

**ORDINANCE 2023-05**

**AN ORDINANCE AMENDING AND REVISING  
THE ZONING ORDINANCE OF THE TOWN OF KEEDYSVILLE, TO AMEND *Zoning and Use Regulations, Section 305, Table of Use Regulations; Article 2, Definitions; Article 6, Off-Street Parking; and Article 5, Special Provisions, Section 510***

**Recital**

Pursuant to the *Zoning Ordinance for the Town of Keedysville*, the Mayor and Council through the Zoning Administrator and Planning Commission initiated Amendments to *The Zoning Ordinance* **TO AMEND THE ZONING ORDINANCE OF THE TOWN OF KEEDYSVILLE, TO AMEND AND REVISE THE ZONING ORDINANCE OF THE TOWN OF KEEDYSVILLE, *Zoning and Use Regulations, Section 305, Table of Use Regulations; Article 2, Definitions; Article 6, Off-Street Parking; and Article 5, Special Provisions, Section 510*** as more specifically set forth in **Exhibit A** which is incorporated herein by reference. The various agencies, including the Planning Commission and the Mayor and Council, being the duly constituted legislative body of the Town of Keedysville, have complied with all of the provisions of the aforementioned *Zoning Ordinance*. The Mayor and Council, as it's duly constituted legislative body, for the Town of Keedysville, Maryland, held a Public Hearing in compliance with the *Zoning Ordinance* on September 6, 2023.

The Mayor and Council do find, based on the testimony and evidence presented at the Public Hearing, and having considered all of the criteria set forth by the Laws of the State of Maryland and the *Zoning Ordinance*, that the proposed text amendments to the *Zoning Ordinance* would be appropriate and logical.

The Mayor and Council make Findings of Fact which are attached hereto and incorporated herein as **Attachment "B"** and entitled, *Opinion and Findings of Fact*. The Mayor and Council further find as a matter of fact, and a matter of law, that the Amendments to the text of the *Zoning Ordinance* as requested would be consistent with the *Comprehensive Plan of the Town of Keedysville* and not contrary to proper planning and/or the purpose and intent of the *Zoning Ordinance* for the Town of Keedysville, Maryland.

**NOW, THEREFORE**, be it **RESOLVED, ENACTED, and ORDAINED** that in accordance with the aforementioned *Opinion and Findings of Fact*, **THE ZONING ORDINANCE OF THE TOWN OF KEEDYSVILLE** as set forth in **Exhibit A** which is incorporated herein by reference be and is hereby adopted thereby amending the *Zoning Ordinance for the Town of Keedysville* accordingly; and be it further

**RESOLVED, ENACTED and ORDAINED** that all other provisions of said *Zoning Ordinance* shall remain in full force and effect.

**Liber 14 Folio 0054**  
Acts, Ordinances, Resolutions- Town  
Clerk of the Circuit Clerk  
Washington County

**MAYOR AND COUNCIL OF THE TOWN  
OF KEEDYSVILLE, MARYLAND**

Witness and Attest as to  
Corporate Seal

*Lisa Riner*

\_\_\_\_\_  
Lisa Riner, Town Administrator

By: \_\_\_\_\_

*Kenneth Lord*  
Kenneth Lord, Mayor

Date of Introduction: September 6, 2023 \_\_\_\_\_

Date of Passage: October 4, 2023 \_\_\_\_\_

Effective Date: October 24, 2023 \_\_\_\_\_

Record and Return to:

Ms. Lisa Riner  
Town Administrator  
Town of Keedysville  
P. O. 359  
Keedysville, MD 21756

**NOV - 2 2023**

Ordinance Amending Zoning.B&B..10.03.2023

**Short-Term Rentals**

**ARTICLE 3**

**ARTICLE 3 *Zoning and Use Regulations, Section 305, Table of Use Regulations:***

A. Residential Uses

#5. Bed & Breakfast/Lodging House/Hostel/Rooming House (Air B&B-as marketed use of property or any other similar marketed name) \*\*\*

Usage Chart: SR    TR    NC  
                  SE    SE    SE

**\*\*\*Subject to restrictions, rules and regulations set forth in Article 5, Section 510, Bed & Breakfast Bed & Breakfast/Lodging House/Hostel/ Rooming House (Air B&B-as marketed use of property or any other similar marketed name)**

**ARTICLE 2**

**ARTICLE 2 *Definitions (208)***

**208. Bed & Breakfast / Lodging House / Hostel / Rooming House (Air B&B-as marketed use of property or any other similar marketed name):** a single-family residential dwelling unit in which a guestroom or guestrooms are provided for compensation, as overnight accommodations for transient visitors for a short term, temporary stay, (overnight or weekly) of no more than 30 consecutive days and in which 1 meal per day is provided. A Bed & Breakfast establishment reflects a residential setting and is not a hotel, motel or other use defined or regulated elsewhere in this ordinance. (See Article 5, Section 510).

