



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: July 14, 2021

Subject: Questionnaire results

### STAFF REPORT

As of Friday, July 9, 2021, the Department had received 14 of the 15 questionnaires. A tally is attached as well as a summary of all comments received. The responses were widely distributed as the tally indicates.

The questionnaire was laid out with the following structure. There were 12 public specific requests (plus two new requests received), 18 requests from Task Force members, and 14 for consideration submitted by staff. For each of these items, a simple question is asked by this questionnaire:

***Would you agree with this specific request?*** If yes, please indicate by selecting “yes.” You would select *yes*, if you would like to see the request included in the future draft of the Land Use Ordinance and you do not require any further discussion. If not, then select “no.” You would select *no*, if you don’t want the text change included, and you don’t need to discuss it any further. If you would like further discussion and a staff report on an item, then indicate “Discuss.” Comment lines are for your use to add anything else.

For the 14 questionnaires, there was a total of 221 answers of “Yes,” 81 answers of “No” and 216 answers of “Discuss.” The distribution of the Discuss answers was such that there were four 3’s, six 4’s, twelve 5’s, nine 6’s, seven 7’s, one 8, and one 9. As shown in the attached tally of responses, 10 of the 40 questions received limited requests for further discussion (3 or 4 out of 14 responses), and staff recommends those be eliminated for the future schedule. This would reduce the items for discussion by 10, leaving 30 items for further discussion. A proposed schedule moving forward is the subject of the next staff report.

c: file

## Task Force Member Questionnaire

Question	Not Discuss		Discuss
	Yes	No	
P1	7	2	5
P2	0	7	6
P3	8	3	3
P4	✓	✓	✓
P5	✓	✓	✓
P6	5	2	6
P7	6	0	7
P8	✓	✓	✓
P9	4	5	4
P10	5	1	6
P11	7	1	5
P12	3	1	9
PNEW17	7	1	5
PNEW18	3	4	7
TF1	5	2	7
TF2	6	3	5
TF3	7	2	4
TF4	5	2	7
TF5	4	2	8
TF6	7	1	4
TF7	5	3	5
TF8	2	8	4
TF9	7	0	7
TF10	9	0	5
TF11	5	1	5
TF12	5	1	5
TF13	✓	✓	✓
TF14	6	2	3
TF15	7	1	4
TF16	8	0	3
TF17	7	1	6
TF18	✓	✓	✓
S1	6	2	5
S2	6	2	5
S3	6	2	5
S4	✓	✓	✓
S5	4	3	5
S6	3	5	6
S7	5	1	7
S8	7	0	6
S9	6	1	6
S10	6	3	3
S11	8	0	4
S12	6	0	6
S13	4	3	7
S14	4	3	6
<b>TOTALS</b>	<b>221</b>	<b>81</b>	<b>216</b>

Tally as of 2021-07-09

## TASK FORCE MEMBER QUESTIONNAIRE

Dear Task Force Member,

Thank you for participating in this anonymous survey to determine if further research is needed on the requests for specific text changes that have been submitted. There are 12 public specific requests (plus two new requests received this month), 18 requests from Task Force members, and 14 items for your consideration submitted by staff. For each of these items, a simple question is asked by this questionnaire:

**Would you agree with this specific request?** If yes, please indicate by selecting “yes.” You would select yes, if you would like to see the request included in the future draft of the Land Use Ordinance and you do not require any further discussion. If not, then select “no.” You would select no, if you don’t want the text change included, and you don’t need to discuss it any further. If you would like further discussion and a staff report on an item, then indicate “Discuss.” Comment lines are for your use to add anything else.

If you have any questions, please let me know.

Sincerely,

Bill

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P1. Request to change farm definition so a shed could be built without a dwelling ([alter definition 116. Farm to less than 20 acres on p. 458; address sheds under definition 2. Accessory Structure on page 447](#))

- Size?
- Less than 20 acres = Hobby Farm. Pushback exists for Hobby Farms.
- Need more information. How will this impact neighbors, taxes and current zoning laws?

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P2. Request to allow utility-scale energy systems in the Agricultural Zoning District ([this would transfer AZD from the regulations for solar energy systems, utility scale, under §57.25 on p. 428 to §57.5 on page 428.1 for solar energy only; wind energy at the utility scale is not permitted anywhere in Kent County](#))

- This would allow large scale solar energy operations with little control. – This is AG. Area – Not commercial.

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P3. Request to continue to exclude data centers from Agricultural Zoning District ([no change required](#))

- I lean towards no Data Center in Ag District!
- Confusion as question is worded. – They are Ag Uses so shouldn’t be AZD.
- Need Good Definition and Examples of “Data” Centers. AZD
- In favor of excluding data centers in AZD.

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P4. Request to create two, new floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the

## TASK FORCE MEMBER QUESTIONNAIRE

Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district ([staff report completed](#))

- Yes
  - Discuss
  - Yes – appears to be good especially in the 301 area.
  - Needs lots of discussion – No Residential in Combined Areas (C).
  - Need more info.
- 

P5. Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district ([staff report completed](#))

- Yes (Add “Family Travel Centers” as permitted use as well)
  - Discuss
  - Not a problem – Need to look at how it effects Worton.
  - Discuss = Only in 301 Corridor.
  - Yes, without drive through.
- 

P6. Request to consider adjacent lots under same ownership in order to meet the minimum requirements related to rules for the keeping of backyard chickens ([alter provisions such as those under §16 on p. 16](#))

- Need more detail. Do people in Millington want it.
  - How will this impact neighbors?
- 

P7. Request to review lot coverage standards and other Critical Area provisions, lot line adjustments on parcels under 5 acres, and wastewater treatment. The request is to review the following: 1) allow paved driveways for home access in critical residential 2) require nitrogen reducing systems for septic but not double fields 3) give ability to remove fallen trees and debris from storms without exception 4) driveways do not count as impervious space 5) lot line adjustments should be allowed for less than 5 acres if buyer and seller are agreed and adjacent 6) farms, industrial, and government waste water should have same restrictions as private land holders regards runoff and waste water management ([Staff could review all Critical Area requirements to comply with State requirements but not beyond to address these concerns](#))

- Don't some of these items come under health dept? e.g. septic requirements.
  - 1 + 4      to be opposed – Paving not impervious? Look at 5.3 pg. 78 #23 Wind energy? 5- Allowed if it does not create a minor subdivision or lot goes below minimum size.
  - Ask staff – Ask Critical Area
  - We have not had sufficient information or discussion o these topics.
- 

P8. Request to allow Class 8 Farm Breweries in the Agricultural Zoning District ([this request was added to the Land Use Ordinance last week via an application submitted by a property owner; remove from list](#))

- What are Class 8 Breweries?
- Yes – just passed recently – with no negative comments
- Create Kent County Brewery Trail
- How many do we want?

## TASK FORCE MEMBER QUESTIONNAIRE

P9. Request to review standards related to subdivisions accessing private roads (this request is to increase the number of parcels allowed to access a private road to more than seven lots, which is the current limit)

- Build roads to County standards + Dedicate to County – Should have standards for minor < 7 & Major > 7 Subdivisions.
  - Impact on existing lanes, users and neighbors needs to be considered
  - I would hate to see a proliferation of gated communities in Kent.
- 

P10. Request for modified buffer in RCD for campgrounds, as defined in § 2.2 (18) – (allows for zoning to address Modified Buffer for one use; a State-approved buffer change will still be required to allow this, and a process to request a Modified Buffer would need to be adopted in order for any request to proceed)

- What is growth allocation?
  - Ask staff
- 

P11. Request to review lot sizes and required setbacks in property owner’s district (request is to reduce lot sizes to ½ acre and reduce setbacks in the CAR district; lot size is ½-acre but density is 1 unit per acre; staff is of the opinion that a general review of lot sizes at general text review would be sufficient for this)

- Need more information and research. Consider impact on neighbors who are established under current zoning laws.
- 

P12. Request to review subdivision density standards related to zoning map request (request was via phone and related to the desire to subdivide property in AZD; a general text review may be sufficient)

- Discuss Subdivision Rules.
  - More information, research and discussion needed.
- 

NEW. Request to add agritourism, as defined by the State of Maryland, as a permitted use in Agricultural Zoning District (this would add agritourism as a permitted use in AZD to p. 9 and a definition to p. 448; it could also be included in other districts that allow farms but included as permitted by special exception; the State defines agritourism as an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation, including farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farms, pumpkin patches, “pick your own” or “cut your own” produce, classes related to agricultural products or skills, and picnic and party facilities offered in conjunction with any agritourism activity.)

- Permitted use? What restrictions would be included? What about impact on neighboring properties?
  - What is “Guest Farm”?
  - We have in operation. Big Woods.
  - Impact on roads, traffic, neighbors, etc.?
-

## TASK FORCE MEMBER QUESTIONNAIRE

NEW. Request to allow backyard goats in the Village zoning district with similar provisions as backyard chickens (the member of the public included draft provisions for text to allow goats with specific limits - The maximum number of goats, 4 months or older should be determined by lot size: No goats permitted on a lot of less than 1/2 acre; No more than 3 goats permitted on a lot of 1/2 acre to 1 acre; No more than 6 goats permitted on lots of more than 2 acre. The area for keeping goats must be closed in such a fashion that the goats are confined and not able to leave the owner's property. Goats need to be provided with a covered shelter with bedding, and an outdoor enclosure that is adequately fenced to contain the goats on the property. Structures for the housing should meet the permitting requirements of ordinance. Shelter should be setback a minimum of 40 feet from any property line, in rear yards only, and kept clean and free from odors and materials that can attract vermin. Feed will need to be kept in secure containers so as not to attract vermin. Goats being grazers allows waste to naturally compost, but bedding (waste) materials should also be composted or removed from property. The outdoor slaughtering of goats should not be permitted.)

