



Transient Lodging Use

March 27, 2024

Overview

- Introductions
- History of process
- Explanation of amendment
- Review draft language
- Next steps
- Timeline
- Questions & comments

Planning & Code Department

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What is the Lodging amendment about?



Identified Problems



Uses



Permitting Authority



Parking



Standards

What has the process been so far?



BED-AND-BREAKFAST I

Overnight accommodations and a morning meal in an owner-occupied dwelling unit constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate.

BED-AND-BREAKFAST II

Overnight accommodations and a morning meal in a dwelling unit occupied by the owner/innkeeper or a designated employee constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate.

BED-AND-BREAKFAST III

Overnight accommodations and a morning meal in a dwelling unit occupied by the owner/innkeeper or a designated employee provided to transients for compensation. Breakfast is included in the room rate.

BED-AND-BREAKFAST IV

Overnight accommodations, a morning meal, and additional meals in a dwelling unit occupied by the owner/innkeeper or a designated employee constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate. The meals may be open to the public.

BED-AND-BREAKFAST V

Overnight accommodations, a morning meal, and additional meals in a dwelling unit occupied by the owner/innkeeper or a designated employee provided to transients for compensation. Breakfast is included in the room rate. The meals may be open to the public.

CABINS

Not defined but has standards in 125-69, see below

COTTAGES

Not defined but has standards in 125-69, see below

HOTEL

A facility offering transient lodging accommodations for transients and which may include additional accessory facilities and services available to the general public, as well as a conference center.

MOTEL

A facility providing sleeping accommodations for transients with additional accessory facilities and services available to transients at the motel only.

TRANSIENT

A person staying at a place that does not constitute his or her home or usual dwelling unit for less than 30 days.

TA-1

Bed-and-breakfast accommodations in the private, year-round residence of the host family who live on the premises (one to three rooms; maximum six guests). Breakfast is the only meal provided.

TA-2

A building or buildings where for compensation lodging is provided (four to 25 rooms). No meals are served.

TA-3

An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging is provided (four to 10 rooms). TA-3 is permitted in districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures:

- (1) No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;
- (2) There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts; and
- (3) Breakfast is the only meal provided.

TA-4

An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging is provided (11 to 25 rooms). TA-4 is permitted in districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures:

- (1) No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;
- (2) There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts; and
- (3) Breakfast is the only meal provided.

TA-5

A building or buildings where for compensation lodging and one or more meals for guests only are provided (four to 25 rooms).

TA-6

An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging and meals for guests only are provided (four to 25 rooms). TA-6 is permitted in districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures:

- (1) No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;
- (2) There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts.

TA-7

A building or buildings where for compensation lodging and meals are provided (four to 25 rooms). Accessory uses subject to site plan review include restaurant, gift shop and the like.

TA-8

A building or buildings where for compensation lodging and meals are provided (25 or more rooms). Accessory uses subject to site plan review include restaurant, cocktail lounge, gift shop, conference room, recreational facilities, such as swimming pool, game courts, and recreational rooms, and the like.

TRANSIENT ACCOMODATIONS, NONPROFIT

Not defined

LODGING I - A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of three guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

LODGING II - A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.

LODGING III - A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be offered for compensation to the overnight guests and the general public.

LODGING IV- An establishment which offers transient lodging accommodations and which may include additional accessory facilities and services available for the overnight guests only.

