Standards for particular uses, structures, or activities

***

X. Shared accommodations. Every bedroom in shared accomodations shall contain not less than 70 square feet of habitable floor area for each occupant, excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

***

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, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or shared accommodations.

***

SHARED ACCOMMODATIONS

Any group of three or more rooms, other than lodging or vacation rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. There are three different types of shared accommodations:

A. SA-1: 3 to 8 people per structure

B. SA-2: 9 to 32 people per structure

C. SA-3: 33 or more people per structure

***

ARTICLE XIII Design Review

***

§ 125-112 Applicability of design review.

A. Design Review Overlay Districts.

(1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."

(2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor:

the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Village Historic District; and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses, all shared accommodations uses, and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

***

EXPLANATION:
This amendment would create and define a new use titled "shared accommodations" with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of "family".

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 10 to 8.

Article 6 - LAND USE ORDINANCE AMENDMENT – Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district" be enacted?

Official District Boundary Map Amendment for Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Allowed Uses to the Shoreland General Development II District

An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development 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

***

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

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:

Campground (Shoreland Districts)

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

TA-9

***

ARTICLE V Site Plan Review

***

§ 125-67 General Review Standards

***

D. Parking requirements. Any 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.

***

(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.

***

(b) Transient accommodations:

[2] Hotels, motels, TA-9 and conference centers: one parking space for each guest room.

