

**EXCERPTED FROM**  
**THE WARRANT**  
**SPECIAL TOWN MEETING – November 2, 2021**  
**TOWN OF BAR HARBOR**

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the Municipal Building, Third Floor Auditorium in said Town on Tuesday the second day of November, 2021 at eight o'clock in the forenoon until eight o'clock afternoon, then and there to act on Articles numbered one through nine, all of said articles being set out below to wit:

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**Article 4 – 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?

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**Short-Term Rentals**

**An amendment to Articles III, V, and XII 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.**

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*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**

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#### **§ 125-17 Bar Harbor Gateway.**

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##### **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~~; single-family dwelling and two-family dwelling.

\*\*\*

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services.; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

**§ 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~~; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

\*\*\*

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services.; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

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**§ 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~~.

\*\*\*

E. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services ; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

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**§ 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.~~

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F. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services-; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

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**§ 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~~; 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.

\*\*\*

D. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services-; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

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**§ 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~~; 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.

\*\*\*

D. Allowed activities.

- (1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services-; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

**§ 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~~; 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.

\*\*\*

D. Allowed activities.

(1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services; and vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

**§ 125-22 Downtown Residential.**

\*\*\*

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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~~

\*\*\*

**§ 125-23 Emery District.**

\*\*\*

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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~~

\*\*\*

**§ 125-24 Hulls Cove Business.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

- 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~~

\*\*\*

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

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-27 Hulls Cove Rural.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-28 Indian Point Residential.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-29 Indian Point Rural.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-31 Ireson Hill Corridor.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-32 Ireson Hill Residential.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

§ 125-33 **McFarland Hill Residential.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

§ 125-34 **McFarland Hill Rural.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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

\*\*\*

~~Vacation rentals~~

\*\*\*

§ 125-35 **Otter Creek.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-37 Salisbury Cove Corridor.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-38 Salisbury Cove Residential.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-39 Salisbury Cove Rural.**

\*\*\*

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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~~

\*\*\*

**§ 125-40 Salisbury Cove Village.**

\*\*\*

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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~~

\*\*\*

§ 125-41 **Schooner Head.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

§ 125-43 **Town Hill Business.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

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

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-45 Town Hill Residential.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 and vacation rental-2 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-46 Town Hill Rural.**

\*\*\*

- C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

- 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~~

\*\*\*

**§ 125-47 Shoreland General Development I.**

\*\*\*

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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~~

\*\*\*

**§ 125-48 Shoreland Limited Residential.**

\*\*\*

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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

\*\*\*

§ 125-49 **Shoreland General Development II (Hulls Cove).**

\*\*\*

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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~~

\*\*\*

§ 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~~; single-family dwelling and two-family dwelling.

\*\*\*

E. Allowed activities.

Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services-; and vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

§ 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~~, artist studio, home occupation, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

\*\*\*

E. Allowed activities.

Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; nonintensive recreation uses not requiring structures; public utility installation/essential services-; and vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

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§ 125-51.1 **Educational Institution.**

\*\*\*

C. Allowed activity or structure. Activity or structure allowed without a permit, provided that it complies with all provisions of this chapter:

\*\*\*

Vacation rental-1 provided that it be registered per Chapter 174. Short-Term Rental Registration.

\*\*\*

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~~

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**Article V. Site Plan Review**

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125-69 Standards for particular uses, structures or activities

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**Y. Short-Term Rentals**

**(1) Terms, maximum number of registrations, and transfer of registration.**

**(a) Terms**

[1] All registrations expire on May 31 of each year.

[2] If there is a change of ownership mid-term, the registration remains valid for the dwelling unit, or part thereof, to which it was issued until it expires on the following May 31.

**(b) Maximum number of registrations**

**[1] Maximum number of vacation rental-1 (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. A property owner is 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.

**[2] Maximum number of vacation rental-2 (VR-2) registrations (VR-2 Cap)**

Notwithstanding §125-69 Y. (2), the town-wide maximum number of VR-2 registrations (VR-2 cap) that may be issued shall not exceed 9% of the town's total number of dwelling units. The total number of dwelling units shall be determined by the Assessor at the start of each calendar year.

**(c) Transfer of registration is prohibited.** The transfer of any short-term rental registration is expressly prohibited. For purposes of Vacation Rental Property, a transfer of ownership occurs whenever the property is conveyed as shown on a Maine Real Estate Transfer Tax Declaration, or where a controlling interest in any entity is conveyed as shown on a Maine Controlling Interest Transfer Declaration.

