THE WARRANT

ANNUAL TOWN MEETING – JUNE 7 & 14, 2016

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 **Emerson School Gymnasium** in said Town on Tuesday the seventh day of June, A. D., 2016 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 June, A. D., 2016 at eight o'clock in the forenoon until eight o'clock in the afternoon, then and there to act on *Articles One through Eleven* of said article being set out below to wit:

Reminder

~ Voter Check-in Required ~

"Open Town Meeting", June 7th, 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 7, 2016 starting at 7:00 p.m.
Emerson School Gymnasium

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

Article AA **RESOLUTION** – Recognition of Councilors Bowden and Paradis for many years of service to the Town of Bar Harbor.

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

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, 2016 and ending June 30, 2017.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$2,476,181*	*$2,476,181*	*$2,476,181*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 13 to 0.

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, 2016 and ending June 30, 2017.

	School Committee	*Town Council*	*Warrant Committee*
Recommendations:	*$1,355,932*	*$1,355,932*	*$1,355,932*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 13 to 0.

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, 2016 and ending June 30, 2017.

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

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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, 2016 and ending June 30, 2017.

	School	*Town*	*Warrant*
Recommendations:	*Committee*	*Council*	*Committee*
	$ 79,687	*$ 79,687*	*$ 79,687*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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, 2016 and ending June 30, 2017.

	School	*Town*	*Warrant*
Recommendations:	*Committee*	*Council*	*Committee*
	$ 590,571	*$ 590,571*	*$ 590,571*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 13 to 0.

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, 2016 and ending June 30, 2017.

	School	*Town*	*Warrant*
Recommendations:	*Committee*	*Council*	*Committee*
	$ 121,585	*$ 121,585*	*$ 121,585*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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, 2016 and ending June 30, 2017.

	School	*Town*	*Warrant*
Recommendations:	*Committee*	*Council*	*Committee*
	$ 358,966	*$ 358,966*	*$ 358,966*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 13 to 0.

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, 2016 and ending June 30, 2017.

	School	*Town*	*Warrant*
Recommendations:	*Committee*	*Council*	*Committee*
	$ 251,030	*$ 251,030*	*$ 251,030*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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, 2016 and ending June 30, 2017.

	School	*Town*	*Warrant*
Recommendations:	*Committee*	*Council*	*Committee*
	$ 559,777	*$ 559,777*	*$ 559,777*

The School Committee recommends adoption.

The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 13 to 0.

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, 2016 and ending June 30, 2017.

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

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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, 2016 and ending June 30, 2017.

	School	*Town*	*Warrant*
Recommendations:	*Committee*	*Council*	*Committee*
	$ 115,000	*$ 115,000*	*$ 115,000*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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

School	*Town*	*Warrant*
Committee	*Council*	*Committee*
$5,908,729	*$5,908,729*	*$5,908,729*

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 $3,911,453) 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, 2016 to June 30, 2017.

***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	*$ 290,474*	*$ 290,474*	*$ 290,474*
Town's Minimum Share	*$3,620,979*	*$3,620,979*	*$3,620,979*
State's Essential Programs & Services Model	*$3,911,453*	*$3, 911,453*	*$3, 911,453*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Note: <u>Article O raises additional local funds recommended to support the proposed school budget</u>

Article O **EDUCATION BUDGET: Tax Cap Override -** 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, 2016 to June 30, 2017, 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	*$1,744,136*	*$1,744,136*	*$1,744,136*
Exceeding EPS by	*$1,665,783*	*$1,665,783*	*$1,665,783*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 13 to 0.

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

School Committee	*Town Council*	*Warrant Committee*
$5,365,115	*$5,365,115*	*$5,365,115*

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, 2016 and ending June 30, 2017 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*
	$5,908,729	*$5,908,729*	*$5,908,729*

The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 13 to 0.

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 2016-2017 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: $202,649

Recommendations:
The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Article R **MUNICIPAL BUDGET: Expenditures -** To see what sum the Town will raise and appropriate for the Municipal Budget for FY17 (7/1/16 TO 6/30/17).

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	*$10,937,924*	*$10,887,924*

The seven member Town Council recommends approval, by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval.

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 FY17 (7/1/16 TO 6/30/17).