***

ARTICLE XII Construction and Definitions

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

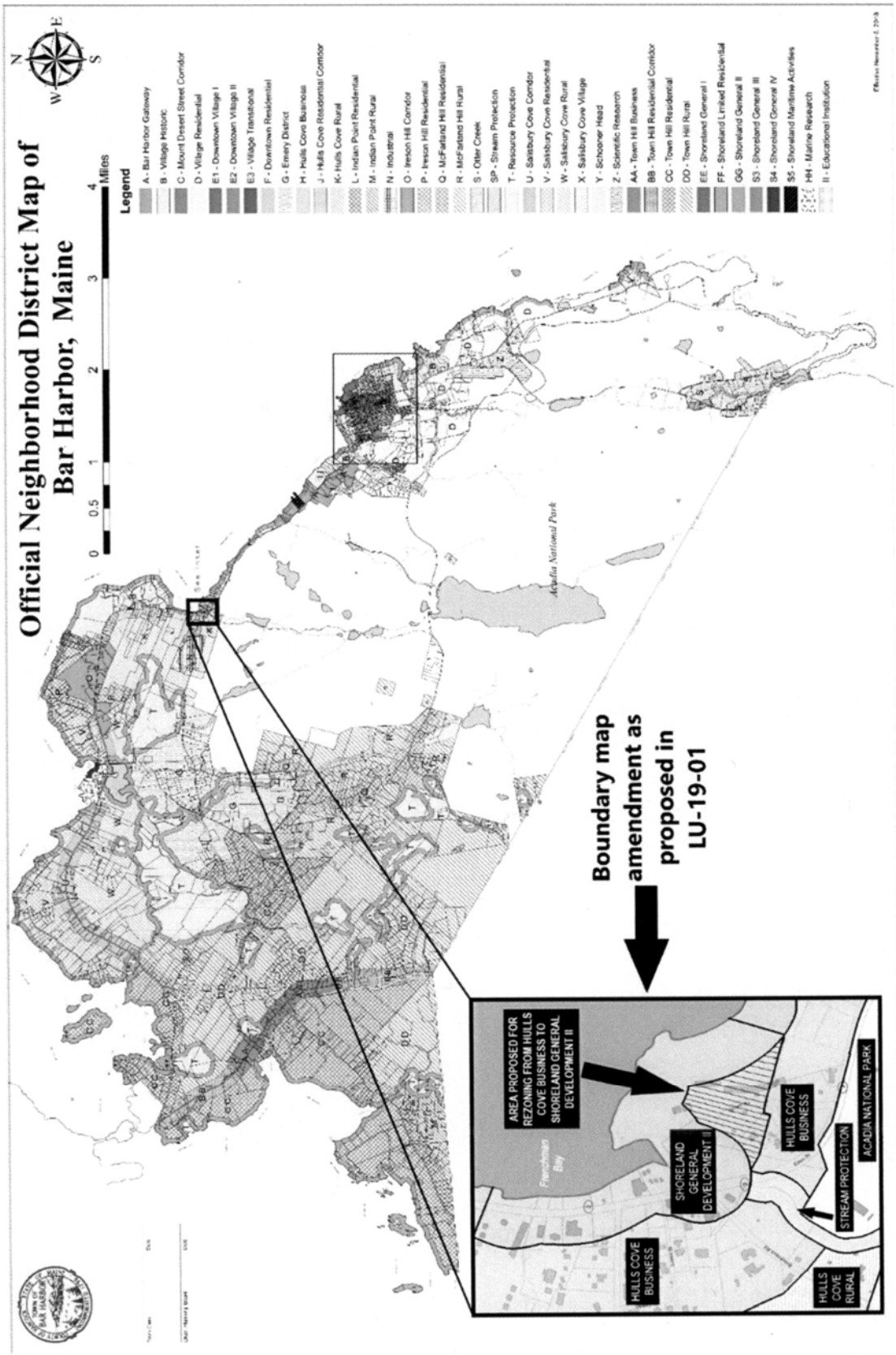
***

TRANSIENT ACCOMMODATIONS

***

I. **TA-9** A building or buildings where for compensation lodging and meals are provided (four to 75 rooms). Accessory uses subject to site plan review include restaurant, conference room, retail establishment, recreational facilities, such as swimming pool, game courts, and recreational rooms or similar uses.

***


Official Neighborhood District Map of
Bar Harbor, Maine
0 0.5 1 2 3 4 Miles
Legend
A - Bar Harbor Gateway
B - Village Historic
C - Mount Desert Street Corridor
D - Village Residential
E1 - Downtown Village I
E2 - Downtown Village II
E3 - Village Transitional
F - Downtown Residential
G - Emery District
H - Hulls Cove Business
J - Hulls Cove Residential Corridor
K - Hulls Cove Rural
L - Indian Point Residential
M - Indian Point Rural
N - Industrial
O - Ireson Hill Corridor
P - Ireson Hill Residential
Q - McFarland Hill Residential
R - McFarland Hill Rural
S - Otter Creek
SP - Stream Protection
T - Resource Protection
U - Salisbury Cove Corridor
V - Salisbury Cove Residential
W - Salisbury Cove Rural
X - Salisbury Cove Village
Y - Schooner Head
Z - Scientific Research
AA - Town Hill Business
BB - Town Hill Residential Corridor
CC - Town Hill Residential
DD - Town Hill Rural
EE - Shoreland General I
FF - Shoreland Limited Residential
GG - Shoreland General II
S3 - Shoreland General III
S4 - Shoreland General IV
S5 - Shoreland Maritime Activities
HH - Marine Research
II - Educational Institution
Acadia National Park
Boundary map amendment as proposed in LU-19-01
AREA PROPOSED FOR REZONING FROM HULLS COVE BUSINESS TO SHORELAND GENERAL DEVELOPMENT II
Frenchman Bay
SHORELAND GENERAL DEVELOPMENT II
HULLS COVE BUSINESS
HULLS COVE BUSINESS
STREAM PROTECTION
ACADIA NATIONAL PARK
HULLS COVE RURAL

EXPLANATION:
This amendment would amend the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, would create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, would amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 3 to 1.
The 22-member Warrant Committee recommends rejection by a vote of 13 to 3 with 1 recusal.

Article 7 – CITIZENS' INITIATIVE: Changes to the Definition of Vacation Rentals in the Land Use Ordinance – Shall the above-described ordinance be adopted?

To See if the Voters of the Town of Bar Harbor will adopt the following changes to the definition of Vacation Rentals in the Land Use Ordinance.

