



CITY COUNCIL ACTION

Council Meeting Date: March 11, 2024

Item No: 24-100

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending the Code of the City of Bangor, by Clarifying the Definitions of Hosted and Non-Hosted Short-Term Rentals.

Summary

The proposed changes would update the City’s Code of Ordinances to clarify the definitions of Hosted and Non-Hosted Short-Term Rentals. The current definitions state that in order to qualify as a hosted short-term rental, the owner or operator must be on the premises while a rental is occupied, and a non-hosted rental is where the owner or operator is not on the premises. The updated definitions state that a hosted rental is where the property is the primary residence of the owner or operator and a non-hosted rental is where the property is not the owner or operator’s primary residence. This change aligns with the intent of the original ordinance adopted in October of 2023.

Committee Action

Committee: Planning Board

Meeting Date: March 19, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: March 11, 2024

Assigned to Councilor: Deane

ORDINANCE, Amending the Code of the City of Bangor by Clarifying the Definitions of Hosted and Non-Hosted Short-Term Rentals.

WHEREAS, the proposed changes would update the City's Code of Ordinances to clarify the definitions of Hosted and Non-Hosted Short-Term Rentals.

WHEREAS, the current definitions state that in order to qualify as a hosted short-term rental, the owner or operator must be on the premises while a rental is occupied, while the updated definitions state that a hosted rental is where the property is the primary residence of the owner or operator;

WHEREAS, this change aligns with the intent of the original ordinance adopted in October of 2023;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

The Code of the City of Bangor is amended as follows:

§ 254-3 Definitions.

...

PRIMARY RESIDENCE

The dwelling in which a person resides as his or her legal residence for more than one half of a year and registers as his or her address for tax and/or government identification purposes.

...

SHORT-TERM RENTAL, HOSTED

A short-term rental where the ~~owner or operator is on~~ the premises where the short-term rental unit is located ~~is the primary residence of the owner or operator during any period when the short-term rental unit is occupied.~~ For purposes of this definition, "is on the premises" means ~~is physically present within~~ (i) a portion of the building within which the short-term rental unit is located; (ii) a dwelling unit located on the same lot as an accessory dwelling unit (ADU) if the ADU is the short-term rental unit; or (iii) an ADU located on the same lot as a dwelling unit if the dwelling unit is the short-term rental unit.

SHORT-TERM RENTAL, NON-HOSTED

A short-term rental where ~~neither the owner nor the operator is on~~ the premises where the short-term rental unit is located ~~is neither the primary residence of the owner nor the operator during the period when the short-term rental unit is occupied, whether or not, regardless of whether~~ on-site or off-site property management services are provided for the short-term rental unit. For purposes of this definition, "is on the premises" has the meaning ascribed to it in the definition of "short-term rental, hosted."

§ 254-4 Licensing.

...

B. Licensing procedure. All administrative power and authority vested in the City Council to grant or deny a

short-term rental license required by this chapter shall be delegated to the reviewing authority.

- (1) Application. The owner or operator of a proposed short-term rental shall file a license application with the reviewing authority on forms provided by the office of the reviewing authority. The application shall include, at minimum:

...

- (c) Property location and short-term rental details.

...

- [4] For hosted short-term rentals, attestation or documentation demonstrating that the premises where the short-term rental is located is the primary residence of the owner or operator. ~~the owner or operator will be on the premises where the short-term rental unit is located during any period when the short term rental unit is occupied.~~

Additions underlined, deletions ~~struck through~~.



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Debbie Laurie, City Manager

From: Anja Collette, Planning Officer

Date: March 20, 2024

CC: Courtney O'Donnell, Assistant City Manager
David Szewczyk, City Solicitor
Anne Krieg AICP – Director of Community & Economic Development

Re: Planning Board Recommendation March 19, 2024
Amending Chapter 165, Land Development Code, by Clarifying the Definitions of Hosted and Non-Hosted Short-Term Rentals

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item in a noticed public hearing on March 19, 2024.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were Chair Reese Perkins, Vice Chair Ted Brush, and Members Don Meagher, Jonathan Boucher, Trish Hayes, Mike Bazinet, and Joshua Saucier. Alternate Member Janet Jonas was also in attendance.

Planning Officer Collette reviewed the proposed changes to the short-term rental definitions.

From the staff memo:

- A. The current definitions in Chapter 254 state that in order to qualify as a hosted short-term rental, the owner or operator must be on the premises while a rental is occupied, and a non-hosted rental is where the owner or operator is not on the premises. There was some consternation about this definition during discussions on the initial language since there was a desire for residents to be able to rent a room out when taking a trip, or for similar situations. This was also the original intent of the ordinance; therefore, in order to ensure that this situation can be allowed, staff are proposing to clarify the definitions to state that a hosted rental is where the property is the primary residence of the owner or operator and vice versa for a non-hosted rental.
- B. Primary residence is defined as "the dwelling in which a person resides as his or her legal residence for more than one half of a year and registers as his or her address for tax and/or government identification purposes." When applying for a short-term rental license, the applicant would need to provide evidence that the dwelling is their permanent residence.
- C. This change aligns with the intent of the original ordinance adopted in 2023.

CITY OF BANGOR PLANNING DIVISION
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 3.19.2024
Land Development Code – Short-Term Rentals – Definitions Clarification

Member Boucher asked for clarification on the meaning of operator in the definition, which Planning Officer Collette explained would apply in the case of potentially a tenant being the operator of a short-term rental versus the owner.

Chair Perkins spoke in support of this change, stating that it addressed one of his primary concerns with the original language adopted last fall.

There were no public comments.

Member Saucier moved to recommend to City Council that the proposed amendments ought to pass. Vice Chair Brush seconded the motion. The motion passed 7:0 with all members voting in favor.

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed amendments ought to pass.

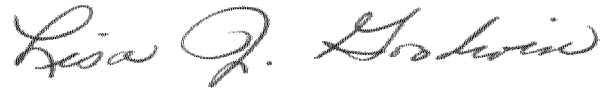
Anja Collette

IN CITY COUNCIL

MARCH 11, 2024

COrd 24-100

First Reading and Referral to Planning Board Meeting on March 19, 2024



CITY CLERK

IN CITY COUNCIL

MARCH 25, 2026

COrd 24-100

Motion made and seconded for Passage

Vote: 8-0

Councilors Voting Yes: Deane, Fish, Fournier, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier

Councilors Voting No: None

Passed

Brandon Powell

DEPUTY CITY CLERK