

# Draft Order

## Of the Bar Harbor Town Council For the June 8, 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 — Regulation of Short-Term Rentals** — Shall an ordinance, dated December 16, 2020, and entitled “An amendment to regulate short-term rentals by creating and defining vacation rental-1 and vacation rental-2 uses to be allowed in certain districts, establish specific standards for vacation rental-1 and vacation rental-2, and amend and add related definitions,” be enacted?

---

---

### Regulation of Short-Term Rentals

**An amendment to regulate short-term rentals by creating and defining vacation rental-1 and vacation rental-2 uses to be allowed in certain districts, establish specific standards for vacation rental-1 and vacation rental-2, and amend and add related definitions**

---

---

#### EXPLANATION

- A. It would allow any currently registered vacation rental to continue operating.**
- B. It would create and define two new uses, vacation rental-1 (VR-1) and vacation rental-2 (VR-2).**
- C. It would add a definition for short-term rental, an umbrella term to encompass vacation rentals, vacation rental-1s and vacation rental-2s.**
- D. It would allow VR-1, as follows:**
  - 1. In the primary residence or at the location of the primary residence.
  - 2. May be an entire dwelling unit or part of a dwelling unit.
  - 3. No minimum rental period/number of nights restriction (i.e. nightly rental allowed).
  - 4. Maximum number of VR-1 registrations per qualifying property would be two – it may be in the primary residence and/or at the location of the primary residence (i.e., a house and garage apartment).
- E. It would allow VR-2, as follows:**
  - 1. Not the owner’s primary residence.
  - 2. Must be an entire dwelling unit.

3. Minimal rental period of four nights.
4. The maximum number of VR-2 registrations issued would be 9% of the total number of dwelling units town-wide.

**F. It would allow VR-1 in the following 34 districts. These are the same districts where vacation rentals 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                            | 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             |

**G. It would allow new VR-2s, subject to the proposed cap (see E. 4. above), in the following 18 districts:**

- |                                  |                                     |
|----------------------------------|-------------------------------------|
| 1. Bar Harbor Gateway            | 10. Hulls Cove Business             |
| 2. Village Historic              | 11. Hulls Cove Residential Corridor |
| 3. Mount Desert Street Corridor  | 12. Hulls Cove Rural                |
| 4. Village Residential           | 13. Ireson Hill Corridor            |
| 5. Downtown Village I            | 14. Salisbury Cove Corridor         |
| 6. Downtown Village II           | 15. Salisbury Cove Village          |
| 7. Downtown Village Transitional | 16. Town Hill Business              |
| 8. Downtown Residential          | 17. Town Hill Residential Corridor  |
| 9. Emery                         | 18. Town Hill Residential           |

**H. It would prohibit new VR-2s in the following 16 districts:**

- |                               |                                         |
|-------------------------------|-----------------------------------------|
| 1. Indian Point Residential   | 9. Schooner Head                        |
| 2. Indian Point Rural         | 10. Town Hill Rural                     |
| 3. Ireson Hill Residential    | 11. Shoreland General Development I     |
| 4. McFarland Hill Residential | 12. Shoreland Limited Residential       |
| 5. McFarland Hill Rural       | 13. Shoreland Gen. Dev. II (Hulls Cove) |
| 6. Otter Creek                | 14. Shoreland General Development III   |
| 7. Salisbury Cove Residential | 15. Shoreland General Development IV    |
| 8. Salisbury Cove Rural       | 16. Educational Institution             |

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.

All changes are highlighted for ease of reference.

## 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.

\*\*\*

#### § 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

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

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

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

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

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.

\*\*\*

§ 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

\*\*\*

§ 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

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

\*\*\*

**§ 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

\*\*\*

**§ 125-34 McFarland Hill Rural.**

\*\*\*

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

\*\*\*

Vacation rentals

Vacation rental-1

\*\*\*

**§ 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

\*\*\*



§ 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

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

\*\*\*

§ 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

\*\*\*

§ 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

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

\*\*\*

§ 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

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

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

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

\*\*\*

**§ 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~~

\*\*\*

§ 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~~

\*\*\*

§ 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~~

§ 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; 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**, 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**

\*\*\*

**Article V. Site Plan Review**

\*\*\*

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

\*\*\*

**Y. Short-Term Rental**

**(1) Protection Clause for Vacation Rental. After the effective date of this chapter, any duly registered vacation rental may continue operating as long as the registration is current and renewed on or before May 31, 2022. The property owner will be required to renew the registration prior to its expiration and it will be designated as either a vacation rental-1 or a vacation rental-2. If the registration is not renewed within the above-specified timeframe, the registration expires and the protection clause no longer applies.**

**(2) Reserved**

**(3) Vacation rental-1 (VR-1) Specific Standards**

(a) Maximum number of VR-1 registrations. A maximum of two VR-1 registrations per Tax Assessor property identification 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.

**(4) Vacation rental-2 (VR-2) Specific Standards**

(a) Maximum number of VR-2 registrations. The town-wide maximum number of VR-2 registrations that may be issued shall not exceed 9% 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 VR-2 registration applications, the Code Enforcement Officer will inform the applicant at the top of the wait list, through certified mail, that a registration slot is available. The applicant will have 120 days from the mailing date to secure the registration including but not limited to passing the required inspection(s), addressing code compliance issues, and issuance by the Code Enforcement Officer of the registration. If for any reasons, the applicant does not obtain the registration within 120 days, the VR-2 slot shall be offered to the next person on the wait list. A property owner cannot hold multiple places/slots on the wait list.

\*\*\*

**Article XII. Construction and Definition**

\*\*\*

**§ 125-109 Definitions.**

The following terms shall have the following meanings:

\*\*\*

## **FAMILY:**

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, transient accommodations, short-term rental, employee living quarters, or shared accommodations.

\*\*\*

## **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 for tax returns, driver's license, or voter registration card.

\*\*\*

## **REGISTRATION**

A written permission issued to a property owner to operate a short-term rental in compliance with Chapter 190. Vacation Rental.

\*\*\*

## **SHORT-TERM RENTAL**

Includes vacation rental, vacation rental-1 (VR-1) and vacation rental-2 (VR-2)

\*\*\*

## **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 registration 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 in an accessory structure.

## **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.

\*\*\*

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

DRAFT