



TOWN OF BAR HARBOR
Planning & Code Department
93 Cottage Street
Bar Harbor, ME 04609

Date: February 27, 2026

Subject: Update to Warrant Committee on proposed Land Use Ordinance amendments

This report explains each of the five amendments with a focus on context and purpose. In most cases, it provides more background and reasoning than what is in the Land Use Ordinance amendment itself (see attachment), although the level of detail varies depending on the specific amendment.

1. HOLY REDEEMER

A. Explanation:

This is a property owner–initiated amendment. The church submitted an application (LU-2025-01) to the Planning Board requesting an amendment to the Land Use Ordinance to rezone the Holy Redeemer Catholic Church property (Map/Lot 104-419-000), located at 56 Mount Desert Street, from the Mount Desert Street Corridor District to the abutting Downtown Residential District. The existing use is permitted in both districts. If approved, the rezoning would allow increased lot coverage and reduced setback requirements for the property.

As explained in the Church’s application to the Planning Board, the purpose of the amendment is to “... improve parking and access to the church while preserving the character of the surrounding neighborhood.”

B. Amendment history and Comprehensive Plan Consistency:

- (1) Introduced to the Planning Board on November 5, 2025.
- (2) Reviewed by the Planning Board for completeness at the December 3, 2025, and January 7, 2026, meetings, where comments were heard, and found to be complete at the latter.
- (3) Introduced to the Town Council on December 16, 2025.
- (4) The Planning Board, at a meeting on January 7, 2026, voted in favor of holding a public hearing on February 4, 2026.
- (5) 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.
- (6) The amendment was available for public review on the town website and in hard copy at the Municipal Building.
- (7) The Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and voted to send the amendment to the Town Council.
- (8) The Town Council, at its meeting on February 17, 2026, scheduled a public hearing for March 17, 2026.
- (9) The Future Land Use Plan section of the 2035 Comprehensive Plan (Comprehensive Plan) specifically identifies the Downtown Residential District as a transition zone supporting a mix of residential and compatible civic or institutional uses.

2. DESIGN REVIEW

A. Explanation:

The amendment would repeal and replace Article XIII, Design Review. It reorganizes the entire existing Design Review section, including standards and process. The changes also clarify the applicability of *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

B. Amendment history and Comprehensive Plan Consistency:

- (1) The 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.
- (2) There were two joint Design Review Board and Planning Board workshops (February 19 and May 15, 2025) where changes were discussed.
- (3) 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.
- (4) The amendment was presented to the Planning Board at their November 5 and December 3, 2025, meeting, and comments were heard.
- (5) The Planning Board, at a meeting on January 7, 2026, voted in favor of holding a public hearing on February 4, 2026.
- (6) The amendment was presented to the Town Council at its meeting on December 16, 2025, and January 20, 2026, and comments were heard.
- (7) 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.
- (8) The amendment was available for public review on the town website and in hard copy at the Municipal Building.

- (9) The Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and voted to send the amendment to the Town Council.
- (10) The Town Council, at its meeting on February 17, 2026, scheduled a public hearing for March 17, 2026.
- (11) 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.*”
- (12) 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.*”
- (13) 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.*”
- (14) 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.

3. CAMPGROUNDS AND PRIVATE CAMPSITES

A. Explanation:

The amendment has two parts: campgrounds and individual private campsites.

The change for campground is about establishing one campground definition, as opposed to one for the shoreland zones and one for outside the shoreland zones. There are no districts where the campground use is added or deleted.

The term private campsite would be replaced with the term individual private campsite. The individual private campsite use would apply to land that is intentionally developed and used on a recurring basis by the property owner with site improvements and adequate sewage disposal. It is not intended to prohibit the temporary placement of a tent or recreational vehicle on a residential property for an occasional overnight use by visiting friends or family.

Individual Private Campsites would be allowed in 13 districts, all located outside of Downtown. Individual Private Campsites would continue to be allowed in four shoreland districts while it would no longer be allowed in the other five shoreland districts.