**(2) Transition to vacation rental-1 (VR-1) and vacation rental-2 (VR-2), and Continuance.**

**(a) Transition process from vacation rental (VR) to a vacation rental-1 (VR-1) or to a vacation rental-2 (VR-2).**

[1] Starting on December 2, 2021, any duly registered VR may continue the use as a VR (to include 4-night minimum and the use of an entire dwelling unit or part thereof) until May 31, 2022. On or before May 31, 2022, the VR registration must be renewed as follows, and every year thereafter the registration must be renewed or it is forfeited:

[a] If the VR is operated in a dwelling unit, or is a room in the dwelling unit, which is the owner's primary residence, or on the property of the primary residence, then the owner shall renew the VR registration as a VR-1. However, if the owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) shall be renewed as VR-2s, even if the maximum number of VR-2 registrations (VR-2 cap) is exceeded and even if VR-2s are not allowed in that district.

[b] If the VR is not operated in a dwelling unit which is the owner's primary residence or is not on the property of the owner's primary residence, the VR registration may be renewed as a VR-2, even if the maximum number of VR-2 registrations (VR-2 cap) is exceeded and even if (new) VR-2s are not allowed in that district.

[2] After December 2, 2021, the Code Enforcement Officer shall accept applications for, but will not process or issue, any new VR-2 registrations until June 1, 2022. On or after June 1, 2022, new VR-2 registrations shall comply with the maximum number of VR-2 registrations (VR-2 cap), pursuant to 125-69 Y. (1)(b)[2].

**(b) Continuance of registration for vacation rental-1 (VR-1) and vacation rental-2 (VR-2)**

[1] Any duly registered VR-1 or VR-2 may continue the use as a VR-1 or VR-2 and is eligible for renewal but only in strict compliance with the following:

[a] The registration must be renewed annually in accordance with this chapter and with Chapter 174. Short-Term Rental Registration. Any registration not renewed by the annual expiration date (May 31) will be deemed expired, and will not be eligible for renewal. An applicant whose registration has expired may apply for a new VR-1 or new VR-2 registration and will be required to follow all the requirements for a new VR-1 or new VR-2 registration.

**Article XII. Construction and Definition**

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**§ 125-109 Definitions.**

The following terms shall have the following meanings:

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**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.

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### **PRIMARY RESIDENCE**

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

\*\*\*

### **REGISTRATION**

A written permission issued by the Code Enforcement Officer or designee to a property owner to operate a short-term rental in compliance with Chapter 174. Short-Term Rental Registration.

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### **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 the primary residence of the property owner or on the owner's primary residence property and is rented to a person or a group for less than 30 days and a minimum of two nights. The rental of a portion of the dwelling, such as a bedroom, must be located in the principal structure housing 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.

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### ***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:*

1. *Bar Harbor Gateway*
2. *Village Historic*
3. *Mount Desert Street Corridor*
4. *Village Residential*
5. *Downtown Village I*
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. *Indian Point Residential*
14. *Indian Point Rural*
15. *Ireson Hill Corridor*
16. *Ireson Hill Residential*
17. *McFarland Hill Residential*
18. *McFarland Hill Rural*
19. *Otter Creek*
20. *Salisbury Cove Corridor*
21. *Salisbury Cove Residential*
22. *Salisbury Cove Rural*
23. *Salisbury Cove Village*
24. *Schooner Head*
25. *Town Hill Business*
26. *Town Hill Residential Corridor*
27. *Town Hill Residential*
28. *Town Hill Rural*
29. *Shoreland General Development I*
30. *Shoreland Limited Residential*
31. *Shoreland Gen. Dev. II (Hulls Cove)*
32. *Shoreland General Development III*
33. *Shoreland General Development IV*
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*
2. *Stream Protection*
3. *Resource Protection*
4. *Scientific Research*
5. *Shoreland Maritime Activities*
6. *Marine Research*

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

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

***Recommendations:***

*The five-member Planning Board did not make a recommendation by majority vote that the proposed amendment ought to be adopted or rejected (vote of 2 to 2).*

*The 15-member Warrant Committee recommends adoption by a vote of 8 to 1 with 6 recusals.*

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The Registrar of Voters or her designee will be at the Municipal Offices Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, and during poll hours on Election Day for voter registration. Must provide proof of identity and proof of residency.

***The last day to request an absentee ballot or to vote by absentee ballot in the presence of the clerk is Thursday, October 28, 2021 at 5:00 p.m.*** The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, November 2, 2021 for election of the Moderator and referendum balloting. Absentee ballots will be processed on Saturday, October 30, 2021 starting at 9:00 a.m., or immediately following a requested inspection, and on Election Day every hour on the hour starting at 9:00 a.m.

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