

The following article was passed by the Bar Harbor voters on June 11, 2024 by a vote of 1,212-297. The amendment takes effect July 11, 2024. A copy has been filed with the Town Clerk.

Article 2 – LAND USE ORDINANCE AMENDMENT – Employee living quarters-1 & Employee living quarters-2 – Shall an ordinance, dated December 6, 2023, and entitled “An amendment to allow employee living quarters-1 and employee living quarters-2 in certain zoning districts” be enacted?

SUMMARY

This amendment would rename the existing employee living quarters use, allowed in 14 districts, to “employee living quarters-1.” Employee living quarters-1 would be allowed in 11 zoning districts. The amendment would also create a new use called “employee living quarters-2,” which would be allowed in 13 zoning districts. Employee living quarters-2 would be subject to Bar Harbor’s general review standards in addition to certain design standards and density bonuses (lot coverage bonus). The definition of family would also be changed.

EXPLANATION

This amendment would include the following changes:

- *Rename the “employee living quarters” use to “employee living quarters-1,” and change the definition to say accessory “use” instead of accessory “structure.”*
- *Create a new use called “employee living quarters-2.”*
- *The maximum total occupancy of all employee living quarters-2 on a lot shall be 14 employees.*
- *Employee living quarters-1 would be subject to the existing building footprint area requirement which limits the size of the employee living quarters-1 to 25% of the building footprint area of the principal commercial building(s).*
- *Allow employee living quarters-1 in 11 zoning districts: Bar Harbor Gateway, Mount Desert Street Corridor District, Village Residential, Downtown Village I, Downtown Village II, Ireson Hill Corridor, Town Hill Business, Shoreland General Development I, Shoreland General Development II (Hulls Cove), Shoreland General Development III, and Shoreland Maritime Activities.*
- *Allow employee living quarters-2 in 13 zoning districts: Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Rural, Ireson Hill Corridor, McFarland Hill Rural, Salisbury Cove Corridor, Salisbury Cove Rural, Salisbury Cove Village, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural.*
- *In five zoning districts (Bar Harbor Gateway, Mount Desert Street Corridor, Village Residential, Ireson Hill Corridor, Town Hill Business), employee living quarters-1 would be allowed a density bonus (lot coverage bonus).*
- *In seven zoning districts (Hulls Cove Business, Ireson Hill Corridor, Salisbury Cove Village, Salisbury Cove Corridor, Town Hill Residential Corridor, Hulls Cove Residential Corridor, Town Hill Residential) employee living quarters-2 would be*

allowed a density bonus (lot coverage bonus).

- *Employee living quarters-1 and employee living quarters-2 would be required to provide a minimum amount of parking at a rate of 0.5 parking space per occupant in the Emery District, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Rural, McFarland Hill Rural, Salisbury Cove Corridor, Salisbury Cove Rural, Salisbury Cove Village, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural districts.*
- *No parking would be required for employee living quarters-1 and employee living quarters-2 in the Bar Harbor Gateway, Mount Desert Street Corridor District, Village Residential, Downtown Village I, Downtown Village II, Hulls Cove Business, Ireson Hill Corridor, Shoreland General Development I, Shoreland General Development II (Hulls Cove), Shoreland General Development III, and Shoreland Maritime Activities districts.*
- *Require some visual compatibility standards for employee living quarters-1 and employee living quarters-2.*
- *Amend the definition of family to replace “employee living quarters” with the two uses definitions: employee living quarters-1 and employee living quarters-2.*

Recommendations:

The seven-member Planning Board recommends adoption by a vote of 6 to 0.

The 15-member Warrant Committee recommends adoption by a vote of 11 to 0.

An amendment to Articles III and 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 III. Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

D. Uses allowed by site plan.

- (1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee living quarters-1; ferry terminal; farmers' market; hotel; marina; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

§ 125-19 Mount Desert Street Corridor District.

