

Draft Order

Of the Bar Harbor Town Council

For the November 2, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article **XX** **LAND USE ORDINANCE AMENDMENT – Bonus Dwelling Units**– Shall an ordinance, dated June 2, 2021, and entitled “An amendment to allow Bonus Dwelling Units;” be enacted?

Bonus Dwelling Units

An amendment to create and define a new use “bonus dwelling unit;” to allow the use in the following districts: 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, and in the Shoreland General Development I, Shoreland General Development II (Hulls Cove), and Shoreland General Development III if on public water and sewer; to exempt the use from having to meet the area per family requirement; to allow a maximum of one bonus dwelling unit per lot that is occupied by a single-family dwelling; to prohibit the use of a bonus dwelling unit as a short-term rental or as a vacation rental; and to prohibit the sale of the bonus dwelling unit separately from the single-family dwelling when these uses are located on a nonconforming lot of record.

EXPLANATION

A bonus dwelling unit is a second dwelling unit created on the same lot where only one single-family dwelling unit exist, either within the same building as the single-family dwelling unit or in a detached building. It would be allowed in thirteen districts: 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, and Shoreland General Development I, Shoreland General Development II (Hulls Cove), and Shoreland General Development III if on public water and sewer. Bonus dwelling units would be required to meet all dimensional requirements of the districts where they are proposed but would be exempt from having to meet the area per family. A maximum of one bonus dwelling unit would be allowed per lot that is occupied by a single-family dwelling. A bonus dwelling unit would not be able to be registered as a short-term rental or a vacation rental. The sale of the bonus dwelling unit separately from the single-family dwelling, when these uses are located on a nonconforming lot of record, would be prohibited.

An amendment to Articles III, V, and 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

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.

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.

Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 2021:

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Valerie Peacock

Erin E. Cough

Jill Goldthwait