Old language is ~~stricken~~. New language is <u>underlined</u>

§ 125-109 **Definitions.**

VACATION RENTALS

<u>Non-Hosted Vacation Rental</u>

The use of a dwelling unit ~~or portion thereof~~ for rent to a family for a period of less than 30 days and a minimum of five days. Time-share property, as most recently defined in 33 M.R.S.A § 591, is also included in this definition.

<u>Hosted Vacation Rental</u>

<u>The use of a dwelling unit, or portion thereof, on a homestead exemption property, for rent to a family for a period of less than 30 consecutive days.</u>

The list of attached zones it would apply to:

District	Vacation Rental Permitting Authority
Bar Harbor Gateway	CEO
Village Historic	CEO
Mount Desert Street Corridor	CEO

Village Residential	CEO
Downtown Village I	CEO
Downtown Village II	CEO
Downtown Village Transitional	CEO
Downtown Residential	CEO
Emery	CEO
Hulls Cove Business	CEO
Hulls Cove Residential Corridor	CEO
Hulls Cove Rural	CEO
Indian Point Residential	CEO
Indian Point Rural	CEO
Industrial	
Ireson Hill Corridor	CEO
Ireson Hill Residential	CEO
McFarland Hill Residential	CEO
McFarland Hill Rural	CEO
Otter Creek	CEO
Resource Protection	
Salisbury Cove Corridor	CEO
Salisbury Cove Residential	CEO
Salisbury Cove Rural	CEO
Salisbury Cove Village	CEO
Schooner Head	CEO
Scientific Research	CEO
Town Hill Business	CEO
Town Hill Residential Corridor	CEO
Town Hill Residential	CEO
Town Hill Rural	CEO
Shoreland General Dev. I	CEO
Shoreland Limited Residential	CEO
Shoreland General Dev. II	CEO
Shoreland General Dev. III	CEO
Shoreland General Dev. IV	CEO
Shoreland Maritime Activities	
Stream Protection	
Marine Research	
Educational Institution	CEO

CEO – Code Enforcement Officer
SP- Site Plan
Blank – Not allowed

EXPLANATION: The changes would differentiate between owner-occupied vacation rental properties (homestead qualified, year-round residences) and dwelling units owned by non-residents. Non-residents would be prohibited from doing more than a single vacation rental per dwelling unit and from renting for stays of fewer than five days.

Recommendations:
The five-member Planning Board recommends rejection by a vote of 3 to 2.

The 22-member Warrant Committee recommends rejection by a vote of 10 to 5 with 2 abstentions.

Article 8 – STRAW POLL: To gauge the Town's interest, as an advisory vote, are you in favor of the School Board continuing planning efforts for a combined, district-wide middle school?

EXPLANATION:
To gauge the Town's interest, as an advisory vote, in having the School Board continuing planning efforts for a combined, district-wide middle school.

The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, July 14 2020 for election of Town officers and referendum. Absentee ballots will be processed on Saturday, July 11, 2020 starting at 9:00 a.m., or immediately following a requested inspection, and on Election Day every hour on the hour starting at 9:00 a.m. ***Applications for absentee ballots may be made in writing or in person up to and including the day of the election.***

The Registrar of Voters of the Town of Bar Harbor hereby gives notice that she or her designee will be at the Municipal Offices Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, and during poll hours on Election Day for the registration of persons desiring to register for this election. Must provide proof of identity and official document showing residence address, not a post office box. A Maine Driver's license with current residence address would satisfy both requirements.

Given under our hands this sixteenth day of June 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Friedmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

Attest:
A true copy_____
Town Clerk of Bar Harbor, ME

CONSTABLE'S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Offices, being conspicuous public place within said Town on the _____ day of _____ in the year of our Lord Two Thousand and Twenty.

Attest: _____
Constable of the Town of Bar Harbor

Attest: A true copy _____
Town Clerk of Bar Harbor, ME