- Perhaps opening a "can of worms" (precedent) with other livestock?
  - Need to be concerned about the impact on the neighbors.
- 

TF1. Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages (Article V, Section 1.4.A.10.5 – waste management structures; Article V, Section 1.2.12 – poultry houses; Article V, Section 1.2.17 – stable, private; Article V, Section 1.2.18 – stable, commercial; Article V, Section 1.3.13 – feedlot or confinement dairy; Article V, Section 1.3.16 – more than 4 horses and mules; Article V, Section 1.3.18 – poultry houses on parcels where owner cannot handle the waste generated; Article V, Section 1.4.A.1 – accessory farm buildings – animals; Article V, Section 1.4.A.8 – short list of accessory uses that must be 200 feet)

- I believe that 200' is a little close to the line.
- One size doesn't fit all.
- More information, research and discussion needed.

TF2. Review elimination of the 10% rule (related to new agricultural subdivisions). [Under this rule, if two brothers were to inherit a 198-acre farm, and they decide to part ways, they are not allowed to divide the farm into two, 99-acre parcels. The best they're allowed is to divide a 19.8-acre parcel from the farm.] (Article V, Section 1.5 – Density, Area, Height, Width, and Yard Requirements)

- This Rule needs to be eliminated!
  - I don't think we need more housing developments but I think the 10 % Rule can be modified in some ways.
  - Research and information needed for discussion.
- 

TF3. Review landscaping to reduce the required number of trees [for example, one business site was required to have 185 trees and bushes on a 1.3-acre site] (Landscaping standards are found in the Specific Design Standards of each district with the exception of AZD and RCD. In Rural Character, Rural Residential, Critical Area Residential, and Community Residential the landscaping requirements are limited to street trees in new subdivisions. In Village, Intense Village, Crossroads Commercial, Commercial, and Commercial Critical Area, there are standards for General Landscaping, Parking Areas, and Perimeters. In

## TASK FORCE MEMBER QUESTIONNAIRE

Marine, Employment Center, Industrial, and Industrial Critical Area – LDA, there are standards for General Landscaping and Screening. The standards are based on percentages of lot area and not number of trees.)

- Ask Staff
  - Please provide more information.
- 

TF4. Review allowing nonconforming structures that were conforming when built to be granted a fully legal status as conforming vs. as legal, nonconforming ([Article VIII Nonconformities starts on page 429. Section 2 addresses structures.](#))

- Creates avenue for new non-conforming to become legal automatically – Keep non-conforming + handle on a day time basis.
  - More information needed. How many structures does this impact? Legal ramifications?
- 

TF5. Review concept of a reset in AZD to allow building sites up to 1 unit per 30 acres as of the approval of new zoning regardless of what has been subdivided previously. ([Research to be forthcoming, if needed.](#))

- Research needed!
  - Please provide additional information.
- 

TF6. Review allowing sustainable agricultural operations for production for farmers markets, personal use, or commercial sale on homesites in ag zoning districts. ([relates to definition #116 of farms on page 458 regarding raising livestock on parcels less than 20 acres and may also relate to definition #9 on page 448.](#))

- There should be limits on amount of animals per acre.
  - What is “sustainable”??
  - No livestock in less than 20 acres.
  - More information needed. How will this impact neighbors?
- 

TF7. Review setbacks along roadways, so the County, State or utilities do not have to maintain vegetation planted along rights-of-way. ([The County requires 50-foot rights-of-way mostly comprised of pavement and stormwater measures like swales. Rights-of-way are addressed under specific design standards in most zoning districts, for example, in AZD on page 24.](#))

- County requires a minimum of 50'. County maintains 50' if private, which must be built to County specs. Who checks that road is maintained to County standard? Who pays?
  - Not in favor of redoing trees.
- 

TF8. Review allowing data center on land in AZD at 0.5% of total land (about 630 acres) in order to let landowners decide if they want to look at this option. ([This scenario would require the addition of data processing centers in the AZD.](#))

- This would give more rights to landowners, could be lowered to less than the .5%. Could be an economic driver.
- Do not allow.

## TASK FORCE MEMBER QUESTIONNAIRE

- AZD is not commercial / industrial
  - Not for Kent Co.
  - Why are we continuing to revisit data centers?
- 

TF9. Review elimination of the County's maximum pier length of 150 feet. [In order to construct a pier, first one must apply to the MDE and Army Corps for a license. This application must be reviewed and approved by seven State and Federal agencies including Army Corps of Engineers, MDE, DNR, MHT, US Fisheries, US Fish & Wildlife, before the license is granted.] (See for example, Article V, Section 2.4.B.7 – private piers. Also, definitions)

- Why does Kent have 150 ft max?
  - Should still require site plan.
  - Please provide additional information and research.
- 

TF10. Review how to better define establishing a Modified Buffer, keeping in mind that not all waterfront properties are in a straight line. (See for example, Article V, Section 5.7.B.3.d – Expansions of existing dwellings in the modified buffer. Staff could review all Critical Area requirements to comply with State requirements but not beyond to address these concerns.)

- Not clear on meaning.
  - Need a better understanding of issues.
  - Please provide additional information.
- 

TF11. Review how to better define an Expanded Buffer. (See definition of buffer. Article XI, number 35. Staff could review all Critical Area requirements to comply with State requirements but not beyond to address these concerns.)

- More information and research needed.
- 

TF12. Review how to better define the term Structure (in the definitions section), as it applies to the establishment of the aforementioned Buffers. (Article XI, number 321. Staff could review all Critical Area requirements to comply with State requirements but not beyond to address these concerns.)

- More information needed.
- 

TF13. Review streamlining the Cottage Industry process. (staff report completed)

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TF14. Review waterfront regulations. Waterfront is now considered the Front Yard. This causes issues such as pools are not allowed in the front yard and since the road is now considered the rear yard, accessory sheds can be five feet from the road. (See definition of Yard, Front: Article XI, number 362)

- Road front, whether front side or back of the house should be considered "front yard".



## TASK FORCE MEMBER QUESTIONNAIRE

- Impact on neighbors, roads need to be considered.
- 

TF15. Review size limitations on accessory structures currently limited to 1,200 ft<sup>2</sup> in most properties under five acres. This could be enlarged to at least 2,000 ft<sup>2</sup> as long as stormwater management and screening regulations are met. (See for example, Article V, Section 1.4.B.9 – private garages, etc. Same regulation is also in RCD, RC, RR, CAR, CR. This regulation is not in V or IV, which means there is no size limit beyond the definition for accessory structures. )

- Import on neighbors, taxes? More information and researched needed.
- 

TF16. Review Front Yard definition on corner lots; currently, it's the side with the smallest dimension. Review of the side where the driveway entrance is located is a better option. If there are two driveways, one could then be removed. (See definition of Yard, Front: Article XI, number 362. Also, may want to review Article VI, Section 3.4, Supplementary Regulations, Front Yards)

- Provide more information.
- 

TF17. Review setbacks for buildings containing animals. Currently, this is 600 feet. Review for more flexibility. Maybe 600 feet from residential zoning districts or provide for an administrative variance process to reduce the required setback. (See list of references under TF1. above)

- Ask for \_\_\_\_\_ variance. Ask staff
  - Impact on neighboring properties must be considered. Need more research and information.
  - This should be a County Roads or State Highway issue.
- 

TF18. Review timelines. Currently, projects scheduled before Planning Commission and Board of Appeals must be submitted 20 days before meetings. For projects that require concept, preliminary and final review, this allows only a week for applicants to address comments and resubmit for the following meeting. (staff report completed)

- Yes.
  - Yes. Report looked good.
  - Could be shorter time.
- 

S1. Consider adding accessory dwelling units to the Village zoning district (Article V, Section 7)

- How will this impact tax structure, and neighbors? Please provide more information.
  - A minimum lot size should be included.
- 

S2. Consider re-evaluating 25-foot setbacks for recreational uses such as pools in Village (p. 113, Article VI, Section 7.4.8)

## TASK FORCE MEMBER QUESTIONNAIRE

- I can see pros & cons to this so I think it should be discussed.
  - Should be larger – pools, tennis Courts require fencing – This closes in road and view shed.
  - Need to consider impact on neighbors and neighbors property.
- 

S3. Consider clarifying how accessory structures can be located in front yards ([alter definition of front yard](#))

- More information needed.
- 

S4. Consider standardizing 10-day, 15-day, and 20-day notices to one standard ([covered under TF18](#))

- Yes. Report looked good.
- 

S5. Consider removing renewal language for telecommunications ([pp. 418-419, Article VII, § 7.35.m](#)).

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S6. Consider removing the renewal requirements for sand and gravel pits ([p. 426, Article VII, Section 7.52](#)).

