



Town of Bar Harbor Planning & Code Department

Joint Town Council & Planning Board Workshop Vacation Rental Proposed Regulatory Approaches

**Zoom Meeting
April 28, 2020
4:00 PM to 5:30 PM**

Agenda

- 1) VRI**
- 2) Cap requirement in Ch. 190**
- 3) Providing for all registered VR to continue operating as is**
- 4) Maintaining the 4 nights minimum for VRII**
- 5) Other**

01. VR REGULATORY APPROACHES

	VR-I	VR-II
<p>Examples and requirements:</p> <p>a) VR is a dwelling unit that is rented for less than 30 days.</p> <p>b) VR excludes the short-term rental of RVs, campers, tents, tree houses, etc.</p>	<ul style="list-style-type: none">• Must be permanent resident at, and owner of, the residence• Max of 2 VR registrations on the same parcel than the resident's permanent residence.• May be hosted or non-hosted.• If the VR is a room(s), the room(s) must be in a dwelling unit and the renter must have access to the amenities of the dwelling unit• Could be someone who rents an apartment over the garage and/or a room in the house; or someone who leaves their permanent residence to go to camp for the summer and rent their house and/or another detached dwelling unit on the lot.	<ul style="list-style-type: none">• Must be the whole dwelling• Cannot be a room in a dwelling• Could be a Bar Harbor property owner in the case where dwelling unit is not the owner's permanent residence.• Could be any dwelling unit that is owned by non-Bar Harbor resident.

01. VR REGULATORY APPROACHES

	VR-I	VR-II
Ch. 190 – VR Registration		
Require posting of BH registration # on all advertisement including, but not limited to, online platforms such as Airbnb, HomeAway, etc. Visual clue	YES	YES
Annual registration	YES	YES
Annual Fee ¹	\$250/registration	\$250/registration
Inspection cycle for life safety standards ²	Every 3 years by Fire Dept. Annual check-off by owner	Every 3 years by Fire Dept. Annual check-off by owner
Ch. 64 - Disorderly Houses (that would cover problems with large gatherings)	YES - Add VR to the definition of building (to make it clear)	YES - Add VR to the definition of building (to make it clear)
License revocation (based on multiple, recurring and/or significant code violations and non-compliance, and in some cases criminal activity)	The Council could revoke the license for a min of 3 and max of 8 months after a public hearing.	The Council could revoke the license for a min of 3 and max of 8 months after a public hearing.

¹ The fee may need to be re-evaluated to ensure it is commensurate with the work associated with vacation rental registration.

² Will need to assess the impacts on staffing.

01. VR REGULATORY APPROACHES

	VR-I	VR-II
Operating without a registration	Would have to wait 12 months from the date of the violation before applying for a VR registration	Would have to wait 12 months from the date of the violation before applying for a VR registration and would be placed at the bottom of the wait list
Applicant must be current on all taxes, water/sewer/other fees ³	YES	YES
Require indoor posting of license certificate (to include the physical address of VR and owner/contact information). <i>This reaffirms existing requirement in 190-3 E., partly.</i>	YES	YES
Require a one-time notification by the town to immediate abutters (includes across a road/ROW) within 30 days of issuance of VR license ⁴	YES	YES
Weekly trash removal	YES	YES

³ Will need to assess the impacts on staffing.

⁴ Will need to assess the impacts on staffing.

01. VR REGULATORY APPROACHES

	VR-I	VR-II
Regulate the max number of people per bedrooms	NO	NO
Regulate the max number of people/septic capacity	NO	NO
Require proof of insurance	NO	NO
Regulate the max number of people on property for special event (i.e. wedding, etc.)	NO - See Disorderly Houses	NO - See Disorderly Houses
Require a VR placard outside	NO	NO
Require posting by the town of all VR licenses (to include location and name of licensee) on town website.	NO	NO

01. VR REGULATORY APPROACHES

	VR-I	VR-II
Town-wide cap	NO	<p>Cap of 175⁵ with a 3:1 entry ratio until cap is met (i.e. for every three expired licenses one is issued until the cap is met at which time the number of license issued would not exceed the cap).</p> <p>From time to time, the Town Council shall consider adjustments to the cap for the calendar year.</p>

⁵ 175 represents about 5% of the Bar Harbor Housing Stock. We know that at least 236 of the towns 438 vacation rentals registrations are to non-Bar Harbor addresses. The remaining 202 vacation rental registrations are to Bar-Harbor addresses but this does not imply that these vacation rentals are all taking place on the property of a permanent resident.

01. VR REGULATORY APPROACHES

	VR-I	VR-II
Ch. 125 - Land Use Ordinance		
VR registration protection clause	N/A	Duly registered VR will be able to continue operating under the current regulations of a minimum of 5-days (4 nights) and in the same districts, as long as the VR registration is renewed annually. If the registration is not renewed or if the property is transferred, the above-mentioned protection expires.
Districts Presently VRs are allowed in 34 of the 40 districts for a period of 5 days or more. The six districts where VRs are not allowed are Industrial, Scientific Research, Marine Research, Shoreland Maritime, Stream Protection, and Resource Protection.	No change	No Change
Length of stay	No minimum length of stay	No change - stays 4 nights minimum

01. VR REGULATORY APPROACHES

	VR-I	VR-II
Different length of stay in off season	NO	NO
Cap on number of VR by type/by owner	De facto maximum of 2 VR registrations	NONE
Parking standards	No change	No change
Residential or commercial use?	Residential use with limited commercial activity	Residential use with 100% Commercial activity
Cap per zone	NO	NO
Cap per neighborhood	NO	NO
Require a certain occupancy time of the dwelling prior to using it as VR	NO	NO
Require a lapse of time between the construction of a dwelling unit and it being used as VR	NO	NO