

Ordinance No.: 18-36
Zoning Text Amendment No.: 17-08
Concerning: Bed and Breakfast –
Historic Buildings
Draft No. & Date: 2 – 11/14/17
Introduced: October 10, 2017
Public Hearing: November 14, 2017
Adopted: December 12, 2017
Effective: January 1, 2018

**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 Sponsors: Councilmembers Floreen, Leventhal, and Riemer
Co-Sponsor: Councilmember Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the definition and requirements for a bed and breakfast;
- allow a bed and breakfast under more permissive standards when the facility is located in a historic building; 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 3.5. “Commercial Uses”
Section 3.5.6. “Lodging”

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

OPINION

Zoning Text Amendment No. 17-08 was introduced on October 10, 2017. ZTA 17-08 would revise the definition and requirements for a bed and breakfast. It would allow a bed and breakfast under more permissive standards when the facility is in a historic building. In particular, it would allow up to 10 guest rooms, serving any meal to overnight guests, and an off-site owner.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced.

The Council conducted a public hearing on November 14, 2017. All testimony supported the approval of ZTA 17-08.

The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on November 27, 2017 to review the text amendment. The Committee recommended approval of the ZTA as introduced.

The District Council reviewed Zoning Text Amendment No. 17-08 at a worksession held on December 12, 2017. The Council agreed with the Committee's recommendation to approve ZTA 17-08.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 17-08 will be approved as introduced.

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 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.6. Lodging

A. Defined, In General

Lodging means a building 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] with rooms for rent and where breakfast is customarily [serves breakfasts] served to guests.

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 overnight guests, except as provided in Subsection 59.3.5.6.B.2.a.x.
- iv. A guest must only remain in a Bed and Breakfast for a maximum of 14 days in any one visit.
- v. A record of all overnight visitors must be maintained.

- vi. The Bed and Breakfast must be registered with DPS.
- 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.
- ix. Except as provided in Subsection 59.3.5.6.B.2.a.x, a Bed and Breakfast must be in an owner-occupied house with no more than 5 guest rooms.
- x. In the Agricultural and Rural Residential zones, a Bed and Breakfast [may be allowed in an accessory building located in any detached house or accessory building designated as historic on the Master Plan for Historic Preservation:
 - (a) may have no more than 10 guest rooms on any site;
 - (b) may serve overnight guests any meal; and
 - (c) must be occupied by either an owner or an owner-authorized manager.
- [x]xi. Parking must be located behind the front building line.
- [xi]xii. In the AR zone, this use may be prohibited if not accessory to Farming under Section 3.1.5, Transferable Development Rights.

* * *

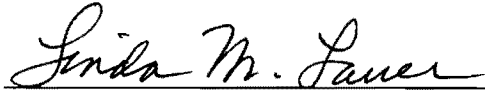
55 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
56 date of Council adoption.

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58 This is a correct copy of Council action.

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A handwritten signature in cursive script, reading "Linda M. Lauer", is written over a horizontal line.

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Linda M. Lauer, Clerk of the Council