- State also.
- 

S7. Consider reviewing the definition of structures, especially considering fences ([without foundations](#)):

Structure - Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, including but not limited to *mobile homes, signs, swimming pools, fences, gas and liquid storage tanks, backstops for tennis courts, sheds, barns, and pergolas*.

- More information and research needed for discussion.
- 

S8. Consider reviewing the definition of accessory structure and accessory use:

Accessory Structure - A detached *structure* on the same parcel as the principal *structure* or use and which is incidental and subordinate to the principal *structure* or use in area, extent and purpose, i.e. shed, or detached garage.

Accessory Use - One which: (a) is subordinate to and serves a principal *structure* or principal use; (b) is subordinate in area, extent, and purpose to the principal *structure* or use served; (c) is on the same *lot* as the principal *structure* or use served except as otherwise expressly authorized by provisions of this ordinance; and (d) is customarily incidental to the principal use or *structure*.

- More information and research needed for discussion.
- 

S9. Consider reviewing demolition process as it relates to age of structure ([p. 482, Article XII, § 3, #5.5](#))

## TASK FORCE MEMBER QUESTIONNAIRE

S10. Consider reviewing the definition of waterway width versus State approach:

[Waterway, Width Measurement](#) - The measurement is made at the shoreline location of the pier and the narrowest width of the waterway from that point.

- State definition.
  - What is State approach.
  - More information needed for discussion.
- 

S11. Consider reviewing the conditions related to hunting trailers on farms ([Article, V, Section 1.4.A.7 \(p. 13\)](#); [Section 2.4.A.6 \(p. 31\)](#); [Section 3.4.A.6 \(p. 48\)](#); [Section 4.4.A.6 \(p. 63\)](#); [Section 6.4.A.6 \(p. 97\)](#))

- Ask staff.
  - More information needed for discussion.
- 

S12. Consider reviewing the side setbacks and rear setbacks of three feet and five feet, respectively, for accessory structures in rear yards, which occur throughout the LUO ([increase setbacks with bldg height](#))

- Please provide more information and research. How will this impact neighbors? Taxes?
- 

S13. Consider discussing an overall approach to short-term vacation rentals (STVR)

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S14. Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects

- Eastern Shore Land Conservancy would be a good source of info for this topic.
  - Get involved when State and Feds, State and Federal plans.
  - Please provide more information so that we can make an informed decision.
-

**Typed statement received with questionnaire response:**

I believe there is a lot more information, research and discussion needed on most topics in order for us to make informed decisions. I am concerned about the agenda that the county seems to be pushing. I am concerned about the manner in which things are presented. It seems as though items are presented from a slanted perspective rather than an objective perspective. During our meetings we have not set forth any parameters as to how we will make actual decisions with respect to each topic being considered. However, with the topic of Data Centers, we have voted this down and yet we continue to revisit the topic.

With respect to this particular questionnaire, I believe it is important for us all to receive the actual tallied results and comments from the questionnaires. Even though the questionnaire is anonymous, the results should be made public to all task force members and interested parties.



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: July 14, 2021

Subject: Calendar and Schedule

### STAFF REPORT

On July 6, 2021, the Board of County Commissioners approved a revised general schedule moving forward. The Comprehensive Rezoning Update project will be separated into its two largest components – the zoning text revisions and the map changes. Each will have its own separate timeline.

#### **Calendar**

The attached calendar lays out the zoning text process from July through March 2022. Following the final Task Force meeting in March, staff will prepare and file legislation related to only the zoning text, in order to introduce a bill for consideration by the Board of County Commissioners. That bill will return to the Planning Commission for its separate recommendation on the bill as a whole.

In July 2022, the County will include a letter in the tax bill to alert property owners that the mapping process will begin in the fall. By October, property owners will be able to review the final text and select a new zoning district to request, if they so choose. Following the adoption of the text legislation, the staff will submit the text to the Critical Area Commission for its review in November. While the Critical Area Commission is reviewing the text, the mapping process will be initiated.

Requests will be reviewed, and a legislative package will be assembled for the adoption of maps and text changes required by the Critical Area Commission for introduction in April 2023. The legislative cycle for mapping and Critical Area Commission text changes is expected to be completed in September 2023. In keeping with the open process for rezoning, map changes may be accepted throughout the process.

#### **Schedule**

The attached schedule provides a list for each meeting of specific text changes for discussion. The schedule runs through the end of October and finishes with the third Public Forum on October 27. Please note that items are listed by type. Items listed as P# are for the requests by members of the public. Items listed as TF# are from Task Force members, and items listed as S# are suggested items for consideration by staff. Each item has its questionnaire ranking, and items that are ranked less than 4 have been indicated as removed for further discussion. For those items, staff will use the tally sheet for scored items and the minutes for completed items (indicated by a checkmark) for direction. Items with majority *yes* votes will be included in the draft LUO, and items with majority *no* votes will not be included. A version of the LUO with proposed specific text changes will be presented to the Task Force in November.

c: file



## CRU Task Force Proposed 2021-2022 Calendar Land Use Ordinance Text

MONTH	MEETING TOPIC
July - October	Review Requests for Specific Text Changes (see schedule)
October 27	Hold <b>Third Public Forum</b> for Public Input on Recommendations
November 10	Receive and Review Restructured Code from the Consultant
November 24	Review Specific Text Changes as Integrated into the LUO
December 8	Receive and Review Best Practices suggested by Consultant
December 22	No meeting
January 12	Hold <b>Fourth Public Forum</b> to receive input on proposed LUO
January 26	Task Force to make Recommendations on Chapter Graphics
February 9	Task Force to make Recommendations on Best Practices
February 23	Task Force to make Recommendations on Final Text Version
March 9	Hold <b>Fifth Public Forum</b> to receive input on Recommendations
March 23	Task Force to make Final Recommendations based on above

*Note:* Following transmittal to County Commissioners, the legislative process begins.

For more information, please contact the Kent County Department of Planning, Housing, and Zoning at 400 High Street, Chestertown MD 21620, or at 410-778-7423, or by email at [compzone@kentgov.org](mailto:compzone@kentgov.org).

## CRU TF SCHEDULE BY 2018 COMP PLAN CHAPTERS

Questionnaire Rank	Request Number	Description
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### MAY 26 - ECONOMY

- |   |       |  |
|---|-------|--|
| ✓ | P4.   | Request to create two, new floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district |
| ✓ | P5.   | Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district   |
| ✓ | TF13. | Review streamlining the Cottage Industry process.  |
| ✓ | TF18. | Review timelines. Currently, projects scheduled before Planning Commission and Board of Appeals must be submitted 20 days before meetings. For projects that require concept, preliminary and final review, this allows only a week for applicants to address comments and resubmit for the following meeting.       |
| ✓ | S4.   | Consider standardizing 10-day, 15-day, and 20-day notices to one standard  |

### JUNE 9 - TOWNS & VILLAGE

- |   |      |   |
|---|------|---|
| ✓ | TF3. | Review landscaping to reduce the requirements for trees (for example, one business site was required to have 185 trees and bushes on a 1.3-acre site).  |
| ✓ | TF7. | Review setbacks and required rights-of-way for roads, so the County, State or utilities do not have to maintain vegetation planted along rights-of-way. |

### JUNE 23 – TOWNS & VILLAGE

*2017 Economic Development Plan* – Ms. Jamie Williams, Director, Economic and Tourism Development

- |   |     |  |
|---|-----|--|
| ✓ | S2. | Consider re-evaluating 25-foot setbacks for recreational uses such as pools in Village |
| ✓ | S3. | Consider clarifying how accessory structures can be located in front yards             |

### JULY 14 – HOUSING, TRANSPORTATION, AND HISTORIC & CULTURAL RESOURCES

Review the Results of the Task Force Member Questionnaire  
Review of a proposed Schedule for Task Force Conversations

- |   |                |  |
|---|----------------|--|
| 4 | <del>P9.</del> | <del>Request to review standards related to subdivisions accessing private roads</del> |
| 5 | S1.            | Consider adding accessory dwelling units to the Village zoning district                |
| 6 | S9.            | Consider reviewing demolition process as it relates to age of structure                |
| 7 | S13.           | Consider discussing an overall approach to short-term vacation rentals (STVR)          |

## CRU TF SCHEDULE BY 2018 COMP PLAN CHAPTERS

Questionnaire Rank	Request Number	Description
<b>JULY 28 - ENVIRONMENT</b>		
7	P7.	Request to review lot coverage standards and other Critical Area provisions, lot line adjustments on parcels under 5 acres, and wastewater treatment
6	P10.	Request for modified buffer in RCD for campgrounds, as defined in § 2.2 (18)
7	TF9.	Review elimination of the County’s maximum pier length of 150 feet.
<del>3</del>	<del>S10.</del>	<del>Consider reviewing the definition of waterway width versus State approach</del>
6	S14.	Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects
<b>AUGUST 11 – COUNTRYSIDE</b>		
5	P1.	Request to change farm definition so a shed could be built without a dwelling
6	P2.	Request to allow utility-scale energy systems in the Agricultural Zoning District
<del>3/4</del>	<del>P3/TF8</del>	<del>Request to continue to exclude data centers from Agricultural Zoning District // TF8. Review allowing data centers on land in AZD at 0.5% of total land (about 630 acres) in order to let the land owners decide if they want to look at this option.</del>
7	TF1.	Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages.
6	TF17.	Review setbacks for buildings containing animals. Currently, this is 600 feet. Review for more flexibility. Maybe 600 feet from residential zoning districts or provide for an administrative variance process to reduce the required setback.
<b>AUGUST 25 – COUNTRYSIDE CONTINUED</b>		
5	P17.	(NEW) Request to add Agritourism, as defined by the State of Maryland, as a permitted use in AZD
5	TF2.	Review elimination of the 10% rule (related to new agricultural subdivisions).
8	TF5.	Review concept of a reset to allow building sites up to 1 unit per 30 acres as of the approval of new zoning regardless of what has been subdivided previously.
<del>4</del>	<del>TF6.</del>	<del>Review allowing sustainable agricultural operations for production for farmers markets, personal use, or commercial sale on homesites in ag zoning districts where such homesites do not meet the current requirements for 20 acres.</del>
<b>SEPT 8 – ADMINISTRATIVE MATTERS</b>		
6	S6.	Consider removing the renewal requirements for sand and gravel pits
7	S7.	Consider reviewing the definition of structures, especially considering fences
6	S8.	Consider reviewing the definition of accessory structure and accessory use
<del>4</del>	<del>S11.</del>	<del>Consider reviewing the conditions related to hunting trailers on farms</del>
6	S12.	Consider reviewing the side setbacks and rear setbacks of three feet and five feet, respectively, for accessory structures in rear yards, which occur throughout the LUO.



