



**Chevy Chase Village
Board of Managers**

Executive Session--6:30 p.m.

NOTICE: The Chevy Chase Board of Managers will convene in Executive Session in the Chevy Chase Village Hall, 5906 Connecticut Avenue, Chevy Chase, MD 20815, pursuant to Section 3-305 (b) (1) of the General Provisions Article, Annotated Code of Maryland, to discuss personnel matters that affect specific individuals and pursuant to Section 3-305(b)(7) to consult with Counsel to obtain legal advice on a legal matter.

1. Meeting Called To Order
Mr. Michael L. Denger, Chair
 - 1.I. Oath Of Office Ceremony
Conducted by Karen A. Bushell, Chief Deputy Clerk, Circuit Court for Montgomery County
 - 1.II. Election Of Officers
Board of Managers

Documents: [ELECTION OF OFFICERS.PDF](#)
 - 1.III. Board Appointment Of A Member To Serve As Building Officer

Documents: [BUILDING OFFICER.PDF](#)
2. Approval Of Minutes From The Previous Board Of Managers' Meetings
Executive Session--May 9, 2016 - **Approved**
Regular Monthly Meeting--May 9, 2016 - **Approved**
3. Consent Agenda--Tree Removal Consent Agreements
4. Variance Requests
 - 4.I. A-6951 (Variance Request): Mr. Scott M. Levine & Ms. Melissa R. Blume 5613 Montgomery Street
Construct:
 - a) an expanded portico, which would encroach a maximum of one foot, eight and one-half inches (1'-8 1/2") forward of the twenty-five (25) foot front (Montgomery Street) building restriction line (BRL). The proposed portico would be three feet, six inches (3'-6") wider than the existing portico; and
 - b) an expanded front stoop and steps, which would encroach a maximum of three (3) feet forward of the twenty-five (25) foot front (Montgomery Street) building restriction line. The proposed stoop would be two feet, one inch (2'-1") wider than the existing front stoop and the proposed steps would be eleven (11) inches wider than the existing front steps, which presently encroach a maximum of one foot, three inches

existing front steps, which presently encroach a maximum of one foot, three inches (1'-3") forward of the twenty-five (25) foot front BRL.

Approved

Documents: [A-6951 \(A\) \(B\) - 5613 MONTGOMERY STREET.PDF](#)

5. Treasurer's Report

Mr. Gary Crockett, Board Treasurer

Documents: [TREASURERS REPORT.PDF](#)

6. Matters Presented For Board Discussion And Possible Action (Where Required)

6.I. Board Discussion RE: Transient Lodging Facility Regulations (Air B&Bs)

Documents: [AIR BB DISCUSSION.PDF](#)

6.II. Appointment Of An Acting Chair To Preside At The Board Of Managers' General Meeting Scheduled For Monday, July 11, 2016

Documents: [APPOINTMENT OF ACTING CHAIR.PDF](#)

7. Committee Matters

Selection of Board Representatives & Liaisons to Village Committees

Documents: [BOARD REPRESENTATIVES.PDF](#)

8. Police Report

Mr. John M. Fitzgerald, Police Chief

Documents: [MONTHLY POLICE REPORT - MAY 2016.PDF](#)

9. Chairman's Report

- Update on Chevy Chase Proposed Redevelopment and Other Matters

Mr. Michael Denger, Board Chair

10. Manager's Report

- Building and Tree Permits and Code Enforcement Report
- Capital and Infrastructure Upgrade Projects Report
- Village Hall Activity Report
- Legal Counsel Report

Documents: [PERMITTING AND CODE ENFORCEMENT REPORT.PDF](#), [UPDATE OF CAPITAL AND INFRASTRUCTURE UPGRADE PROJECTS - JUNE 2016.PDF](#), [VILLAGE HALL ACTIVITY REPORT.PDF](#)

Next Regular Board of Managers' Meeting

Monday, July 11, 2016 at 7:30 p.m. in the Village Hall

Please note: To reduce costs, copies of supporting materials for matters on this agenda are not provided at the meeting. If you would like to review materials related to matters discussed at this meeting, you are encouraged to visit the Village's website at www.chevychasevillagemd.gov.

