

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2018, Legislative Day No. 21

Bill No. 100-18

Mr. Todd K. Crandell, Councilman

By the County Council, December 17, 2018

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Bed-and-Breakfast Inn

FOR the purpose of repealing certain provisions relating to the process for the approval of a bed-and-breakfast inn; adopting a new process for the approval of a bed-and-breakfast inn in certain zones of the County; specifying certain requirements and restrictions; providing for a permit process for approval of a bed-and-breakfast inn; and generally relating to bed-and-breakfast inns.

BY repealing and re-enacting, with amendments

Section 101, the definition of a “Bed-and-Breakfast Inn,” and Section 430.2
Baltimore County Zoning Regulations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike-out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments

Section 409.6.A.1, Residential and lodging uses, “Tourist home”
Baltimore County Zoning Regulations

BY repealing

Section 430.4
Baltimore County Zoning Regulations

BY adding

Section 433
Baltimore County Zoning Regulations

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

3

4 § 101. Definitions.

5 Bed-and-Breakfast Inn – A tourist home [located on a minimum five-acre tract with
6 frontage on an arterial or collector street] that provides [four to A MAXIMUM OF 20] rooms for
7 paying guests on an overnight basis for periods not to exceed 14 days, with breakfast being
8 available on the premises at no additional cost. A bed-and-breakfast inn is allowable in a building
9 originally constructed as a one-family dwelling that has historic value or significance, and may
10 include accessory structures.

11

12 § 409.6. Required number of parking spaces.

13 A. General requirements. The standards set forth below shall apply in all zones
14 unless otherwise noted. If the required number of off-street parking spaces is not set forth for a
15 particular type of use, the Director of Permits, Approvals and Inspections shall determine the

1 basis of the number of spaces to be provided. If the number of spaces calculated in accordance
2 with this section results in a number containing a fraction, the required number of spaces shall be
3 the next highest whole number.

4

5 1. Residential and lodging uses.

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7 <u>Type of Use</u>	<u>Minimum Number of Required Off- Street Parking Spaces</u>
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10 <u>Tourist Home, BED-AND- 11 <u>BREAKFAST INN</u></u>	<u>1 per guest room</u>
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13 § 430.2. Application of process.

14 A. The PUD process may be utilized for:

15 [1.] A general development PUD, as provided in Section 430.3[; or

16 2. A bed-and-breakfast PUD, as provided in Section 430.4].

17

18 [§ 430.4. Bed-and-Breakfast PUD.

19 A. Scope. A bed-and-breakfast inn shall be developed as a PUD.

20 B. Location. A bed-and-breakfast PUD may be located in a D.R. or R.C. Zone, when
21 located on a minimum five-acre tract with frontage on an arterial or collector street.

22 C. Accessory structures. New or existing accessory structures are permitted. However,
23 accessory structures shall be architecturally compatible by renovation with the principal structure.

1 Converted principal and accessory structures are not subject to the requirements of Sections
2 1B01.1.b. and 400 of these regulations.

3 D. Log. The owner or manager of a bed-and-breakfast inn shall maintain a reservation
4 book or a registration log. The book or log shall show the arrival and departure dates of all guests
5 and shall be open for inspection by a Zoning Compliance Officer. E. Standards. A bed-and-
6 breakfast inn is subject to the following standards:

- 7 1. Individual rooms which are rented may not contain cooking facilities.
- 8 2. The owner or manager shall reside on the premises.]

9

10 § 433. BED-AND-BREAKFAST INN.

11 A. LOCATION. A BED-AND-BREAKFAST INN IS PERMITTED IN A SINGLE-
12 FAMILY DETACHED DWELLING IN A D.R. OR R.C. ZONE, SUBJECT TO THE
13 FOLLOWING:

14 1. NO MORE THAN SIX BEDROOMS ARE PERMITTED FOR GUESTS ~~IF~~
15 ~~LOCATED IN A D.R. ZONE.~~

16 2. ~~BETWEEN FOUR AND 20 BEDROOMS ARE PERMITTED FOR GUESTS~~
17 ~~AND A MINIMUM OF FIVE ACRES~~ A MINIMUM FIVE-ACRE TRACT WITH FRONTAGE
18 ON AN ARTERIAL OR COLLECTOR STREET IS REQUIRED IF LOCATED IN AN R.C.
19 ZONE.

