

**WORCESTER COUNTY PLANNING COMMISSION
AGENDA**

Worcester County Government Center, Room 1102, One West Market Street, Snow Hill, Maryland 21863

Thursday, August 1, 2019

Est. Time

- | | | |
|-----------|------|---|
| 1:00 P.M. | I. | Call to Order |
| 1:00 P.M. | II. | Administrative Matters |
| | A. | Review and approval of minutes – July 3, 2019 |
| 1:00 P.M. | III. | §ZS 1-325 Site Plan Review |
| | A. | Request to modify condition of approval – Duffie Boatworks, Proposed construction of a 23,392 foot boat construction and maintenance facility and 4,600 square feet of self-storage units, Tax Map 27, Parcels 628, 464, & 251, Lots 11, 13 & 16, Tax District 10, C-2 General Commercial District, located on the westerly side of Stephen Decatur Highway (MD Route 611), south of Old Bridge Road (MD Route 707), 611 Holdings, LLC, property owner/ Vista Design, Inc., land planner/architect; |
| 1:15 P.M. | IV. | Text Amendment |
| | A. | Boarding and Lodging Rentals – Eliminate inconsistencies in the existing codes, revise definitions and to establish new regulations for short term rentals of dwelling units; |
| 2:15 P.M. | V. | Miscellaneous |
| 2:20 P.M. | VI. | Adjourn |

Worcester County Planning Commission Meeting Minutes

Meeting Date: July 3, 2019

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Rick Wells

Jerry Barbierri

Betty Smith

Staff

Maureen Howarth, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Katherine Munson, Natural Resources Planner V

I. Call to Order

II. Administrative Matters

- A. Review and approval of minutes, June 6, 2019** — As the first item of business, the Planning Commission reviewed the minutes of the June 6, 2019 meeting. Following the discussion it was moved by Ms. Ott, seconded by Mr. Knerr and carried unanimously to approve the minutes as submitted.

Board of Zoning Appeals agenda, July 11, 2019 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for July 11, 2019. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. FY20 MALPF Application Review and Approval

As the next item of business, the Planning Commission reviewed the FY20 MALPF Applications. Katherine Munson, Natural Resources Planner, was present for the discussion.

Ms. Munson reminded the planning commission that the Maryland Agricultural Land Preservation Foundation (MALPF) purchases agricultural preservation easements in all counties in Maryland. She provided aerial images and county-wide maps depicting the following eleven (11) applications to sell an easement to MALPF in Worcester County that have been received by the county for the FY 20 funding cycle:

Re-applications

- Fair, Freddie and Fay; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres
- Gross, Mark; TM 32, Grid 16, P 217; Harrison Road, Berlin; 210.13 acres

- Holland, Glenn and Everett; TM 99, Grid 12, P 35; 1975 Colona Road, Pocomoke City; 153.91 acres
- Holland, Everett and Mark; TM 99, Grid 11, P 39; 1546 Colona Road, Pocomoke City; 199.12 acres
- Shockley, Samuel (“Glenn”) and Brenda; TM 38, Grid 23; P 4; 5910 Laws Road, Snow Hill; 153.9 acres
- Shockley, Stephen; TM 38, Grid 5, P 26; Davis Branch Road; 91.3 acres

New Applications

- Aydelotte, Annette and Brooks; TM 100, Grid 12, P. 16, 17, 34, 147; Payne and Johnson Roads; 136 acres
- Blank, William Jr.; TM 64, Grid 17, P. 112; 7440 Public Landing Road; 283.69 acres
- Guy, Dean and Deborah; TM 99, Grid 15, P. 27; Hall Road; 95 acres
- Holland, Glenn and Jean Irrevocable Trusts; TM 100, Grid 1, P 6, 55, 84; Colona and New Bridge Roads; 32.14 acres
- Wilkins, Thomas, Beverly and Paul; TM 77, Grid 5, P 102; Route 364; 139.9713 acres

A table summarizing information for each application was also provided.

Ms. Munson noted that all applications meet the minimum requirements of the MALPF Program—50 acres in size, or adjacent to another MALPF easement or applicant property, and meet minimum soils requirements. The maps provided indicate that all applications are zoned A-1 and/or RP and all are within the Agriculture or Green Infrastructure 2006 land use category. She stated that on June 5, 2019, the Worcester County Agricultural Land Preservation Advisory Board reviewed the applications and recommended that the top seven (7) be forwarded to the state for consideration. Ranking was not provided because this is confidential information that cannot be provided to the public until after the application cycle ends.

In response to a question Ms. Munson stated that applications are ranked based upon a ranking system established in prior years by the Agricultural Land Preservation Advisory Board and approved by the Commissioners. The ranking system includes soil quality, development rights available, farm management considerations, and other factors. It also includes ranking points for discounting, determined by comparing the landowner bid to the easement value.

She explained that the Planning Commission must determine whether an easement on each applicant property is compatible with existing county plans and policy and thus whether or not approval of the application is recommended to the Worcester County Commissioners.

In response to a question from the audience about a specific application’s ranking, Ms. Munson stated that ranking of individual applications is confidential. This information was not provided to the Planning Commission and not relevant to their review.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Ms. Ott, and carried unanimously to recommend to the County Commissioners that all applications be forwarded to MALPF for consideration for easement purchase.

IV. §ZS 1-325 Site Plan Review – Ebenezer Solar

As the next item of business, the Planning Commission reviewed a site plan associated with the proposed construction of a 1.35 MW (DC) solar photovoltaic facility, located on the easterly side of Whaleyville Road (MD Route 610), south of Ebenezer Road, Tax Map 8, Parcels 41 & 162, Lot 2, Tax District 5, A-1 Agricultural District. Finn McCabe, Groundstar Energy, was present for the review. Mr. McCabe stated that this was a large solar project, and that they are in compliance with the landscaping, stormwater management and forestry provisions of the County Code. As a 1.3 MW system, this project could serve an anticipated 150 single-family dwellings. He noted that there will be a single point of access, and that the panels will be mounted on posts with no concrete foundation to minimize impervious surfaces. Ms. Ott inquired if all of the adjoining parcels were agriculturally zoned, and Mr. McCabe confirmed that they were. Mr. Barbierri asked if he had addressed all of the staff requirements, and Ms. Ott asked if he was still requesting the waiver. Mr. McCabe noted that he was requesting a waiver to the requirement for an automatic irrigation system with rain sensor as noted in the staff report. He stated that there was no need for it, as they were going to use native vegetation.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Ott, and carried unanimously to approve the site plan subject to compliance with the Code Requirements letter and the following waiver:

1. The Planning Commission granted a waiver to the requirement for an automatic irrigation system with rain sensor.

V. §ZS 1-315 Residential Planned Communities – Evergreen Village Step I

As the next item of business, the Planning Commission reviewed a Step I Residential Planned Community application for Evergreen Village, Request for Establishment of the RPC Floating Zone associated with a proposed 90 single-family lot subdivision, northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 and 259, Tax District 3, R-1 Rural residential and RP Resource Protection Districts. Present for the review were Hugh Cropper, IV, Esquire, Bob Hand, landscape architect, Chris McCabe, environmental consultant and Bruce Laremore, owner. Mr. Cropper provided the background on this project and the steps that have been taken to date. He requested that the Planning Commission incorporate the staff report as the applicant's record. Mr. Cropper agreed to have the plans modified to clarify the 50% natural open space requirement as stated in the staff report. Mr. Cropper stated that they will most likely be requesting approved private roads as part of the project. Provided as Applicant's Exhibit No. 1 was a rendering of the project with the proposed sidewalks that will be

provided. Mr. Knerr inquired as to why the sidewalk along Beauchamp Road only extended from the proposed entrance and to the south towards MD Route 589 (Racetrack Road), and not towards to north. Mr. Hand stated that they are providing roughly over 6,000 linear feet of sidewalk throughout this project. He also said that it is unlikely that River Run or the other subdivisions would be required to install a sidewalk for connectivity at this point. Mr. Hand noted that it was proposed to be constructed to the RPC standard of 3' width, and that the homeowner's association would be responsible for its maintenance, just like the roads. Mr. Cropper added that the applicant will take the extension of the sidewalk into consideration as part of the Step II review.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Ms. Smith, and carried unanimously to find that the applicants have addressed the seven standards contained in §ZS 1-315 for the establishment of the floating zone as presented in the Technical Review Committee Report, to find the application consistent with the Worcester County *Comprehensive Plan*, and to provide a favorable recommendation to the Worcester County Commissioners.