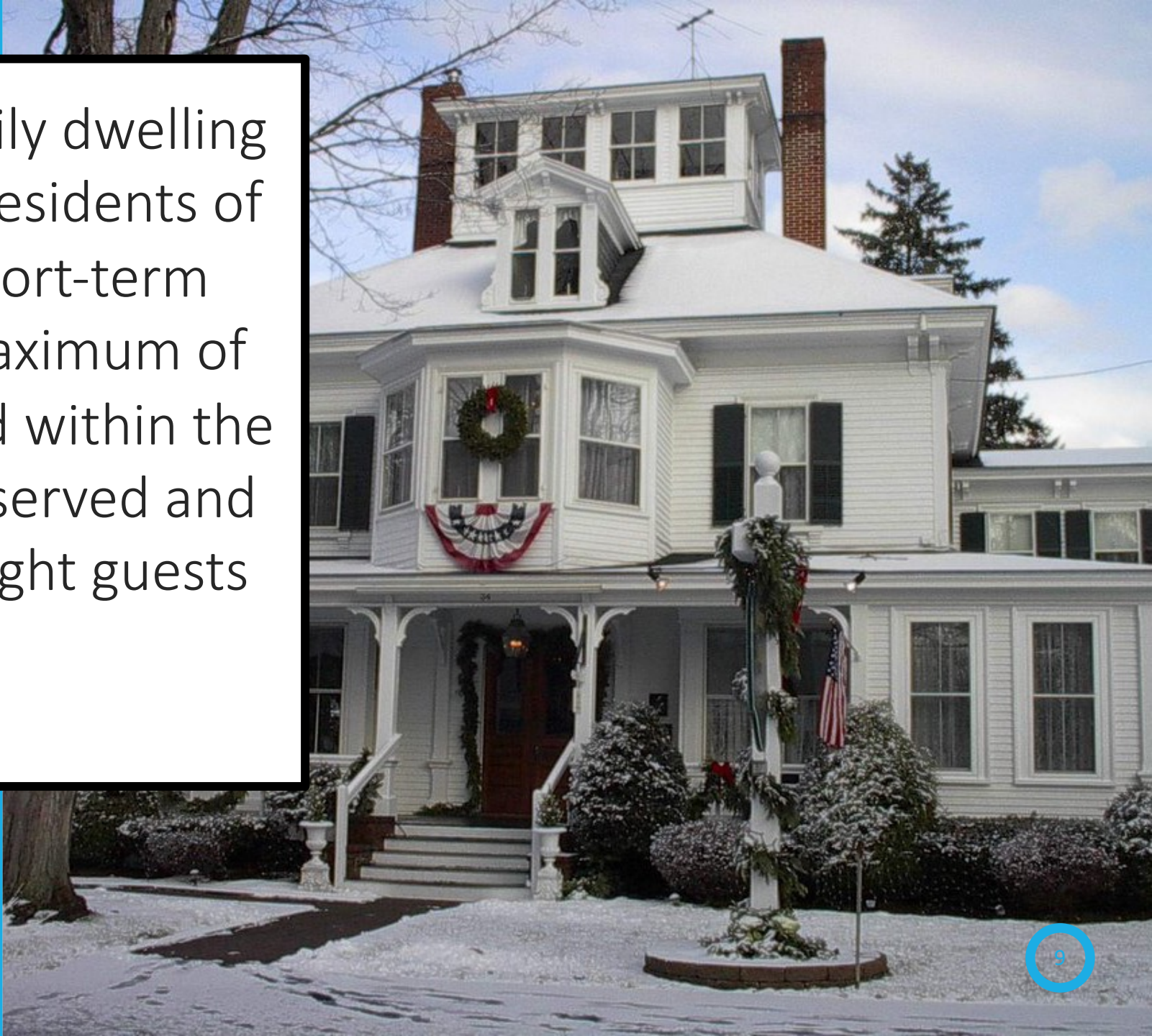
LODGING V - An establishment which offers transient lodging accommodations and which may include additional accessory facilities and services available to the overnight guests and the general public, as well as a conference center.

LODGING VI - An establishment which offers transient lodging accommodations (1-25 rooms) and which may include additional accessory facilities and services available for the overnight guests only.

LODGING VII - An establishment, in a building constructed before June 10, 1986 which offers transient lodging accommodations (1-25 rooms) and which may include additional accessory facilities and services available for the overnight guests only.

7 New Proposed Definitions

LODGING I - A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of three guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.



Lodging I – Where will it be allowed?

Downtown Residential
Emery
Hulls Cove Residential Corridor
Hulls Cove Rural
Ireson Hill Residential
McFarland Hill Residential
Otter Creek
Town Hill Residential Corridor
Town Hill Rural

LODGING II - A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be served and shall be limited to overnight guests only.



Lodging II – Where will it be allowed?