B. Amendment history and Comprehensive Plan Consistency:

- (1) The amendment supports the 2025-26 Bar Harbor Town Council Goals adopted on October 7, 2025 – Housing, Sustainable Tourism, and Infrastructure.
- (2) The Planning Board at its October 14 and November 5, 2025, meetings, discussed the changes, and comments were heard.
- (3) 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.
- (4) The Planning Board at its December 3, 2025, meeting, and December 9, 2025, workshop, reviewed and discussed the amendment, and comments were heard.

- (5) The amendment was presented to the Town Council at its meeting on December 16, 2025, and January 20, 2026, and comments were heard.
- (6) The Planning Board at its January 7, 2026, meeting voted in favor of a public hearing to be held on February 4, 2026.
- (7) 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.
- (8) The amendment was available for public review on the town website and in hard copy at the Municipal Building.
- (9) The Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and voted to send the amendment to the Town Council.
- (10) The Town Council, at its meeting on February 17, 2026, scheduled a public hearing for March 17, 2026.
- (11) 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 with 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.”*
- (12) 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.”*

4. LODGING (L)

A. Explanation:

The amendment replaces the term guest room with guest unit and adds a new term guest capacity. The definition of L2, L3, L6 and L7 would set both a minimum and a maximum number of guest units and a maximum guest capacity. These changes would set clear upper and lower limits on lodging capacity, intensity, and occupancy.

To avoid the conversion of housing to a lodging establishment, L1 would no longer be an allowed use. Existing operations would be allowed to continue as legally non-conforming uses of record, but expansion would be prohibited. Because the definition of L1¹ is similar to the definition of short-term rental (VR-1² and VR-2³), this change would prevent L1 from being used in place of short-term rentals. It would also work to stop the conversion of dwelling units and/or their accessory buildings into L1, which has occurred when property owners cannot obtain a STR registration because the structure is not a dwelling unit, not their primary residence, not feasible due to the VR-2 cap, or when they prefer lodging rules that allow nightly rentals rather than the minimum of two-night stay for VR-1 or 4-night stay for VR-2.

To protect residential neighborhoods from commercial intrusion and residential conversion and ensure compatibility with district character and the environment, the amendment would remove L2, L3, L6 and L7 from certain districts because there is no such lodging establishment in these districts, with two exceptions. There are two districts (Town Hill Business and Village Residential) where lodging types are proposed to be

¹ L1 is defined as A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of 3 guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

² VR1 is defined as a dwelling unit, or portion thereof, that is the primary residence of the property owner or on the owner's primary residence property and is rented to a person or a group for less than 30 days. The rental of a portion of the dwelling, such as a bedroom, must be located in the principal structure housing the dwelling unit.

³ VR-2 is defined as an entire dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days.

removed even though active lodging operations exist, with each district limited to two establishments.

In the Town Hill Business District, these two lodging operations were established recently (around 2024). The district is not served by public water or sewer. It is reasonable to think that this lodging trend may continue. Until we have further conversations with the community on where they want to allow lodging growth, and until we are done collecting and analyzing data related to stewardship of resources, pausing lodging growth in the district is a prudent approach.

In the Village Residential District, two lodging establishments have been in operation since 1958 and 2004, respectively. There has been no new lodging established since 2004, indicating no additional demand. For that reason, it is logical to prohibit new lodging uses there.

In both cases, all existing operations would be allowed to continue as legally nonconforming uses without expansion. These changes would safeguard the environmentally sensitive areas of the Town Hill Business District and the low-density areas of the Village Residential District.

The amendment would remove the lodging expansion exception in the nonconformity section of the Land Use Ordinance. Nonconformity regulations are intended to allow legally established uses, structures, and lots that do not meet current zoning requirements to continue, while limiting their expansion so that land use patterns evolve in accordance to a municipality's vision of its future as established in its Comprehensive Plan. The current ordinance allows nonconforming lodging uses to expand in size, though not in the number of guest rooms. This allowance differs from the treatment of other nonconforming uses, which are all restricted from expansion. Continuing to allow expansion of nonconforming lodging uses could result in the conversion of dwelling units to lodging uses, affecting housing availability. Removing the exception would apply the

same nonconformity standards to lodging as to other uses, providing greater consistency and preventing unintended impacts.