## CRU TF SCHEDULE BY 2018 COMP PLAN CHAPTERS

Questionnaire Rank	Request Number	Description
<b>SEPT 22 – ADMINISTRATIVE MATTERS</b>		
6	P6.	Request to consider adjacent lots under same ownership in order to meet the minimum requirements related to rules for the keeping of backyard chickens
7	P18.	(NEW) Request to consider allowing backyard goats with provisions similar to backyard chickens
7	TF4.	Review allowing nonconforming structures that were conforming when built (to be granted a fully legal status as conforming vs. as legal, nonconforming).
<del>3</del>	<del>TF14.</del>	<del>Review waterfront regulations. Waterfront is now considered the Front Yard. This causes issues such as pools are not allowed in the front yard and since the road is now considered the rear yard, accessory sheds can be 5' from the road.</del>
<del>4</del>	<del>TF15.</del>	<del>Review size limitations on accessory structures currently limited to 1,200 ft<sup>2</sup> in most properties under five acres. This could be enlarged to at least 2,000 ft<sup>2</sup> as long as stormwater management and screening regulations are met.</del>
<del>3</del>	<del>TF16.</del>	<del>Review Front Yard definition on corner lots; currently, it's the side with the smallest dimension. Review of the side where the driveway entrance is located is a better option. If there are two driveways, one could then be removed.</del>
5	S5.	Consider removing renewal language for telecommunications

### OCTOBER 13 – ENVIRONMENT CONTINUED

5	TF10.	Review how to better define establishing a Modified Buffer, keeping in mind that not all waterfront properties are in a straight line.
5	TF11.	Review how to better define an Expanded Buffer.
5	TF12.	Review how to better define the term Structure (in the definitions section), as it applies to the establishment of the aforementioned Buffers.

### OCTOBER 27 – THIRD PUBLIC FORUM

#### REQUESTS RECOMMENDED FOR ELIMINATION

✓	P8.	Request to allow Class 8 Farm Breweries in the Agricultural Zoning District (already in progress)
5	P11.	Request to review lot sizes and required setbacks in property owner's district (related to map)
9	P12.	Request to review subdivision density standards related to zoning map request (rezoning to a different district is preferred option)



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force  
From: Carla Gerber, AICP, Deputy Director  
Meeting: July 14, 2021: Housing Chapter of the 2018 Comprehensive Plan  
Subject: S1. Consider adding accessory dwelling units to the Village zoning district.

### STAFF REPORT

#### Background

Village is the only residential district that doesn't allow accessory dwelling units or accessory apartments. In AZD, RC, RR, CAR, and CR, the accessory dwelling unit requirements are:

*Accessory dwelling unit, one, in principal or accessory structures provided:*

- a. The property owner resides on the *premises*.
- b. The *accessory dwelling unit* is subordinate to the principal dwelling in size and appearance.
- c. The *accessory dwelling unit* may be rented but not sold as a separate unit.
- d. The appearance of the *structure* and property remain that of a *single-family dwelling* so that the average neighbor is unaware of the *accessory dwelling unit's* existence.
- e. If the entrance to the *accessory dwelling unit* is separate from that of the primary dwelling, the entrance to the *accessory dwelling unit* shall be from the *side or rear yard*.
- f. One parking space is provided in the *rear yard* for the *accessory dwelling unit*.
- g. The *structure* meets all applicable Kent County Codes, including the building code, and Health Department *regulations*.

In IV, IVCA, C, CC, and CCA, accessory housing or accessory apartments are allowed without any additional requirements. In RCD, accessory dwelling units are allowed, but the conditions are more restrictive due to requirements in the Critical Area Law.

Staff believes that the exclusion of accessory housing or accessory dwelling units in Village was a drafting error.

#### Request

The request by staff is to discuss including accessory housing or accessory dwelling units in Village as a permitted accessory use.

#### Review

Accessory dwelling units serve multiple purposes. They may allow homeowners to age in place, provide homes for adult children starting out, or older relatives who need assistance. They can also increase affordable housing options in communities.

In the *2013 Housing Maryland Report*, 32.8% of owner and 52.3% of renter households spent more than 30% of their income on housing. These households are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation, and medical care. (Comprehensive Plan, page 89).

“Continue to allow the creation of accessory dwellings in specified zoning districts” is a strategy under the goal to “provide a wide range of housing opportunities to meet the needs of Kent County residents.” (pages 90-91) The strategy notes:

Accessory dwellings are independent, complete living units typically created within a single-family home or in an accessory structure on a property. These units add affordable rental housing to the market while keeping the dream of homeownership alive even when housing costs seem prohibitive.

Accessory dwellings are permitted in the Agricultural and all residential zoning districts provided that certain conditions specific to each district are met. The Commercial and Commercial Crossroads zoning districts also allow for accessory apartments.

The Comprehensive Plan assumed that accessory dwelling units were permitted in the Village zoning district.

**Recommendation**

Staff recommends including accessory dwelling units as a permitted accessory use in the Village zoning district.

c: file



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: July 14, 2021

Subject: S9. Consider reviewing demolition process as it relates to age of structure

### STAFF REPORT

#### **Background**

On May 12, 2021, the revised list of the staff suggestions for the Task Force's consideration was presented. This item was included. The item also appears on the original, uncondensed staff list for March 10, 2021. At that time, the list was not reviewed. The list was condensed after review of public and Task Force items.

#### **Request**

This staff suggestion raises the issue of how old a structure should be to be considered historic. The County selected 75 years or older as its default, when the provisions for photographing buildings to be demolished were established by the Land Use Ordinance. There is a three-tiered process in place for documentation. The attached page 482 sets forth the process and the age of structures to be considered as historic.

#### **Review**

The 2018 Comprehensive Plan includes a description of the regulatory provisions from the zoning code.

The Kent County Historic Preservation Commission, created concurrently in 2006 with the County Historic Preservation Ordinance, is comprised of seven members serving three-year terms, six of whom must be residents of Kent County. As required by the County Code, all members shall possess an interest or background in historic preservation or related field, and at least two members shall meet the Secretary of Interior Standards of Professional Qualifications. [¶] In addition to its role reviewing applications for the Kent County Register of Historic Places, the Kent County Historic Preservation Commission also reviews demolition permits for structures more than 75 years old or otherwise determined to be of historic significance and to document those structures prior to demolition (p. 122).

Nationally, the standard age for consideration of historic significance is generally around 50 years of age.

Generally speaking, the first step in historic preservation projects, research, and documentation is the identification of potentially historic properties. For purposes of the National Register of

Historic Places, properties must generally be at least 50 years old or older to be considered for listing ([MHT Evaluation and Designation of Historic Properties](#), MD Department of Planning).

The Historic Preservation Commission performs Herculean volunteer efforts to photograph and document structures that property owners request to be demolished. With the current threshold of 75 years of age, there were 56 permits issued last fiscal year for not only houses but for sheds, barns, and other structures. This requires a great deal of time for staff and volunteer members of the Commission to photograph them.

Considering the current volume of reviews for demolition permits and the work required, the standard of 75 years appears to be sufficient. A higher standard would likely involve the need for additional staffing.

**Recommendation**

Staff recommends that the Task Force consider maintaining the current standard of 75 years in the LUO.