Bar Harbor Gateway

Village Historic*

Mount Desert Street Corridor

Village Residential (CU)

Downtown Village I & II

Downtown Village Transitional

Hulls Cove Business

Ireson Hill Corridor

Salisbury Cove Corridor

Salisbury Cove Village

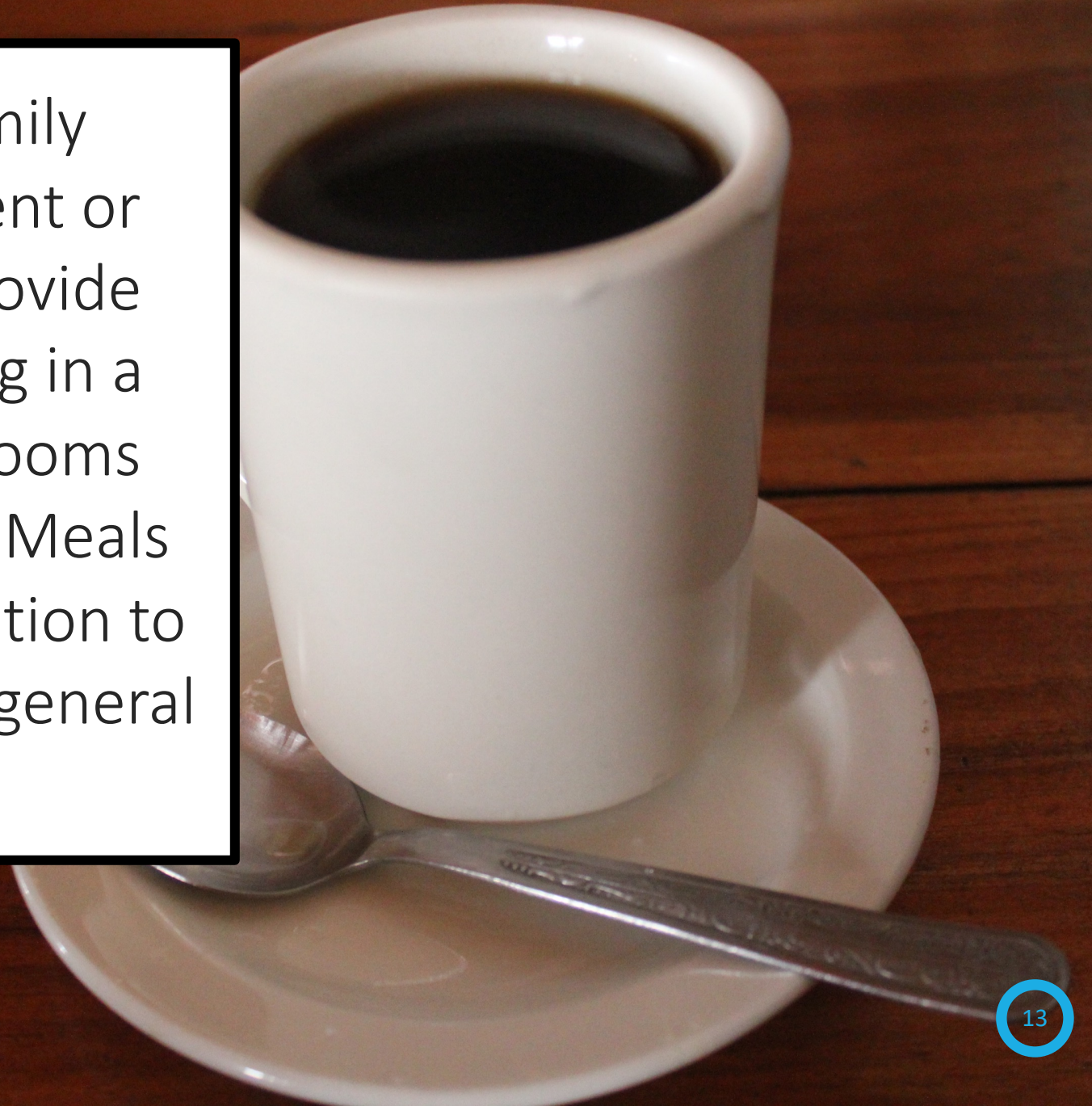
Town Hill Business

Town Hill Residential

Shoreland General Development III

*Only for lots with road frontage or access to Harbor Lane and only in a building constructed before June 8, 2010.

LODGING III - A single-family dwelling in which the resident or residents of the dwelling provide short-term overnight lodging in a maximum of twelve guest rooms located within the dwelling. Meals may be offered for compensation to the overnight guests and the general public.



Lodging III – Where will it be allowed?