PROPOSED DELETIONS AND ADDITIONS OF LODGING USES BY ZONING DISTRICT

District	Allowed lodging uses	Proposed lodging uses To be deleted	Proposed Lodging uses to be added	Comment(s)
Downtown Residential	L1, L7	L1	None	VR-1s and VR-2s are allowed
Downtown Village Transitional	L2	L2	None	There are no L2 lodging establishments in the district.
Emery	L1	L1	None	VR-1s and VR-2s are allowed
Hulls Cove Rural	L1	L1	None	VR-1s and VR-2s are allowed
Hulls Cover Residential Corridor	L1, L7	L1	None	VR-1s and VR-2s are allowed
Ireson Hill Residential	L1	L1	None	Vr-1s are allowed
McFarland Hill Residential	L1	L1	None	VR-1s are allowed
Otter Creek	L1	L1	None	VR-1s are allowed
Shoreland General Development IV	L4	L4	L7	There is one existing lodging establishment with 19 rooms in the district. This is a small district. Changing the designation from L4 to L7 would shift the lodging type from a category with no cap on guest rooms to one with a maximum of 25 guest rooms and 100 guest capacity. The district is served by septic and well.
Shoreland Maritime Activities	L5	L5	None	There are no lodging establishments in the district. The district is limited to the Ferry Terminal parcel.
Town Hill Business	L2, L3, L4, L5	L2, L3, L4, L5	None	There is one L2 (2 units) and one L3 (10 cabins) in the district, both

PROPOSED DELETIONS AND ADDITIONS OF LODGING USES BY ZONING DISTRICT

District	Allowed lodging uses	Proposed lodging uses To be deleted	Proposed Lodging uses to be added	Comment(s)
				recently established (around 2024). Both would be allowed to continue as legally non-conforming uses of record, but expansion would be prohibited. There are no known L3, L4 or L5 lodging establishments in the district. The district is served by septic and well.
Town Hill Residential	L1, L7	L1	None	VR-1s are allowed
Town Hill Residential Corridor	L1, L7	L1, L7	None	There are no known L1 or L7 lodging establishments in the district. The district is served by septic and well. VR-1s and VR-2s are allowed.
Village Historic	L1	L1	None	VR-1s and VR-2s are allowed.
Village Residential	L2, L4	L2, L4	None	There are two existing lodging establishments in the district, both served by public water and sewer. One has 3 rooms, and one has 26 rooms, in operation since 2004 and 1958, respectively. Both would be allowed to continue as legally non-conforming uses of record, but expansion would be prohibited. The district is large fairly large and primarily residential. The district is served in part by municipal water and/or sewer.

B. Amendment history and Comprehensive Plan Consistency:

- (1) 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.”

- (2) The amendment supports the 2025-26 Bar Harbor Town Council Goals adopted on October 7, 2025 – Sustainable Tourism.
- (3) 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, refining the definition of guest rooms to account for occupancy, and defining suitable areas for new lodging uses.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) The amendment was presented to the Town Council at its meeting on December 16, 2025, and January 20, 2026, and comments were heard.
- (8) The Planning Board at its January 7, 2026, meeting, voted in favor of holding a public hearing on February 4, 2026.
- (9) 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.
- (10) The amendment was available for public review on the town website and in hard copy at the Municipal Building.
- (11) The Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and voted to send the amendment to the Town Council.

