

COUNTY ORDINANCE NO. 24-09

A BILL ENTITLED

AN ACT CONCERNING Short-Term Residential Rentals in Queen Anne's County;

FOR THE PURPOSE of regulating short-term residential rentals in Queen Anne's County; revising certain definitions and adding a definition for "Short-Term Residential Rentals" in Chapter 18:1 App of the Code of Public Local Laws of Queen Anne's County; generally regulating and providing for short-term residential rentals; providing for the location of same; providing for overnight occupant and guest capacity; regulating amplified music; requiring parking on-site; requiring inspections and zoning approvals and zoning certificates for such use; prohibiting special events unless a conditional use is granted; requiring compliance with the County's hotel rental tax; providing for enforcement of these provisions; and generally dealing with, providing for and regulating short-term residential rentals in Queen Anne's County;

BY AMENDING Chapter 18 App-1 and ADDING Section 18:1-58 J. to the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 18:1 App be and is hereby AMENDED and Section 18:1-58 J. be and is hereby ADDED to the Code of Public Local Laws to read as set forth on the attached.

SECTION II

BET IT FURTHER ENACTED that upon introduction this Ordinance shall be referred to the Queen Anne's County Planning Commission for its review and recommendation pursuant to Section 18:1-220 of the Code of Public Local Laws.

SECTION III

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Dumenil

DATE: September 24, 2024

PUBLIC HEARING HELD: October 22, 2024

VOTE: 4 Yea 0 Nay 1 Abstain

DATE OF ADOPTION: November 26, 2024

Strikethrough to delete and **BOLD** to be added

§ 18App-1 Definitions.

In Chapter 18, the following words have the meanings indicated:

APARTMENT UNIT – A dwelling unit in a building containing three or more dwelling units that occupants rent or lease from the owner of the dwelling unit **FOR MORE THAN THIRTY (30) CONSECUTIVE DAYS**.

DUPLEX – A two family dwelling, either stacked or sharing a common wall, designed for and occupied exclusively as the residence of not more than two families, whether as renters or owners, each living as an independent housekeeping unit **FOR MORE THAN THIRTY (30) CONSECUTIVE DAYS**.

FAMILY – One or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit and living as a single housekeeping unit **FOR MORE THAN THIRTY (30) CONSECUTIVE DAYS**.

MULTIFAMILY – A planned residential development consisting of more than one dwelling unit (such as duplexes, townhouses, apartments, ~~or multiplex~~ **OR CONDOMINIUM UNITS THAT ARE OCCUPIED BY OWNERS OR RENTERS FOR MORE THAN THIRTY (30) CONSECUTIVE DAYS**) that involves the identification and protection of required open space and is accomplished pursuant to the design and improvement standards set forth in Article V of Part 3 of Chapter 18:1 ~~this Chapter 18~~.

SHORT-TERM RESIDENTIAL RENTALS – THE USE AND OCCUPANCY OF A DWELLING UNIT FOR A FEE FOR LESS THAN THIRTY (30) CONSECUTIVE DAYS THROUGH A HOSTING PLATFORM UTILIZED BY A TRANSIENT OCCUPANT. A SHORT-TERM RESIDENTIAL RENTAL IS NOT A BED AND BREAKFAST.

SINGLE FAMILY RESIDENTIAL DWELLING – A dwelling designed for single-family residential use and occupied **FOR MORE THAN THIRTY (30) CONSECUTIVE DAYS** by not more than one family and having no roof, wall or floor in common with any other dwelling unit. "Single family residential dwelling" includes stick-built homes, modular homes, and double-wide manufactured homes.

Article VII Supplemental Uses

§ 18:1-58 Additional uses and regulations

J. (Reserved) **SHORT-TERM RESIDENTIAL RENTALS**

(1) AS A SUPPLEMENTAL USE, SHORT-TERM RESIDENTIAL RENTALS SHALL BE REGULATED SO AS TO MINIMIZE ADVERSE IMPACTS ON NEIGHBORING PROPERTIES THAT MAY ARISE FROM FREQUENT

CHANGE OVER OF GUESTS, INCREASES IN PARKING REQUIREMENTS, LACK OF FAMILIARITY WITH PROPERTY BOUNDARIES, AND EXCESSIVE NOISE.