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	*$3,885,107*	*$3,885,107*
Fund Balance	*$ 105,000*	*$ 105,000*

The seven member Town Council recommends approval, by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Article T **MUNICIPAL BUDGET: Tax Cap Override** – To see if the Town will vote to increase the property tax levy limit of *$7,040,190* established for the Town of Bar Harbor by State law in the event that the 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 $7,040,190. As detailed in your copy of the annual Town Report, it appears that the proposed budget is $92,373 below the tax cap. However, due to the complexities of that law, a vote is still recommended to avoid any potential problems which may arise.

Recommendations:
The seven member Town Council recommends approval, by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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 FY17 (7/1/16 TO 6/30/17) 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 approval, by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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 approval, by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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, 2016 and that second half taxes shall be due and payable on or before March 31, 2017 and that interest shall be charged at the annual rate of 7.0% on any unpaid taxes due on September 30, 2016 beginning October 1, 2016 and on any unpaid taxes due March 31, 2017 beginning April 1, 2017.

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 approval, by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

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 2016 at 3.0% per year on the amount of overpayment.

Explanation:
If a taxpayer wins a tax appeal against the Town, we must pay them interest on the amount of the difference. We are required by law to set that 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 approval, by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Election of Town Officers

Action on the following articles will be at the Town Election with
Polls Open Tuesday, June 14, 2016, 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: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to add farmers market use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District" be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add farmers market as a use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.

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

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

Chapter 125, LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio; eleemosynary institution; place of worship; farmers market.

§ 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.

§ 125-21.2 Downtown Village Transitional.
C. Allowed uses.
(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; farmers market.

EXPLANATION: *The farmers market use was allowed by permit from the Code Enforcement Officer in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I and Downtown Village II Districts and Downtown Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the farmers market use to those three districts as a use allowed by permit from the Code Enforcement Officer.*

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

Article 3 - LAND USE ORDINANCE AMENDMENT: Downtown Village II District – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to add single-family dwelling use and two-family dwelling use to the Downtown Village II District" be enacted?

Downtown Village II District

An amendment to add single-family dwelling and two-family dwelling as uses to the Downtown Village II District.

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

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

Chapter 125, LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; single-family dwelling; two-family dwelling.

EXPLANATION: *The single-family dwelling and two-family dwelling uses were allowed uses by building permit from the Code Enforcement Officer in the Downtown Business Districts and were deleted when the subsequent Downtown Village II District was enacted in 2010 in the same location. The*

purpose of this amendment is to add single-family dwelling and two-family dwelling to that district as uses allowed by permit from the Code Enforcement Officer.

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

Article 4 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to add automobile sales lot and automobile repair garage to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District" be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add automobile sales lot and automobile repair garage as uses to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.

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

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

Chapter 125, LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

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

§ 125-21.1 Downtown Village II.

C. Allowed uses.

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

§ 125-21.2 Downtown Village Transitional.
C. Allowed uses.
(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage.

EXPLANATION: *Automobile sales lot and automobile repair garage were allowed uses by site plan approval in the Downtown Business Districts and were deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the automobile sales lot and automobile repair garage uses to those districts as a use allowed by Planning Board site plan review.*

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adopted by a vote of 16 to 0.

Article 5 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to add home occupation use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District" be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add home occupation as a use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.

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

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

Chapter 125, LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio; eleemosynary institution; place of worship; home occupation.

§ 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; home occupation.

§ 125-21.2 Downtown Village Transitional.
C. Allowed uses.
(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; home occupation.

EXPLANATION: *The home occupation use was an allowed use by building permit in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the home occupation use to those districts as a use allowed by permit from the Code Enforcement Officer.*

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

Article 6 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to add retirement community use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District" be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add retirement community as a use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.

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

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

Chapter 125, LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

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

§ 125-21.1 Downtown Village II.

C. Allowed uses.

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

§ 125-21.2 Downtown Village Transitional.
C. Allowed uses.
(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; retirement community.

EXPLANATION: *The retirement community use was an allowed use by site plan approval in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the retirement community use to those districts as a use allowed by Planning Board site plan review.*

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

Article 7 - LAND USE ORDINANCE AMENDMENT: Definitions - General Review Standards, Light and glare and Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled "Amendments to add terms and definitions for categories of internally illuminated signs, amendments to clarify lighting requirements for signs and amendments to prohibit certain types of internally illuminated signs" be enacted?