- (12) The Town Council, at its meeting on February 17, 2026, scheduled a public hearing for March 17, 2026, to hear public comment on the amendment.
- (13) By limiting the expansion of nonconforming lodging uses, preventing the conversion of dwelling units to lodging, and applying consistent nonconformity standards across all 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.*”

5. MINIMUM AREA PER FAMILY

A. Explanation:

The amendment would remove the minimum area per family dimensional requirement for lots in 14 of 40 districts. These 14 districts are all served by public water and sewer and/or fall within a designated growth area as established in the Comprehensive Plan.

These changes are proposed in response to the 2022 Bar Harbor Housing Analysis, the 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*. For lots on public water and sewer, this change would be more *permissive* than the State requirements because simply implementing the State law is insufficient to effectively address the housing shortage in Bar Harbor. For lots on well and septic, the proposed changes *align with* the minimum state law requirements.

B. Why be more permissive than state law requirements?

LD 1829 demands that municipalities, that regulate or wish to regulate the minimum area per family, require no more than 1,250 square feet (SF) per family for the first four housing units on a lot.

The State is mandating that a town like Bar Harbor, with a comprehensive plan, complies with this change in its designated growth areas on public water and sewer. Under this law, Bar Harbor must allow at least four dwelling units on lots located in the Downtown and in the Hulls Cove designated growth areas, provided the lots have access to public water and sewer. The area per family may not exceed 1,250 SF. The State law also requires lots in the growth areas, but without public water and sewer, to meet area per family requirements that are no stricter than Maine Department of Health and Human Services (DHHS) rules.

In 2023, the State of Maine identified a need for 84,000 new homes by 2030 to support the workforce, economy, and residents. One of the primary reasons why the State of Maine is facing such a significant housing shortage is insufficient construction of new housing over a span of decades. Year after year, housing production has failed to meet the demand. The ongoing underproduction has led to the shortage and high costs that Maine, and Bar Harbor, are experiencing and now trying to address.

State law (LD1829) preempts municipalities from requiring a large minimum area per family because it creates a significant barrier to housing production. Because of this law, the Town of Bar Harbor cannot require more than 1,250 SF per family. We are not allowed to be more restrictive than state law, to require a higher area per family.

The 1,250 SF maximum area per family State law is only a baseline. For a bill to pass, it must be written in a way that can gain support from the Maine legislature

(186 voting members representing nearly 500 organized municipalities). As a result, LD 1829 set a standard that is broadly acceptable statewide. The State's mandated limit on maximum area per family is intended to serve as a starting point to address housing needs across Maine. It does not account for the specific local market needs of each community. For Bar Harbor, implementing the State's minimum requirement is insufficient to address the Town's housing demand.

Through Bar Harbor's comprehensive planning process, developers, residents, and housing economists consistently identified Bar Harbor's restrictive zoning regulations, including the "minimum area per family," as significant barriers to the creation of workforce and year-round housing. Although adopting the State's minimum standards would be a step in the right direction, it is not enough. A significant barrier to housing in Bar Harbor would still exist.

An important community value, as described in the Comprehensive Plan, is our unique character. Those resistant to land use changes, such as this, often fear that increased housing development will fundamentally change the character of their neighborhood, "*However, everyone needs a home, and if Bar Harbor hopes to retain a diversity of residents, a range of housing solutions will be needed over the coming decade,*" (Comprehensive Plan, p. 41). The deletion of the minimum area per family requirement alone is unlikely to change the community's physical character. Being more permissive than the state requirements by removing the minimum area per family requirement (from some zoning districts in the Land Use Ordinance) will not lead to a scale of development growth that will fundamentally change the look and feel of the Town's residential neighborhoods. There are still many other dimensional standards in the Land Use Ordinance that will continue to limit what can be built such as setbacks, height limits, lot coverage, and allowed uses. Those provisions will continue to control and shape future development.

Attached are two examples that illustrate the difference between what is allowed under the current Land Use Ordinance and what would be permitted if the minimum area per family requirement is removed.

