

# Bar Harbor Land Use Ordinance

Overlay	Planned Unit Development Outlying Area — (PUD-O)* (Summary)	Planned Unit Development Village Area — (PUD-V)* (Summary)
<b>Purpose</b>	<ul style="list-style-type: none"> <li>• Cluster of dwelling units to create buffers, open space/recreation areas</li> <li>• Reduce negative impacts to the environment from the development.</li> <li>• Include affordable housing</li> <li>• Follow the applicable guidelines for the Great American Neighborhood</li> <li>• Reduce infrastructure needs</li> <li>• Follow the guidelines of low-impact development.</li> </ul>	<ul style="list-style-type: none"> <li>• Cluster of dwelling units to create public parks and gardens</li> <li>• Reduce negative impacts to the environment from the development</li> <li>• Include affordable housing</li> <li>• Follow the guidelines for the Great American Neighborhood</li> <li>• Compatible design</li> <li>• Access to local goods, services and employment</li> <li>• Complement the visual character of the district</li> <li>• Encourage infill development, specifically allowing for growth where Town services, roads, and pedestrian access already exist</li> </ul>

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Mandatory or Voluntary	<ul style="list-style-type: none"> <li>• Voluntary</li> </ul>	
Geographic Area(s)	<ul style="list-style-type: none"> <li>• <del>Bar Harbor Residential w/out sewer district</del> <i>no longer exists</i></li> <li>• Village Res. w/out sewer</li> <li>• Hulls Cove Rural w/out sewer</li> <li>• Emery</li> <li>• Indian Point Residential</li> <li>• Indian Point Rural</li> <li>• McFarland Hill Residential</li> <li>• McFarland Hill Rural</li> <li>• Town Hill Corridor</li> <li>• Town Hill Residential</li> <li>• Town Hill Rural</li> <li>• Otter Creek</li> <li>• Salisbury Cove Corridor</li> <li>• Salisbury Cove Residential</li> <li>• Salisbury Cove Rural</li> </ul> <p><i>Includes some adjoining shoreland zones but no standards can be modified in those districts</i></p>	<ul style="list-style-type: none"> <li>• Downtown Village I</li> <li>• Downtown Village II</li> <li>• <del>Downtown Residential</del> <i>district no longer exists</i></li> <li>• Bar Harbor Residential</li> <li>• Village Residential w/ sewer</li> <li>• Hulls Cove Business w/ sewer</li> </ul> <p><i>Includes some adjoining shoreland zones but no standards can be modified in those districts</i></p>

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<b>Land Eligibility</b>	<ul style="list-style-type: none"> <li>• In aggregate cannot contain more than 50% of wetlands and significant vernal pools; sustained slopes of 20% or more; areas w/in 75 ft of shorelands; and floodplains</li> <li>• May consist of contiguous land in more than one ownership</li> </ul>	<ul style="list-style-type: none"> <li>• In aggregate cannot contain more than 30% of wetlands and significant vernal pools; sustained slopes of 20% or more; areas w/in 75 ft of shorelands; and floodplains</li> <li>• May consist of contiguous land in more than one ownership even when separated by a minor street</li> <li>• The minimum size of a parcel shall be the minimum lot size in the district</li> </ul>
<b>Applicability</b>	<ul style="list-style-type: none"> <li>• Homeownership</li> <li>• Rental</li> <li>• Land</li> </ul>	
<b>Target Groups</b>	<ul style="list-style-type: none"> <li>• Maximum of 120% of moderate income as established by the State Planning Office (defunct) or by the Hancock Planning Commission</li> <li>• Priority order for ownership and rental units: 1) town residents, and 2) town and school employees</li> <li>• If more units than applicants – need to advertise in newspaper</li> <li>• Must be a first-time homebuyer</li> </ul>	
<b>Affordable Set-Aside</b>	<ul style="list-style-type: none"> <li>• Minimum of 20% of base development density</li> </ul>	

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<b>Conservation Set-Aside</b>	<ul style="list-style-type: none"> <li>Minimum 40% of open space which excludes existing conservation easement(s) and which cannot include more than 75% in the aggregate of wetlands and significant vernal pools; sustained slopes of 20% or more; areas w/in 75 ft of shorelands; and floodplains, and stormwater systems. Allows for non-contiguous open space; however, no area shall be less than 5% in size than the parcel area.</li> </ul>	<ul style="list-style-type: none"> <li>For parcels of 5 acres or more, minimum 20% of open space which excludes existing conservation easement(s) and which cannot include more than 75% in the aggregate of wetlands and significant vernal pools; sustained slopes of 20% or more; areas w/in 75 ft of shorelands; and floodplains, and stormwater systems. The open space shall be contiguous.</li> </ul>

