

**AGENDA**  
**Bar Harbor Town Council**  
**March 17, 2026**

The public can monitor by watching Spectrum channel 7 or 1303 or by live streaming on the town's website, [www.barharbormaine.gov](http://www.barharbormaine.gov).

**I. CALL TO ORDER – 6:30 P.M.**

- A. Excused Absence(s)

**II. READING OF THE MEETING GROUND RULES**

**III. APPROVAL OF MINUTES**

- A. March 3, 2026 Special Meeting
- B. March 3, 2026 Workshop
- C. March 12, 2026 Special Meeting

**IV. ADOPTION OF AGENDA**

- V. PUBLIC COMMENT PERIOD**—The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.

**VI. REPORTS AND UPDATES**

- A. Financial Report

**VII. LICENSES AND PERMITS**

- VIII. CONSENT AGENDA**—A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:

- A. Order 4, authorize the submission and acceptance of a grant from the Cole Family Foundation
- B. Order 5, approve annual request from Dobbs Productions to use Public Access Channels 2 and 1301.
- C. Order 6, accept the certification of the mailing list used for notices of public hearings for LUO amendments for the June 2026 Town Meeting warrant.
- D. Order 7, appoint election clerks for 2026-2028.

**IX. RESOLVES AND ORDERS**

- A. Order 8, amend the Schedule of Fees to adjust commercial shellfish license fees per Marine Resources Committee recommendation.
- B. Order 9, authorize the purchase of parking kiosks to improve parking system functionality and support an enhanced resident parking program.
- C. Order 10, authorize the purchase of temporary boiler for Connors Emerson School.
- D. Order 11, place school reorganization question article on the June 2026 Town Meeting warrant.
- E. Treasurer's Warrant—Request of Treasurer to authorize paid bills.

**X. ORDINANCES IN FINAL READING, PUBLIC HEARING AND ADOPTION**

**A.** Amendment to Chapter 14, Amusements, to update Special Amusement Permit procedures.

1. Public Hearing
2. Order 12, adopt ordinance amendment.
3. Order 2026-02-05, approve new Town Council Policy on Disposition of Special Amusement Permits [tabled from February 17 meeting].

**B.** Land Use Ordinance amendments proposed for the June 9, 2026 Annual Town Meeting Warrant:

1. Holy Redeemer Church, LUO Amendment #2026-01.
  - a. Public Hearing
  - b. Order 13, place LUO amendment on warrant.
2. Design Review, LUO Amendment #2026-02
  - a. Public Hearing
  - b. Order 14, amend LUO Amendment #2026-02 Design Review to correct an error.
  - c. Order 15, place LUO amendment on warrant.
3. Campgrounds and Private Campsites, LUO Amendment #2026-03
  - a. Public Hearing
  - b. Order 16, place LUO amendment on warrant.
4. Minimum Area Per Family, LUO Amendment #2026-04
  - a. Public Hearing
  - b. Order 17, place LUO amendment on warrant.
5. Lodging Regulations, LUO Amendment #2026-05
  - a. Public Hearing
  - b. Order 18, amend LUO Amendment #2026-05 Lodging Regulations to correct errors.
  - c. Order 19, place LUO amendment on warrant.

**XI. ORDINANCES IN FIRST READING—None.**

**XII. COUNCIL COMMENTS**

**XIII. EXECUTIVE SESSION—None.**

**XIV. ADJOURNMENT**

Anyone with a disability wishing to attend this meeting and who may have questions about how to do so should contact the Town Clerk’s office at [clerk@barharbormaine.gov](mailto:clerk@barharbormaine.gov) or 288-4098.

**Minutes**  
**Bar Harbor Town Council Special Meeting**  
**March 3, 2026**

**I. CALL TO ORDER** – 5:00 p.m.— In attendance were Councilors Earl Brechlin, Maya Caines, David Kief, and Randy Sprague; and Town Manager James L. Smith. Vice Chair Caines presided at the meeting.

A. Excused Absence(s)—Mr. Brechlin, with second by Mr. Kief, moved to excuse Councilors Peacock, Boucher, and Minutolo. Roll Call Vote:

<u>Kief</u>	<u>Y</u>
<u>Brechlin</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>
<u>Sprague</u>	<u>Y</u>

Motion passed 4-0.

**II. READING OF THE MEETING GROUND RULES**

**III. APPROVAL OF MINUTES**

A. February 17, 2026 Regular Meeting

B. February 24, 2026 Joint Meeting with the Warrant Committee

Mr. Brechlin, with second by Mr. Kief, moved to approve the February 17 and February 24 minutes as presented. Roll Call Vote:

<u>Kief</u>	<u>Y</u>
<u>Brechlin</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>
<u>Sprague</u>	<u>Y</u>

Motion passed 4-0.

**IV. ADOPTION OF AGENDA**— Mr. Brechlin, with second by Mr. Kief, moved to adopt the agenda as presented. Roll Call Vote:

<u>Kief</u>	<u>Y</u>
<u>Brechlin</u>	<u>Y</u>
<u>Caines</u>	<u>Y</u>
<u>Sprague</u>	<u>Y</u>

Motion passed 4-0.

**V. REPORTS AND UPDATES**

A. School Reorganization

School Superintendent Mike Zboray spoke about the reorganization plan developed over the last two years by the Reorganization Planning Committee (RPC), which includes representatives from each of the towns in the school system. He described some of the limits of the current structure, which motivated the plan: program gaps, unequal access, and staffing and transportation challenges.

He described the proposed governance and funding structure. In addition to a single RSU board, each local school would have a Local School Advisory Council.

He asked the Council to place the reorganization question on the warrant for a vote in June.

Councilors asked about whether state legislation supersedes the Town Charter, which describes the School Committee and other functions of a municipal school unit. Mr. Zboray read an opinion from the school’s attorney that a charter amendment after the plan is approved, if it is approved, would not be required.

Councilors also expressed concern about the plan to the town to retain the debt for the new school building, but not ownership of it. They asked whether it would be possible to vote in November instead of June, and Mr. Zboray offered to discuss that with the RPC at the next meeting.

Charles Sidman, Terry Wagner and Kevin Knopp offered comments.

**VI. LICENSES AND PERMITS**

**A. Special Amusement Permit Class 3ad (new), Jack Russell’s**

- 1. Public Hearing—No comments.
- 2. Order 1, approve Special Amusement Permit

Mr. Brechlin, with second by Mr. Kief, moved to waive the reading and that the order have passage. Roll Call Vote:

Kief            Y

Brechlin       Y

Caines         Y

Sprague        Y

Motion passed 4-0.

**B. Special Amusement Permit Class 3a (new), Siren & Sailor**

- 1. Public Hearing—No comments.
- 2. Order 2, approve Special Amusement Permit

Mr. Brechlin, with second by Mr. Sprague, moved to waive the reading and that the order have passage. Roll Call Vote:

Kief            Y

Brechlin       Y

Caines         Y

Sprague        Y

Motion passed 4-0.

**VII. COUNCIL COMMENTS**

**Mr. Brechlin** thanked the Highway Section staff for their work during recent snowstorms.

**VIII. EXECUTIVE SESSION**

- A.** Executive session pursuant to 36 MRS §841(2)E to consider a request for an abatement of property taxes for reasons of poverty.—Mr. Brechlin, with second by Mr. Sprague, moved to enter executive session pursuant to 36 MRS §841(2)E to

consider a request for an abatement of property taxes for reasons of poverty. Roll Call Vote:

Kief                    Y

Brechlin            Y

Caines                Y

Sprague              Y

Motion passed 4-0.

Mr. Smith, Town Clerk Liz Graves, and Finance Director Sarah Gilbert participated in the executive session. Council returned to regular session at 5:57 p.m.

Mr. Kief, with second by Mr. Brechlin, moved to deny the abatement request received February 24, 2026 on the grounds that the applicant does not meet the burden of proof that they are unable to contribute to the public charges. Roll Call

Vote:

Kief                    Y

Brechlin            Y

Caines                Y

Sprague              Y

Motion passed 4-0.

**IX. ADJOURNMENT**— Mr. Brechlin, with second by Mr. Sprague, moved to adjourn at 5:58 p.m. Roll Call Vote:

Kief                    Y

Brechlin            Y

Caines                Y

Sprague              Y

Motion passed 4-0.

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Elizabeth N. Graves, Town Clerk



**Meeting Record**  
**Bar Harbor Town Council Workshop**  
**Tuesday, March 3, 2026**

**I. CALL TO ORDER** – 6:02 p.m. in Town Council Chambers.

In attendance were Councilors Earl Brechlin, Maya Caines, David Kief, and Randy Sprague; Town Manager James Smith, Code Enforcement Officer Mike Gurtler, and Town Clerk Liz Graves.

**II. WORKSHOP DISCUSSION**

**A. Boards and Committees**

Mr. Smith introduced the project, which is to begin conversations with chairs of Town boards, committees, commissions, and task forces with two councilors ahead of any revisions to Chapter 31, Boards and Committees, and any other enabling ordinances. Discussion included the development of mission statements for each body and the benefits of regular committee reports to Council. Councilors Peacock and Caines will work with Mr. Smith on this effort.

Ruth Eveland and Ezra Sassaman offered comments.

**B. Chapter 94, Food, Merchandise, and Other Sales**

Mr. Smith and Mr. Gurtler reviewed the changes to the proposed ordinance amendment since the January Council meeting. It was noted that the majority of the existing ordinance, which has been in effect for more than 30 years, remains intact. Sales are allowed at approved and permitted special events, such as art shows on the Village Green. A potential future Master Plan for Hadley Point Beach was discussed.

Charles Sidman, Katherine Whitney, and Bill Hersey offered comments.

**III. ADJOURNMENT**—6:35 p.m.

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Elizabeth N. Graves, Town Clerk



**Minutes**  
**Bar Harbor Town Council Special Meeting**  
**March 12, 2026**

**I. CALL TO ORDER** – 6:31 p.m.— In attendance were Councilors Valerie Peacock, Steven Boucher, Earl Brechlin, David Kief, and Joe Minutolo; and Town Manager James L. Smith.

A. Excused Absence(s)—Mr. Brechlin, with second by Mr. Boucher, moved to excuse Councilor Caines. Ms. Peacock said attempts had been made to contact Mr. Sprague, and suggested waiting until later in the meeting to excuse him if needed. Roll Call Vote:

Kief                    Y  
Boucher              Y  
Brechlin             Y  
Peacock             Y  
Minutolo            Y  
Motion passed 5-0.

**II. READING OF THE MEETING GROUND RULES**

**III. APPROVAL OF MINUTES**—None.

**IV. ADOPTION OF AGENDA**—Without objection, Mr. Brechlin requested amending the agenda to add a second vote on excused absences before Council Comments. Mr. Brechlin, with second by Mr. Minutolo, moved to adopt the agenda as amended. Roll Call Vote:

Kief                    Y  
Boucher              Y  
Brechlin             Y  
Peacock             Y  
Minutolo            Y  
Motion passed 5-0.

**V. RESOLVES AND ORDERS**

A. FY27 Budget

1. Public Hearing—No comments.

Before calling for action on Order 3, Chair Peacock asked if Councilors had any changes to the budget to propose or discuss.

Mr. Minutolo introduced possible changes to the school Capital Improvement Program accounts, including Furniture & Equipment, Playground, Roof Repair Reserve, Technology Infrastructure, Safety & Access Control, and Building Maintenance. He suggested removing planned current year funding from some accounts, and using fund balance in others to reduce taxes.

At the request of Council, school Principal Heather Webster addressed the proposed cuts. She said funds would be needed in FY27 for furniture, playground and technology.

Finance Director Sarah Gilbert participated in the discussion, noting that the Council has the authority to move funds between accounts, and the school has already requested action to move the balance in the Asbestos Removal account elsewhere.

Following discussion, Mr. Minutolo, with second by Mr. Brechlin, moved to amend the Conners Emerson School CIP by reducing the balance in account 2194-6624 Roof Repair reserve by \$50,000 and reducing the balance in account 2194-6650 Building Maintenance by \$200,000. Roll Call Vote:

Kief                    Y

Boucher            N

Brechlin           Y

Peacock           N

Minutolo          Y

Motion passed 3-2.

2. Order 3, adopt the FY27 Budget and recommend it to Town Meeting.

Mr. Brechlin, with second by Mr. Minutolo, moved that Order 2026-03-03 have passage with the following amendment:

... BE IT FURTHER ORDERED, the Town Council hereby adopts the FY27 Municipal Budget: Other Revenues as follows:

- Other Revenues in the amount of \$15,770,898,
- use of Fund Balance – Cruise Ship in the amount of \$111,073, and
- use of ~~Unassigned~~ Fund Balance in the amount of ~~\$500,000~~ \$750,000.

Roll Call Vote:

Kief                    Y

Boucher            Y

Brechlin           Y

Peacock           Y

Minutolo          Y

Motion passed 5-0.

**VI.** Excused Absence(s)—Mr. Brechlin, with second by Mr. Boucher, moved to excuse Councilor Sprague. Roll Call Vote:

Kief                    Y

Boucher            Y

Brechlin           Y

Peacock           Y

Minutolo          Y

Motion passed 5-0.

**VII.** COUNCIL COMMENTS—None.

**VIII.** ADJOURNMENT— Mr. Brechlin, with second by Mr. Boucher, moved to adjourn at 7:07 p.m. Roll Call Vote:

Kief                    Y

Boucher      Y  
Brechlin     Y  
Peacock      Y  
Minutolo     Y  
Motion passed 5-0.

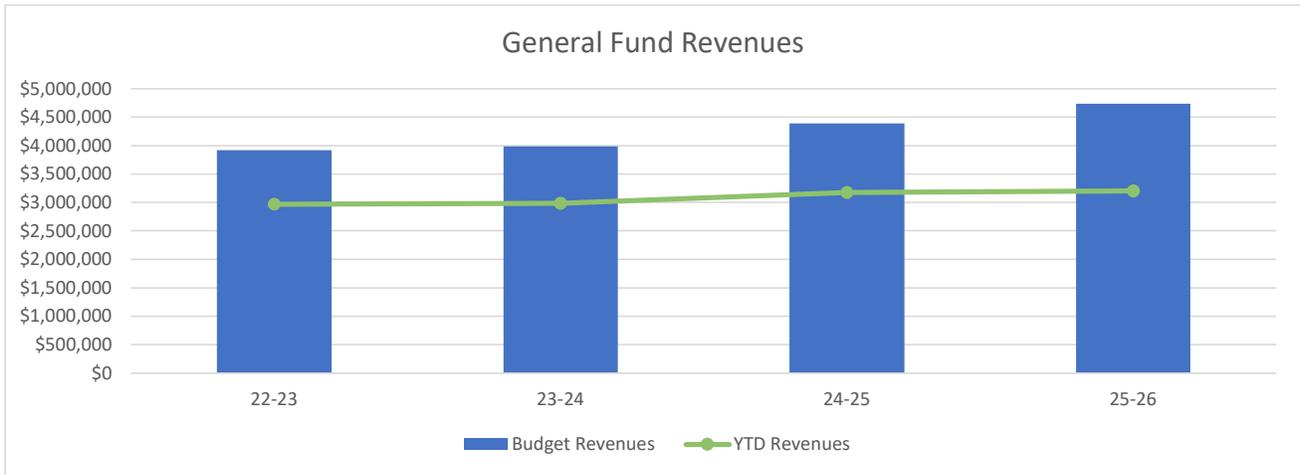
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Elizabeth N. Graves, Town Clerk



**General Fund Total Operating Revenue - non tax**

As of 2/28/2026



Fiscal Year	Budget Revenues	YTD Revenues	% Actual vs Budget
22-23	3,920,172	2,970,288	75.8%
23-24	3,986,238	2,986,116	74.9%
24-25	4,387,610	3,177,319	72.4%
25-26	4,734,057	3,204,111	67.7%

Year to Date Performance Status

Benchmark 67%

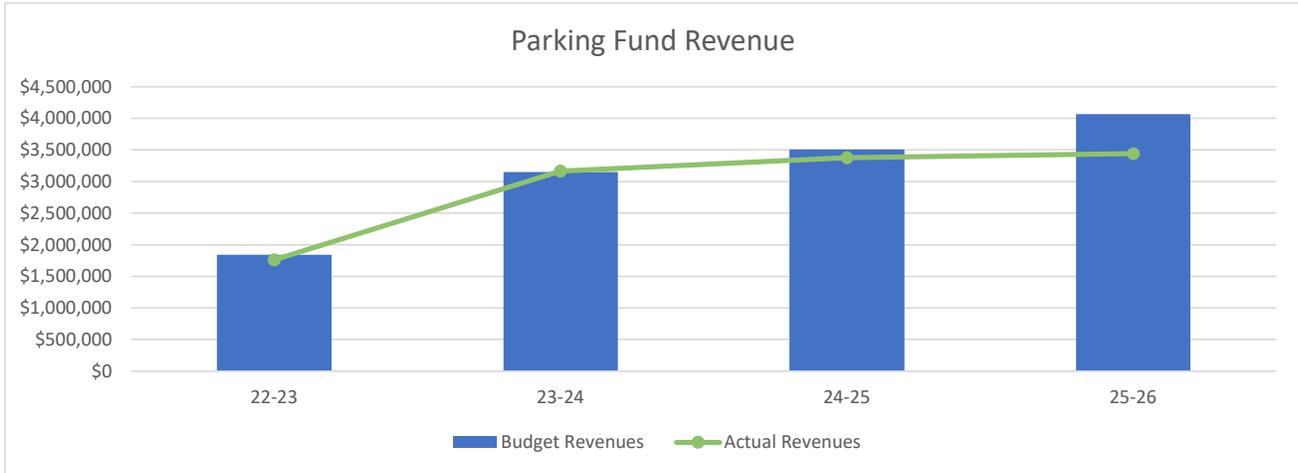
As Expected/Monitor

Refer Financial Audit Exhibit A-1



**Parking Fund Total Revenue**

As of 2/28/2026



Fiscal Year	Budget Revenues	Actual Revenues	% Actual to Budget
22-23	1,839,500	1,762,284	95.8%
23-24	3,149,600	3,167,595	100.6%
24-25	3,506,200	3,376,544	96.3%
25-26	4,066,900	3,443,012	84.7%

Above figures are net of fees

Year to Date Performance Status

Benchmark 73%

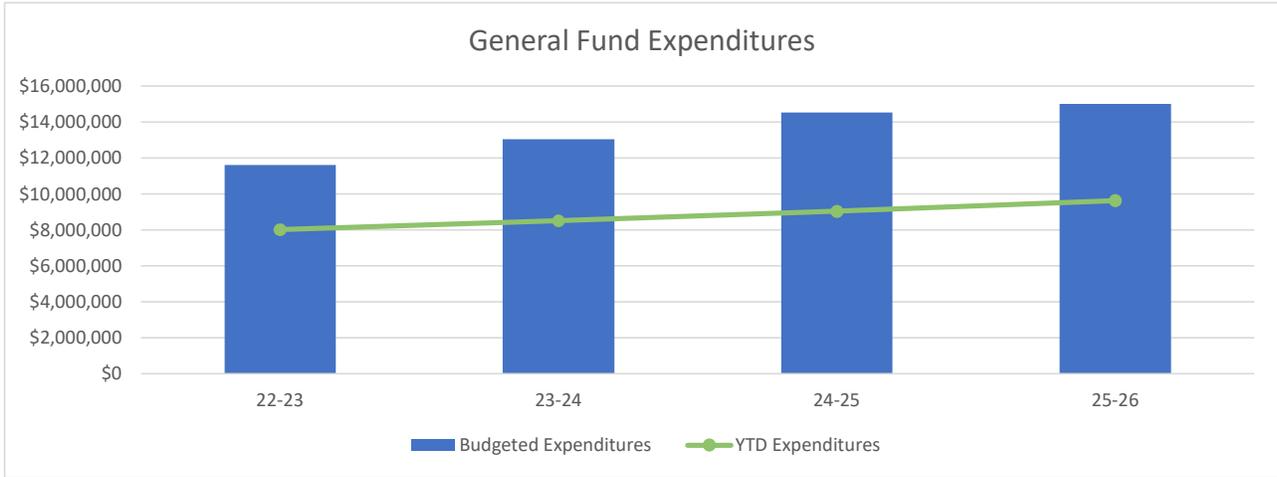
Better than Expected

4/5.5 months

Refer Financial Audit Exhibit A-8

**General Fund Total Operating Expenditures**

As of 2/28/2026



Fiscal Year	Budgeted Expenditures	YTD Expenditures	% Spent of Budget	Benchmark
22-23	11,616,245	8,016,091	69.0%	67%
23-24	13,044,408	8,509,459	65.2%	
24-25	14,537,245	9,044,436	62.2%	
25-26	15,020,378	9,638,013	64.2%	

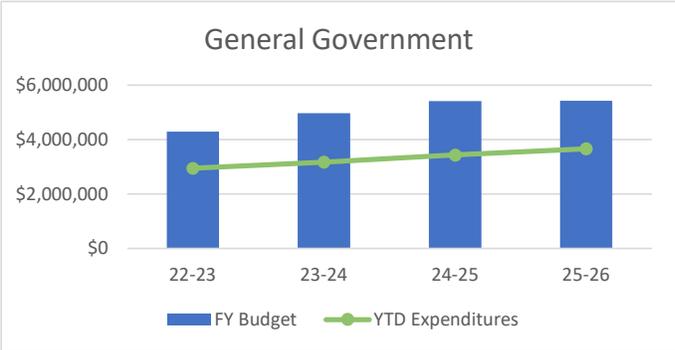
Year to Date Performance Status

Expected

Refer Financial Audit Exhibit A-2

**General Government**

Fiscal Year	FY Budget	YTD Expenditures	% Spent of Budget
22-23	4,282,855	2,940,665	68.7%
23-24	4,976,226	3,171,282	63.7%
24-25	5,405,797	3,433,898	63.5%
25-26	5,433,155	3,664,199	67.4%



Year to Date Performance Status

Expected

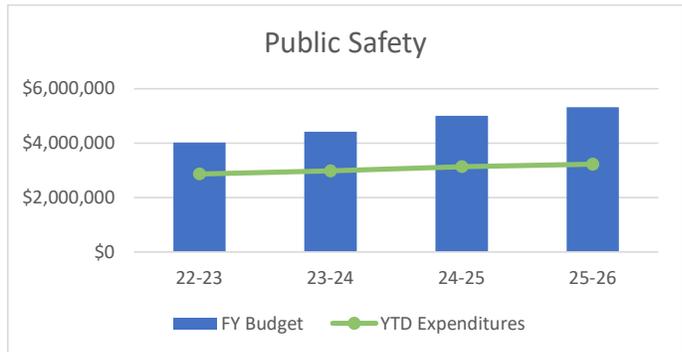
**Public Safety**



### General Fund Total Operating Expenditures

As of 2/28/2026

Fiscal Year	FY Budget	YTD Expenditures	% Spent of Budget
22-23	4,019,336	2,865,627	71.3%
23-24	4,421,907	2,978,355	67.4%
24-25	5,006,147	3,133,801	62.6%
25-26	5,322,103	3,225,634	60.6%

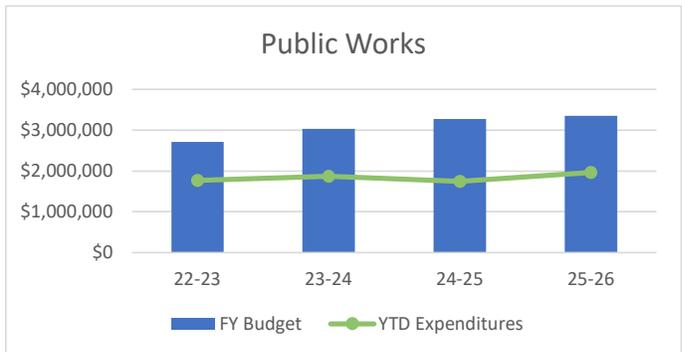


Year to Date Performance Status

Expected

### Public Works

Fiscal Year	FY Budget	YTD Expenditures	% Spent of Budget
22-23	2,711,718	1,770,558	65.3%
23-24	3,034,771	1,871,441	61.7%
24-25	3,280,378	1,748,912	53.3%
25-26	3,360,155	1,966,665	58.5%

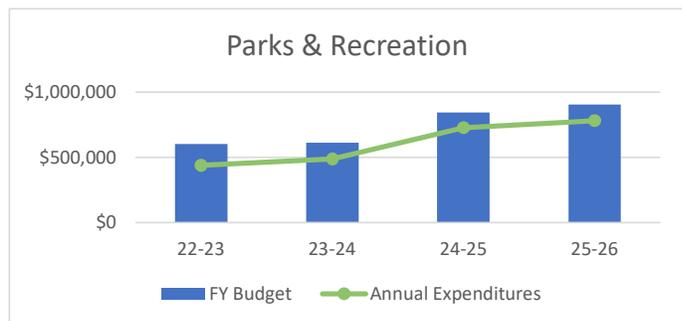


Year to Date Performance Status

Expected

### Parks & Recreation

Fiscal Year	FY Budget	Annual Expenditures	% Spent of Budget
22-23	602,336	439,241	72.9%
23-24	611,504	488,381	79.9%
24-25	844,923	727,825	86.1%
25-26	904,965	781,515	86.4%



Year to Date Performance Status

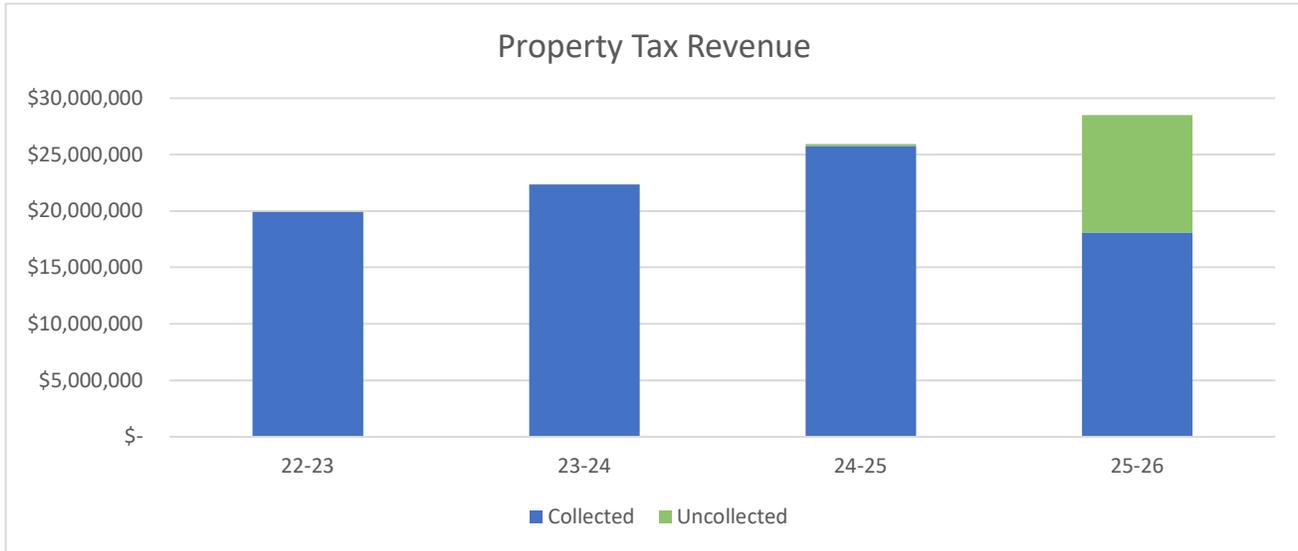
Expected

Payments include Jesup, YMCA, BHCC, BH Band



### Property Tax Revenue

As of 2/28/2026



Tax Year	Collected	Uncollected	Total	% Collected
22-23	\$ 19,904,139	\$ 6,175	\$ 19,910,314	100.0%
23-24	\$ 22,358,106	\$ 18,951	\$ 22,377,057	99.9%
24-25	\$ 25,770,857	\$ 181,430	\$ 25,952,287	99.3%
25-26	\$ 18,099,081	\$ 10,415,543	\$ 28,514,624	63.5%

Year to Date Performance Status

Better than Expected

62.2% collected in FY25



### Other Revenue

As of 2/28/2026

Fiscal Year	Excise Tax	Building Permits	# of Permits
22-23	\$787,461	\$169,542	182
23-24	\$808,337	\$165,154	212
24-25	\$857,899	\$211,536	171
25-26	\$884,330	\$124,254	164

Year to Date Performance Status

Expected/Less than Expected

3% increase in Excise tax over same period as last fiscal year

**Water and Wastewater Operating Budgets**  
As of 2/28/2026



**Water**

**Revenue 3 quarters recorded**

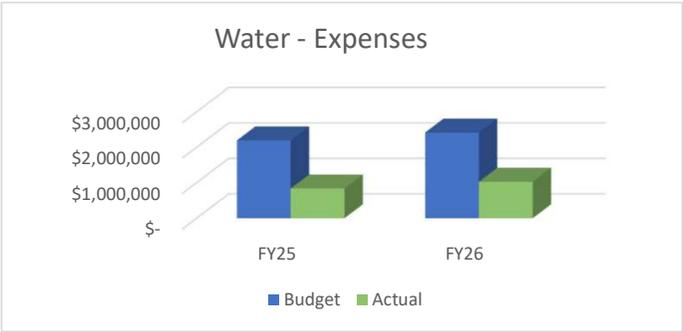
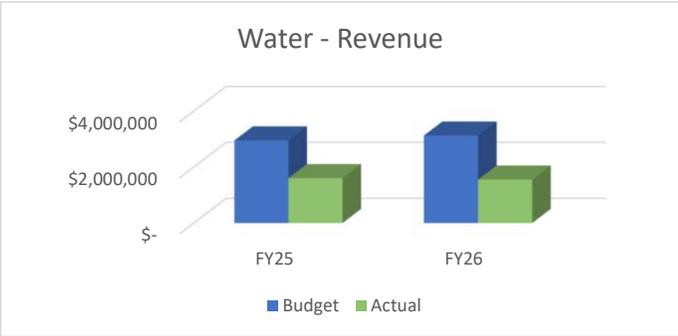
	Budget	Actual
FY25	\$ 2,950,846	\$ 1,601,627
FY26	\$ 3,126,435	\$ 1,548,483

**Expenditures**

	Budget	Actual
FY25	\$ 2,195,407	\$ 837,674
FY26	\$ 2,418,343	\$ 1,028,435

Accounts Receivable \$ 17,282

Less than Expected



**Wastewater**

**Revenue 2 quarters recorded**

	Budget	Actual
FY25	\$ 4,022,220	\$ 1,721,440
FY26	\$ 3,705,892	\$ 2,243,704

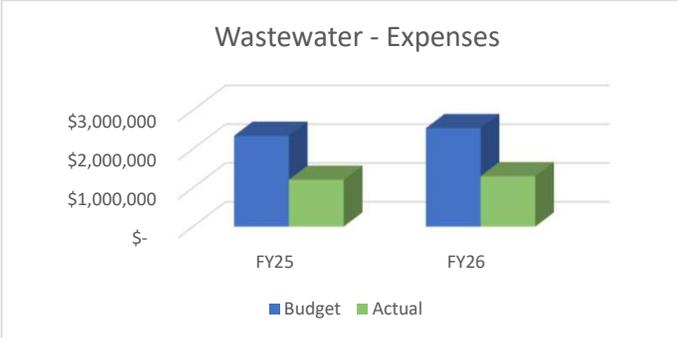
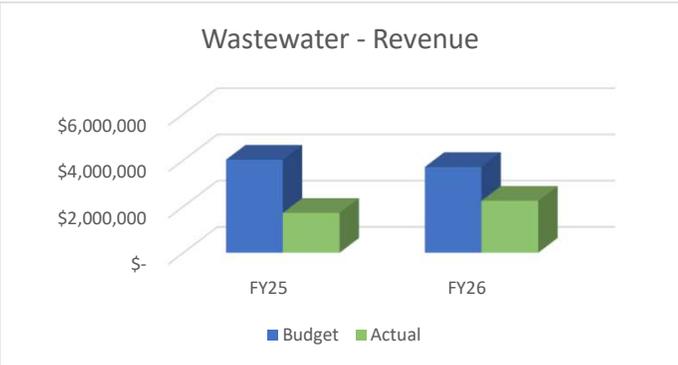
**Expenditures**

