

**Amendment 3 to Exhibit A of Bill 1401**

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

**WHEREAS**, the emergence and proliferation of short term rentals or vacation rentals has become an issue in our community; and

**WHEREAS**, hosts and potential hosts want to take advantage of the sharing economy without harsh restrictions. In their opinion, short term rentals can help make mortgage payments and property taxes affordable; and

**WHEREAS**, on the other hand, residents want the opportunity to know their neighbors and this is next to impossible when their neighbors change often; and

**WHEREAS**, some argue that short term rentals create nuisances, such as noise and overcrowding, and destabilize and disrupt communities by driving out long term residents; and

**WHEREAS**, the further proliferation of short term rentals threatens the character of neighborhoods and it is appropriate to limit that proliferation in some way to preserve neighborhood character and quality of life; and

**WHEREAS**, the current proposal to limit not allow short-term rentals within 500 feet of each other does not effectively resolve these concerns; and

**WHEREAS**, the Council must balance the interests between the citizens who want to achieve benefits from renting their property on a short-term basis against the interest of citizens who want to protect the community character of their neighborhoods; and

**WHEREAS**, a cap on the overall number of licenses issued will assist in maintaining the current neighborhood character and community cohesion that results from most dwellings being used by the owners of such dwellings as their homes; and

**WHEREAS**, the level of the cap established herein should be re-evaluated by the County Council in eighteen months to assure that the level established herein is appropriate.

**NOW, THEREFORE**, the County Council of Talbot County, Maryland, hereby amends Exhibit "A" to Bill 1401 as follows:

Proposed Amendments: The amendments proposed to the Bill are as follows:

**KEY**

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

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## **63.2. NEW LICENSE APPLICATION PROCESS**

### **A. WHO MAY APPLY**

Only the record title holder(s) of the property where the short-term rental activity will occur may apply for a short-term rental license.

### **B. CONTENTS OF APPLICATION**

All applications for short-term rental licenses shall be submitted to the Talbot County Department of Planning and Zoning on a form prepared and approved by the Planning Director. The application shall include, and the applicant shall provide, without limitation, the following:

1. A statement as to whether the proposed short-term rental dwelling is the applicant's primary residence;
2. Proof that the applicant(s) can satisfactorily monitor or has retained the services of a resident agent capable of monitoring the short-term rental property. The applicant or resident agent shall have a home or office within 30 miles of the short-term rental unit and be available to respond from this location during periods of short-term rental;
3. An address and telephone number where the applicant or, if applicable, their resident agent, may be contacted 24 hours a day during any short-term rental period;
4. Copy of insurance policy for short-term rental or vacation rental use in the minimum amount of \$500,000;
5. Statement of where and how the applicant will be advertising the short-term rental, including printed, on-line and audio or video material. All advertising must include the Short-term rental license number;
6. A copy of the standard lease agreement and house rules.
7. A floor plan and site plan, to scale, with the use of each room labeled, including decks, patios, porches, swimming pools, outdoor entertainment areas, garages, fencing, vegetative screening and parking spaces.
8. Notarized signature of the applicant representing that all of the contents of the application are true and accurate to the best of the applicant's knowledge and belief and acknowledging that any material misrepresentations or omissions are grounds for denial, revocation, or suspension of the license; and,

9. Any other information as determined by the Planning Director to demonstrate the ability to comply with this Section and other provisions in this Chapter 190 related to short-term rentals.

### **C. FEES**

The fee for a short-term rental license shall be the amount determined in the fee schedule adopted annually by the County Council. No short-term rental license will be issued until all fees are paid.

### **D. NOTICE OF APPLICATION**

The applicant must provide notice of the short-term rental application as provided herein.

1. The applicant shall provide proof that the short-term rental application information has been provided to the following:

- a. Owners of properties contiguous to the short-term rental property;
- b. Owners of properties across a roadway, easement or right-of-way from the short term rental property;
- c. Owners of all other properties with a property line within 1,000 feet, including in line of site within 1,000 feet across waterways of the short-term rental dwelling; and,
- d. If applicable, a homeowners association, property owners association or covenant administrator for the development where the short-term rental property is located.

2. Notification shall be by certified mail, return receipt requested or other shipping carrier with adult signature required, to the address provided on the annual Talbot County tax bill or any other written means, such as e-mail or regular mail, provided receipt is confirmed in writing.

