



Agenda Report Form

Open Session Item

SUBJECT: Formal Approval to Adopt the Text Amendment to the Zoning Ordinance for Washington County, Maryland (RZ-20-002)

PRESENTATION DATE: July 13, 2021

PRESENTATION BY: Kirk C. Downey, County Attorney

RECOMMENDED ACTION: Motion to formally approve the Ordinance to Amend Certain Provisions of the Zoning Ordinance for Washington County, Maryland (RZ-20-002)

REPORT-IN-BRIEF: On June 15, 2021, the Board of County Commissioners (the “Commissioners”) conducted a public hearing on text amendments to the Zoning Ordinance for Washington County, Maryland. On June 22, 2021, the Commissioners reached unanimous consensus to approve the requested text Amendments and directed the County Attorney’s Office to prepare the required Ordinance. The Ordinance has been prepared and is attached hereto.

DISCUSSION: Residential rental facilities are not a new trend in land use. These types of uses have been motivated over time by tourists and visitors who wish to have more unique accommodations than those provided by a typical hotel complex.

The principal difference between traditional residential rental facilities of the past versus the more modern trends of today is the lack of occupancy of the property owner. Many of the rental opportunities presented to visitors are single family dwellings that are smaller in size than typical owner-occupied uses and are strategically placed to take advantage of scenic views, proximity to tourist destinations, and rural locations that offer tranquil settings.

Because proximity can cause compatibility issues in the urbanized areas, staff has recommended allowing short term residential rentals in all residential districts by special exception use only. This would provide neighbors with notice of a proposed new use in the area and offer an opportunity to comment on concerns unique to each application. Because proximity is less of an issue in rural areas of the County, staff has proposed to allow them as principally permitted uses. To avoid other compatibility conflicts with neighboring properties, staff has recommended that minimum parking standards should be implemented and that rental stays should not exceed thirty (30) days in length.

This item was presented to the Washington County Planning Commission at a Public Information Meeting held during their regular meeting on April 5, 2021. One verbal comment was received in favor of the changes. It was then brought back for recommendation at the May 3, 2021, meeting where the members unanimously recommended approval of the proposed text amendments with comments.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Ordinance

AUDIO/VISUAL NEEDS: None

ORDINANCE NO. ORD-2021-____

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
(RZ-20-002)**

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board") adopted the Zoning Ordinance for Washington County, Maryland (the "Ordinance") on January 23, 1973, and it became effective on April 2, 1973.

The Washington County Department of Planning and Zoning filed an application requesting that amendments be made to the text of the Ordinance. The amendments proposed would amend Articles 3, 7A, 8, 9, 10, 11, 12, 19C, 22, and 28A to address uses associated with short term residential rentals.

The Board believes it to be in the best interests of the citizens of Washington County for the amendments to be enacted.

The Washington County Planning Commission (the "Planning Commission") held a public meeting for the purpose of taking comments on the proposed amendments on April 5, 2021, pursuant to public notice duly given.

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on June 15, 2021, pursuant to notice duly given.

Following the hearing, the Board considered the recommendations of the Planning Commission and the Planning Department staff, and materials received, if any, as part of the public hearing. The Board conducted this review in a public session.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that certain provisions of the Zoning Ordinance, as amended, be further amended as follows:

RZ-20-002

- (1) ARTICLE 3 – DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES)** is amended as follows:

Section 3.3 (1) Table of Land Use Regulations

A(R)-Agriculture (Rural)
EC-Environmental Conservation
P-Preservation
RV-Rural Village RB-Rural Business IM-Industrial Mineral

Table No. 3.3(1)
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)

| LAND USES | A(R) | EC | P | RV | RB | IM |
|---|------|----|----|----|----|----|
| B. Accommodation and Food Service | | | | | | |
| Bed and Breakfast; up to five (5) guest rooms | A | A | A | SE | P | N |
| Boarding or Rooming Houses | SE | SE | SE | P | P | N |
| Short-term Residential Rental | P | P | P | SE | N | N |

P-Permitted
SE-Special Exception
A-Accessory
N-Not Permitted

(2) ARTICLE 7A – “RT” RESIDENTIAL, TRANSITION DISTRICT

Section 7A.2 Special Exception Uses

(h) Short-term Residential Rental

(3) ARTICLE 8 – “RS” RESIDENTIAL, SUBURBAN DISTRICT

Section 8.2 Special Exception Uses

(k) Short-term Residential Rental

(4) ARTICLE 9 – “RU” RESIDENTIAL, URBAN DISTRICT

Section 9.2 Special Exception Uses

(k) Short-term Residential Rental

(5) ARTICLE 10 – “RM” RESIDENTIAL, MULTI-FAMILY DISTRICT

Section 10.2 Special Exception Uses

(l) Short-term Residential Rental

(6) ARTICLE 11 – “BL” BUSINESS, LOCAL DISTRICT

Section 11.1 Principal Permitted Uses

(l) Short-term Residential Rental

(7) ARTICLE 12 – “BG” BUSINESS, GENERAL DISTRICT

Section 12.1 Principal Permitted Uses

(a) Short-term Residential Rental

(8) ARTICLE 19C – “SED” SPECIAL ECONOMIC DEVELOPMENT DISTRICT

Section 19C.2 Principal Permitted Uses

(a) **Short-term Residential Rental**

(9) ARTICLE 22 DIVISION I – OFF STREET PARKING AND LOADING AREA REQUIREMENTS

Section 22.12(b)

1. Minimum Spaces Required

| Land Use | Parking Required |
|--|-----------------------------|
| Short-term residential rental, Bed and Breakfast, and Boarding House | 1 parking space per bedroom |

(10) ARTICLE 28A – DEFINITIONS

Dwelling:

A building containing one or more dwelling units. The term “dwelling” or any combination thereof shall not be deemed to include hotel, **boarding**/rooming house, motel, clubhouse, hospital, **short-term residential rental** or other accommodations used for more or less transient occupancy.

Short-term Residential Rental:

A non-owner-occupied residential structure that provides temporary lodging to transient guests for compensation. Proprietors may rent all or a portion of the structure. Such uses shall not exceed rental of individual rooms or the entire structure for more than 30 consecutive days per client/reservation. No site plan is required, however, off street parking must be provided in accordance with Article 22 Division 1 of this Ordinance. Signage that requires a zoning permit is prohibited.

Adopted this _____ day of _____, 2021.

Effective this _____ day of _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

Jeffrey A. Cline, President

Approved as to legal
sufficiency:

Kirk C. Downey
County Attorney

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