

**EXPLANATIONS  
FOR PROPOSED LAND USE AMENDMENTS  
(Articles 3, 4, 5, 6, 7, 8, and 9)**

**November 2, 2021 BALLOT VOTE**

**Article 3 – Signage**

- A.** Correct an error in the list of internally illuminated signs that are prohibited in all districts (where “Type 2” was supposed to be “Type 3”), and additionally add Type 4 (halo) to the list of internally illuminated signs prohibited in all districts;
- B.** Delineate where certain subtypes (Type 2-B and Type 5-B) of internally illuminated signs would be allowed and prohibited (newly allowing them on Route 233, and newly prohibiting them on a specific section of Route 3 in the downtown area);
- C.** Add an inset map illustration to graphically show the section of Route 3 where Type 2-B and Type 5-B signs would be prohibited;
- D.** Establish a color temperature limit for light sources of externally illuminated signs by codifying the 3,000 Kelvin limit the Design Review Board has been recommending to applicants;
- E.** Change a limit on wall sign size from being capped at 10% of “wall area” (which is not defined in the ordinance) to “facade” (an existing definition);
- F.** Resolve a discrepancy between §125-67 BB. (6) (f) and §125-67 BB. (6) (o) [2] regarding review of signs under a multi-tenant signage plan by striking part of 125-67 BB. (6) (f);
- G.** Allow for the replacement of individual, conforming, non-illuminated signs without requiring Design Review Board review, broadening an existing exemption that is limited to three specific types of signs.
- H.** Create and define a fifth type of internally illuminated sign called “push-through lettering”;
- I.** Differentiate the two subtypes of Type 2 internally illuminated signs, as “Type 2-A” and “Type 2-B”; and
- J.** Create and define a new type of sign called neon sign, recognizing it is a type of sign that already exists in town under certain circumstances and which is referred to elsewhere in the ordinance but is not presently defined, with the definition including signs designed to simulate the appearance of neon signage.

## Article 4 – Short-Term Rentals

*List of acronyms used in the explanation below:*

- VR: *Vacation rental*
- VR-1: *Vacation rental-1*
- VR-2: *Vacation rental-2*

- A.** It would create and define two new uses, VR-1 and VR-2.
- B.** It would add a definition for short-term rental, an umbrella term to encompass VR, VR-1 and VR-2.
- C.** Any owner with an existing VR registration would be able to continue operating so long as the registration is renewed annually.
- D.** A VR-1 would be the short-term rental of an owner’s primary residence (or a part of it) and/or the rental of another residential dwelling unit on the owner’s primary residence property. It would be allowed in the same 34 districts where VRs are presently allowed. It would allow a minimum rental period of two nights. The maximum number of VR-1 registrations allowed per primary residence property would be two.
- E.** A VR-2 would be the short-term rental of a residential dwelling unit that is not the owner’s primary residence. It would be allowed in the districts zoned for commercial and lodging activities. It would allow a minimum rental period of four nights. The maximum number of VR-2 registrations allowed for the town as a whole would be capped at 9% (herein referred to as the 9% cap) of the total number of residential dwelling units in Bar Harbor.
- F.** Transfer of any registration would be prohibited. However, if there was a change of ownership during the term of the registration, the registration would remain valid for the dwelling unit, or part thereof, to which it was issued until it would expire on the following May 31.
- G.** Any currently registered VR may continue until May 31, 2022.
- H.** On or before May 31, 2022, the VR registration would have to be renewed as a VR-1 for a VR operating in a dwelling unit, or in a room in the dwelling unit, which is the owner’s primary residence, or on the property of the primary residence. However, if an owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) would have to be renewed as VR-2s notwithstanding the 9% cap.
- I.** On or before May 31, 2022, the VR registration would have to be renewed as a VR-2 for any VR not operated in a dwelling unit that is the owner’s primary residence or is not on the property of the owner’s primary residence notwithstanding the district it is in or the 9% cap.

**J.** After December 2, 2021, the Code Enforcement Officer will accept applications for, but will not process or issue, any new VR-2 registrations until June 1, 2022. New VR-2 registrations issued on or after June 1, 2022 will be subject to the 9% cap.

**K.** New VR-1 would be allowed in the following districts. These are the same districts where VRs are presently allowed:

- |                                     |   |
|-------------------------------------|---|
| 1. Bar Harbor Gateway               | 18. McFarland Hill Rural                |
| 2. Village Historic                 | 19. Otter Creek                         |
| 3. Mount Desert Street Corridor     | 20. Salisbury Cove Corridor             |
| 4. Village Residential              | 21. Salisbury Cove Residential          |
| 5. Downtown Village I               | 22. Salisbury Cove Rural                |
| 6. Downtown Village II              | 23. Salisbury Cove Village              |
| 7. Downtown Village Transitional    | 24. Schooner Head                       |
| 8. Downtown Residential             | 25. Town Hill Business                  |
| 9. Emery District                   | 26. Town Hill Residential Corridor      |
| 10. Hulls Cove Business             | 27. Town Hill Residential               |
| 11. Hulls Cove Residential Corridor | 28. Town Hill Rural                     |
| 12. Hulls Cove Rural                | 29. Shoreland General Development I     |
| 13. Indian Point Residential        | 30. Shoreland Limited Residential       |
| 14. Indian Point Rural              | 31. Shoreland Gen. Dev. II (Hulls Cove) |
| 15. Ireson Hill Corridor            | 32. Shoreland General Development III   |
| 16. Ireson Hill Residential         | 33. Shoreland General Development IV    |
| 17. McFarland Hill Residential      | 34. Educational Institution             |

**L.** New VR-1 would be prohibited in the following districts. These are the same districts where VRs are presently prohibited:

- |                        |                                  |
|------------------------|----------------------------------|
| 1. Industrial          | 4. Scientific Research           |
| 2. Stream Protection   | 5. Shoreland Maritime Activities |
| 3. Resource Protection | 6. Marine Research               |

**M.** New VR-2 would be allowed, subject to the proposed 9% cap, in the following districts:

- |                                  |                                     |
|----------------------------------|-------------------------------------|
| 1. Bar Harbor Gateway            | 9. Emery District                   |
| 2. Village Historic              | 10. Hulls Cove Business             |
| 3. Mount Desert Street Corridor  | 11. Hulls Cove Residential Corridor |
| 4. Village Residential           | 12. Hulls Cove Rural                |
| 5. Downtown Village I            | 13. Ireson Hill Corridor            |
| 6. Downtown Village II           | 14. Salisbury Cove Corridor         |
| 7. Downtown Village Transitional | 15. Salisbury Cove Village          |
| 8. Downtown Residential          | 16. Town Hill Business              |

17. Town Hill Residential Corridor

18. Town Hill Residential

N. New VR-2 would be prohibited in the following districts:

1. Indian Point Residential

2. Indian Point Rural

3. Ireson Hill Residential

4. McFarland Hill Residential

5. McFarland Hill Rural

6. Otter Creek

7. Salisbury Cove Residential

8. Salisbury Cove Rural

9. Schooner Head

10. Town Hill Rural

11. Shoreland General Development I

12. Shoreland Limited Residential

13. Shoreland Gen. Dev. II (Hulls Cove)

14. Shoreland General Development III

15. Shoreland General Development IV

16. Educational Institution

17. Industrial

18. Stream Protection

19. Resource Protection

20. Scientific Research

21. Shoreland Maritime Activities

22. Marine Research

## **Article 5 – Solar Photovoltaic Systems**

Photovoltaic systems are presently permitted as an accessory use but not as a principal use. These regulations are intended to allow for the construction and operation of ground-mounted solar photovoltaic systems, as a principal use. It establishes use-specific standards to ensure that projects are sited and designed to maintain aesthetic quality, visual character, and compatibility with surrounding uses. These regulations do not apply to solar photovoltaic systems that would be accessory to a permitted use or structure.

More specifically, it adds four definitions: Array; Photovoltaic; Solar Photovoltaic System, Principal Use (SPVS-PU); and Solar Photovoltaic System, Accessory Use. It proposes to allow Solar Photovoltaic System, Principal Use (SPVS-PU), in the following 19 districts: Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Industrial, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Rural, Scientific Research for Eleemosynary Purposes, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural.

Solar Photovoltaic System, Principal Use (SPVS-PU), would be reviewed by the Planning Board as a Major Site Plan; would be required to meet all requirements of the district(s) where they are proposed to be allowed with the exception that the panels/arrays would be exempt from lot coverage; would be required to submit all applicable information per Submission Requirements §125-66 and meet all applicable General Review Standards per §125-67, as well as the following additional requirements/standards: Safety, Fencing and Screening, Visual Impacts, Financial Capacity, Emergency and Operation/Maintenance Plan, Decommissioning Plan, Abandonment, and Financial Assurance of Performance.

## **Article 6 –Bonus Dwelling Units**

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, Shoreland General Development I if on public water and sewer, Shoreland General Development II (Hulls Cove) if on public water and sewer, 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.

## **Article 7 –Nonconformity**

The amendment would specify that two or more principal uses or structures located on a nonconforming lot of record can be sold separately only in the shoreland districts (consistent with the Mandatory Shoreland Zoning Act), not town-wide. It would correct an error of omission where the words “in any shoreland district” were inadvertently left out of the June 8, 2010 draft order “Shoreland Standards.” This error of omission has resulted in a loophole where property owners are able to split conforming lots and non-conforming lots of record resulting in the creation or increase of nonconformity beyond the shoreland districts, which was not intended.

## **Article 8 – Accessory Dwelling Units**

The amendment would delete the definition of accessory dwelling unit. As defined, there are no benefits or incentives to being permitted as an accessory dwelling unit instead of a dwelling unit. It would also delete the use from the following districts: Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Indian Point Residential, Indian Point Rural, Ireson Hill Corridor, Ireson Hill Residential, McFarland Hill Residential, McFarland Hill Rural, Otter Creek, Salisbury Cove Corridor, Salisbury Cove Residential, Salisbury Cove Rural, Salisbury Cove Village, Schooner Head, Town Hill Business, Town Hill Residential Corridor, Town Hill Residential, Town Hill Rural, Shoreland General Development I, Shoreland Limited Residential, and Shoreland General Development II (Hulls Cove).

In 2006, the town voted to approve an amendment “Weekly Rentals” entitled “An ordinance to amend the Bar Harbor Code, Chapter 125, Land Use Ordinance §§ 125-54 and 109, and Appendix C, to establish definitions and standards for the regulation of vacation rentals and accessory dwellings.” The amendment created and defined a new use “Dwelling Unit, Accessory” and allowed it in certain districts. The amendment allowed homestead exemption properties to have a weekly rental plus one accessory dwelling unit. On June 14, 2011, the town voted to approve an amendment “Vacation Rentals” entitled “An amendment to allow Vacation Rentals in nearly all zoning districts and revise the regulatory permitting process.” It resulted in the removal of all references to “Homestead exempt” and “Non-homestead exempt” properties but did not remove the definition of “Dwelling Unit, Accessory,” or any of the districts where it was being allowed which were part of the original (2006) weekly rental amendment.

## **Article 9 – Appendix A Historic Properties**

This amendment adds one structure to the list, removes four structures that no longer meet the requisite criteria for inclusion, and updates/corrects names (past and/or present) and adds dates of construction for multiple buildings or structures.