VI. Text Amendment - Request to further table §ZS 1-318 – Modification of the occupancy provisions for campground subdivisions only

As the next item of business, the Planning Commission considered a request made by Mr. Hugh Cropper, IV to further table the text amendment application review by the Planning Commission. This item was scheduled to be reviewed at the June 6, 2019 Planning Commission meeting and was tabled for 30 days so that Mr. Cropper could further prepare his case. He is again requesting to table the application.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Knerr and carried unanimously to table the request for an additional 60 days, until the Thursday, September 5, 2019 meeting.

VII. Text Amendment - Boarding and Lodging Rentals

As the next item of business, the Planning Commission reviewed a proposed text amendment that was prepared by staff on behalf of the Worcester County Commissioners. The proposed amendment will eliminate inconsistencies in the existing codes with respect to boarding and lodging rentals, revise definitions and establish new regulations for short term rentals of dwelling units as a proposed Section ZS 1-351. Three additional bills have been provided to the Planning Commission that address similar inconsistencies as well as the establishment of a rental license process, however those bills do not require a recommendation from the Planning Commission. Mr. Tudor was present for the review and discussion. He provided the Planning Commission with the history on how these bills came about, and noted that there was a thorough summary of each section of the zoning bill provided for the Planning Commission's review. He asked how they would like to go about their discussion. Several members stated that they did not feel that

they had adequate time to prepare for this, and therefore felt unprepared to vote on the matter. Mr. Tudor noted that they could review the bill at their August 1st meeting, provided that they made a recommendation prior to any scheduled public hearing.

Mr. Barbierri stated his concerns relative to the lack of an inspection process. Mr. Tudor stated that the County Commissioners could adopt one by resolution, but that the Fire Marshal's Office does not currently inspect single-family dwellings as part of the current tourist permit process, as it is not within their authority to do so. Mr. Knerr asked what sort of software program would be used to find these rentals. Mr. Tudor said that at this time, the County Commissioners have not decided whether or not to use a program or firm, as the costs could be exponential. It was noted that staff would still have to be hired. Ms. Howarth noted that the goal was to first make the regulations workable, then educate the public before making them comply. She briefly discussed the process that the Town of Ocean City took, and Mr. Tudor mentioned the costs associated with the software program that Talbot County uses.

Following the discussion, a motion was made by Mr. Clayville, seconded by Mr. Wells and carried unanimously to table the discussion for 30 days, until Thursday, August 1, 2019.

VIII. Election of Officers

As the next item of business, the Planning Commission considered the election of officers. Following a motion by Mr. Barbierri, seconded by Ms. Ott, and carried unanimously, the following members were elected to the officers' positions:

Chair: Mr. Diffendal
Vice Chair: Mr. Knerr
Secretary: Mr. Barbierri
TRC Representative: Mr. Clayville

IX. Adjourn – The Planning Commission adjourned at 1:39 P.M.

Betty Smith, Secretary

Jennifer K. Keener, AICP



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Worcester County Technical Review Committee
FROM: Department of Development Review and Permitting
DATE: July 17, 2019

Please be reminded that the next regular Technical Review Committee meeting will be held on **Wednesday, August 14, 2019 at 1:00 P.M.** in the **1st Floor Board Room**, of the **Government Office Building, Room 1102**. The attached agenda outlines those projects which are to be reviewed and commented upon at that meeting. **Please provide all clearly legible, prepared comments no later than 12:00 P.M. on Friday, August 9, 2019.** Please bring all sets of plans to the TRC meeting as well as any additional written comments beyond those which you have already provided. It is important to be on time and have thorough written comments, as time for oral comments will be limited.

CC:

Development, Review and Permitting
Fire Marshal's Office
Department of Emergency Services
Department of Environmental Programs
Department of Public Works
County Roads Division, DPW
Department of Economic Development
Worcester County Planning Commission
Maureen Howarth, County Attorney
Maryland Department of Planning
Terri Smith, Assessments and Taxation
Bill Neville, Town of Ocean City
Hal Adkins, Town of Ocean City
Carol Sullivan, City of Pocomoke
Kelly Pruitt, Town of Snow Hill
David Engelhart, Town of Berlin
Ocean Pines Association, Inc.
Dan Wilson, SHA
Ace Adkins, MDE
Joe Kincaid, MDE
Paul Ferreri, MDE
Edward Watson, MDE
David Dorr/Verizon-MD Inc
Jim Smith/ Delmarva Power

Patrick Dubinski/ Delmarva Power
Edwin Cade, Delmarva Power
Thomas Brady, Delmarva Power
John Willey, II/ Peninsula Propane
Steve Ashcraft/Eastern Shore Gas
Jerod Shelton/ Chesapeake Utilities
Woody Francis/US ACOE
Joe Price /Board of Education
Ocean City Volunteer Fire Company
Ocean Pines Volunteer Fire Dept, Inc.
Pat Hynes/ Comcast Cablevision
Greg Denston /Chesapeake Utilities
John Shermer/Choptank Electric
Joe Sise/Choptank Electric
Greg Fentress/ Sharp Energy
Assateague Coastkeeper
Ayres, Jenkins, Gordy & Almand, PA
Bayside Gazette
Becker Morgan Group
Betty Tustin, The Traffic Group
Booth, Booth, Cropper & Marriner, PC
Burbage Properties
Coastal Compliance Solutions, LLC
Coastal Realtors

Coates, Coates & Coates, PA
Davis, Bowen & Friedel, Inc.
Delmarva Veteran Builders
Fox Theatres
Gregory P. Wilkins Surveyor, Inc.
Hampshire, Hampshire & Andrews, Inc.
J.W. Salm Engineering, Inc.
Lower Shore Land Trust
Monogram Building and Design
Ocean City Today
R.D. Hand & Associates, Inc.
Vista Design Inc.
Whispering Woods HOA
Worcester County Times
Carol Ann Beres
Charles Nichols
Darl Kolar
Duverese Scarlett
Jim Keitt
Mark Wagner
Mitch Parker
Rota Knott
Tom Stauss
Troy Purnell

Copies to applicants - It is required that the applicant(s) and/or their representative be in attendance at this meeting.

cc: Forefront Power, LLC/The Holland Island LLC

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Worcester County Government Center, Room 1102, One West Market Street, Snow Hill, Maryland 21863