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<b>Options</b>	<ul style="list-style-type: none"> <li>• Lots created to meet the provisions for affordable housing may be sold or conveyed to the Mount Desert Island Housing Authority, or to another qualified nonprofit housing organization.</li> <li>• The Town, the Mount Desert Island Housing Authority or other qualified nonprofit housing organization has the right to purchase the affordable lot if no qualified buyers apply at the affordable price within 180 days.</li> </ul>	<ul style="list-style-type: none"> <li>• Lots created to meet the provisions for affordable housing may be sold or conveyed to the Mount Desert Island Housing Authority, or to another qualified nonprofit housing organization.</li> <li>• The Town, the Mount Desert Island Housing Authority or other qualified nonprofit housing organization has the right to purchase the affordable lot if no qualified buyers apply at the affordable price within 180 days.</li> <li>• In the Downtown Village I and II districts, there is an option to do a fee in-lieu of providing affordable housing units. The fee is calculated by taking the number of required affordable units x (annual average income for a family of four in Hancock County x 3). The fee goes into a Council-managed fund dedicated to the creation of affordable housing in Bar Harbor.</li> </ul>

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<b>General Cost Off-Sets</b>	<ul style="list-style-type: none"> <li>• Maximum of 1½ times base development density</li> <li>• Allows for the modification of dimensional standards (Art. III) with the exception of lot coverage, height.</li> <li>• 40,000 SF Minimum lot size when soils are rated fair for septic sewage disposal</li> <li>• Allows for modification of standards under 125-67</li> <li>• Allows multi-family if it results in creation/retention of large buffers, open space/recreation areas, and decreases negative impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum of 2 times base development density</li> <li>• Allows for the modification of setbacks</li> <li>• Allows for modification of standards under 125-67</li> </ul>

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<b>Conservation cost off-set</b>	<p>For each of these criteria met, one extra market-rate dwelling unit is allowed:</p> <ul style="list-style-type: none"> <li>• 10% open space</li> <li>• Active recreation space</li> <li>• LEED construction standards or equivalent for all dwelling units</li> <li>• Pedestrian connection</li> <li>• Access to public transportation</li> <li>• Restore/preserve historic resources</li> <li>• Underground utilities</li> <li>• Shared septic system for 1 extra market rate unit</li> </ul>	<p>For each of these criteria met, one extra market-rate dwelling unit is allowed:</p> <ul style="list-style-type: none"> <li>• 10% open space</li> <li>• Active recreation space</li> <li>• LEED construction standards or equivalent for all dwelling units</li> <li>• Pedestrian connection</li> <li>• Access to public transportation</li> <li>• Restore/preserve of historic resources</li> <li>• Underground utilities</li> </ul>
<b>Affordable Housing Cost Off-Sets</b>	<ul style="list-style-type: none"> <li>• Double base development density in exchange for affordable housing</li> <li>• For every affordable unit the developer gets one extra market-rate unit above base development density</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum of 2 times base development density regardless if affordable housing is created or not</li> <li>• For every affordable unit the developer gets one extra market-rate unit above base development density</li> </ul>
<b>Affordable Housing Design Standards</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>	

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<b>Preservation of Affordability</b>	<ul style="list-style-type: none"> <li>• 99 years</li> <li>• Formula for accruing limited equity</li> <li>• Option giving the town, MDI Housing Authority, or another qualified not-for-profit the right to purchase the affordable units if no qualified buyers apply at the affordable price within 180 days</li> <li>• Option to return housing to market rates if there are no qualified buyers within 180 days of the property being on the market (excess profits returned to the Town, Mount Desert Island Housing Authority or qualified nonprofit organization)</li> <li>• Affordable rents (including utilities) shall be limited to 30% of the annual income of a household whose income is the median income for Hancock County.</li> <li>• Affordable house shall be occupied by the owner</li> <li>• Apartment shall be occupied by a lessee</li> </ul>	
<b>Program Management</b>	<ul style="list-style-type: none"> <li>• Provisions for reimbursement of administrative costs incurred by the Town of Bar Harbor if the Town is required to enforce terms of the agreement or administer transfers of the property</li> </ul>	

*\*Includes language from 125-69 R. Affordable Housing*