What the minimum area per family requirement does is limit housing development. Removing the requirement from the Land Use Ordinance: 1) allows more flexibility for property owners to create housing; 2) supports local workers, families, and seniors who need housing; 3) follows the direction of the Town's Comprehensive Plan; and 4) addresses the high local housing demand. Implementing the State's maximum area per family requirement keeps the barrier in place. Removing the area per family altogether increases housing development potential to help meet the housing demand.

C. How does this proposed change further Bar Harbor's vision for 2035, A thriving community with sufficient and equitable housing?

The proposed changes to the minimum area per family requirement is one more step towards reaching the community's shared vision, as outlined in the Comprehensive Plan. When the Comprehensive Plan is read as a whole, it is clear that meeting housing demand will require steady, practical action. The following three principles reflect ways to begin providing sufficient and equitable housing:

- 1) Solving the housing shortage one meaningful step at a time.
- 2) Allowing for modest housing growth, while retaining the existing standards that protect neighborhood character.
- 3) Applying smart growth principles to protect our environment and rural areas.

Each of these principles supports a balanced approach. Together, they recognize that housing needs must be addressed, but in a way that respects the character of existing neighborhoods and protects Bar Harbor's natural resources. The proposed amendment is intended to move the community forward in a measured and thoughtful way.

(1) Solving the Housing Shortage One Meaningful Step at a Time.

An effective affordable housing strategy needs both market and non-market-based solutions, and not all can be done at once. Neither the State of Maine, nor the Town of Bar Harbor, can meet their pressing need for diverse housing options solely through financial subsidies, free land donations, and affordability covenants. Additional practical and proven strategies, supported by widely accepted data and research, are needed to help meet Maine and Bar Harbor’s housing demand. It is broadly accepted by economists and housing policy experts that reducing or eliminating regulatory barriers to housing development is an effective strategy to increase the housing supply, and simultaneously, cool housing prices. The Amenity Trap report, which was integrated into the Comprehensive Plan, describes this dynamic in amenity communities, like Bar Harbor. However, economics and housing policy experts also agree that market-based solutions are not a cure-all, especially for households with lower incomes.

It is important to understand that what is “affordable” to one family may not be affordable to other households. “Affordability” varies depending on the household's income level. A combination of diverse policies and regulatory changes is required to

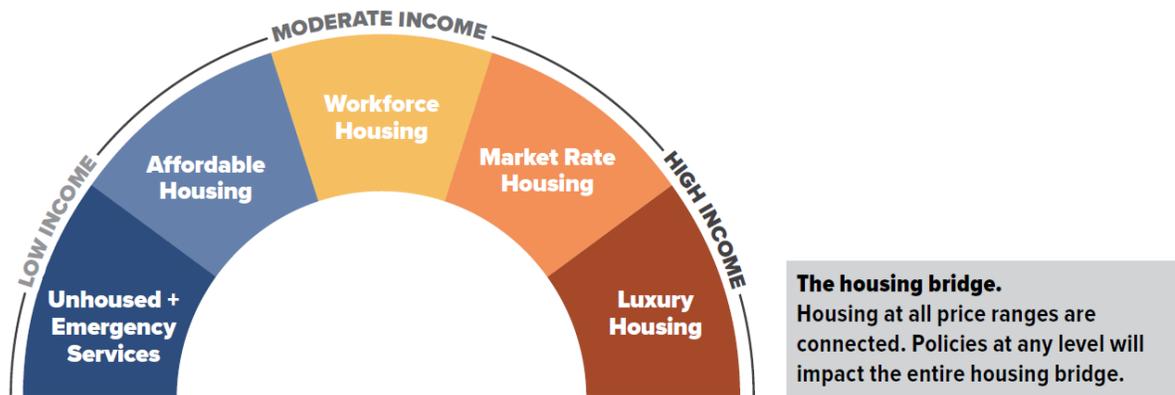


Image 1. "The Housing Bridge," represents how the "entire real estate market is connected, from the most- to the least-expensive housing." If the demand at the higher-income markets are not met, some of those buyers will move to the lower tiers and push those buyers out of market completely. Source: Headwater Economics, "Amenity Trap, How High Amenity Communities Can Avoid Being Loved to Death" (p.11)

address the workforce needs across the income spectrum. The removal of the minimum area per family in 14 zoning districts is one of many solutions to boost housing production. There are many more changes to come, but we cannot do it all at once.