August 14, 2019

Est. Time

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| 1:00 P.M. | I. | Call to Order |
| | II. | §ZS 1-325 Site Plan Review |
| 1:00 P.M. | A. | Forefront: Horace & Elwath Solar - Proposed construction of a 2.5 Megawatt (DC) solar photovoltaic facility, located on the northerly side of George Island Landing Road (MD Route 366), west of Portersville Road, Tax Map 94, Parcel 134, Tax District 8, A-1 & A-2 Agricultural Districts, Horace & Elwath LLC, owner/ Forefront Power LLC, applicant/ TRC Companies, Engineer; |
| 1:10 P.M. | B. | Manklin Station Planned Commercial Development - Proposed construction of Buildings D and E, each consisting of 6,000 square feet of mixed retail/office space within the Manklin Greens PUD and PCD, located on the southerly side of Manklin Creek Road, east of Ocean Parkway, Tax Map 21, Parcel 306, Lot 2, Tax District 3, C-2 General Commercial District, The Holland Island, LLC, owner/ Vista Design, Inc, land planner; |
| 1:20 P.M. | III. | Adjourn |

WORCESTER COUNTY PLANNING COMMISSION

MEETING DATE: August 1, 2019

PURPOSE: Request to modify condition of approval

DEVELOPMENT: Duffie Boat Works

PROJECT: Proposed construction of a 23,392 square foot boat construction and maintenance facility and 4,600 square feet of self-storage units, Tax Map 27, Parcels 628, 464, & 251, Lots 11, 13 & 16, Tax District 10, C-2 General Commercial District

LOCATION: Westerly side of Stephen Decatur Highway (MD Route 611), south of Old Bridge Road (MD Route 707)

PROJECT HISTORY: This project is considered a major site plan and was reviewed and approved by the Planning Commission on May 3, 2018. Building permits for the main structure and the storage buildings have been issued. In June 2019, the Planning Commission granted a waiver to the requirement for an automatic irrigation system with rain sensor.

The current request before the Planning Commission is to modify the roof pitch and overhangs associated with the five (5) storage buildings, as well as remove the stone façade feature from the base of the building. The applicants' original request in May 2018 was to waive the majority of the building design requirements for these storage buildings, given the nature of their use and the screening provided. The Planning Commission granted the waiver to most of the requirements, based on the design provided and conditioned upon the applicant providing a trussed, pitched roof of a similar nature to the main building. The construction plans provided with the building permit for these structures illustrated a 5:12 roof pitch with overhangs and the stone base detail (see attached). The current proposal is for a 4:12 roof pitch without overhangs. Additional details and justifications are provided in the applicant's cover letter, which was provided with the revised construction plans.

If granted, a revision to Building Permit No. 19-0335 will need to be reviewed and approved. Four sets of the revised construction plans will need to be submitted, along with the revision application and the revision submittal fee of \$225.

DEVLEOPER: 611 Holdings, LLC, c/o Jon Duffie, 1701 Elton Road, Silver Spring, MD 20930

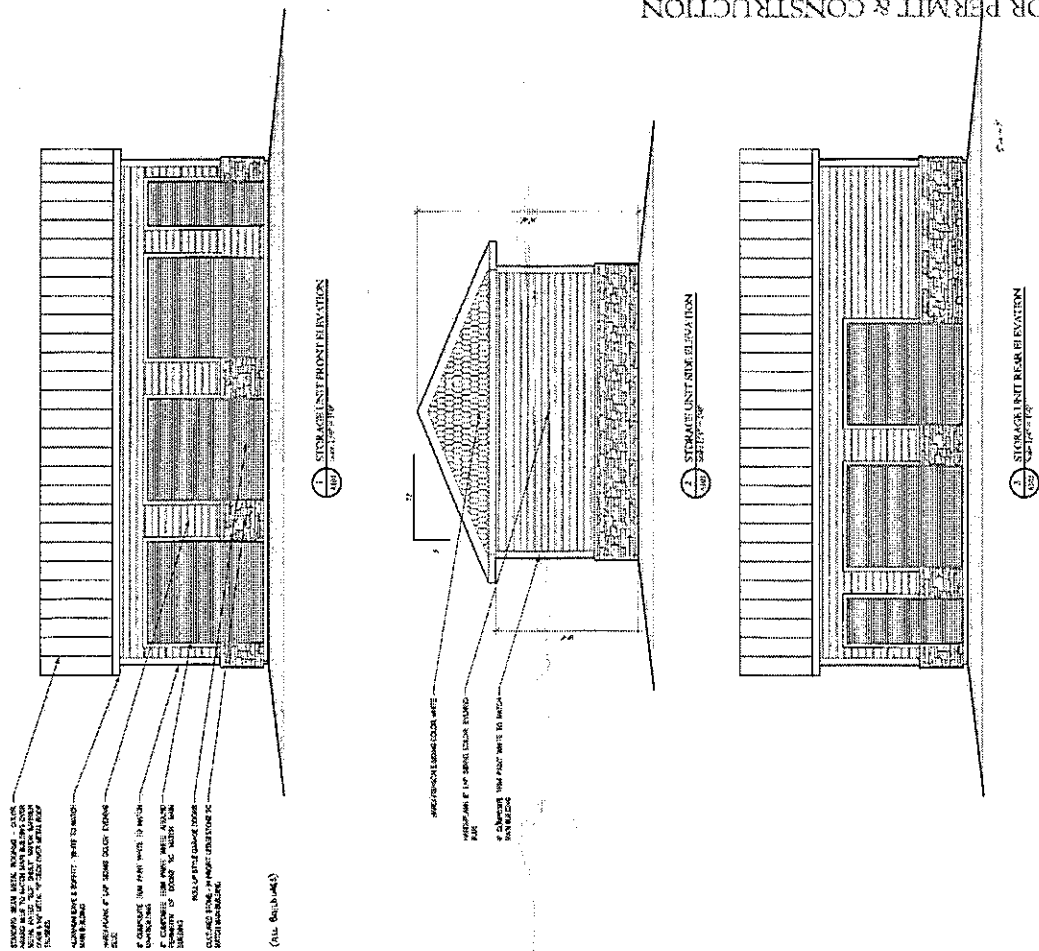
CONSULTANT: Vista Design, Inc., c/o Steve Engel, 11634 Worcester Highway, Showell, MD 21862

PREPARED BY: Jennifer K. Keener, AICP, Zoning Administrator

PROJECT DATA PROJECT NO. 14912-1P SHEET SCALE 1/4" = 1'-0" DRAWING DATE 07/15/10 DRAWING BY J. L. BROWN CHECKED BY J. L. BROWN APPROVED BY J. L. BROWN		PLAN AND ELEVATION UNIT STORAGE UNIT NEW CONSTRUCTION 9741 STEPHEN DECATUR HWY OCEAN CITY, MARYLAND 21842		VISTA DESIGN INC. 1100A BROADWAY DRIVE ANNAPOLIS, MARYLAND 21403 PHONE (410) 293-1100 FAX (410) 293-1101 WWW.VISTADesign.COM		FILE SET A101	
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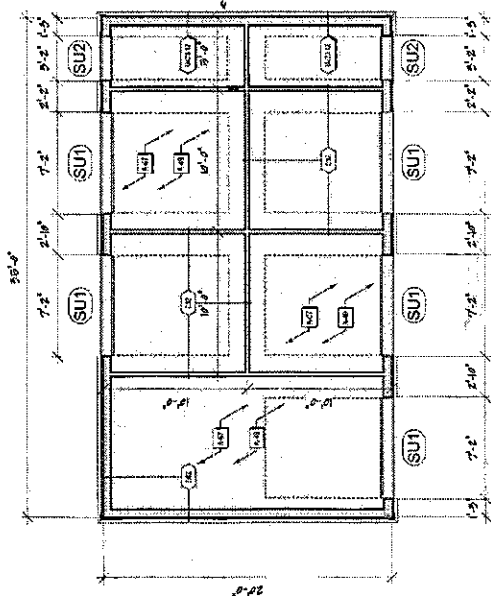
ISSUED FOR PERMIT & CONSTRUCTION

