

The following article was passed by the Bar Harbor voters on June 11, 2024 by a vote of 934-575. The amendment takes effect July 11, 2024. A copy has been filed with the Town Clerk.

Article 3 – LAND USE ORDINANCE AMENDMENT – Shared Accommodations – Shall an ordinance, dated December 6, 2023, and entitled “**An amendment to expand the zoning districts where Shared Accommodations is an allowed use**” be enacted?

SUMMARY

This amendment would increase housing opportunities by allowing more types of Shared Accommodations in 10 zoning districts where that use is not currently allowed. Shared Accommodations is a housing type that includes individual rooms with shared dining facilities.

EXPLANATION

The amendment would include the following changes:

- *Allow Shared Accommodations 1 in four additional zoning districts.*
- *Allow Shared Accommodations 2 in five additional zoning districts.*
- *Allow Shared Accommodations 3 in one additional zoning district.*
- *Require minimum parking standards for each type of Shared Accommodation in the 10 districts where those uses are not currently allowed.*

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 7 to 4.

Shared Accommodations

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

§ 125-31 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

Mineral extraction

Mineral extraction and processing

Multifamily dwelling II

Municipal school

Parking lot
Place of worship
Road construction
Shared accommodations (SA-2)
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

§ 125-40 **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:

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
Shared accommodations (SA-1)
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures

§ 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
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
Shared accommodations (SA-2)
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

§ 125-47 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
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

Shared accommodations (SA-2)

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)

- 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

Bonus dwelling unit, if served by both public water and sewer

Driveway construction

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

§ 125-49 Shoreland General Development II

- 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

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling II

Road construction

Shared accommodations (SA-2)

- 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

Bonus dwelling unit, if served by both public water and sewer

Driveway construction

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

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

§ 125-49.1 **Shoreland General Development III**

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; Shared accommodations (SA-1); single-family dwelling; two-family dwelling; and bonus dwelling unit, if served by both public water and sewer.

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; 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; Shared accommodations (SA-2); Shared accommodations (SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

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.

(y) Shared accommodations.

- [1] Shared accommodations (SA-1). Based on maximum occupancy, parking shall be provided at a rate of 0.5 parking space per occupant in the Bar Harbor Gateway, Mount Desert Street Corridor, Hulls Cove Business, Ireson Hill Corridor, Salisbury Cove Village, Town Hill Business, ~~and the~~ Town Hill Residential Corridor, Shoreland General Development I, Shoreland General Development II, and Shoreland General Development III Districts. Parking spaces may be allowed in tandem with a maximum of two vehicles in a row. The minimum area per parking space shall be 136 square feet.
- [2] Shared accommodations (SA-2 and SA-3). Based on maximum occupancy, parking shall be provided at a rate of 0.2 parking space per occupant in the Bar Harbor Gateway, ~~and the~~ Hulls Cove Business, Ireson Hill Corridor, Town Hill Business, Shoreland General Development II, Shoreland General Development III Districts and 0.1 parking space per occupant in the Mount Desert Street Corridor District and Shoreland General Development I.