	Budget	Actual
FY25	\$ 2,340,421	\$ 1,206,081
FY26	\$ 2,538,447	\$ 1,299,196

Accounts Receivable \$73,834

Year to Date Performance Status

Expected



General Fund - Revenues

Town of Bar Harbor  
YTD February 28, 2026

67% - 8 Months

<u>Department</u>	<u>Budget FY'26 12 Months</u>	<u>Actual FY'26 8 Months</u>	<u>Un Audited FY'25 12 Months</u>	<u>Bud. Var. Favorable (Unfavorable)</u>	<u>% Rev's Received 100% Goal</u>	<u>Variances From Budget Goal Comments</u>
Town Clerk Fees	\$ 33,760	\$ 23,753	\$ 42,087	1,134	70%	
Finance Department	\$ 380,574	\$ 194,170	\$ 338,637	(60,815)	51%	Timing recording admin fees
Municipal Building Rents	\$ 24,000	\$ 18,212	\$ 31,521	2,132	76%	
Code Enforcement Permits	\$ 499,350	\$ 269,768	\$ 624,303	(64,797)	54%	
Planning Fees	\$ 23,700	\$ 5,118	\$ 30,616	(10,761)	22%	
Ambulance/Fire Fees	\$ 374,961	\$ 259,704	\$ 369,167	8,480	69%	
Police/Dispatch Department	\$ 508,462	\$ 395,716	\$ 495,917	55,046	78%	
Harbor Department	\$ 118,490	\$ 123,001	\$ 137,000	43,613	104%	Timing
Parks & Recreation	\$ 900	\$ 700	\$ 1,080	97	78%	
Highway Division	\$ 11,010	\$ 10,890	\$ 11,428	3,513	99%	Salt & Sand sales
Solid Waste-Recycling	\$ 14,820	\$ 8,980	\$ 7,919	(949)	61%	
<b>Departmental</b>	<b>\$ 1,990,027</b>	<b>\$ 1,310,012</b>	<b>\$ 2,089,675</b>	<b>(23,306)</b>	<b>66%</b>	
P.I.L.O.T.'s	\$ 180,017	\$ 153,637	\$ 213,792	33,026	85%	Nature Conservancy, COA, JAX
Interest Income	\$ 95,000	\$ 80,690	\$ 298,099	17,040	85%	
Misc, Cable Franch., other	\$ 265,433	\$ 72,545	\$ 118,903	(105,295)	27%	Decr cable franchise revenue
Excise & Other Taxes	\$ 1,333,500	\$ 916,745	\$ 1,448,515	23,300	69%	
Intergovernmental	\$ 870,080	\$ 670,482	\$ 832,518	87,528	77%	\$403,228 Rev Share
<b>Revenues-Subtotal</b>	<b>\$ 4,734,057</b>	<b>\$ 3,204,111</b>	<b>\$ 5,001,502</b>	<b>32,293</b>	<b>68%</b>	
Property Taxes	\$ 28,514,243	\$ 28,518,061	\$ 25,971,530	9,413,518	100%	
Transfers In-CS & Other Funds	\$ 1,646,432	\$ 1,646,432	\$ 772,739	543,323	100%	
Fund Balance Used		\$ -	\$ -			
<b>Grand Total-General Fund</b>	<b>\$ 34,894,732</b>	<b>\$ 33,368,604</b>	<b>\$ 31,745,771</b>		95.6%	
<b>Wastewater Revenues</b>	\$ 3,705,892	\$ 2,243,704	\$ 3,166,779		61%	2 quarters billed
<b>Water Revenues</b>	\$ 3,126,435	\$ 1,548,483	\$ 2,416,843		50%	3 quarters billed
<b>CIP Fund Rev's/Transfers</b>	\$ 1,386,252	\$ 645,184	\$ 1,249,722		47%	Invest int not recorded
<b>Cruise Ship Fund Rev's</b>	\$ 367,073	\$ 350,742	\$ 603,023		96%	
<b>Parking Fund</b>	\$ 4,066,900	\$ 3,443,012	\$ 4,188,859		85%	Includes fees, permits and violations



**Town of Bar Harbor**  
**Expenses - Period Ending**  
**2/28/26**

09-Mar-26

67% of Year Completed

General Fund	Dept	A FY '26 Annual Adj'd Budget	B FY '26 8 Months	C FY '25 12 Months PreAudit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	Comments on variances
Town Council	10	\$ 25,900	\$ 14,886	\$ 44,068	2,467	57.5%	
Town Manager	12	\$ 183,359	\$ 122,592	\$ 168,360	259	66.9%	
Town Clerk	14	\$ 165,974	\$ 114,070	\$ 161,507	(2,867)	68.7%	
Finance Dept.	16	\$ 581,870	\$ 393,455	\$ 479,010	(3,602)	67.6%	
Town Attorney	18	\$ 237,750	\$ 163,330	\$ 474,465	(4,038)	68.7%	
Elections	20	\$ 20,400	\$ 4,984	\$ 21,070	8,684	24.4%	
Technology	22	\$ 244,665	\$ 196,846	\$ 193,463	(32,920)	80.5%	Cybersecurity cont svc
Municipal Building	24	\$ 98,760	\$ 76,062	\$ 1,114,998	(9,893)	77.0%	Elevator HVAC repairs
Town Offices	26	\$ 72,500	\$ 41,400	\$ 59,865	7,175	57.1%	
Employee Benefits	28	\$ 2,650,900	\$ 1,843,156	\$ 2,527,249	(67,053)	69.5%	
Code Enforcement	30	\$ 207,519	\$ 148,640	\$ 199,398	(9,602)	71.6%	STR software licensing
Assessing Dept.	32	\$ 199,464	\$ 103,510	\$ 199,499	30,131	51.9%	
Planning Dept.	34	\$ 447,194	\$ 255,162	\$ 355,500	44,458	57.1%	
Miscellaneous	36	\$ 296,900	\$ 186,106	\$ 239,432	12,817	62.7%	
Fire / Ambulance Dept	42	\$ 1,895,224	\$ 1,209,388	\$ 1,667,317	60,412	63.8%	
Hydrants-Public Fire	43	\$ 813,240	\$ 439,203	\$ 586,807	105,668	54.0%	
Police Dept.	45	\$ 2,019,868	\$ 1,234,630	\$ 1,750,656	118,682	61.1%	
Dispatch Division	47	\$ 368,964	\$ 213,794	\$ 279,297	33,412	57.9%	
Public Safety Bldg.	49	\$ 70,714	\$ 34,014	\$ 64,652	13,364	48.1%	
Street Lights	51	\$ 19,370	\$ 14,637	\$ 23,450	(1,659)	75.6%	
Harbor Dept.	53	\$ 134,723	\$ 79,968	\$ 121,735	10,296	59.4%	
Parks & Rec & Glen M	59	\$ 262,790	\$ 161,881	\$ 232,868	14,188	61.6%	
Parks & Rec Events	60	\$ 528,761	\$ 522,611	\$ 490,217	(168,341)	98.8%	YMCA, Jesup, BHCC
GenAssist	66	\$ 7,400	\$ 6,181	\$ 15,441	(1,223)	83.5%	
Cooperating Agencies	68	\$ 106,014	\$ 90,842	\$ 76,059	(19,813)	85.7%	Timing 7/1/25 requests
Comfort Station	70	\$ 163,172	\$ 104,087	\$ 146,707	5,238	63.8%	
Public Works	75	\$ 370,765	\$ 224,211	\$ 243,060	24,202	60.5%	
Highway Dept	77	\$ 1,630,768	\$ 959,854	\$ 1,323,683	132,761	58.9%	
Solid Waste	79	\$ 1,195,450	\$ 678,513	\$ 1,083,662	122,439	56.8%	
<b>General Fund Totals</b>		<b>\$ 15,020,378</b>	<b>\$ 9,638,013</b>	<b>\$ 14,343,495</b>	<b>(2,127,824)</b>	<b>64.2%</b>	
payroll periods		26	17	26		65.4%	

FY26 Budget does not include carryover encumbrances from FY2025



NUMBER: 2026-03-04

TITLE: ORDER, AUTHORIZE THE SUBMISSION AND ACCEPTANCE OF A GRANT FROM THE COLE FAMILY FOUNDATION FOR THE AMERICAN FLAG PROGRAM IN RECOGNITION OF THE NATION'S 250TH ANNIVERSARY

Filed March 9, 2026

**WHEREAS**, the year 2026 will mark the 250th anniversary of the founding of the United States of America, a significant milestone in the history of the nation; and

**WHEREAS**, the Galen Cole Family Foundation has announced its American Flag Program to assist municipalities across Maine in commemorating this anniversary by displaying American flags in their communities; and

**WHEREAS**, the program offers participating municipalities a matching opportunity to acquire up to twenty-four (24) American flag display kits, each consisting of a sewn 3-foot by 5-foot nylon American flag with embroidered stars, a six-foot spinning flagpole, and a mounting bracket; and

**WHEREAS**, the foundation will match the purchase of these kits for municipalities that commit to purchasing an equal number and displaying the flags within their communities from Memorial Day through Labor Day; and

**WHEREAS**, participation in this program would allow the Town of Bar Harbor to visibly commemorate the nation's 250th anniversary while enhancing civic pride and community recognition of this historic occasion;

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council authorizes the Town Manager, or designee, to submit an application to the Galen Cole Family Foundation for participation in the American Flag Program and to accept the grant award on behalf of the Town if the application is approved; and

**BE IT FURTHER ORDERED** that the Town Manager is authorized to execute any documents necessary to implement the program and to arrange for the purchase, installation, and display of the American flag kits in accordance with the terms of the program.

Statement of Fact: Authorizes the Town Manager to accept, if awarded, a Cole Foundation grant for up to 24 American flag display kits if the Town purchases an equal number.



NUMBER: 2026-03-05

TITLE: ORDER, APPROVE ANNUAL REQUEST FROM DOBBS PRODUCTIONS,  
INC TO USE PUBLIC ACCESS CHANNELS 2 AND 1301

Filed March 2, 2026

**WHEREAS**, the Town received a request from Dobbs Productions to use Public Access channels 2 and 1301 on Mount Desert Island for summer 2026 and winter 2027, to broadcast The Acadia Channel (May 15-October 31), and all MDI TV Public Access related programming such as the bulletin board, Christmas concerts, exercise, local health, educational, and informational programming, as well as documentary films about Maine; and

**WHEREAS**, Dobbs Productions has previously been approved for use of these broadcast channels; and

**WHEREAS**, no other requests for use of these channels have been received and no modifications to the existing agreement have been requested;

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council approve the annual request from Dobbs Productions, Inc. to use Public Access channels 2 and 1301.

Statement of Fact: Approves request from Dobbs Productions, Inc. for use of Cable TV Public Access channels.



NUMBER: 2026-03-06

TITLE: ORDER, ACCEPT THE CERTIFICATION OF THE MAILING LIST USED FOR NOTICES OF PUBLIC HEARINGS FOR LUO AMENDMENTS FOR THE JUNE 2026 TOWN MEETING WARRANT

Filed March 6, 2026

**WHEREAS**, a town-wide mailing was sent January 13, 2026 from Waterville, Maine to give notice of the February 4, 2026 Planning Board public hearings for proposed Land Use Ordinance amendments; and

**WHEREAS**, a second mailing was sent to the same recipient list March 3 and 4, 2026 from Waterville, Maine to give notice of the March 17, 2026 Town Council public hearings for the proposed amendments; and

**WHEREAS**, the Land Use Ordinance provides that for such mailed notices, the Town Council file a written certificate with information about to whom the notice was mailed and when, by whom and from where it was mailed; and

**WHEREAS**, due to its length, the full mailing list is being provided to the Town Council via email, with an original copy on file in the Clerk's office;

**NOW THEREFORE, BE IT ORDERED**, to accept the certification of the mailing list used for notice of the Planning Board and Town Council Public Hearings for Land Use Ordinance Amendments for the June, 9 2026 Town Meeting Warrant.

Statement of Fact: Certified the mailing list used for notification of Planning Board and Town Council public hearings for proposed Land Use Ordinance amendments.

# **Certification**

**of**

## **Property Owners Mailing List**

**for**

Notices of Public Hearings for proposed Land Use Ordinance Amendments for the June 9, 2026 Town Meeting warrant.

Bar Harbor Planning Board – Wednesday, February 4, 2026

and

Bar Harbor Town Council – Tuesday, March 17, 2026

Pursuant to Bar Harbor Town Code Chapter 125-9, the Bar Harbor Town Council hereby certifies that the attached mailing list which includes all property owners were mailed a notice entitled “Bar Harbor Planning Board - Notice of Public Hearings for Proposed Amendments to the Bar Harbor Land Use Ordinance” on January 13, 2026 by SBS Carbon Copy from Waterville, Maine

...and the same recipients were mailed a notice entitled “Notice of Public Hearings for proposed amendments to the Bar Harbor Land Use Ordinance for the June 2026 Town Meeting ballot” (notice of the Town Council hearings) on March 3 and 4 by SBS Carbon Copy from Waterville, Maine.

Given under our hands and seal at Bar Harbor on this 17<sup>th</sup> day of March, 2026.

### **Municipal Officers of the Town of Bar Harbor**

\_\_\_\_\_  
Valerie Peacock, Chair

\_\_\_\_\_  
Maya Caines, Vice Chair

\_\_\_\_\_  
Earl Brechlin

\_\_\_\_\_  
Joseph Minutolo

\_\_\_\_\_  
Steven Boucher, Jr.

\_\_\_\_\_  
Randell Sprague

\_\_\_\_\_  
David Kief

NUMBER: 2026-03-07

TITLE: ORDER, APPOINT ELECTION CLERKS FOR 2026-2028

Filed March 9, 2026

**WHEREAS**, 21-A MRSA §503-A requires municipal officers to appoint election clerks by May 1 of each general election year to serve at the voting place during the time the polls are open and as counters after the polls close; and

**WHEREAS**, the officers are to consider nominations for clerks by the municipal, county, or state committees of the political parties, by the municipal clerk, or by any registered voter; and

**WHEREAS**, Title 21-A requires a balance between clerks from each of the major political parties during each shift when the polls are open and after the polls close; and

**WHEREAS**, the Bar Harbor Democratic Committee Chair has reviewed the proposed list of Democrats; and

**WHEREAS**, the Bar Harbor Republican Committee nominated the Republicans on the below list on March 7, 2026; and

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council hereby appoints the following slate of election clerks for 2026-2028:

**Democratic Party:**

Elizabeth Hubbell	Doug Heden
Laura Neal	Jane Tawney
Heather Hallsey-Bernstein	John O'Brien
Richard Osann	Patricia Buccello
Christa Starling	Julie Berberian
Teagan White	

**Republican Party:**

Christine Witham	Laura Ingerson
Edwin Garrett IV	Scott Hammond
Debra Mitchell-Dow	Sandra Henderson
David Partridge	Kathy Partridge
Mary "Lisa" Skiff	Jean Bell

**Unenrolled:**

Catherine Preston-Schreck	J. Clark Stivers
Wayne Wilson	Kaitlyn Mullen
Renee Graves	Evelyn Swan
Cherie Galyean	

Statement of Fact: Appoints qualified residents to serve as election clerks for a two-year term.



NUMBER: 2026-03-08

TITLE: ORDER, AMEND THE SCHEDULE OF FEES TO ADJUST COMMERCIAL SHELLFISH LICENSE FEES PER MARINE RESOURCES COMMITTEE RECOMMENDATION

Filed March 9, 2026

**WHEREAS**, the Town’s shellfish conservation program is administered jointly with the Maine Department of Marine Resources, and is subject to state statute and rules and Chapter 170, Shellfish Conservation, of the Municipal Code; and

**WHEREAS**, Chapter 170 requires that the Town’s Marine Resources Committee establish the annual number and allocation of licenses for harvesting shellfish to be issued; and

**WHEREAS**, the license allocation also includes fees, which are recommended by the committee and set by the Town Council; and

**WHEREAS**, at the January 20, 2026 Town Council meeting, Marine Resources Committee Chair Chris Petersen reported that the committee is increasing the number of required conservation hours for commercial harvesters for the license year beginning July 1, 2026; in recognition of the value of this time, the committee is requesting a reduction in the fees for those commercial licenses; and

**WHEREAS**, the following changes to the fee schedule are proposed:

**Shellfish Licenses**

Resident Commercial (must hold State commercial license)	<del>\$120</del> <u>\$70</u>
Non Resident Commercial (must hold State commercial license)	<del>\$240</del> <u>\$140</u>
Junior Resident Commercial (under 18, must hold State commercial license)	\$ 60
Junior Non Resident Commercial (under 18, State commercial license)	\$120
Resident Recreational	<u>\$35</u>
Non Resident Recreational	\$70
Daily Resident Recreational	\$10
Daily Non Resident Recreational	\$ 20
Senior Resident Recreational (65 and over)	Free
Senior Non Resident Recreational (65 and over)	Free
Junior Resident Recreational (under 18)	Free
Junior Non Resident Recreational (under 18)	Free

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council hereby adopts the proposed changes to the fee schedule effective July 1, 2026.

Statement of Fact: Changes the fees for commercial shellfish licenses.



NUMBER: 2026-03-09

TITLE: ORDER, AUTHORIZE THE PURCHASE OF PARKING KIOSKS TO IMPROVE PARKING SYSTEM FUNCTIONALITY AND SUPPORT AN ENHANCED RESIDENT PARKING PROGRAM

Filed March 12, 2026

**WHEREAS**, the Town of Bar Harbor’s municipal parking system utilizes parking kiosks; and

**WHEREAS**, currently, residents of Bar Harbor qualify for free permits to park in permit areas; residents’ only options for parking in pay areas are to pay full price at the kiosks or to purchase physical parking tokens from the Finance office at a discounted rate; and

**WHEREAS**, the Town has been working to enhance the parking program for residents by exploring use of a coupon code functionality on the parking kiosks that would allow residents to receive parking discounts directly at the kiosks using individualized codes; and

**WHEREAS**, the Town’s current parking system includes a mix of IPS MS1 and MS3 kiosks; the MS1 kiosks do not support the enhanced functionality available on the MS3 kiosks, including the coupon code system, and the MS1 kiosks are no longer being manufactured; and

**WHEREAS**, in order to operate consistently and reliably across the entire parking system, the Town must standardize its kiosks to a single compatible unit; and

**WHEREAS**, Town staff have successfully tested the coupon code functionality on MS3 kiosks and is prepared to move forward with implementing a resident discount code system; and

**WHEREAS**, in order to have the kiosks delivered, installed, and operational in advance of the 2026 parking season, the Town must place the equipment order in advance of the upcoming fiscal year; and

**WHEREAS**, the vendor requires a 10% deposit at the time of the order and has agreed in writing that the balance will be payable July 1, 2026; and

**NOW, THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council authorizes the Town Manager, or designee, to purchase IPS MS3 parking kiosks and related equipment necessary to replace the remaining MS1 kiosks and standardize the Town’s parking systems, not to exceed \$249,636; and

**BE IT FURTHER ORDERED** that payment of the deposit be made from CIP Account, 2145-6229, Parking Equipment.

Statement of Fact: This order authorizes the purchase of parking kiosks necessary to standardize the Town’s parking system and implement planned improvements for resident parking.



NUMBER: 2026-03-10

TITLE: ORDER, AUTHORIZE THE PURCHASE OF A TEMPORARY BOILER FOR CONNERS EMERSON SCHOOL

Filed March 9, 2026

**WHEREAS**, the building of the Connors Emerson new school, secured by a General Obligation Bond, was approved at June 13, 2023 Town Meeting and the bond was sold on September 11, 2024; and

**WHEREAS**, the capital project is to be completed by November 9, 2026, and the move from both Connors and Emerson buildings will take place the prior two weeks; and

**WHEREAS**, the Connors Building current heating system is run by a pipe from the Emerson Building in front of the new school into the Connors Building; and

**WHEREAS**, to make the grade more gradual for the new building and to allow for ground work to begin by removing the pipe, Superintendent Zboray has requested funding a temporary boiler, not to exceed \$35,000, to heat the Connors Building; and

**WHEREAS**, Superintendent Zboray has requested using Capital Improvement Program line item, 2194-6652, Building Maintenance, which has an unaudited current balance of \$284,689 to fund this project; and

**NOW THEREFORE, BE IT ORDERED** that the Town Council authorizes the use of up to \$35,000 from Capital Improvement Program line item 2194-6652, Building Maintenance, for the purpose of providing temporary heating to the Connors Building necessitated by removal of the existing heating pipe serving the building as part of the Connors Emerson School construction project; and

**BE IT FURTHER ORDERED**, that prior to the purchase of any temporary boiler equipment, the Superintendent shall evaluate whether the heating need can be met through rental, lease, or other temporary heating arrangements, and shall utilize such alternative if it is available and can meet the heating requirements at a lower total cost than purchasing equipment; and

**BE IT FURTHER ORDERED**, that the authorization provided herein shall be limited solely to temporary heating necessary as a result of the removal of the existing heating connection between the Emerson and Connors Buildings associated with the approved school construction project.

Statement of Fact: Authorizes the use of up to \$35,000 from the school Capital Improvement Program for the purpose of providing temporary heating to the Connors Building necessitated by removal of the existing heating pipe serving the building as part of the new school construction project.



NUMBER: 2026-03-11

TITLE: ORDER, PLACE SCHOOL REORGANIZATION ARTICLE ON THE JUNE 2026 TOWN MEETING WARRANT

Filed March 12, 2026

**WHEREAS**, a School Administrative Reorganization Plan has been prepared by the MDIRSS/AOS #91 Reorganization Planning Committee concerning the potential reorganization of Trenton, Bar Harbor, Southwest Harbor, Tremont, Mount Desert, Swan’s Island, Cranberry Isles, and Frenchboro into a Regional School Unit; and

**WHEREAS**, the Superintendent of Schools last presented information regarding the proposed reorganization plan to the Bar Harbor Town Council on March 3, 2026, including discussion of the financial structure contemplated under the proposal; and

**WHEREAS**, the information presented to the Council included that the Town of Bar Harbor would convey the new school building currently under construction to the Regional School Unit while the town would retain all financial responsibility for associated outstanding debt obligations related to that facility; and

**WHEREAS**, all Town owned school capital reserve balances would transfer to the Regional School Unit; and

**WHEREAS**, all future school capital projects, including new schools, approved by the Regional School Unit would be funded through assessments distributed across all participating municipalities; and

**WHEREAS**, under state statute, 20-A MRS §1461, once a plan for reorganization has been found by the Commissioner of Education to meet the requirements, the municipalities included in the proposed plan are required to put the question out for referendum;

**NOW THEREFORE, BE IT ORDERED**, the article “School Reorganization,” presented below, be placed on the June 9, 2026 Town Meeting warrant with voting thereon to be held by Australian ballot.

Article \_\_ SCHOOL REORGANIZATION – Do you favor approving the school administrative reorganization plan prepared by the MDIRSS /AOS#91 Reorganization Planning Committee to reorganize Trenton, Bar Harbor, Southwest Harbor, Tremont, Mount Desert, Swan’s Island, Cranberry Isles and Frenchboro into a regional school unit with an effective date of 1 July 2027?

**Statement of Fact:** Adds the the proposed MDIRSS/AOS #91 school administrative reorganization plan to the June 9, 2026 Town Meeting warrant for a vote of the voters of Bar Harbor.





Scan Me



# MDIRSS / AOS #91

## Reorganization Plan – Core Elements



### Final Reorganization Plan

<https://www.mdirss.org/page/aos-reorganization>

This reorganization plan proposes merging the school administrative districts (MDIRSS/AOS #91) into a single **Regional School Unit (RSU)**. This RSU will manage all public schools for the participating towns: **Bar Harbor, Mount Desert, Cranberry Isles, Frenchboro, Southwest Harbor, Swan's Island, Tremont, and Trenton.**

### ★ The Big Picture: Our Goals

The new RSU aims to create a stronger, unified, and more efficient school system for the next generation.

- **Better Education:** Provide **equitable access** to the best educational programs for **all PK–12 students**.
- **Empower Educators:** Give teachers and staff the **resources, support, and professional collaboration** they need.
- **Financial Sense:** Deliver **financial fairness** and **operational efficiency** (saving money) for all towns.
- **A Unified Future:** Strengthen our shared commitment to excellence with a **sustainable system**.

### Examples of Problems with the current structure that an RSU will solve:

- **Specialized Program Gaps:** Programs like Gifted & Talented or Students with Unique Needs (SUN) are stretched thin in small schools and can't always provide the full range of services students deserve.
- **Unequal Educational Access** to opportunities means some students miss out on advanced classes, hands-on learning, or enrichment programs.
- **Staffing shortages** make it difficult to cover positions and put a heavy strain on schools.
- **Transportation inefficiencies** and driver shortages impact families and students.

## REQUIRED PLAN ELEMENTS AS PRESCRIBED BY THE MAINE DOE

### How the RSU Will Be Governed

#### 1. RSU Board of Directors (District-Wide)

*This 15-member board will be the main governing body for the entire RSU.*

- **Structure:** 15 members elected with residency requirements from across the towns.
- **Voting:** All 15 members have equal voting authority.
- **Seat Apportionment:** Seats are assigned based on population/residency. This apportionment mirrors current high school voting, with the addition of Trenton and Outer Islands having a seat at the table:
 

○ Bar Harbor - 3	○ Southwest Harbor - 2
○ Cranberry Isles - 1	○ Swan's Island - 1
○ Frenchboro - 1	○ Tremont - 2
○ Mount Desert - 3	○ Trenton - 2

#### 2. Local School Advisory Councils (Per School)

*These councils will replace existing local school boards.*

- **Purpose:** To provide local input and advice to the RSU Board and the school principal. They are a dedicated avenue for **community feedback**.
- **Responsibilities:** Reviewing school budget priorities (including capital improvements) and providing input on the hiring process for school administration.
- **Members:** Principal, RSU Board Member, Teachers, Support Staff, Parents, and Students (HS and MS).

### Finances & Property: What Changes

#### 1. Property & School Closures

- **School Buildings:** The RSU will assume ownership (title) of all school buildings.
- **Important Protection:** The **RSU Board CANNOT unilaterally close a school**. A school can be closed only

if it is replaced by a new building and approved by the town's voters.

## 2. Assumption of Current Debt

- **Capital Debt (construction/renovation):** Current debt remains with the originating town.
- **Operational Debt** (e.g., bus and copier leases): assumed by the RSU.

## 3. Cost-Sharing for the Budget (Tax Fairness)

A funding formula determines each town's contribution to the RSU budget.

- 67% Valuation / 33% Enrollment (Current MDI High School Model)
  - Valuation based on **3-year State Valuation Average**
  - Enrollment based on **October 1 - October 1 Average**

## 4. Existing Funds & Reserves

Most reserves will be combined for RSU-wide use, ensuring maximum benefit for students:

- **PK-8 Bus & Building Reserves: Combined** and used district-wide.
- **MDI High School Reserves: Kept separate** and used *only* for high school purposes.
- **Special Education Reserves (AOS): Retained** for all RSU students.
- **Local Special Education Reserves: Returned** to the towns

## 5. Personnel and Contracts

- The current teachers' bargaining unit and two support staff agreements remain in place.



## PK-12 Educational Programming

- **Programming:** Comprehensive **PK-12 programming will be maintained.**
- **School Structure:** The current configuration **remains unchanged:**
  - 8 Elementary Schools (PK-8) and 1 High School (*A district middle school is **not** part of the reorganization plan voted on on June 9, 2026.*)



## Referendum Vote

**Yes Votes** - Trenton, Bar Harbor, Southwest, Tremont, Mount Desert

**No Votes** - One or more of the outer island towns

**RSU** - Goes Forward

- **If Approved:**
  - The Mount Desert Regional School District (MDIHS District) will dissolve.
  - AOS #91 will terminate if at least two of the outer island towns (Cranberry Isles, Frenchboro, Swan's Island) approve the plan.
- **If Approved, but Outer Islands Don't Approve:**
  - The RSU moves forward.
  - AOS #91 will continue to operate only for the outer island towns if two or more outer island towns vote "No."



## Proposed Timeline

- **Referendum Date: June 9, 2026**
- **Transition Period:** If approved, the current AOS board will appoint an interim RSU board to manage the transition (e.g., developing the first-year budget and maintaining current personnel policies).

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## The Ballot Question

"Do you favor approving the school administrative reorganization plan prepared by the MDIRSS-AOS #91 Reorganization Planning Committee to reorganize Trenton, Bar Harbor, Southwest Harbor, Tremont, Mount Desert, Swan's Island, Cranberry Isles, and Frenchboro into a Regional School Unit with an effective date of 7/1/2027?" **Yes / No**

NUMBER: 2026-03-12

TITLE: ORDER, ADOPT AMENDMENT TO CHAPTER 14, AMUSEMENTS, TO UPDATE SPECIAL AMUSEMENT PERMIT PROCEDURES

Filed March 9, 2026

**WHEREAS**, the Town Council has asked staff to review the ordinance governing Special Amusement Permits in accordance with Town Council Goals to review and adjust policies to be efficient and productive, maintain open communication, and meet the challenges and complexity of the community; and

**WHEREAS**, the goal of the Special Amusement Permit program is to ensure consistent, fair, and efficient handling of applications, to balance business vitality with neighborhood livability, and to maintain clear procedural boundaries between the Town Council’s policy-making and quasi-judicial roles and the Town Manager’s administrative responsibilities; and

**WHEREAS**, the Council reviewed and accepted public comment on a draft revision to the ordinance at a February 3, 2026 workshop, and requested adjustments to the draft ordinance and related draft Council policy; and

**WHEREAS**, requested changes have been incorporated; and

**WHEREAS**, on February 17, 2026, the Town Council held a first reading of the proposed amendment and scheduled a public hearing for March 17, 2026 at 6:30 p.m. for public comment; and

**WHEREAS**, the Town Council informed residents of the March 17, 2026 public hearing through a notice on the Municipal Building Bulletin Board posted January 26, 2026; a notice on the town’s website posted January 26, 2026; and public notices in the March 5, 2026 and March 12, 2026 editions of the Mount Desert Islander newspaper; and

**WHEREAS**, said public hearing was held on March 17, 2026, and

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council hereby adopts the below Ordinance Amendment 2026-03, “An Ordinance Amendment to update Special Amusement Permit procedures.”

**Amusements Ordinance Amendment**

Town of Bar Harbor

#2026-03

**An Amendment to update Special Amusement Permit procedures.**

*The Town of Bar Harbor hereby ordains that Chapter 14, Amusements, of the Town Code is amended as follows:*

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

Statement of Fact: Adopts amendment to Chapter 14, Amusements, to update the procedures for the Special Amusement Permit program.