20 B. ACCESSORY STRUCTURES. NEW OR EXISTING ACCESSORY
21 STRUCTURES ARE PERMITTED. HOWEVER, ACCESSORY STRUCTURES SHALL BE
22 ARCHITECTURALLY COMPATIBLE BY RENOVATION WITH THE PRINCIPAL
23 STRUCTURE. NEW ACCESSORY STRUCTURES SHALL COMPLY WITH SECTION 400

1 OF THESE REGULATIONS AND ANY OTHER REGULATIONS FOR SUCH STRUCTURES
2 SET FORTH IN THE ZONE IN WHICH A BED-AND-BREAKFAST IS LOCATED.

3 C. LOG. THE OWNER OR MANAGER OF A BED-AND-BREAKFAST INN
4 SHALL MAINTAIN A RESERVATION BOOK OR A REGISTRATION LOG. THE BOOK
5 OR LOG SHALL SHOW THE ARRIVAL AND DEPARTURE DATES OF ALL GUESTS AND
6 SHALL BE OPEN FOR INSPECTION BY A ZONING COMPLIANCE OFFICER.

7 D. STANDARDS. A BED-AND-BREAKFAST INN IS SUBJECT TO THE
8 FOLLOWING REQUIREMENTS AND RESTRICTIONS:

9 1. THE BUILDING IN WHICH THE INN IS LOCATED SHALL MEET THE
10 MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES IN THE ZONE.

11 2. THE BUILDING SHALL HAVE A MINIMUM OF TWO (2) EXITS.

12 3. EACH BEDROOM USED FOR THE BED-AND-BREAKFAST
13 OPERATION SHALL HAVE A MINIMUM OF ONE HUNDRED (100) SQUARE FEET FOR
14 TWO (2) OCCUPANTS AND A MINIMUM OF ONE HUNDRED SIXTY (160) SQUARE
15 FEET FOR A FAMILY OF TWO (2) ADULTS AND TWO (2) CHILDREN.

16 4. THE BUILDING IN WHICH THE INN IS LOCATED SHALL COMPLY
17 WITH THE FIRE PREVENTION CODE OF BALTIMORE COUNTY FOR LODGING OR
18 ROOMING HOUSES.

19 5. BED-AND-BREAKFAST BEDROOMS MAY NOT BE LOCATED IN
20 BASEMENTS OR OTHER BELOW GROUND AREAS.

21 6. BED-AND-BREAKFAST BEDROOMS MAY NOT CONTAIN COOKING
22 FACILITIES.

23 7. A BED-AND-BREAKFAST INN SHALL COMPLY WITH ALL STATE

1 AND COUNTY FOOD SERVICE RULES.

2 8. THE OWNER OR MANAGER OF THE BED-AND-BREAKFAST INN
3 SHALL RESIDE WITHIN 250 FEET OF ANY PROPERTY LINE OF THE BED-AND-
4 BREAKFAST INN. IF NOT RESIDING ON THE PREMISES, THE OWNER OR MANAGER
5 SHALL PROVIDE ADEQUATE STAFF AT THE BED-AND-BREAKFAST INN AT ALL
6 TIMES THAT THE OWNER OR MANAGER IS NOT PRESENT ON THE PREMISES.

7 9. OFF-STREET PARKING SPACES SHALL BE PROVIDED ACCORDING
8 TO THE REQUIREMENTS OF SECTION 409.6.A.1 FOR A BED-AND-BREAKFAST INN
9 AND SHALL, TO THE EXTENT POSSIBLE, BE LOCATED IN THE SIDE OR REAR YARD
10 OF THE PROPERTY AND LANDSCAPED ACCORDING TO THE BALTIMORE COUNTY
11 LANDSCAPE MANUAL.

12 10. SIGNAGE IS LIMITED TO WALL MOUNTED OR FREE-STANDING
13 AND MAY NOT EXCEED 25 SQUARE FEET. CHANGEABLE COPY SIGNS ARE NOT
14 PERMITTED.