Attachments: Page 482, Land Use Ordinance (Article XII, Section 3, #5.5)

c: file

- 5.5 A demolition permit may not be issued for any parcel or lot unless a *historic structure* review has been completed in accordance with the following process:
- a. Tier 1. The Planning Director, or Planning Director’s designee, shall determine if the *structure* meets the definition of a *historic structure*.
  - b. Tier 2.
    - i. If the *structure* is found to be more than seventy-five years old or otherwise thought to be of historic significance, then the permit shall require the following documentation.
      - a) The applicant shall provide a basic floor plan that includes interior and exterior dimensions of the *structure(s)*.
      - b) The Department shall conduct a site inspection for the purpose of photographing the *historic structure(s)*, which may include the exterior and interior of the *structure(s)*. The Chair of the Historic Preservation Commission, or the Chair’s designee, may accompany staff on the site inspection.
    - ii. Subject to the review of documentation, the Planning Director, or the Planning Director’s designee, and the Chair of the Historic Preservation Commission, or the Chair’s designee, shall determine if Tier 3 review and documentation is required. The decision shall be made within 30 days of the receipt of the required floor plan by the Department of Planning, Housing and Zoning. It shall require only one “yes” vote, for the application to proceed to Tier 3 review.
  - c. Tier 3.
    - i. Pursuant to a determination of historic significance, Tier 3 review and documentation shall be completed by staff within 45 days of the Tier 2 determination, which may result in completion of a Maryland Inventory of Historic Places form developed by the Maryland Historical Trust.
    - ii. Tier 3 review and documentation shall consist of the following:
      - a) Photographs of exterior details, including but not limited to features such as chimneys, wall coverings, windows, and doors;
      - b) Photographs of any outbuildings;
      - c) Access to the interior shall be granted in order to obtain detailed photographs of the interior spaces to capture any unique elements in the rooms that may help date the *structure*, including but not limited to woodwork, window surrounds, fireplaces, stairways, mantels, doors, and newel posts. Applicants shall make any hazards known, and only staff shall enter *structures* at staff’s risk, based on staff’s best judgment.
      - d) Overall measurements of the *structure*.
    - iii. The Historic Preservation Commission will review the documentation.
  - d. Failure to complete Tier 3 documentation within 45 days of the Tier 2 determination shall not delay the issuing of a permit unless another agency with review authority has failed to approve the permit or an extension is granted by the property owner. Failure of the applicant to grant interior access within the review time shall not result in the issuing of a permit.
  - e. Emergency provisions. These requirements may be waived or modified by the Planning Director, or the Planning Director’s designee, when a *structure* is deemed to be an imminent threat to health, safety, and welfare of the adjoining properties and persons.\*
6. The *Administrator* may place any condition on a permit that is deemed necessary to assure compliance with and to provide enforcement of this Ordinance.



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: July 14, 2021

Subject: S13. Consider discussing an overall approach to short-term vacation rentals (STVR)

### STAFF REPORT

#### **Background**

On May 12, 2021, the revised list of the staff suggestions for the Task Force's consideration was presented. This item was included. The item also appears on the original, uncondensed staff list for March 10, 2021. At that time, the list was not reviewed. The list was condensed after review of public and Task Force items.

#### **Request**

Per prior discussion by the Task Force, this request is to consider whether to regulate short-term vacation rentals in the Land Use Ordinance. Currently, the County has chosen not to regulate STVRs via zoning and does not currently address them in the Land Use Ordinance. The County does levy taxes on such uses, and the forms, related laws, and State regulations are attached for your reference.

There are on average 65± properties that currently pay hotel tax with 16± in the unincorporated County. The County does not track how many are short-term rentals per se. The County team is working towards some approximate figures for the meeting on July 14. That being said, it is believed that only a portion of the STVRs in Kent County pay the tax. The number of property owners not paying the tax is unknown.

Staff reviewed sample regulations from nearby Talbot County, which address short-term rentals. These are attached for reference. The Talbot regulations establish a licensing program with STVRs allowed for a primary residential dwelling unit or for an accessory dwelling unit on a property but not for both. The program includes regulations addressing maximum number of persons on site, minimum number of nights for stays, screening, setbacks, parking requirements, prohibitions related to large-scale events, safety requirements withing the accommodations, rules for pets, and a series of enforcement procedures.

If you're interested in a national example, you may want to review the American Planning Association's Memo from 2019 [here](#), which reviews the extensive program undertaken by the City of New Orleans. The scale of that program is large; however, the issues encountered are good examples of some of the pitfalls.

Overall, regulating STVRs requires detailed regulations and the ability to staff their routine enforcement.

**Review**

The 2018 Comprehensive Plan does not appear to address Short-Term Vacation Rentals (STVR), and not all matters may need to be addressed by zoning regulations. There have been few complaints, and those that have occurred could be addressed by a noise ordinance, which would typically be located in another section of the Public Laws and not in zoning. Traffic could be an issue, and this would remain unaddressed.

**Recommendation**

Staff recommends that the Task Force consider not addressing Short-Term Vacation Rentals in the LUO.

## Attachments:

- Memorandum to Lodging Establishments and Room Tax Form
- Public Local Laws of Kent County, Chapter 152, Article III
- Talbot County Code excerpt on short-term rental

c: file



# *Kent County Office of Finance*



R. CLAYTON MITCHELL, JR. GOVERNMENT CENTER  
\*400 HIGH STREET\*CHESTERTOWN, MARYLAND 21620  
TELEPHONE (410) 778-7478 FAX (410) 810-2210

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December 3, 2019

Dear Lodging Establishment,

According to the Lodging website you are currently renting an establishment in Kent County. Enclosed is the Hotel Rental Tax Report. This report can be copied and submitted for all Hotel Rental Tax Report filings. Pursuant to Article 24, Title 9, Subtitle 3 of the Maryland Annotated Code, any establishment that offers sleeping accommodations for compensation is required to charge hotel tax for all rentals that do not exceed four months in length. According to the code, establishments shall:

- 1) Give the person who is required to pay hotel rental tax a bill that identifies the charge as a separate item from any other charge.
- 2) Collect the hotel rental tax from the person who pays the charge.
- 3) Hold the hotel rental tax collected in trust for the authorized County that imposes the tax until the hotel pays the tax to the County.
- 4) Remit the attached Hotel Rental Tax Report accompanied by the tax collected to the County by the due date.

Please note that if you own multiple lodging establishments, a separate report should be remitted for each establishment. **Additionally, non profit or governmental associations who are exempt from sales & use tax are not exempt from hotel rental tax** (the only exemption from hotel rental tax is a rental that exceeds four months in length).

If you have any questions, please contact the Office of Finance at (410) 778-7478.

Sincerely,

*Jessica Plato*

Jessica Plato  
Treasury Supervisor

# KENT COUNTY MARYLAND QUARTERLY RENTAL TAX REPORT

<b>Establishment Name:</b>
<b>Establishment Address:</b>
<b>Email Address:</b>

**Who is required to file this form-** Any establishment that provides sleeping accommodations for compensation for a period not exceeding 4 months

**\*\*\*A report must be filed, even if no tax is due.\*\*\***

### Important Information About This Report

**Establishment Responsibilities** - 1) give the person required to pay a transient charge a bill that identifies the hotel rental tax as a separate item from any other charge, 2) collect the hotel rental tax, 3) hold the hotel rental tax in trust for the County until the due date. Refer to Article 24, Title 9, Subtitle 3 of the Maryland Annotated Code for more information.

**Hotel Rental Tax** - the hotel rental tax rate for Kent County is 5%.

**Due Date** - This report is due the 21st day of the month following the quarter that Hotel Rental Tax was collected for. For example Hotel Rental Tax collected for January, February and March would be due on April 21st.

**Discount** - a hotel is allowed to deduct a discount (for administrative expenses) of 1.5% of the gross amount of the hotel tax collected if this report and payment are received by the due date.

**Interest** - if a hotel fails to pay the hotel rental tax by the due date, interest will be charged on the unpaid hotel rental tax from the due date until the date the tax is paid. The interest rate is .5% for each month or fraction of a month.

**Penalty** - if a hotel fails to pay hotel rental tax within one month of the due date, a penalty of 10% (in addition to interest) will be charged on the unpaid hotel rental tax.

**\*\*Make Checks Payable to The County Commissioners of Kent County\*\***  
**\*\*Return to Kent County Office of Finance, 400 High Street, Chestertown, Maryland 21620\*\***

Hotel Rental Tax Report Filed for: 20__			
__ Jan, Feb, Mar	__ Apr, May, Jun	__ July, Aug, Sept	__ Oct, Nov, Dec

Rental Information	
1	Number of Rentals Available (Per Day)
2	Total Rentals This Quarter
3	Number of Guests who Checked In this Quarter

Rental Receipts Subject to Tax	
4	Gross Rental Receipts - 1st month of the quarter
5	Gross Rental Receipts - 2nd month of the quarter
6	Gross Rental Receipts - 3rd month of the quarter
7	Gross Rental Receipts - total for the quarter (line 4 + line 5 + line 6)
8	Subtract: Rental Receipts from Non-Transients - (length of stay exceeds 4 months)
9	Rental Receipts Subject to Tax

Hotel Rental Tax Calculation		
10	Tax Due	(line 9 X .05)
11	Subtract: Discount of 1.5% if tax is paid prior to the due date	(line 10 X .015)
12	Add: Interest of 1/2% per month if tax is paid after the due date	(line 10 X .005 X # of days past due/30)
13	Add: Penalty of 10% if tax is not paid within 30 days of the due date	(line 10 X .10)
14	Total Tax Due	(line 10 - line 11 + line 12 + line 13)

I DECLARE UNDER PENALTIES OF PERJURY THAT THIS RETURN (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS A TRUE AND COMPLETE RETURN.