- (2) SHORT-TERM RESIDENTIAL RENTALS ARE PERMITTED TO BE LOCATED IN DWELLING UNITS IN ALL ZONING DISTRICTS, PROVIDED:**
- (A) THE PROPERTY OWNER SHALL DEMONSTRATE TO THE DEPARTMENT THAT THE PROPERTY OWNER OR A PROPERTY MANAGER IS LOCATED WITHIN QUEEN ANNE'S COUNTY OR AN ADJACENT COUNTY ON THE EASTERN SHORE OF MARYLAND AND AVAILABLE AT ALL TIMES DURING THE SHORT-TERM RENTAL OCCUPANCY.**
 - (B) OVERNIGHT OCCUPANT AND GUEST CAPACITY:**
 - [1] WITH PUBLIC SEWER AND/OR WATER: THE MAXIMUM NUMBER OF OVERNIGHT OCCUPANTS WHO ARE 18 YEARS OR OLDER SHALL NOT EXCEED TEN (10) OR TWO PERSONS PER BEDROOM, WHICHEVER IS LESS. THE MAXIMUM NUMBER OF GUESTS, INCLUDING OVERNIGHT OCCUPANTS, WHO MAY OCCUPY THE PROPERTY AT ANY ONE TIME SHALL NOT EXCEED TWENTY (20) PERSONS OR THE MAXIMUM CAPACITY OF ADEQUATE SEWER AND/OR WATER SERVICES PROVIDED, WHICHEVER IS LESS.**
 - [2] WITHOUT PUBLIC SEWER: ON PRIVATE SEPTIC, AT ANY GIVEN TIME THE MAXIMUM NUMBER OF OVERNIGHT OCCUPANTS AND GUESTS WHO ARE 18 YEARS OR OLDER SHALL NOT EXCEED TWO PERSONS PER BEDROOM OR THE MAXIMUM TREATMENT CAPACITY OF THE ONSITE SEPTIC SYSTEM, WHICHEVER IS MORE.**
 - [3] ALL GUESTS WHO ARE NOT OVERNIGHT OCCUPANTS SHALL VACATE THE PROPERTY NOT LATER THAN 11:00 P.M. EACH DAY DURING THE SHORT TERM RENTAL PERIOD.**
 - (C) OUTDOOR AMPLIFIED MUSIC SHALL BE DISCONTINUED AT 8:00 P.M.**
 - (D) PARKING FOR ALL OCCUPANTS AND GUESTS SHALL BE PROVIDED ON-SITE.**
 - (E) THE PROPERTY OWNER HAS SECURED ZONING APPROVALS AS REQUIRED BY SECTION 18:1-132, ET. SEQ. WHICH MAY NOT BE ISSUED BY THE DEPARTMENT UNTIL THE PROPERTY HAS BEEN INSPECTED FOR COMPLIANCE WITH APPLICABLE BUILDING, HABITABILITY, AND FIRE SAFETY CODES AND THE PROPERTY OWNER DEMONSTRATES COMPLIANCE WITH SUBSECTION (H) BELOW.**

[1] FOLLOWING THE INITIAL ISSUANCE OF A ZONING CERTIFICATE, SELF-CERTIFICATION FOR INSPECTION MAY BE ADMINISTERED AND CONFIRMED THROUGH AN AFFIDAVIT TO ACCOMPANY THE ANNUAL ZONING CERTIFICATE APPLICATION. EVERY FIVE (5) YEARS AFTER THE INITIAL APPLICATION, A COUNTY INSPECTION WILL BE REQUIRED PRIOR TO ISSUANCE OF A ZONING CERTIFICATE.

[2] THE COUNTY RESERVES THE RIGHT TO CONDUCT AN INSPECTION DURING ZONING CERTIFICATE REVIEW.

[3] SELF-CERTIFICATION MAY NOT BE ADMINISTERED FOR ANY PROPERTY THAT HAS PREVIOUSLY BEEN SUBJECT TO SECTION (3).

(F) A ZONING CERTIFICATE SHALL BE ISSUED ANNUALLY PURSUANT TO § 18:1-138.

(G) SHORT-TERM RESIDENTIAL RENTALS SHALL NOT BE USED FOR *SPECIAL EVENTS* UNLESS A CONDITIONAL USE APPROVAL IS GRANTED BY THE BOARD OF APPEALS.

(H) THE PROPERTY OWNER HAS REGISTERED THE USE WITH THE QUEEN ANNE'S COUNTY FINANCE OFFICE TO FACILITATE THE COLLECTION OF THE COUNTY'S HOTEL RENTAL TAX.

(3) ENFORCEMENT

(A) A SHORT-TERM RESIDENTIAL RENTAL ZONING CERTIFICATE MAY BE SUSPENDED, REVOKED, OR NOT RENEWED DUE TO DOCUMENTED LEGAL MATTERS, A CITATION, OR VIOLATION BASED UPON NON-COMPLIANCE WITH QUEEN ANNE'S COUNTY CODE, INCLUDING ANY VIOLATIONS OF BUILDING, ELECTRICAL, PLUMBING, AND FIRE CODE.

(B) FOR A PERIOD OF THREE (3) YEARS AFTER A ZONING CERTIFICATE IS REVOKED, A SHORT-TERM RESIDENTIAL RENTAL ZONING CERTIFICATE MAY NOT BE ISSUED TO THE FORMER APPLICANT OR TO ANY APPLICANT TO USE THE SAME DWELLING UNIT WHERE THE ZONING CERTIFICATION WAS REVOKED.

(C) SECTION 18:1-208 AUTHORIZES A RIGHT OF ENTRY FOR INSPECTION. FAILURE TO PROVIDE TIMELY ACCESS MAY SERVE AS A BASIS TO ISSUE A CITATION OR VIOLATION.