PLAN REVIEWED
 PLANNING, PERMIT & INSPECTIONS
 STONEMASTER COUNTY, MARYLAND
 DATE 8/12/10
 BY J. L. BROWN

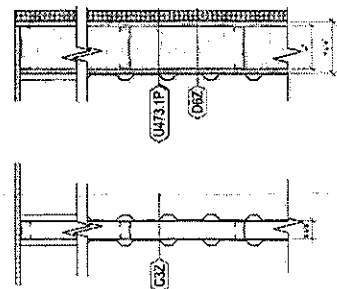


BOOKSCHEDULE

NO.	DATE	DESCRIPTION	REVISION	BY	CHECKED	APPROVED
1	07/15/10	ISSUED FOR PERMIT & CONSTRUCTION		J. L. BROWN	J. L. BROWN	J. L. BROWN



PARTITION TYPES
 G32 - 1/2\"/>



Consolidated Commercial Services, LLC

57 RANDOLPH ROAD, SILVER SPRING, MARYLAND 20904 * PHONE (301) 434-3040

To whom it may concern,

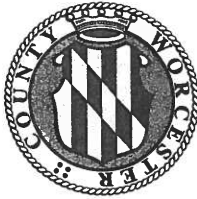
For your consideration, the following design updates are proposed for the Duffie Boatworks storage building. Currently the permitted drawings call for (5) 20' X 35' storage units with overhangs on the loading elevations of the buildings. The proposed changes are as follows.

1. Substitute 6"box gutters for storage building overhangs.
 - a. From our research, we have found in previous projects that overhangs on storage buildings tend to be damaged when loading and unloading items into the buildings.
 - b. In Lieu of overhangs, we would like to add 6" Gutters and downspouts to the loading elevations. The Gutters will manage the removal of rainwater from the building and provide a visual 6" overhang.
2. Remove the supplemental stone/lap cladding from the prefinished storage buildings. Storage buildings will be finished to complement the color schemes and transitions of the main building.
 - a. Attachment of secondary cladding compromises the manufacturer's warranty for the pre-fabricated structures.
 - b. The storage buildings location on the property is shielded from public view with an 8' slatted privacy fence, the fish scale siding will remain because of its proximity to the height of the fence.

We would like to move forward with this project in a timely fashion with the consumer in mind. We look forward to these storage buildings providing fair economic storage to the citizens of Worcester County.

Respectfully,

Alex Cederbaum
Project Engineer
(240) 802-0049
Acederbaum@duffieinc.com



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ZONING DIVISION
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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
Phil Thompson, Finance Officer *PGT*
DATE: January 15, 2019
RE: Countywide Room Tax/Rental License Program

Pursuant to your request, we have jointly worked to gather information and prepare this memorandum relative to the above referenced issues. Specifically, we reviewed the recent actions taken by both Talbot County and Ocean City. Both jurisdictions have had rental licensing programs on the books for a number of years. Talbot County has a very specific code section dealing solely with short term rentals (STRs). On the other hand, Ocean City has a more general approach to rentals. Recently, however, both jurisdictions took action to attempt to enhance revenue collection. Before discussing the specifics of our current law and programs, we will provide a brief discussion of both Talbot County and Ocean City's recent actions.

In June 2018 Talbot County entered into a contract with Bear Cloud Software to develop a software program to assist the County with identifications of STRs. In addition to identifying the properties the software has a number of other features that assist the County in licensing, enforcement, tax collection and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash and excessive numbers of renters, etc. It also supports a very robust amount of data collection, information and reports on the rental properties themselves. Talbot County is paying \$1,250 per month for a period of one year for the service, according to the contract. Since the contract for the software was signed at the end of last August and rental license applications can only be filed during the months of July, August, January and February according to their county law, I would not expect that they have had sufficient time to evaluate the efficacy of the software as of yet.

While Ocean City apparently discussed a software solution similar to Talbot County, it is our understanding that to date they have taken a different path. Like Talbot County, Ocean City has had a rental licensing and enforcement program for quite some time. According to conversations with Town staff, in the spring of 2018 they sent out approximately 30,000 letters to remind property owners that the Town had a property rental license program and to encourage compliance. Included with the letters was information regarding the County room tax remittance and contact information for the Maryland State Comptroller's Office with regard to sales and use tax collection and remittance. The letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue. Although the Town received proposals from firms for software similar to that utilized by Talbot County, with some at considerably greater expense, no further action has been taken at this time.

With regard to our licensing, taxation and zoning regulations on rental properties, I have prepared the attached chart to provide a better picture of the complexities of our system. First, we do not have a rental license per se but rather a requirement in the Taxation and Revenue Article for what is known as a Tourist Permit. These permits are required for any structure rented or capable of being rented to four or more persons for less than six months. Secondly, the Taxation and Revenue Article requires the payment of a Hotel Rental Tax on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Quite obviously, neither the length of stay or number of renters is consistent between the two provisions. The number of combinations of lengths of stay and number of persons can quickly become very confusing. Take the example of someone renting a room in their home. If they rent to three people for four months and a day, they do not need a Tourist Permit nor are they required to pay Room Tax. Reduce the stay to four months for the same number of people and now they are required to pay Room Tax but still do not need a Tourist Permit. If the homeowner rents to one more person, for a total of four persons, for six months, they do not need a Tourist Permit nor are they required to pay the Room Tax. Reduce the stay by one day and now a Tourist Permit is necessary but the homeowner is still not subject to the Room Tax. On top of all these combinations we have the limitations in the Zoning Ordinance. Take the first example of someone renting a room in their home to three people for four months and a day. As stated before, they do not need a Tourist Permit and are not required to pay Room Tax. However, if they are renting to three people they are in violation of the Zoning Ordinance if the home is in the A-1, A-2, E-1, V-1, R-1, R-2 and R-3 Zoning Districts. If the home is in the R-4 Zoning District they could rent to the three persons as an accessory use. If in the V-1 District they could do so as a Special Exception as a boarding or lodging house but would still not need a Tourist Permit or pay Room Tax. Now if the space had its own cooking facilities and therefore was classified as an accessory apartment, it could be rented to the three persons in all of the aforementioned Zoning Districts. They would not need a Tourist Permit at all and would only need to pay Room Tax if they rented the apartment for four months or less. Add one more person in the accessory apartment, cut the term to four months and now they need a Tourist Permit and have to pay Room Tax but are not in violation of the Zoning Ordinance. We think you can see just how quickly the combinations can get out of hand and how confusing it is.

With the way our various codes are written today, we think it may actually be counterproductive to hire a software consultant or even send letters to all of the County property owners. Our gut instincts tell us that most likely the STRs advertised for rent on various platforms would accommodate at least four persons but would also most likely be located in Zoning Districts other than the R-4 District which would then prohibit the rental entirely unless they are located in an accessory apartment. If we then enforced the terms of the Zoning Ordinance we would most likely significantly reduce the number of units/rooms that could be rented and thus those for which a Tourist Permit could be issued and hence Room Tax collected from property owners. Certainly some property owners may then begin to advertise that they only accommodate two persons or less but of course then they would not be subject to getting a Tourist Permit, making it more difficult to track and collect Room Tax.

