

WARRANT ARTICLE

Article X – LAND USE ORDINANCE AMENDMENT –Lodging Regulations - Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to revise lodging definitions, establish minimum guest unit requirements and maximum transient guest limits for certain lodging uses, and remove some lodging uses from certain districts,**” be enacted?

SUMMARY

The amendment would remove some lodging uses from certain districts, while allowing all existing lodging operations to continue as nonconforming uses without opportunity for expansion. The definition for Lodging II, III, VI, and VII would be changed to include minimum number of Guest Units and maximum Guest Capacity requirements. Guest Capacity would be calculated using the State Fire Marshal’s method.

EXPLANATION

The amendment would:

1. Replace the term Guest Room with Guest Unit and refine the definition of Guest Unit.
2. Create a definition of Guest Capacity for transient lodging accommodations and set a standard calculation method, based on the approach used by the State Fire Marshal’s Office.
3. Eliminate Lodging I (L1) as a land use from the ordinance. As a result, L1 would no longer be listed as an allowed use in the 11 districts in which it is presently permitted: Village Historic, Downtown Residential, Emery, Hulls Cove Residential Corridor, Hulls Cove Rural, McFarland Hill Residential, Otter Creek, Town Hill Residential Corridor, Town Hill Residential, and Town Hill Rural. Existing L1 operations would be allowed to continue as legally non-conforming uses; however, any expansion would be prohibited.
4. Remove Lodging II (L2) as a permitted use in three districts: Village Residential, Downtown Village Transitional, and Town Hill Business. Existing L2 operations in those districts would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited. It would also amend the definition of L2 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 48 transient guests.
5. Remove Lodging III (L3) as a permitted use in the Town Hill Business District. Existing L3 operations would be allowed to continue in that district as legally nonconforming uses; however, any expansion would be prohibited. It would also amend the definition of L3 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 48 transient guests.
6. Remove Lodging IV (L4) as a permitted use in three districts: the Town Hill Business, Village Residential, and Shoreland General Development IV. Existing L4 operations would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited.
7. Remove Lodging V (L5) as a permitted use in two districts: Town Hill Business and

Shoreland Maritime Activities. Existing L5 operations would be allowed to continue as legally nonconforming uses; however, any expansion would be prohibited.

8. Amend the definition of Lodging VI (L6) to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 100 transient guests.
9. Remove Lodging VII (L7) as a permitted use in Town Hill Residential Corridor District. Existing L7 operations would be allowed to continue in that district as legally nonconforming uses; however, any expansion would be prohibited. Add L7 as a permitted use in the Shoreland General Development IV District. It would also amend the definition of L7 to require a minimum of 3 Guest Units and to limit Guest Capacity to a maximum of 100 transient guests.
10. Remove the allowance for expansion of nonconforming lodging uses.
11. Update the Mount Desert Street Corridor District purpose to reflect updated terms and allowed uses.
12. Align the parking standard for L2, L3, L6, and L7 with the new Guest Unit term.

LUO Amendment #LUO-2026-04

Lodging Regulations

Town of Bar Harbor

An amendment to the Land Use Ordinance

Articles III, IV, 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

§ 125-16. General.

All land use activities, regardless of whether they require a permit from the Code Enforcement Officer or site plan approval, shall comply with all applicable standards set forth in this article and in §§ 125-67, 125-68 and 125-69. All distances and heights in this article, unless otherwise stated, are in feet.

§ 125-18. Village Historic.

D. Uses allowed by site plan.

- (1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following

uses shall be permitted in the district: eleemosynary; ~~lodging I~~; private club.

* * *

F. Other requirements.

- a. The Planning Board shall ensure that parking for lodging I shall be shielded from the view of neighboring properties located to the side and rear of the property where the lodging I is located. Shielding shall consist of vegetative screening. ~~[Also see parking requirements found in § 125-67B(4).]~~

§ 125-19. Mount Desert Street Corridor.