Excerpt from the Chevy Chase Village Charter, Section 201:

(b) The Board of Managers shall elect from among its members the following officers:

A **Chair**, who shall preside at the meetings of the Board of Managers and at the annual and special meetings of the Village, and shall call special meetings of the Board.

A **Vice Chair**, who shall act in the place of the Chair during the Chair's absence or incapacity.

A **Secretary**, who shall be a custodian of all records, correspondence and other documents of the Village, shall certify the minutes of all meetings of the Board of Managers and otherwise perform the duties of a Secretary.¹

A **Treasurer**, who shall be the custodian of all funds which are received to the credit of the Village and who shall deposit all such funds in such investments as are authorized for municipalities by State law and which are permitted by an investment policy to be adopted by the Board of Managers and who shall pay out such funds only in accordance with this Charter as instructed by the Board of Managers. The Treasurer or designee shall keep such accounts and books as directed by the Board of Managers and shall make all necessary reports required by the Board of Managers under this Charter and by the laws of the State of Maryland. The Treasurer may designate Village staff to fulfill one or more of the duties of this office, with the exception of signing checks.

An **Assistant Treasurer**, who shall act in the place of the Treasurer during the Treasurer's absence or incapacity.

¹ Section 201 (c) states that "the Board may designate and elect additional officers from time to time". In recent years, the Village Board has also elected from among its members an **Assistant Secretary** so there is a pre-determined person who can act in the capacity of Secretary during the Secretary's absence or incapacity.

Chevy Chase Village
Building Officer

Excerpt from Building Code Section 8-1, “Definitions”:

***Building Officer:** One member of the Board of Managers, appointed annually or at such other times as the Board of Managers may determine is in the public interest, to act as the designee of the Board of Managers to perform the functions of the Building Officer as described in this Chapter.*

Functions of the Building Officer prescribed within the Building Code (Chapter 8) and the Public Rights-of-Way Ordinance (Chapter 25), performed in conjunction with the Village Manager:

- Administrative Special Permits
- Administrative Variances
- Building Permits and Licenses to install private improvements in the directly abutting public right-of-way devoted to private use

A-6951 (a) & (b)
(Variance Request)

Construct

- a) an expanded portico, which would encroach a maximum of one foot, eight and one-half inches (1'-8 ½") forward of the twenty-five (25) foot front (Montgomery Street) building restriction line (BRL). The proposed portico would be three feet, six inches (3'-6") wider than the existing portico; and
- b) an expanded front stoop and steps, which would encroach a maximum of three (3) feet forward of the twenty-five (25) foot front (Montgomery Street) building restriction line. The proposed stoop would be two feet, one inch (2'-1") wider than the existing stoop and the proposed steps would be eleven (11) inches wider than the existing front steps, which presently encroach a maximum of one foot, three inches (1'-3") forward of the twenty-five foot front BRL.

Mr. Scott M. Levine &
Ms. Melissa R. Blume
5613 Montgomery Street

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JUNE 13, 2016 MEETING**

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 6/8/2016

SUBJECT: HEARING OF CASE NO. A-6951 (A) & (B) VARIANCE REQUESTS
MS. MELISSA R. BLUME & MR. SCOTT LEVINE, 5613 MONTGOMERY STREET
CONSTRUCT:

A) AN EXPANDED PORTICO, WHICH WOULD ENCROACH A MAXIMUM OF ONE FOOT, EIGHT AND ONE-HALF INCHES (1'-8 ½") FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (MONTGOMERY STREET) BUILDING RESTRICTION LINE (BRL). THE PROPOSED PORTICO WOULD BE THREE FEET, SIX INCHES (3'-6") WIDER THAN THE EXISTING PORTICO; AND

B) AN EXPANDED FRONT STOOP AND STEPS, WHICH WOULD ENCROACH A MAXIMUM OF THREE (3) FEET FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (MONTGOMERY STREET) BUILDING RESTRICTION LINE. THE PROPOSED STOOP WOULD BE TWO FEET, ONE INCH (2'-1") WIDER THAN THE EXISTING STOOP AND THE PROPOSED STEPS WOULD BE ELEVEN (11) INCHES WIDER THAN THE EXISTING FRONT STEPS, WHICH PRESENTLY ENCROACH A MAXIMUM OF ONE FOOT, THREE INCHES (1'-3") FORWARD OF THE TWENTY-FIVE FOOT FRONT BRL.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code Sec. 8-16 (c) states:

No structure of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"No structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage house, shed or outbuilding shall be erected except on the rear of said premises."

