

**Privileged and Confidential**

**Amendment 9 to Bill 1401 (Exhibit A)**

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 to some in our community; and

**WHEREAS**, some argue that short-term rentals create nuisances; such as noise, overcrowding and an intensification of use of roads, and destabilize and disrupt communities by negatively impacting community character; and

**WHEREAS**, the Town Residential (TR) zoning district, detailed in Talbot County Code § 190-9.2, allows up to four (4) dwelling units per acre on public sewer and side setbacks of only ten (10) feet; and

**WHEREAS**, such density and setbacks mean that residences are very close to each other, such that nuisances and community disruptions from short-term rentals are more intense; and

**WHEREAS**, Section 2.2 of the Talbot County’s 2016 Comprehensive Plan provides that “[t]he County should continue a restrictive approach toward the use of land over which it has zoning authority, and new development should be of a controlled nature and channeled into the most appropriate areas and discouraged in others”; and

**WHEREAS**, disallowing the use of new short-term rental licenses in the TR zoning district 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

**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:

<b>KEY</b>	
<b>Boldface</b> .....	Heading or defined term
<u>Underlining</u> .....	Added to Bill by amendment
<del>Strikethrough</del> .....	Deleted from Bill by amendment

\* \* \* .....Existing Bill unaffected

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25.2. TABLE OF LAND USES

Key:

- P: Permitted principal use
- A: Permitted accessory use
- S: Special Exception
- C: Requires approval by the County Council
- Blank: Not permitted

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TABLE IV-1. TABLE OF LAND USES

USE TYPE	SECTION CROSS-REFERENCE	CONSERVATION DISTRICTS					RES-IDENTIAL DISTRICTS	VILLAGE DISTRICTS	COMMERCIAL/INDUSTRIAL DISTRICTS
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25.2.H. Accessory Uses

See the subsection of Chapter 190 listed below for specific requirements.		AC	CP	WRC	TC	RC	RR	TR	VR	VH	VN	LC	GC	LI
Short-term rentals	33.20	A	A	A	A	A	A	A	A	A	A	A	A	A

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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 a primary residential dwelling unit. Detached accessory dwellings, apartments or bedrooms within a detached accessory structure may not be used as sleeping quarters in conjunction with a short-term rental. No new short-term rental licenses will be issued in the Town Residential District. However, this exclusion 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.

## C. OPERATING GUIDELINES

1. The maximum number of persons permitted to be on-site associated with any short-term rental shall be limited at all times to the lesser of 12 persons or two persons per bedroom in the primary dwelling, excluding infants under 18 month of age, and not including any bedrooms within an accessory dwelling.

2. Three night minimum stay for all short-term lease holders.

3. Outside areas intended for use by short-term tenants, such as decks, patios, porches, game courts, swimming pools, and similar areas, shall be screened from neighboring properties by one or more of the following prior to approval of a new short-term rental license:

a. Setbacks of at least 50 feet;

b. If sufficient setback is not available, a combination of a Type C landscape yard (§190-40.5) and attractive, solid or semi-solid fencing at least 6 feet high to separate and screen between outside use areas and neighboring properties; or,

c. A combination of vegetation and topographic features determined by the Planning Director or Short-Term Rental Review Board to provide sufficient separation and screening.

4. Sufficient off-street parking spaces shall be provided to accommodate all short-term rental tenants' vehicles during any rental period.

5. The area for trash storage shall be identified on the site plan and located to minimize nuisance to neighbors.

6. During any short-term rental, no dwelling, grounds, or associated appurtenances shall be subleased or used for the following activities:

a. A wedding, reception, banquet, corporate retreat, fundraiser, or similar activities that would exceed the maximum persons permitted to be on-site associated with the short-term rental;

b. Fireworks; or,

c. Any activity that exceeds the noise limitations established in the Talbot County Code.

7. Pets shall be leashed or confined at all times.

8. The owner of the short-term rental property shall be responsible for payment of the Talbot County Accommodations Tax and the Maryland Sales Tax.

9. The short-term rental property shall comply with the International Residential Building Code adopted by Talbot County, as amended, with respect to emergency escape and rescue openings, exits and smoke alarms. The property shall be equipped with fire extinguishers in the kitchen and any other area in which flammable or combustible materials are kept or stored. A short-term rental license shall not be issued until the inspections are completed by a certified building inspector and determined that the short-term rental property complies with the requirements in this Subsection.

10. All conditions, restrictions, and limitations imposed by this Chapter or by any regulation adopted by any governmental agency authorizing use or occupancy as a short-term rental, or the physical condition of a rental property shall be conspicuously included in a written lease signed by the parties. A copy of the lease shall be available on site and to Code Enforcement Officers upon request.

11. The applicant shall comply with all codes, regulations, and requirements administered by the Talbot County Health Department regarding sanitary facilities. A short-term rental license shall not be issued until the Health Department has determined that the short-term rental property complies with the requirements of this Subsection.

12. The short-term rental property shall comply with all conditions, restrictions and limitations imposed by all governmental entities and officials authorizing the use or occupancy of the short-term rental.

D. The short-term rental license shall include all requirements listed herein. The license, including requirements and conditions of approval of the license, and any house rules shall be

conspicuously posted in the residence during any short-term rental. House rules shall include minimum requirements as listed in the application package provided by the County.

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Purpose: The purpose of this amendment is to limit the number of short-term rental licenses issued by Talbot County in the Town Residential (TR) zoning district to preserve neighborhood character and quality of life.

Amendment 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.