- A. Purpose. The Mount Desert Street Corridor District is part of an important historic entry corridor into the village business district. ~~Existing developments of bed and breakfasts should be encouraged to remain, whereas property that is~~ Properties that are redeveloped and/or infill development should be reviewed carefully to retain the historic character of this corridor.

§ 125-20. Village Residential.

D. Uses allowed by site plan.

(2) Uses allowed by conditional use permit:

- (a) For properties with road frontage on or access to Route 3 or 233: art gallery; farmers' market; ~~lodging II; lodging IV~~; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

§ 125-21.2. Downtown Village Transitional.

* * *

C. Allowed uses.

- (2) Uses allowed by site plan review: multifamily dwelling II; parking lot; all other types of child-care facilities; ~~lodging II~~; medical clinics; automobile sales lot; automobile repair garage; retirement community.

§ 125-22. Downtown Residential.

- 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:

Child-care center

Hospital

Lodging I

Lodging VII – Only for those portions of the district between Eden Street and the district boundary behind Kennebec Street; and from The Field south to Hancock Street. In addition, no building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.

Parking garage and parking lot

Place of worship

Road construction

Wireless communications facility

§ 125-23. Emery District.

- 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:

Agriculture, commercial

Commercial boatyard

Commercial stable

Employee living quarters-2

Lodging I

Kennel, boarding

Municipal school

Noncommercial kennel

Noncommercial stable

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

§ 125-26. Hulls Cove Residential 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:

Campground

Cemetery

Employee living quarters-2

Lodging I

Lodging VII – No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.

Multifamily dwelling II

Place of worship

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

§ 125-27. Hulls Cove Rural.

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:

Agriculture, commercial

Campground

Cemetery

Employee living quarters-2

Lodging I

Mineral extraction

Mineral extraction and processing

Mobile home park

Municipal school

Place of worship

Retirement community

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

G. Other requirements.

§ 125-33. McFarland Hill Residential.

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:

Cemetery

Commercial stable

Lodging I

Municipal school

Place of worship

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Veterinary clinic

Wireless communications facility

§ 125-35. Otter Creek.

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:

Cemetery

Commercial stable

Lodging I

Municipal facility and grounds

Place of worship

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Veterinary clinic

Wireless communications facility

§ 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-1

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Lodging II

Lodging III

Lodging IV

Lodging V

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

Upholstery shop

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

§ 125-44. Town Hill Residential 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:

Agriculture, commercial

Campground

Cemetery

Employee living quarters-2

Lodging I

~~Lodging VII—No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building.~~

Multifamily dwelling II

Municipal school

Municipal facility and grounds

Place of worship

Road construction

Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

§ 125-45. Town Hill Residential.

- 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:

Agriculture, commercial
Campground
Cemetery
Commercial stable
Employee living quarters-2

Lodging-I

Lodging VII - Only from the north side of Route 3 shoreward for 500 feet from the Trenton Town line to Jones Marsh Resource Protection District

Marina
Mobile home park
Municipal facility and grounds
Municipal school
Place of worship
Road construction
Solar photovoltaic system, principal use
Wireless communications facility

§ 125-46. Town Hill Rural.

- 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:

Agriculture, commercial
Cemetery
Commercial boatyard
Commercial stable
Eleemosynary, educational or scientific institution
Employee living quarters-2

Lodging-I

Kennel, boarding
Mineral extraction
Mineral extraction and processing
Municipal school
Place of worship
Road construction
Solar photovoltaic system, principal use (SPVS-PU)

Wireless communications facility

H. Other requirements.

§ 125-49.2. Shoreland General Development IV.

- D. Uses allowed by site plan. The following uses shall be permitted by site plan review in any part of this district: ~~lodging IV~~ ~~lodging VII~~, marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

§ 125-49.3. Shoreland Maritime Activities District.