FACTUAL AND BACKGROUND INFORMATION:

The property is located on the south side of Montgomery Street.

The existing portico does not encroach forward of the 25' front BRL. The proposed portico would encroach one foot, eight and one-half inches (1'-8 ½") forward of the front BRL and would also be three feet, six inches (3'-6") wider than the existing portico.

The existing stoop and steps presently encroach one foot three inches (1'-3") forward of the 25' front BRL and the proposed would encroach one foot, nine inches (1'-9") farther for a total encroachment of three

(3) feet forward of the front BRL. The proposed stoop would also be two feet, one inch (2'-1") wider than the existing stoop and the steps would be eleven (11) inches wider than the existing steps.

The stoop and steps are associated with the primary entrance to the dwelling and are required by grade for entrance to the first floor.

The Village arborist has assessed the property. No trees are proposed for removal. Construction of the portico can be accommodated through a Tree Protection Plan.

To date there has been no correspondence received either in support of or in opposition to the request.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300.



Figure 1: 5613 Montgomery Street.

LEGISLATIVE POLICY RE: FRONT STEPS, STOOPS AND ASSOCIATED PORTICOS:

At its meeting on February 9, 2015 the Village Board adopted a legislative that finds that stoops and steps, whether uncovered or with an associated portico, which are necessary to address the change in elevation from the ground to the primary entrance of a house, and to allow for reasonable, safe access, will no longer be considered "structures" for the purposes of the covenants (finding number three in the variance conditions). Applicants must still apply for a variance and will need to address the first two conditions of the Variance request and the proposed stoop, steps and/or portico, when serving as the primary entrance, must meet the size and elevation criteria stipulated in the policy. [The complete Policy follows this Staff Report]

RELEVANT PRECEDENTS:

The most relevant precedents are those variances approved subsequent to passage of the policy on front stoops, steps and associated porticos. In May 2016 Mr. & Mrs. Frank (Scot) McCulloch, II of 5604 Kirkside Drive were **granted** a variance to expand a portico, stoop and steps that would encroach a maximum of six feet, ten and one-quarter inches (6'-10 1/4") forward of the twenty-five foot front BRL. In March 2016 Mr. & Mrs. Craig Van Note of 5500 Park Street were **granted** a variance to construct a new portico over and existing stoop. The portico encroaches four feet, eight inches (4'-8") forward of the twenty-five (25) foot front (Park Street) building restriction line. In December of 2015 Mr. & Ms. Jeffery Selingo of 205 Primrose Street were **granted** a variance to expand an existing stoop and construct a new portico over it.

Findings Required:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to APPROVE/DENY the variance request in Case A-6951 (a) [portico] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

I move to APPROVE/DENY the variance request in Case A-6951 (b) [stoop and steps] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 13th day of June, 2016 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6951 (A) & (B)
MR. SCOTT M. LEVINE & MS. MELISSA R. BLUME
5613 MONTGOMERY STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to construct:

- a) an expanded portico, which would encroach a maximum of one foot, eight and one-half inches (1'-8 ½") forward of the twenty-five (25) foot front (Montgomery Street) building restriction line (BRL). The proposed portico would be three feet, six inches (3'-6") wider than the existing portico; and
- b) an expanded front stoop and steps, which would encroach a maximum of three (3) feet forward of the twenty-five (25) foot front (Montgomery Street) building restriction line. The proposed stoop would be two feet, one inch (2'-1") wider than the existing stoop and the proposed steps would be eleven (11) inches wider than the existing front steps, which presently encroach a maximum of one foot, three inches (1'-3") forward of the twenty-five foot front BRL.

Sec. 8-16. Residential building construction prohibitions.

- (c) Front setback. No structure of any description shall be erected within twenty-five (25) feet of the front lot line of any lot...