Given all of the information above, we believe that before embarking on a program to increase enforcement or to simply raise awareness of the Tourist Permit and Room Tax requirements we should clean up our various codes to remove all of the inconsistencies between the various sections of the law. This would begin with a comprehensive amendment to the Zoning

Ordinance to increase the allowable number of roomers or boarders to perhaps as many as four or more persons. Secondly, we believe that the existing Tourist Permit requirement should be repealed and replaced with a comprehensive rental license requirement. Simply put, if you are renting your property, regardless of the term, you need a rental license. The fee could be adjusted for the particular type of license, i.e., short or long term, but there would be a license requirement regardless. The Room Tax provisions concerning the length of stay could remain as it or be revised to a different length of stay at the County Commissioners' discretion. Lastly, while not necessarily a component of the revenue issue, should the County Commissioners see fit to make revisions as outlined above, we believe there needs to be very clear guidance pertaining to the licensing component. Specifically, do the County Commissioners wish to address nuisance issues and public safety as part of the rental license? Should we have basic safety inspections of rental properties for such things as smoke detectors and required means of egress? Should we establish minimum amounts of square footage for sleeping rooms as does Ocean City to avoid overcrowding in rental units? Should there be increased parking requirements beyond our current Zoning Ordinance standard of two parking spaces per single family dwelling when the house is used for short term rentals? Obviously, these changes to the law would require public hearing which may inform a small segment of the property owners but perhaps greater awareness and compliance could be gained if that process could be coupled with an aggressive public outreach campaign. This could save the County the cost of a software firm, at least until we see how things are functioning. In any event, we believe additional staff will be necessary to implement any changes to our existing laws. The number and classification of those staff will be dependent upon the components of the licensing program.

As always, we will both be available to discuss the matter in greater depth with you and the County Commissioners at your convenience.

Rental Regulation Comparison

TR 2-201 Tourist Permits

Any structure rented or capable of being rented to 4 or more persons for less than 6 months.

Fee: \$5.00 per unit. Minimum \$50.00, Maximum \$2,500

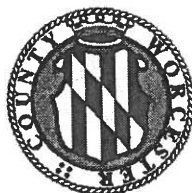
TR 1-601 Hotel Rental Tax

Any structure rented or capable of being rented to 1 or more persons for not more than 4 consecutive months.

Rate 4.5%

Zoning District	Permitted Use	Accessory Use	Special Exception Use
A-1		Accessory Apartments	
		2 Roomers or Boarders	
A-2		Accessory Apartments	Country Inns (min 7 rooms, max 20 rooms)
			Bed and Breakfast Establishments (max 6 rooms, 2 beds and 4 persons per room, max 14 night stay)
			Conversion of historic dwelling to an inn
E-1		Accessory Apartments	Country Inns (min 7 rooms, max 20 rooms)
			Bed and Breakfast Establishments (max 6 rooms, 2 beds and 4 persons per room, max 14 night stay)
			Conversion of historic dwelling to an inn
V-1	Bed and Breakfast Establishments (max 6 rooms, 2 beds and 4 persons per room, max 14 night stay)	Accessory Apartments	Boarding or Lodging houses (limited to 6 boarders or roomers)
			Country Inns (min 7 rooms, max 20 rooms)
R-1		Accessory Apartments	
		2 Roomers or Boarders	

Zoning District	Permitted Use	Accessory Use	Special Exception Use
R-2		Accessory Apartments	
		2 Roomers or Boarders	
R-3		Accessory Apartments	
		2 Roomers or Boarders	
R-4		Accessory Apartments	Boarding or Lodging houses
		4 Roomers or Boarders	
C-1			Bed and Breakfast Establishments (max 6 rooms, 2 beds and 4 persons per room, max 14 night stay)
C-2	Motels and hotels		Dormitories
C-3	Motels and hotels		
	Dormitories		



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING


Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting 
DATE: June 11, 2019
RE: Countywide Rental License Program

Pursuant to your memorandum dated January 23, 2019, I have comprehensively reviewed the existing regulations on room tax, mobile and manufactured home park licenses, excise tax, tourist permits, and the Zoning Code as they pertain to the various types of lodging facility regulations. Much of the language contained therein utilizes outdated terminology and is frequently inconsistent with other pertinent regulations. I have been working with my staff to develop a framework to create a comprehensive rental license program that would apply to short and long term residential rentals and the necessary text amendments to remove all of the inconsistencies in our existing codes relative to residential property rentals as well as to establish new regulations for short term vacation rentals with regard to single family homes. To date we have completed four different legislative bills for the County Commissioners' consideration.

The first legislative bill involves numerous changes to the Zoning and Subdivision Control Article. Among its 17 separate sections, it removes certain antiquated definitions, revises or adds new definitions to reflect the addition of new regulations regarding short term rentals of residential dwellings, removes "conversion of architecturally significant dwellings into an inn" and "country inns" from several districts and puts all of these very similar uses under the term "bed and breakfast establishment" to simplify and streamline the Code, and makes subtle changes to Section § ZS 1-340 of the Zoning Code with respect to bed and breakfast establishments to make them more inclusive. This first bill also adds the keeping of not more than two roomers and boarders to select zoning districts that allow single family homes where they were previously omitted in error, creates an entirely new Zoning Code section to deal with the short term lodging issues from platforms such as AirBnb and Vacation Rental by Owner

(VRBO) and provides that the County Commissioners may by resolution establish standards or require additional information to enforce the provisions.

The second bill repeals Section § TR 2-201 concerning Tourist Permits from the Taxation and Revenue Article and creates an entirely new section entitled Section § TR 2-106 Rental Licenses. This new section is the basis for the entire licensing program. As drafted so far, this section would require a rental license for any type of building, dwelling, recreational vehicle, hotel or motel, cottage, apartment, condominium or site for placement of a recreational vehicle or any other form of shelter for lodging or domicile regardless of the rental term. It further provides that the County Commissioners would set rental license fees by resolution and I recommend that such fees be established by the class of rental. For example, the license fee could be different for hotels and motels on a per room basis as opposed to an entire house or other place of accommodation. I believe it is most important that all rental properties have a license, however. There are also provisions for license applications, terms, renewals and display of licenses, restrictions on licenses, enforcement and revocation of licenses.

The third bill makes a limited number of changes to the Taxation and Revenue Article in Section § TR 1-601 Hotel Rental Tax to update the language with regard to rental units so that it is consistent with the other sections and articles referenced above. It is important to note that with the development of the rental license and the short term rental regulations, the maximum occupancy of a dwelling unit would remain as currently defined for a family or housekeeping unit in the Zoning Code, specifically, "an individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit." As drafted, these regulations would not permit the occupancy of a dwelling by multiple families or groups of unrelated persons, no matter the length of stay.

The fourth bill repeals Subtitle V Mobile and Manufactured Home Park Licenses in its entirety, which also serves to eliminate the excise tax for these uses. The lost revenue could be made up in whole or in part by the setting of the rental license fee for the individual mobile or manufactured home sites at whatever level determined necessary by the County Commissioners.

I would like to point out that there is not a rental license inspection component in any of the legislation. While inspections will certainly be necessary to address licensing complaints, there is currently no requirement for any type of inspection either before or after the issuance of a rental license. Additionally, the draft legislation affecting the Zoning and Subdivision Control Article as it applies to short term rentals permits the County Commissioners to adopt by resolution additional standards or require additional information to enforce the provisions of the Title. While I have not drafted such a resolution for consideration at this point, I suggest that it include such items as providing operable smoke and carbon monoxide detectors in all sleeping areas, posting a floor plan showing the path to the nearest exit, posting maximum occupancy limits, establishing minimum square footage requirements per occupant in sleeping rooms and requirements for a fire extinguisher.

