

The following article was passed by the Bar Harbor voters on June 11, 2024 by a vote of 978-530. The amendment takes effect July 11, 2024. A copy has been filed with the Town Clerk.

Article 4 – LAND USE ORDINANCE AMENDMENT – Increased Housing Opportunities - Shall an ordinance, dated December 6, 2023, and as modified by the Council on February 20, 2024, and entitled “**An amendment to comply with Public Law 2021, ch. 672 (LD 2003) and Public Law 2023, ch. 192 (LD 1706) meant to increase housing units statewide by requiring municipalities to remove some regulatory barriers to housing,**” be enacted?

SUMMARY

This amendment is necessary to comply with LD 2003 and LD 1706. It is part of a statewide effort to increase housing units by requiring municipalities to remove some regulatory barriers to housing production. It allows for a density bonus of 2.5 times the base density for affordable housing developments in certain areas. It generally allows between two and four housing units per lot where housing is permitted, as well as allowing accessory dwelling units to be located on the same lot as a single-family home, under certain conditions.

Furthermore, the amendment would delete Bar Harbor’s “bonus dwelling unit” use because LD 2003 requires a comparable but more permissive use, referred to as accessory dwelling units. The amendment would also prohibit dwelling units expressly created under these provisions to be registered and/or used as short-term rentals.

EXPLANATION

This amendment is necessary to comply with P.L. 2021, ch. 672 (LD 2003), codified at 30-A M.R.S. § 4364, 4364-A, 4364-B entitled an Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, as clarified by P.L. 2023, ch. 192 (LD 1706), entitled An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units, which became effective June 16, 2023.

*The amendment would allow three types of housing opportunities: **Affordable Housing Development** (30-A MRSA §4364); **Multiple Dwelling Units** (30-A MRSA §4364-A); and **Accessory Dwelling Units** (30-A MRSA §4364-B). These housing opportunities supersede some of the requirements and standards of the current Bar Harbor Land Use Ordinance. This amendment includes its own definitions of terms.*

*The **Density Bonus for Affordable Housing Development** section creates an automatic density bonus of 2.5 times the base density for certain affordable housing developments. To qualify for the bonus, the development must:*

- *Include a certain percentage of rent- or sale price-restricted affordable housing units.*
- *Be in a designated Growth Area.*
- *Be in an area that allows multi-family dwellings.*
- *Meet shoreland zoning requirements.*
- *Meet the state minimum lot size (20,000 square feet) if a subsurface disposal system is used.*

- *Demonstrate that water and sewer capacity is adequate for the development.*
- *Provide a minimum of 0.66 parking spaces per dwelling unit in all districts with the exception of the following three districts where no parking is required: Downtown Village I, Downtown Village II, and Village Transitional.*
- *Require a restrictive covenant to ensure the housing remains affordable for a minimum of 30 years.*

*The **Multiple Dwelling Units** section generally allows for two to four dwelling units on parcels where residential uses are allowed. The additional dwelling unit(s) can be within the existing home, attached to it, or in a new structure. The number of additional dwelling units allowed under this section is dependent on:*

- *The location of the parcel.*
- *Whether or not a dwelling unit presently exists on the parcel.*
- *Having adequate water and wastewater capacity.*
- *Compliance with shoreland zoning requirements.*
- *Compliance with the dimensional requirements of the Land Use Ordinance including the minimum area per family requirements.*
- *Compliance with easements, covenants, and/or deed restrictions.*

*The **Accessory Dwelling Units** section allows any lot with a single-family dwelling unit in a district where housing is allowed to have one accessory dwelling unit. The accessory dwelling unit can be within the existing dwelling unit, attached to it, or in a new structure. It also allows an existing accessory structure to be converted into an accessory dwelling unit.*

All accessory dwelling units are exempt from the area per family standard but must comply with all other dimensional standards. For an accessory dwelling unit in an accessory structure, the setback and dimensional requirements for such a structure apply.

***Deletion of the Bonus Dwelling Unit Use.** It would delete the “bonus dwelling unit” use because LD 2003 requires Bar Harbor to allow a comparable but more permissive use, referred to as Accessory Dwelling Units. The bonus dwelling unit use would be deleted from the 13 districts where it is allowed: Village Historic, Village Residential, Downtown Village I, Downtown Village II, Emery District, Hulls Cove Rural, McFarland Hill Residential, McFarland Hill Rural, Schooner Head, Town Hill Rural, Shoreland General Development I, Shoreland General Development II (Hulls Cove), and Shoreland General Development III.*

***Short-Term Rentals.** Dwelling units expressly created under these provisions shall not be registered and/or used as short-term rentals.*

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 6 to 1 with 4 abstentions.



An amendment to Articles III, V, XII
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

§ 125-18 Village Historic.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; multifamily dwelling I; vacation rentals; single-family dwelling, two-family dwelling; ~~bonus dwelling unit~~; noncommercial greenhouse, and government facility/use.