The Town needs more housing, both rental units and homes. The removal of the area per family requirement will make it easier to develop small-scale multifamily housing types, also referred to as the “missing-middle,” which is a more affordable housing type in comparison with single-family homes. These could be condos or rental units, as exemplified in Image 2 and Image 3.



Image 2. Range of Missing-Middle Housing types. Source: The Missing Middle website created by Opticos Design, Inc.



Image 3. Examples of missing middle housing. Source: *The Missing Middle* website created by Opticos Design, Inc.

(2) Allowing for Modest Housing Growth, While Retaining the Existing Standards that Protect Neighborhood Character.

There are multiple barriers to housing production, including land and construction costs, as well as dimensional standards, such as limits on lot coverage, lot size, building height, and minimum area per family. In Bar Harbor, these dimensional standards are so restrictive that they not only impede the creation of new housing, but they also effectively exclude many middle-income earners from being able to afford housing in Bar Harbor. This practice is commonly referred to as ‘exclusionary zoning’.

Although the deletion of the minimum area per family from the Land Use Ordinance is a step toward housing affordability, many other changes to dimensional requirements will be necessary to significantly increase the housing supply. While minimum area per family would no longer be a controlling dimensional requirement in the 14 districts proposed, other standards—particularly lot coverage, minimum lot size, and height limits—will continue to

regulate the intensity of residential development. As a result, neighborhood character is expected to remain unchanged given the continued application of these dimensional standards and the residential building types permitted within these districts.

Table A shows some of the regulations affecting neighborhood character that will remain. Maximum lot coverage and allowed residential unit types, which are not changing, are the factors that have the strongest impact on the physical appearance of new residential development.

TABLE A. Maximum Lot Coverage and Residential Building Type					
District	Maximum Lot Coverage	Allowed Residential Building Types			
		SF 1 unit	2-F (2 units)	MFI (3-4units)	MFII (5+ units)
Bar Harbor Gateway	50%	Y	Y	Y	Y
Village Historic	25%	Y	Y	Y	N
Mount Desert Street Corridor	35%	Y	Y	Y	Y
Village Residential	25% w/o sewer 50% w/ sewer	Y	Y	Y	Y
Downtown Village I	100% exclusive of setbacks	Y	Y	Y	Y
Downtown Village II	75-90%	Y	Y	Y	Y
Downtown Residential	75%	Y	Y	Y	N
Hulls Cove Business	75%	Y	Y	Y	Y
Hulls Cove Residential Corridor	25%	Y	Y	Y	Y
Hulls Cove Rural	25%	Y	Y	N	N
Shoreland General Development I	20-50%	Y	Y	Y	Y
Shoreland General Dev II (Hulls Cove)	20-70%	Y	Y	Y	Y
Shoreland General Development III	25%	Y	Y	Y	Y
Educational Institution	25%	Y	N	N	N

(3) Smart Growth Protects our Environment & Rural Areas.

Concentrated development in already developed areas creates more livable and environmentally focused communities. Thriving communities are created when homes, shops, and services are located near one another, and people can walk from place to place instead of having to drive. Shorter distances make walking practical and convenient, especially during the tourism season. Concentrated development near amenities makes efficient use of infrastructure that is already in place. This type of development pattern in Downtown and Hulls Cove is reflective of the community's feedback collected during the comprehensive planning process, which manifested in the Future Land Use Strategy (pp. 24-35). The Comprehensive Plan explicitly states to avoid sprawling development, which fragments habitats and stresses infrastructure. This land use strategy is meant to increase our housing supply while protecting the natural areas that define Bar Harbor.