Lastly, I recommend that any changes adopted relative to these recommendations become effective no earlier than January 1, 2020 and be accompanied by an aggressive public information campaign this coming Fall. Since any of these proposed changes would also affect the operations of the Treasurer's Office, I have consulted with Phil Thompson throughout this process. While I cannot speak for Mr. Thompson, I can say with regard to my department that, as outlined, we do not have sufficient staff to implement a comprehensive rental license program as drafted. If we were to contract with a consulting firm to identify short-term rentals such as Talbot County has done and Ocean City has contemplated, I expect it would only add to the staff requirements but would also generate additional revenue.

I look forward to discussing these issues with you and the County Commissioners at your convenience.

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
Phil Thompson, Finance Officer

Zoning - Boarding and Lodging Rentals

- Section 1. Repeals the definitions of “Boarding and Lodging House” and “Country Inn.” It is necessary to repeal these definitions to prepare for other changes in definitions in subsequent sections of the Bill and to condense the numerous other definitions in the Zoning and Subdivision Control Article for types of lodging facilities into a more succinct format.
- Section 2. Changes the definition of “Transient” in the Zoning and Subdivision Control Article from one who occupies a structure for 30 days to one who does so for 28 days. This is necessary in preparation for changes and additions to other sections dealing with short-term rentals since such rentals are typically for weekly stays and not on a monthly basis.
- Section 3. Repeals the definition of “Boarder or Lodger” and replaces it with a new definition for the term “Lodger” to be a person who receives sleeping accommodations for 28 consecutive days or less and a new definition of the term “Roomer or Boarder” to be a person who receives sleeping accommodations for more than 28 consecutive days. As in the previous sections, these changes are necessary to accommodate the new regulations for short-term rentals that follow in other sections of the bill.
- Section 4. Creates a new definition for the term “Short Term Rental (STR)” to describe all or a portion of a dwelling unit or accessory apartment rented to a lodger on a basis of not more than 28 consecutive days. It excludes from this definition “bed and breakfast establishments” which are already regulated by Section § ZS 1-340 of the Zoning and Subdivision Control Article.
- Section 5. Adds “short term rentals (STR)” to the list of uses permitted in all zoning districts. This would only apply to those properties having a dwelling unit.
- Section 6. Eliminates “conversion of a historic or architecturally significant dwelling to an inn” and “country inns” from the uses allowed in the A-2 Agricultural District by special exception but leaves “bed and breakfast establishments,” which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, “bed and breakfast establishments,” instead of multiple descriptions of very similar uses.
- Section 7. Eliminates “conversion of a historic or architecturally significant dwelling to an inn” and “country inns” from the uses allowed in the E-1 Estate District by special exception but leaves “bed and breakfast establishments,” which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, “bed and breakfast

establishments,” instead of multiple descriptions of very similar uses.

- Section 8. Adds the keeping of not more than two roomers or boarders as an accessory use in the E-1 Estate District, just as it is in other zoning districts that allow dwelling units.
- Section 9. Removes “boarding house” and “country inns” from the allowable uses in the V-1 Village District but leaves “bed and breakfast establishments,” which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, “bed and breakfast establishments,” instead of multiple descriptions of very similar uses.
- Section 10. Adds the keeping of not more than two roomers or boarders as an accessory use in the V-1 Village District just as it is in other zoning districts that allow dwelling units.
- Section 11. Removes “boarding and lodging houses” as a permitted use in the R-4 General Residential District since the keeping of four roomers or boarders is already allowed as an accessory use.
- Section 12. Adds the keeping of not more than two roomers or boarders as an accessory use in the RP Resource Protection District just as it is in other zoning districts that allow dwelling units.
- Section 13. Raises the number of allowable rooms in a “bed and breakfast establishment” from six to 20 rooms. The current use of “conversion of historic or architecturally significant dwelling to an inn” has no limitation on the number of rooms and “country inns” have a limitation of 20 rooms, all of which are currently allowed in many cases in the same zoning district as “bed and breakfast establishments.” Differing room numbers for essentially the same use causes confusion in the interpretation and application of the Zoning and Subdivision Control Article.
- Section 14. Increases the number of permissible nights’ stay in a “bed and breakfast establishment” from 14 to 28 nights to be consistent with the new definition of “transient,” “lodger,” and “short term rental.”
- Section 15. Deletes the current prohibition on having more than two nonresident employees in or about the “bed and breakfast establishment.” The current limitation is an unenforceable, arbitrary limitation.
- Section 16. This is an entirely new section proposed to be added to the Zoning and Subdivision Control Article to regulate “short term rentals (STR)” which are currently not regulated. Among its many provisions are:
1. A limitation on the number of rental contracts to one for any overnight

period of any property regardless of the number of sleeping rooms.

2. A limitation on the number of families or housekeeping units to one where an entire dwelling or accessory apartment is available for rent.
3. A limitation on the number of sleeping rooms available to rent to two where a portion of a dwelling unit or accessory apartment is available for rent and a limitation on the number of persons per room to two, not including children under the age of 12.
4. A requirement that accessory apartments only be rented in their entirety and limited to one family or housekeeping unit.
5. Restrictions on modifications to the dwelling unit that change its functionality, appearance or principle design as an individual dwelling unit.
6. A requirement to maintain a record of all lodgers.
7. A requirement to make the dwelling unit available for inspection during reasonable hours.
8. A prohibition on the use of the property to host functions and events, including but not limited to weddings and their receptions, family reunions, birthday and anniversary celebrations or other similar gatherings for persons other than the authorized lodgers.
9. Permits the County Commissioners to establish by Resolution additional standards or require any additional information deemed necessary to enforce the provisions of the Title.
10. No requirement to provide additional parking beyond that required for a single-family dwelling. However, it does prohibit the parking of any vehicle in a manner that impedes vehicular access to or is located in any public or private rights-of-way.
11. Permits on premises signage in accordance with the provisions of the Zoning and Subdivision Control Article.

A BILL ENTITLED

AN ACT Concerning

Zoning - Boarding and Lodging Rentals

For the purpose of amending the Zoning and Subdivision Control Article to eliminate inconsistencies in existing codes, revise definitions and to establish new regulations for short term rentals of one-and two-family dwellings.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definitions of “boarding or lodging house” and “country inn” as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “transient” as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

TRANSIENT - When referring to a person, a person occupying or intending to occupy all or any portion of a structure for lodging on a temporary basis not to exceed twenty-eight consecutive days.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “boarder or lodger” as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and replaced by the new terms “lodger” and “roomer or boarder” to read as follows:

LODGER - A person who receives sleeping accommodations and which may also include meals, for compensation in all or any portion of any dwelling unit for twenty-eight consecutive days or less.

ROOMER or BOARDER - A person who receives meals and/or sleeping accommodations for compensation in any dwelling unit for more than twenty-eight consecutive days and who is not part of the resident family.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a definition of the term “short term rental” to read as follows:

SHORT TERM RENTAL (STR) - All or a portion of any dwelling unit or all of an accessory apartment that is rented to a lodger for sleeping accommodations on a basis not to exceed twenty-eight consecutive days. Short term rentals do not include bed-and-breakfast establishments. See § ZS 1-351 hereof.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-105(c) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new subsection § ZS 1-105(c)(7) to read as follows:

- (7) Short term rentals, subject to the provisions of § ZS 1-351 hereof.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-202(c)(26) and ZS 1-202(c)(27) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-202(c)(28) through ZS 1-202(c)(46) be renumbered as Subsections §§ ZS 1-202(c)(26) through ZS 1-202(c)(44) respectively.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-203(c)(4) and ZS 1-203(c)(5) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-203(c)(6) through ZS 1-203(c)(22) be renumbered as Subsections §§ ZS 1-203(c)(4) through ZS 1-203(c)(20) respectively.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-203(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-203(d)(11) to read as follows:

- (11) The keeping of not more than two roomers or boarders.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-204(c)(11) and ZS 1-204(c)(12) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-204(c)(13) through ZS 1-204(c)(22) be renumbered as Subsections §§ ZS 1-204(c)(11) through ZS 1-204(c)(20) respectively.