**EXCEPTION: Lodging House/Hostel/ Rooming House are not required to serve a meal.**

**ARTICLE 6**

**Article 6 *Off-street Parking & Loading*, Section 600 Required Off-Street Parking Spaces**

**Article 6, Section 600 A (4) . Residential Uses**

	<b>One (1) Off-Street for each</b>	<b>Plus One (1) Off-Street</b>
	_____	_____
<b>13. Bed &amp; Breakfast/ Lodging House/Hostel/ Rooming House (Air B&amp;B-as marketed use of property or any other similar marketed name)</b>	<b>Rental Room</b>	<b>Owner/Agent/Manager and employee</b>

**ARTICLE 5**

**ARTICLE 5, *Special Provisions*; Section 510 - Bed & Breakfast/Lodging House/Hostel/  
Rooming House (Air B&B-as marketed use of property or any other similar marketed  
name) Standards and Requirements**

**Bed & Breakfast Lodging House/Hostel/Rooming House (Air B&B-as marketed use of property or any other similar marketed name) Use:** An establishment defined in Article 2; Section 208, which is incorporated herein, that only serves transient visitors on a short term, temporary stay to an area with sleeping room/s with one (1) meal provided per day and that is within a setting reflecting a residential rather than commercial character. Bed & Breakfast uses, limited to a maximum of six (6) guestrooms and limited to serving transient visitors to the area.

**A. Bed & Breakfast Bed & Breakfast/Lodging House/Hostel/ Rooming House (Air B&B-as marketed use of property or any other similar marketed name) establishments, as defined herein, must meet the following standards:**

1. No Bed & Breakfast facility shall contain more than six (6) guestrooms.
2. Only designated guestrooms will be used for sleeping.
3. In the Town Center Zoning District and all other Zoning Districts in which Bed &

breakfast establishments are granted by Special Exception, the owner of the Bed & Breakfast will certify they will play a regular and active role in the management and oversight of the rental property by having a principal residence in the corporate limits of the Town of Keedysville or when authorized by the Town of Keedysville, may have made arrangements with an agent having a principal residence in the Town of Keedysville.

4. In all Zoning Districts in which Bed & Breakfast establishments are granted by Special Exception, the owner and/or authorized agent shall provide the Town of Keedysville with the name, address and 24 hour phone contact information of the property owner and/or agent with the appropriate Zoning Application submission. This information must be updated within one (1) working day of any change/s in owner, manager, or agent.
5. A minimum of one (1) full lavatory with toilet, tub and/or shower or combination thereof shall be available for every two (2) guestrooms. The owner/agent shall have one (1) full lavatory.
6. No guestroom shall contain more than two (2) beds, excluding portable cribs.
7. One (1) off-street, on-site parking space shall be required per guestroom. All off-street parking shall be to the side or rear of establishment (Article 6). On lots where this requirement cannot be met, a variance will be required in accordance with the Zoning Ordinances. (see Article 10)
8. One (1) off-street parking, on-site parking space shall be required for the owner, manager or agent as well as any employee working on the premises (Article 6).
9. No cooking facilities shall be permitted in any guestroom.
10. Upon conversion of any existing dwelling to a Bed & Breakfast, no additional entrance shall be permitted in the front façade.
11. No more than four (4) adult persons shall simultaneously occupy any one (1) guestroom in a Bed & Breakfast establishment. An exception may be made for children age five (5) and under, not to exceed two (2) children per room.
12. One (1) flush mounted sign against the establishment, not to exceed four (4) square feet in area, is permitted to identify the establishment.

13. A Bed & Breakfast **must** meet the requirements of the Washington County and/or Maryland State Fire Marshall's Office whichever is applicable. The owner must provide documentation that the requirements of the Fire Marshall's Office have been met. All documentation must be provided when Owner submits application for a Zoning Permit to the Town of Keedysville Zoning Administrator prior to any opening of the establishment.
14. A Bed & Breakfast must meet all applicable local, county and state requirements. The Owner must provide pictures and documentation to prove the Bed & Breakfast is in compliance with all requirements for such an establishment, including proper insurance coverage, Health Department approval and all other necessary requirements. Pictures and documentation must be provided when application is made for the Zoning permit to the Keedysville Zoning Administrator prior to the opening of the establishment. It will also be the responsibility of the Owner/agent to update documents annually or on the anniversary of the zoning permit.
15. A Bed & Breakfast guest room cannot be rented for less than one (1) night.
16. A Bed & Breakfast shall maintain a guest log including the name address and phone number. Logs must be maintained for a period of five (5) years.
17. No Bed & Breakfast may be opened until a proper Zoning Permit is granted and issued by the Town of Keedysville Zoning Administrator.

