

Order of the Bar Harbor Town Council For the November 2, 2021 Town Meeting

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

Warrant Article

Article __ **LAND USE ORDINANCE AMENDMENT – Accessory Dwelling Units** – Shall an ordinance, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding accessory dwelling units;” be enacted?

Accessory Dwelling Units

An amendment to Article III and XII to delete the definition of accessory dwelling unit and the use from the following districts: **Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, and Shoreland General Development II (Hulls Cove).**

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

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

Chapter 125 , LAND USE ORDINANCE

Article III Land Use Activities and Standards

§ 125-22 **Downtown 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:

Accessory dwelling

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Noncommercial greenhouse
Multifamily dwelling I
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Undertaking establishment
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-23 Emery District.

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

~~Accessory dwelling~~

Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-24 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:

~~Accessory dwelling~~

Agriculture, avocational
Commercial art gallery or pottery barn
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I

Public or private park with minimal structural development
Shared accommodations (SA-1)
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-26 Hulls Cove Residential Corridor.

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

Accessory dwelling

Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-27 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:

Accessory dwelling

Agriculture, avocational
Commercial garden, greenhouse or nursery
Commercial stable
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
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
Vacation rentals
Veterinary clinic

§ 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:

Accessory dwelling
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-29 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:

Accessory dwelling
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-31 Ireson Hill Corridor.

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

~~Accessory dwelling~~

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-32 Ireson 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:

~~Accessory dwelling~~

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-33 McFarland 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:

Accessory dwelling

Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-34 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:

Accessory dwelling

Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-35 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:

Accessory dwelling

Agriculture, avocational
Commercial garden, greenhouse or nursery

Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-37 Salisbury Cove Corridor.

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

Accessory dwelling
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Kennel
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-38 Salisbury Cove Residential.

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

Accessory dwelling
Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Kennel

Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-39 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:

~~Accessory dwelling~~

Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Kennel
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-40 Salisbury Cove Village.

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

~~Accessory dwelling~~

Agriculture, avocational
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse

Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-41 Schooner Head.

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

~~Accessory dwelling~~
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Noncommercial greenhouse
Public or private park with minimal structural development
Single-family dwelling
Uses or small structures accessory to permitted uses or structures
Uses or structures accessory to permitted uses or structures
Vacation rentals

§ 125-43 Town Hill Business.

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

~~Accessory dwelling~~
Agriculture, avocational
Commercial art gallery or pottery barn
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Grocery stores
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
Vacation rentals
Veterinary clinic

§ 125-44 Town Hill Residential Corridor.

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

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Shared accommodations (SA-I)
Single-family dwelling
Two-family dwelling
Undertaking establishment
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 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:

~~Accessory dwelling~~
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development

Roadside stand
Single-family dwelling
Two-family dwelling
Undertaking establishment
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 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:

Accessory dwelling
Agriculture, avocational
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
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
Vacation rentals
Veterinary clinic

§ 125-47 Shoreland General Development I.

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

Accessory dwelling
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Multifamily dwelling I
Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling

Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-48 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:

~~Accessory dwelling~~

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Public or private park with minimal structural development

Single-family dwelling

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

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 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:

~~Accessory dwelling~~

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

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

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Article XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

~~DWELLING UNIT, ACCESSORY~~

~~A single self-contained dwelling unit which is part of, attached to, or located on the~~

~~premises of a principal single family dwelling unit. This dwelling unit consists of one or more rooms with separate kitchen and bathroom facilities that occupies no more than 1/3 of the gross floor area of the principal single family dwelling. The calculation of size of the accessory dwelling is exclusive of any garage, basement, shed or other accessory use structure attached to or part of such single family dwelling.~~

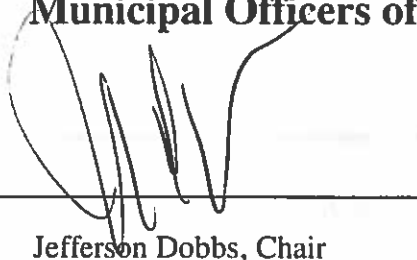
EXPLANATION

The amendment would delete the definition of accessory dwelling unit. As defined, there are no benefits or incentives to being permitted as an accessory dwelling unit instead of a dwelling unit. It would also delete the use from the following districts: Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, and Shoreland General Development II (Hulls Cove).

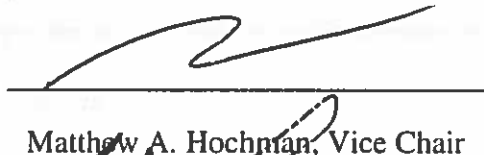
In 2006, the town voted to approve an amendment “Weekly Rentals” entitled “An ordinance to amend the Bar Harbor Code, Chapter 125, Land Use Ordinance §§ 125-54 and 109, and Appendix C, to establish definitions and standards for the regulation of vacation rentals and accessory dwellings.” The amendment created and defined a new use “Dwelling Unit, Accessory” and allowed it in certain districts. The amendment allowed homestead exemption properties to have a weekly rental plus one accessory dwelling unit. On June 14, 2011, the town voted to approve an amendment “Vacation Rentals” entitled “An amendment to allow Vacation Rentals in nearly all zoning districts and revise the regulatory permitting process.” It resulted in the removal of all references to “Homestead exempt” and “Non-homestead exempt” properties but did not remove the definition of “Dwelling Unit, Accessory,” or any of the districts where it was being allowed which were part of the original (2006) weekly rental amendment.

Given under our hands and seal at Bar Harbor this seventeenth day of August, 2021:

Municipal Officers of the Town of Bar Harbor



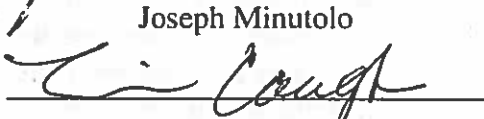
Jefferson Dobbs, Chair



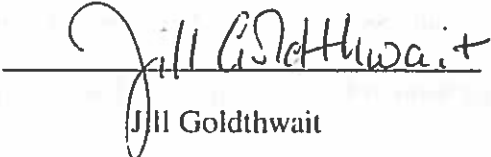
Matthew A. Hochman, Vice Chair

Gary Friedmann


Valerie Peacock

Joseph Minutolo


Erin E. Cough



Jill Goldthwait