Bar Harbor Gateway
Mount Desert Street Corridor (CU)
Downtown Village I & II
Hulls Cove Business
Ireson Hill Corridor
Town Hill Business
Shoreland General Development III

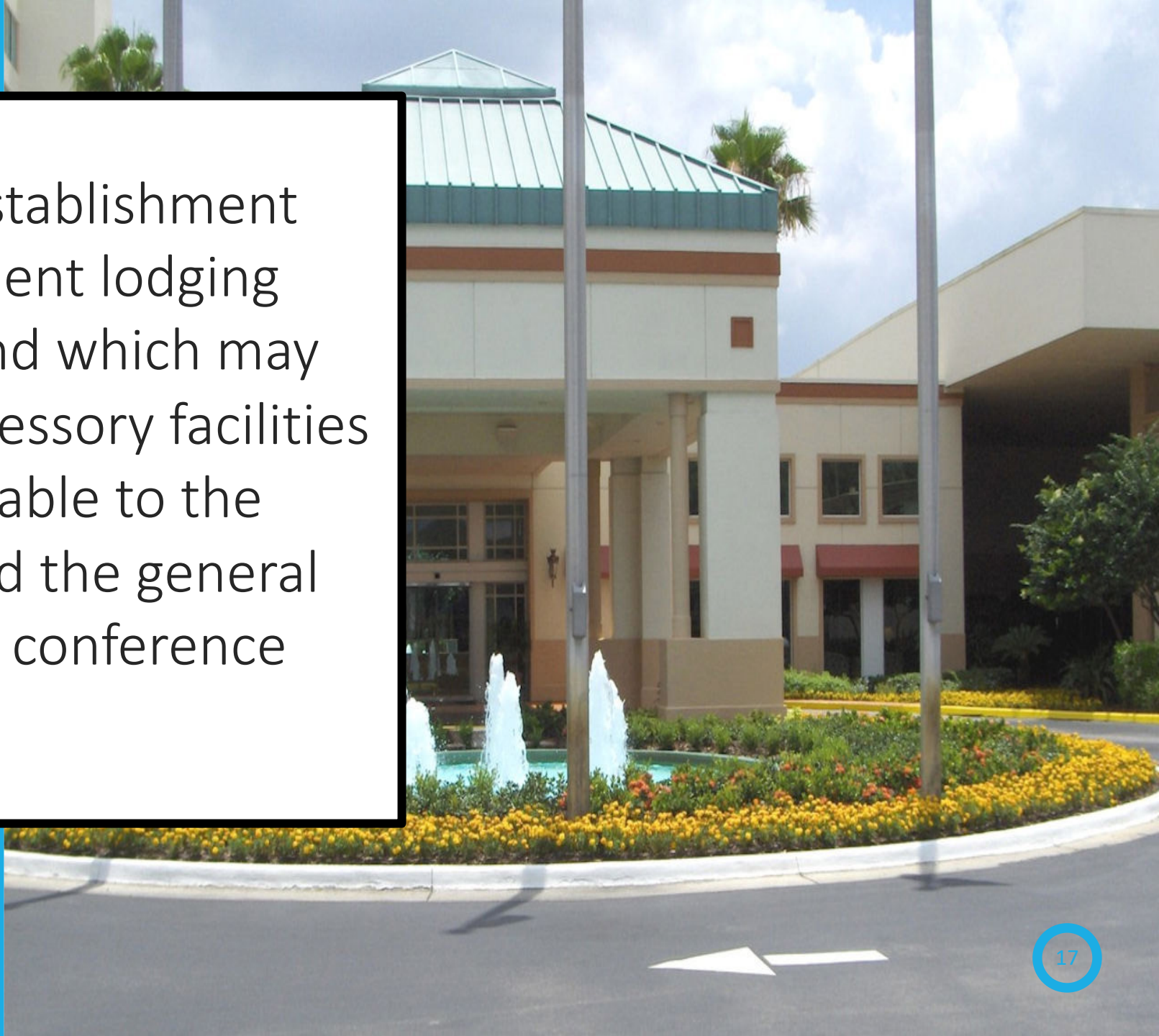
LODGING IV - An establishment which offers transient lodging accommodations and which may include additional accessory facilities and services available for the overnight guests only.



Lodging IV – Where will it be allowed?