SIGNATURE OF TAXPAYER OR AGENT	TITLE	DATE
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# Public Local Laws of Kent County

Kent County, MD / Part II, General Legislation / Taxation

## Article III Hotel Rental Tax

[Adopted 12-22-1992]

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- § 152-16 **Establishment.**
  - § 152-17 **Payment; collection; distribution.**
  - § 152-18 **Disposition of revenue.**
- 

- § 152-16 **Establishment.**

[Amended 9-7-2004 by Bill No. 2-2004]

The Board of County Commissioners may impose, by resolution, a tax on a transient charge paid to a hotel located in Kent County as authorized by and consistent with the provisions of the Annotated Code of Maryland, Article 24, Title 9, Subtitle 3, Part I.

- § 152-17 **Payment; collection; distribution.**

The procedures as set forth in § 9-301 et seq. of Article 24 of the Annotated Code of Maryland shall be followed. These provisions control the payment, collection and the distribution of the taxes so collected.

- § 152-18 **Disposition of revenue.**

All revenue generated to the county by this tax is to be used exclusively for economic development and tourism efforts on behalf of Kent County.

<b>Table IV-3.</b>	
<b>Satellite Dishes and Private Amateur (Ham) Radio Towers</b>	
<b>Type</b>	<b>Maximum Number Per Lot, Plus Standards If Any</b>
A. Residential-type UHF/VHF, radio, and compact satellite dishes, measuring less than 30 inches in diameter	3 satellite dishes
B. Dishes 30 inches or greater in diameter	<ol style="list-style-type: none"> <li>1. One dish, located on the primary building or on the ground.</li> <li>2. If located on a building, the dish must be located on the roof and be set back from the edge of the roof a distance equal to at least its height above the roof.</li> <li>3. Dishes may not be placed in a front yard.</li> <li>4. Screening is required when a ground-mounted dish is visible from a public right-of-way or surrounding property when viewed from ground level.</li> </ol>
C. Private amateur (ham) radio tower 75 feet high or less.	<ol style="list-style-type: none"> <li>1. One tower.</li> <li>2. Minimum required setback shall be minimum base zoning setback plus one additional foot in setback for each foot in height over 40 feet.</li> </ol>

33.19 Septic systems.

- A. Limited to on-site systems serving a residential or commercial/industrial establishment.
- B. Minimum setback from all property lines for sewage disposal area: 15 feet.
- C. No septic system shall be placed in the Shoreline Development Buffer.
- D. Septic systems in the RC District shall not serve development outside of the RC District or Critical Area unless a development right is allocated from each zoning district.

33.20 Short-term rental.

- A. License required. A license issued pursuant to § 190-63 of this chapter is required for all short-term rentals. Short-term rentals without such license are prohibited. Anyone operating or advertising an unlicensed short-term rental shall be subject to

a fine of not less than \$500 and may not be entitled to apply for a short-term rental license for a period of not more than 12 months from the date of such violation. The Planning Director shall issue provisional short-term rental licenses valid until a decision by the approving authority is made on the license application or March 1, 2020, whichever occurs first, to applicants who meet the following criteria: (1) the applicant held a validly issued short-term rental license for the year 2018; ( 2) the applicant's 2018 license was not suspended or revoked due to a violation of the County's short-term rental code; (3) the applicant is diligently pursuing renewal of such license to operate in 2019; (4) the applicant filed the renewal application before September 1, 2019; and (5) the applicant has passed Talbot County Health Department potable water and sanitary facility inspections, as applicable, for the property. **[Amended 9-24-2019 by Bill No. 1434; 8-11-2020 by Bill No. 1446]**

- B. Eligibility. A short-term rental license may be issued for a primary residential dwelling unit or for an accessory dwelling unit on a property but not for both.
- C. Operating guidelines.
1. The maximum number of persons permitted to be on-site associated with any short-term rental shall be limited at all times to the lesser of 12 persons or two persons per bedroom in the dwelling that is rented, excluding infants under 18 months of age. **[Amended 8-11-2020 by Bill No. 1446]**
  2. Three-night minimum stay for all short-term lease holders.
  3. Outside areas intended for use by short-term tenants, such as decks, patios, porches, game courts, swimming pools, and similar areas, shall be screened from neighboring properties by one or more of the following prior to approval of a new short-term rental license:
    - a. Setbacks of at least 50 feet; or
    - b. A combination of vegetation and topographic features determined by the Planning Director or Short-Term Rental Review Board to provide sufficient separation and screening.<sup>9</sup>
  4. Sufficient off-street parking spaces shall be provided to accommodate all short-term rental tenants' vehicles during any rental period.

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9. Editor's Note: With the permission of the County the word "If" was deleted from the beginning of this subsection.

5. The area for trash storage shall be identified on the site plan and located to minimize nuisance to neighbors.
6. During any short-term rental, no dwelling, grounds, or associated appurtenances shall be subleased or used for the following activities:
  - a. A wedding, reception, banquet, corporate retreat, fundraiser, or similar activities that would exceed the maximum persons permitted to be on-site associated with the short-term rental;
  - b. Fireworks; or
  - c. Any activity that exceeds the noise limitations established in the Talbot County Code.
7. Pets shall be leashed or confined at all times.
8. The owner of the short-term rental property shall be responsible for payment of the Talbot County Accommodations Tax and the Maryland Sales Tax.
9. The short-term rental property shall comply with the following standards, which shall be referred to as the "Minimum Safety Standards". The short-term rental shall: **[Amended 8-11-2020 by Bill No. 1446]**
  - a. Be equipped with fire extinguishers in the kitchen or any other area in which flammable or combustible materials are kept or stored;
  - b. Be equipped with interconnected smoke alarms in each bedroom, outside of each sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and habitable attics;
  - c. Have interconnected carbon monoxide alarms installed when fuel-fired appliances are present or the unit has an attached garage. Alarms shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. Combination carbon alarm and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms;
  - d. Have rescue openings present in every bedroom. All rescue openings must have a minimum clear opening of five square feet, with a minimum width of 20 inches and a minimum height of 24 inches;

- e. Have a primary emergency escape/egress. For such primary emergency escape/egress, the stairwell should be a minimum of 30 inches wide at all locations to include handrail height and a minimum height of six feet from the stairway tread to the ceiling;
  - f. Provide adequate automatic back-up illumination of any stairwells with a ceiling height between six feet and six feet eight inches from stairway tread to ceiling in the event of an emergency or power failure; and
  - g. Have a secondary emergency escape/egress meeting the above standards on each upper floor. However, if no such secondary emergency escape/egress meets the above standards, a secondary emergency escape/egress shall be provided at the furthest point from the primary escape exit and may consist of an emergency roll-up ladder for use to exit a rescue opening window.
10. The owner of the short-term rental property and/or the resident agent shall immediately investigate any complaint, from whomever received, of a violation of this section. Upon determining that a violation has occurred or is continuing to occur, the owner and/or the resident agent shall request that any occupant of the short-term rental property shall immediately cease and desist from any and all violations. **[Added 8-11-2020 by Bill No. 1446]**
11. A short-term rental license holder must notify the County immediately if their resident agent no longer represents them. In addition, they must notify the County no later than 15 days after the end of such representation with the name and contact information for a new resident agent. **[Added 8-11-2020 by Bill No. 1446]**
12. All conditions, restrictions, and limitations imposed by this chapter or by any regulation adopted by any governmental agency authorizing use or occupancy as a short-term rental, or the physical condition of a rental property, shall be conspicuously included in a written lease signed by the parties. A copy of the lease shall be available on site and to Code Enforcement Officers upon request.
13. The applicant shall comply with all applicable codes, regulations, and requirements administered by the Talbot County Health Department regarding the drinking water supply well and on-site sewage disposal facilities. A short-term rental license shall not be issued until the Health Department has determined that the short-term rental property complies with the requirements of this subsection. **[Amended 8-11-2020 by Bill No. 1446]**

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

D. The short-term rental license shall include all requirements listed herein. The license, including requirements and conditions of approval of the license, and any house rules shall be conspicuously posted in the residence during any short-term rental. House rules shall include minimum requirements as listed in the application package provided by the County.

33.21 Stables, accessory to residential uses.

A. Minimum lot size: two acres for one horse and one additional acre for each additional horse.

B. Minimum setback from property lines for stables and related manure storage areas is 100 feet.

C. Minimum setback for stables on lots smaller than three acres: 75 feet.

33.22 Storage of inoperable or unregistered motor vehicles accessory to residential use.

A. On residential properties:

1. No more than two such vehicles shall be stored outside of a building. Storage shall be at least 20 feet from lot lines.

2. Additional vehicles may be stored if they are within a completely enclosed building.

B. These restrictions shall not apply to farm equipment and implements on parcels with active farming operations.

C. Storage of inoperable or unregistered motor vehicles not in accordance with this section is permitted only pursuant to the provisions for junkyards (see Table IV-1, § 190-30.10 and definition in Article IX).

33.23 Storage accessory to commercial and industrial uses.

A. Storage areas or structures accessory to a commercial or industrial use require a major, minor or administrative site plan based upon the criteria in § 190-60.2.

B. Portable storage units are permitted temporary uses as provided in § 190-34.2.D. In addition, portable storage units may be used as permanent storage structures accessory to commercial and industrial uses in the LC, GC and LI Districts, subject to site plan review and provision of a Type C landscape yard in accordance with § 190-40.5 to screen the view of the unit from the property line.



