



City of Annapolis
Planning Commission
Department of Planning & Zoning
145 Gorman Street, 3rd Floor
Annapolis, MD 21401-2535

410-263-7961 • Fax 410-263-1129 • www.annapolis.gov
Deaf, hard of hearing or speech disability - use MD Relay or 711

May 20, 2021

To: Annapolis City Council
From: Planning Commission
Re: Findings for Ordinance O-7-21 (ZTA2021-005) Short Term Rental License

SUMMARY

This legislation proposes to make new non-owner-occupied short term rental licenses a special exception use in the R2-NC, C1, and C1A conservation residence districts. This includes transfers of existing licenses to a new owner.

ANALYSIS

The legislation proposes that a new use, “non-owner occupied dwelling units used for short term rentals” be added to Title 21 and be permitted in all residential zoning districts by right, except for C1, C1A, and R2-NC, where the use would be a special exception subject to standards. However, there are no standards listed in the ordinance.

Additionally, there are some mixed use and business districts that do allow dwellings, including single family attached and detached and dwellings above the ground floor of nonresidential uses. It is unclear if this legislation would prohibit short term rentals in these locations and it is suggested that the legislation be amended to permit short term rentals in these districts.

Special exception uses must go to the Board of Appeals for approval and the approval runs with the land. One point that is unclear is how, from a regulatory standpoint, the special exception is tied to the license. Special exceptions run with the land, regardless of the operator. This could create some conflicts if the property changes from non-owner occupied to owner occupied if the special exception is approved with conditions and should be clarified by the Office of Law.

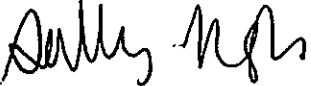
RECOMMENDATIONS

The Planning Commission did not support this legislation as written. The primary goal of the Planning Commission concerning short term rentals is to maintain a viable community with residents that are invested in the community. The Commission found that the special exception process was not the proper mechanism to achieve this goal. However, if this legislation was to be passed by the City Council it should consider several amendments. First, a set of clear and objective standards must be enumerated such that the Board of Appeals can apply them in a fair manner to all applicants. Second, as noted above, the ambiguity between the special exception process and the short term rental license process must be resolved. And third, the ambiguity of whether short term rental licenses are allowed in mixed use zones must also be resolved.

The Planning Commission held a public hearing on this on April 15, 2021 and May 6, 2021 and public comments were received and are posted in ETrakit in the project file for ZTA2021-005.

The recommendation was approved with a vote of 3 to 0 with one abstention.

Adopted this 20th day of May, 2021


Ben Sale, Chair Joe