

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 — Regulation of Short-Term Rentals — Shall an ordinance, **dated _____, 2021**, 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 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 and amend and add related definitions

EXPLANATION

- A. It would create and define two new uses, vacation rental-1 (VR-1) and vacation rental-2 (VR-2).**
- B. It would add a definition for short-term rental, an umbrella term to encompass vacation rentals, vacation rental-1s and vacation rental-2s.**
- C. 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. Minimal rental period of two nights.
- D. It would allow VR-2, as follows:**
 - 1. **In general, not at the owner’s primary residence. Must be an entire dwelling unit.**
 - 2. Minimal rental period of four nights.
- E. 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
 - 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
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

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

G. It would prohibit new VR-2s in the following 16 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

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**; 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.**

§ 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.

§ 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.

§ 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.

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.

§ 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.

§ 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.

§ 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.

§ 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.

- 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.

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.

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.

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.

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.

- 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.

- 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.

- 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.

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.

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.

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.

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.

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.

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.

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.

- 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.

- 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.

- 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.

- 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.

- 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.

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.

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.

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.

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.

§ 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.

§ 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.

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

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, 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. 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 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.

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