Bar Harbor Gateway
Downtown Village I & II
Ireson Hill Corridor
Salisbury Cove Village
Town Hill Business
Shoreland General Development I
Shoreland General Development III
Shoreland General Development IV

LODGING V - An establishment which offers transient lodging accommodations and which may include additional accessory facilities and services available to the overnight guests and the general public, as well as a conference center.



Lodging V – Where will it be allowed?

Bar Harbor Gateway
Downtown Village I & II
Ireson Hill Corridor
Salisbury Cove Village
Town Hill Business
Shoreland General Development I
Shoreland general Development III
Shoreland Maritime Activities

LODGING VI - An establishment which offers transient lodging accommodations (1-25 rooms) and which may include additional accessory facilities and services available for the overnight guests only.



Lodging VI – Where will it be allowed?

Village Residential (CU)
Salisbury Cove Corridor
Town Hill Residential*

*Only from the north side of Route 3 shoreward from 500 feet from the Trenton town line to Jones Marsh Resource Protection

LODGING VII - An establishment, in a building constructed before June 10, 1986 which offers transient lodging accommodations (1-25 rooms) and which may include additional accessory facilities and services available for the overnight guests only.



Lodging VII – Where will it be allowed?

Mount Desert Street Corridor (CU)

Downtown Residential*

Hulls Cove Residential Corridor

Town Hill Residential Corridor

*Only for the portions of the Downtown Residential district between Eden Street and the district boundary behind Kennebec Street, and from the Field south to Hancock Street.

Draft Order

of the Bar Harbor Town Council

for the November 5, 2024 Special Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

WARRANT ARTICLE

Article **XX** **LAND USE ORDINANCE AMENDMENT – Transient Lodging Accommodation Uses** – Shall an ordinance, dated **December 6**, 2024, and entitled “**An amendment to**” be enacted?

SUMMARY

This amendment would reduce the overall number of transient lodging accommodation uses from nineteen to seven and redefine each of the new uses.

EXPLANATION

The amendment would include the following changes:

- Replace nineteen existing transient lodging uses with seven new uses and definitions.
- Modify nonconforming provisions to reflect new lodging uses.
- Adjust relevant general review standards for parking and loading requirements.
- Remove general review standards for cabins and cottages.
- Replace existing lodging use references with new use references in Article XIII Design Review.
- Require minimum parking standards for all transient lodging accommodation uses.
- Require site plan approval or conditional use approval for all transient lodging accommodation uses.
- Amend Article III to replace existing transient accommodation uses with the new lodging uses.

Transient Lodging Accommodation Uses

An amendment to Articles III, IV, V, XII and XIII

Green – changes already on the June 2024 warrant.

Yellow – changes proposed for lodging amendment.

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; multifamily dwelling I; restaurants and bars; theaters; galleries; services; shared accommodations (SA-1); professional offices; **all bed and breakfasts**; food-processing establishment; theaters; single- and two-family dwelling units; **bonus dwelling unit**; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(2) Uses allowed by site plan review: employee living quarters **1**; **hotel; motel;** conference centers; multifamily dwelling II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; **lodging II; lodging III; lodging IV; lodging V**; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3).

(3) Uses allowed by conditional use permit: public utility facility.

(4) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

Red – Changes on the June warrant that need to be included back into the ordinance.

Yellow – Changes related to the lodging amendment.

(2) Activities allowed by building permit and requiring approval of the Code Enforcement Officer: driveway construction; road construction (after subdivision approval has been granted); filling/earthmoving activity of 10 cubic yards or more; essential services.

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval

(2) Parking requirements. [Also see parking requirements found in § 125-67B(4).]

~~(a) Transient accommodations shall provide one space per room.~~

(a)(b) Schools as the principal use on a lot shall provide one parking space per classroom plus one space for every four employees.

(b)(e) Professional offices, medical clinics and hospitals shall provide parking for the number of employees on the largest shift plus adequate parking for visitors and patients as reviewed by the Planning Board.

(c)(d) Other uses shall not be required to provide parking.

November 5, 2024 Amendment Timeline



How to Participate



- Attend meetings
- Email comments to staff for distribution

▪ **VOTE!**

Questions or Comments?



A high-angle photograph of a woman with curly hair, wearing a tan trench coat and black pants, walking on a concrete sidewalk. She is holding a white coffee cup. The background is a plain concrete wall and sidewalk.

Thank you

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