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:
Sec. 1. 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.

<table>
<thead>
<tr>
<th>USE OR USE GROUP</th>
<th>Definitions and Standards</th>
<th>Residential</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Residential Detached</td>
<td>Residential Townhouse</td>
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<td></td>
<td></td>
<td>RE-2</td>
<td>RE-2C</td>
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<tr>
<td>COMMERCIAL</td>
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<td>LODGING</td>
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<td>* * *</td>
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<td>3.5.6</td>
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<tr>
<td>Bed and Breakfast</td>
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<tr>
<td>3.5.6.B</td>
<td></td>
<td></td>
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<tr>
<td>Hotel, Motel</td>
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<tr>
<td>3.5.6.C</td>
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</tr>
</tbody>
</table>

Key:  P = Permitted Use    L = Limited Use    C = Conditional Use    Blank Cell = Use Not Allowed

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Sec. 2. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.6. Lodging

A. Defined, In General

Lodging means a building, dwelling unit, or a portion of a dwelling unit used for the short-term overnight accommodation of paying guests.

B. Bed and Breakfast
1. **Defined**

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

2. **Use Standards**

   a. Where a Bed and Breakfast is allowed as a limited use, it must satisfy the following standards:

   i. A Bed and Breakfast is prohibited in a dwelling unit [that also provides guest rooms for roomers, or] in a Farm Tenant Dwelling, or on a site that includes an Accessory Apartment.

   ii. [The display of a sign must include the official house number.]

   [iii. Breakfast is the only meal that may be served and only to] The overnight guests on any night must satisfy the definition of one household.

   [iv]iii. A guest must only remain in a Bed and Breakfast for a maximum of [14] 30 days in any one visit.

   [v]iv. A record of all overnight visitors must be maintained.

   [vi]v. The Bed and Breakfast must be [registered with DPS] licensed under Chapter 54.

   [vii. In the Agricultural, Rural Residential, and Residential zones, the minimum lot area is the greater of 9,000]
square feet or the minimum lot area for a detached house
building type in the zone.]

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

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

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

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

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

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

i. The Hearing Examiner may deny a petition for a Bed and
Breakfast with frontage on and access to a road built to
less than primary residential standards if it finds that road
access will be unsafe and inadequate for the anticipated
traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.

ii. If there is inadequate space for parking behind the front building line, the Hearing Examiner may approve an alternative placement for parking.

iii. Screening under Division 6.5 is not required.

iv. To avoid an adverse neighborhood impact and assure that the residential use remains predominant, the Hearing Examiner may limit the number of transient visitors who may be accommodated at one time or the number of visits in any 30-day period.

Sec. 3. 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

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.

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<tr>
<td>Bed and Breakfast</td>
<td>3.5.6.B</td>
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<td>Office and Professional</td>
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</tbody>
</table>
Sec. 4. DIVISION 59-8.3 is amended as follows:

Division 8.3. Planned Unit Development Zones

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Section 8.3.2. PD Zone

* * *

B. Uses

* * *

2. Commercial Uses

* * *

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

* * *

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

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council