F. Other requirements.

- ~~(4) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-20 Village Residential.

C. Allowed uses.

- (1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; ~~bonus dwelling unit~~; multifamily dwelling I; roadside stand; vacation rentals.

G. Other requirements.

- ~~(3) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-21 Downtown Village I.

C. Allowed uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; multifamily dwelling I; restaurants and bars; theaters; galleries; services; shared accommodations (SA-1); professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; ~~bonus dwelling unit~~; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

E. Other requirements.

~~(3) Bonus dwelling units are exempt from the area per family requirement.~~

(2) § 125-21.1 **Downtown Village II.**

C. Allowed uses.

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; ~~bonus dwelling unit~~; home occupation; multifamily dwelling I.

E. Other requirements.

~~(3) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-23 **Emery District.**

- 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:

Accessory dwelling

Agriculture, avocational

~~Bonus dwelling unit~~

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-27 **Hulls Cove Rural.**

- 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:

Accessory dwelling
Agriculture, avocational
~~Bonus dwelling unit~~
Commercial garden, greenhouse or nursery
Commercial stable
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Lumberyard or sawmill
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals
Veterinary clinic

G. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-33 **McFarland Hill Residential.**

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:

Accessory dwelling
Agriculture, avocational
~~Bonus dwelling unit~~
Commercial garden, greenhouse or nursery
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Home occupation
Noncommercial greenhouse
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

H. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-34 **McFarland Hill Rural.**

- 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:

Accessory dwelling

~~Bonus dwelling unit~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-41 **Schooner Head.**

- 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:

Accessory dwelling

~~Bonus dwelling unit~~

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Public or private park with minimal structural development

Single-family dwelling

Uses or small structures accessory to permitted uses or structures

Uses or structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-46 **Town Hill Rural.**

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:

Accessory dwelling

~~Bonus dwelling unit~~

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Home occupation

Kennel

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Private school

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

H. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

§ 125-47 **Shoreland General Development I.**

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:

Accessory dwelling

~~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

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

G. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

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

- 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:

Accessory dwelling

~~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

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

Vacation rentals

G. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

§ 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; all vacation rentals; single-family dwelling; and two-family dwelling; ~~and bonus dwelling unit, if served by both public water and sewer.~~

G. Other requirements.

~~(1) Bonus dwelling units are exempt from the area per family requirement.~~

Article V. Site Plan Review

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

Notwithstanding and in addition to any other provision of this chapter, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:

AA. Bonus Dwelling Units Reserved

The purpose of bonus dwelling units is to assist in increasing the housing supply by allowing and encouraging the most efficient use of existing housing by capitalizing on existing infrastructure such as roads, water, sewer, etc.

- ~~(1) There shall be no more than one bonus dwelling unit per lot that is occupied by a single family dwelling.~~
- ~~(2) No bonus dwelling unit shall be used as a short term rental or as a vacation rental.~~
- ~~(3) No bonus dwelling unit shall be sold separately from the single family dwelling when both uses are located on a nonconforming lot of record.~~

BB. INCREASED HOUSING OPPORTUNITIES.

(1) Scope and Applicability.

(a) The Act. This section complies with P.L. 2021, ch. 672, codified at 30-A M.R.S. §§ 4364, 4364-A, and 4364-B entitled an *Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, herein referred to as the Act.

(b) Housing opportunity types.

The Town of Bar Harbor is required to comply with the Act and to allow three types of housing opportunities. These housing opportunities supersede some of the requirements and standards of this ordinance as described in this section including, but not limited to, Article III Land Use Activities and Standards. The three types of housing opportunities are:

- [1] Affordable housing development;
- [2] Multiple dwelling units; and
- [3] Accessory dwelling units.

(c) The provisions of this section do not:

- [1] Exempt development from having to comply with other provisions and requirements of this ordinance including, but not limited to, 125-69 N Subdivision; and Article XII, Construction and Definitions, with the exception of any terms that are specifically defined in subsection (3) Definitions;
- [2] Abrogate or annul the validity or enforceability of any valid and enforceable easement or covenant between private parties that imposes greater restrictions, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine;
- [3] Exempt development from having to comply with Title 30-A, Chapter 187, subchapter 4: Subdivisions;
- [4] Exempt development from having to comply with the shoreland zoning requirements;
- [5] Abrogate or annul the minimum lot size requirements under Title 12, Chapter 423-A; or

[6] Exempt development from meeting the requirements and standards of the Land Use Ordinance unless specified otherwise.

(2) Requirements for the Three Types of Housing Opportunities.

(a) Affordable housing development.

The purpose of this housing opportunity is to provide a density bonus for affordable housing developments, as outlined below.

[1] Permitting Authority. Dwelling units expressly allowed under this subsection must be permitted by site plan review.