D. Uses allowed by site plan.

- (2) Principal uses allowed by major site plan: convalescent home; employee living quarters1; multifamily dwelling II; shared accommodations (SA-2 and SA-3); theaters.

§ 125-20 Village Residential.

D. Uses allowed by site plan.

- (2) Uses allowed by conditional use permit:

- (b) Employee living quarters1.

G. Other requirements.

- (1) Accessory structures shall be located in the side and rear yard of the property. Employee living quarters1 are exempt from this requirement.

§ 125-21 Downtown Village I.

C. Allowed uses:

- (2) Uses allowed by site plan review: employee living quarters1; hotel; motel; conference centers; multifamily dwelling II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3).

§ 125-21.1 Downtown Village II.

C. Allowed uses.

- (2) Uses allowed by site plan review: employee living quarters1; hotel, motel; multifamily dwelling II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3); veterinary clinic.

§ 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
- Kennel, boarding

Municipal school
Noncommercial kennel
Noncommercial stable
Road construction
Solar photovoltaic system, principal use (SPVS-PU)
Transient accommodations (TA-1)
Wireless communications facility

§ 125-24 **Hulls Cove 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:

Bank
Commercial boatyard
Commercial fish pier
Commercial stable
Employee living quarters-2
Ferry terminal
Hospital
Light manufacturing/assembly plant
Marina
Multifamily dwelling II
Municipal school
Parking lot
Recreational boating facility
Research facility
Research production facility
Road construction
Shared accommodations (SA-2)
Shared accommodations (SA-3)
Solar photovoltaic system, principal use (SPVS-PU)
Transient accommodations (TA-1)
Transient accommodations (TA-2)
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
Multifamily dwelling II
Place of worship
Road construction
Solar photovoltaic system, principal use (SPVS-PU)

Transient accommodations (TA-1)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
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
 - 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)
 - Transient accommodations (TA-1)
 - Wireless communications facility

§ 125-29 **Indian Point 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
 - Employee living quarters-2
 - Road construction
 - Solar photovoltaic system, principal use (SPVS-PU)
 - Wireless communications facility

§ 125-31 **Ireson Hill 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:
- Bank
 - Campground
 - Employee living quarters-1
 - Employee living quarters-2
 - Mineral extraction
 - Mineral extraction and processing

Multifamily dwelling II
Municipal school
Parking lot
Place of worship
Road construction
Solar photovoltaic system, principal use (SPVS-PU)
Transient accommodations (TA-1)
Transient accommodations (TA-2)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Transient accommodations (TA-5)
Transient accommodations (TA-6)
Transient accommodations (TA-7)
Transient accommodations (TA-8)
Warehousing or storage facility
Wholesale business establishment
Wireless communications facility

§ 125-34 **McFarland 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 stable
Employee living quarters-2
Eleemosynary, educational or scientific institution
Municipal school
Place of worship
Road construction
Solar photovoltaic system, principal use (SPVS-PU)
Veterinary clinic
Wireless communications facility

§ 125-37 **Salisbury Cove 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:

Cemetery
Employee living quarters-2
Kennel, boarding
Multifamily dwelling II
Place of worship
Road construction
Solar photovoltaic system, principal use (SPVS-PU)
Transient accommodations (TA-1)

Transient accommodations (TA-2)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Transient accommodations (TA-5)
Transient accommodations (TA-6)
Wireless communications facility

§ 125-39 **Salisbury 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
 - Commercial boatyard
 - Commercial stable
 - Employee living quarters-2
 - Place of worship
 - Road construction
 - Solar photovoltaic system, principal use (SPVS-PU)
 - Veterinary clinic
 - Wireless communications facility