- D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters-1; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; ~~lodging V~~; passenger terminal; ferry terminal; marina; services.

Article IV. Nonconformity

§ 125-54 Nonconforming uses of land or structures.

The use of any land or structure which is made nonconforming as a result of the enactment of this chapter, or any subsequent amendment, may be continued, but only in strict compliance with the following:

- A. No nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than such use occupied when it became nonconforming.
- B. No existing structure devoted partially or entirely to a nonconforming use shall be extended or enlarged.

- C. Any nonconforming use may be extended throughout any parts of a building which, at the time such use became a nonconformity, were arranged or designed for such use; provided, however, that no nonconforming use shall be extended to occupy any land outside such building.
- D. Any nonconforming use of land or a structure may be changed to another nonconforming use provided first that the Board of Appeals finds that the proposed use will have no greater adverse impact on the subject and adjacent properties and resources, including water-dependent uses, than the existing use, and second that the Planning Board grants site plan approval upon a finding that the proposed use meets all standards set forth in Article V except those that cause the existing use to be nonconforming. In determining that no greater adverse impact will occur, the Board of Appeals, in dealing with uses in resource protection, shoreland limited residential, shoreland general development and stream protection districts, shall, at a minimum, require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.
- E. If any nonconforming use of land or of a structure housing a nonconforming use ceases or is discontinued for any reason for a period of 12 or more consecutive months, any subsequent use of such land or structure shall conform to the requirements of this chapter in all respects.
- F. A nonconforming use or a structure housing a nonconforming use may be moved within a lot provided that the Board of Appeals finds that the proposed new location and design are more appropriate with regard to:
 - (1) Location, character, and natural features;
 - (2) Fencing and screening;
 - (3) Landscaping and topography;
 - (4) Traffic and access;
 - (5) Signs and lighting; and
 - (6) Potential nuisance.

G. Transient lodging accommodations.

- (1) Transient lodging accommodations that are nonconforming uses may be enlarged, extended and occupy a GREATER area of land, provided that no additional guest rooms are added and that the Board of Appeals finds that:**
 - (a) There will be no greater adverse impacts; and**
 - (b) The proposed construction is appropriate with regard to:**
 - [1] Location, character and natural features;**
 - [2] Fencing and screening;**
 - [3] Landscaping and topography;**

[4] Traffic and access;

[5] Lighting; and

[6] Potential nuisance.

(2) In determining that no greater adverse impact will occur, the Board of Appeals, in dealing with transient lodging accommodation in resource protection, shoreland limited residential, shoreland general development and stream protection districts, shall, at a minimum, require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water dependent uses.

Article V. Site Plan Review

125-66 Submission requirements

An application for a major site plan or subdivision shall include, as applicable:

125-66 R. Building plans, elevations and interior use.

For all proposed buildings and structures and for all existing buildings and structures for which a change of use is proposed:

- (1) Building plans for all levels of all buildings and structures, including but not limited to fences;
- (2) All elevations, indicating the height of the structure and proposed materials and exterior colors;
- (3) Proposed use of all floor area, including basements and attics; and
- (4) When the proposed use is a restaurant, the maximum seating capacity thereof.
- (5) When the proposed use is a transient lodging accommodation classified as Lodging II, Lodging III, Lodging VI, or Lodging VII, provide:**
 - (a) Total gross floor area devoted to lodging on each floor, including a breakdown by use (e.g., lodging, assembly, service, etc.).**
 - (b) Total number of guest units located on each floor.**
 - (c) Total guest capacity, calculated using the occupant load for each floor based on the lodging gross floor area devoted to lodging, in accordance with Life Safety Codes NFPA 1 and 101.**

§ 125-67 **General review standards.**

The Planning Board, before granting site plan approval, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

D. Parking requirements.

(b) Transient lodging accommodations:

[1] ~~Lodging I~~, Lodging II, and Lodging III – one parking space for each guest room-unit, plus one parking space.

