

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 — Short-Term Rentals — Shall an ordinance, dated June 2, 2021, and entitled “An amendment to regulate short-term rentals;” be enacted?

Short-Term Rentals

An amendment to:

- a) Regulate short-term rentals by creating and defining short-term rental, vacation rental-1 (VR-1) and vacation rental-2 (VR-2) uses, and amend and add related definitions;
- b) Establish specific standards for the new uses including, but not limited to, provisions for transition from vacation rental (VR) to VR-1 and to VR-2;
- c) Allow existing VR registrations to continue operating so long as the registration is renewed annually;
- d) Allow VR-1 a minimum rental period of two nights;
- e) Allow a maximum number of two VR-1 registrations per primary residence property;
- f) Allow VR-2 a minimum rental period of four nights;
- g) Cap the maximum town-wide number of VR-2 registrations at 9% of the total number of residential dwelling units in Bar Harbor;
- h) Prohibit the transfer of any registration except for a change of ownership during the term of the registration, in which case 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;
- i) Allow VR-1 in the following 34 districts: Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor, Village Residential, Downtown Village I, Downtown Village II, Downtown Village Transitional, 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, Shoreland General Development II (Hulls Cove), Shoreland General Development III, Shoreland General Development IV, and Educational Institution; and
- j) Allow VR-2 in the following 18 districts: Bar Harbor Gateway, Village Historic, Mount

Desert Street Corridor, Village Residential, Downtown Village I, Downtown Village I, Downtown Village Transitional, Downtown Residential, Emery District, Hulls Cove Business, Hulls Cove Residential Corridor, Hulls Cove Rural, Ireson Hill Corridor, Salisbury Cove Corridor, Salisbury Cove Village, Town Hill Business, Town Hill Residential Corridor, and Town Hill Residential.

EXPLANATION

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:

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| 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:

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| 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:

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| 1. Bar Harbor Gateway | 4. Village Residential |
| 2. Village Historic | 5. Downtown Village I |
| 3. Mount Desert Street Corridor | 6. Downtown Village II |

- 7. Downtown Village Transitional
- 8. Downtown Residential
- 9. Emery District
- 10. Hulls Cove Business
- 11. Hulls Cove Residential Corridor
- 12. Hulls Cove Rural
- 13. Ireson Hill Corridor
- 14. Salisbury Cove Corridor
- 15. Salisbury Cove Village
- 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