**B. Noncompliance:** If the Owner/agent fails to comply with any of the regulations set forth in this Ordinance, the Land Use Administrator/Zoning Administrator shall have the right to suspend and/or terminate the Zoning Permit authorizing the use, subject to the rights of appeal pursuant to Article 10 of the Zoning Ordinance of the Town of Keedysville. Suspension/termination of an issued Zoning Permit issued shall be in addition to any other penalties or proceedings available to the Town of Keedysville for noncompliance with the Zoning Ordinance of the Town of Keedysville.

**OPINION AND FINDINGS OF FACT  
REGARDING PROPOSED AMENDMENTS TO THE *TOWN OF KEEDYSVILLE*  
*ZONING ORDINANCE PERTAINING TO SHORT TERM RENTALS***

The foregoing matter was heard at Public Hearing by the Mayor and Council for the Town of Keedysville, Maryland, on September 6, 2023 in accordance with the provisions of the *Zoning Ordinance for the Town of Keedysville*.

The Mayor and Council have considered all of the criteria as set forth in the *Zoning Ordinance* as well as the *Annotated Code of Maryland*.

The Mayor and Council for the Town of Keedysville, in accordance therewith, find that the requested text amendments attached hereto as **Exhibit "A"** which are incorporated herein by reference are consistent with the *Comprehensive Plan* as well as the purpose and intent of the *Zoning Ordinance*.

The testimony and evidence taken at the Hearing demonstrates and establishes that due to a concern regarding based upon inquiries through the Zoning Administrator, potential increases in requests for Zoning Permits for Bed and Breakfasts and similar uses that it has become apparent that more specificity in the *Zoning Ordinance* regarding Short Term Rentals. After study, review and recommendation of the Planning Commission, an amendment to the *Zoning Ordinance* was initiated and a Public Hearing on the proposed amendments was held on September 6, 2023 was held. In particular, the Staff together with the Planning Commission determined that more specificity regarding the Definition of "Bed & Breakfast/Lodging House/Hostel/Rooming House, etc.) combined with specific requirements regulating said uses needs to be addressed in the *Zoning Ordinance*. In addition, Off-Street Parking requirements also needs to be addressed. The specific amendments, revisions and additions were set forth in Exhibit A which was introduced and discussed at the time of the Public Hearing. The purpose of the proposed amendments is to define and clarify the use of properties in Keedysville that may be used as Bed and Breakfasts (Short Term Rentals) as defined therein.

Justin Holder testified in opposition to the proposed amendments claiming inadequate notice. He also asserted that the proposed amendments are arbitrary and capricious, constitute spot zoning and do not conform with the Town's *Comprehensive Plan*. Mr. Holder asserted that property owners should have the ability to use their properties as they see fit. The Mayor and Council, based upon the record that the Notice requirements of the *Zoning Ordinance* have been met, find that adequate notice was given. In addition, the Mayor and Council find that there is no merit to any of the other defenses asserted.

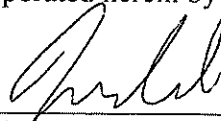
The Mayor and Council find that the proposed change to the *Zoning Ordinance* is appropriate and logical. In particular, the amendments are necessary to promote the orderly, regulated and controlled use of properties as Bed and Breakfasts/Short Term Rentals as defined. The Mayor and Council find that the proposed regulations are reasonable and intended to protect the general safety, health and welfare of the citizenry of the Town. The proposed amendments promote one of the goals of the Town articulated in the *Comprehensive Plan* which is to promote

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Clerk of the Circuit Clerk  
Washington County

and develop tourism. Toward that end the amendments set and define the parameters relating to these types of uses to prevent them from going unmonitored, unregulated and unchecked.

The Mayor and Council further find that the proposed amendments/addition to the *Zoning Ordinance* are compatible with existing and proposed uses in SR, TR and NC Zoning Districts. The discussions of the Mayor and Council, the recommendations, testimony and written submittals and the recommendation of the Planning Commission are incorporated and adopted by the Mayor and Council herein by reference to the extent that they are consistent with the Mayor and Council *Findings* set forth in this Opinion as well as those set forth on the record at the Public Hearing.