[2] Lodging IV, Lodging V, Lodging VI, and Lodging VII – one parking space for each guest room-unit.

125-69 Standards for particular uses, structure, activities.

AA. Transient Lodging Accommodation Guest Capacity

(1) Total Guest Capacity.

The total transient guest capacity of a transient lodging accommodation classified as Lodging II, Lodging III, Lodging VI, and Lodging VII shall be determined by calculating the occupant load of all areas devoted to lodging in accordance with applicable Life Safety Codes (NFPA 1 and 101), as follows:

(a) For each floor, or portion of a floor, devoted to lodging, the occupant load shall be calculated by dividing the lodging gross floor area by 200 square feet per occupant, rounded up to the nearest whole number.

(b) The total guest capacity for the transient lodging accommodation shall equal the sum of the occupant loads for all floor area devoted to lodging.

(2) Compliance Requirements

(a) The total transient guest capacity shall not exceed the maximum number permitted based on egress, fire protection, accessibility requirements, and occupant load as determined by the Fire Marshal's Office, in accordance with Life Safety Codes (NFPA 1 and 101).

Article XII. Construction and definitions

§ 125-109. Definitions.

The following terms shall have the following meanings:

GROSS FLOOR AREA, LODGING - The total gross floor area of a transient lodging accommodation, measured to the exterior face of the exterior walls, that is dedicated, or intended to be dedicated, to lodging. This includes guest units and sleeping rooms; bathrooms within guest units; interior hallways serving guest units; and interior storage, housekeeping, and utility rooms located on floors, or portions of floors used for guest units. This term excludes exterior porches, balconies; parking areas; uninhabitable attic or crawl spaces not designed for occupancy; and commercial, assembly, restaurant, or office space not integral to the lodging function.

Guest Capacity - The total number of transient guests that may occupy guest units within a transient lodging accommodation at one time.

GUEST ROOM — A room or group of rooms under a single room number in a transient lodging accommodation designed or arranged to be used by one group or party at a time for overnight occupancy.

Guest Unit – A sleeping room or group of sleeping rooms under a single unit number in a transient lodging accommodation designed or arranged to be used by one party at a time for overnight occupancy. It may also include a living room, kitchen or kitchenette, and other associated amenities.

TRANSIENT LODGING ACCOMMODATIONS —

An establishment consisting of a building or group of buildings, or a single-family dwelling, located on one lot, containing guest units designed or arranged to provide temporary lodging accommodations for transient guests for compensation.

A. **LODGING I** — A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of three guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

B. **LODGING II** — A single-family dwelling in which the resident or residents of the dwelling

provide short term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only. An establishment providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 12 guest units. The maximum guest capacity for the establishment must not exceed 48 guests. Meals may be offered; however, service must be limited to overnight transient guests only.

- C. LODGING III — A single family dwelling in which the resident or residents of the dwelling provide short term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be offered for compensation to the overnight guests and the general public. An establishment providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 12 guest units. The maximum guest capacity for the establishment must not exceed 48 guests. Meals may be offered for compensation and may also be made available to the general public.

- F. LODGING VI — An establishment which offers transient lodging accommodations (1-25 guest rooms) and which may include additional accessory facilities and services available for the overnight guests only. An establishment providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 25 guest units. The maximum guest capacity for the establishment must not exceed 100 transient guests. Accessory facilities and services may be offered; however, it must be limited to the overnight transient guests only.

- G. LODGING VII — An establishment, in a building constructed before June 10, 1986, which offers transient lodging accommodations (1-25 guest rooms) and which may include additional accessory facilities and services available for the overnight guests only. An establishment constructed before June 10, 1986 providing temporary overnight lodging, consisting of a minimum of 3 and a maximum of 25 guest units. The maximum guest capacity for the establishment must not exceed 100 guests. Accessory facilities and services may be offered; however, it must be limited to the overnight transient guests only.