- C. For site plans or subdivision plans that require TAC review, any necessary waiver application must accompany the plan on the TAC agenda.
  - D. A decision on a waiver application shall be made by the person or body with decisionmaking authority on the application for which the waiver is requested.
  - E. The Planning Director may request a recommendation from the Planning Commission on any waiver application.
- 62.4 Criteria for evaluation of waiver applications. The Planning Commission or Planning Director shall evaluate waiver applications based upon the following criteria:
- A. The waiver shall not have the effect of nullifying the intent and purposes of this chapter.
  - B. Granting the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property.
  - C. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.
  - D. Because of the particular physical surroundings, shape or natural features of the specific property involved, one of the following findings is made:
    - 1. A particular hardship to the applicant would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or
    - 2. The purposes of this chapter are better accomplished by the alternative proposal made in the waiver application.
  - E. The waiver complies with any criteria required by the specific section of this chapter from which a waiver is requested.

### **§ 190-63. Short-term rental licenses and Review Board.**

- 63.1 Short-Term Rental Review Board.
- A. **Members.** The Short-Term Rental Review Board shall consist of five permanent members with members appointed by the County Council. The Board should be composed of an attorney with experience in real estate, a representative from the vacation rental management industry, a member of a community or civic association from a community containing (a) short-term rental(s), and other persons having knowledge or interest relevant to the Board's functions. Three members shall constitute a quorum for the transaction of business. Each member shall be an adult resident of Talbot County. Members shall serve without compensation but

shall be entitled to reimbursement for reasonable expenses duly approved by the Finance Officer.

- B. Term. Each member shall serve for a staggered term of up to four years or until a successor is appointed. Members shall be eligible for reappointment twice.
- C. Officers. The Board shall annually select a Chairman and any other officers deemed necessary during the first meeting of each calendar year.
- D. Hearings. The Short-Term Rental Review Board shall meet upon the call of the Chairman or the Planning Director. The Board shall hold a public hearing on all new license applications and for complaints in accordance with § 190-63.4. The Board shall issue a written decision of its findings for each new license application or complaint hearing.
- E. Rules of procedure. The Board shall adopt rules of procedure governing its proceedings, subject to approval by the County Council. The rules of procedure shall have the force and effect of law when approved by resolution of the County Council.

#### 63.2 New license application process.

- A. Who may apply. Only the record title holder(s) of the property where the short-term rental activity will occur may apply for a short-term rental license.
- B. <sup>17</sup>Contents of application. All applications for short-term rental licenses shall be submitted to the Talbot County Department of Planning and Zoning on a form prepared and approved by the Planning Director. A complete application shall include, and the applicant shall provide, without limitation, the following: **[Amended 8-11-2020 by Bill No. 1446]**
  1. A statement as to whether the proposed short-term rental dwelling is the applicant's primary residence.
  2. A statement whether the property is or is not located within a homeowners' association, property owners' association and/or is governed by any type of covenants, conditions and restrictions specifically related to the rental of properties or short-term rentals.
  3. Proof that the applicant(s) can satisfactorily monitor or has retained the services of a resident agent capable of monitoring the short-term rental property. The applicant or resident agent shall have a home or office within 30 miles of the short-term

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**17. Editor's Note: Former Subsection B, When applications accepted, was repealed 8-11-2020 by Bill No. 1446, which also redesignated the remaining subsections in this Subsection 63.2.**

- rental unit and be available to respond from this location during periods of short-term rental.
4. An address and telephone number where the applicant or, if applicable, their resident agent, may be contacted 24 hours a day during any short-term rental period.
  5. Statement of where and how the applicant will be advertising the short-term rental, including printed, on-line and audio or video material. All advertising must include the short-term rental license number.
  6. A copy of the standard lease agreement and house rules.
  7. A plan, to scale, with the use of each room labeled, including locations of structures, areas to be rented, expected use of specific rooms, decks, patios, porches, swimming pools, outdoor entertainment areas, garages, fencing, screening, roads, paved areas, walkways and parking spaces.
  8. The Talbot County Health Department shall review the results of the water sample that was collected from a certified water testing laboratory to ensure the well is free of bacteria. The Health Department shall conduct a site visit to ensure the terminal of the water supply well and well tag are in compliance with requirements of applicable Code of Maryland Regulations (COMAR). In addition, the site inspection will determine if the on-site sewage disposal system is operational with no visible signs of septic failure. In the event that the property is served by sewer, the applicant shall submit a letter of authorization from the County Engineer indicating the adequacy of the sewer to serve this proposed use. All reviews and findings shall be reported to the Planning Officer.
  9. Notarized signature of the applicant representing that all of the contents of the application are true and accurate to the best of the applicant's knowledge and belief and acknowledging that any material misrepresentations or omissions are grounds for denial, revocation, or suspension of the license.
  10. Any other information as determined by the Planning Director to demonstrate the ability to comply with this section and other provisions in this Chapter 190 related to short-term rentals.
- C. Inspection of property. The applicant shall schedule an on-site inspection of the property with the Planning Director, a Code Enforcement Officer or a third party International Code Council (ICC) certified building inspector in order to: 1) verify that the property complies with Minimum Safety Standards as noted in § 190-33.20.C.9; 2) determine that the plan submitted is accurate; and 3) make note of any special conditions. In the event that the

applicant selects a third party building inspection, the applicant shall provide a copy of such inspection report to the Department of Planning and Zoning on a form prepared and approved by the Planning Director. Such inspection may be no more than 45 days before the filing of the application. Requests for County inspections must be accompanied by a \$40 inspection fee. This fee may be reset and changed from time to time by the County Council through the County's fee schedule adopted during the annual budget process. **[Amended 8-11-2020 by Bill No. 1446]**

- D. Fees. The fee for a short-term rental license shall be the amount determined in the fee schedule adopted annually by the County Council. No short-term rental license will be issued until all fees are paid.<sup>18</sup>
- E. Duration of new license. A new license shall be issued for a period of up to one year, expiring 12 months from the date of issuance unless otherwise specified by the Short-Term Rental Review Board.
- F. Review by governmental entities and officials. License applications are reviewed by Talbot County Planning and Zoning, Talbot County Health Department, Talbot County Office of Permits and Inspections, and any other reviewing agencies the Planning Director deems appropriate.
- G. Hearing and decision. **[Amended 8-11-2020 by Bill No. 1446]**
  - 1. The Short-Term Rental Review Board shall hold a public hearing on all new license applications.
  - 2. Notice of Public Hearing. The applicant must provide notice of the hearing as provided herein.
    - a. The applicant shall provide proof of notice that the public hearing has been provided to the following:
      - i. Owners of properties contiguous to the short-term rental property;
      - ii. Owners of properties across a roadway, easement or right-of-way from the short-term rental property;
      - iii. Owners of all other properties with a property line within 1,000 feet, including in line of sight within 1,000 feet across waterways of the short-term rental dwelling;
      - iv. If applicable, a homeowner's association, property owner's association or covenant administrator for the

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**18. Editor's Note: Former Subsection D, Notice of application, which immediately followed this subsection, was repealed 8-11-2020 by Bill No. 1446.**

development where the short-term rental property is located; and

- v. If the short-term rental property has a right of access over a private road, all other owners of properties who also have a right of access to such road.
  - b. Notification shall be by priority mail with delivery confirmation or other shipping carrier with adult signature required, to the address provided on the annual Talbot County tax bill or any other written means, such as e-mail or regular mail, provided receipt is confirmed in writing.
  - c. The notice shall include, at a minimum, information as listed in the sample short-term rental notification letter in the application package. This information shall include: the applicant's name, contact information, including mailing address, e-mail address, and telephone number; 24 hour contact information in the event of any problem at the short-term rental property; contact information for the Code Compliance Officer or other designated County official; statement that a short-term rental application has been filed with the Talbot County Department of Planning and Zoning and that such application is available for public inspection; and state the date for the public hearing on the application before the Short-Term Rental Review Board.
  - d. The notice required by this section shall be sent out at least 21 days before the public hearing on the application.
  - e. The applicant shall file a certificate of service with the Talbot County Department of Planning and Zoning promptly after sending out the required notice on a form prepared and approved by the Planning Director. The certificate shall be signed by the applicant; certify that the required notices were sent out in accordance with this section; and include a list of all recipients and a copy of the notice that was sent out.
3. The meeting shall also be advertised through posting the property in accordance with § 190.54.5.B. The Code Compliance Officer shall be responsible for posting the property.
  4. The Planning Director and the Code Compliance Officer shall be authorized, but not required, to provide the Board with a recommendation on new license applications, including conditions, limitations, and restrictions to ensure that the short-term rental complies with applicable law. The Board shall consider these recommendations before making a decision on the application.

5. The Board may impose conditions, restrictions, and limitations on the issuance of a new license that are reasonably related to addressing impacts of the proposed short-term rental. Such conditions may address without limitation the following:
  - a. Location and design of site features such as landscaping, screening, fencing or parking;
  - b. Design of outdoor lighting such as height, intensity or shielding of lighting fixtures;
  - c. Procedures and facilities for waste disposal;
  - d. Restrictions on hours of use for outdoor area on the property;
  - e. Distance of outdoor recreation areas to neighboring property lines; and
  - f. Duration of time prior to license renewal.
6. The Board shall approve an application for a new short-term rental license unless the Board finds that:
  - a. The license application is incomplete;
  - b. The applicant has made false, inaccurate, incomplete or incorrect statements in connection with the application;
  - c. The applicant has not complied with the application notice requirements;
  - d. Issuance of the license would unduly disturb the peace of the residents of the neighborhood in which the short-term rental will be located; and/or
  - e. There are other substantial reasons in the discretion of the Board why the license should not be issued, in which event the Board shall deny the license.
7. All of the Board's decisions shall be in writing and the hearings shall be recorded so as to allow transcription.