3. The notice shall include, at a minimum, information as listed in the example short-term rental notification letter in the application package. This information shall include: the applicant's name, contact information, including address, e-mail, and telephone number; 24 hours contact information in the event of any problem at the short-term rental property; contact information for the Code Compliance Officer or other designated County official; statement that a short-term rental application has been filed with the Talbot County Department of Planning and Zoning and that such application is available for public inspection; and state, if applicable, that a public hearing on the application will be held by the Short-Term Rental Review Board.

4. The notices required by this Section shall be sent out within 21 days of filing the short-term rental application with the Talbot County Department of Planning and Zoning.

5. The applicant shall file a certificate of service with the Talbot County Department of Planning and Zoning promptly after sending out the required notices on a form prepared and approved by the Planning Director. The certificate shall be signed by the applicant; certify that the required notices were sent out in accordance with this Section; and, include a list of all recipients and a copy of the notice that was sent out.

### **E. 500 FOOT SETBACK**

~~New short term rentals shall be a minimum of 500 feet apart. For purposes of this Subsection, the measurement shall not be taken over navigable water and shall be taken between structures used for the short-term rental use and not between property lines.~~

## NUMBER OF LICENSES

The County shall only have the authority to issue the following number of short-term rental licenses: two percent (2%) of the number of housing units within the unincorporated areas of Talbot County, as determined by the most recent available United States Census Bureau data.

## **F. DURATION OF NEW LICENSE**

A new license shall be issued for a period of up to one year, expiring on December 31<sup>st</sup> unless otherwise specified by the Short-Term Rental Review Board.

## **G. REVIEW BY GOVERNMENTAL ENTITIES AND OFFICIALS**

License applications are reviewed by Talbot County Planning and Zoning, Talbot County Health Department, Talbot County Office of Permits and Inspections, and any other reviewing agencies the Planning Director deems appropriate.

## **H. HEARING AND DECISION**

1. The Short-Term Rental Review Board shall hold a public hearing on all new license applications.
2. The hearing for new license applications shall be no sooner than 21 days from the date set forth in the certificate of service required under §190.63.1.D.5 above.
3. The meeting shall be advertised through posting the property in accordance with §190.54.5.B. The Code Compliance Officer shall be responsible for posting the property.
4. The meeting notice shall be sent by certified mail to the list of property owners who received the notice of the application.
5. The Planning Director shall be authorized, but not required, to provide the Board with a recommendation on new license applications, including conditions, limitations, and restrictions to ensure that the short-term rental complies with applicable law. The Board shall consider the Planning Director's recommendation before making a decision on the application.
6. The Board may impose conditions, restrictions, and limitations on the issuance of a new license that are reasonably related to addressing impacts of the proposed short-term rental. Such conditions may address without limitation the following:
  - a. Location and design of site features such as landscaping, screening, fencing or parking;
  - b. Design of outdoor lighting such as height, intensity or shielding of lighting fixtures;
  - c. Procedures and facilities for waste disposal;
  - d. Restrictions on hours of use for outdoor area on the property;
  - e. Distance of outdoor recreation areas to neighboring property lines; and,
  - f. Duration of time prior to license renewal.
7. The Board shall approve an application for a new short-term rental license unless the Board finds that:
  - a. The license application is incomplete;
  - b. The applicant has made false, inaccurate, incomplete or incorrect statements in connection with the application;
  - c. The applicant has not complied with the application notice requirements;

d. Issuance of the license would unduly disturb the peace of the residents of the neighborhood in which the short-term rental will be located; and/or,

e. There are other substantial reasons in the discretion of the Board why the license should not be issued, in which event the Board shall deny the license.

8. All of the Board's decisions shall be in writing and the hearings shall be recorded so as to allow transcription.

## **I. APPEALS**

Any party that participated in the hearing and is aggrieved by the Board's decision may file an appeal to the Talbot County Board of Appeals within 30 days of the issuance of the written decision. Such appeal shall be on the record.

\* \* \*

Purpose: The purpose of this amendment is to limit the number of short term rental licenses issued by Talbot County to preserve neighborhood character and quality of life.

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 that test and it is therefore non-substantive.