

**Amendment B**

**Proposed Amendment No. \_\_ to Bill 1401**

Proposed by: Ms. Price

Introduced by:

Date:

**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**

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

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

\* \* \*

**33.20. SHORT-TERM RENTAL**

\* \* \*

**C. OPERATING GUIDELINES**

\* \* \*

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.

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### 63.2. NEW LICENSE APPLICATION PROCESS

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#### B. C. 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. A statement whether the property is or is not located within a homeowners association, property owners association and/or is governed by any type of covenants, conditions and restrictions specifically related to the rental of properties or short-term rentals. If the property is located within a homeowners association, property owners association and/or is governed by any type of covenants, conditions and restrictions specifically related to the rental of properties or short-term rentals, notice of any hearings related to such application must be provided by the applicant to such homeowners or property owners association.
- ~~2.~~ 3. 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 thirty (30) miles of the short-term rental unit and be available to respond from this location during periods of short-term rental;
- ~~3.~~ 4. 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.

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#### 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.

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### 63.3. RENEWAL

#### A. APPLICATIONS

A license renewal application must be submitted by the record title holder(s) of the property to the Talbot County Department of Planning and Zoning on a form prepared and approved by the Planning Director at least sixty (60) days prior to expiration. The application shall include without limitation the following:

1. Proof of compliance with the Talbot County accommodation tax. The Planning Director may require submission of the appropriate year's Federal 1040 form, Schedule E, Schedule C or other appropriate forms and schedules to determine whether the accommodation taxes have been paid, as well as bank deposits related to earned rental fees.

2. The number of days that the dwelling was rented during the effective short-term rental license period documented by appropriate receipts or reservation forms, if requested by the Planning Director;

3. The renewal application shall include, and the applicant shall provide, without limitation, any document required under §190.63.2.B above that has been revised or amended, to include; insurance policy, house rules, floor or site plans;

4. The applicant must provide notice of the short-term rental renewal application as required for a new license under §190.63.2.D above and,

5. If applicable, the Code Compliance Officer shall provide information on the application, including any written or verified complaints and zoning enforcement investigations applicable to the subject short-term rental property.

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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.