

ORDINANCE NO. O-3-08

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE IV, ENTITLED, "SUPPLEMENTARY ZONE REGULATIONS," §24-167B, ENTITLED, "BED AND BREAKFAST," TO AMEND §§ 24-167B(4) AND 24-167B(7) SO AS TO ALLOW SERVING MEALS OTHER THAN BREAKFAST AND HOST BUSINESS MEETINGS OR RECEPTIONS FOR NONGUESTS BY SPECIAL EXCEPTION

Text Amendment T-384

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24 of the City Code (City Zoning Ordinance), Article IV, § 24-167B is amended as follows:

Sec. 24-167B. Bed and breakfast.

A bed and breakfast use may be established in any single-family detached dwelling units in any zoning district, subject to the following requirements:

- (1) The building containing such use must either be designated as a historic site or located within a historic district and/or listed on the city's inventory of historic resources. Additions or changes to the exterior which are not detrimental to the historic character or appearance of a building or its appurtenances or streetscape may be approved by the historic district commission.
- (2) The minimum area of the lot or parcel must be nine thousand (9,000) square feet, but not less than the minimum lot or parcel area of the zone.
- (3) Where the use contains not more than two (2) guest bedrooms, the use shall be deemed a home occupation, subject to the standards and requirements in Article X of this chapter, with the exception that signage shall conform to paragraph (8) below, and either consent shall be evidenced from all abutting and confronting property owners, or where such consent cannot be obtained, the use may be established as a special exception pursuant to subsection (4) of this section.
- (4) Where the use contains [more than] two (2) or more guest bedrooms, and serves light meals, coffees or teas past 12:00 p.m., and/or hosts small

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***	<i>Existing law unaffected by bill.</i>

gatherings such as business meetings or receptions for non-guests, the use shall be established as a special exception, subject to approval by the city board of appeals pursuant to the procedures and requirements contained in Article VII of this chapter relating to special exceptions. Provided, however, where no exterior building modifications are proposed and only minor external site modifications are requested, the board or its designee may waive the requirements for filing of a site plan and/or exterior elevation drawings. Fees for this special exception shall be established by resolution of the city council. All applicable building and fire code requirements shall apply.

- (5) A guest must not remain in a bed and breakfast lodging for more than fourteen (14) days within a thirty-day period. In order to preclude adverse neighborhood impact, the city manager or his designee, in the case of a home occupation use, or the board of appeals in the case of a special exception use, may limit the number of guests who may be accommodated at any one time or the number of visits in any one-month period.
- (6) The owner of the premises must maintain a register of all guests, listing the guests' names, dates of arrival and departure, room number and number of occupants per room. If requested, this register must be made available to appropriate city officials.
- (7) Breakfast is the only meal that may be served to a guest, and it must not be served later than 12:00 noon, and it must not be served to any other nonresident of the premises, except as approved by special exception. Food service shall, where applicable, be subject to health regulations and inspection. No separate cooking areas or appliances shall be maintained other than in the main kitchen.
- (8) One nonilluminated sign, not exceeding three (3) square feet in size, may be placed on the property. Limited indirect lighting must be approved by the city manager or his designee. Signs in excess of three (3) square feet may only be approved by the commission. No window signs shall be permitted.
- (9) Off-street parking must be provided in accordance with the requirements of section 24-219; provided, however, in the case of a home occupation or special exception, the city manager or the board of appeals, as the case may be, may allow the use of on-street parking upon finding that:

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- (a) Such on-street parking will not have an adverse impact on neighboring residents; and
- (b) The creation of required off-street parking would be detrimental to the historic character of the residential building, its environmental appurtenances, or the historic district.

ADOPTED, this 19th day of May, 2008, by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 19th day of May, 2008. Approved by the Mayor of the City of Gaithersburg this 19th day of May, 2008.

SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 19th day of May, 2008, and that the same was approved by the Mayor of the City of Gaithersburg on the 19th day of May, 2008. This Ordinance will become effective on the 9th day of June, 2008.

JAMES D. ARNOULT, Acting City Manager

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