15 E. PERMIT. UPON APPLICATION TO THE DEPARTMENT OF PERMITS,
16 APPROVALS AND INSPECTIONS, THE DIRECTOR MAY ISSUE A USE PERMIT FOR A
17 BED-AND-BREAKFAST INN UNDER THE ~~PERMIT PROCEDURE SET FORTH IN~~
18 ~~SECTION 408B.1 OF THESE REGULATIONS.~~ FOLLOWING PROCEDURE:

19 1. UPON APPLICATION, THE APPLICANT SHALL PROVIDE THE
20 FOLLOWING INFORMATION:

21 A. THE MAXIMUM NUMBER OF PERSONS EXPECTED AS
22 GUESTS ON THE PROPERTY.

23 B. A SITE PLAN INDICATING THE LOCATION, TYPE AND SIZE

1 OF STRUCTURE FOR THE BED-AND-BREAKFAST INN, THE LOCATION AND SIZE OF
2 ACCESSORY STRUCTURES, AND THE PROXIMITY OF DWELLINGS ON ADJACENT
3 LOTS.

4 C. THE LOCATION OF REQUIRED OFF-STREET PARKING
5 SPACES.

6 D. A FLOOR PLAN INDICATING THE NUMBER OF BEDROOMS
7 AND BATHROOMS.

8 E. SUCH OTHER INFORMATION AS THE DIRECTOR MAY
9 REQUIRE.

10 2. NOTICE AND HEARING.

11 A. ON THE PROPERTY IN QUESTION, NOTICE OF THE
12 APPLICATION FOR THE USE PERMIT SHALL BE CONSPICUOUSLY POSTED FOR A
13 PERIOD OF 30 DAYS FOLLOWING THE FILING OF THE APPLICATION.

14 B. WITHIN THE 30-DAY POSTING PERIOD, ANY INTERESTED
15 PERSON MAY FILE A FORMAL REQUEST FOR A PUBLIC HEARING BEFORE THE
16 ADMINISTRATIVE LAW JUDGE IN ACCORDANCE WITH SECTION 500.7.

17 C. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS NOT
18 FILED, THE DIRECTOR, WITHOUT A PUBLIC HEARING, MAY GRANT A USE PERMIT
19 FOR A BED-AND-BREAKFAST INN IF THE PROPOSED USE MEETS THE
20 REQUIREMENTS OF THIS SECTION AND SECTION 502.1. THE USE PERMIT MAY BE
21 ISSUED WITH SUCH CONDITIONS OR RESTRICTIONS AS DETERMINED
22 APPROPRIATE BY THE DIRECTOR TO SATISFY THE PROVISIONS OF THIS SECTION
23 AND SECTION 502.1 AND TO ENSURE THAT THE BED-AND-BREAKFAST INN WILL

1 NOT BE DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE
2 SURROUNDING COMMUNITY.

3 D. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS FILED,
4 THE DIRECTOR SHALL SCHEDULE A DATE FOR THE PUBLIC HEARING BEFORE
5 THE ADMINISTRATIVE LAW JUDGE, SUCH HEARING TO BE HELD NOT LESS THAN
6 21 DAYS AND NOT MORE THAN 90 DAYS FROM THE DATE OF FILING OF THE
7 REQUEST FOR PUBLIC HEARING.

8 E. FOLLOWING THE PUBLIC HEARING, THE ADMINISTRATIVE
9 LAW JUDGE MAY EITHER DENY OR GRANT A USE PERMIT CONDITIONED UPON:

10 (1) FINDINGS FOLLOWING THE PUBLIC HEARING.

11 (2) THE CHARACTER OF THE SURROUNDING
12 COMMUNITY AND THE ANTICIPATED IMPACT OF THE PROPOSED USE ON THAT
13 COMMUNITY.

14 (3) THE MANNER IN WHICH THE REQUIREMENTS OF
15 THIS SECTION AND SECTION 502.1 AND OTHER APPLICABLE REQUIREMENTS ARE
16 MET AND ANY ADDITIONAL REQUIREMENTS AS DEEMED NECESSARY BY THE
17 ADMINISTRATIVE LAW JUDGE IN ORDER TO ENSURE THAT THE USE WILL NOT BE
18 DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE
19 SURROUNDING COMMUNITY AND AS ARE DEEMED NECESSARY TO SATISFY THE
20 OBJECTIVES OF THIS SECTION AND SECTION 502.1 OF THESE REGULATIONS.