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-204(e) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-204(e)(12) to read as follows:

- (12) The keeping of not more than two roomers or boarders.

Section 11. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-208(c)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-208(c)(2) through ZS 1-208(c)(18) be renumbered as Subsections §§ ZS 1-208(c)(1) through ZS 1-208(c)(17) respectively.

Section 12. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-215(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-215(d)(8) to read as follows:

- (8) The keeping of not more than two roomers or boarders.

Section 13. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-340(b)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (1) No bed-and-breakfast facility shall contain more than twenty guest sleeping rooms. Only designated rooms shall be used for sleeping.

Section 14. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-340(b)(7) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (7) No guest shall be permitted in a bed in a bed-and-breakfast facility for more than twenty-eight consecutive nights.

Section 15. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-340(b)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-340(b)(10) and ZS 1-340(b)(11) be renumbered as Subsections §§ ZS 1-340(b)(9) and ZS 1-340(b)(10) respectively.

Section 16. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § ZS 1-351 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

§ ZS 1-351. Short term rentals.

- (a) Generally. It is the intent of these regulations to maintain the neighborhood character where short term rentals take place and protect the health, safety and general welfare of the permanent residents and the lodgers while allowing this form of renting to exist.
- (b) Requirements.
 - (1) Any dwelling unit or portion thereof that is offered as short term rentals must conform to the provisions of this Title.
 - (2) Any property used or planned to be used for short term rentals shall be

limited to a single rental contract for any overnight period regardless of the number of available sleeping rooms in the principal dwelling unit or accessory apartment.

- (3) Occupancy.
 - A. Where the entire dwelling unit or accessory apartment is being offered for rent, occupancy shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) hereof.
 - B. Where a portion of the principal dwelling is being offered for rent, occupancy shall consist of a maximum of two sleeping rooms that may accommodate up to two lodgers per room but in no case a greater number of lodgers than may be permitted by the zoning district regulations.
 - C. Accessory apartments shall only be rented in their entirety and shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) herein. Accessory apartments shall also be subject to the provisions of § ZS 1-338 hereof.
- (4) No modifications shall be made to the dwelling unit which shall change the functionality, appearance or principal design of the structure as an individual dwelling unit.
- (5) There shall be no mandatory parking beyond those spaces required under the provisions of § ZS 1-320(a) for the existing permitted structure(s). However, no owner, occupant or lodger shall park a vehicle in such a manner that the vehicle blocks or impedes vehicular access to, or is located within, any public or private rights-of-way.
- (6) The property owner shall maintain a record of the names of all lodgers, including their address, phone number and email address as applicable, as well as the dates of lodging. Such record shall be provided to the County upon request.
- (7) The property owner or their authorized agent shall make the dwelling unit available for inspection during reasonable hours upon request by the County in order to verify compliance with the provisions of this Title.
- (8) On-premises signage shall be permitted in accordance with the provisions of § ZS 1-324.
- (9) The hosting of functions and events, including but not limited to wedding ceremonies, wedding receptions, family reunions, birthday and anniversary celebrations, corporate and employee appreciation parties and other similar gatherings of persons other than the authorized lodgers, shall

be prohibited in association with any short term rentals, regardless of whether or not any form of compensation or barter has been paid or received by any individual or firm for the event.

- (10) The County Commissioners by Resolution may establish additional standards or require additional information as deemed necessary to enforce the provisions of this Title.

Section 17. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

For Informational Purposes Only

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Licenses and Permits

For the purpose of amending the Taxation and Revenue Article to eliminate tourist permits and to provide for rental licenses for any sleeping place.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Section § TR 2-201 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be deleted and existing Section § TR 2-202 be renumbered as Section § TR 2-201.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § TR 2-106 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

§ TR 2-106. Rental licenses.

- (a) Definitions. For the purposes of this section the words and terms contained herein shall have the meanings and interpretations as ascribed by the definitions contained in Section § ZS 1-103 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.
- (b) License required. No person, firm or corporation or any other entity with an interest in real property shall rent or offer for rent all or any portion of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as a sleeping place or any lot or parcel of land for the purposes of placing a manufactured or mobile home, recreational vehicle or tent, regardless of the length of the rental term, without first obtaining a rental license from the Department. Rental licenses shall be issued only to the property owner.
- (c) License fees. Rental license fees shall be established by resolution of the County Commissioners. License fees payable upon application are non-refundable and no license fee will be prorated, upon cancellation, whether voluntary or otherwise.
- (d) Applications. Applications for a rental license shall be made on forms provided by the Department. The application shall be submitted to the Department together with the following information:
 - (1) For buildings or structures other than a hotel or motel where only a portion of the principal or accessory structure or building on a property is being offered for rental the applicant shall provide a floor plan drawn to scale that clearly shows the sizes and uses of all rooms and areas in the structure and those rooms and/or areas

that may be available to rent. The floor plan shall indicate the maximum number of persons permitted in each sleeping area. Additionally, a site plan of the property shall be provided which clearly shows any outdoor areas of the property that are available for use by those renting a portion of the principal or accessory building or structure, including the area designated for off-street parking.

- (2) For hotels and motels the applicant shall provide a list of all rooms available for rent, including the room number, the gross square footage of the room and the maximum number of persons permitted in each room.
- (3) For all buildings or structures where the entire building or structure is being offered for rent the applicant shall provide a floor plan drawn to scale that clearly shows the sizes of all rooms and areas in the structure and their intended use. In addition, the floor plan shall indicate the maximum number of persons permitted to occupy the structure.
- (4) For all manufactured or mobile home parks and campgrounds other than cooperative campgrounds as defined in Section § ZS 1-318(a), the applicant shall provide a list of all lots or sites in the park or campground and the maximum number of persons permitted to occupy each lot or site.
- (5) A copy of the standard lease or rental agreement and a copy of any house or property rules for renters.
- (6) The names, mailing address, e-mail address and telephone number of the property owner(s) and, if applicable, the property manager and resident agent, any of whom may be contacted twenty-four hours a day during any property rental period.
- (7) Any other information determined necessary by the Department to ensure compliance with the terms of this Title and the laws and regulations adopted under any other Title of the Code of Public Local Laws of Worcester County, Maryland.

(e) License term, renewal and display of license.

- (1) Applications for all new rental licenses may be made at any time. However, all rental licenses shall be valid for a period of one year from the date of issuance as shown on the rental license.
- (2) All applications for license renewals shall be made on forms provided by the Department and submitted not less than sixty days prior to the expiration of the license. The information required to be submitted for a new rental license as listed in Subsection (d)(1) through (d)(7) herein need not be submitted provided that none of the information has changed since the last license renewal. If the application for renewal is not received at least sixty days prior to the license expiration, it will be treated as a new application and shall comply with all initial

application requirements. If a rental license expires without being renewed as provided herein, the property shall not be used for rental purposes described by this Section until a new license application is submitted, approved and issued as provided for herein.