125-109 Definitions

An amendment to add terms and definitions for categories of internally illuminated signs to the Definitions.

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

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

Chapter 125, LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.
The following terms shall have the following meanings:...

<u>SIGN, INTERNALLY ILLUMINATED - A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are four types as follows:</u>

<u>TYPE 1; CABINET WITH TRANSLUCENT FACE: An internally illuminated sign with a cabinet style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.</u>

TYPE 2; CABINET WITH LIGHT LIMITING FACE: An internally illuminated sign with an opaque surround cabinet style fixture with light limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories.

A. 20% (or less) translucent face/ 80% (or greater) opaque background field.
B. 30% (or less) translucent face/ 70% (or greater) opaque background field.

TYPE 3; CHANNEL LETTER: An internally illuminated sign comprised of three dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letter are mounted.

TYPE 4; HALO: An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.

125-67Z Light and glare

An amendment to clarify lighting requirements for signs.

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 V Site Plan Review

§ 125-67 General Review Standards.

Z. Light and glare. All site plans shall demonstrate that the proposed development shall comply with the following requirements with respect to exterior lighting. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(4) Additional requirements for commercial and multifamily applications:
(a) Signs and advertising.
[1] All externally illuminated signs shall be lighted by top-mounted lights pointed downward. No sign may be illuminated with fixtures not shielded from upward transmission of light.
[2] Signs may be illuminated internally only by nonflashing lights ~~that contain an opaque background, and this provision applies solely for properties with frontage on Route 3 and Route 102. No internally lit signs are allowed in the Downtown~~

~~Village District~~. Any lights that flash, pulse, rotate, move, or simulate motion are not permitted.

[3] All ~~lights~~ lighting for externally illuminated signs shall be shielded to ensure that light sources are not directed toward or directly visible to drivers or from neighboring properties.

[4] Lighting of signs is further regulated in 125-67BB Signs and advertising and categories of internally illuminated signs are defined in 125-109 Definitions.

Signs and advertising. Prohibitions

An amendment to prohibit certain types of internally illuminated signs.

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 V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII…

(3) Prohibitions…

(h) Internally illuminated signs of Type 1; Cabinet with Translucent Face and Type 3; Channel Letter are prohibited in all districts. ~~in the downtown village districts and historic districts are prohibited~~.

(i) Internally illuminated signs of Type 2B; Cabinet with Light Limiting Face: 30% (or less) translucent face/ 70% (or greater) opaque background field are prohibited in all districts except for lots with frontage on Route 102 or Route 3.

EXPLANATION: *The Design Review Board crafted language to define certain types of internally illuminated signs. The purpose of this amendment is to add those categories of internally illuminated signs to 125-109 Definitions. Internally illuminated signs have their light source incorporated into the body of the sign, and some types of internally illuminated signs*

currently fail to meet the Land Use Ordinance's requirements to direct light away from adjacent properties, streets and the night sky.
The Design Review Board crafted language to make clarifications in the light and glare regulations for signs found in 125-67Z. The added language clarifies the type of signage lighting that is being regulated and directs the reader's attention to the fact that most of the lighting related sign regulation is found in 125-67BB Signs and advertising and numerous definitions related to signs are found in 125-109 Definitions. The language marked with strikethrough is thought to be redundant because similar language is found in 125-67BB Signs and advertising.
The Design Review Board crafted language to make changes to Signs and advertising - Prohibitions regulations found in 125-67BB. The language utilizes the proposed definitions for types of internally illuminated signs. The language is intended to direct sign makers and installers toward the types of internally illuminated signs that make no glare but are easily read both day and night. The proposed amendment would allow the preferred internally illuminated signs in the Downtown Districts where they are currently prohibited. The proposed amendment would prohibit internally illuminated signs with translucent faces that do not mitigate glare town wide. The proposed amendment would prohibit internally illuminated "channel letter signs that do not mitigate glare townwide. (The amendment would not prohibit certain internally illuminated cabinet lights that have either light limiting faces (Type 2A) or halo light signs (Type 4) which outline opaque letters on the sign with a "halo of light").