Two of the largest housing development barriers in Bar Harbor are the lack of developable land and the cost of land. Additionally, there are very few primarily residential districts that are partially, or completely serviced by public water and sewer. The community identified Downtown and Hulls Cove as the best areas for housing development, specifically infill and missing middle. One effective strategy to make these housing types possible and affordable is to require less land per housing unit.

The Town acknowledges the need for more data in the rural areas to determine how to best protect our natural resources and allow gentle housing density. The Planning Department has multiple ongoing projects, relevant to this topic, including Northeast Creek Watershed planning, water quality testing, and septic system survey and analysis. The goal of this work is to produce a set of growth management and watershed protection recommendations for the rural areas. Focused housing incentives in Downtown and Hulls Cove allow time for data collection and analysis, while still making progress on the Town's overall housing goals.

The new housing state law, LD1829, requires a minimum lot size for areas within the Town's designated growth areas that are not on public water or sewer to be no stricter than Maine's Department of Health and Human Services (DHHS) subsurface wastewater rules. These rules protect human health and environmental contamination by: 1) limiting the amount of residential development on a lot based on size requirements for septic system (which is calculated from the number of bedrooms); and 2) whether or not the land can adequately accommodate the required septic system size (whether or not the lot has adequate soils). Although the minimum area per family would be removed, the scale of future housing development would still be significantly controlled by the DHHS rules, resulting in less houses per acre compared to lots with access to water and sewer.

D. Additional Resources on Housing Economic Research & Policy

1) Foundational Documents

- [2025 Comprehensive Plan](#)
- [Bar Harbor Housing Analysis](#)
- [MDI & Acadia Region Housing Study](#)
- [Housing Policy Framework](#)
- [Amenity Trap Report](#)

2) Research & Policy Based Organizations

- [Headwaters Economists](#)
- [Local Housing Solution Labs](#)
- [Joint Center for Housing Studies at Harvard University](#)
- [Economic Policy Institute](#)

- [The Pew Charitable Trusts](#)
- [American Planning Association](#)
- [Lincoln Institute of Land Policy](#)
- [Missing Middle Housing](#)

3) Video Resources

- [What Is Affordable Housing & How Is It Created?](#)
- [Cruel Musical Chairs \(or Why Is Rent So High?\)](#)
- [Housing Supply and Demand Analysis - Why Doesn't The Market Produce?](#)
- [How Can Increasing Supply Make Housing Affordable?](#)

E. Amendment history and Comprehensive Plan Consistency:

- (1) These changes are proposed in response to the 2022 Bar Harbor Housing Analysis, the Bar Harbor 2035 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.*
- (2) 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.
 - (3) The 2022 Bar Harbor Housing Analysis reported a demand for 616 new year-round dwelling units.
 - (4) 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.*”
 - (5) The Planning Board at its November 5, 2025, meeting discussed the changes, and comments were heard.
 - (6) The Planning Board at its December 3, 2025, meeting and its December 9, 2025, workshop, discussed the changes, and comments heard.
 - (7) The amendment was presented to the Town Council at its meeting on December 16, 2025, and January 20, 2026, and comments were heard.
 - (8) The Planning Board at its January 7, 2026, voted in favor of a holding a public hearing on February 4, 2026, to hear comments.
 - (9) 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.
 - (10) The amendment was available for public review on the town website and in hard copy at the municipal building.
 - (11) The Planning Board held a public hearing and heard comments on the amendment on February 4, 2026, and voted to send the amendment to the Town Council.

- (12) The Town Council, at its meeting on February 17, 2026, scheduled a public hearing for March 17, 2026, to hear public comment on the amendment.
- (13) The Comprehensive Plan identifies housing as one of the top issues for the Town of Bar Harbor.
- (14) 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.*”
- (15) The amendment aligns with the vision elements of the 3rd pillar of the Comprehensive Plan 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.*”
- (16) 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.*”
- (17) Strategy 6.2C of the Comprehensive Plan’s calls for adopting “. . . *zoning changes that build on state legislative initiatives to remove barriers to housing development in Bar Harbor.*”