§ 125-40 **Salisbury Cove Village.**

- 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:
- Eleemosynary, educational or scientific institution
 - Employee living quarters-2
 - Marina
 - Place of worship
 - Road construction
 - Transient accommodations (TA-1)
 - Transient accommodations (TA-2)
 - Transient accommodations (TA-3)
 - Transient accommodations (TA-4)
 - Transient accommodations (TA-5)
 - Transient accommodations (TA-6)
 - Transient accommodations (TA-7)
 - Transient accommodations (TA-8)
 - 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
Mobile home park
Multifamily dwelling II
Municipal school
Newspaper or printing facility
Parking garage and parking lot
Research facility
Research production facility
Road construction
Solar photovoltaic system, principal use (SPVS-PU)
Terminal yard and trucking facility
Transient accommodations (TA-1)
Transient accommodations (TA-2)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Transient accommodations (TA-5)
Transient accommodations (TA-6)
Transient accommodations (TA-7)
Transient accommodations (TA-8)
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
Multifamily dwelling II
Municipal school
Municipal facility and grounds

Place of worship
Road construction
Solar photovoltaic system, principal use (SPVS-PU)
Transient accommodations (TA-1)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
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
 - Marina
 - Mobile home park
 - Municipal facility and grounds
 - Municipal school
 - Place of worship
 - Road construction
 - Solar photovoltaic system, principal use (SPVS-PU)
 - Transient accommodations (TA-1)
 - 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
 - Kennel, boarding
 - Mineral extraction
 - Mineral extraction and processing
 - Municipal school
 - Place of worship
 - Road construction
 - Solar photovoltaic system, principal use (SPVS-PU)
 - Transient accommodations (TA-1)
 - Wireless communications facility

§ 125-47 Shoreland General Development I.

- 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:
- Cocktail lounge
 - Commercial fish pier
 - Commercial structure
 - Employee living quarters-1
 - Essential services accessory to a permitted use or structure
 - Ferry terminal
 - Gift shops
 - Marina
 - Multifamily dwelling II
 - Municipal facility and grounds
 - Recreational boating facility
 - Road construction
 - Ships chandlery
 - Transient accommodations (TA-2)
 - Transient accommodations (TA-3)
 - Transient accommodations (TA-4)
 - Transient accommodations (TA-5)
 - Transient accommodations (TA-6)
 - Transient accommodations (TA-7)
 - Transient accommodations (TA-8)

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

- 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:
- Commercial fish pier
 - Commercial structure
 - Eleemosynary, educational or scientific institution
 - Employee living quarters-1
 - Essential services accessory to a permitted use or structure
 - Ferry terminal
 - Marina
 - Multifamily dwelling II
 - Road construction

§ 125-49.1 Shoreland General Development III.

- D. Uses allowed by site plan.
- (1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee

living quarters-1; ferry terminal; farmers' market; hotel; marina; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

§ 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; passenger terminal; ferry terminal; marina; services.

Article V. Site Plan Review

§125-67 **General review standards**

- 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.

- (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.

- (x) Employee living quarters-1 and employee living quarters-2. ~~shall not be required to provide parking.~~

[1] Based on maximum occupancy, the minimum parking required shall be 0.5 parking space per occupant in the Emery District, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Rural, McFarland Hill Rural, Salisbury Cove Corridor, Salisbury Cove Rural, Salisbury Cove Village, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural districts.

[2] No parking is required in the Bar Harbor Gateway, Mount Desert Street Corridor District, Village Residential, Downtown Village I, Downtown Village II, Hulls Cove Business, Ireson Hill Corridor, Shoreland General Development I, Shoreland General Development II (Hulls Cove), Shoreland General Development III, and the Shoreland Maritime Activities District.

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

W. ~~Employee living quarters-1 and employee living quarters-2. All employee living quarters shall meet the following standards:~~

(1) Employee living quarters-1.

~~(1) (a)~~ Design. When employee living quarters-1 ~~is~~ ~~are~~-visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the ~~employee living quarters~~ structure(s) shall be visually compatible with the principal building(s) and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building(s).

~~(2) (b)~~ Setback requirements. Employee living quarters-1 shall meet the same setback requirements as principal structures.