## Chapter 14, Amusements

### § 14-1. ~~Title and purpose.~~ Purpose and intent

A. ~~Title. This article shall be known and may be cited as the "Special Amusement Permit Ordinance of the Town of Bar Harbor."~~

B. ~~Purpose. The purpose of this article is to control, as required by 28-A M.R.S.A. § 1054, the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor or malt liquor in the Town of Bar Harbor.~~

The purpose of this article is to regulate special amusement permits pursuant to 28-A MRS § 1054. These regulations ensure that music, dancing, and entertainment within establishments licensed for the sale of liquor or malt liquor occur in a manner consistent with public health, safety, and welfare, maintain compatibility with surrounding uses, and preserve the character of the Town of Bar Harbor.

### § 14-2. Definitions.

The following definitions apply to this article and do not affect the meanings of words or terms in any other article of this Code. As used in this article, the following terms shall have the meanings indicated:

~~AMPLIFIED ACOUSTIC INSTRUMENT — Any musical instrument designed to be played without mechanical amplification but that can also be connected to an amplifier; these may include, but are not limited to, acoustic guitars, violins/fiddles, upright/acoustic bass, mandolins, banjos, etc. Instruments designed to be played only with mechanical amplification are excluded.~~ **[Added 5-18-2021 by Ord. No. 2021-04]**

COMPLAINT — A verbal or written notice received by the Police Department from a member of the public or from a police officer that, in the opinion of the complainant, the licensee violated this article.

DECIBEL — The practical unit of measurement for sound-pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals), abbreviated dB. The abbreviation dB(A) shall refer to readings taken on the A-weighted scale.

ENTERTAINMENT — Any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional or amateur entertainers, by patrons, or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value including live music, music played by a disc jockey, and karaoke.

LICENSED PREMISES — ~~The physical location described in the special amusement permit application.~~

LICENSEE — The holder of a license issued pursuant to the provisions of 28-A M.R.S.A., Liquors, as amended, or any person, individual, partnership, firm, association, corporation or other legal entity acting as agent or employee of any holder of said license.

LICENSEE'S MANAGER — Person in charge of the licensed premises, ~~including, by way of example and without limitation, manager, partner, agent, employee or person otherwise authorized to oversee the operation of the licensed premises in the absence of the licensee.~~ with contact information listed on the application, available to be on-site within 30 minutes.

LOUD AND UNREASONABLE NOISE — Any sound, the intensity of which exceeds the standards set forth in § 14-6 or § 14-7 of this article.

MUSICIAN — One who performs music, whether instrumental or vocal.

OWNER — The person or persons having the right of legal title to or the beneficial interest in a building or parcel of land, as their interest is recorded in the tax records of the Town of Bar Harbor.

VIOLATION, FIRST — A first violation is deemed to have occurred if a police officer concludes that there are reasonable grounds to believe that a violation of this article has occurred and within the immediately preceding 12 months a licensee has received no summonses and no written warnings for violation of this article. Special amusement warnings and summonses issued prior to January 1, 2003, shall not be considered as within said twelve-month period.

VIOLATION, SECOND — A second violation is deemed to have occurred if a police officer concludes that there are reasonable grounds to believe that another violation of this article has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warning of a first violation; provided, however, that if a second violation occurs within five calendar days after the first violation, the verbal warning previously issued to the licensee or licensee's manager shall be sufficient.

VIOLATION, SUBSEQUENT — A subsequent violation is deemed to have occurred if a police officer concludes that there are reasonable grounds to believe that another violation of this article has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warning of a third violation; provided, however, that if a subsequent violation occurs within five calendar days after the third violation, the verbal warning previously issued to the licensee or licensee's manager shall be sufficient.

VIOLATION, THIRD — A third violation is deemed to have occurred if a police officer concludes that there are reasonable grounds to believe that another violation of this article has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warning of a second violation; provided, however, that if a third violation occurs within five calendar days after the second violation, the verbal warning previously issued to the licensee or licensee's manager shall be sufficient.

**§ 14-3. Permit required; ~~application procedure.~~**

- A. ~~No licensee holder of a State of Maine on-premise license for the sale of liquor or malt liquor to be consumed on his/her licensed premises, situated in the Town of Bar Harbor, shall permit entertainment on said licensed premises any music, except a radio or other mechanical device, or any dancing or entertainment of any sort unless the licensee shall have first obtained from the Town Council of Bar Harbor a special amusement permit approved by at least a majority of the members of said Town Council. from the Town Council.~~
- B. ~~Applications for all special amusement permits shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall state the name of the applicant; his/her residence address; the name of the business to be conducted; his/her business address; the nature of his/her business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; the type of music and entertainment intended by the applicant to be permitted on the licensed premises; whether dancing is permitted, and any additional information as may be needed by the Town Council in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.~~
- C. ~~The Town Council may revoke or refuse to issue a special amusement permit if the premises or building to be used for the purposes do not fully comply with all ordinances, articles, rules and regulations of the Town of Bar Harbor.~~
- D. ~~The Town Council shall set the fee for the special amusement permit from time to time.~~
- E. ~~Within 15 days of the Town Clerk's receipt of a complete application for a special amusement permit, the Town Council shall hold a public hearing, at which time the testimony of the applicant and any interested member of the public shall be taken. Prior to the hearing, reasonable notice of the same shall be given to all owners of land within 300 feet of the applicant's premises as provided below.~~
- (1) ~~For purposes of the issuance of a new permit for an applicant for a particular location, reasonable notice to owners of land within 300 feet of the applicant's premises shall include written notice sent by United States Mail, first class postage prepaid, which notice shall be mailed at least five days prior to the hearing.~~
  - (2) ~~For purposes of renewing a permit for an applicant against whom no complaint, warning or summons has been lodged in the preceding year, reasonable notice to all persons may be achieved by giving notice of the hearing in a newspaper of general circulation in the Town of Bar Harbor at least three days prior to the hearing.~~
  - (3) ~~For purposes of renewing a permit for an applicant against whom one or more complaints, warnings or summonses (in any combination) have been lodged in the~~

~~preceding year, reasonable notice may be achieved by sending a written notice by United States Mail, first class postage prepaid, which notice shall be mailed at least five days prior to the hearing.~~

- ~~F.—The Town Council, after hearing and upon such terms and conditions as it reasonably deems necessary to protect the public interest and to fulfill the purposes of this article, shall grant or renew a permit unless it finds that issuance of the permit will be detrimental to the public health, safety or welfare or would violate municipal ordinances or rules and regulations, articles or bylaws.~~
- ~~G.—A permit shall be valid only for the license year of the applicant's existing liquor license.~~

#### **§ 14-4. Classes of permit; ~~reapplication.~~**

- ~~A.—Special amusement permits granted by the Town Council shall be limited to the following classes:~~
- ~~(1) Without mechanical amplification:~~
- ~~(a) Class 1: single musician.~~
  - ~~(b) Class 2: two musicians.~~
  - ~~(c) Class 3: three or more musicians.~~
- ~~(2) With mechanical amplification:~~
- ~~(a) Class 1a: single musician.~~
  - ~~(b) Class 2a: two musicians.~~
  - ~~(c) Class 3a: three or more musicians.~~
- ~~(3) With mechanical amplification and dancing:~~
- ~~(a) Class 1ad: single musician.~~
  - ~~(b) Class 2ad: two musicians.~~
  - ~~(c) Class 3ad: three or more musicians.~~
  - ~~(d) With outdoor mechanical amplification: [Added 5-18-2021 by Ord. No. 2021-04<sup>1</sup>]~~
- ~~(4) Class 1ao: single musician.~~
- ~~(a) Class 2 ao: two musicians.~~
  - ~~(b) Class 3ao: three or more musicians.~~
- ~~(5) Other entertainment or amusement:~~
- ~~(a) Class 4: any other type of entertainment, as provided by 28 A.M.R.S.A. §~~

1054(1)(C).

- ~~B. Any permit granted shall be for one of the above noted classes. A licensee shall not permit on the licensed premises any music, dancing or entertainment which exceeds that permitted by the class of his/her permit, during the period for which his/her permit is valid as otherwise determined by this article.~~
- ~~C. During the period for which a license is valid, the licensee may reapply for a new special amusement permit, if he/she elects to permit dancing, music or entertainment which exceeds that permitted by the current permit. Said reapplication shall be governed by all the provisions of this article with respect to applications for a special amusement permit in general, including the payment of the usual permit fee.~~
- ~~D. A violation of this section by a licensee shall be grounds to revoke or suspend his/her permit and/or to refuse to grant a permit upon subsequent application by the same licensee.~~

The Council may issue permits in one or more of the following classes:

Class A – Indoor non-amplified entertainment.

Class B – Indoor amplified entertainment or dancing.

Class C – Outdoor non-amplified entertainment.

Class D – Outdoor amplified entertainment

**§ 14-5. Application and review cycle**

- A. Filing periods. All applications for new or renewed Special Amusement Permits shall be filed with the Office of the Town Clerk. The Town will conduct regular filing periods each year as specified in the Town Council Policy on Disposition of Special Amusement Permits.
- B. Departmental review. Upon receipt of a complete application, the Town Clerk shall forward for review and comment to:
  - 1. Police Department to determine compliance of proposed amusement with laws and ordinances.
  - 2. Fire Department to verify compliance with life-safety requirements.
  - 3. Code Enforcement to verify that no outstanding code violations exist at the licensed premises and that the proposed activity complies with applicable codes. Staff will also note the zoning district of the licensed premises and whether any abutting properties within 300 feet are within a different district.
  - 4. Finance Department to confirm all Town accounts for the licensed premises are current.
  - 5. Others as deemed necessary by the Town Manager.

All departmental comments shall be completed on a form provided for by the Town Clerk,

and returned to the Town Clerk for inclusion in the application record to be submitted to the Town Council.

- C. Public Hearing. The Town Council shall hold a public hearing on each new or modified permit during the regular licensing cycle. Notice of the hearing shall include:
1. Notice published in a newspaper of general circulation in the Town of Bar Harbor at least seven days prior to the hearing.
  2. Written notice to owners of land within 300 feet of the applicant's premises sent by United States Mail, first class postage prepaid, mailed at least seven days prior to the hearing.

#### **§ 14-6. Standards for issuance, issuance or denial of permit**

- A. **Review and findings.** The Town Council shall review each complete application at a duly noticed public hearing and shall make written findings on the standards listed below. Failure to obtain a majority on any standard constitutes a finding that the criteria are not satisfied and is grounds for denial. To approve a Special Amusement Permit, the Council must find that the proposed activity:
1. Is compatible with the zoning district and surrounding uses.
  2. Will not create unreasonable noise, vibration, light, or other disturbance to nearby properties.
  3. Provides adequate noise-control or sound-mitigation measures.
  4. Hours of operation consistent with neighborhood character.
  5. Complies with applicable municipal ordinances and state law.
  6. Presents no outstanding fire, building, or life-safety violations.
  7. Does not injure the public health, safety, or welfare.
- B. Conditions. Where a standard cannot be satisfied by the proposed activity as detailed in the application, the Council may approve a permit with conditions, limitations, or operational requirements. These conditions may include, but are not limited to, limits on hours of operation, restrictions on outdoor entertainment, requirements for sound control, or other measures the Council deems appropriate to maintain neighborhood compatibility.
- C. Record of decision. The Council's votes for each standard shall be included in the official minutes. These recorded findings serve as the basis for approval, conditional approval, or denial.
- D. Issuance or denial of permit. Within fifteen (15) days of the hearing, written notice of approval, conditional approval, or denial shall be provided. Approved permits must specify which activities are prohibited on the licensed premises and may include a list of which activities are authorized. Denials shall state the reasons for the decision.
- E. Reapplication. After denial of an application for a permit, an applicant may not reapply until

the following review cycle. There must be unanimous consent by all councilors present at the meeting in order to hear the order for reconsideration.

- F. Duration. A Special Amusement Permit is valid for the license year of the existing State of Maine liquor license, unless suspended or revoked under §14-9, the business is transferred or use of the property changes. Special Amusement Permits are not transferable.

**~~§ 14-5. Enforcement; violations and penalties.~~**

- A. ~~Enforcement authority. The provisions of this article shall be enforced by the Bar Harbor Police Department.~~
- B. ~~Violations. Each violation of this article following a warning or summons issued by a police officer shall constitute a separate violation.~~
- C. ~~Delivery of notices. Any notice mailed or delivered to any licensee as provided in this article shall be effective as to the licensee identified in the notice notwithstanding such licensee's refusal to accept delivery of the notice and notwithstanding any failure of any other licensee to actually receive notice. Any notice required under this article to be sent to the applicant or licensee shall be mailed or hand delivered to the applicant's address as shown on the application form filed with the Town Clerk, unless the licensee or applicant has provided written notice to the Town Clerk of a change of address.~~
- D. ~~Warning for first violation. Should a police officer conclude that a first violation of this article has occurred or is occurring, the officer shall immediately give a verbal warning to the licensee or the licensee's manager on the premises. Within not more than five calendar days of this warning, the Police Department shall deliver in hand to the licensee, or send by first class mail, a written narrative report of the incident, a copy of this article and a written notice advising the licensee that the Police Department has substantiated a violation on the licensed premises.~~

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- E. ~~Warning for second violation. Should a police officer conclude that a second violation of this article has occurred or is occurring, the officer shall immediately give a verbal warning to the licensee or the licensee's manager on the premises. Within not more than five calendar days of the second violation, the Police Department shall deliver in hand to the licensee, or send by first class mail, a written narrative report of the incident, a copy of this article and a written notice advising the licensee that the Police Department has substantiated a violation on the licensed premises.~~

- F. ~~Summons for subsequent violations. Should a police officer conclude that a third violation or subsequent violation of this article has occurred or is occurring, the officer shall immediately give verbal notice to the licensee or the licensee's manager on the premises. Within not more than five calendar days of this violation, the Police Department shall deliver in hand to the licensee, or send by first class mail, a written narrative report of the incident, a copy of this article and a written notice advising the licensee that the Police Department has substantiated a violation on the licensed premises.~~

and requesting the licensee to present himself or herself at the Police Department to accept service of a summons. The police officer shall write a summons for the licensee to appear in the Maine District Court to answer therefor. The Police Department shall also provide a copy of all pertinent documentation to the Town Clerk, who shall place the matter on the next available Town Council agenda for action under § 14-5F(2) below. Court action under Subsection F(1) below and Town Council action under Subsection F(2) below are separate, independent remedies which the Town may pursue concurrently, and neither is a prerequisite to the other. Failure of the licensee to present herself or himself to accept the summons shall not be cause for postponement of the Town Council hearing nor negate possible suspension or revocation of the license.

~~(1) Court action. A third violation or subsequent violation shall constitute a civil offense. The penalty for the conviction of said third violation shall be a fine of no less than \$100 and no more than \$1,000. The penalty for the conviction of a subsequent violation shall be no less than \$100 more than the penalty assessed for the previous conviction but no more than \$1,000. Any penalties assessed hereunder shall inure to the benefit of the Town of Bar Harbor. Any violation of this article shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction, irrespective of whether a summons has been issued or a civil penalty has been sought.~~

~~(2) Town Council action.~~

~~(a) Upon being informed of a third or subsequent violation, the Town Clerk shall provide written notice to the licensee, either in hand or by certified mail, return receipt requested, and to all owners of land within 300 feet of the licensee's premises, by first class mail, that, in not less than seven days after the date of the notice, the Town Council shall conduct a public hearing to consider whether the licensee committed a violation. Neither the failure of any landowner actually to receive notice nor the licensee's refusal to accept certified mail shall necessitate another hearing or invalidate any action taken by the Council at such hearing.~~

~~(b) Following a hearing the Council, by a preponderance of the evidence, shall make a determination of whether the licensee committed a violation of this article.~~

~~[1] If the Council finds the licensee committed a third violation, Council shall suspend the licensee's special amusement permit for a period of 30 days from the date of the hearing.~~

~~[2] If the Council finds that the licensee committed a subsequent violation, it shall revoke the licensee's permit for a minimum of 30 days, but not more than one year, at the discretion of the Council, and the Council may refuse to approve future licensee applications for a special amusement permit.~~

### **§ 14-7. Continuation of previously approved permits**

Pursuant to municipal home rule authority under 28-A M.R.S.A. Chapter 111, the Town Council authorizes the administrative continuation of any valid Special Amusement Permit issued by the Council after a permit has been approved under §14-5 and §14-6 for two consecutive years.

- A. Request for continuation. Following Town Council approvals of a permit in two consecutive years, a permit holder seeking continuation of an existing Special Amusement Permit shall submit a request to the Town Clerk at least thirty (30) days prior to the expiration of the existing permit, along with the established continuation fee.
- B. Administrative review. The Police Chief, or designee, shall conduct an administrative review to confirm the following.
  - 1. No outstanding violations exist related to entertainment, noise, licensing, or public safety at the licensed premises.
  - 2. No pattern of substantiated complaints, or unresolved issues exist that is significant enough to create reasonable concern regarding continued neighborhood compatibility under the current permit conditions.
  - 3. The nature, scale, or location of the entertainment has not materially changed from the originally approved permit.

Where these conditions are satisfied, continuation is a ministerial act and shall be granted without further Council action or public hearings.

- C. Referral to Town Council. The Police Chief, or designee, may refer any continuation request to the Town Council for good cause, including confirmed complaints, operational changes, zoning concerns, or evidence of neighborhood impact requiring policy-level review. Upon referral, the Council shall review the continuation during the next available public hearing cycle.
- D. Denial of a continuation. Continuation may be denied upon a determination that violations have occurred, that substantiated complaints demonstrate a negative impact on surrounding properties, or that changes to the premises or operation warrant new Council review. If continuation is denied, the permit holder may apply for a new permit. Any new permit application shall follow the procedures for original issuance, including public hearing and Council consideration.

### **§ 14-6 8. Regulation of noise.**

All permit holders shall comply with the “loud and unreasonable noise” standard in Chapter 139 (Noise) and the following supplemental requirements:

- A. Mitigation. Sources of noise shall be required to be muffled so as not to be objectionable due to intermittence, beat, frequency, shrillness, intensity or volume.

B. Hours.

- (1) The performance of nonamplified music out of doors by licensees is prohibited between the hours of 10:00 p.m. and 9:00 a.m.
- (2) The performance of amplified music out of doors by licensees is prohibited between the hours of 9:00 p.m. and 11:00 a.m.

C. Noise control. The maximum permissible sound-pressure level of any continuous, regular, frequent, intermittent or periodic source of noise produced by any activity regulated by this article shall not exceed 71 dB(A) at any time measured outside the licensed premises at the nearest property line or other approved location as determined by the Police Chief, or designee.

~~An applicant for a special amusement permit hereunder shall, as part of his/her application, demonstrate his/her ability to prevent the emanation of excessive noise from the premises sought to be licensed brought about by music, dancing or entertainment, except for a radio or other mechanical device excluded under 28 A.M.R.S.A. §1054 or amendments thereto. Amplified outdoor music shall be limited to "amplified acoustic instruments" as defined in this chapter and one vocal microphone per performer; all outdoor amplification must adhere to this chapter. The performance of nonamplified music out of doors by licensees is prohibited between the hours of 10:00 p.m. and 9:00 a.m. The performance of amplified music out of doors by licensees is prohibited between the hours of 9:00 p.m. and 11:00 a.m.~~

~~D.—Sources of noise. Sources of noise contemplated by this section shall include musical instruments, sound modification or amplification devices used in connection with musical instruments and/or other similar devices which produce, reproduce or amplify sound created by musical instruments. Sources of noise shall further include any noise or sound produced directly or indirectly by the applicant's music, dancing or entertainment except for those mechanical devices specifically excluded under 28 A.M.R.S.A. § 1054 or amendments thereto.~~

~~E.—Noise. Sources of noise shall be required to be muffled so as not to be objectionable due to intermittence, beat, frequency, shrillness, intensity or volume.~~

~~F.—Noise control. The maximum permissible sound pressure level of any continuous, regular, frequent, intermittent or periodic source of noise produced by any activity regulated by this article shall not exceed 71 dB(A) at any time at the measuring locations specified in § 14-6D(3)(e) below.~~

~~G.—Measurement procedures. For the purpose of determining noise levels as set forth in this article, the following procedures shall be used:~~

- ~~(1) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.~~
- ~~(2) Instruments used to determine sound level measurements shall conform to the standards of ASI Type I or Type II meters.~~
- ~~(3) The general steps listed below shall be followed when preparing to take~~

sound level measurements:

- ~~(a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.~~
- ~~(b) The sound level meter shall be calibrated before and after each set of measurements. The calibrator itself shall be recalibrated at least once every year.~~
- ~~(c) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions. No sound level measurement shall be taken at wind speeds greater than 12 miles per hour; neither shall measurements be taken during periods of precipitation.~~
- ~~(d) The sound level meter shall be placed as specified by the manufacturer's instructions and at least four feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements.~~
- ~~(e) Measurements shall be taken at points outside the licensed premises which are no less than five feet and no more than 10 feet from the lot lines of the licensed premises.~~
- ~~(f) No less than two readings taken by the sound level meter within a fifteen-minute period shall constitute a reasonable basis for averaging a set of measurements. A simple arithmetic average may be taken, summing all the measurements and dividing the sum by the number of measurements taken. This is known as "L50 descriptor," representing the mean sound pressure level which is exceeded 50% of the time.~~

#### **§ 14-7. Loud and unreasonable noise.**

~~Regardless of whether or not the mean sound pressure level limit as set forth in § 14-6C is exceeded, the licensee or his/her authorized representative shall not permit the use of the premises to result in any continued, excessive or loud and unreasonable noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety of individuals or which results in disturbing the peace and tranquility of the neighborhood.~~

#### **§ 14-8. Decision on permit application.**

~~Any applicant requesting a special amusement permit from the Town Council shall be notified in writing of its decision no later than 15 days from the date his/her request was received by the Town Council. In the event that an applicant is denied a permit, the applicant shall be provided with the reasons for denial in writing. The applicant may not reapply for a permit within 30 days after an application for a permit has been denied, except with the consent of the Town Council.~~

#### **§ 14-9. Enforcement**

A. Administration. Enforcement of this article shall be administered by the Town

Manager, or designee.

- B. Violations. If, upon investigating a complaint, a police officer concludes that there are reasonable grounds to believe a violation of this article has occurred or is occurring, the complaint is considered substantiated.
1. First violation. The officer shall immediately give a verbal warning to the licensee's manager named on the application. Within five calendar days of this warning, the Police Department shall provide written notice of a substantiated first violation to the licensee and Town Clerk's office.
  2. Second violation in a license year. The officer shall immediately give a verbal warning to the licensee's manager. Within five calendar days of this warning, the Police Department shall provide written notice of a substantiated second violation to the licensee and Town Clerk's office.
- C. Suspension or revocation. Upon a third or subsequent violation in a license year, the Town Council may, after a public hearing preceded by notice to interested parties, suspend or revoke for cause any permit which has been issued under this article, pursuant to 28-A MRS § 1054.

#### **§ 14-9 10. Appeals.**

~~Any applicant who has requested a permit and has been denied or licensee whose permit has been revoked or suspended may, within 30 days of denial, suspension or revocation, appeal the decision as provided by Title 28-A MRSA § 1054. Any aggrieved party may appeal a denial, suspension, or revocation to the Bar Harbor Board of Appeals within thirty (30) days of written notice. The scope of review shall be limited to the record developed before the Town Council and to determining whether the Council's decision was affected by error of law, was unsupported by evidence and/or testimony, or constituted an abuse of discretion.~~

#### **§ 14-10. Admission charge.**

~~A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.~~

#### **§ 14-11. Severability.**

~~The invalidity of any provision of this ordinance shall not invalidate any other part. If any section or provision of this article is found invalid, the remainder shall remain in effect.~~

[End of ordinance]

[End of order]



NUMBER: 2026-02-05

TITLE: ORDER, APPROVE NEW TOWN COUNCIL POLICY ON DISPOSITION OF SPECIAL AMUSEMENT PERMITS

Filed February 11, 2026

**WHEREAS**, the Town Council has asked staff to review the ordinance governing Special Amusement Permits in accordance with Town Council Goals to review and adjust policies to be efficient and productive, maintain open communication, and meet the challenges and complexity of the community; and

**WHEREAS**, the goal of the Special Amusement Permit program is to ensure consistent, fair, and efficient handling of applications, to balance business vitality with neighborhood livability, and to maintain clear procedural boundaries between the Town Council's policy-making and quasi-judicial roles and the Town Manager's administrative responsibilities; and

**WHEREAS**, the Council reviewed and accepted public comment on a draft revision to the ordinance at a February 3, 2026 workshop, and requested adjustments to the draft ordinance and related draft Council policy;

**NOW THEREFORE, BE IT ORDERED**, that the Bar Harbor Town Council hereby adopts the below policy on Disposition of Special Amusement Permits, contingent on adoption of the related amendment to Chapter 14, Amusements, of the Municipal Code, Ordinance Amendment 2026-03.

## **Disposition of Special Amusement Permits**

17-Feb-2026

Town of Bar Harbor

### **1. Purpose and Policy Statement**

This policy establishes the Council's process and expectations for the receipt, review, and disposition of Special Amusement Permits issued under Chapter 14 of the Town Code and 28-A M.R.S.A. §1054.

The goal of this policy is to ensure consistent, fair, and efficient handling of applications, to balance business vitality with neighborhood livability, and to maintain clear procedural boundaries between the Town Council's policy-making and quasi-judicial roles and the Town Manager's administrative responsibilities.

### **2. Scope**

This policy applies to all applications, renewals, and provisional permits for special amusement, as defined by Chapter 14. It governs the order of consideration, hearing procedures, and decision protocols used by the Council in exercising its permitting authority.

### **3. Administrative Roles and Responsibilities**

- **Town Clerk** – Serves as the point of intake for all applications, coordinates departmental reviews, and prepares materials for Council packets.

**Statement of Fact:** Adopts new Town Council policy on Disposition of Special Amusement Permits contingent on Council adoption of related ordinance amendment.

- **Town Manager, or Designee** – Oversees administration of the permitting process, issues provisional permits when authorized, and ensures compliance with this policy and the Town Code.
- **Department Heads (Police, Fire, Code Enforcement, Finance)** – Conduct compliance reviews and submit findings or recommendations to the Clerk.
- **Town Council** – Acts as the permitting authority, holding public hearings, evaluating applications against the adopted criteria, and voting to approve, conditionally approve, or deny each application.

#### 4. Review Schedule

All applications for new or renewed Special Amusement Permits shall be filed with the Office of the Town Clerk. The Town will conduct three regular filing periods each year:

1. **Spring cycle:** Applications due by March 1 for hearing in April.
2. **Summer cycle:** Applications due by June 1 for hearing in July.
3. **Fall cycle:** Applications due by September 1 for hearing in October.

These cycles align with the seasonal nature of operations and provide two opportunities each year for new or existing establishments to obtain or amend a permit. This schedule ensures predictable review windows, reduces administrative burden, and provides equity among permit holders seeking review within the same timeframe.

*The Police Chief, or designee, is authorized to issue administrative continuations consistent with §14-7, provided the conditions for continuation are met.*

#### 5. Consent Calendar Procedure

To promote efficiency while maintaining transparency, the Council uses a consent calendar process for disposition of amusement permits.

**Public Hearing.** Before action on the consent calendar, the Chair shall open the floor for public comment on any application listed, including accepting any written comments received.

**Removal of Items.** Any Councilor may remove an item from the consent calendar for individual consideration, without a second and without debate.

**Action.** After the public hearing and any removals, the remaining items may be approved collectively by a single motion and vote.

**Record.** Approval by consent constitutes a finding that all standards of §14-6 have been satisfied.

#### 6. Individual Consideration Procedure

If any application is removed from the consent calendar, the Council may proceed using the **Special Amusement Permit Review Checklist** (Appendix A). The Chair may allow questions, discussion, and a recorded vote on whether each individual standard is *met* or *not met*. Additional information or statement may be sought from the applicant.

A majority vote that all criteria are *met* constitutes approval of the permit. Failure to meet any criterion shall not immediately result in denial; instead, the Council may discuss applying conditions to the proposed activity as described below.

### **6-A Secondary Review - Motion to Modify or Condition Application**

After all criteria have been voted upon, if one or more standards are found *Not Met*, the Chair may invite a motion to impose reasonable conditions to cure identified deficiencies.

If such a motion passes by majority, the Council shall re-vote on the affected criteria to determine whether they are satisfied *as conditioned*.

- If a conditioned re-vote passes, the permit shall be approved with conditions; or
- If the conditioned re-vote fails, or no motion to modify is offered, the application shall be denied.

### **6-B Approved Categories of Conditions:**

The following categories may be applied individually, or in combination as appropriate, to the specific circumstances of the application:

- **Temporal Conditions:** Limits on hours, duration, or frequency of events.
- **Sound and Physical Controls:** Use of sound baffles, directional speakers, or limits on amplified sound.
- **Spatial and Structural Controls:** Designation of entertainment areas, enclosure requirements, or barrier installations.
- **Administrative and Reporting Requirements:** Posting of entertainment schedules, complaint-response procedures, or departmental monitoring.

## **7. Record of Decision**

For each application, the Town Clerk shall record:

1. The Council's votes on each review criterion;
2. Any conditions imposed; and
3. The final vote of issuance or denial.

The completed checklist and minutes together form the official record of decision.

## **8. Amendments and Review**

This policy may be amended by vote of the Town Council and reviewed periodically to ensure consistency with applicable law and ordinance.

## Appendix A – Special Amusement Permit Review Checklist

### Initial Review

Review Standard	Met	Not Met
1. Compatible with zoning district and surrounding uses	<input type="checkbox"/>	<input type="checkbox"/>
2. Will not create unreasonable noise, vibration, light, or disturbance	<input type="checkbox"/>	<input type="checkbox"/>
3. Provides adequate noise-control or mitigation measures (Ch. 139)	<input type="checkbox"/>	<input type="checkbox"/>
4. Hours of operation consistent with neighborhood character	<input type="checkbox"/>	<input type="checkbox"/>
5. Complies with applicable municipal ordinances and state law	<input type="checkbox"/>	<input type="checkbox"/>
6. Presents no outstanding fire, building, or life-safety violations	<input type="checkbox"/>	<input type="checkbox"/>
7. Does not injure the public health, safety, or welfare	<input type="checkbox"/>	<input type="checkbox"/>

*If all standards are marked Met → Vote to approve Permit.*

*If one or more standards are marked Not Met → Proceed to Secondary Review.*

### Secondary Review – Motion to Amend with Conditions.

If any standard is found *Not Met*, the Council may consider motions to amend the application with specific conditions intended to cure deficiencies before denial.

#### A. Identify Area(s) of Amendment - Check all that apply and specify the modification.

Area of Amendment	Select	Describe Condition / Revision
Hours of operation	<input type="checkbox"/>	To: _____
Frequency or number of events	<input type="checkbox"/>	To: _____
Outdoor or amplified entertainment	<input type="checkbox"/>	Condition: _____
Sound control or baffle system	<input type="checkbox"/>	Requirement: _____
Entertainment area / layout	<input type="checkbox"/>	Adjustment: _____
Administrative / reporting measures	<input type="checkbox"/>	Requirement: _____
Other (specify)	<input type="checkbox"/>	_____

**B. Secondary Vote**

**Motion to Approve as Amended:**

“I move to approve the application as amended with the listed conditions.”

Motion Passed       Motion Failed

**If the motion passes:**

Final Action →  Permit Approved with Conditions

**If the motion fails:**

Motion to Deny:

“I move to deny the application due to insufficient conditions to cure identified deficiencies.”

