

Zoning Text Amendment No.: 17-XX
Concerning: Accessory Residential
Uses – Tenancy Duration
Draft No. & Date: 1 – 2/23/17
Introduced:
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:

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- modify the definition of “Household Living”;
- define “Short-Term Residential Rental”;
- establish limited use standards for short-term residential rental; and
- to generally allow the short-term rental or use of residential property

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

DIVISION 59.1.4	“Defined Terms”
Section 59.1.4.2	“Specific Terms and Phrases Defined”
Division 59.3.1.	“Use Table”
DIVISION 59.3.3	“Residential Uses
Section 59.3.3.3	“Accessory Residential Uses”
DIVISION 59.8.2	“Residential Floating Zones”
DIVISION 59.8.3.	Planned Unit Development 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:

1 **Sec. 1. DIVISION 59.1.4 is amended as follows:**

2 Division 59.1.4 Defined Terms

3 * * *

4 **Section 59.1.4.2 Specific Terms and Phrases Defined**

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

6 The following words and phrases have the meanings indicated.

7 * * *

8 **Shooting Range (Outdoor):** See Section 3.5.10.J.1

9 **Short-Term Residential Rental:** See Section 3.3.3.I

10 * * *

11 **Sec. 2. DIVISION 59.3.1 is amended as follows:**

12 Division 59.3.1. Use Table

13 * * *

14 **Section 59.3.1.6. Use Table**

15 The following Use Table identifies uses allowed in each zone. Uses may be

16 modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definition s and Standards	Residential																						Commercial/ Residential			Employment				Industrial		
		Ag		Rural Residential				Residential Detached						Residential Townhouse			Residenti al 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	EOF	IL	IM	IH					
* * *																																	
RESIDENTIAL																																	
ACCESSORY RESIDENTIAL USES	3.3.3.																																
<u>Short-Term Residential Rental</u>	<u>3.3.3.I</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>						

17 * * *

18 **Sec. 3. DIVISION 59.3.3 is amended as follows:**

19 **DIVISION 59.3.3. Residential Uses**

20 **Section 3.3.1. Household Living**

21 **A. Defined, In General**

22 Household Living means the residential occupancy of a dwelling unit by a
23 household [on a monthly or longer basis] for 30 consecutive days or longer.

24 * * *

25

26 **Section 59-3.3.3. Accessory Residential Uses**

27 * * *

28 **I. Short-Term Residential Rental**

29 **1. Defined**

30 Short-Term Residential Rental means the residential occupancy of a
31 dwelling unit for less than 30 consecutive days. Short-Term Residential
32 Rental is not a Bed and Breakfast.

33 **2. Use Standards**

34 Where Short-Term Residential Rental is allowed as a limited use, it must
35 satisfy the following standards:

36 a. Short-Term Residential Rental is prohibited in a Farm Tenant
37 Dwelling or on a site that includes an Accessory Apartment.

38 b. The applicant must provide proof that the home is his/her
39 primary residence, regardless of dwelling unit type, by providing
40 valid proof of home address as established by Executive
41 Regulation under Method 2 of Chapter 2 (2A-15).

42 c. Must comply with any Home Owner's Association or
43 condominium document, or a rental lease.

- 44 d. The applicant must provide written proof that abutting and
45 confronting neighbors have been notified of the application for a
46 Short-Term Residential Rental. In an apartment or condominium
47 building, neighbors living across the hall and those that share a
48 ceiling, floor, and walls with the applicant's unit must be
49 notified.
- 50 e. The property can be used as a Short-Term Residential Rental a
51 maximum of 90 days in a calendar year.
- 52 f. The use must be licensed under Chapter 54. Each license must be
53 issued for a term of one year, renewable for additional one-year
54 terms, subject to payment of the license fee and compliance with
55 all applicable laws. Renewal of licenses must follow procedures
56 established by the Director of the Department of Health and
57 Human Services (HHS).
- 58 g. The maximum number of occupants is limited by Chapter 26
59 (Sec. 26-5); however, the total number of overnight guests in the
60 Short Term Residential Rental who are 18 years or older is
61 limited to six, and the total number of overnight guests over 18
62 years of age per bedroom is limited to two.
- 63 h. A record of all overnight visitors must be maintained and readily
64 available for inspection by HHS staff.
- 65 i. One off-street parking space must be provided for each rental
66 contract unless the online listing indicates that vehicle parking is
67 prohibited.
- 68 j. Except for persons visiting the primary resident, only registered
69 guests are allowed on the property.

- 70 k. The applicant must post rules and regulations inside the rental,
 71 including contact information for a representative designated for
 72 emergency purposes. The designated representative must reside
 73 within 15 miles of the unit and be accessible for the entirety of
 74 any contract where the host is not present.
- 75 l. A Short-Term Residential Rental must have working, accessible
 76 fire extinguishers, smoke detectors and, if applicable, carbon
 77 monoxide detectors.

78 **Sec. 4. DIVISION 59-8.2 is amended as follows:**

79 **Division 8.2. Residential Floating Zones**

80 * * *

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

- 82 A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.
- 83 B. The following Use Table identifies uses allowed in each zone. Uses may be
 84 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
* * *							
Accessory Residential Uses	3.3.3						
* * *							
<u>Short-Term Residential 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>
* * *							

85 **Sec. 5. DIVISION 59-8.3 is amended as follows:**

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

87 * * *

88 **Section 8.3.2. PD Zone**

89 * * *

90 **B. Uses**

91 * * *

92 **1. Residential Uses**

93 * * *

94 c. Short-Term Residential Rental is allowed as a limited use under
95 Section 3.3.3.I.

96 * * *

97

98

99 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the
100 date of Council adoption.

101

102 This is a correct copy of Council action.

103

104 _____

105 Linda M. Lauer, Clerk of the Council