~~(3) (c)~~ Building footprint area. The total building footprint area of the employee living quarters-1 shall not exceed 25% of the total building footprint area of the principal building(s) on the lot, unless otherwise exempt.

[1] Exempt from the building footprint area requirement is employee living quarters-1 located in the Mount Desert Street Corridor District, Downtown Village I, or Downtown Village II districts.

~~(4) (d)~~ Density bonus (increased lot coverage).

~~(a)~~ [1] An employee living quarters-1 (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

~~{1}~~ [a] 63% in the Bar Harbor Gateway District.

~~{2}~~ [b] 44% in the Mount Desert Street Corridor District.

~~{3}~~ [c] 63% with sewers and 31% without sewers in the Village Residential District.

~~{4}~~ ~~85% in the Hulls Cove Business District.~~

~~{5}~~ [d] 31% in the Ireson Hill Corridor District.

~~{6}~~ ~~44% in the Salisbury Cove Village District.~~

~~{7}~~ [e] 63% in the Town Hill Business District.

~~{8}~~ ~~19% in the Town Hill Residential District.~~

~~(b)~~ [2] All other (nonemployee living quarters-1, including its associated accessways and parking) uses, activities, and structures on the lot shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

~~(c)~~ [3] If an employee living quarters-1 (including its associated accessways and parking), increases the lot coverage as allowed under section § 125-69 ~~W.(1)(d)(4)~~, it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

~~(5)~~ (e) Change of use. A change of use from employee living quarters-1 to another use shall comply with all requirements of this chapter, including lot coverage requirements.

~~(6)~~ (f) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters-1.

(7) (g) Every bedroom in employee living quarters-1 shall contain not less than 70 square feet of habitable floor area for each occupant, excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven feet in any horizontal dimension.

(2) Employee living quarters-2.

(a) Design. When employee living quarters-2 is visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the structure(s) shall be visually compatible with the building(s) on the same lot and shall include building materials that are similar in regard to type and color scheme as other building(s) on the lot.

(b) Setback requirements. Employee living quarters-2 shall meet the same setback requirements as principal structures.

(c) Density bonus (increased lot coverage).

[1] An employee living quarters-2 (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

[a] 85% in the Hulls Cove Business District.

[b] 31% in the Ireson Hill Corridor District.

[c] 44% in the Salisbury Cove Village District.

[d] 31% in the Salisbury Cove Corridor District.

[e] 19% in the Town Hill Residential Corridor District.

[f] 31% in the Hulls Cove Residential Corridor District.

[g] 19% in the Town Hill Residential District.

[2] All other (nonemployee living quarters-2, including its associated accessways and parking) uses, activities, and structures, on the lot, shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

[3] If an employee living quarters-2 (including its associated accessways and parking), increases the lot coverage as allowed under section § 125-69 W.(2)(c), it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

(d) Change of use. A change of use from employee living quarters-2 to another use shall comply with all requirements of this chapter, including lot coverage requirements.

(e) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters-2.

(f) Every bedroom in employee living quarters-2 shall contain not less than 70 square feet of habitable floor area for each occupant, excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven feet in any horizontal dimension.

Article XII. Construction and Definitions
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EMPLOYEE LIVING QUARTERS-1

An accessory use structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on or off site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal structure is located. Employee

living quarters-1 serving a hospital shall not be subject to the thirty-day minimum requirement. Employee living quarters-1 must serve another use on the lot, meaning it cannot be the only use on the lot.

EMPLOYEE LIVING QUARTERS-2

An accessory use, within a structure consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal use is a commercial use where there is no clear principal structure. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on or off site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal use is located. Employee living quarters-2 must serve another use on the lot, meaning it cannot be the only use on the lot. The maximum total occupancy of all employee living quarters-2 on a lot shall be 14 employees.

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, transient accommodations, short-term rental, employee living quarters-1, employee living quarters-2, or shared accommodations.