Motion Passed (permit denied)

**Town Clerk Attest:** \_\_\_\_\_

**Date:** \_\_\_\_\_



NUMBER: 2026-03-13

TITLE: ORDER, PLACE LAND USE ORDINANCE AMENDMENT TITLED HOLY REDEEMER CHURCH ON JUNE 9, 2026 TOWN MEETING WARRANT

March 9, 2026

**WHEREAS**, a property owner, Holy Redeemer Church (herein the Church), submitted a rezoning application to the Planning Board to amend the Land Use Ordinance titled Holy Redeemer Church (herein the amendment); and

**WHEREAS**, the amendment would rezone the Church property (map/lot 104-419-000) at 56 Mount Desert Street from the Mount Desert Street Corridor District to the Downtown Residential District; and

**WHEREAS**, the current use is allowed in both the Mount Desert Street Corridor District and the Downtown Residential District; and

**WHEREAS**, the amendment would provide the property with greater lot coverage and decreased setbacks; and

**WHEREAS**, the amendment was introduced to the Planning Board at its November 5, 2025, meeting; and

**WHEREAS**, the amendment was reviewed by the Planning Board for completeness at the December 3, 2025, and January 7, 2026, meetings and comments were heard, and found complete at the latter; and

**WHEREAS**, as stated in the Church's application to the Planning Board, the amendment affirms *"the importance of institutional uses such as churches and civic facilities, noting in Chapter 4 (Land Use) that they remain essential to neighborhood vitality and should be supported through flexible zoning frameworks where contextually appropriate. Rezoning the Holy Redeemer Church parcel from Mount Desert Street Corridor to Downtown Residential reflects that policy directly: it aligns zoning with the property's long-standing institutional use ..."*; and

**WHEREAS**, *"the Future Land Use Plan section of the 2035 Comprehensive Plan specifically identifies the Downtown Residential District as a transition zone supporting a mix of residential and compatible civic or institutional uses. The Holy Redeemer parcel is located at the edge of this district and exhibits land use characteristics, including walkability, adjacency to other civic institutions, and proximity to downtown services, that match the intended purpose of the zone as defined in the Future Land Use Plan. This makes the requested zoning change not only appropriate for current use but also directly aligned with the Town's vision for future land use and neighborhood design"*; and

Statement of Fact: Places Land Use Ordinance Amendment to rezone Holy Redeemer Church on the warrant for the June 2026 Town Meeting.

**WHEREAS**, “overall, the amendment promotes the responsible stewardship of a historic institutional property, in full alignment with the 2035 Plan’s goals for equitable access, land use compatibility, and neighborhood-based civic engagement”; and

**WHEREAS**, the amendment was introduced to the Town Council on December 16, 2025; and

**WHEREAS**, the Planning Board, at a meeting on January 7, 2026, voted unanimously in favor of holding a public hearing on February 4, 2026; and

**WHEREAS**, residents were informed of the February 4, 2026, Planning Board public hearing through a town-wide mailing in January 2026; public notice in the January 15 and January 22, 2026, editions of the Mount Desert Islander; and public notice on the Municipal Building Bulletin Board on January 12, 2026; and

**WHEREAS**, the amendment was available for public review on the town website and in hard copy at the Municipal Building; and

**WHEREAS**, the Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and unanimously voted to send the amendment to the Town Council; and

**WHEREAS**, on February 17, 2026, the Town Council scheduled a public hearing for March 17, 2026 for public comment; and

**WHEREAS**, the Town Council informed residents of the March 17, 2026 public hearing through a public notice on the Municipal Building Bulletin Board posted on February 20, 2026; a town-wide mailing sent March 3 and 4, 2026; notice on the town’s website posted February 26, 2026; and a public notice in the February 26, 2026 and March 5, 2026 editions of the Mount Desert Islander newspaper; and

**WHEREAS**, on March 12, 2026, two public forums were held at which the amendment was explained to residents, followed by a question and answer period; the forum is available for viewing on Town Hall Streams; and

**WHEREAS**, said public hearing was held on March 17, 2026;

**NOW THEREFORE, BE IT ORDERED**, pursuant to Town Code Section 125-9(B), the Land Use Ordinance Amendment article — Holy Redeemer Church, version dated February 4, 2026, presented below, be placed on the June 9, 2026 Town Meeting warrant with voting thereon to be held by Australian ballot.

LUO Amendment #LUO-2026-01, **Holy Redeemer Church**

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WARRANT ARTICLE

**Article XX LAND USE ORDINANCE AMENDMENT —Holy Redeemer Church –** Shall an ordinance, dated February 4, 2026, and entitled “**An Amendment to amend the Official**

**Neighborhood Districts Map by rezoning the Holy Redeemer Church from the Mount Desert Street Corridor District to the Downtown Residential District,” be enacted?**

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SUMMARY

The amendment to the Official Neighborhood Districts Map would rezone the Holy Redeemer Church located at 56 Mount Desert Street, Tax Map 104, Lot 419, from the Mount Desert Street Corridor District to the abutting Downtown Residential District.

GENERAL EXPLANATION

The applicant, Holy Redeemer Church, is requesting an amendment to the Official Neighborhood Districts Map, as presented in the Planning Board application LU-2025-01. The amendment would rezone the Holy Redeemer Church located at 56 Mount Desert Street from the Mount Desert Street Corridor District to the Downtown Residential District. This change would provide the lot with a greater lot coverage and decreased setbacks.

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LUO Amendment #LU-2026-01

**Holy Redeemer Church**

Town of Bar Harbor

**An amendment to the Land Use Ordinance**

**Article II**

*The Town of Bar Harbor hereby ordains that the Official Neighborhood Districts Map of Bar Harbor, as described in Chapter 125, Section 13, Official Neighborhood Districts Map of the Town Code is amended as follows:*

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

**Chapter 125 , LAND USE ORDINANCE**

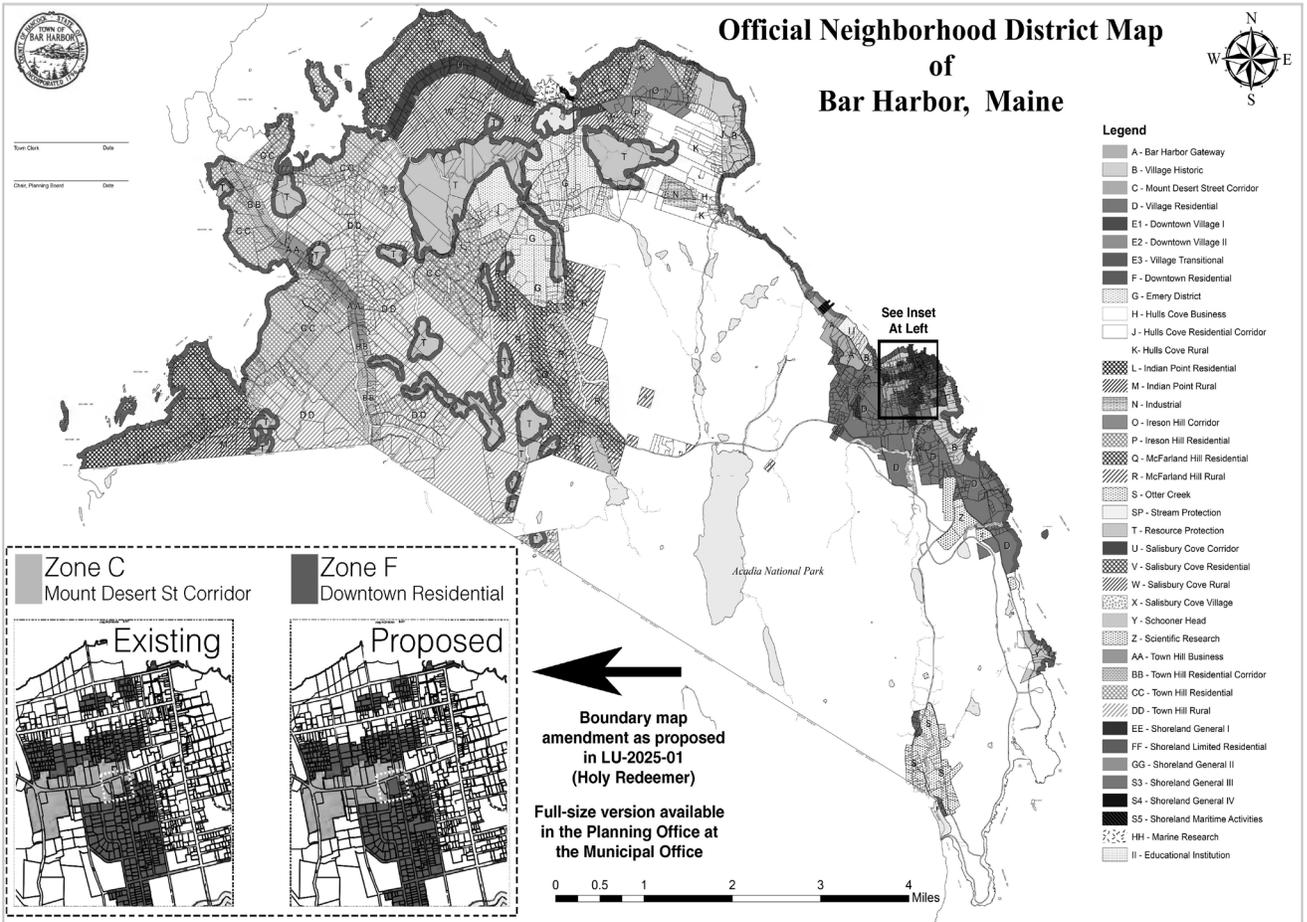
**Article II. Establishment of Districts**

\*\*\*

**§125-13 Official Neighborhood Districts Map**

Neighborhood districts established by this chapter are bounded and defined as shown on the Official Neighborhood District Map of Bar Harbor, which, together with all explanatory materials contained thereon, is hereby made a part of this chapter. The official map shall be signed by the Town Clerk and Chairman of the Planning Board at the time of adoption or amendment of the chapter, certifying the date of such adoption or amendment, and shall be filed in the office of the Town Clerk.

\*\*\*



[End of ordinance]  
[End of order]

NUMBER: 2026-03-14

TITLE: ORDER, AMEND LAND USE ORDINANCE AMENDMENT #2026-02  
DESIGN REVIEW TO CORRECT AN ERROR

Filed March 12, 2026

**WHEREAS**, a scrivener’s error has been identified in the Design Review Land Use Ordinance amendment, an extraneous word in the definition of “principal elevation”; and

**WHEREAS**, a correction is presented below;

**NOW THEREFORE, BE IT ORDERED**, that the Land Use Ordinance Amendment 2025-02 titled “Design Review” article be amended to remove the extraneous word, as follows:

LUO Amendment #LUO-2026-02  
**Design Review**  
Town of Bar Harbor

\*\*\*

PRINCIPAL ELEVATION

The primary façade that faces the street or public way, characterized by its architectural prominence, featuring elements such as the main entrance, windows, porches, porticos, and other design features. The principal elevation of a structure ~~on~~ with multiple frontages is the orientation of the main entrance or the elevation that most directly addresses the street or public way.

\*\*\*

[End of Order]



NUMBER: 2026-03-15

TITLE: ORDER, PLACE LAND USE ORDINANCE AMENDMENT TITLED DESIGN REVIEW ON JUNE 9, 2026 TOWN MEETING WARRANT

Filed March 11, 2026

**WHEREAS**, a Land Use Ordinance amendment titled Design Review (herein the amendment) meant to repeal and replace the existing Article XIII Design Review is proposed; and

**WHEREAS**, the amendment would add, revise, and delete definitions; and

**WHEREAS**, the amendment would improve clarity around the Design Review Board’s jurisdiction, design standards, and application and review processes in alignment with the Bar Harbor 2035 Comprehensive Plan (Comprehensive Plan) “*Regulatory Issues*” concept, which addresses, “*opportunity to simplify the regulations so they are easier to understand and more user friendly*”; and

**WHEREAS**, the amendment would reorganize content in Article XIII such that it is presented in a sequential order; and

**WHEREAS**, the amendment would delete unnecessary information and expand sections to provide greater clarity for applicants in Article XIII; and

**WHEREAS**, the amendment aligns standards with the Secretary of the Interior’s Standards for the Treatment of Historic Properties regarding rehabilitation and restoration activities and identifies when such standards are to be used, consistent with the Comprehensive Plan Implementation Action 6.8B, “*Review and make changes to the design review standards to better align with the Maine Historic preservation guideline and other related standards*”; and

**WHEREAS**, the amendment aligns with the Comprehensive Plan “*Adaptive Reuse*” Key Concept of the Stewardship of Resources theme, specifically with the statements, “*Adaptive reuse involves investing in a building that may be past its prime and renovating it for new uses that also address contemporary needs. As Bar Harbor looks for ways to become a more sustainable and resilient community while retaining its distinct character, adaptive reuse will be one of the best development and climate strategies the community can implement*”; and

**WHEREAS**, the amendment supports, “*Ensuring Bar Harbor’s natural and cultural resources are considered and protected by performance standards in the regulations*,” a concept in the Comprehensive Plan Regulatory Revisions theme; and

**WHEREAS**, Design Review Board held eight workshops (January 24, March 28, October 10, and October 24, 2024, and September 25, October 9, October 21, and December 11, 2025) where changes were discussed; and

Statement of Fact: Places Land Use Ordinance Amendment titled Design Review on the warrant for the June 2026 Town Meeting.

**WHEREAS**, two joint Design Review Board and Planning Board workshops were held (February 19 and May 15, 2025) where changes were discussed; and

**WHEREAS**, a courtesy notification about the amendment was mailed on October 24, 2025, to all owners of property within the Design Review jurisdiction informing them of three upcoming meetings where the amendment was to be discussed and comments heard; and

**WHEREAS**, the amendment was presented to the Planning Board at their November 5 and December 3, 2025, meeting, and comments were heard; and

**WHEREAS**, the Planning Board, at a meeting on January 7, 2026, voted unanimously in favor of holding a public hearing on February 4, 2026; and

**WHEREAS**, the amendment was presented to the Town Council at its meeting on December 16, 2025, and January 20, 2026, and comments were heard; and

**WHEREAS**, residents were informed of the February 4, 2026 Planning Board public hearing through a town-wide mailing in January 2026; public notice in the January 15 and January 22, 2026, editions of the Mount Desert Islander; and public notice on the Municipal Building Bulletin Board on January 12, 2026; and

**WHEREAS**, the amendment was available for public review on the town website and in hard copy at the Municipal Building; and

**WHEREAS**, the Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and unanimously voted to send the amendment to the Town Council; and

**WHEREAS**, on February 17, 2026, the Town Council scheduled a public hearing for March 17, 2026 for public comment; and

**WHEREAS**, the Town Council informed residents of the March 17, 2026 public hearing through a public notice on the Municipal Building Bulletin Board posted on February 20, 2026; a town-wide mailing sent March 3 and 4, 2026; notice on the town's website posted February 26, 2026; and a public notice in the February 26, 2026 and March 5, 2026 editions of the Mount Desert Islander newspaper; and

**WHEREAS**, on March 12, 2026, two public forums were held at which the amendment was explained to residents, followed by a question and answer period; the forum is available for viewing on Town Hall Streams; and

**WHEREAS**, said public hearing was held on March 17, 2026; and

**WHEREAS**, the proposed amendment was modified by Council Order 2026-03-14 to correct an error, removing an extraneous word from the definition of "principal elevation";

**NOW THEREFORE, BE IT ORDERED**, pursuant to Town Code Section 125-9(B), the Land Use Ordinance Amendment article — Design Review, version dated January 7, 2026, presented below, be placed on the June 9, 2026 Town Meeting warrant with voting thereon to be held by Australian ballot.

LUO Amendment #LUO-2026-02, **Design Review**

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WARRANT ARTICLE

**Article XX LAND USE ORDINANCE AMENDMENT – Design Review** – Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to clarify the design review standards and process**” be enacted?

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SUMMARY

The amendment would repeal and replace Article XIII, Design Review, to improve clarity, readability, and usability. It would also amend and create new definitions.

GENERAL EXPLANATION

The amendment would include the following changes:

1. Add definitions by stipulation for common terms used in Article XIII.
  2. Remove unnecessary language regarding Design Review Board composition and term details.
  3. Add submission and review process details, where necessary, for greater clarity for applicants.
  4. Relocate definitions for Internally Illuminated Signage types from the General Definitions section (§125-109) to the Relevant Standards section (proposed §125-117).
  5. Clarify applicability of standards from *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*.
  6. Remove *Attachment 2 - Table 2* from the Land Use Ordinance and addition of user-friendly submission requirements checklist to the Design Review application form.
  7. Create new definitions for Design Review Handbook, National Register of Historic Places, Portable Shelter, Principal Elevation, Projection, Public Way, and Viewscape.
  8. Revise the definition of Complement the Visual Character of the (Design Review Overlay) District and Sign, Internally Illuminated.
  9. Remove the definition of Accessory Project, Architectural Merit, Established Pattern of, Exterior Walls of Traditional Site-Built Appearance, Historic Building or Structure, Historic Merit, and Visually Complement.
- 

LUO Amendment #LUO-2026-02

**Design Review**  
Town of Bar Harbor

**Amendment to the Land Use Ordinance**  
**Articles XII & XIII**

*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. Old images are covered with an X.  
New images are outlined with a gray dashed outline.]

**Chapter 125 , LAND USE ORDINANCE**

**Article XII. Construction and Definitions**

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**§ 125-109. Definitions.**

\*\*\*

~~ACCESSORY PROJECT~~

~~A change to an appendage of a structure that includes signage, awnings, canopies, umbrellas, outdoor displays, lighting, or landscaping.~~

\*\*\*

~~ARCHITECTURAL MERIT~~

~~A building or structure shall be deemed to have architectural merit if it embodies distinctive characteristics of a type, period or method of construction, represents the work of a master architect or builder, or possesses high artistic value.~~

\*\*\*

~~COMPLEMENT THE VISUAL CHARACTER OF THE (DESIGN REVIEW OVERLAY) DISTRICT~~

~~Designed in a manner that is architecturally and visually similar to the predominate pattern of buildings and relationship of buildings to the street within the district.~~

\*\*\*

~~DESIGN REVIEW HANDBOOK~~

~~A guide intended to provide the public with pictorial examples of design standards as outlined in Article XIII.~~

\*\*\*

~~ESTABLISHED PATTERN OF~~

~~The situation in which the substantial majority of buildings or structures within a block face, or the two buildings on either side of the subject property, exhibit a reasonably consistent pattern with respect to a physical feature such as height, facade proportion, setback, etc.~~

\*\*\*

~~EXTERIOR WALLS OF TRADITIONAL SITE-BUILT APPEARANCE~~

~~Siding materials such as clapboards, shingles and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, brick, stucco, and wood board and batten.~~

~~\*\*\*~~

#### ~~HISTORIC BUILDING OR STRUCTURE~~

~~A building or structure meeting the criteria set forth in § 125-112D(1) and listed on the list of historic buildings and structures.~~

~~\*\*\*~~

#### ~~HISTORIC MERIT~~

~~Those buildings classified as historic that retain original features and possess historic and architectural merit of a degree warranting their preservation.~~

~~\*\*\*~~

#### NATIONAL REGISTER OF HISTORIC PLACES

The register assigned by The National Historic Preservation Act of 1966, as amended, recognizing buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifying them as worthy of preservation.

~~\*\*\*~~

#### PORTABLE SHELTER

A freestanding structure that is not permanently affixed to the ground, intended to be easily assembled, disassembled, and relocated, designed to provide protection from weather conditions, constructed with or without side panels or walls and typically made of pliable materials such as fabric or plastic. The shelters may include, but are not limited to, canopies, event tents, and popup style enclosures.

~~\*\*\*~~

#### PRINCIPAL ELEVATION

The primary façade that faces the street or public way, characterized by its architectural prominence, featuring elements such as the main entrance, windows, porches, porticos, and other design features. The principal elevation of a structure with multiple frontages is the orientation of the main entrance or the elevation that most directly addresses the street or public way.

~~\*\*\*~~

#### PROJECTION

Any part of a structure that extends outward from the exterior wall or façade, such as bay windows, porches, overhangs, balconies, etc.

~~\*\*\*~~

#### PUBLIC WAY

Any passageway, or part thereof, opened as a right to the public and designed for travel by vehicle, on foot, or in a manner limited by statute.

~~\*\*\*~~

#### 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 five types, as follows:~~ Section §125-117 details internally illuminated sign types and standards.

~~A. 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.~~

~~B. 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:  
(1) Type 2-A: 20% (or less) translucent face/80% (or greater) opaque background field.  
(2) Type 2-B: 30% (or less) translucent face/70% (or greater) opaque background field.~~

~~C. 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 letters are mounted.~~

~~D. TYPE 4; HALO~~

~~An internally illuminated sign comprised of dimensional sign graphics, which cast a halolike 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.~~

~~E. TYPE 5; PUSH THROUGH LETTERING~~

~~An internally illuminated sign with an opaque surround cabinet style fixture with light limiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push through) section is limited to 1/2 inch in depth. This type of sign has two acceptable categories:  
(1) Type 5-A: 20% (or less) translucent face/80% (or greater) opaque background field.  
(2) Type 5-B: 30% (or less) translucent face/70% (or greater) opaque background field.~~

\*\*\*

VIEWSCAPE

The public setting in which a structure, site, or landmark is located. It is the immediately visible neighborhood of the street or public land associated with such a structure. As well as neighboring land and structures, the viewscape includes such things as awnings, fences, sidewalks, and lights. A viewscape is not synonymous with scenic views or viewshed. Every kind of structure is

considered in the context of its viewscape. An area within the jurisdiction may include many viewscales.

\*\*\*

#### VISUALLY COMPATIBLE

A design that is visually or architecturally harmonious with the predominate pattern of buildings when viewed from a public street.

\*\*\*

### Article XIII. Design Review

#### § 125-110. Purpose of design review.

The purpose of design review is to provide for the regulation of building and site design within designated areas of the Town of Bar Harbor as proposed in the Town's adopted Comprehensive Plan in order to promote the following goals:

- A. The education, economics, and the general welfare of the Town, its residents, and guests;
- B. The protection and preservation of buildings, places, and things of aesthetic, historic, cultural, or of architectural value; **[Amended 6-11-2024ATM by Art. 5]**
- C. The continued maintenance and improvement of existing structures in a timely and responsible manner;
- D. The fostering of a positive and identifiable image to encourage continued private and public interest, investment, and development within the designated area;
- E. The construction and maintenance of aesthetically pleasing structures using materials compatible with those materials and buildings that exist in their immediate area; and
- F. The ability of the Design Review Board to carry out its task in a timely and fair manner with the best interests of the Town, its residents, property owners, and consumers in mind using the regulations, definitions, and standards of this article.

#### § 125-111. Design Review Board.

- A. Composition. There is hereby created a Design Review Board which shall consist of seven members appointed by the Town Council, who shall be residents of the Town of Bar Harbor, interested in the preservation and development of the Community. **[Amended 6-11-2024ATM by Art. 5]**
- B. <sup>1</sup> (Reserved)
- C. Jurisdiction. The Review Board's jurisdiction shall be limited to the Design Review Overlay District identified in § 125-112A. The Review Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or preservation that affect the visual quality of the district. The Design Review Overlay District includes views from public streets and parking lots, as well as the view from the waterfront. The Board shall not consider the interior floor plan layout of buildings as part of its review. **[Amended 11-3-2009; 68-2010; 6-11-2024ATM by Art. 5]**
- D. Term of office. The term of office shall be for three years.
- E. Members serve without pay. Members of the Board shall serve without pay but shall be reimbursed for any and all authorized expenses incurred personally in carrying out the purposes of this article.

- F. ~~Organization. The Board shall elect from its membership a Chair and a Vice Chair who shall serve for terms of one year and who shall be eligible for re-election. The Chair shall preside over the Board and have the right to vote. In an absence or disability of the Chair, the Vice Chair shall perform the duties of the Chair.~~
- G. ~~Staff assistance. The Code Enforcement Officer and Planning Department staff shall provide such technical, administrative, and clerical assistance to the Board.~~
- H. ~~Professional assistance. The Board, subject to the Town Council's consent, shall have the right to retain and pay for the services and expenses of professional help needed in carrying out the purpose of this article. If the review of an application requires outside professional assistance, the Board may require the payment of a technical assistance fee in accordance with § 125-65D to defray the Town's costs in obtaining such assistance.~~
- I. ~~Meetings. The Board shall hold regular meetings, at least monthly, to review applications for certificates of appropriateness. All meetings of the Board shall be recorded.~~

**§ 125-112. Applicability of design review.**

~~A. Design Review Overlay Districts.~~

- (1) ~~The provisions of this article shall apply only within the limits of the following Design Review Overlay District, hereinafter called the "district." A map of the district can be found in the Planning Department.~~
- (2) ~~Boundaries of the Design Review Overlay District. The district as depicted in a map titled "Design Review Overlay District of the Town of Bar Harbor, Maine" shall include the following:~~
  - (a) ~~Bar Harbor Village Area.~~
    - [1] ~~All properties with road frontage on State Highway 3 from Harbor Lane to Cromwell Harbor Road (includes parts of Eden and Main streets and all of Mount Desert Street.~~
    - [2] ~~All properties with road frontage on West Street from Eden Street to, and including, the pier.~~
    - [3] ~~All properties with road frontage on Bridge Street from West Street to the shore.~~
    - [4] ~~All properties with road frontage on Cottage Street from Eden Street to Main Street.~~
    - [5] ~~All properties with road frontage on Main Street from the pier to Cromwell Harbor Road.~~
    - [6] ~~All properties with road frontage on Rodick Street and Rodick Place.~~
    - [7] ~~All properties with road frontage on Firefly Lane.~~
    - [8] ~~All properties with road frontage on The Field.~~
    - [9] ~~All properties abutting the Shore Path from the pier to Wayman Lane.~~
  - (b) ~~Town Hill Village Area.~~
    - [1] ~~All properties with road frontage on State Highway 102 from the southern end of Right of Way Road to Pats Way.~~
  - (c) ~~Shoreland Maritime Activity Area.~~
  - (d) ~~Hulls Cove Village Area.~~

~~[1]—All properties with road frontage on State Highway 3 from Visitor Center Road to the southern end of Sand Point Road.~~

~~(e)~~

~~All properties and signs listed in Appendix A of this Chapter.~~

~~(3) The district also includes the following uses regardless of their geographic location and therefore these may not be depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine."~~

~~(a) All internally illuminated signs and all signs listed in Appendix A.~~

~~(b) Lodging I, Lodging II, and Lodging III.~~

~~(c) All shared accommodation uses.~~

~~B. Activities subject to design review. Any of the following activities shall be undertaken within the designated district only after a certificate of appropriateness has been issued by the Code Enforcement Officer of the Town of Bar Harbor after review and approval by the Design Review Board:~~

~~(1) The demolition, in whole or in part, of a building or structure classified as historic as denoted in Appendix A.~~

~~(2) The moving or relocation of a building, sign or structure classified as historic as denoted in Appendix A.~~

~~(3) Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing building, sign, fence, or structure classified as historic as denoted in Appendix A, such as additions, reconstruction, alterations, or maintenance involving a change in the exterior color or materials.~~

~~(4) Any new construction of a principal or accessory building or structure, except for lots with the principal use of a single or two family dwelling;~~

~~(5) Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing nonhistoric building or structure, except for lots with the principal use of a single or two family dwelling, such as additions, reconstruction, alterations, or maintenance involving a change in the exterior color, if the change is subject to view from a public street;~~

~~(6) Any change in existing fences and/or retaining, ornamental or other freestanding walls or the construction of new fences and/or freestanding walls on a parcel, except for lots with the principal use of a single or two family dwelling, if the wall or fence is located along a public street right-of-way;~~

~~(7) The erection of a new internally illuminated sign, the relocation of an existing internally illuminated sign, or the modification of an existing internally illuminated sign which changes the size, color, lighting, or graphic design of the sign.~~

~~(8) The seasonal closure of a business involving the placement of window coverings or other activities which alter the exterior appearance of the property and can be seen from a public street. (Note: The certificate of appropriateness obtained initially shall remain in effect as long as the closure treatment remains unchanged.)~~

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

- ~~(1) The construction of a new principal or accessory building or structure or the modification of an existing nonhistoric building or structure used entirely for single or two family dwelling occupancy.~~
- ~~(2) The erection or modification of signs, freestanding walls, fences, landscaping or similar activities at a property used entirely for single or two family dwelling occupancy.~~
- ~~(3) Temporary or emergency activities intended to protect a property from damage as a result of a natural event, such as a storm, or to secure a property from further damage following a storm, fire, or similar event. All permanent improvements or repairs shall be subject to design review.~~
- ~~(4) Routine maintenance or repair where no change is made to the exterior appearance of the structure or grounds. The following list illustrates the types of work that a property owner may undertake without a certificate of appropriateness:
 
  - ~~(a) Repainting using the existing colors.~~
  - ~~(b) Replacement of window glass.~~
  - ~~(c) Caulking and weatherstripping.~~
  - ~~(d) Installation or removal of window air conditioners.~~
  - ~~(e) Installation or changes of mechanical equipment, such as heating and air-conditioning units, television antennas/satellite dishes, and garbage containers, as long as it is completely screened from view by landscaping or fencing.~~
  - ~~(f) Repair of roofing materials as long as the material is of a similar color, texture and general appearance.~~
  - ~~(g) Replacement of missing or deteriorated siding, gutters, trim, porch flooring, steps, etc., using replacement materials that match the original and that do not damage or eliminate architectural features.~~
  - ~~(h) Repair or replacement of masonry foundations where the original foundation material is retained or where any new material matches the original in color, material, and appearance [including the installation of metal foundation vents (side and rear only) and the replacement of access doors which cannot be seen from the street].~~
  - ~~(i) Repointing and other masonry repairs where the color and composition of the mortar, brick or stone match the original.~~
  - ~~(j) Replacement of storm windows or doors provided that the trim color is white or compliments the building's trim color.~~
  - ~~(k) Installing house numbers and mailboxes.~~~~
- ~~(5) Minor renovations that do not include any changes in the exterior appearance of the building, such as:
 
  - ~~(a) Replacing old windows with new windows of the same size and material.~~
  - ~~(b) Replacing old siding with new siding of the same material and color.~~
  - ~~(c) Replacing old roofing with new roofing with the same color and style.~~~~
- ~~(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) 3 (Reserved)~~
- ~~(c) 4 (Reserved)~~
- ~~(d) 5 (Reserved)~~
- ~~(e) Installation of roof-mounted solar collection 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.~~

~~(7) The change of use of an existing building with no changes to the exterior.~~

~~D. Classification of buildings, signs, and structures. Within the district, all buildings and structures shall be divided into two classes, historic and nonhistoric.~~

~~(1) Historic buildings and structures. For the purposes of this article, buildings and structures possessing identified historic or architectural merit of a degree warranting their preservation shall be classified as historic.~~

~~(a) Those buildings or structures which meet one or more of the following criteria shall be considered as historic, noting that they may not all meet state or federal criteria for official designation as historic properties:~~

~~[1] Buildings or structures at which events occur or have occurred that contribute to, are identified with, or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Bar Harbor and/or the nation. These include sites and buildings at which the public may gain insight or see examples of particular items or patterns relevant to North American heritage.~~

~~[2] Buildings or structures importantly associated with historical personages.~~

~~[3] Buildings or structures importantly associated with historic examples of a great idea or ideal.~~

~~[4] Buildings or structures or structural remains embodying examples of architectural types of specimens valuable for study of a period, style, or method of building construction, of community organization and living, or a single site representing the work of a master builder, designer, architect, or landscape architect.~~

~~[5] Buildings or structures contributing to the visual continuity and aesthetic value of the district.~~

~~[6] Buildings or structures currently on, or eligible for, the National Register of Historic Places or listing as a National Historic Landmark.~~

~~(b) A list of the properties meeting one or more of these criteria is contained in Appendix A.<sup>6</sup> The Board shall annually review both the criteria and the properties included on the list and shall make recommendations to the Town~~

Meeting for modifications to the criteria and additions to, or deletions from, the list as it deems necessary to accomplish the objectives of these design review provisions.

