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 – Floor Area Ratio – Shall an ordinance, dated December 8, 2022, and entitled "**An amendment to remove the Floor Area Ratio requirement**" be enacted?

SUMMARY
This amendment would remove all references in the Land Use Ordinance to Floor Area Ratio.

EXPLANATION
Floor Area Ratio is defined in the Land Use Ordinance, is referred to in a section regarding nonconforming lots, and is a dimensional standard in the Downtown Residential District.

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 <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

Article III Land Use Activities and Standards

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§ 125-22 Downtown Residential

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A. Purpose.

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.
(11) ~~Maximum floor area ratio: the greater of either the median or the mean value of the FARs for all of the lots within the district within 300 feet of the subject property.~~

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Article IV Nonconformity

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§ 125-56 Nonconforming Lots

A single parcel of land, the legal description or dimensions of which are recorded on a document or map on file at the Hancock County Registry of Deeds, which lawfully existed immediately prior to the enactment of this chapter or any subsequent amendment and which, as a result of the enactment of this chapter or any amendment, does not meet the lot size, minimum area per family, road frontage, ~~floor area ratio,~~ lot coverage, shore frontage, or lot width requirements, or all seven, in the district in which it is located, and which does not adjoin another vacant parcel in common ownership, may be built upon without the need for a variance, but only subject to the following:

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Article XII Construction and Definitions

Floor Area Ratio – December 8, 2022

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§ 125-109 Definitions

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FLOOR AREA RATIO (FAR)
The decimal representation of the gross floor area of all principal structures on a lot divided by the total lot area. Both the mean and the median values used to determine maximum floor area ratio are calculated using the FARs for all properties within the district within 300 feet of the subject property.

A. The mean is the sum of all values in the set of FARs divided by the number of values in the set. For example, the mean, or average, of the set {1, 3, 5, 7, 9, 11} is 6.
Mean = sum total of values divided by the number of values
Mean = (1+3+5+7+9+11)/6
Mean = 36/6
Mean = 6

B. The median is the middle value of the set of FARs ranked in ascending order. To find the median, use the formula (n+1)/2th value, where "n" equals the number of values in the set. When there is an even number of values in a set, the median is the average of the two middle values.

(1) Example of a set with an odd number of values:
Set: {1, 3, 5, 7, 8}
There are five values in this set.
Median = (n+1)/2th value, where n = the number of values in the set
M = (5+1)/2
M = 6/2
Median = 3, the third number in the set.
The median value is 5.

(2) Example of a set with an even number of values:
Set: {1, 2, 3, 5, 7, 8}
M = (6+1)/2
M = 7/2
M = 3.5
The two middle values are 3 and 5.
The median value is the average of these two numbers, or 4, i.e. (3+5)/2.

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

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

Floor Area Ratio – December 8, 2022