

Draft Order

of the Bar Harbor Town Council

for the June 13, 2023 Town Meeting

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

WARRANT ARTICLE

Article **XX** **LAND USE ORDINANCE AMENDMENT – Double Setback Distances** – Shall an ordinance, dated December 8, 2022, and entitled “**An amendment to remove the double setback distances**” be enacted?

SUMMARY

This amendment would remove a standard in the Land Use Ordinance that requires principal buildings constructed in a subdivision where no lots are created be located so that the distance between the principal buildings is double the setback requirement for the district in which the subdivision is located.

EXPLANATION

This double setback distance requirement typically results in setback ranges between 50 feet and 150 feet. These additional setback distances between the principal buildings result in the buildings being located in a sprawling design, rather than clustered together.

An amendment to Article V

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

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

Chapter 125 , LAND USE ORDINANCE

Article V General Provisions

§ 125-67 General review standards.

A. Permitted uses. Any proposed use must be a permitted use with site plan approval, as determined by reference to Article III for each district in which it is proposed.

B. Lot standards. Except as modified by the provisions for planned unit developments set forth in § 125-69M and S, as applicable, any proposed structure or lot must comply with the lot size, area per family, road frontage, lot width, and front, side and rear setback requirements, and the shoreland zone lot standards in § 125-68B as determined by reference to Article III for each district in which it is proposed subject to the following:

(1) Any yard adjacent to a street shall be considered a front yard.

(2) Front setback distances shall be measured from the center line of the traveled way in all districts except the Village Historic, Mount Desert Street Corridor District, Downtown Village, Downtown Residential, Hulls Cove Business, Village Residential and Shoreland General Development I Districts where setback distances shall be measured from the edge of the lot line.

~~(3) In any subdivision in which lots are not created, the distance from the side of one principal building to the side of another principal building shall be no less than twice the distance of the side yard setback in the district; the distance from the side of one principal building to the front of another principal building shall be no less than twice the distance of the front yard setback in the district; the distance from the side of one principal building to the back of another principal building shall be no less than twice the distance of the rear yard setback in the district; the distance from the front of one principal building to the front or back of another principal building shall be no less than twice the distance of the front yard setback in the district; and the distance from the back of one principal building to the back of another principal building shall be no less than twice the distance of the rear yard setback in the district.~~

~~(4)~~ (3) Off-street parking.

(a) No off-street parking or loading or maneuvering space for off-street parking shall be located within the front or side setbacks of any district. This requirement shall not be construed to prohibit parking in any area of any driveway associated

December 8, 2022

with single-family dwellings; provided, however, that in no event may a vehicle, in any district, be parked within five feet of a residential structure located on an abutting property in different ownership.

Given under our hands and seal at Bar Harbor this _____ day of _____, 2023:

Municipal Officers of the Town of Bar Harbor

Valerie Peacock, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Jefferson G. Dobbs

Erin E. Cough

Jill Goldthwait