

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 19-3

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: July 16, 2019
AMENDED: SEPTEMBER 17, 2019

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 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 "BEDROOM" TO READ AS FOLLOWS:

BEDROOM - A ROOM THAT CAN BE USED FOR SLEEPING THAT MEETS ALL OF THE FOLLOWING CRITERIA:

- (1) CONTAINS A MINIMUM OF SEVENTY SQUARE FEET OF CONDITIONED SPACE UNOBSTRUCTED OTHER THAN BY FURNITURE AND NOT INCLUDING CLOSETS;
- (2) IS LOCATED ALONG AN EXTERIOR WALL OF THE STRUCTURE IN WHICH IT IS CONTAINED;
- (3) HAS AN ENTRY DOOR AND A CLOSET;
- (4) DOES NOT PROVIDE ACCESS TO ANOTHER ROOM OTHER THAN A BATHROOM OR A CLOSET;
- (5) HAS AN EMERGENCY MEANS OF ESCAPE AND RESCUE MEETING THE REQUIREMENTS OF THE COUNTY BUILDING CODE ADOPTED PURSUANT TO § BR 1-201 OF THE BUILDING REGULATIONS ARTICLE WHEN CONTAINED IN A BUILDING FOR WHICH A BUILDING PERMIT WAS ISSUED ON OR AFTER JULY 1, 1992; AND
- (6) IS NOT ALL OR ANY PART OF A HALLWAY, BATHROOM, KITCHEN, LIVING ROOM, FAMILY ROOM, DINING ROOM, DEN, HOME THEATER/MEDIA ROOM, BREAKFAST ROOM OR NOOK, PANTRY, LAUNDRY ROOM, SUNROOM, RECREATION ROOM, EXERCISE ROOM OR ANY OTHER SIMILAR USE.

Section 2. 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of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed.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 23. 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of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows: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 34. 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, 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 sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for more than twenty-eight consecutive days and who is not part of the resident family.

Section 45. 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 56. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 67. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 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 78. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 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 89. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 910. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 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 1011. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 1112. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 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 1213. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 1314. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 1415. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 1516. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that 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 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 1617. 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.~~ THE DEFINITION OF "FAMILY OR HOUSEKEEPING UNIT" AS CONTAINED IN § ZS 1-103 HEREOF SHALL NOT APPLY IN DETERMINING THE OCCUPANCY LIMITATIONS FOR SHORT TERM RENTALS HOLDING A VALID RENTAL LICENSE PURSUANT TO § TR 2-105 OF THE TAXATION AND REVENUE ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND BUT RATHER SHALL BE DETERMINED AS FOLLOWS:
 - 1. EVERY BEDROOM, AS DEFINED IN § ZS 1-103 HEREOF, OCCUPIED BY MORE THAN ONE PERSON SHALL CONTAIN NOT LESS THAN FIFTY SQUARE FEET OF FLOOR AREA UNOBSTRUCTED OTHER THAN BY FURNITURE FOR EACH OCCUPANT.

2. THE TOTAL NUMBER OF OCCUPANTS PERMITTED IN ANY SHORT TERM RENTAL UNIT SHALL NOT EXCEED THE SUM TOTAL OF ALL OCCUPANTS PERMITTED IN EACH BEDROOM OF THE STRUCTURE.

~~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 not including children under the age of twelve but in no case a greater number of lodgers than may be permitted by the zoning district regulations.~~

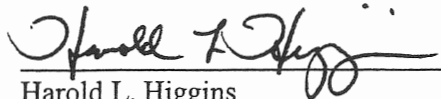
€ B. Accessory apartments shall only be rented in their entirety and shall be SUBJECT TO THE OCCUPANCY LIMITATIONS AS CONTAINED IN SUBSECTION (B)(3)A. ABOVE. ~~limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) herein.~~ Accessory apartments shall also be subject to the 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) One additional off-street parking space beyond that required by the provisions of § ZS 1-320(a) ~~for the existing permitted structure(s)~~ shall be provided for all short term rental ~~properties~~ STRUCTURES FOR WHICH A BUILDING PERMIT APPLICATION IS RECEIVED AFTER THE EFFECTIVE DATE OF THIS SECTION.
- (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.

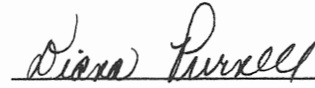
Section 1718. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.

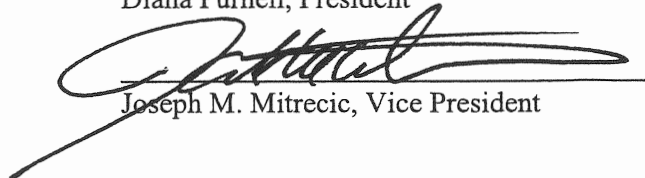
PASSED this 15th day of October, 2019.

ATTEST:


Harold L. Higgins
Chief Administrative Officer

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND


Diana Purnell, President



Joseph M. Mitrecic, Vice President

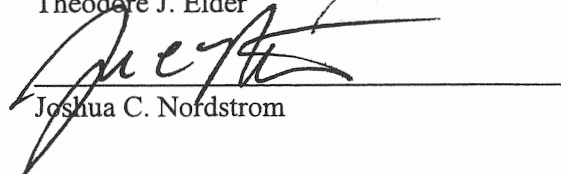
Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

Absent

James C. Church


Theodore J. Elder


Joshua C. Nordstrom