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

Article 8 - LAND USE ORDINANCE AMENDMENT: General Review Standards, Signs and advertising. – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to clarify Design Review Board sign review authority" be enacted?

125-67BB Signs and advertising

An amendment to clarify Design Review Board sign review authority.

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 V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness. All signs listed below are required to receive a Certificate of Appropriateness from the Design Review Board prior to receiving a building permit if they are located within the identified districts or are associated with a conditionally permitted use. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

(a) Building permits required. All signs except those otherwise exempted are required to obtain a building permit as well as the certificate of appropriateness.

[1] All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts or are associated with a conditionally permitted use.

[a] Village Historic.

[b] Bar Harbor Gateway ~~District~~.

[c] ~~Bar Harbor Historical Corridor~~ Deleted.

[d] Downtown Village I and II Districts.

[e] Educational Institutional.

[f] Lots with road frontage on Routes 102 and 3.

[g] Marine Research.

[h] Scientific Research.

[i] Shoreland ~~Commercial~~ General Development I and II.

[j] Town Hill Business.

[k]Town Hill Residential Corridor.

EXPLANATION: *The Design Review Board crafted language to correct and clarify which districts the Design Review Board's authority for sign review includes. The districts noted in this section requiring review of signs is updated in the draft amendment language. Over time the Land Use Ordinance's district names have changed and this section should be corrected with an update. The other proposed change is to clarify that the review authority extends to the entire section (6) Signs subject to review by the Design Review Board for a certificate of appropriateness and not just to the subsection [1] that lists the districts.*

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

Article 9 - LAND USE ORDINANCE AMENDMENT: Design Review Board – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to clarify the boundaries of the Design Review overlay district" be enacted?

Design Review

An amendment to clarify the boundaries of the Design Review overlay 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 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 ~~Bar Harbor~~ Village Historic District; and the ~~Bar Harbor Historic~~ ~~Corridor District (excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D) 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 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.

(3) The District also includes the districts and area included in the Sign Ordinance, § 125-67BB.

EXPLANATION: *The Design Review Board has crafted language to correct and clarify what districts the Design Review Board overlay district is located in. Over time the Land Use Ordinance's district names have changed and this section should be updated. Tax map 11D as cited in the district language is obsolete and the draft language deletes the reference. Appendix A refers to Historic Properties in the Design Review Overlay District. Appendix B refers to Locally Significant Properties in the Design Review Overlay District. This section has other references to Appendix A and B requiring the Design Review Board to review buildings listed in Appendix A and/or B. This language is intended to clarify that Appendix A and B are in fact part of the Overlay District.*

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

Article 10 - LAND USE ORDINANCE AMENDMENT: Design Review / Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section" be enacted?

Design Review & Signs and advertising

An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section

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 XIII Design Review and Article V Site Plan Review

§ 125-112 Applicability of design review.

C. Activities not subject to design review. The following activities are not subject to design review:

(6) Renovation or new construction which is limited to the following types of improvements:

(a) Exterior building facade paint color selected from the Design Review Board approved color chart(s). The color chart(s) can be obtained from the Planning Department and may be updated from time to time pursuant to Design Review Board approval. Colors not listed on the color chart(s) require a certificate of appropriateness from the Design Review Board.

(b) ~~Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.~~ Deleted. NOTE: Moved to 125-67-BB

(c) ~~A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.~~ Deleted. NOTE: Moved to 125-67-BB

(d) ~~Installation of one twenty-four-inch-by-thirty-six-inch sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night.~~ Deleted. NOTE: Moved to 125-67-BB

(e) Installation of roof-mounted solar collection ~~photovoltaic~~ panels and appurtenant equipment.

(f) Retractable awnings made of fabric material. Fabric may be striped or solid in color, and must be listed on the approved color chart for awnings in order to be eligible for an exemption. Lettering or wording shall not be printed on the awning unless otherwise approved through the issuance of a certificate of appropriateness.

(g) Installation of lighting for signage, provided such lighting complies with § 125-67Z.

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII…

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness…

(o) Exemptions. The following activities are not subject to Design Review.