Therefore, the Mayor and Council find that the *Zoning Ordinance* should be amended in accordance with **Exhibit "A"** which is incorporated herein by reference.



---

Kenneth Lord, Mayor

**Exhibit B**



Send Certification to:

Ms. Lisa Riner, Town Administrator  
**Town of Keedysville**  
Town Hall  
P. O. Box 359  
Keedysville, MD 21756

NOV - 2 2023

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Acts, Ordinances, Resolutions- Town  
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Washington County

LR - Government  
Instrument 0.00  
Agency Name: Town of  
Keedysville  
Instrument List:  
Agreement / Easement  
Describe Other:  
Ref:

=====  
Total: 0.00  
11/01/2023 10:51  
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#17674226 CC0403 -  
Washington  
County/CC04.03.01 -  
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Washington County, Maryland**

Kevin R. Tucker, Clerk  
24 Summit Avenue  
Hagerstown, MD 21740  
301-790-7991

**For Clerks Use Only**

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Recording Fee \_\_\_\_\_  
County Transfer Tax \_\_\_\_\_  
Recordation Tax \_\_\_\_\_  
State Transfer Tax \_\_\_\_\_  
Non-Resident Tax \_\_\_\_\_  
**TOTAL** \_\_\_\_\_

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## The Herald-Mail

### PROOF OF PUBLICATION

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Town Of Keedysville  
PO BOX 359  
KEEDYSVILLE MD 21756

STATE OF MARYLAND, COUNTY OF WASHINGTON

The Herald-Mail is a daily newspaper of general circulation, printed in the English language and published in the City of Hagerstown in said County and State, and that annexed hereto is a copy of a certain order taken from said newspaper in which the order was published.

Published in the issue dated:  
08/16/2023

Sworn to and subscribed before on 08/16/2023

#### Notice

Notice is hereby given by the Mayor and Council of the Town of Keedysville, as its duly constituted legislative body, that a Public Hearing will be held in Council Chambers, Town Hall, on September 6, 2023, starting at 6:45 P.M. The hearing is being scheduled pursuant to the provisions of the Annotated Code of Maryland and the Charter of the Town of Keedysville, to consider whether or not to introduce, pass and make effective a proposed Ordinance:

1. An Ordinance regulating Short Term Rentals within the Town (B&B's).

2. An ordinance regulating the use of Temporary Storage Containers within the town.

A complete copy of said proposed budget is on file in the Office of the Town Administrator, Town Hall, Keedysville, Maryland. Same may be copied or inspected in that office and it is incorporated herein by reference and made a part hereof for convenience and economy. Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Mayor and Council are open to the public. The intent is that the determination will be made at the Regular Meeting to be held on a later date. Individuals requiring special accommodations are requested to contact Lisa Riner at (301) 432-5795. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer at their expense.

Town of Keedysville,  
Maryland  
By: Mayor and Council  
Lisa Riner  
Town Administrator  
9116932 8/16/23

Legal Clerk

Notary, State of WI, County of Brown

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Published in the issue dated:  
10/12/2023

Sworn to and subscribed before on 10/12/2023

### NOTICE OF PASSAGE

Notice is hereby given by the Mayor and Council of the Town of Keedysville, Maryland, a Municipal Corporation, existing under and by virtue of the Laws of the State of Maryland that pursuant to and in accordance with the powers contained in the Charter of the Town of Keedysville as adopted and subsequently amended and in accordance with and pursuant to the provisions of the powers vested in the Town under the Annotated Code of Maryland, its Charter and the Town of Keedysville Zoning Ordinance, the said Mayor and Council as the legislative body for the Town, at a duly constituted meeting of the Mayor and Council, on October 4, 2023 passed an Ordinance entitled An Ordinance Amending and Revision the Zoning Ordinance of the Town of Keedysville, to Amend Zoning and Use Regulations, Section 305, Table of Use Regulations; Article 2, Definitions; Article 6, Off-Street Parking; and Article 5, Special Provisions, Section 510 all relating to Short Term Rentals within the Town of Keedysville.

For purposes of economy, the entire Ordinance is on file in Keedysville Town Hall and is incorporated herein by reference and made a part hereto.

The effective date of said Ordinance shall be October 24, 2023.

MAYOR AND COUNCIL OF  
THE TOWN  
OF KEEDYSVILLE,  
MARYLAND  
10/12/23 9388207



Legal Clerk

*Denise Roberts*

Notary, State of WI, County of Brown

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MAYOR AND COUNCIL OF  
THE TOWN  
OF KEEDYSVILLE,  
MARYLAND  
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