

Amendment No. 1 to Bill 1401

Proposed by: Mr. Bartlett
Introduced by: Mr. Bartlett, Ms. Price
Date: August 14, 2018

A BILL TO REPEAL AND REPLACE TALBOT COUNTY CODE CHAPTER 190, ENTITLED “ZONING, SUBDIVISION, AND LAND USE DEVELOPMENT”, IN ITS ENTIRETY, AND TO ENACT AN ENTIRE NEW CHAPTER 190 OF THE TALBOT COUNTY CODE TO IMPLEMENT ZONING CONTROLS AND REGULATIONS CONSISTENT WITH AND PURSUANT TO THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN

KEY

Boldface.....Heading or defined term
Underlining.....Added by amendment
~~Strikethrough~~.....Deleted by amendment
* * * Existing Bill unaffected

Proposed Amendments: The amendments proposed to the text of Exhibit “A” to the Bill are as follows:

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33.6. DWELLING, ACCESSORY

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D. Permitted use of accessory dwellings:

1. The property owner may live on-site and rent one of the dwellings, or may rent the entire property. The primary dwelling and accessory dwelling shall not be rented to different tenants, and a tenant shall not sublease one of the dwellings.
2. The accessory dwelling may be used as a guest house or an employee dwelling.

3. An accessory dwelling in a detached accessory structure shall not be used as or in conjunction with ~~a short-term rental or~~ a bed and breakfast establishment.

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33.20. SHORT-TERM RENTAL

A. LICENSE REQUIRED

A license issued pursuant to § 190-63 of this Chapter is required for all short-term rentals. Short-term rentals without such license are prohibited.

B. ELIGIBILITY

A short-term rental license may ~~only~~ be issued for either a primary residential dwelling unit or for no more than one detached accessory dwelling or apartment, but not for both. The property must be the applicant's principal residence at the time of application and at all times while short-term rental activity occurs on the property. Notwithstanding the foregoing, the residency requirement shall not apply to duly licensed short-term rentals existing as of _____ [insert effective date of legislation] and the same may be permitted to renew said licenses in accordance with the renewal provisions applicable to short-term rentals without meeting with the residency requirement. If the license is issued for a primary residential dwelling unit, dD detached accessory dwellings, apartment or bedrooms within a detached accessory structure may not be used as sleeping quarters in conjunction with a short-term rental. If the license is issued for a detached accessory dwelling or apartment, the property owner must be staying in the primary residential dwelling unit while short-term rental guests occupy the accessory dwelling or apartment.

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Purpose: This new language is intended to add a residency requirement for short-term rentals and authorize short-term rental licenses for accessory dwellings or apartments.

Amendment not substantive: An amended ordinance cannot be deemed to be a new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment does not meet the test and therefore is non-substantive.