[1] Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.

[2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.

[3] Installation of one twenty-four inch-by thirty-six inch (24" x 36") sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night.

[4] Installation of lighting for signage, provided such lighting complies with § 125-67Z.

EXPLANATION: *The Design Review Board has crafted language to move certain signage activities not subject to Design Review from the Design Review section to the Signs and advertising section. The draft amendment also includes a modification to the exemption for solar panels that the exemption includes all roof-mounted panels.*

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

Article 11 - LAND USE ORDINANCE AMENDMENT: Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to clarify the allowable sign area of regulated signs" be enacted?

Signs and advertising.

An amendment to clarify the allowable sign area of regulated signs.

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 V Site Plan Review

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(2) Exemptions. The following signs are exempt from this chapter, shall not be counted towards sign area, and may be installed in any district without a permit, provided they comply as follows:

(d) Fuel pump signs as required by state law are allowed and shall not affect the computation of allowable number of signs or aggregate sign area ~~size~~ on a property.

(4) Conditional signs. Signs noted below are allowed without a Certificate of Appropriateness or a building permit and shall not be counted toward allowable square footage for ~~signs~~ sign area, subject to noted conditions, provided they comply as follows:

(f) One on-premises real estate sign, and one off-premises directional sign not exceeding six square feet in total sign area, may be erected advertising the sale, lease or rental of the premises upon which the on-premises real estate sign is located and shall be removed by the owner or agent when the property is sold or leased.

(h) One development or construction sign, not exceeding 20 square feet in sign area, may be erected 30 days prior to construction at the site of a construction project solely to identify the project and contractors and shall be removed within 30 days after completion of the project.

(i) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material or display area, not exceeding two square feet in sign area, and not extending higher than three feet above ground level are permitted.

(j) A sign indicating a business is open or closed, and/or a sign indicating hours of operation, not to exceed one each per entry and not to exceed more than one square foot in sign area each. In the case of a combination sign, it shall not exceed two square feet in total sign area.

(m) Home occupations. One sign identifying the name, address and profession or occupation of a home occupation is allowed provided that such sign is nonilluminated and does not exceed the maximum sign area requirements ~~allowed~~ for the street on which the home occupation has frontage:

Posted Speed Limit (miles per hour at location of sign)	**Maximum Sign Area (square feet)**
Less than 30	4
30 to 49	8
50 or more ~~Greater than 49~~	12

(5) General requirements for all signs.

(h) Window and door signs. Permanent window sign area and door sign~~s~~ area shall not exceed 30% of the window or door area.

(i) Freestanding signs shall not extend more than 20 feet above ground level at their base, as defined by the natural contour of the ground. A freestanding sign shall adhere to the following maximum sign area ~~size~~ requirements:

Posted Speed Limit (miles per hour at location of sign)	**Maximum Sign Area ~~Size~~ (square feet)**
Less than 30 ~~25 or under~~	24
30 to 49 ~~Over 25 and under 50~~	32
50 or more	50

EXPLANATION: *The Planning Board has crafted language to utilize the defined term "sign area" consistently throughout the Land Use Ordinance. The draft amendment also modifies three charts to use consistent terminology throughout.*

RECOMMENDATIONS:
The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, June 14, 2016 for election of Town officers and referendum. Absentee ballots will be processed the day before Election Day, June 13th starting at 9:00 a.m. and on Election Day every hour on the hour starting at 9:00 a.m. until 8:00 p.m. ***The last day to request an absentee ballot or to cast a ballot in person at the Municipal Building, prior to Election Day, is Thursday, June 9th.***

The Registrar of Voters of the Town of Bar Harbor hereby gives notice that she or her designee will be at the Municipal Offices on Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, at town meeting, and 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 physical address, not a post office box. A Maine Driver's license with current physical address would satisfy both requirements.

Given under our hands this nineteenth day of April 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Anne R. Greenlee

Peter St. Germain

Burt O. Barker

David Bowden

J. Clark Stivers

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 3 day of May 1545 in the year of our Lord Two Thousand and Sixteen.

Attest: _____
Constable of the Town of Bar Harbor

Attest: A true copy Patricia A Gray
Patricia A. Gray, Town Clerk of Bar Harbor, ME