[2] Eligibility requirements.

To be eligible for the density bonus and minimum parking requirements, the development shall:

[a] Be located in a designated Growth Area or served by both public water and sewer;

[b] Meet the minimum lot size requirements under Title 12, Chapter 423-A;

[c] Be located in a district regulated by density requirements;

[d] Be located in a district where multi-family dwellings are allowed;

[e] Comply with all shoreland zoning requirements;

[f] Meet the definition of affordable housing development;

[g] Preserve a minimum of 51% of the units as affordable housing units;

[h] For rental housing, have occupancy of all the units designated affordable in the development restricted to households at or below 80% of the area median income, as calculated at the time of initial occupancy;

[i] For owned housing, have occupancy of all the units designated affordable in the development restricted to households at or below 120% of the area median income, as calculated at the time of initial occupancy;

[j] Be connected to either public water and wastewater services, or provide proof of adequate and potable private water and wastewater disposal under the Code of Maine Rules;

[k] Execute and record (at the Hancock County Registry of Deeds) a declaration of covenants that: restricts the affordability of the dwelling units to households that meet the above-stated income levels and requirements; imposes a duration of affordability of no less than 30 years after the issuance of the Certificate of Occupancy; and identifies a third-party, acceptable to the Bar Harbor Town Manager, who will be responsible for enforcing the elements of the declaration.

[3] Density Bonus. The development is allowed a dwelling unit density of 2.5 times the base density that is otherwise allowed in the underlying district. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number.

[4] Parking Requirements. The development shall provide a minimum of 0.66 parking spaces per dwelling unit in all districts with the exception of development in the Downtown Village I, Downtown Village II, and Downtown Village Transitional where no parking is required. The number of spaces shall be rounded up to the nearest whole number. In no case may the offsite parking requirements exceed two spaces for every three units.

[5] Short-term rentals. None of the dwelling units expressly permitted under this subsection shall be registered and/or used as short-term rentals (vacation rental-1 or vacation rental-2).

(b) Multiple dwelling units.

The purpose of this housing opportunity is to allow multiple dwelling units on lots where residential uses are allowed subject to the following provisions:

[1] Permitting Authority. Dwelling units expressly allowed under this subsection must be permitted by building permit or a change of use permit from the Code Enforcement Officer or by site plan review when subdivision is triggered.

[2] Up to four dwelling units shall be allowed per lot if:

- [a] The lot is located in a designated Growth Area;
- [b] The minimum lot size requirements under Title 12, Chapter 423-A, are met;
- [c] The dwelling units must be connected to adequate water and wastewater;
- [d] Any private well water service is potable and acceptable for domestic use under the Code of Maine Rules;
- [e] The lot is located in a district where residential use, including as a conditional use, is allowed;
- [f] The lot does not contain an existing dwelling unit; and
- [g] It complies with shoreland zoning requirements.

[3] Up to two dwelling units per lot, located within one structure or located in two separate structures, shall be allowed per lot if:

- [a] The lot is not located in a designated Growth Area;
- [b] The minimum lot size requirements under Title 12, Chapter 423-A, are met;
- [c] The dwelling units must be connected to adequate water and wastewater;
- [d] Any private well water service is potable and acceptable for domestic use under the Code of Maine Rules;
- [e] The lot is located in a district where residential use is allowed; and
- [f] The lot does not contain an existing dwelling unit.
- [g] It complies with shoreland zoning requirements.

[4] Dwelling unit allowance for lots where one dwelling unit already exist.

If a lot already has one existing dwelling unit, the addition of up to two additional dwelling units shall be allowed. However, if a lot already has two existing dwelling units, no additional dwelling units may be built on the lot unless allowed in the underlying district. The dwelling unit allowance is subject to the following requirements:

[a] The additional dwelling unit(s) may be located within the existing structure; attached to the existing structure; detached from the existing structure; or any combination thereof;

[b] The dwelling units must be connected to adequate water and wastewater;

[c] Any private well water service is potable and acceptable for domestic use under the Code of Maine Rules; and

[d] It complies with shoreland zoning requirements.

[5] Lot not eligible for additional dwelling units.

If more than one dwelling unit has been constructed on a lot as a result of any provision of this section, the lot is not eligible for any additional units or increase in density, except as allowed in the underlying districts.

[6] Minimum Area per Family.

The minimum area per family requirement of the underlying district applies for dwelling units created pursuant 125-69 BB. (2)(b).

[7] Short-term rentals.

None of the dwelling units expressly permitted under this subsection shall be registered and/or used as short-term rentals.

(c) Accessory dwelling units.

The purpose of this housing opportunity is to allow for a secondary dwelling unit on a lot with an existing dwelling unit.

[1] Permitting Authority. Dwelling units expressly allowed under this subsection must be permitted by building permit or a change of use permit from the Code Enforcement Officer or by site plan review when subdivision is triggered.