- ~~(c) The owner of any property within the district may submit a written request to the Board asking for a review of the historic or architectural merit of his/her property and consideration of its inclusion on or deletion from the list. In such cases, the Board shall review the property for conformance with the criteria and recommend adding or deleting the property as appropriate to the Town Meeting.~~
- ~~(2) Nonhistoric buildings and structures. All buildings and structures not classified as historic based upon the criteria of Subsection D(1) and included on the list of historic properties shall be classified as nonhistoric.~~

### ~~§ 125-113. Application and review procedures.~~

#### ~~A. Preapplication procedures.~~

- ~~(1) Prior to making application for a certificate of appropriateness, an applicant should familiarize themselves with the requirements and procedures of this section and obtain a copy of the procedures, standards, Design Review Handbook, and application form from the Planning Department. Applicants are welcome to observe a meeting of the Design Review Board to familiarize themselves with the Board's procedures.~~
- ~~(2) Applicants are encouraged to meet informally with Planning Department staff to discuss their project prior to preparing and submitting an application or making any binding arrangements for the proposed improvements.~~
- ~~(3) All preapplication activities shall be informational in nature, and any discussions during these activities shall in no way be construed to be a decision or to bind future actions of the Board. No preapplication discussions shall cause an application to be considered to be a pending application or proceeding under 1 M.R.S.A. § 302.~~

#### ~~B. Application submission and review procedures. The applicant shall prepare and submit an application for a certificate of appropriateness together with supporting documentation that meets the requirements set forth below, provided that all time limits provided in this section may be extended by the mutual agreement of the applicant and the Board. The submission shall be processed as follows:~~

- ~~(1) The application shall be submitted to the Planning Department at least fourteen days prior to the meeting of the Design Review Board at which the application will be considered.~~
- ~~(2) Upon receipt of an application, the Planning Department shall give the applicant a dated receipt and review the submission for completeness within ten days.~~
- ~~(3) If the Planning Department finds that the application is complete, that all required information has been submitted, the Planning Department shall place the application on the agenda for the next scheduled meeting of the Board.~~
- ~~(4) If the Planning Department finds the application to be incomplete, it shall return it to the applicant with a written indication of the additional information and/or revisions needed and shall inform the applicant that the application will not be processed until a complete application is submitted. If an application is returned to~~

the applicant on the basis that it is incomplete, the applicant may appeal this decision, in writing, to the Design Review Board and the Board shall consider the completeness of the application at its next meeting. If the Board finds that the application is complete, it shall continue with the review of the application.

- (5) ~~The Board shall consider an application at its next scheduled meeting after it is determined to be complete. The applicant and/or his/her representative(s) shall attend the meeting and shall explain the proposed activities to the Board and answer any questions about the application. The burden is on the applicant to demonstrate that the application meets the requirements of § 125-114. The applicant and/or his/her representative(s) may present any information to the Board that he/she feels will demonstrate compliance with the standards.~~
- (6) ~~The Board shall act to approve, approve with conditions, or deny an application within 30 days of its initial consideration. The Board may extend this period to 45 days for projects involving the construction of a new building or an addition to an existing building. If the Board fails to act within the period provided the application shall be deemed to have been denied.~~
- (7) ~~The Board may impose conditions on the approval but only those that are necessary to assure compliance with the standards of approval. In making its decision, the Board shall make written findings of fact establishing that the proposal does or does not meet the standards. Following its action, the Board shall notify the Code Enforcement Officer of its decision and instruct the Code Enforcement Officer as to whether a certificate of appropriateness shall be issued.~~

~~C. Coordination with site plan review.~~

- (1) ~~The design review and site plan review requirements deal with different aspects of a project. Some of the activities subject to design review may also require that the applicant obtain site plan approval from the Planning Board. These include the construction of a new building, projects involving the expansion or renovation of an existing building, and situations in which the use of the building is being changed.~~
- (2) ~~Prior to preparing an application for a certificate of appropriateness, the applicant should review this chapter and/or meet with the Town Planner to determine if site plan approval is required in addition to design review. If site plan review is also required, the applicant may submit concurrent applications to the two Boards and may request that the two applications be reviewed concurrently.~~
- (3) ~~The application for design review must be consistent with the activities and design submitted as part of the site plan review application. If either Board's review and approval of the plan results in revisions or conditions which affect aspects of the project subject to the other Board's review, both the applications must be modified accordingly. Projects subject to both design review and site plan review must comply with both approvals and any conditions imposed as part of the approvals.~~

~~D. Process for the demolition of a historic building. This Subsection D establishes two processes for the demolition of a building or structure classified as historic. The first allows for immediate demolition with the issuance of a certificate of appropriateness, while the second allows for delayed demolition if a certificate of appropriateness is not issued.~~

- (1) ~~Immediate demolition.~~

- ~~(a) If the owner of a building or structure classified as historic seeks to demolish the building or structure in whole or in part, the Review Board may approve the issuance of a certificate of appropriateness for the demolition if the property owner shows that the application meets the standards of § 125-114E(2).~~
- ~~(b) If a certificate of appropriateness is approved, the applicant may immediately apply to the Code Enforcement Officer for a demolition permit. If the Board fails to approve the issuance of a certificate of appropriateness permitting the demolition, the applicant may proceed under the delayed demolition procedures.~~

~~(2) Delayed demolition:~~

- ~~(a) If the Board fails to issue a certificate of appropriateness, the owner of a building or structure classified as historic may apply for a permit to demolish the building in accordance with the following procedures. The building may be demolished; provided, however, that before a demolition permit is issued, four months' notice of the proposed demolition shall be given.~~
- ~~(b) The objective of this provision is to further the purposes of this article by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the Town and to afford the Town, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings.~~
- ~~(c) The Board may at any time during such stay approve a certificate of appropriateness in accordance with § 125-114E(2) in which event a demolition permit shall be issued without further delay.~~
- ~~(d) Public notice of the pending demolition shall be provided as follows:
  - ~~[1] Notice of the proposed demolition shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street, shall be mailed to the Maine State Historic Preservation Office, and shall be delivered to the Bar Harbor Historical Society.~~
  - ~~[2] Notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than 15 days prior to the date of the permit, and the first notice of which shall be published no more than 15 days after the application for a permit to demolish is filed.~~~~

~~E. Submission requirements:~~

- ~~(1) The activities covered by design review vary widely in their scope and complexity and, hence, in the type and amount of information needed by the Design Review Board to determine if the proposed activities are consistent with the standards of this section.~~
- ~~(2) In all cases, the burden is on the applicant to provide the Board with adequate information to determine the appropriateness of the project.~~
- ~~(3) To aid the applicant in preparing his/her application, the minimum submission requirements shown in the following table have been established. Applicants should submit additional information if they feel that is necessary or helpful in demonstrating that the proposed activities are consistent with the standards.~~

- (4) ~~The following exhibits<sup>7</sup> shall be submitted as part of an application for a certificate of appropriateness. Projects involving more than one activity must submit the exhibits required for each of the proposed activities. For example, a project involving the painting of an existing building and the installation of a new sign is required to submit the exhibits required for both aspects of the project.~~

**§ 125-114. Design review standards.**

- A. ~~In reviewing an application for a certificate of appropriateness, the Design Review Board shall approve the issuance of a certificate if it finds the application and proposed activities are consistent with the following standards, or that they will be consistent as a result of conditions of approval imposed on the application.~~
- (1) ~~The standards are broken down into five categories:~~
- ~~(a) Standards relating to visual compatibility;~~
  - ~~(b) Standards for materials and design details for structural projects;~~
  - ~~(c) Standards for materials and design details for accessory projects;~~
  - ~~(d) Standards for signs; and~~
  - ~~(e) Standards for historic buildings.~~
- (2) ~~In reviewing applications, the Board shall consider the appropriate sections of each of these categories and shall find the project in conformance with all relevant provisions before approving the issuance of a certificate of appropriateness.~~
- (3) ~~Pictorial examples of acceptable treatments of various features are provided for many of the standards in the Design Review Handbook, which can be provided by the Planning Department.~~
- B. ~~Standards relating to visual compatibility. The following standards for visual compatibility shall apply to all activities subject to a certificate of appropriateness within the Design Review Overlay District. These standards are intended to guide the design, construction, and maintenance of buildings, improvements, signs, and other visual features within the district to assure that they complement the visual character of the district and to serve as a foundation for the review of an application for a certificate of appropriateness. These standards are intended to be general statements of design principles to which activities within the district are required to conform.~~
- (1) ~~Building height. The height of new buildings and additions or modifications to existing buildings shall be visually compatible with adjacent buildings as seen from public streets. Where an established pattern of building heights exists, the height or apparent height of new, expanded, or modified buildings as seen from the public street shall maintain a complementary pattern.~~

## Inappropriate Treatment



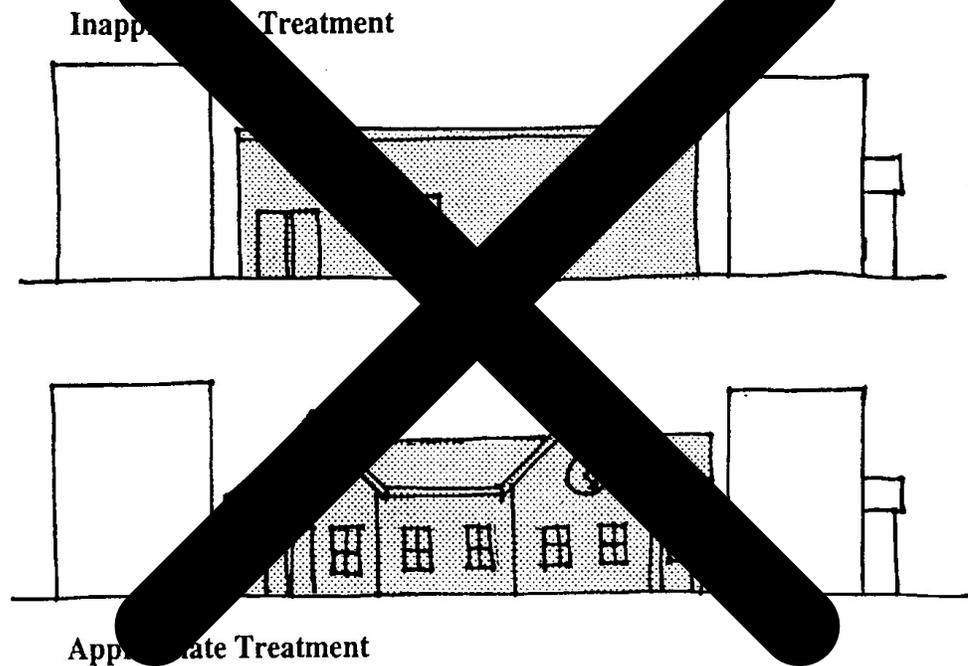
## Appropriate Treatment

- (2) ~~Building scale and design.~~
  - (a) ~~The size of a building and the building mass in relationship to the site and surrounding features shall visually complement the buildings, squares, and places to which it is visually related.~~
  - (b) ~~Where there is an established pattern of building size or scale as viewed from a public street, new buildings or modifications to existing buildings shall be designed to maintain the existing pattern. If there is an established pattern of buildings with narrow facades on the street, a new building shall maintain this visual pattern by limiting the size of the street facade or by designing the facade to appear as a number of narrow facades or through other approaches.~~
  - (c) ~~The design of buildings shall visually complement the district. The design of buildings shall also conform to the following standards:~~
    - [1] ~~The facade facing the street shall be treated as a front facade. The facade shall incorporate pedestrian-scale design features such as doors and windows to create a character that complements the district. Windows or architectural treatments designed to simulate windows shall comprise no less than 20% of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.~~
    - [2] ~~Ground floor facades facing a public street must incorporate arcades, display windows, awnings, or other features to add visual interest to the building.~~
    - [3] ~~Buildings used for retail or other public uses shall be designed to have clearly defined entrances that are visually compatible with the visual character of the district.~~

[4]—Roofs shall be designed to complement visually the overall visual character of the district. A new building shall have a roofline that is similar to adjacent buildings if there is an established pattern of rooflines. If there is not an established pattern, new buildings shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false fronts or other design elements shall be used to create the appearance of a pitched roof. Accessory buildings, canopies, and other structures shall have rooflines that are visually compatible with the roofline of the principal building.

[5]—The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.

[6]—New buildings with more than 5,000 square feet of first floor area shall be designed so that the building scale is visually compatible with the character of the district. The overall mass of the building shall be visually broken into smaller elements through the physical layout of the building and the design of the facades.

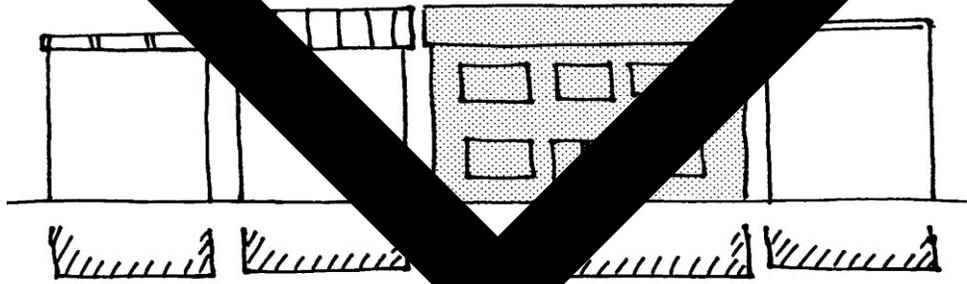


(3)—Proportionality of the front or street facade.

(a)—The ratio of the width of the front or street facade to the building height shall complement the visual character of the district.

(b)—Where an established pattern of facade proportion exists, new or modified buildings shall maintain the established pattern. If there is a pattern of tall, narrow buildings, a new building that is wider than it is tall is inappropriate unless the facade is broken into segments that maintain the established proportions.

**Inappropriate Treatment**



**Appropriate Treatment**



**(4) Proportionality of windows.**

- (a) The ratio of the width of windows to the height of the windows shall complement the visual character of the district.
- (b) Modifications to existing buildings shall maintain the existing proportionality. The modification of the facade of existing buildings to change or eliminate windows shall be done in a manner that maintains the established relationship of windows to wall. The "bricking up" of windows is discouraged unless the relationship can be maintained in other ways.
- (c) Where an established pattern of window proportions exists among a group of buildings or along a block face, new or modified buildings shall maintain the established pattern.



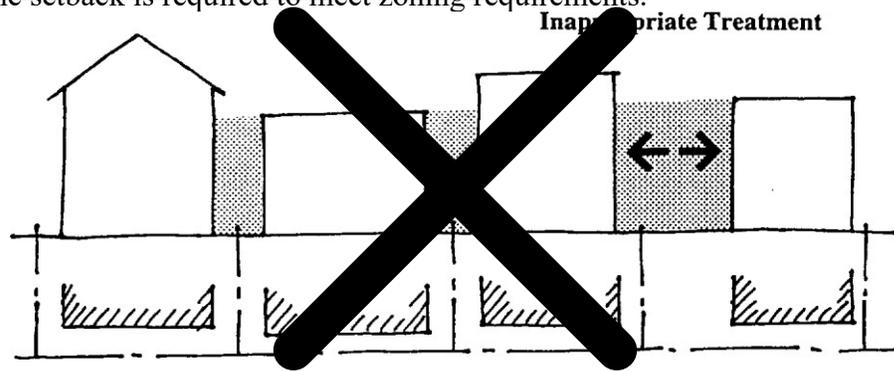
**Appropriate Treatment**



**Inappropriate Treatment**

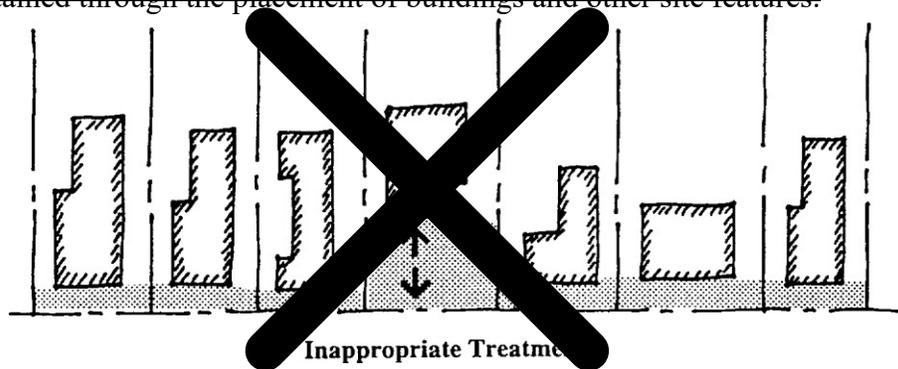
**(5) Building spacing.** In the Bar Harbor Village Area, where an established pattern exists with respect to the placement of buildings on the lot vis-a-vis the lot lines, new or modified buildings shall reflect the established pattern to the extent allowed by the setback provisions of the district in which they are located. In an area where the existing buildings all extend the full width of the lot, constructing a new

building so that it is set back from the lot line is not consistent with this guideline unless the setback is required to meet zoning requirements.



(6) Relationship of the building to the street.

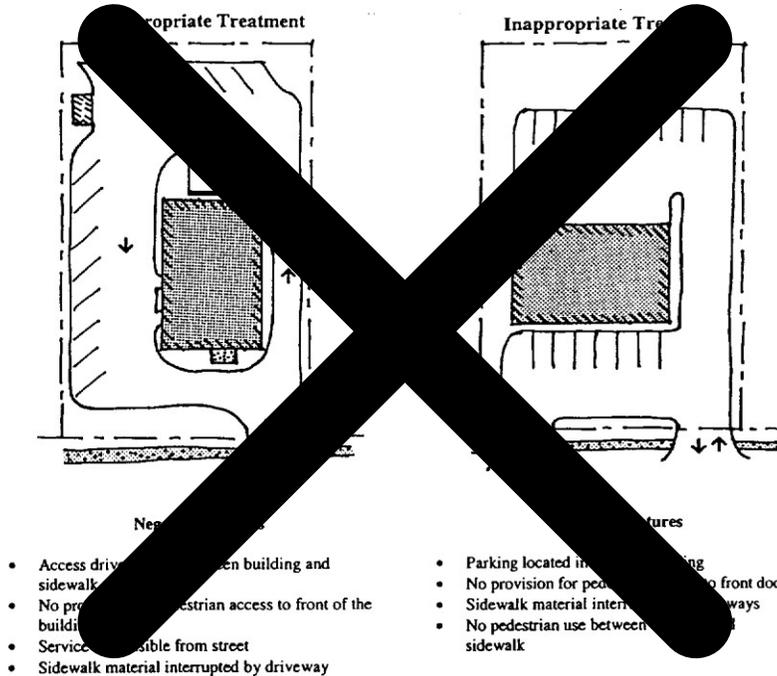
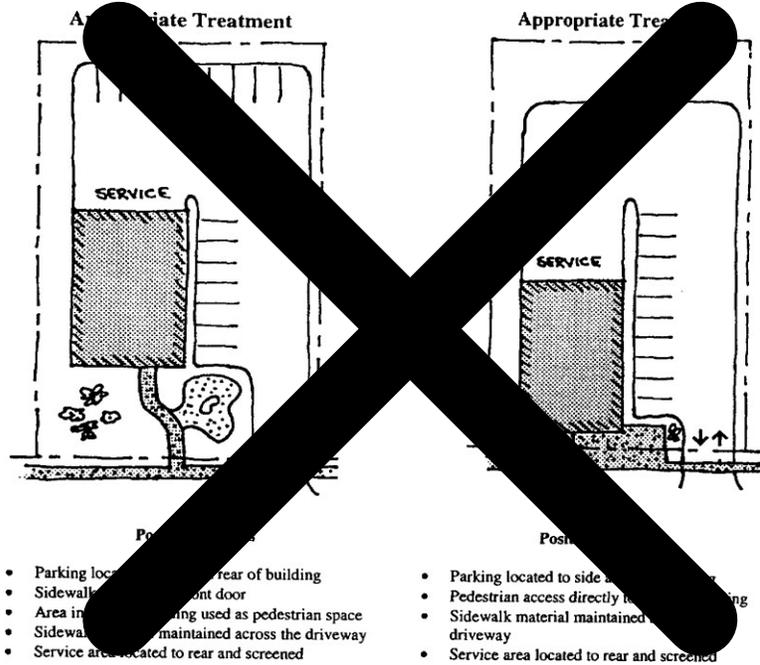
- (a) The relationship of a new or modified building or structure with the street shall visually complement neighboring buildings, the overall character of the district, and other buildings to which it is visually related to the extent permitted by the setback requirements of the district in which it is located.
- (b) Where there is an established front setback pattern, new buildings or structures shall be located to maintain the established pattern if permitted by the zoning requirements. If an established pattern does not exist, new buildings shall be located in a manner that is compatible with the overall character of the district. New or reconstructed buildings shall be located on the lot so that the building is set back from the street no more than the average of the setbacks for buildings in similar locations in the district.
- (c) For buildings on corner lots, the setback relationship on both streets shall be maintained through the placement of buildings and other site features.



(7) Pedestrian relationships and facilities.

- (a) Where sidewalks exist in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives.
- (b) The walkway to the front entrance shall be constructed with materials which contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood.

(e) If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.



(8) Motor vehicle facilities and services. The location and design of facilities for motor vehicles, including parking lots, driveways, access roads, drive through facilities, and service and fueling areas, shall visually complement the overall

character of the district. The design of the site shall also conform to the following standards:

- ~~(a) Vehicular facilities shall not be located between the front of the building and the street.~~
  - ~~(b) Access drives, driveways, and entrances or exits to drive-through services shall not pass between the building and the sidewalk where a sidewalk exists.~~
  - ~~(c) Parking lots shall be located to the side or rear of the building.~~
  - ~~(d) Overhead doors and service areas shall be located on the side or rear of the building and must be screened from view from a public street.~~
  - ~~(e) Drive-through services shall be designed to keep vehicular activity to the side and/or rear of the building and shall prevent the queuing of vehicles between the front of the building and the street or in other areas where it is visually incompatible.~~
- ~~(9) Multiple buildings on a lot in the Town Hill Village Area. In the Town Hill Village Area, the layout of buildings on a lot shall reflect the layout of other lots in the district with multiple buildings. The arrangement of the buildings should be visually compatible with the street and with the buildings on the lot.~~
- ~~(10) Viewshed in Town Hill Village Area. Building height and placement are subject to further review in the Town Hill Village Area to determine any visual impacts to retain the vista along Route 102 from the Crooked Road intersection to the Pine Heath Road intersection.~~

~~C. Standards for materials and design details for structural projects. The following standards are intended to assure that proposals conform to the quality of design that has historically been associated with buildings within the district. The structural standards have been designed to promote compatibility with Bar Harbor's historic character and its scenic location. Certain types of design are inappropriate within the designated Design Review Overlay Districts since they will not meet these standards and thus do not enhance the existing visual character or preserve Bar Harbor's uniqueness.~~

- ~~(1) Construction standards. With the advent of many new exterior materials, the standards are not intended to prohibit the use of all new materials. Therefore, any quality material that simulates traditional features will be evaluated on a case-by-case basis. The following standards apply to the construction of new buildings, additions to existing buildings, reconstruction, and major renovations:~~

~~(a) Siding material.~~

~~[1] Siding is applied as the exposed surface on the outside walls of buildings to provide a barrier against the penetration and infiltration of weather and at the same time enhance the visual and architectural quality of the structure in keeping with other buildings in the district. The selected siding should be visually compatible with other exterior finishes on the building and with those buildings to which it is visually related.~~

~~[2] The siding used on the building should be a material that is in common use within the overlay district. The following are appropriate siding materials:~~

~~[a] Clapboards/shiplap.~~

~~[b] Shingles/shakes.~~

- ~~[c]—Stucco/concrete. Stucco with wood trim interruption (English Tudor) is acceptable. Concrete block and poured or precast concrete are acceptable for foundation and fire walls but are generally not appropriate for wall surfaces that can be seen from a public street. Masonry products designed to replicate other appropriate materials are acceptable siding.~~
- ~~[d]—Brick.~~
- ~~[e]—Stone.~~
- ~~[f]—Vinyl/metal siding. Vinyl or metal siding designed to replicate traditional siding material is appropriate but flat or corrugated metal or plastic panels are inappropriate as siding within the district.~~
- ~~[g]—In the Town Hill Village Area, barn board, and board and batten.~~
- ~~[3] Unfinished plywood or composite flat sheet products are not appropriate siding materials, except for areas that cannot be seen from a public street.~~
- ~~(b) Exterior finishes. The exterior finish of a structure represents the final completion stage. Although this stage is one of the simplest to alter, it is one of the most visible aspects of a building, therefore great care must be taken in the selection of the exterior finish for any structure. The following standards shall be used for determining acceptable finish choices:~~
  - ~~[1]—The colors shall be based upon the architectural style of the structure as well as the period in which it was built;~~
  - ~~[2]—The selected colors shall reflect hues and shades which were available in the era and style depicted;~~
  - ~~[3]—The paint colors shall be harmonious to and blend in with the immediately adjacent structures in the area.~~
- ~~(c) Windows.~~
  - ~~[1]—Windows are glassed openings in the exterior walls of buildings to admit light and air, allow for viewing, permit merchandise display, and to enhance the architectural beauty of the structure. The windows in a building shall be visually compatible. Almost any style is appropriate as long as the size is proportional to the building and maintains the architectural continuity of the building. [2] Materials are appropriate if they simulate traditional materials or are visually compatible with other components of the building.~~
- ~~(d) Doors and doorways (in the Bar Harbor Village Area only):~~
  - ~~[1]—Doors are a means of safe and orderly entrance to and egress from buildings. As the entrance to the building, the front or main door is often the focal point of the principal facade. Therefore, care must be taken in designing the doorway and selecting a door that is visually compatible with the structure.~~
  - ~~[2]—Doors and doorways shall conform to the following standards:~~
    - ~~[a]—Major store entrance doors shall be recessed from the property line so as not to interfere with pedestrian traffic when they are opened.~~

~~[b] Front doors shall have transoms above to the full height of store windows if this is consistent with the established pattern of other entrance doors.~~

~~(e) Roofing.~~

~~[1] Roofing is intended to protect the horizontal portions of a building from the penetration and infiltration of weather while maintaining the architectural integrity of the structure. The roofing material and color, if visible from a public street, shall be selected to be visually compatible with the style of the building and the other exterior finishes and colors.~~

~~[2] In the Bar Harbor Village Area, brightly colored metal, plastic or fiberglass roofing is visually incompatible with the character of the district and therefore inappropriate.~~

~~[3] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building and its environs.~~

~~[4] In the Bar Harbor Village Area, appropriate roof colors include neutral shades such as earth tones, greys, and black. Bright or primary colors are not appropriate.~~

~~(f) Trim.~~

~~[1] Trim is the molded and projecting woodwork or stonework which frames a building and its changes in direction in an aesthetically pleasing or bold fashion. The trim shall be visually compatible with the style of the building and the other exterior finishes.~~

~~[2] The following materials are appropriate for use as trim: wood, stone, brick, vinyl, and metal.~~

~~[3] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building.~~

~~[4] Trim materials may be mixed and matched as long as the style and color of the trim are consistent and visually compatible with the other elements of the building.~~

~~(g) Entrances.~~

~~[1] In the Bar Harbor Village Area, an entrance is much more than a doorway. It is a means of getting from the street to the front door and may include changes in grade, protection from the elements, and/or a degree of landscaping and lighting. The entrance to the building shall be visually compatible with the overall building treatment and should be the focal point of the facade. The entrance shall be designed and placed to have both a visual and functional relationship to the street and sidewalk.~~

~~[2] The following are appropriate design treatments for entrances: porticos, porches, decks, steps/ramps, and canopies/awnings. Awnings and canopies must be attached to the structure and shall function as an extension of the building. Freestanding accessory structures such as tents or canopies at the front of the building are incompatible with the existing visual character of the district and shall not be allowed. Standards for awnings and canopies are in a later section.<sup>8</sup>~~

~~[3] The following are appropriate materials for use in entrances: wood, vinyl, tile, stucco, stone, brick, concrete, canvas, fiberglass, and metal.~~

- ~~[4]—Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building.~~
- ~~(2)—Relocation/demolition standards. The demolition or relocation of the building should occur in a timely manner. After the relocation or demolition has occurred, the lot must be cleared, graded, and replanted within 30 days of the completion of the work and maintained until the lot is reused.~~
- ~~(3)—Standards for seasonal closures.~~
  - ~~(a)—The Town of Bar Harbor discourages the seasonal boarding up of businesses. No matter how much effort is put into making these closures look attractive, they give the Town the appearance of being shut down, which is detrimental not only to those businesses that remain open and to potential customers, but also to local citizens and guests who view them during the off season. The Board strongly discourages the placement of closure treatments involving the covering of display windows before January 1.~~
  - ~~(b)—Provisions for the seasonal closure of a business shall:~~
    - ~~[1]—Be visually compatible with the building.~~
    - ~~[2]—Be architecturally similar to the building materials, design, and color.~~
    - ~~[3]—Fit appropriately in the space being enclosed.~~
    - ~~[4]—Be safely and securely attached.~~
    - ~~[5]—Have a neat and clean appearance.~~
  - ~~(c)—The most appropriate approach to the seasonal closure of a business is for signs and window displays to remain in place. Where this is not possible or desirable, other appropriate approaches include leaving display spaces and windows empty, installing storm doors and windows, and installing wood panels or shutters over openings.~~
  - ~~(d)—Closure provisions that cover windows or display spaces with materials such as bed sheets, paper, tarps, cardboard, or bubble wrap or soaped or painted glass are inappropriate.~~
  - ~~(e)—Signs shall be left in place or removed. The covering or wrapping of signs with tarp or other plastic materials is not appropriate. The use of a canvas cloth covering the sign, and bearing the name of the business, is encouraged.~~

~~D. Standards for materials and design details for accessory projects. The following standards apply to projects that do not involve the actual structure of the building but significantly impact upon the visual environment and the compatibility of the building with the character of district. Separate standards are provided for awnings, canopies, and umbrellas, outdoor displays, lighting, and landscaping. The accessory standards have been designed to promote compatibility with the district's historic character and its scenic location.~~

- ~~(1) Standards for awnings, canopies, and umbrellas. The objective of the Town is to encourage property owners and businesses to make permanent improvements to the property in the district. Therefore, the use of temporary structures is discouraged. At the same time, the Board recognizes that awnings, canopies, and umbrellas can provide cover, add color, provide shade, and serve as a transition between the storefront and the upper facade in the case of awnings and canopies.~~
  - ~~(a) General standards.~~

- [1] Rigid or fixed awnings, sunscreens, umbrellas, or permanent canopies are not appropriate on any portion of the premises or building unless the proposed awning, sunscreen, umbrella, or permanent canopy is visually compatible with the building and its surrounding area considering the following:
  - [a] Its compatibility with the topography of the area.
  - [b] That it is customary and incidental to the activity being housed in the building or appropriate for that location due to unique circumstances.
  - [c] Its compatibility with similar elements of adjacent properties.
  - [d] That it is designed so that it will not cover unique or architecturally significant building features.<sup>9</sup>
- (b) Location and size of awnings and canopies.
  - [1] Awnings shall extend at least the full width of existing window and door frames on the first floor.
  - [2] Awnings on upper floor windows shall be installed over individual windows and shall complement the window design, building architecture, and color.
  - [3] Canopies or awnings shall be attached to the building and not extend more than 12 feet from the wall (toward the street) to which they are attached. In the case where an awning follows another existing wall of the building at right angles (such as an L or a U), it may extend out to the point where it is parallel with the portion of the building closest to the street.
  - [4] Freestanding canopies or tents are inappropriate for ongoing use. Tents are appropriate for use for periods of not more than 72 hours with prior approval of the Code Enforcement Officer and shall only be used for appropriate outdoor functions, such as art shows, festivals, fairs, weddings, and similar events.
  - [5] A street level awning shall be at least 18 inches behind the curb.
- (c) Awning design.
  - [1] Awning construction and materials offer different patterns and shapes. There are three basic shapes: 1/4 barrel, shed, and domes.
  - [2] The design review standards are not intended to restrict the shape of awnings; however, the design shall be visually compatible with and maintain the character of the building. Side panels on awnings are discouraged but are permitted if they are graphically treated so as to make the panel compatible with the overall design of the building.
- (d) Awning color. The color of the material, and any graphics, stripping, or pattern, shall be compatible with the building architecture, materials, and color.
- (e) Awning materials.
  - [1] The most common awning materials are canvas, vinyl, vinyl coated canvas, and canvas-like synthetic materials. Glossy finish vinyl is not

appropriate. Synthetic canvas is available in acrylics, polyesters, nylons, and other man-made materials. Any of these materials are appropriate.