- (3) All issued rental licenses shall be prominently displayed on the premises to which it applies and shall be available for inspection at all times and to the County.
- (4) All advertising, whether by print, electronic, audible or in any other form or substance designed or used to inform as to the availability of any property for rent which is subject to the terms of this Section, shall contain the valid rental license number issued in accordance with this Section.

(f) Uses allowed and restrictions on licenses.

- (1) Only those areas, uses and number of residents, boarders or lodgers or any other parameter specifically mentioned in the rental license shall be permitted. No property for which a rental license has been issued shall be expanded or altered nor the types of rental arrangements modified to be other than those specifically described in the rental license without the licensee first applying for and being issued a new rental license which includes the expansion, alteration or modifications. Additionally, all properties used for the rental purposes described herein shall conform to the limitations and restrictions contained in the Zoning and Subdivision Control Article for the zoning district in which the property is located and the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle I Rental Housing Code, of the Code of Public Local Laws.
- (2) Rental licenses are not transferable. If a property is transferred, the rental license shall expire on the day the property is transferred and the property shall not thereafter be used for rental purposes until a new license is issued. Contract purchasers may apply for a new rental license prior to settlement on a property. However, the license shall not be issued until the new property owner provides the Department with proof of property transfer. There shall be no refunds of rental license fees for the unused portion of the license term or for unissued rental licenses when applied for by contract purchasers prior to property settlement in the event the property transfer does not occur.
- (3) A rental license may not be issued unless the subject property is in full compliance with all State and local laws and regulations.

(g) Administration and enforcement, inspection and penalties.

- (1) The responsibility for the administration and enforcement of this Title shall be vested in such County Department (hereinafter called the "Department") as designated or created for such purpose by the County Commissioners. The Department may delegate to its own personnel and to other persons such duties

and responsibilities in connection with the administration and enforcement of this Title as are appropriate in the Department's judgement. If the Department shall find that any of the provisions of this Title are being violated, it shall notify the property owner and, if applicable, the property manager or resident agent either by certified mail, by posting the property or by other appropriate method, including by e-mail with delivery and read receipts requested. Such notification shall indicate the nature of the violation and order the action necessary to correct it within a reasonable period of time as determined by the Department. At the conclusion of such reasonable period, if the violation has not been satisfactorily corrected in the judgement of the Department, the Department shall order or seek an injunction to bring about the correction of such violation or shall take any other action authorized by law to ensure compliance with this Section and prevent violation of its provisions.

- (2) The staff of the Department or any public safety or law enforcement agency or department shall have the right to enter upon any property for which a rental license has been issued hereunder in order to inspect such license and such property or parts of such property which are covered by the license provided, however, that nothing herein shall be so construed so as to give said individuals the right or privilege of entering upon any such premises or any part thereof while the same are under the control or supervision of a tenant of the license holder without permission of that tenant or having obtained a valid search warrant, if applicable, unless such premises is usually and customarily open to members of the public.
- (3) Any person establishing, maintaining, renting or operating any place as herein described without first obtaining a rental license or operating or maintaining the same in violation of this Section shall be guilty of a civil infraction.
- (4) In addition to the penalties as described herein, after providing the owner of the licensed property an opportunity to be heard, the County Commissioners may revoke, suspend or refuse to renew any rental license issued in accordance with this Section for any of the following reasons:
 - A. A material falsification, as determined by the County Commissioners, of any information supplied on a rental license application or in any additional information supplied by the property owner, applicant, property manager or any person as part of the rental license application or renewal process.
 - B. Any activity conducted on the licensed premises that is or would be detrimental to the health, safety or welfare of the public as determined by the County Commissioners.
 - C. Conviction of an applicant, property owner, applicant, property manager or any person in control of a property of any felony crime, regardless of where committed, or any violation of gambling, alcoholic beverage,

controlled substance or prostitution laws during the rental license period by any person while on the property.

- D. A repeated failure to conform to the rental license conditions, any rules and regulations adopted by resolution of the County Commissioners with regard to properties licensed under this Section, the Zoning and Subdivision Control Article of the Code of Public Local Laws as it applies to rental properties or the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle 1 Rental Housing Code of the Code of Public Local Laws.
- E. Recurrent offensive conduct or behavior of any person or persons on the property causing a public nuisance or disturbance as determined by the County Commissioners.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

For Informational Purposes Only

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Hotel Rental Tax

For the purpose of amending the Taxation and Revenue Article to update the language with regard to rental units and with reference to State Law, to extend the term of occupancy for which room tax applies, and to make certain stylistic changes with regard to language.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Title I, Subtitle VI of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed in its entirety and replaced to read as follows:

SUBTITLE VI

Hotel Rental Tax

§ TR 1-601. General provisions.

- (a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the County on the amount paid for room or building rental by or for any transient at any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as a place of lodging. This tax, if imposed, shall be at the rate of a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent. Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing.

- (b) Definitions. In this section, the following words and phrases shall have the meaning indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE OR SIMILAR PLACE - Any public or private house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as a place of lodging providing sleeping accommodations or space for one or more persons at any time, where the owner or operator thereof provides or offers to provide such sleeping accommodations or space to any transient in return for compensation of any kind.

PERSON - Any individual, corporation, company, association, firm, partnership or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA - Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the Tenth Election District of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL - The total charge for any monetary compensation or the fair market value of any non-monetary compensation received by the owner, operator or resident agent of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as a place of sleeping accommodations or space provided to a transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT - Any person who, for any period of less than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the expense of another, in any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as a sleeping place.

- (c) Collection. Any person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall complete a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected and he shall sign and deliver the report to the Board of County Commissioners with a remittance of the tax required hereunder. The reports and remittance shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18th day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section and/or file the required report within the time and in the amount specified in this section, there shall be added to the tax by the Board of County Commissioners interest at the rate of

one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section. If the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.

- (1) The County Commissioners may institute injunctive, mandamus or other appropriate proceedings of law to correct violations of this Subtitle. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.
- (2) Delinquent and unpaid taxes shall become a lien upon the real property of the person or entity from whom they are due and shall be collectible in the same manner as real estate taxes assessed against any such property.

(f) Distribution of proceeds.

- (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as a sleeping place:
 - A. The Board of County Commissioners shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
 - B. That portion of the remainder of the total proceeds which came from payments made for any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as a sleeping place located in whole or in part within the corporate limits of a municipal corporation in a resort area of the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
 - C. The remaining portion of the total proceeds shall be credited to the general funds of the County.
- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.

- (g) State administrative fee. The Retail Sales Tax Division of the Comptroller's Office shall supply to the Board of County Commissioners information in aid of verification of

liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.

- (h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. As applicable, the laws and the regulations in effect as to the sales and use tax in Maryland shall be adopted and followed by the Board of County Commissioners in promulgating or changing a rule or regulation.
- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
 - (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
 - (2) In lieu of the bond required by Subsection (k)(1) herein, securities approved by the Board of County Commissioners or cash in such amount as the Board prescribed may be deposited, which shall be kept in the custody of the Board. The Board, at any time, without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by

the Board at public or private sale without notice to the depositor of the securities.

- (l) Applicability. The procedures under Division IV, Title 20, Subtitle 4, Part 1 of the Local Government Article of the Annotated Code of Maryland apply to this section.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

For Informational Purposes Only

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Mobile and Manufactured Home Park Licenses

For the purpose of amending the Taxation and Revenue Article to repeal Title I, Subtitle V, Mobile and Manufactured Home Park Camp Licenses.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Title I, Subtitle V of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed in its entirety.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.