[2] Requirements.

[a] Accessory dwelling units are allowed in districts where residential uses are allowed.

[b] Accessory dwelling units must be on the same lot as a single-family dwelling unit.

[c] Accessory dwelling units must be located either within an existing dwelling unit; attached to or sharing a wall with the single-family dwelling unit; in a new or existing structure; or within an existing accessory structure.

[d] One accessory dwelling unit is allowed on any lot where a single-family dwelling unit is the principal structure.

[d] If there is more than one dwelling unit on a lot, as a result of the provisions in this subsection or the multiple dwelling units subsection, the lot is not eligible for any additional increases in density, except as allowed in the district.

[e] Accessory dwelling units are allowed on a non-conforming lot if the accessory dwelling unit does not further increase the non-conformity.

[f] Accessory dwelling units must comply with all local dimensional standards with the exception of minimum lot size and minimum area per family standards from which they are exempt.

[g] Accessory dwelling units located within the same structure as a single-family dwelling unit, attached to a single-family dwelling, or in a new structure must meet the same dimensional standards of the single-family dwelling unit.

[h] Accessory dwelling units located in an existing accessory structure must meet the setback requirements for the accessory structure.

[i] Accessory dwelling units are not subject to parking requirements.

[j] Accessory dwelling units must be a minimum of 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, adopts a different minimum standard; if so, that standard applies.

[k] Accessory dwelling units must be connected to adequate water and wastewater.

[l] Accessory dwelling units must be served by water that is potable and acceptable for domestic use under the Code of Maine Rules.

[3] Short-term rentals. None of the dwelling units expressly permitted under this subsection shall be registered and/or used as short-term rentals (vacation rental-1 or vacation rental-2).

(3) Definitions.

Article XII applies to this section unless the term is specifically defined below.

ACCESSORY DWELLING UNIT — A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet.

AFFORDABLE HOUSING DEVELOPMENT

- A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area (area median income) as defined by the U.S. Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not

exceed 120% of the median income for the area (area median income) as defined by the U.S. Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

- C. For purposes of this definition, housing costs include, but are not limited to:
- (1) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
 - (2) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

AREA MEDIAN INCOME — The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

ATTACHED — Connected by a shared wall to the principal structure.

BASE DENSITY — The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this Land Use Ordinance. This does not include density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

CENTRALLY MANAGED WATER SYSTEM — A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

CODE OF MAINE RULES — State of Maine regulations.

COMPARABLE SEWER SYSTEM — Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

COMPREHENSIVE PLAN — A document or interrelated documents consistent with 30-A M.R.S. § 4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

COVENANT — A provision in a deed, or other covenant conveying real property, restricting the use of the land.

DENSITY REQUIREMENTS — The maximum number of dwelling units allowed on a lot, subject to dimensional standards.

DESIGNATED GROWTH AREA — Means an area as defined in 30-A M.R.S. §4349-A (1)(A) or (B). The designated Growth Area includes the area(s) in the adopted Bar Harbor Comprehensive Plan designated as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over 10 years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If the Town does not have an adopted Comprehensive Plan, the designated Growth Area means an area served by a public sewer system that has the capacity for growth-related projects, an area identified on the latest federal decennial census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

DIMENSIONAL REQUIREMENTS — Requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

DWELLING UNIT — Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments.

EXISTING DWELLING UNIT — A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

LOT — A single parcel of developed or undeveloped land.

MULTI-FAMILY DWELLING — A structure containing three or more dwelling units.

POTABLE — Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants*.

PRINCIPAL STRUCTURE — A structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.

RESIDENTIAL USE — A use permitted to be used for human habitation. Residential uses may include single-family, two-family, and other multi-family dwellings. The following uses are not included under this definition: (1) student housing, shared-accommodations, and employee living quarters; (2) congregate housing; and (3) campgrounds, campsites, hotels, motels, all beds and breakfast, all transient accommodations, or other types of lodging accommodations.

SETBACK — The minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

SHORELAND ZONING REQUIREMENTS — Includes shoreland zoning requirements under Title 38 Chapter 3, and the Bar Harbor Land Use Ordinance including but not limited to sections 125-47, 125-48, 125-49, 125-49.1, 125-49.2, 125-49.3, 125-50, and 125-68.

SINGLE-FAMILY DWELLING UNIT — A structure containing one dwelling unit.

STRUCTURE — Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).

TWO-FAMILY DWELLING — A structure containing two dwelling units.

ZONING ORDINANCE — A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

Article XII. Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

~~BONUS DWELLING UNIT~~

~~A second dwelling unit allowed on the same lot where only one single family dwelling unit exists, either within the same building as the single family dwelling unit or in a detached building. Bonus dwelling units shall comply with the standards in 125-69 AA.~~
