

Ordinance No.: _____
Zoning Text Amendment No.: 23-xx
Concerning: Accessory Residential
Uses – Sharing Economy
Rental
Revised: 1/20/2023 Draft No.: 1
Introduced: January 31, 2023
Public Hearing: _____
Adopted: _____
Effective: _____

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

Lead Sponsor: Councilmember Jawando

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) define Sharing Economy Rental; and
- (2) generally amend accessory residential uses.

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 59.3.3.	“Residential Uses
Section 59.3.3.3.	“Accessory Residential Uses”
Division 8.2.	“Residential Floating Zones”
Section 8.2.3.	“Use Table for the RT and R-H Zones”

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:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

In this Chapter, terms that are not specifically defined have their ordinary meaning.

The following words and phrases have the meanings indicated.

* * *

Sharing Economy Rental: See Section 3.3.3.I

* * *

Short-Term Residential Rental: See [Section 3.3.3.I] Section 3.3.3.J

* * *

Sec. 2. DIVISION 59-3.1 is amended as follows:

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential													Commercial/ Residential			Employment			
					Residential Detached								Residential Townhouse			Residential Multi-Unit								
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC
* * *																								
RESIDENTIAL																								
* * *																								
ACCESSORY RESIDENTIAL USES	3.3.3.																							
* * *																								
Home Occupation (Major Impact)	3.3.3.H	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
<u>Sharing Economy Rental</u>	<u>3.3.3.I</u>	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Short-Term Residential Rental	<u>[3.3.3.I]</u> <u>3.3.3.J</u>	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
* * *																								

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Sec. 3. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

* * *

Section 3.3.3. Accessory Residential Uses

* * *

I. Sharing Economy Rental

1. Defined

Sharing Economy Rental means the rental of any portion of a dwelling or the property on which it sits for a fee where both the property and the dwelling are privately-owned by the same person or entity and where the rental period is less than 12 continuous hours.

2. Use Standards

Where Sharing Economy Rental is allowed as a limited use, it must satisfy the following standards:

- a. Sharing Economy Rental is prohibited in a Farm Tenant Dwelling or on a site that includes an Accessory Dwelling Unit.
- b. The Sharing Economy Rental must be the property owner's or owner-authorized resident's primary residence, regardless of dwelling unit type.
- c. The property owner or owner-authorized resident must be present at the residence during the rental period.
- d. A Sharing Economy Rental may only operate for a maximum of 120 days in a calendar year.
- e. Rental hours are limited to 8:00 a.m. to 10:00 p.m.
- e. The property owner or owner-authorized resident must obtain a license under Chapter 25C.
- f. The total number of guests in any rental period who are 18 years or older is limited to 6 persons.
- g. One off-street parking space must be provided for each rental period unless the listing indicates that vehicle parking is prohibited.
- h. A record of all rentals must be maintained and readily available for inspection.

[I]J. Short-Term Residential Rental

* * *

Sec. 4. DIVISION 59-8.2 is amended as follows:**Division 8.2. Residential Floating Zones**

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Section 8.2.3. Use Table for the RT and R-H Zones

USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
RESIDENTIAL							
* * *							
ACCESSORY RESIDENTIAL USES	3.3.3.						
* * *							
Home Occupation (Major Impact)	3.3.3.H	C	C	C	C	C	C
<u>Sharing Economy Rental</u>	<u>3.3.3.I</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Short-Term Residential Rental	<u>[3.3.3.I]</u> <u>3.3.3.J</u>	L	L	L	L	L	L
* * *							

A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.

B. The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

* * *

Sec. 5. DIVISION 59-8.3 is amended as follows:**Division 8.3. Planned Unit Development Zones**

* * *

64 **Section 8.3.2. PD Zone**

65 * * *

66 **B. Uses**

67 **1. Residential Uses**

68 * * *

69 c. Short-Term Residential Rental is allowed as a limited use under
70 Section [3.3.3.I.] 3.3.3.J.

71 * * *

72 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the
73 date of District Council adoption.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council