21 F. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS NOT
22 FILED AND NOTWITHSTANDING ANY PROVISION HEREIN TO THE CONTRARY,
23 THE DIRECTOR MAY, AT HIS OR HER DISCRETION, REQUIRE A PUBLIC HEARING

1 WHEREIN THE APPLICANT SHALL BE REQUIRED TO SATISFY THE BURDEN OF
2 PROOF REQUIRED FOR SUCH USE TO BE GRANTED.

3 G. NOTWITHSTANDING THE PROVISIONS OF SECTION 1B01.1B,
4 THE DIRECTOR, OR THE ADMINISTRATIVE LAW JUDGE IF A HEARING IS
5 REQUESTED, OR THE COUNTY BOARD OF APPEALS UPON APPEAL, MAY MODIFY
6 SECTION 1B01.1.B.1.B AS IT PERTAINS TO SUCH USE IN D.R. ZONES.

7 3. RENEWAL OF USE PERMIT.

8 A. UPON APPROVAL OF THE INITIAL USE PERMIT, THE
9 APPLICANT, OWNER OR OPERATOR OF THE PROPERTY OR PREMISES AT ISSUE
10 SHALL BE REQUIRED TO RENEW THE USE PERMIT ANNUALLY, TO BE DATED
11 FROM THE MONTH OF THE INITIAL APPROVAL. IF CONDITIONS OR OTHER
12 INFORMATION SUBMITTED TO THE DIRECTOR FOR THE INITIAL USE PERMIT
13 HAVE NOT MATERIALLY CHANGED SINCE THE INITIAL APPROVAL, SUCH
14 RENEWAL SHALL NOT BE SUBJECT TO THE REQUIREMENTS ABOVE.

15 B. IF THE APPLICANT, OWNER OR OPERATOR SEEKS TO MAKE
16 ALTERATIONS OR IMPROVEMENTS TO THE PROPERTY OR PREMISES AT ISSUE
17 THAT VARY MATERIALLY FROM THE INITIAL APPROVAL, IN ADDITION TO ANY
18 VARIANCE OR OTHER APPROVALS THAT MAY BE REQUIRED, THE RENEWAL
19 SHALL BE SUBJECT TO THE INITIAL USE PERMIT REQUIREMENTS.

20 4. SUSPENSION OR REVOCATION OF USE PERMIT.

21 A. THE DIRECTOR MAY SUSPEND, REVOKE OR REFUSE TO
22 RENEW THE USE PERMIT FOR THE FOLLOWING REASONS:

23 (1) THE APPLICANT HAS MADE ANY FALSE OR

1 MISLEADING STATEMENT IN ANY APPLICATION OR OTHER DOCUMENT
2 REQUIRED TO BE FILED UNDER THIS SECTION.

3 (2) THE APPLICANT HAS FAILED TO COMPLY WITH THE
4 LIVABILITY CODE; THE APPLICABLE ZONING REGULATIONS; OR THE NOISE,
5 LITTER, FIRE, HEALTH OR SANITATION ORDINANCES OF BALTIMORE COUNTY.

6 (3) THE APPLICANT HAS FAILED TO COMPLY WITH THE
7 TERMS AND CONDITIONS OF THE INITIAL APPROVAL.

8 5. ENTRY ON TO PROPERTY OR PREMISES. THE APPLICANT, AS A
9 CONDITION PRECEDENT TO THE APPROVAL OF THE INITIAL USE PERMIT, SHALL
10 BE REQUIRED TO PERMIT THE COUNTY TO ENTER AND INSPECT THE PREMISES
11 UPON 24-HOUR NOTICE TO THE APPLICANT, OWNER, OR OPERATOR OF THE
12 PROPERTY OR PREMISES.

13 6. APPEAL. APPEALS FROM ANY DECISION OR ORDER OF THE
14 DIRECTOR OR ADMINISTRATIVE LAW JUDGE MAY BE TAKEN TO THE BOARD OF
15 APPEALS IN ACCORDANCE WITH § 32-3-401 OF THE BALTIMORE COUNTY CODE.

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17 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
18 the affirmative vote of five members of the County Council, shall take effect on February 4, 2019.