~~[2] Metal awnings and glass canopies detract from the historic character of the community and are not appropriate.~~

~~(f) Awning lighting. Lighting shall conform to the requirements in § 125-67Z, Lighting Ordinance.~~

~~(2) \_\_\_\_\_<sup>10</sup>  
(Reserved)~~

~~(3) Landscaping standards. The landscaping standards are intended to maintain and enrich the character and beauty of the Town through the regulation of landscaping which provides aesthetically pleasing scenery, shelter and food for wildlife, natural boundaries and buffers for people, and the control of erosion. The landscaping in conjunction with the construction of a new building or an addition to existing buildings, or major landscaping projects that significantly alter the exterior appearance of a building that is used in whole or in part for nonresidential purposes, is subject to approval by the Design Review Board.~~

~~(a) Materials.~~

~~[1] Materials and types of vegetation for landscaping are too numerous to list and most are acceptable; however, the material chosen shall be visually compatible with the building.~~

~~[2] The use of invasive species as listed by the University of Maine Cooperative Extension is discouraged.~~

~~(b) Design. The design of the landscape should enhance the appearance of the building as well as the grounds. Landscaping shall not block unique architectural features of the building or appear disproportional to the lot and building size.~~

~~(c) Town Hill Village Area plantings shall include street tree plantings. Parking areas shall be screened from Route 102. Shrubs and other materials shall enhance the buildings. All other requirements in § 125-67H shall be followed.~~

~~E. Standards for historic buildings. The standards, as applicable in the opinion of the Design Review Board, outlined in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties, as most recently updated, shall apply to all preservation measures, demolition, relocation and renovations of buildings and structures classified as historic in accordance with § 125-112D(1). Additionally, the following standards apply:~~

~~(1) Preservation of an historic building. A building or structure classified as historic, or any part or appurtenance, including but not limited to stone walls, fences, light fixtures, steps, paving, and signs, shall only be moved, reconstructed, altered, or maintained in a manner which will preserve the historic and architectural character of the building, structure or appurtenance. Provisions for handicapped access as required by state and federal law shall be provided in a manner which~~

preserves the historic and architectural character of the building or structure.

- (2) ~~Demolition of an historic building. The Design Review Board shall approve the issuance of a certificate of appropriateness for the demolition of an historic building only if the property owner shows that the preservation of the building is not consistent with the purposes of this article, that the building cannot be preserved because of the structural condition of the building, or the cost of renovations makes its retention infeasible.~~
- (3) ~~Relocation of an historic building. The Design Review Board shall approve the issuance of a certificate of appropriateness for the relocation of an historic building to another site only if it is shown that the preservation on its existing site is not consistent with the purposes of this article, that the building cannot be preserved because of the structural condition of the building, or the cost of renovations makes the retention infeasible.~~
- (4) ~~Renovation or expansion of an historic building.~~
  - (a) ~~The design review requirements are intended to preserve and protect, improve, and enhance the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the district. Those buildings classified as historic possess identified historic or architectural merit of a degree warranting their preservation. Any building designated as historic shall retain all of its original features to the maximum extent feasible. Modifications or additions shall maintain the architectural style and treatment of the original building.~~
  - (b) ~~The following standards shall apply to the renovation or expansion of an historic building:~~
    - [1] ~~All materials shall match the original materials in texture, dimension, color, location, and design.~~
    - [2] ~~Existing features such as porches, steps, handrails, balusters, cornices, columns, lintels, windows, fixtures, hardware, doors, and roofs shall be retained.~~
    - [3] ~~The design of any modification of or addition to the existing building shall maintain the architectural style of the existing building and shall conform to the existing treatment with respect to trim and exterior finishes.~~
    - [4] ~~Handicapped access shall be located and constructed so as not to obscure character defining features of the entranceway or porch.~~
    - [5] ~~Porches and steps shall not be enclosed in a manner that destroys their intended appearance.~~
    - [6] ~~The selected paint colors shall be consistent with Subsection C(1)(b).~~

F. Other standards:

- (1) ~~\_\_\_\_\_~~<sup>12</sup>  
(Reserved)

§125-110 GENERAL PROVISIONS

A. **Purpose and intent.** The purpose of this Article is to give the Town its distinctive character, educate the community about its past, and attract new residents and visitors by providing a legal framework to protect the historical, architectural, and cultural heritage of significant areas, landmarks, and sites in Bar Harbor. Therefore, this Article endeavors to:

- (1) Protect the exterior architectural and landscape features of historic and locally significant properties.
- (2) Prevent the demolition or removal of historic and locally-significant properties.
- (3) Preserve the essential character of historic districts, historic properties, and locally significant properties by protecting the design and spatial relationships of groups of buildings and other structures.
- (4) Encourage new buildings and other structures that are designed and built in a manner compatible with the character of the area in which they are constructed.

B. **In this Article:**

- (1) All references to ‘structure’ are to be interpreted to also include signs.
- (2) The term ‘site’ includes lots and any type of landmark not already included in the definition of ‘structure’.
- (3) The term ‘property’ refers to both structures and sites.
- (4) Appendix A is a list of the properties meeting one or more of the criteria for significant property.

C. **Classification of property (structures and sites).** All property within the Design Review Board jurisdiction is classified as one or more of the following:

- (1) **Significant:** Historic and locally-significant property listed in Appendix A.
- (2) **Historic:** Property listed in Appendix A that is also listed in the National Register of Historic Places.
- (3) **Locally-significant:** Property listed in Appendix A that is not listed in the National Register of Historic Places.
- (4) **Non-historic:** Property not listed in Appendix A.

#### §125-111 JURISDICTION OF THE DESIGN REVIEW BOARD

- A. It is the purview of the Design Review Board, hereinafter called the “Board,” to carry out the provisions of this Article.
- B. The provisions of this Article apply only to the areas or items covered under the Board’s jurisdiction.
- C. Interior architectural elements are not covered under the Board’s jurisdiction and are therefore not subject to the provisions in the Article.
- D. The Board’s jurisdiction extends only to the items and activities herein that are visible from any water body or public way. The jurisdiction includes the following, known as the “Design Review Overlay District”:

- (1) **Bar Harbor Village Area**

- (a) All properties with road frontage on State Highway 3 from Harbor Lane to Cromwell Harbor Road (includes parts of Eden and Main streets and all of Mount Desert Street).
  - (b) All properties with road frontage on West Street from Eden Street to, and including, the Ells Pier/Town Pier.
  - (c) All properties with road frontage on Bridge Street from West Street to the ocean shore.
  - (d) All properties with road frontage on Cottage Street from Eden to Main streets.
  - (e) All properties with road frontage on Main Street from West Street to Cromwell Harbor Road.
  - (f) All properties with road frontage on Rodick Street and Rodick Place.
  - (g) All properties with road frontage on Firefly Lane.
  - (h) All properties with road frontage on The Field.
  - (i) All properties abutting the Shore Path from the Ells Pier/Town Pier to Wayman Lane.
- (2) **Town Hill Village Area**  
All properties with road frontage on State Highway 102 from the southern end of Right Of Way Road to Pats Way.
- (3) **All properties within the Shoreland Maritime Activities District.**
- (4) **Hulls Cove Village Area**  
All properties with road frontage on State Highway 3 from Visitor Center Road to the southern end of Sand Point Road.
- (5) **The Design Review Board's jurisdiction also includes the following:**
- (a) All properties and structures listed in Appendix A.
  - (b) All internally illuminated signs.
  - (c) All multi-tenant signage plans.
  - (d) All parking garage uses in the Scientific Research for Eleemosynary Purposes, Educational Institutions, and Bar Harbor Gateway districts.

§125-112 EXEMPT ACTIVITIES, NOT REQUIRING REVIEW AND APPROVAL BY THE BOARD

The following activities are exempt from Board review and do not require a Certificate of Appropriateness:

- A. The construction, renovation, alteration, relocation, or demolition of all non-historic structures used entirely for single- or two-family dwelling occupancy.
- B. Construction or alteration of a non-historic structure not visible from a public way.
- C. Normal maintenance and repair where no change is made to the exterior appearance of the structure or grounds.
- D. Change of exterior paint color if the color is selected from the Board-approved paint color charts. The color charts may be obtained from the Planning Director, or their designee (herein Planning Director), and may be updated from time to time under the Board's approval. Colors not listed on the color charts require approval by the Board.

- E. The installation of retractable fabric awnings with solid or striped color if selected from the Boardapproved color charts. The color charts may be obtained from the Planning Director and updated from time to time under the Board's approval. Colors not listed on the color charts require approval by the Board.
- F. The installation of a roof-mounted solar photovoltaic system as an accessory use.
- G. The change in use of an existing building with no changes to the exterior.
- H. The construction, reconstruction, alteration, restoration, or demolition of any feature that the Code Enforcement Officer certifies is required because of an unsafe or dangerous condition to ensure public safety.

§125-113 ACTIVITIES REQUIRING REVIEW AND APPROVAL BY THE BOARD

For areas or items under the Board’s jurisdiction, the following activities must only commence after approval by the Board and issuance of a Certificate of Appropriateness and building permit(s) by the Code Enforcement Officer. A. New construction of a non-residential structure.

- B. Changes in the exterior appearance of a principal or accessory structure that is visible from a public way by means of alteration, reconstruction, or construction of a building addition.
- C. New or amended multi-tenant signage plans.
- D. Erection of new internally illuminated sign, or the relocation or modification of an existing internally illuminated sign.
- E. Demolition or relocation of a significant property.

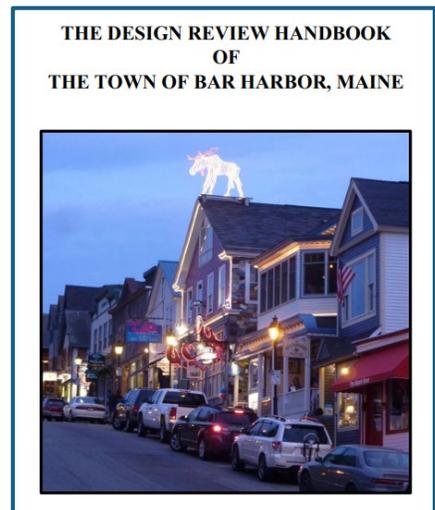
§125-114 APPLICATION PROCEDURES

- A. **Application submission**
  - (1) The applicant must provide three copies of the completed application form and all required submission items.
  - (2) The submitted information will be used by the Planning Director and the Board to evaluate whether the project meets the standards and is appropriate.
  - (3) The applicant may supply additional information beyond the minimum requirements.

**PRE-APPLICATION GUIDANCE**

The following is guidance only and is not officially included in this ordinance.

1. Before applying for a Certificate of Appropriateness, applicants are encouraged to meet with staff from the Planning Department to discuss their project.
2. Applicants are strongly encouraged to engage in informal, non-binding discussions with the Board prior to submitting a formal application for new buildings and large-scale projects.
3. All pre-application activities are informational in nature and should not be construed as decisions or commitments by either the Board or the applicant.
4. To further assist applicants, a copy of The Design Review Handbook of the Town of Bar Harbor, which includes design guidelines to help meet established standards, is available at the Planning Department and online on the Design Review Board page of the Town of Bar Harbor website.



- (4) To be placed on the Board agenda, an application must be submitted to the Planning Director at least fourteen calendar days before the next scheduled meeting of the Board.
  - (a) Upon receipt of an application, the Planning Director has ten calendar days to determine if it is complete. If the Planning Director determines the application is complete, it must be placed on the next agenda.
  - (b) If the Planning Director determines the application is incomplete, it will provide the applicant with a written outline specifying the additional information and/or revisions required. The Planning Director will inform the applicant that their application will not be scheduled for consideration and placed on the Board's agenda until the additional information and/or revisions have been submitted.
  - (c) The meeting agenda must be posted on the bulletin board in the Municipal Building, on the Town calendar, and on the Town website at least three calendar days before the meeting.

**B. Review procedures**

- (1) Applicants are strongly encouraged to be present when their application is being considered by the Board. They may be represented by an authorized agent. Any person acting as the applicant's authorized agent must provide written evidence verifying their authority to represent the applicant.
- (2) Applicants must demonstrate that their application meets the standards of this Article.
- (3) If the Board finds the application meets the standards of evaluation in this Article, it must issue a decision, signed by the Chair, including conditions of approval, if applicable, and written findings of fact supporting the decision. The Planning Director must provide a copy of the signed decision to the Code Enforcement Officer for distribution to the applicant.
- (4) If the Board finds the application does not meet the standards of evaluation in this Article, it must:
  - (a) Issue a decision to grant a Certificate of Appropriateness with conditions, or
  - (b) Move to continue the application review to a subsequent meeting, or
  - (c) Issue a decision to deny a Certificate of Appropriateness.

**§125-115 STANDARDS OF EVALUATION FOR ALL PROPERTIES WITHIN THE DESIGN REVIEW JURISDICTION**

The applicant must illustrate how the project is visually compatible with its surroundings when viewed from any water body or public way, and demonstrate how it meets the visual and physical standards outlined below. Accessory structures must be visually compatible with their principal building(s). These design standards apply only to elements and activities within the Board's jurisdiction.

**A. Building Standards**

- (1) Building height
- (2) Building width
- (3) Proportion of principal facades: the relationship of the width to the height of the principal elevations

- (4) Roof shape
- (5) Scale of a structure: the size and mass of the structure must be visually compatible with its surroundings as well as its windows, door openings, porches, balconies, and other openings. The size and mass of proposed structures should not be overpowering as to visually dominate the streetscape to the visual exclusion of other structures, nor should proposed structures be of such a diminutive size to create visual holes in the streetscape. Structures exposing a broad mass to the street must be visually broken into smaller components compatible with the majority of the surrounding structures.
- (6) Proportions of openings: the ratio of the width to the height of windows and doors.
- (7) Rhythm of solids to voids in facades: window and door areas should be at least 25% and no more than 66% of the individual facade area facing a public way.
- (8) Rhythm of entrance porches and other projections including their relationship to sidewalks.
- (9) Buildings used for retail or other public uses should have clearly defined entrances.
- (10) Rhythm of spacing and structures on streets, including the relationship between:
  - (a) A structure and its related features.
  - (b) The open space between structures.
  - (c) Structure setbacks from the public way.
  - (d) The orientation of structures on their lots.
- (11) Directional expression of the principal elevation: a structure must be visually compatible with other structures, any public way, and places it is related to in directional character, whether vertical (e.g. tall windows, strong upward lines, steep roofs), horizontal (e.g. long facades, wide porches, horizontal trim or siding), or nondirectional (e.g. no strong design elements that pull the eye up-and-down or side-to-side; appears balanced, neutral, or symmetrical).
- (12) Relationship of materials: the relationship of the color and texture of the façade materials must be visually compatible with the predominant materials in its viewscape. The colors should be based on the architectural style and period of the structure.
- (13) Fire escapes must be located on the sides or rear of the structure, where site conditions and design restraints allow.

**B. Utility Standard**

Utilities (including meters) and machines used to heat, cool, and power a structure must be located on the sides or rear of a structure and/or screened from the view of any public way.

**C. Pedestrian Access Standard**

Where sidewalks exist or are proposed on a site with a primary structure, the site design must include a continuous pedestrian access route to the main entrance of that structure. Where feasible, such route must be designed so that pedestrians are not required to cross vehicular travel lanes, parking areas, or driveways.

**D. Motor Vehicle Facility and Service Standard**

Motor vehicular facilities and services, which include parking lots, driveways, drivethroughs, overhead garage doors, service areas, fueling stations, charging areas, and

other forms of vehicle access, must be located on the sides or rear of a structure and must be screened from view of any public way.

**E. Awning Standards**

These standards apply to the color and design of awnings that are attached to structures. They are not intended to restrict the shape of awnings. The color and design of the awnings should be visually compatible with and maintain the character of the structure.

- (1) The awning frame must be at least 8 feet above any pedestrian walkway.
- (2) The awning frame must be at least 18 inches behind the curb.
- (3) Valances must be no longer than 10 inches.
- (4) Lettering no more than 8 inches in height is permitted on the valances.
- (5) Lettering is considered signage and must comply with §125-67BB.
- (6) Unique or architecturally significant features should not be hidden by any part of the awning.
- (7) Glossy finish vinyl as a material is inappropriate.
- (8) Lighting must conform with §125-67Z.

**F. Portable Shelter Standards**

- (1) A portable shelter may be installed for a period not exceeding 72 hours, subject to a permit issued by the Code Enforcement Officer.
- (2) A portable shelter may be installed for a period exceeding 72 hours only for health and safety purposes, after review and approval by the Board, subject to a permit issued by the Code Enforcement Officer.
- (3) Lettering and/or graphics on portable shelters is considered signage and must comply with §125-67BB.

**G. Landscaping Standards**

- (1) The use of invasive species as listed on the *Invasive Plant Do Not Sell List* published by the Maine Department of Agriculture, Conservation and Forestry is prohibited.
- (2) The landscape design should enhance the appearance of the structure as well as the grounds. Unique architectural features of the structure should not be hidden by landscaping or appear disproportional to the lot and structure size.
- (3) In the Town Hill Village Area:
  - (a) Plantings should include trees along the roads to enhance shade, aesthetics, and streetscape.
  - (b) Parking areas must be screened from Route 102.
  - (c) Shrubs and other materials should enhance the structures.

**H. Fencing and Freestanding Wall Standard**

Proposed fencing and freestanding walls must be visually compatible with their surroundings.

**I. Accessibility and Life Safety Standards**

Provisions for handicapped access as required by state and federal law, including NFPA 101, should be provided in a manner which preserves the architectural character of the building or structure.

## §125-116 MULTI-TENANT SIGNAGE PLANS

A multi-tenant signage plan must be submitted to the Board for review when two or more businesses of separate ownership operate on a single lot under common ownership, to ensure the proposed signs are visually compatible with one another and their surroundings. Before an individual sign for a multi-tenant property may be considered for a Certificate of Appropriateness, a multi-tenant signage plan must be on file in the Planning Office.

- A. A multi-tenant signage plan is a plan submitted by a property owner establishing design guidelines for tenant signage. The plan, at minimum, must include allowable square footage for each tenant unit and any restrictions. The plan may include, but is not limited to size limitations, color choice, design style, and locations of signage. It is not necessary to specify message content for individual signs in the signage plan.
- B. A multi-tenant signage plan must be reviewed for approval by the Board. Once approved, the plan will be filed with the Planning Director and the Code Enforcement Officer.
- C. The Certificate of Appropriateness granted by the Board remains in effect as long as the multi-tenant signage plan remains unchanged.

## §125-117 INTERNALLY ILLUMINATED SIGNS

All new and modified internally illuminated signs proposed are subject to review by the Board. Modifications include, but are not limited to, changes in size, color, lighting, graphic design or relocation.

### A. Types of Internally Illuminated Signs

- (1) **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.
- (2) **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) **Type 2-A:** 20% (or less) translucent face/80% (or greater) opaque background field.
  - (b) **Type 2-B:** 30% (or less) translucent face/70% (or greater) opaque background field.
- (3) **TYPE 3** – Channel Letter: An internally illuminated sign comprised of threedimensional 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 letters are mounted.
- (4) **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.
- (5) **TYPE 5** – Push-Through Lettering: An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push-through) section is limited to ½ inch in depth. This type of sign has two acceptable categories:

- (a) Type 5-A: 20% (or less) translucent face/80% (or greater) opaque background field.
- (b) Type 5-B: 30% (or less) translucent face/70% (or greater) opaque background field.
- (6) TYPE 6 – Neon Signs: A sign featuring exposed visible tubing illuminated by neon or other fluorescing gas. The term “neon” must also include light-emitting diode (LED) or similarly lit signs intended to simulate the appearance of neon signage.
- (7) TYPE 7 – Digital signs and programmable message boards are digital displays using LEDs to show text, graphics, animations, and videos that change at different speeds or intervals.

**B. Standards for Internally Illuminated Signs**

- (1) Internally illuminated signs of Type 2-A and Type 5-A are allowed.
- (2) Internally illuminated signs of Type 1, Type 3, and Type 4 are prohibited.
- (3) Internally illuminated signs of Type 2-B and Type 5-B are allowed only on lots with frontage on Route 102, Route 3, or Route 233, except for lots with frontage on the section of Route 3 beginning on the eastern side of Eddie Brook and ending on the south side of Cromwell Brook.
- (4) Exterior signs of Type 6 are prohibited, except those containing only the words “Vacancy” or “No Vacancy” and limited to a maximum sign area of two square feet for transient accommodations located in business and corridor zoning districts.
- (5) Internally illuminated signs of Type 7 are prohibited from using scrolling, animation, excessive flashing, rapid transitions, or videos, except for use in public safety and public transportation applications.

**§125-118 ADDITIONAL STANDARDS OF EVALUATION FOR HISTORIC PROPERTIES**

- A. **General:** The standards of evaluation described below, and elsewhere in this Article, are intended for the evaluation of historic properties. As defined in §125-110, historic properties include structures and sites listed in Appendix A that are also listed in the National Register of Historic Places.
- B. **Standards Adopted by Reference:** The Rehabilitation and Restoration standards in the most recent version of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (1995) are adopted by reference and made part of this ordinance with same force and effect as though set out in full herein. A copy of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (1995) is available at the Planning Department. The following Rehabilitation and Restoration standards reflect the 1995 edition of this reference.
  - (1) **Standards for Rehabilitation**
    - (a) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

- (b) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and special relationships that characterize a property will be avoided.
- (c) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- (d) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- (e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- (f) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, material. Replacement of missing features will be substantiated by documentary and physical evidence.
- (g) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- (h) Historic or archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- (i) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (j) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**(2) Standards for Restoration**

- (a) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.
- (b) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
- (c) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
- (d) Materials, features, spaces and finishes that characterize historical periods will be documented prior to their alteration or removal.
- (e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
- (f) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive

feature, the new feature will match the old in design, color, texture and, where possible, materials.

- (g) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
  - (h) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
  - (i) Historic or archaeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
  - (j) Designs that were never executed historically will not be constructed.
- (3) Historic property, a structure located in a designated historic district, or related structures or improvements, such as walls, fences, light fixtures, steps, or paving located in an area under the Board's jurisdiction, must not be altered, and no approval by the Board will be issued for such actions unless these actions will preserve or enhance the historical and architectural character of the structure, and are visually compatible with the viewscape.
- (4) Contemporary design for alterations and additions to existing properties is permitted when it does not destroy significant historical, architectural, or cultural material, and the design is compatible with the size, scale, material, and character of the property, neighborhood, or environment.
- (5) Whenever possible, new additions or alterations to structures must be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

**C. Historical Surveys**

All architectural and archaeological surveys conducted by architectural historians and archaeologists must be recognized by the State Historic Preservation Commission and on file in the Planning Department and presented with the application.

**D. Accessibility and Life Safety**

Work that must be done to meet accessibility and life safety requirements (per NFPA 101) must also be assessed for its potential impact on historic elements as they are rehabilitated or restored.

**§125-119 RELOCATION OR DEMOLITION OF SIGNIFICANT PROPERTY**

- A. **Normal maintenance and repair required.** Owners of structures under the jurisdiction of the Board must not allow their properties or their exterior architectural features to fall into disrepair, to create a detrimental effect on the character of the area or the structure itself or result in conditions that could justify demolition in the interest of public safety.

- B. **Review and approval.** A property owner requesting a permit for the relocation or demolition of significant property from the Code Enforcement Officer must first have received approval from the Design Review Board and have been issued a Certificate of Appropriateness from the Code Enforcement Officer.
- C. **Structural assessment.** A structural condition report written by a professional engineer or licensed architect addressing the structural condition, condition of building systems, and any issues regarding the renovation or use of a structure that may affect the feasibility of renovation or relocation must be provided. The report must include a professional recommendation regarding the proposed activities.
- D. **Relocation of a significant structure.** The Board will approve the issuance of a Certificate of Appropriateness for the relocation of a significant structure to another site if the conditions in §125-120B are satisfied.
- E. **Demolition of a significant structure.** There are two paths forward for the demolition of a significant structure:
- (1) **Immediate demolition**  
If the owner of a structure classified as significant seeks to demolish the structure, in whole or in part, the Board may approve demolition for issuance of a Certificate of Appropriateness by the Code Enforcement Officer, granted the property owner shows that the application meets all of the following standards:
- (a) The property owner can demonstrate that the structure, or significant portions or features thereof, cannot be renovated, reconstructed, or the cost of renovation makes the retention infeasible.
  - (b) The structure has been identified by the Board as non-historic and incompatible with the area in which it is located.
  - (c) The structure, or significant portions and features thereof have been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety and that hazard cannot be abated by reasonable measures.
- (2) **Delayed demolition**  
If it is determined the structure should be preserved, and therefore the Board does not approve demolition for issuance of a Certificate of Appropriateness by the Code Enforcement Officer, a 150 calendar day delay period is imposed to consider and find alternatives to demolition. This delay period allows the Town, interested persons, historic societies, or other organizations to acquire or find a means to preserve the structure.
- (a) The Code Enforcement Officer must delay the issuance of a demolition permit for 150 calendar days from the date of the delayed demolition finding by the Board.
  - (b) The owner must make a good faith effort to accommodate reasonable requests from interested parties for information about and access to the structure to evaluate alternatives to demolition.
  - (c) The owner must allow members of the Bar Harbor Historical Society, MDI Historical Society, and the Maine Historic Preservation Commission reasonable access to interior and exterior areas of the structure to enable documentation of the structure and its significant features via photography, video recording, written observations, and other methods.

- (d) If no viable alternatives to demolition are identified and accepted by the Design Review Board by the end of the demolition delay period, the Code Enforcement Officer may issue a demolition permit.
- (3) **Posting of public notice for demolition**  
Notice of demolition activities is required as follows for both demolition processes described in (1) and (2) of Subsection E. Public notices must include property information such as property address and contact information for owner and applicant, and a description of the proposed demolition to include demolition type, extent, reason, proposed reuse and/or replacement, and the contact phone number and email address of the Planning Director. Within 30 calendar days of Board approval of the immediate or delayed demolition of a significant structure:
- (a) The Planning Director must:
- [1] Mail notice of the proposed demolition to the Bar Harbor Historic Society, the Mount Desert Island Historical Society, the Maine Historic Preservation Commission, the Town Manager, and the Town Council.
  - [2] Post a notice in a printed newspaper of general circulation at least twice, with cost to be paid by the applicant.
- (b) The applicant must:
- [1] Post a notice of demolition at the site of the proposed demolition. The notice must be prominently visible from the street at the location of the structure proposed for demolition. The notice must be at least 18 inches by 24 inches in size, weatherproof, and placed as close as practicable to the front property line or the principal access point to the site, whichever provides the greatest visibility to the public. Such notice must contain the same language as the newspaper notice. If demolition is permitted, the notice must be removed upon completion of demolition activities or 150 calendar days following receipt of a demolition permit, whichever occurs first. If the Board approves a demolition alternative after a delayed demolition determination, the applicant must remove the posted notice within 30 calendar days of the Board's approval.

§125-120 CRITERIA FOR ESTABLISHMENT OF SIGNIFICANT PROPERTY OR NEW OR EXPANDED HISTORIC DISTRICT

- A. **Criteria:** One or more of the following characteristics must apply, without limitation as to cultural or chronological period, in order to qualify for designation as significant property or for establishment of a new historic district pursuant to this Article:
- (1) Structures or sites at which events have occurred that contributed to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Bar Harbor and/or the nation, including sites and structures at which the public may gain insight or see examples either of particular items or of larger patterns in the North American heritage.
  - (2) Structures or sites associated with historic personages.
  - (3) Structures or sites associated with historic examples of a great idea or ideal.
  - (4) Structures or structural remains and sites embodying examples of architectural types of specimens valuable for study or representation of a period, style, or method of building construction, of community organization and living or of landscaping; or a

- single notable structure or a single site representing the work of a master builder, designer, architect, or landscape architect.
- (5) Structures that contribute to the visual continuity of a historic district.
  - (6) Structures or sites listed, or eligible for listing, on the National Register of Historic Places.

**B. Appendix A:**

- (1) The Board will annually review both the criteria for significant properties and the properties included in Appendix A, and will make recommendations for modifications to the criteria and additions to, or deletions from, Appendix A as it deems necessary to accomplish the objectives of these design review provisions.
- (2) Recommendations for addition to, or deletion from, Appendix A of significant property outside the jurisdiction of the Board will be considered at the request of the property owner only.
- (3) An application for designation or exclusion of significant property in or from Appendix A must be in writing from the property owner and must include the required information in §125-121C.

**C. Application for significant structure or site must include:**

- (1) A concise description of the physical elements, qualities, architectural style, period, and historical significance represented by the structure or site, including consideration of scale, materials, workmanship, and spatial qualities, as relevant.
- (2) A concise statement of how the structure or site meets the review criteria of this Article.
- (3) A series of photographs of the structure, and/or a site map, illustrating significant details as noted in the criteria of §125-121.

**D. Application for a new historic district must include:**

- (1) A brief statement of the remaining physical elements that make the area a historic district and a description of building types, architectural styles, and periods represented.
- (2) A concise statement of how the district meets the review criteria of this Article.
- (3) A justification of the boundaries of the district.
- (4) A description of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of non-historic structures.
- (5) A map showing all district structures with the identification of contributing structures.

**E. Application for proposed expansion of the existing jurisdiction of the Board must include:**

- (1) A concise statement of the physical elements that justify an expansion of the existing jurisdiction, an explanation detailing how the expansion is consistent with the character of the area, and a description of building types and architectural styles and periods represented.
- (2) A concise statement of how the expansion of the existing jurisdiction meets the review criteria of this Article.
- (3) A justification for the expanded boundaries of the jurisdiction.

