



## DIVISION OF PLANNING FREDERICK COUNTY, MARYLAND

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To: Board of County Commissioners

FROM: Eric Soter, Planning Division Director

DATE: April 16, 2008

RE: Updates regarding Bed and Breakfast, Dude/Guest Ranch and Section 1-19-288 of the Zoning Ordinance

### **ISSUE**

On April 10, 2008 during discussion of the Use Regulations and Definitions in the A and RC zoning districts, the Board requested that Staff: 1) Provide recommendations regarding permitting Bed and Breakfast in the A or RC zones, 2) Provide recommendations regarding permitting Dude/Guest Ranch in the A or RC zones and 3) Edit proposed language in Section 1-19-288.

### **BACKGROUND**

#### **1) Bed and Breakfast**

As currently proposed, 'Bed and Breakfast' is a new use that would replace 'Boarding house or tourist home' in Section 1-19-289 Use Regulations for Specific Zoning Districts. The zoning ordinance currently permits the rental of rooms within Section 1-19-198(A)(5)(c)(7) to no more than 2 persons by a resident family.

- Option One – Site Development Plan Approval: Permit 'Bed and Breakfast' subject to site development plan approval (PS) in the A and RC zones. Within the proposed definition Staff recommends reducing the number of rooms permitted to 4, rather than 6 and replacing "structure" with "residence". The use and definition would remain the same for all zones where the use is recommended to be permitted A, RC, VC, and GC.
- Option Two – Special Exception: Permit 'Bed and Breakfast' as a special exception (E) in the A and RC zones. Within the proposed definition Staff recommends reducing the number of rooms permitted to 4, rather than 6 and replacing "structure" with "residence". The definition would remain the same for all zones however the use would be permitted subject to site development plan approval in the VC, and GC zones.
- Specific regulations could be added to the zoning ordinance either through the special exception or site development plan approval process to include:
  - Minimum lot area of one acre
  - The maximum stay for guests shall not exceed 30 days during a period of six months and no one visit shall exceed more than 14 consecutive days.
  - Meal service shall be limited to overnight guests only
  - There shall be no separate kitchen or cooking facilities in any guestroom

- The use of amenities, such as swimming pool, shall be restricted in use to the guests of the establishment
- Parking shall be provided on the following basis:
  - Two spaces for the primary dwelling, plus one space for each guestroom
  - Guestroom parking shall not be located in the required front setback

Staff would note that specific regulations may not be applicable in all zoning districts where the use is permitted. For instance the minimum lot size of one acre would not apply in the Village Center or General Commercial zoning districts.

**2) Dude Ranch/Guest Farm**

A 'Guest Farm' could be accommodated through existing 'Agritourism enterprise' provisions. Staff recommends limiting the use to Farms as defined in Section 1-19-4 of the Zoning Ordinance in addition to the following changes:

**SECTION 1-19-4 DEFINITIONS**

**AGRITOURISM ENTERPRISE.** Activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities shall be related to agriculture and shall be accessory to the primary agriculture operation on the site. This term shall include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, **GUEST FARM OPERATIONS**, pumpkin patches, "pick your own" or "cut your own" produce, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. No use that is otherwise identified in § 1-19-289 as permitted with site plan approval or by special exception is permitted as an agritourism enterprise.

**GUEST FARM.** A farm used for temporary rental accommodations of no more than 3 guest rooms, which may include meals for guests only, for the purpose of experiencing farm or ranch activities for vacation use by non-residents.

**3) Unlisted Uses 1-19-288**

To reduce confusion with the proposed language the following replacement language is recommended for Section 1-19-288 (C):

§1-19-288. GENERALLY.

**(C) UNLISTED USES**

**(1) A use not specifically listed in §1-19-289 Use Regulations for Specific Zoning Districts is presumed to be prohibited, except when:**

**(a) Permitted in any zoning district by state statute; or**

**(b) The Zoning Administrator, upon request, issues a written determination that a proposed use is permitted due to its similarity to a particular use permitted within the zoning district.**