

Zoning Text Amendment No.: 16-03
Concerning: Land Use – Bed and
Breakfast
Draft No. & Date: 1 – 01/06/16
Introduced: February 2, 2016
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow a Bed and Breakfast as a limited use in all Residential and all Commercial/Residential zones;
- revise the definition and requirements for a Bed and Breakfast;
- delete the requirements for a Bed and Breakfast as a conditional use; and
- generally amend the provisions for a Bed and Breakfast

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-3.1. “Use Table”
Section 59-3.1.6. “Use Table”
DIVISION 59-3.5. “Commercial Uses”
Section 59-3.5.6. “Lodging”
DIVISION 8.2. “Residential Floating Zone”
Section 8.2.3. “Use Table for the RT and R-H zones”
DIVISION 8.3. “Planned Unit Development Zones”
Section 8.3.2. “PD Zone”

EXPLANATION: **Boldface** indicates a Heading or a defined term.
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

15 **1. Defined**

16 Bed and Breakfast means [a detached house that is owner-occupied
17 with no more than 5 guest rooms for rent and customarily serves
18 breakfasts to guests.] a dwelling unit that is available for lodging. A
19 Bed and Breakfast includes a dwelling unit that makes available the
20 entire dwelling unit or any portion of the unit for rental periods. Meals
21 may be provided to overnight guests when the provider satisfies the
22 requirements of Chapter 15.

23 **2. Use Standards**

- 24 a. Where a Bed and Breakfast is allowed as a limited use, it must
25 satisfy the following standards:
- 26 i. A Bed and Breakfast is prohibited in a dwelling unit [that
27 also provides guest rooms for roomers, or] in a Farm
28 Tenant Dwelling, or on a site that includes an Accessory
29 Apartment.
 - 30 ii. [The display of a sign must include the official house
31 number.]
 - 32 [iii. Breakfast is the only meal that may be served and only
33 to] The overnight guests on any night must satisfy the
34 definition of one household.
 - 35 [iv]iii. A guest must only remain in a Bed and Breakfast for a
36 maximum of [14] 30 days in any one visit.
 - 37 [v]iv. A record of all overnight visitors must be maintained.
 - 38 [vi]v. The Bed and Breakfast must be [registered with DPS]
39 licensed under Chapter 54.
 - 40 [vii. In the Agricultural, Rural Residential, and Residential
41 zones, the minimum lot area is the greater of 9,000

42 square feet or the minimum lot area for a detached house
43 building type in the zone.]

44 [viii. In the Agricultural, Rural Residential, and Residential
45 zones, on a lot of less than 2 acres, a maximum of 3
46 bedrooms may be designated as guest rooms for which
47 compensation is charged.]

48 vi. The dwelling unit must be the primary residence of the
49 bed and breakfast licensee.

50 [ix]vii. In the Agricultural and Rural Residential zones, a
51 Bed and Breakfast may be allowed in an accessory
52 building designated as historic on the Master Plan for
53 Historic Preservation.

54 [x]viii. [Parking must be located behind the front building
55 line] On-site parking that satisfies the property's zoning
56 is required.

57 [xi]ix. In the AR zone, this use may be prohibited if not
58 accessory to Farming under Section 3.1.5, Transferable
59 Development Rights.

60 [b. Where a Bed and Breakfast is allowed as a conditional use, it
61 may be permitted by the Hearing Examiner under all limited
62 use standards, Section 7.3.1, Conditional Use, and the following
63 standards:

64 i. The Hearing Examiner may deny a petition for a Bed and
65 Breakfast with frontage on and access to a road built to
66 less than primary residential standards if it finds that road
67 access will be unsafe and inadequate for the anticipated

- 68 traffic to be generated or the level of traffic would have
 69 an adverse impact on neighboring residences.
- 70 ii. If there is inadequate space for parking behind the front
 71 building line, the Hearing Examiner may approve an
 72 alternative placement for parking.
- 73 iii. Screening under Division 6.5 is not required.
- 74 iv. To avoid an adverse neighborhood impact and assure that
 75 the residential use remains predominant, the Hearing
 76 Examiner may limit the number of transient visitors who
 77 may be accommodated at one time or the number of
 78 visits in any 30-day period.]

79 **Sec. 3. DIVISION 59-8.2 is amended as follows:**

80 **Division 8.2. Residential Floating Zones**

81 * * *

82 **Section 8.2.3. Use Table for the RT and R-H zones**

- 83 A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.
- 84 B. The following Use Table identifies uses allowed in each zone. Uses may be
 85 modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
* * *							
COMMERCIAL							
* * *							
Eating and Drinking	3.5.3						
Restaurant	3.5.3.B						C ⁷
<u>Lodging</u>	<u>3.5.6</u>						
<u>Bed and Breakfast</u>	<u>3.5.6.B</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Office and Professional	3.5.8						
* * *							

86 **Sec. 4. DIVISION 59-8.3 is amended as follows:**

87 **Division 8.3. Planned Unit Development Zones**

88 * * *

89 **Section 8.3.2. PD Zone**

90 * * *

91 **B. Uses**

92 * * *

93 **2. Commercial Uses**

94 * * *

95 d. A Bed and Breakfast is allowed as a limited use under Section
96 3.5.6.B.

97 * * *

98 **Sec. 5. Effective date.** This ordinance becomes effective 20 days after the
99 date of Council adoption.

100

101 This is a correct copy of Council action.

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103 _____

104 Linda M. Lauer, Clerk of the Council