- (4) A description of the types of structures that do not contribute to the significance of the area and an estimate of the percentage of non-historic structures in the jurisdiction's proposed expansion.
  - (5) A map showing all structures in the proposed jurisdiction expansion area with an identification of significant structures.
- F. **Review, studies, and recommendations:** The Board must have a meeting within 30 calendar days from the date of receipt of an application to formulate a recommendation concerning the proposed amendment. Before making its recommendation concerning designation of significant property or establishment of a new or expanded historic district, the Board must conduct research on the proposal. The Board must forward a draft of the proposal/application to the Maine Historic Preservation Commission for review and comment. The Board will make a report to the Town Council on every request received.
- G. **Public hearing and final report:** Before submitting a final report to the Town Council, the Board must hold a public hearing on the request. Notice of said hearing must be published at least twice in a printed newspaper of general circulation. The date of the first publication must be at least seven calendar days before the hearing. Notice to abutters must be mailed by first class mail, to the owners of all property within 300 feet of the outer boundary of the property in question, except such mailing must occur within at least fourteen calendar days from the public hearing. Such notice must contain the same language as the newspaper notice. The owners of the property must be those shown on the Town's tax list as the person against whom taxes are assessed. Failure of any such person to receive notice of the public hearing will not necessitate another hearing or invalidate any action of the Board. A copy of the notice must be sent, at the same time, to the Chair of the Planning Board. The Design Review Board must submit a final report with its recommendations to the Town Council no later than 60 calendar days after the public hearing.
- H. **Proposed amendment:** Upon acceptance of the proposal to designate a property as significant or establish or expand a historic district, the Board must prepare a proposed amendment to this ordinance. The proposed amendment must include a description of the significant property or new or expanded jurisdiction area with the date it was adopted.

§125-121 ADMINISTRATION AND ENFORCEMENT

- A. A Certificate of Appropriateness issued for a project will remain in effect provided that all design elements subject to the standards of this Article remain unchanged. Any modification to the approved design requires the submission of revised application materials to the Planning Director for review by the Board.
- B. This Article is administered by the Board and enforced by the Code Enforcement Officer.

[End of ordinance]

[End of order]



NUMBER: 2026-03-16

TITLE: ORDER, PLACE LAND USE ORDINANCE AMENDMENT TITLED  
CAMPGROUNDS AND PRIVATE CAMPSITES ON JUNE 9, 2026 TOWN  
MEETING WARRANT

Filed March 9, 2026

**WHEREAS**, a Land Use Ordinance amendment titled Campgrounds and Private Campsites (herein the amendment) meant to standardize campground and camping-related definitions to clarify and terminology and allowed uses across all zoning districts is proposed; and

**WHEREAS**, the amendment would expressly identify individual private campsite as an allowed use in certain districts; and

**WHEREAS**, the amendment would consolidate standards for Individual private campsites into a single section of the Land Use Ordinance to facilitate consistent application town-wide; and

**WHEREAS**, the amendment would establish a single definition of campground applicable to all zoning districts, eliminating the distinction between shoreland and non-shoreland districts; and

**WHEREAS**, the amendment would revise the campgrounds section in the Standards for Particular Uses, Structures or Activities §125-69C to remove the shoreland requirement because campgrounds are not allowed in any shoreland districts; and

**WHEREAS**, the amendment would revise the definition of recreational vehicle and add new definitions for camping, campsite, and camping unit; and

**WHEREAS**, the amendment would delete the term private campsite and replace it with individual private campsite; and

**WHEREAS**, the amendment would add individual private campsites as an allowed use in the Hulls Cove Business, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Residential, Salisbury Cove Rural, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural districts; and

**WHEREAS**, the amendment would relocate the private campsite standards from the Shoreland Standards section §125-68B(22) to the Standards for Particular Uses, Structures or Activities, as section §125-69D, individual private campsite; and

**WHEREAS**, the amendment would add individual private campsite to the list of allowed uses in Article III in the Shoreland Limited Residential, Shoreland General Development II (Hulls Cove), Shoreland General Development III, and Shoreland General Development IV districts; and

Statement of Fact: Places Land Use Ordinance Amendment titled Campgrounds and Private Campsites on the warrant for the June 2026 Town Meeting.

**WHEREAS**, the amendment would exclude individual private campsite from the list of allowed uses in Article III, thus prohibiting them, in the Resource Protection, Shoreland General Development I, Shoreland Maritime Activities, Stream Protection, and Marine Research districts; and

**WHEREAS**, by requiring individual private campsites to demonstrate acceptable sewage disposal, thereby protecting environmental quality and public health while allowing continued property use, the amendment is consistent the Bar Harbor 2035 Comprehensive Plan (Comprehensive Plan) specifically with the element of Vision Pillar 4 *“Our regulations address pressing issues Bar Harbor is facing while protecting the environment and the health, safety and welfare of the community, and also acknowledging the rights of individual property owners”*; and

**WHEREAS**, by **not allowing individual private campsites within the Downtown districts, the amendment maintains established development patterns and protects the visual and historic character of the area, and is consistent with the Comprehensive Plan, specifically** the Future Land Use Strategy Focus Area 1, Downtown Center and Downtown Residential where it states *“The protection and enhancement of the Downtown’s unique and historic character is also extremely important, and efforts should be made to complement the aesthetic qualities of new development”*; and

**WHEREAS**, the amendment supports the 2025-26 Bar Harbor Town Council Goals adopted on October 7, 2025 – Housing, Sustainable Tourism, and Infrastructure.

**WHEREAS**, the Planning Board at its October 14 and November 5, 2025, meetings discussed the changes, and comments were heard; and

**WHEREAS**, on November 12, 2025, two Listening Sessions were held where public input was taken on the definitions of campground and individual private campsite, and where to allow individual private campsites; and

**WHEREAS**, the Planning Board at its December 3, 2025 meeting, and December 9, 2025 workshop, reviewed and discussed the amendment, and comments were heard; and

**WHEREAS**, the amendment was presented to the Town Council at its meeting on December 16, 2025 and January 20, 2026, and comments were heard; and

**WHEREAS**, the Planning Board at its January 7, 2026, meeting voted unanimously in favor of a public hearing to be held on February 4, 2026; and

**WHEREAS**, residents were informed of the February 4, 2026 Planning Board public hearing through a town-wide mailing in January 2026; public notice in the January 15 and January 22, 2026, editions of the Mount Desert Islander; and public notice on the Municipal Building Bulletin Board on January 12, 2026; and

**WHEREAS**, the amendment was available for public review on the town website and in hard copy at the Municipal Building; and

**WHEREAS**, the Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and unanimously voted to send the amendment to the Town Council; and

**WHEREAS**, on February 17, 2026, the Town Council scheduled a public hearing for March 17, 2026 for public comment; and

**WHEREAS**, the Town Council informed residents of the March 17, 2026 public hearing through a public notice on the Municipal Building Bulletin Board posted on February 20, 2026; a town-wide mailing sent March 3 and 4, 2026; notice on the town’s website posted February 26, 2026; and a public notice in the February 26, 2026 and March 5, 2026 editions of the Mount Desert Islander newspaper; and

**WHEREAS**, on March 12, 2026, two public forums were held at which the amendment was explained to residents, followed by a question and answer period; the forum is available for viewing on Town Hall Streams; and

**WHEREAS**, said public hearing was held on March 17, 2026;

**NOW THEREFORE, BE IT ORDERED**, pursuant to Town Code Section 125-9(B), the Land Use Ordinance Amendment article — Campgrounds and Private Campsites, version dated February 4, 2026, presented below, be placed on the June 9, 2026 Town Meeting warrant with voting thereon to be held by Australian ballot.

LUO Amendment #LUO-2026-03, **Campgrounds and Private Campsites**

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WARRANT ARTICLE

Article **XX** **LAND USE ORDINANCE AMENDMENT - Campgrounds and Private Campsites –** Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to definitions and standards for Campgrounds and Private Campsites**” be enacted?

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SUMMARY

The amendment would standardize campground and camping-related definitions to clarify terminology and allowed uses across all zoning districts. It would expressly identify Individual Private Campsite as an allowed use in certain districts listed in Article III. Standards for Individual Private Campsites would be consolidated into a single section of the Land Use Ordinance to facilitate consistent application town-wide.

GENERAL EXPLANATION

This amendment would:

1. Establish a single definition of **Campground** applicable to all zoning districts, eliminating the distinction between shoreland and non-shoreland districts.

2. Amend the Campgrounds section of the Standards for Particular Uses, Structures or Activities §125-69C to remove the shoreland requirement because Campgrounds are not allowed in any shoreland districts.
3. Revise the definition of **Recreational Vehicle** and add new definitions for **Camping, Campsite, and Camping Unit**.
4. Delete the term Private Campsite and replace it with Individual Private Campsite.
5. Expressly allow Individual Private Campsite as a principal use in certain districts and, therefore, remove its allowance as an accessory use in all districts.
6. Add Individual Private Campsite as an allowed use in the following districts: Hulls Cove Business; Hulls Cove Rural; Indian Point Residential; Indian Point Rural; McFarland Hill Residential; McFarland Hill Rural; Otter Creek; Salisbury Cove Residential; Salisbury Cove Rural; Town Hill Business; Town Hill Residential Corridor; Town Hill Residential; and Town Hill Rural.
7. **Relocate the Private Campsite standards from the Shoreland Standards** section §125-68B(22) to the Standards for Particular Uses, Structures or Activities, as section §125-69D, Individual Private Campsite.

Private Campsite is an existing allowed use in all shoreland districts, per the Shoreland standards, §125-68B(22). However, Private Campsite is not listed in Article III, Land Use Activities and Standards, as an allowed use for individual shoreland districts, where allowed uses for all other districts are listed. Relocating the Private Campsite standards from §125-68B(22) to §125-69D would prohibit this use in all shoreland districts unless listed as an allowed use in Article III. To preserve the allowed use of Private Campsite—proposed to be renamed Individual Private Campsite—in certain shoreland districts, this amendment would:

- A. Add Individual Private Campsite to the list of allowed uses in Article III in the following shoreland districts: Shoreland Limited Residential; Shoreland General Development II (Hulls Cove); Shoreland General Development III; and Shoreland General Development IV.
- B. Exclude **Individual Private Campsite from the list of allowed uses in Article III, thus prohibiting them**, in the following shoreland districts: Resource Protection; Shoreland General Development I; Shoreland Maritime Activities; Stream Protection; and Marine Research.

LUO Amendment #LUO-2026-03  
**Campground and Private Campsites**  
 Town of Bar Harbor

**An amendment to the Land Use Ordinance**  
**Articles III, V, and XII**

*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.]

**Article III. Land Use Activities and Standards**

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**§125-24 Hulls Cove 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:

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

Individual Private Campsite

Multifamily dwelling I

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

\*\*\*

**§125-27 Hulls Cove Rural**

\*\*\*

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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Commercial stable

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Lumberyard or sawmill

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~~

Veterinary clinic

Uses or small structures accessory to permitted uses or structures

\*\*\*

### **§125-28 Indian Point Residential**

\*\*\*

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:

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

\*\*\*

**§125-29 Indian Point Rural**

\*\*\*

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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Kennel

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

\*\*\*

### **§125-33 McFarland Hill Residential**

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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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

\*\*\*

### **§125-34 McFarland Hill Rural**

\*\*\*

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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Kennel

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

\*\*\*

### **§125-35 Otter Creek**

\*\*\*

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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

\*\*\*

**§125-38 Salisbury Cove Residential**

\*\*\*

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:

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

\*\*\*

### **§125-39 Salisbury Cove Rural**

\*\*\*

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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

#### Individual Private Campsite

Kennel

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

\*\*\*

### **§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:

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

#### Individual Private Campsite

Multifamily dwelling I

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~~

Veterinary clinic

Uses or small structures accessory to permitted uses or structures

\*\*\*

### **§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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Multifamily dwelling I

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

\*\*\*

### **§125-45 Town Hill Residential**

\*\*\*

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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

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

Undertaking establishment

\*\*\*

### **§125-46 Town Hill Rural**

\*\*\*

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:

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Individual Private Campsite

Kennel

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Private school

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~~

Veterinary clinic

Uses or small structures accessory to permitted uses or structures

\*\*\*

## **§125-48 Shoreland Limited Residential**

\*\*\*

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:

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Public or private park with minimal structural development

Single-family dwelling

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

\*\*\*

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

\*\*\*

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:

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Individual Private Campsite

Multifamily dwelling I

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

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

Two-family dwelling

\*\*\*

### **§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.); Individual Private Campsite; multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; Shared accommodations (SA-1); single-family dwelling; and two-family dwelling.

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### **§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, artist studio, home occupation, Individual Private Campsite, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

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## **Article V. Site Plan Review**

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### **§125-68 Shoreland standards**

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B. The Planning Board, Code Enforcement Officer or Planning Department, as applicable, must find that the proposed plan will comply with such of the following standards, and all land use activities within the shoreland zone shall conform to the following standards as are applicable:

\*\*\*

~~(22) Private campsites. Individual, private campsites not associated with campgrounds are allowed, provided that the following conditions are met:~~

- (a) ~~One campsite per lot existing on the effective date of this chapter, or 30,000 square feet of lot area within a shoreland district, whichever is less, may be permitted.~~
- (b) ~~Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high water line of a great pond classified GPA or river flowing to a great pond classified GPA and 75 feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland.~~
- (c) ~~Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation, except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.~~
- (d) ~~The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a resource protection district shall be limited to 1,000 square feet.~~
- (e) ~~A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the local Plumbing Inspector. Where disposal is off site, written authorization from the receiving facility or landowner is required.~~
- (f) ~~A recreational vehicle, tent or similar shelter may not be placed on site for more than 120 days per year.~~
- (g) ~~Individual, private campsites are for personal use of the property owner and may not be rented or leased.~~

(22) Individual private campsites. Refer to 125-69.D.

\*\*\*

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

\*\*\*

C. Campgrounds. All site plans for proposed campground development shall demonstrate that:

- (1) The applicant has obtained all required state permits and licenses.
- (2) Each ~~recreational vehicle, tent, or shelter site~~ campsite shall contain a minimum of 5,000 square feet of suitable land in shoreland areas and 2,500 square feet of suitable land in ~~inland areas~~, not including driveways and roads, for each site. Land supporting wetland vegetation and land below the normal ~~high water~~ high-water line of a water body shall not be included in calculating land area per site.
- (3) The area intended for placement of the ~~recreational vehicle, tent, or shelter site~~ campsite and utility and service buildings shall be set back a minimum of 50 feet from the exterior lot lines of the camping area, 100 feet from the normal ~~high water~~ high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet from the

normal ~~high-water~~ high-water line of a tributary stream, upland edge of a wetland or any other body of water.

- (4) The campground shall be screened from all abutting areas.
- (5) Each ~~recreational vehicle, tent, or shelter site~~ campsite shall be provided with a trash receptacle.

D. Individual private campsite. Individual private campsites not associated with campgrounds are allowed, provided that the following conditions are met:

- (1) A Maximum of one Individual Private Campsite per lot is permitted. ~~existing on the effective date of this chapter, or 30,000 square feet of lot area within a shoreland district, whichever is less, may be permitted.~~
- (2) Individual private campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) A maximum of one recreational vehicle shall be allowed on an individual private campsite. The recreational vehicle shall not be located on any type of permanent foundation, except for a gravel pad, and no structure, except a canopy, shall be attached to the recreational vehicle.
- (4) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each individual private campsite and shall be approved by the local Plumbing Inspector. If disposal is off site, written authorization from the receiving facility or landowner is required.
- (5) A campsite may not have a camping unit placed on site for more than 120 days per year.
- (6) Individual private campsites are for personal use of the property owner and may not be rented or leased.

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**Article XII. Construction and Definitions**

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**§125-109 Definitions**

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~~CAMPGROUND—Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles or towed travel trailers for~~

compensation. Accessory uses, subject to a site plan review, include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services and the like.

~~CAMPGROUND (SHORELAND DISTRICTS) – Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.~~

~~CAMPSITE, PRIVATE – An area of land which is not associated with a campground but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.~~

~~RECREATION VEHICLE – A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons which is not a dwelling and which may include a pickup camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with any state's division of motor vehicles.~~

~~TENT – A temporary collapsible shelter of canvas or similar material stretched and sustained by poles made fast by ropes attached to pegs into the ground and used for camping outdoors or as a temporary building.~~

CAMPGROUND - An area or tract of land developed with two (2) or more campsites used for Camping Units and operating for no more than 180-days per year. A Campground may also include accessory uses and structures that support the use of Camping Units.

CAMPING – The activity of living temporarily within a Camping Unit, located on a campsite at a Campground or Individual Private Campsite.

CAMPING UNIT - A tent, tarp, lean-to, platform or a recreational vehicle.

CAMPSITE – An area within a Campground for placing a Camping Unit.

INDIVIDUAL PRIVATE CAMPSITE - An area of land which is not associated with a Campground but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.

RECREATIONAL VEHICLE - A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons which is not a dwelling. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be currently registered with any state's division of motor vehicles.

TENT - A temporary collapsible shelter of canvas or similar material used for camping outdoors or as a temporary building.

[End of ordinance]

[End of order]

NUMBER: 2026-03-17

TITLE: ORDER, PLACE LAND USE ORDINANCE AMENDMENT TITLED  
MINIMUM AREA PER FAMILY ON JUNE 6, 2026 TOWN MEETING  
WARRANT

Filed March 11, 2026

**WHEREAS**, a Land Use Ordinance amendment titled Minimum Area Per family (herein the amendment) meant to increase the potential of future housing development by removing the area per family dimensional requirement in some districts is proposed; and

**WHEREAS**, the amendment would remove the minimum area per family dimensional requirement - which is the minimum area on a lot required for each dwelling and is not the same as minimum lots size requirement - for lots in 14 (out of 40) districts served by public water and sewer and/or fall within a designated growth area. These 14 districts are all served by public water and sewer and/or fall within a designated growth area of the Comprehensive Plan. The districts where changes are proposed include the Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor District, Village Residential, Downtown Village I, Downtown Village II, Downtown Residential, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Shoreland General Development I, Shoreland General Development II (Hulls Cove), Shoreland General Development III, and Educational Institution districts; and

**WHEREAS**, these changes are proposed in response to the 2022 Bar Harbor Housing Analysis, the Bar Harbor 2035 Comprehensive Plan (Comprehensive Plan), Town Council Goals, and the recent state housing legislation - LD 1829, *An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density*.

**WHEREAS**, the Comprehensive Plan identifies housing as one of the top issues for the Town of Bar Harbor; and

**WHEREAS**, the amendment aligns with the Comprehensive Plan Vision Pillar 3 where we aspire to having “. . . *sufficient equitable housing*” with a focus, as explained in the Future Land Use Strategy, on regulatory amendments in designated growth areas, areas surrounding neighborhoods, and the corridor connecting those areas, as well as in the Downtown Center and Downtown Residential areas because it has “*the greatest opportunities for increasing density through new and infill development, and redevelopment activity*”; and

**WHEREAS**, the amendment aligns with the vision elements of the 3<sup>rd</sup> pillar of the Comprehensive Plan’s where we aspire to having a community that is “. . . *well-housed and live within a reasonable commuting distance of their jobs*” by facilitating “. . . *development patterns and street designs that ensure safe walking, biking, and public transit, and have shifted the community from a car-centric to a people-centric focus to decrease our carbon footprint;*” and

Statement of Fact: Places Land Use Ordinance Amendment titled Minimum Area Per Family on the warrant for the June 2026 Town Meeting.

**WHEREAS**, Policy 6.2 of the Comprehensive Plan’s calls for the development of “. . . *regulatory provisions that address the creation of year-round housing units, reduce zoning related barriers to housing development, direct new housing development to locations informed by the future land use strategy, and provide zoning incentives for the creation of workforce housing*”; and

**WHEREAS**, Strategy 6.2C of the Comprehensive Plan calls for adopting “. . . *zoning changes that build on state legislative initiatives to remove barriers to housing development in Bar Harbor*”; and

**WHEREAS**, Bar Harbor is required to implement *An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density*, LD 1829, a new housing state law; and

**WHEREAS**, the 2022 Bar Harbor Housing Analysis reported a demand for 616 new year-round dwelling units; and

**WHEREAS**, removing “. . . *Zoning Barriers to Housing and Provide Zoning Incentives for LMI [low-and-moderate] and Workforce Housing,*” is one of the strategies in the December 2023 Housing Policy Framework because “*High land costs and low-density zoning requirements . . . limit overall housing options and make it virtually impossible for developers to provide housing for LMI [low-and-moderate] and workforce income earners. Meaningful and effective incentives are needed to encourage developers to engage in this type of housing development*”; and

**WHEREAS**, the Planning Board at its November 5, 2025, meeting discussed the changes, and comments were heard; and

**WHEREAS**, the Planning Board at its December 3, 2025, meeting and its December 9, 2025, workshop, discussed the changes, and comments heard; and

**WHEREAS**, the amendment was presented to the Town Council at its meeting on December 16, 2025, and January 20, 2026, and comments were heard; and

**WHEREAS**, the Planning Board at its January 7, 2026, voted unanimously in favor of a holding a public hearing on February 4, 2026, to hear comments; and

**WHEREAS**, residents were informed of the February 4, 2026 Planning Board public hearing through a town-wide mailing in January 2026; placed public notice in the January 15 and January 22, 2026, editions of the Mount Desert Islander; and public notice on the Municipal Building Bulletin Board on January 12, 2026; and

**WHEREAS**, the amendment was available for public review on the town website and in hard copy at the municipal building; and

**WHEREAS**, the Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and voted 5-1 to send the amendment to the Town Council.

**WHEREAS**, on February 17, 2026, the Town Council scheduled a public hearing for March 17, 2026 for public comment; and

**WHEREAS**, the Town Council informed residents of the March 17, 2026 public hearing through a public notice on the Municipal Building Bulletin Board posted on February 20, 2026; a town-wide mailing sent March 3 and 4, 2026; notice on the town’s website posted February 26, 2026; and a public notice in the February 26, 2026 and March 5, 2026 editions of the Mount Desert Islander newspaper; and

**WHEREAS**, on March 12, 2026, two public forums were held at which the amendment was explained to residents, followed by a question and answer period; the forum is available for viewing on Town Hall Streams; and

**WHEREAS**, said public hearing was held on March 17, 2026;

**NOW THEREFORE, BE IT ORDERED**, pursuant to Town Code Section 125-9(B), the Land Use Ordinance Amendment article — Minimum Area Per Family, version dated February 4, 2026, presented below, be placed on the June 9, 2026 Town Meeting warrant with voting thereon to be held by Australian ballot.

LUO Amendment #LUO-2026-04, **Minimum Area Per Family**

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WARRANT ARTICLE

**Article XX LAND USE ORDINANCE AMENDMENT – Minimum Area Per Family –**  
Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to remove the minimum area per family requirement in certain zoning districts**” be enacted?

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SUMMARY

The amendment would remove the minimum area per family requirement in certain districts to increase the potential for housing development. Minimum area per family refers to the minimum area on a lot required for each dwelling unit and is different than the minimum lot size requirement.

GENERAL EXPLANATION

This amendment would remove the minimum area per family dimensional requirement for lots in zoning districts served by public water and sewer and/or fall within a designated growth area. The districts where changes are proposed include the Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor District, Village Residential, Downtown Village I, Downtown Village II, Downtown Residential, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls

Cove Rural, Shoreland General Development I, Shoreland General Development II (Hulls Cove), Shoreland General Development III, and Educational Institution districts.

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LUO Amendment #LUO-2026-04  
**Minimum Area Per Family**  
Town of Bar Harbor

**Amendment to the Land Use Ordinance**  
**Article III**

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

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

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**Chapter 125 , LAND USE ORDINANCE**

**Article III. Land Use Activities and Standards**

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**§ 125-17. Bar Harbor Gateway.**

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B. Dimensional standards.

- (1) Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 feet with sewer; 150 feet elsewhere.
- (3) Minimum front setback: 50 feet on Route 3; 25 feet elsewhere.
- (4) Minimum side setback: 25 feet.
- (5) Minimum rear setback: 25 feet.
- (6) Maximum lot coverage: 50%.
- (7) Maximum height: 40 feet.
- ~~(8) Minimum area per family: 5,000 square feet with sewers; 10,000 square feet without sewers.~~

\*\*\*

**§ 125-18. Village Historic.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 40,000 square feet.
- (2) Minimum road frontage and lot width: 100 feet with sewers; 150 feet without sewers.
- (3) Minimum front setback: 30 feet.
- (4) Minimum side setback: 25 feet.
- (5) Minimum rear setback: 25 feet.
- (6) Maximum lot coverage: 25%.
- (7) Maximum height: 40 feet.
- (8) ~~Minimum area per family: 40,000 square feet.~~

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

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum road frontage and lot width: 100 feet.
- (3) Minimum front setback: 25 feet.
- (4) Minimum side setback: 25 feet.
- (5) Minimum rear setback: 25 feet.
- (6) Minimum side and rear setback for accessory structures: 10 feet.
- (7) Maximum lot coverage: 35%.
- (8) Maximum height: 40 feet.
- (9) ~~Minimum area per family: 10,000 square feet.~~

\*\*\*

**§ 125-20. Village Residential.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 10,000 square feet with sewers; 40,000 square feet without sewers.

- (2) Minimum road frontage and lot width: 100 feet.
- (3) Minimum front setback for structures: 20 feet.
- (4) Minimum side setback for principal structures: 10 feet.
- (5) Minimum side setback for accessory, nonresidential structures: five feet.
- (6) Minimum rear setback for principal structures: 10 feet.
- (7) Minimum rear setback for accessory, nonresidential structures: five feet.
- (8) Maximum lot coverage: 50% with sewers; 25% without sewers.
- (9) Maximum height: 40 feet.
- ~~(10) Minimum area per family: 10,000 square feet with sewers; or 20,000 square feet without sewers.~~

\*\*\*

**§ 125-21. Downtown Village I.**

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**B. Dimensional standards.**

- (1) Minimum lot size: 1,000 square feet.
- (2) Minimum road frontage and lot width: 20 feet.
- (3) Minimum front setback: zero feet.
- (4) Minimum side setback: 25 feet on any side yard that abuts a residential or historic district; zero feet elsewhere.
- (5) Minimum rear setback: 25 feet on any rear yard that abuts a residential or historic district; zero feet elsewhere.
- (6) Maximum allowable lot coverage: 100%, exclusive of setbacks.
- (7) Maximum height: 45 feet and within 15 feet of the front property line, the building height shall be no more than 35 feet. Beyond 15 feet of the front property line, the building may extend to a maximum height of 45 feet. The building shall contain no more than three stories above mean original grade unless the following conditions are met, in which case the building may contain a fourth story above mean original grade:
  - (a) An amount of space equal to the square footage of the floor area that extends above 35 feet is dedicated somewhere in the building for dwelling units only;
  - (b) These dedicated dwelling units shall be rented for periods of no fewer than

90 consecutive days; and

- (c) The building must provide a minimum number of dwelling units (See Table 3.2) which qualify as affordable housing as defined or otherwise provided.

~~(8) Minimum lot area per family: 750 square feet.~~

\*\*\*

### **§ 125-21.1. Downtown Village II.**

\*\*\*

#### **B. Dimensional standards.**

- (1) Minimum lot size: 1,000 square feet.
- (2) Minimum road frontage and lot width: 20 feet.
- (3) Minimum front setback:
  - (a) Ten feet for buildings up to 30 feet in height.
  - (b) Twenty feet for buildings over 30 feet and up to 45 feet in height.
  - (c) Ten feet for buildings up to 45 feet in height, provided that the portion of the building above 30 feet in height meets all three of the following conditions:
    - [1] The portion of the building which is above 30 feet in height shall be set back no fewer than 20 feet from the front property line;
    - [2] The dedicated dwelling units shall be rented for periods of no fewer than 90 consecutive days; and
    - [3] The building must provide a minimum number of residential units (See Table 3.2) which qualify as affordable housing as defined or as otherwise provided.
- (4) Minimum side setback: zero feet.
- (5) Minimum rear setback: 20 feet for buildings on any yard that abuts a residential district; 10 feet for accessory structures and parking on any yard that abuts a residential district; five feet elsewhere.
- (6) Maximum lot coverage:
  - (a) Ninety percent for buildings up to 30 feet in height.
  - (b) Eighty percent for buildings over 30 feet and up to 35 feet in height.
  - (c) Seventy percent for buildings over 35 feet and up to 45 feet in height.

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

\*\*\*

#### **§ 125-22. Downtown Residential.**

\*\*\*

##### **B. Dimensional standards.**

- (1) Minimum lot size: 5,000 square feet.
- (2) Minimum road frontage and lot width: 50 [feet].
- (3) Minimum front setback: 15 [feet].
- (4) Minimum side setback: five [feet].
- (5) Minimum side setback for accessory, nonresidential structures: five [feet].
- (6) Minimum rear setback for principal structures: 15 [feet].
- (7) Minimum rear setback for accessory, nonresidential structures: five [feet].
- (8) Maximum lot coverage: 75%.
- (9) Maximum height: 40 [feet].
- ~~(10) Minimum area per family: 2,500 square feet.<sup>2</sup>~~

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#### **§ 125-24. Hulls Cove Business.**

\*\*\*

##### **B. Dimensional standards.**

- (1) Minimum lot size: 10,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.
- (3) Minimum front setback: 15 [feet].
- (4) Minimum side setback: five [feet].
- (5) Minimum rear setback: 15 [feet].
- (6) Maximum lot coverage: 75%.
- (7) Maximum height: 40 [feet].
- ~~(8) Minimum area per family: 5,000 square feet with sewers; 20,000 square feet without sewers.~~

\*\*\*

#### **§ 125-26. Hulls Cove Residential Corridor.**

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##### **B. Dimensional standards.**

- (1) Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 [feet] with sewers; 200 [feet] without sewers.
- (3) Minimum front setback: 75 [feet].
- (4) Minimum side setback: 25 [feet].
- (5) Minimum rear setback: 25 [feet].
- (6) Maximum lot coverage: 25%.
- (7) Maximum height: 40 [feet].
- ~~(8) Minimum area per family: 10,000 square feet with sewers; 20,000 square feet without sewers.~~

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#### **§ 125-27. Hulls Cove Rural.**

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##### **B. Dimensional standards.**

- (1) Minimum lot size: 40,000 square feet.
- (2) Minimum road frontage and lot width: 200 [feet].
- (3) Minimum front setback: 75 [feet].
- (4) Minimum side setback: 25 [feet].
- (5) Minimum rear setback: 25 [feet].
- (6) Maximum lot coverage: 25%.
- (7) Maximum height: 40 [feet].
- ~~(8) Minimum area per family: 40,000 square feet; 10,000 square feet with sewers and 20,000 square feet without sewers for a retirement community.~~

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

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##### **B. Dimensional standards.**

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- (1) Minimum lot size: 30,000 square feet per residential dwelling unit in tidal areas and 40,000 square feet per residential dwelling unit in nontidal areas; 60,000 square feet per governmental, institutional, commercial or industrial structure adjacent to nontidal areas; 40,000 square feet for all other uses or structures.
- (2) Minimum road frontage and lot width: 20 [feet] from a point opposite Rodick Street on the northerly side of West Street easterly to the Municipal Pier; 50 [feet] elsewhere.
- (3) Minimum shore frontage: 150 [feet] per residential dwelling unit adjacent to tidal areas; 300 [feet] per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 [feet] for all other uses or structures.
- (4) Minimum front setback: zero feet for that part of the district situated on the north side of West Street between the Municipal Pier and the point opposite the center line of Main Street; 15 feet elsewhere.
- (5) Minimum side setback: zero feet.
- (6) Minimum rear setback: zero feet for that part of the district situated on the north side of West Street between the Municipal Pier and the point opposite the center line of Main Street, provided that structures may be built out over the water subject to site plan review and all state and federal regulatory approvals; 15 feet elsewhere, provided that structures may be built out over the water subject to site plan review

and all state and federal regulatory approvals.