H. Appeals. Any party that participated in the hearing and is aggrieved by the Board's decision may file an appeal to the Talbot County Board of Appeals within 30 days of the issuance of the written decision. Such appeal shall be on the record.

### 63.3 Renewal.

A. Applications. A license renewal application must be submitted by the record title holder(s) of the property to the Talbot County Department of Planning and Zoning on a form prepared and approved by the Planning Director at least 60 days prior to

expiration. The application shall include without limitation the following:

1. Proof of compliance with the Talbot County accommodation tax;
2. The number of days that the dwelling was rented during the effective short-term rental license period documented by appropriate receipts or reservation forms, if requested by the Planning Director;
3. The renewal application shall include, and the applicant shall provide, without limitation, any document required under § 190-63.2.B above that has been revised or amended, to include; house rules, plan to scale, etc. In the event of any modification of the interior of the property that requires the issuance of a building permit or any modifications to the initially issued permit, a new inspection to ensure compliance with § 190-33.20.C.9 shall be required as detailed in § 190-63.2C; **[Amended 8-11-2020 by Bill No. 1446]**
4. The applicant must provide notice of the short-term rental renewal application as provided herein. **[Amended 8-11-2020 by Bill No. 1446]**
  - a. The applicant shall provide proof that the notice of application has been provided to the following:
    - i. Owners of properties contiguous to the short-term rental property;
    - ii. Owners of properties across a roadway, easement or right-of-way from the short-term rental property;
    - iii. Owners of all other properties with a property line within 1,000 feet, including in line of sight within 1,000 feet across waterways of the short-term rental dwelling;
    - iv. If applicable, a homeowner's association, property owner's association or covenant administrator for the development where the short-term rental property is located; and
    - v. If the short-term rental property has a right of access over a private road, all other owners of properties who also have a right of access to such road.
  - b. Notification shall be by priority mail with delivery confirmation or by other shipping carrier with adult signature required, to the address provided on the annual Talbot County tax bill or by any other written means, such

as e-mail or regular mail, provided receipt is confirmed in writing.

- c. The notice shall include, at a minimum, information as listed in the sample short-term rental notification letter in the application package. This information shall include: the applicant's name, contact information, including mailing address, e-mail address, and telephone number; 24-hour contact information in the event of any problem at the short-term rental property; contact information for the Code Compliance Officer or other designated County official; statement that a short-term rental application has been filed with the Talbot County Department of Planning and Zoning and that such application is available for public inspection.
  - d. The notice required by this section shall be sent out within 21 days of the submittal of the renewal application.
  - e. The applicant shall file a certificate of service with the Talbot County Department of Planning and Zoning promptly after sending out the required notice on a form prepared and approved by the Planning Director. The certificate shall be signed by the applicant; certify that the required notices were sent out in accordance with this section; and, include a list of all recipients and a copy of the notice that was sent out.
5. If applicable, the Code Compliance Officer shall provide information on the application, including any written or verified complaints and zoning enforcement investigations applicable to the subject short-term rental property.
- B. Timing. If the renewal application is not received 60 days prior to expiration, the application shall be treated as and comply with initial application requirements.
- C. Administrative approval. Renewal applications shall be processed administratively by the Planning Director without a hearing by the Short-Term Rental Review Board unless the Planning Director or Code Compliance Officer determines that substantial reasons exist to refer the application to the Short-Term Rental Review Board, in which case the application shall be processed in the same manner as a new license application pursuant to § 190.63.2 above. Substantial reasons for referring a renewal application to the Board include without limitation:
1. Material changes in the character of the neighborhood where the short-term rental is located that may affect the short-term rental's impact on surrounding properties;



2. Discovery of any potential false, inaccurate, incomplete or incorrect statements by the licensee in the original or renewal license application; or
  3. Violations of the Talbot County Code related to the operation of the short-term rental on the property or violations of any conditions imposed on the license.
- D. Conditions. The Planning Director may impose conditions on the license renewal if necessary to address impacts of the use related to the requirements for short-term rentals.
- E. Grounds for denial. The Planning Director may decline to issue, decline to renew or revoke a short-term rental license based on the following:
1. False, inaccurate, incomplete or incorrect statement in any application or renewal;
  2. Any infraction, disturbance, nuisance, failure to monitor, or other problem or violation occurring during a short-term rental;
  3. Violation of any law or ordinance with respect to the short-term rental, or any term, condition, or restriction of the short-term rental license; and/or
  4. Failure to pay the Talbot County accommodations tax.
- F. Waiver. If unable to meet license application requirements listed herein a property owner in possession of a short-term rental license at the time of adoption of these regulations may apply for a waiver or variance as required by this chapter.
- G. Duration. A renewal license may be issued for a period of up to two years if the Planning Director determines that the rental activity was in compliance with the Code and any conditions of approval imposed on the short-term rental permit during the prior term. All renewal licenses shall expire two years from the date of issuance unless otherwise specified by the Planning Director.
- H. Fees. The fee for a short-term rental renewal license shall be established in the fee schedule adopted annually by the County Council.
- I. Written decision and appeals. The Planning Director shall issue a written decision approving or denying the renewal application. Any party aggrieved by the Planning Director's decision may file an appeal to the Board of Appeals.
- 63.4 Complaints.
- A. Filing and hearing process.

1. In addition to any other remedies that may be available, a person alleging that a licensee has violated any provision of this Chapter 190 as it relates to the operation of a short-term rental that remains unresolved by the property owner or resident agent, may file a complaint on a form prepared and approved by the Planning Director with the Department of Planning and Zoning. The Planning Director or the County Attorney shall serve a copy of the complaint on the licensee at the address of the short-term rental by certified mail, return receipt requested, or other shipping carrier with adult signature required. The complaint shall be signed by the complainant, set forth the allegations in a clear and concise manner, and contain a certificate of service. The complainant shall include any relevant evidence establishing the violation with the complaint.
2. Once filed with the Department of Planning and Zoning, copies of the complaint shall promptly be forwarded to the Short-Term Rental Board and the Talbot County Office of Law.
3. The licensee shall file a response to the complaint with the Board's Secretary within 21 days of service on a form prepared and approved by the Planning Director. The response shall set forth any rebuttal to the allegations in the complaint and may include any relevant evidence. The licensee shall also serve a copy of the response on the complainant by certified mail, return receipt requested, or other shipping carrier with adult signature required, at the address identified in the complaint. Failure to file a response shall be deemed an admission to any allegations contained in the complaint.
4. The Board shall schedule a hearing date at least 10 days after the time for filing a response has elapsed. The Board shall provide notice of the hearing to the complainant and the licensee by certified mail, return receipt requested, or other shipping carrier with adult signature required. At the hearing, the complainant shall be given the opportunity to present evidence of the violation and the licensee shall be given the opportunity to respond with evidence of its own. The Planning Director, the Code Compliance Office, and any other party may participate in the hearing as well.
5. Board authority.
  - a. If the Board determines that a violation has occurred, the Board shall be authorized to suspend the licensee for any period of time the Board deems appropriate or to revoke the license. In addition, the Board may impose a fine on the licensee of up to \$1,000 per violation. Each day that a violation exists or continues constitutes a separate violation.

- b. The Board's authority in this section shall be in addition to and does not limit the County's enforcement authority under Chapter 58 of the Talbot County Code.
  - 6. Following the hearing, the Board shall vote on whether a violation has occurred. If a violation is confirmed, they shall also determine whether the license should be suspended, revoked, and/or a fine imposed. The Board may impose conditions, restrictions and limitations on licenses for short-term rentals that are found to be in violation. Such conditions may include without limitation, the requirement that the owner retain the services of an agent who is a licensed realtor or similarly qualified professional with experience in managing short-term rentals.
  - 7. The Board shall issue a written decision setting forth its decision and applicable findings.
  - B. Any party that participated in the hearing and is aggrieved by the Board's decision may file an appeal to the Talbot County Board of Appeals within 30 days of the issuance of the written decision. Such appeal shall be on the record.
- 63.5 Additional restrictions on licenses.
- A. A short-term rental license shall be nontransferable. If a property is transferred a new application is required.
  - B. If a short-term rental license expires without being renewed as provided in this chapter, the property shall not be used for short-term rental unless and until a new license application is submitted and approved in accordance with § 190-63.2 above.

#### **§ 190-64. Enforcement.**

This chapter shall be administered and enforced by the Planning Director and the Chief Code Compliance Officer, who may delegate such duties and responsibilities as they determine appropriate and who may be assisted by subordinate enforcement officials. Such enforcement officials shall have authority to issue administrative orders, determine reasonable abatement periods and procedures, enter into abatement agreements on behalf of Talbot County, issue civil citations, and exercise such other incidental powers as are necessary or proper to enforce the terms of this chapter in accordance with Chapter 58 of the Talbot County Code. The Chief Code Compliance Officer shall have authority pursuant to Chapter 58 to assess civil monetary penalties for violations of this Chapter 190.

#### **§ 190-65. (Reserved)**