

# Draft Order

of the Bar Harbor Town Council  
For the November 3, 2020, Town Meeting

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

---

---

## WARRANT ARTICLE

**Article \_\_ LAND USE ORDINANCE AMENDMENT – Vacation Rental** - Shall an ordinance, dated June 18, 2020, and entitled “An amendment to Vacation Rental allowing currently registered vacation rentals to continue operating as long as the registration is renewed annually; creating two types of vacation rentals (VR-1 and VR-2) allowed in the same 34 zoning districts where vacation rentals are presently allowed; creating definitions for primary residence and vacation rental license; and regulating the rental of the entire dwelling unit or a part of thereof, the rental period (minimum number of nights), the maximum number of licenses that may be issued, and the transferability of licenses;” be enacted?

---

---

## EXPLANATION

- It would allow all currently registered vacation rentals to continue operating as long as the registration/license is renewed annually.
- It would create two different types of vacation rentals (VR-1 and VR-2).
- It would allow VR-1 and VR-2 in the same 34 zoning districts where vacation rentals are presently allowed.
- VR-1:
  - In the primary residence or at the location of the primary residence.
  - May be an entire dwelling unit or part of a dwelling unit.
  - No minimum rental period/number of nights restriction (i.e. nightly rental would be allowed).
  - Maximum number of VR-1 licenses would be two – it may be in the primary residence and/or at the location of the primary residence.
  - Transferability: not applicable
- VR-2:
  - Not in the owner’s primary residence.
  - Must be an entire dwelling unit.
  - Minimal rental period of four nights.
  - The maximum number of licenses issued would be 7.5% of the town’s total number of dwelling units.
  - Transferability: Not transferable except for a summer home to a spouse, parent, grandparent, child, grandchild, or sibling.

# Vacation Rental

## 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 uses Activities and Standards

\*\*\*

##### § 125-17 Bar Harbor Gateway.

\*\*\*

###### 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.); municipal facility; municipal school; public or private park with minimal structural development; vacation rentals: vacation rental-1 and vacation rental-2; single-family dwelling and two-family dwelling.

\*\*\*

##### § 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; vacation rentals: vacation rental-1 and vacation rental-2; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

\*\*\*

##### § 125-19 Mount Desert Street Corridor District.

\*\*\*

###### C. Allowed Uses

- (1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, single- or two-family dwelling; vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

##### § 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; roadside stand; vacation rentals: vacation rental-1 and vacation rental-2.

June 18, 2020

Page 2 of 9

\*\*\*

**§ 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; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals: vacation rental-1 and vacation rental-2; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

\*\*\*

**§ 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, vacation rentals: vacation rental-1 and vacation rental-2; 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; home occupation.

\*\*\*

**§ 125-21.2 Downtown Village Transitional.**

\*\*\*

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 uses; galleries; services; professional office buildings; vacation rentals: vacation rental-1 and vacation rental-2; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; farmers market; home occupation.

\*\*\*

**§ 125-22 Downtown 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-24 Hulls Cove Business.**

\*\*\*

- 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-26 Hulls Cove Residential Corridor.**

\*\*\*

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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-28 Indian Point 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-29 Indian Point 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-31 Ireson Hill Corridor.**

\*\*\*

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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-32 Ireson 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

**§ 125-34 McFarland Hill Rural.**

\*\*\*

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-35 Otter Creek.**

\*\*\*

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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-37 Salisbury Cove Corridor.**

\*\*\*\*

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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-38 Salisbury Cove 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-39 Salisbury 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-40 Salisbury Cove Village.**

\*\*\*

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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-43 Town Hill Business.**

\*\*\*

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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-44 Town Hill Residential Corridor.**

\*\*\*

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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-45 Town 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

**§ 125-48 Shoreland Limited 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

§ 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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

§ 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.); municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals: vacation rental-1 and vacation rental-2; single-family dwelling and two-family dwelling.

\*\*\*

§ 125-49.2 Shoreland General Development IV.

\*\*\*

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, cabins and cottages, ~~all~~ vacation rentals: vacation rental-1 and vacation rental-2, artist studio, home occupation, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

\*\*\*

§ 125-51.1 Educational Institution.

\*\*\*

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:

\*\*\*

Vacation rentals: vacation rental-1 and vacation rental-2.

\*\*\*

## Article V. Site Plan Review

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

\*\*\*

### Y. Vacation Rentals

#### (1) VR-1 Specific Standards.

(a) Maximum number of licenses. A maximum of two VR-1 licenses per Tax Assessor property ID number for the rental of an entire dwelling unit or a portion thereof may be issued.

(b) Renting of rooms (renting part of the dwelling). All persons or groups renting a portion of a dwelling shall have access to cooking, bathing and sanitary facilities.

(c) Transferability. Not applicable.

**(2) VR-2 Specific Standards**

(a) Maximum number of licenses. The town-wide maximum number of VR-2 licenses that may be issued shall not exceed 7.5% of the town's total number of dwelling units, as determined by the Assessor at the start of each calendar year.

At the start of the calendar year, using a wait list of received complete vacation rental license applications, the Code Enforcement Officer will inform the applicant at the top of the wait list, through registered mail, that a license is available. The applicant will have 30 days from the mailing date to call the Code Enforcement Officer and schedule an inspection. The inspection shall take place within 45 days of the mailing date. The license shall be issued within three months of the mailing (meaning that if the applicant cannot meet the inspection requirements within three months, the license shall be offered to the next person on the wait list). A property owner cannot hold multiple places/slots on the wait list.

(b) Protection Clause. At the time of the passing of this ordinance, a duly licensed (registered) vacation rental may continue operating as long as the license is renewed annually. If the license is not renewed within 12 months from the date of issuance, than the license expires and may not be renewed.

(c) Transferability. The license shall not be transferred except as presented below.

[1] Summer homes. For summer homes, which is defined as a residence that the owner must live in part of the year and is located at least 50 miles from the primary residence, transferability of the license with the land is limited to a spouse, parent, grandparent, child, grandchild, or sibling. A property owner can only have one summer home in Bar Harbor.

**Article XII. Construction and Definition**

\*\*\*

**§ 125-109 Definitions.**

The following terms shall have the following meanings:

\*\*\*

**PRIMARY RESIDENCE**

A primary residence is the primary location that a person inhabits and is where the owner resides most of the year. The property owner uses this address as their legal address listed for tax returns, or on their driver's license, or on their voter registration card.

\*\*\*

**VACATION RENTAL**

The use of a dwelling unit or portion thereof for rent to a family for a period of less than 30 days and a minimum of five days. Time share property, as most recently defined in 33 M.R.S.A § 591, is also included in this definition.



Vacation Rental-1 (VR-1): A dwelling unit, or portion thereof, that is rented to a person or a group for less than 30 days and a minimum of 1 night. A property owner may only be eligible for a VR-1 license if that property owner can demonstrate that the dwelling unit or another dwelling unit, on the lot where the VR-1 is located, qualifies as their primary residence. The rental of a portion of the dwelling, as in a bedroom, cannot be a room that is detached from the dwelling unit.

Vacation Rental-2 (VR-2): An entire dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days and a minimum of 4 nights.

**VACATION RENTAL LICENSE**

A written permission given to a property owner to operate a vacation rental in compliance with Chapter 190. Vacation Rental Licensing.

---

---

Given under our hands and seal at Bar Harbor this eighteenth day of August, 2020.

**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