- (7) Maximum lot coverage: 50% adjacent to tidal areas and rivers which do not flow to great ponds classified GPA; 20% elsewhere.
- (8) Maximum height: 15 [feet] for structures on piers, pilings or wharves west of the Municipal Pier seaward for 90 feet; for structures on piers, pilings or wharves west of the Municipal Pier and more than 90 feet offshore, the maximum height shall be no greater than the grade level of the sidewalk on the shoreward side of West Street, provided that transparent fencing may be installed on a flat roof to a maximum height of four feet above said grade level; 20 [feet] elsewhere.
- ~~(9) Minimum area per family: 30,000 square feet.~~

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

\*\*\*

#### **B. Dimensional standards.**

- (1) Minimum lot size: 30,000 square feet per residential dwelling unit in tidal areas and 40,000 square feet per residential dwelling unit in nontidal areas; 60,000 square feet per governmental, institutional, commercial or industrial structure adjacent to nontidal areas; 40,000 square feet for all other uses or structures.
- (2) Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.
- (3) Minimum shore frontage: 150 [feet] per residential dwelling unit adjacent to tidal areas; 300 [feet] per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 [feet] for all other uses or structures.
- (4) Minimum front setback: 75 [feet] from the center of Route 3, and 25 [feet] from the front lot line elsewhere.
- (5) Minimum side setback: five [feet].
- (6) Minimum rear setback: 15 [feet].
- (7) Maximum lot coverage: 70% adjacent to tidal areas and rivers which do not flow to great ponds classified GPA; 20% elsewhere.
- (8) Maximum height: 40 [feet].
- ~~(9) Minimum area per family: 30,000 square feet.~~

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

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 30,000 square feet per residential dwelling unit in tidal areas and 40,000 square feet per residential dwelling unit in nontidal areas with sewer; 60,000 square feet per governmental, institutional, commercial or industrial structure adjacent to nontidal areas; 40,000 square feet for all other uses or structures without sewer.
- (2) Minimum road frontage and lot width: 100 feet with sewers; 150 feet without sewers.
- (3) Minimum shore frontage: 150 feet for residential use or dwelling unit adjacent to tidal areas; 300 feet per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 feet for each other use, dwelling unit or structure for all other uses or structures.
- (4) Minimum front setback: 100 feet from the center of Route 3, and 75 feet from the front lot line elsewhere.
- (5) Minimum side setback: 25 feet.
- (6) Minimum rear setback: 25 feet.
- (7) Maximum lot coverage: 25%.
- (8) Maximum height: 35 feet.
- (9) ~~Minimum area per family: 30,000 square feet on sewers; 40,000 square feet without sewers.~~

\*\*\*

**§ 125-51.1. Educational Institution.**

\*\*\*

B. Dimensional standards.

- (1) Minimum lot size: 40,000 square feet.
- (2) Minimum road frontage and lot width: 100 feet.
- (3) Minimum shore frontage: 150 feet per dwelling unit adjacent to tidal areas; 200 feet for all other uses and structures, excluding functionally water-dependent structures.
- (4) Minimum front setback: 25 feet.
- (5) Minimum side setback: 25 feet.
- (6) Setback from district boundary line: 25 feet; 110 feet along the eastern boundary of the district; 200 feet along the eastern boundary of the district for student housing, as defined.

- (7) Minimum setback from Shoreline: zero for functionally water-dependent uses; 75 feet for all other uses.
- (8) Maximum lot coverage: 30%.
- (9) Maximum height: 40 feet.
- ~~(10) Minimum area per family: 20,000 square feet.~~

\*\*\*

[End of ordinance]

[End of order]



NUMBER: 2026-03-18

TITLE: ORDER, AMEND LAND USE ORDINANCE AMENDMENT #2026-05  
LODGING REGULATIONS TO CORRECT ERRORS

Filed March 12, 2026

**WHEREAS**, with a motion from the floor at its February 17, 2027 meeting, the Town Council amended the proposed Land Use Ordinance (LUO) Amendment titled Lodging Regulations to correct an error, removing the Lodging 1 use from Ireson Hill Residential district in the amended proposal; and

**WHEREAS**, the amendment from the floor did not adjust a reference to the number of districts so affected, or a list of them, in the “Explanation” language to be included in the warrant; and

**WHEREAS**, a correction to the Explanation section is presented below; and

**WHEREAS**, a further minor modification is requested, to clarify the subsection numbering to which a portion of the amendment refers; parking requirements for transient lodging accommodations are found in §125-67(D)(3)(b); and

**WHEREAS**, a correction to the section is presented below, to more clearly illustrate which subsections are proposed to change; and

**NOW THEREFORE, BE IT ORDERED**, that the Land Use Ordinance Amendment 2026-05 titled “Lodging Regulations” be amended to correct the description of districts in the Explanation section and to clarify the subsection numbering for §125-67, as follows:

LUO Amendment #LUO-2026-05  
**Lodging Regulations**  
Town of Bar Harbor

\*\*\*

EXPLANATION

The amendment would:

1. Replace the term Guest Room with Guest Unit and refine the definition of Guest Unit.
2. Create a definition of Guest Capacity for transient lodging accommodations and set a standard calculation method, based on the approach used by the State Fire Marshal’s Office.
3. Eliminate Lodging I (L1) as a land use from the ordinance. As a result, L1 would no longer be listed as an allowed use in the ~~41~~12 districts in which it is presently permitted: Village Historic, Downtown Residential, Emery, Hulls Cove Residential Corridor, Hulls Cove Rural, Ireson Hill Residential, McFarland Hill Residential, Otter Creek, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural. Existing L1 operations would be allowed to continue as legally non-conforming uses; however, any expansion would be prohibited.

\*\*\*

Statement of Fact: Amends Land Use Ordinance Amendment titled Lodging Regulations to correct an error.

§ 125-67 **General review standards.** The Planning Board, before granting site plan approval, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

\*\*\*

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.

(1) Off-street parking lot shall always be considered a permitted accessory use when required or provided to serve a permitted use in any district.

(2) Required off-street parking lot shall be located on the same lot as the principal building or use that it serves, except that, with site plan approval and subject to such conditions as the Planning Board may impose, off-site, off-street parking spaces may be located on land or premises of the same ownership as the lot containing the principal building or use if said land or premises is dedicated for parking.

(a) Such off-site, off-street parking lots may not be farther than 500 feet from each entity requesting to utilize those spaces. This distance shall be measured following a reasonable, safe walking route between the primary use and the parking lot being utilized.

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

(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.

(a) Dwellings: one parking space for each dwelling unit.

(b) Transient lodging accommodations:

[1] ~~Lodging I, Lodging II, and Lodging III~~ – one parking space for each guest ~~room~~ unit, plus one parking space.

[2] Lodging IV, Lodging V, Lodging VI, and Lodging VII – one parking space for each guest ~~room~~ unit.

(c) Schools: one parking space for each classroom plus one space for each four employees.

\*\*\*

[End of Order]

NUMBER: 2026-03-19

TITLE: ORDER, PLACE LAND USE ORDINANCE AMENDMENT TITLED  
LODGING REGULATIONS ON JUNE 9, 2026 TOWN MEETING WARRANT

Filed March 12, 2026

**WHEREAS**, a Land Use Ordinance amendment titled Lodging Regulations (herein the amendment), meant to revise lodging definitions, establish minimum guest unit requirements and maximum transient guest limits for certain lodging uses, and remove some lodging uses from certain districts, is proposed; and

**WHEREAS**, the amendment would replace the term guest room with guest unit and refine the definition of guest unit; and

**WHEREAS**, the amendment would create a definition of guest capacity for transient lodging accommodations and set a standard calculation method, based on the approach used by the State Fire Marshal's Office; and

**WHEREAS**, the amendment would eliminate Lodging I (L1) as a land use from the ordinance. As a result, L1 would no longer be listed as an allowed use in the 12 districts in which it is presently permitted: Village Historic, Downtown Residential, Emery, Hulls Cove Residential Corridor, Hulls Cove Rural, Ireson Hill Residential, McFarland Hill Residential, Otter Creek, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural. Existing L1 operations would be allowed to continue as legally non-conforming uses; however, any expansion would be prohibited; and

**WHEREAS**, the amendment would remove Lodging II (L2) as a permitted use in three districts: Village Residential, Downtown Village Transitional, and Town Hill Business. Existing L2 operations in those districts would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited. It would also amend the definition of L2 to require a minimum of 3 guest units and to limit guest capacity to a maximum of 48 transient guests; and

**WHEREAS**, the amendment would remove Lodging III (L3) as a permitted use in the Town Hill Business District. Existing L3 operations would be allowed to continue in that district as legally nonconforming uses; however, any expansion would be prohibited. It would also amend the definition of L3 to require a minimum of 3 guest units and to limit guest capacity to a maximum of 48 transient guests; and

**WHEREAS**, the amendment would remove Lodging IV (L4) as a permitted use in three districts: the Town Hill Business, Village Residential, and Shoreland General Development IV. Existing L4 operations would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited; and

**WHEREAS**, the amendment would remove Lodging V (L5) as a permitted use in two districts: Town Hill Business and Shoreland Maritime Activities. Existing L5 operations would be

Statement of Fact: Places Land Use Ordinance Amendment titled Lodging Regulations on the warrant for the June 2026 Town Meeting.

allowed to continue as legally nonconforming uses; however, any expansion would be prohibited; and

**WHEREAS**, the amendment would Amend the definition of Lodging VI (L6) to require a minimum of 3 guest units and to limit guest capacity to a maximum of 100 transient guests; and

**WHEREAS**, the amendment would remove Lodging VII (L7) as a permitted use in Town Hill Residential Corridor District. Existing L7 operations would be allowed to continue in that district as legally nonconforming uses; however, any expansion would be prohibited. Add L7 as a permitted use in the Shoreland General Development IV District. It would also amend the definition of L7 to require a minimum of 3 guest units and to limit guest capacity to a maximum of 100 transient guests; and

**WHEREAS**, the amendment would remove the allowance for expansion of nonconforming lodging uses; and

**WHEREAS**, the amendment would update the Mount Desert Street Corridor District purpose to reflect updated terms and allowed uses; and

**WHEREAS**, the amendment would align the parking standard for L2, L3, L6, and L7 with the new guest unit term; and

**WHEREAS**, the amendment supports the 2025 Workplan presented by the Planning & Code Department to Town Council on January 21, 2025, Action 1, to “address immediate needs of the moratorium; managing lodging uses”; and

**WHEREAS**, the amendment supports the 2025-26 Bar Harbor Town Council Goals adopted on October 7, 2025 – Sustainable Tourism; and

**WHEREAS**, by limiting the expansion of nonconforming lodging uses, preventing the conversion of dwelling units to lodging, and applying consistent nonconformity standards across uses, the amendment is consistent with the 2035 Bar Harbor Comprehensive Plan (Comprehensive Plan) namely Vision Pillar 2, element “*Our businesses contribute to our local economy and are sized appropriately from environmental, service and infrastructure, and social perspectives,*” and by establishing clear, objective standards that regulate lodging scale, intensity, and expansion, it is consistent with Vision Pillar 4 “*We work through our differences to strengthen our collective sense of community. We take care of each other, and we take care of our place*”; and

**WHEREAS**, the Planning Board, at its October 14, 2025, meeting highlighted ways to better align future lodging development with the Town’s infrastructure and neighborhoods including revising lodging definitions, establishing a clear cap on the number of guest rooms allowed, and refining the definition of guest rooms to account for occupancy, and defining suitable areas for new lodging uses; and

**WHEREAS**, the Town Council at its workshop on November 6, 2025, discussed policies relating to managing lodging scale, clarifying and proposing new lodging definitions, limiting residential conversion, and ensuring compatibility with district character and environment; and

**WHEREAS**, the Town Council at its November 18, 2025, meeting voted to authorize the Planning Director to engage the Planning Board for advisory input on proposed lodging-related Land Use Ordinance amendments; and

**WHEREAS**, the Planning Board at its November 20, 2025, workshop, December 3, 2025 meeting, and December 9, 2025 workshop, reviewed and discussed the amendment, and comments were heard; and

**WHEREAS**, the amendment was presented to the Town Council at its meeting on December 16, 2025, and January 20, 2026, and comments were heard; and

**WHEREAS**, the Planning Board at its January 7, 2026, meeting, voted unanimously in favor of holding a public hearing on February 4, 2026; and

**WHEREAS**, residents were informed of the February 4, 2026 Planning Board public hearing through a town-wide mailing in January 2026; public notice in the January 15, 2026, and January 22, 2026, editions of the Mount Desert Islander; and public notice on the Municipal Building Bulletin Board on January 8, 2026; and

**WHEREAS**, the amendment was available for public review on the town website and in hard copy at the Municipal Building; and

**WHEREAS**, the Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and unanimously voted to send the amendment to the Town Council; and

**WHEREAS**, with a motion from the floor at its February 17, 2027 meeting, the Town Council amended the proposed ordinance to correct an error, removing the Lodging 1 use from Ireson Hill Residential district in the amended proposal; and

**WHEREAS**, on February 17, 2026, the Town Council scheduled a public hearing for March 17, 2026 for public comment; and

**WHEREAS**, the Town Council informed residents of the March 17, 2026 public hearing through a public notice on the Municipal Building Bulletin Board posted on February 20, 2026; a town-wide mailing sent March 3 and 4, 2026; notice on the town's website posted February 26, 2026; and a public notice in the February 26, 2026 and March 5, 2026 editions of the Mount Desert Islander newspaper; and

**WHEREAS**, on March 12, 2026, two public forums were held at which the amendment was explained to residents, followed by a question and answer period; the forum is available for viewing on Town Hall Streams; and

**WHEREAS**, said public hearing was held on March 17, 2026; and

**WHEREAS**, the proposed amendment was further modified by Council Order 2026-03-18 to correct the description of districts in the Explanation section and to clarify the subsection numbering for §125-67;

**NOW THEREFORE, BE IT ORDERED**, pursuant to Town Code Section 125-9(B), the Land Use Ordinance Amendment article — Design Review, version dated January 7, 2026, presented below, be placed on the June 9, 2026 Town Meeting warrant with voting thereon to be held by Australian ballot.

LUO Amendment #LUO-2026-05  
**Lodging Regulations**  
Town of Bar Harbor

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WARRANT ARTICLE

**Article XX – LAND USE ORDINANCE AMENDMENT –Lodging Regulations** - Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to revise lodging definitions, establish minimum guest unit requirements and maximum transient guest limits for certain lodging uses, and remove some lodging uses from certain districts,**” be enacted?

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SUMMARY

The amendment would remove some lodging uses from certain districts, while allowing all existing lodging operations to continue as nonconforming uses without opportunity for expansion. The definition for Lodging II, III, VI, and VII would be changed to include minimum number of Guest Units and maximum Guest Capacity requirements. Guest Capacity would be calculated using the State Fire Marshal’s method.

EXPLANATION

The amendment would:

1. Replace the term Guest Room with Guest Unit and refine the definition of Guest Unit.
2. Create a definition of Guest Capacity for transient lodging accommodations and set a standard calculation method, based on the approach used by the State Fire Marshal’s Office.
3. Eliminate Lodging I (L1) as a land use from the ordinance. As a result, L1 would no longer be listed as an allowed use in the 12 districts in which it is presently permitted: Village Historic, Downtown Residential, Emery, Hulls Cove Residential Corridor, Hulls Cove Rural, Ireson Hill Residential, McFarland Hill Residential, Otter Creek, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural. Existing L1 operations would be allowed to continue as legally non-conforming uses; however, any expansion would be prohibited.

4. Remove Lodging II (L2) as a permitted use in three districts: Village Residential, Downtown Village Transitional, and Town Hill Business. Existing L2 operations in those districts would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited. It would also amend the definition of L2 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 48 transient guests.
5. Remove Lodging III (L3) as a permitted use in the Town Hill Business District. Existing L3 operations would be allowed to continue in that district as legally nonconforming uses; however, any expansion would be prohibited. It would also amend the definition of L3 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 48 transient guests.
6. Remove Lodging IV (L4) as a permitted use in three districts: the Town Hill Business, Village Residential, and Shoreland General Development IV. Existing L4 operations would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited.
7. Remove Lodging V (L5) as a permitted use in two districts: Town Hill Business and Shoreland Maritime Activities. Existing L5 operations would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited.
8. Amend the definition of Lodging VI (L6) to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 100 transient guests.
9. Remove Lodging VII (L7) as a permitted use in Town Hill Residential Corridor District. Existing L7 operations would be allowed to continue in that district as legally nonconforming uses; however, any expansion would be prohibited. Add L7 as a permitted use in the Shoreland General Development IV District. It would also amend the definition of L7 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 100 transient guests.
10. Remove the allowance for expansion of nonconforming lodging uses.
11. Update the Mount Desert Street Corridor District purpose to reflect updated terms and allowed uses.
12. Align the parking standard for L2, L3, L6, and L7 with the new Guest Unit term.

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LUO Amendment #LUO-2026-05

**Lodging Regulations**

Town of Bar Harbor

**An amendment to the Land Use Ordinance  
Articles III, IV, V, XII**

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

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

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**Chapter 125 , LAND USE ORDINANCE**

## Article III. Land Use Activities and Standards

### § 125-16. General.

All land use activities, regardless of whether they require a permit from the Code Enforcement Officer or site plan approval, shall comply with all applicable standards set forth in this article and in §§ 125-67, 125-68 and 125-69. All distances and heights in this article, unless otherwise stated, are in feet.

\*\*\*

### § 125-18. Village Historic.

\*\*\*

#### 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: eleemosynary; ~~lodging I~~; private club.

\* \* \*

#### F. Other requirements.

- a. ~~The Planning Board shall ensure that parking for lodging I shall be shielded from the view of neighboring properties located to the side and rear of the property where the lodging I is located. Shielding shall consist of vegetative screening. [Also see parking requirements found in § 125-67B(4).]~~

\*\*\*

### § 125-19. Mount Desert Street Corridor.

- A. Purpose. The Mount Desert Street Corridor District is part of an important historic entry corridor into the village business district. ~~Existing developments of bed and breakfasts should be encouraged to remain, whereas property that is~~ Properties that are redeveloped and/or infill development should be reviewed carefully to retain the historic character of this corridor.

\*\*\*

### § 125-20. Village Residential.

\*\*\*

#### D. Uses allowed by site plan.

\*\*\*

- (2) Uses allowed by conditional use permit:
  - (a) For properties with road frontage on or access to Route 3 or 233: art gallery; farmers' market; ~~lodging II~~; ~~lodging IV~~; museum; private school;

professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

\*\*\*

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

\* \* \*

C. Allowed uses.

\*\*\*

(2) Uses allowed by site plan review: multifamily dwelling II; parking lot; all other types of child-care facilities; ~~lodging II~~; 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

~~Lodging I~~

Lodging VII – Only for those portions of the district between Eden Street and the district boundary behind Kennebec Street; and from The Field south to Hancock Street. In addition, no building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.

Parking garage and parking lot

Place of worship

Road construction

Wireless communications facility

\*\*\*

**§ 125-23. Emery District.**

\*\*\*

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

Commercial boatyard

Commercial stable

Employee living quarters-2

~~Lodging I~~

Kennel, boarding  
Municipal school  
Noncommercial kennel  
Noncommercial stable  
Road construction  
Solar photovoltaic system, principal use (SPVS-PU)  
Wireless communications facility

\*\*\*

**§ 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
  - Employee living quarters-2
  - Lodging I
  - Lodging VII – No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.
  - Multifamily dwelling II
  - Place of worship
  - Road construction
  - Solar photovoltaic system, principal use (SPVS-PU)
  - Wireless communications facility

\*\*\*

**§ 125-27. Hulls Cove Rural.**

\*\*\*

- 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
  - Employee living quarters-2
  - Lodging I
  - Mineral extraction
  - Mineral extraction and processing
  - Mobile home park
  - Municipal school
  - Place of worship
  - Retirement community
  - Road construction
  - Solar photovoltaic system, principal use (SPVS-PU)
  - Wireless communications facility

\*\*\*

~~G. Other requirements.~~

\*\*\*

**§ 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
- ~~Lodging I~~
- Municipal school
- Place of worship
- Road construction
- Solar photovoltaic system, principal use (SPVS-PU)
- Wireless communications facility

\*\*\*

**§ 125-33. McFarland 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
- Commercial stable
- ~~Lodging I~~
- Municipal school
- Place of worship
- Road construction
- Solar photovoltaic system, principal use (SPVS-PU)
- Veterinary clinic
- Wireless communications facility

\*\*\*

**§ 125-35. Otter Creek.**

\*\*\*

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
- Commercial stable
- ~~Lodging I~~
- Municipal facility and grounds
- Place of worship
- Road construction
- Solar photovoltaic system, principal use (SPVS-PU)
- Veterinary clinic
- 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-1
- Food processing and freezing (excluding slaughterhouse)
- Food processing and freezing
- Hospital
- Light manufacturing/assembly plant
- ~~Lodging II~~
- ~~Lodging III~~
- ~~Lodging IV~~
- ~~Lodging V~~
- Mobile home park
- Multifamily dwelling II
- Municipal school
- Newspaper or printing facility
- Parking garage and parking lot
- Research facility
- Research production facility
- Road construction
- Shared accommodations (SA-2)
- Solar photovoltaic system, principal use (SPVS-PU)
- Terminal yard and trucking facility
- Upholstery shop
- Warehousing or storage facility
- Wholesale business establishment
- Wireless communications facility

\*\*\*

**§ 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  
Employee living quarters-2  
Lodging I  
~~Lodging VII — No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.~~  
Multifamily dwelling II  
Municipal school  
Municipal facility and grounds  
Place of worship  
Road construction  
Solar photovoltaic system, principal use (SPVS-PU)  
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-2  
~~Lodging I~~  
Lodging VII - Only from the north side of Route 3 shoreward for 500 feet from the Trenton Town line to Jones Marsh Resource Protection District  
Marina  
Mobile home park  
Municipal facility and grounds  
Municipal school  
Place of worship  
Road construction  
Solar photovoltaic system, principal use  
Wireless communications facility

\*\*\*

**§ 125-46. Town Hill Rural.**

\*\*\*

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  
Cemetery  
Commercial boatyard

Commercial stable  
Eleemosynary, educational or scientific institution  
Employee living quarters-2  
~~Lodging I~~  
Kennel, boarding  
Mineral extraction  
Mineral extraction and processing  
Municipal school  
Place of worship  
Road construction  
Solar photovoltaic system, principal use (SPVS-PU)  
Wireless communications facility

\*\*\*

~~H. Other requirements.~~

\*\*\*

**§ 125-49.2. Shoreland General Development IV.**

\*\*\*

D. Uses allowed by site plan. The following uses shall be permitted by site plan review in any part of this district: ~~lodging IV~~ lodging VII, marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, 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 District.**

\*\*\*

D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters-1; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; ~~lodging V~~; passenger terminal; ferry terminal; marina; services.

\*\*\*

**Article IV. Nonconformity**

\*\*\*

**§ 125-54 Nonconforming uses of land or structures.**

The use of any land or structure which is made nonconforming as a result of the enactment of this chapter, or any subsequent amendment, may be continued, but only in strict compliance with the following:

- A. No nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than such use occupied when it became nonconforming.
- B. No existing structure devoted partially or entirely to a nonconforming use shall be extended or enlarged.
- C. Any nonconforming use may be extended throughout any parts of a building which, at the time such use became a nonconformity, were arranged or designed for such use; provided, however, that no nonconforming use shall be extended to occupy any land outside such building.
- D. Any nonconforming use of land or a structure may be changed to another nonconforming use provided first that the Board of Appeals finds that the proposed use will have no greater adverse impact on the subject and adjacent properties and resources, including water-dependent uses, than the existing use, and second that the Planning Board grants site plan approval upon a finding that the proposed use meets all standards set forth in Article V except those that cause the existing use to be nonconforming. In determining that no greater adverse impact will occur, the Board of Appeals, in dealing with uses in resource protection, shoreland limited residential, shoreland general development and stream protection districts, shall, at a minimum, require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.
- E. If any nonconforming use of land or of a structure housing a nonconforming use ceases or is discontinued for any reason for a period of 12 or more consecutive months, any subsequent use of such land or structure shall conform to the requirements of this chapter in all respects.
- F. A nonconforming use or a structure housing a nonconforming use may be moved within a lot provided that the Board of Appeals finds that the proposed new location and design are more appropriate with regard to:
  - (1) Location, character, and natural features;
  - (2) Fencing and screening;
  - (3) Landscaping and topography;
  - (4) Traffic and access;
  - (5) Signs and lighting; and
  - (6) Potential nuisance.

~~G. Transient lodging accommodations.~~

- ~~(1) Transient lodging accommodations that are nonconforming uses may be enlarged, extended and occupy a GREATER area of land, provided that no additional guest rooms are added and that the Board of Appeals finds that:~~

- ~~(a) There will be no greater adverse impacts; and~~
- ~~(b) The proposed construction is appropriate with regard to:
 
  - ~~{1} Location, character and natural features;~~
  - ~~{2} Fencing and screening;~~
  - ~~{3} Landscaping and topography;~~
  - ~~{4} Traffic and access;~~
  - ~~{5} Lighting; and~~
  - ~~{6} Potential nuisance.~~~~

~~(2) In determining that no greater adverse impact will occur, the Board of Appeals, in dealing with transient lodging accommodation in resource protection, shoreland limited residential, shoreland general development and stream protection districts, shall, at a minimum, require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water dependent uses.~~

\*\*\*

**Article V. Site Plan Review**

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**125-66 Submission requirements**

An application for a major site plan or subdivision shall include, as applicable:

\*\*\*

**125-66 R. Building plans, elevations and interior use.**

For all proposed buildings and structures and for all existing buildings and structures for which a change of use is proposed:

- (1) Building plans for all levels of all buildings and structures, including but not limited to fences;
- (2) All elevations, indicating the height of the structure and proposed materials and exterior colors;
- (3) Proposed use of all floor area, including basements and attics; and
- (4) When the proposed use is a restaurant, the maximum seating capacity thereof.
- (5) When the proposed use is a transient lodging accommodation classified as Lodging II, Lodging III, Lodging VI, or Lodging VII, provide:
  - (a) Total gross floor area devoted to lodging on each floor, including a breakdown by use (e.g., lodging, assembly, service, etc.).

- (b) Total number of guest units located on each floor.
- (c) Total guest capacity, calculated using the occupant load for each floor based on the lodging gross floor area devoted to lodging, in accordance with Life Safety Codes NFPA 1 and 101.

\*\*\*

§ 125-67 **General review standards.** The Planning Board, before granting site plan approval, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

\*\*\*

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.

- (1) Off-street parking lot shall always be considered a permitted accessory use when required or provided to serve a permitted use in any district.
- (2) Required off-street parking lot shall be located on the same lot as the principal building or use that it serves, except that, with site plan approval and subject to such conditions as the Planning Board may impose, off-site, off-street parking spaces may be located on land or premises of the same ownership as the lot containing the principal building or use if said land or premises is dedicated for parking.
  - (a) Such off-site, off-street parking lots may not be farther than 500 feet from each entity requesting to utilize those spaces. This distance shall be measured following a reasonable, safe walking route between the primary use and the parking lot being utilized.
  - (b) Such off-site, off-street parking lot shall be located in a district that permits the use of the principal building or use.
- (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.
  - (a) Dwellings: one parking space for each dwelling unit.
  - (b) Transient lodging accommodations:
    - [1] ~~Lodging I~~, Lodging II, and Lodging III – one parking space for each

guest ~~room~~ unit, plus one parking space.

[2] Lodging IV, Lodging V, Lodging VI, and Lodging VII – one parking space for each guest ~~room~~ unit.

(c) Schools: one parking space for each classroom plus one space for each four employees.

\*\*\*

## 125-69 Standards for particular uses, structure, activities.

\*\*\*

### **AA. Transient Lodging Accommodation Guest Capacity**

#### **(1) Total Guest Capacity.**

The total transient guest capacity of a transient lodging accommodation classified as Lodging II, Lodging III, Lodging VI, and Lodging VII shall be determined by calculating the occupant load of all areas devoted to lodging in accordance with applicable Life Safety Codes (NFPA 1 and 101), as follows:

(a) For each floor, or portion of a floor, devoted to lodging, the occupant load shall be calculated by dividing the lodging gross floor area by 200 square feet per occupant, rounded up to the nearest whole number.

(b) The total guest capacity for the transient lodging accommodation shall equal the sum of the occupant loads for all floor area devoted to lodging.

#### **(2) Compliance Requirements**

(a) The total transient guest capacity shall not exceed the maximum number permitted based on egress, fire protection, accessibility requirements, and occupant load as determined by the Fire Marshal's Office, in accordance with Life Safety Codes (NFPA 1 and 101).

\*\*\*

## **Article XII. Construction and definitions**

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### **§ 125-109. Definitions.**

The following terms shall have the following meanings:

\*\*\*

**GROSS FLOOR AREA, LODGING** - The total gross floor area of a transient lodging accommodation, measured to the exterior face of the exterior walls, that is dedicated, or intended to be dedicated, to lodging. This includes guest units and sleeping rooms; bathrooms within guest units; interior hallways serving guest units; and interior storage, housekeeping, and utility rooms located on floors, or portions of floors used for guest units. This term excludes exterior porches, balconies; parking areas; uninhabitable attic or crawl spaces not designed for occupancy; and commercial, assembly, restaurant, or office space not integral to the lodging function.

\*\*\*

**Guest Capacity** - The total number of transient guests that may occupy guest units within a transient lodging accommodation at one time.

\*\*\*

~~GUEST ROOM~~— A room or group of rooms under a single room number in a transient lodging accommodation designed or arranged to be used by one group or party at a time for overnight occupancy.

**Guest Unit** – A sleeping room or group of sleeping rooms under a single unit number in a transient lodging accommodation designed or arranged to be used by one party at a time for overnight occupancy. It may also include a living room, kitchen or kitchenette, and other associated amenities.

\*\*\*

#### TRANSIENT LODGING ACCOMMODATIONS —

An establishment consisting of a building or group of buildings, or a single-family dwelling, located on one lot, containing guest units designed or arranged to provide temporary lodging accommodations for transient guests for compensation.

- A. ~~LODGING I~~— A single family dwelling in which the resident or residents of the dwelling provide short term overnight lodging in a maximum of three guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.
- B. ~~LODGING II~~— A single family dwelling in which the resident or residents of the dwelling provide short term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only. An establishment providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 12 guest units. The maximum guest capacity for the establishment must not exceed 48 guests. Meals may be offered; however, service must be limited to overnight transient guests only.
- C. ~~LODGING III~~ — A single family dwelling in which the resident or residents of the dwelling provide short term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be offered for compensation to the overnight guests and the general public. An establishment providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 12 guest units. The maximum guest capacity for the establishment must not exceed 48 guests. Meals may be offered for compensation and may also be made available to the general public.

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- F. ~~LODGING VI~~ — An establishment which offers transient lodging accommodations (1-25 guest rooms) and which may include additional accessory facilities and services available for the overnight guests only. An establishment providing temporary overnight lodging,

consisting of a minimum of 3 and a maximum of 25 guest units. The maximum guest capacity for the establishment must not exceed 100 transient guests. Accessory facilities and services may be offered; however, it must be limited to the overnight transient guests only.

- G. ~~LODGING VII — An establishment, in a building constructed before June 10, 1986, which offers transient lodging accommodations (1-25 guest rooms) and which may include additional accessory facilities and services available for the overnight guests only.~~ An establishment constructed before June 10, 1986 providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 25 guest units. The maximum guest capacity for the establishment must not exceed 100 guests. Accessory facilities and services may be offered; however, it must be limited to the overnight transient guests only.

[End of ordinance]

[End of order]