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed (and emailed where possible) and to abutting and confronting property owners on the 2nd day of June, 2016.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**



June 2, 2016

Ms. Melissa Blume &
Mr. Scott Levine
5613 Montgomery Street
Chevy Chase, MD 20815

Dear Ms. Blume and Mr. Levine:

Please note that your request for a variance to construct an expanded stoop, steps and front portico in the front yard at your property is scheduled before the Board of Managers on Monday, June 13, 2016 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

Cc: Dan Morales, Gilday Construction, via email

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

MICHAEL L. DINGER
Chair

ELISSA A. LEONARD
Vice Chair

RICHARD M. RUDA
Secretary

DAVID I. WINSTEAD
Assistant Secretary

GARY CROCKETT
Treasurer

ROBERT C. GOODWIN, JR.
Assistant Treasurer

MINH LE
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELEN M. FERGUSON

MAILING LIST FOR APPEAL A-6951

**MS. MELISSA R. BLUME &
MR. SCOTT M. LEVINE
5613 MONTGOMERY STREET
CHEVY CHASE, MD 20815**

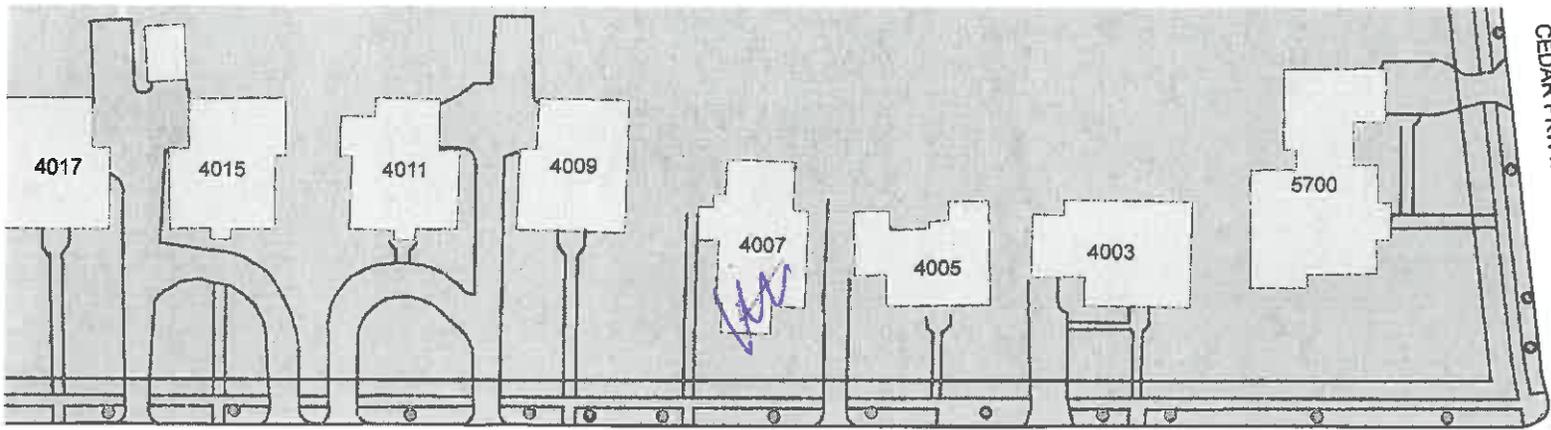
Adjoining and confronting property owners	
Mr. & Ms. Tom Loughney Or Current Resident 4012 Oliver Street Chevy Chase, MD 20815	Mr. & Mrs. Leon Bramson Or Current Resident 5608 Montgomery Street Chevy Chase, MD 20815
Ms. M. Teresa Finney Or Current Resident 5615 Montgomery Street Chevy Chase, MD 20815	Mr. & Ms. Stefan Alber-Glanstaetten Or Current Resident 5611 Montgomery Street Chevy Chase, MD 20815
Mr. & Mrs. Andrew Fenzel Or Current Resident 5508 Center Street Chevy Chase, MD 20815	Mr. & Mrs. Alex Holtan Or Current Resident 5510 Center Street Chevy Chase, MD 20815
Mr. & Mrs. Andrew Verga Or Current Resident 5512 Center Street Chevy Chase, MD 20815	



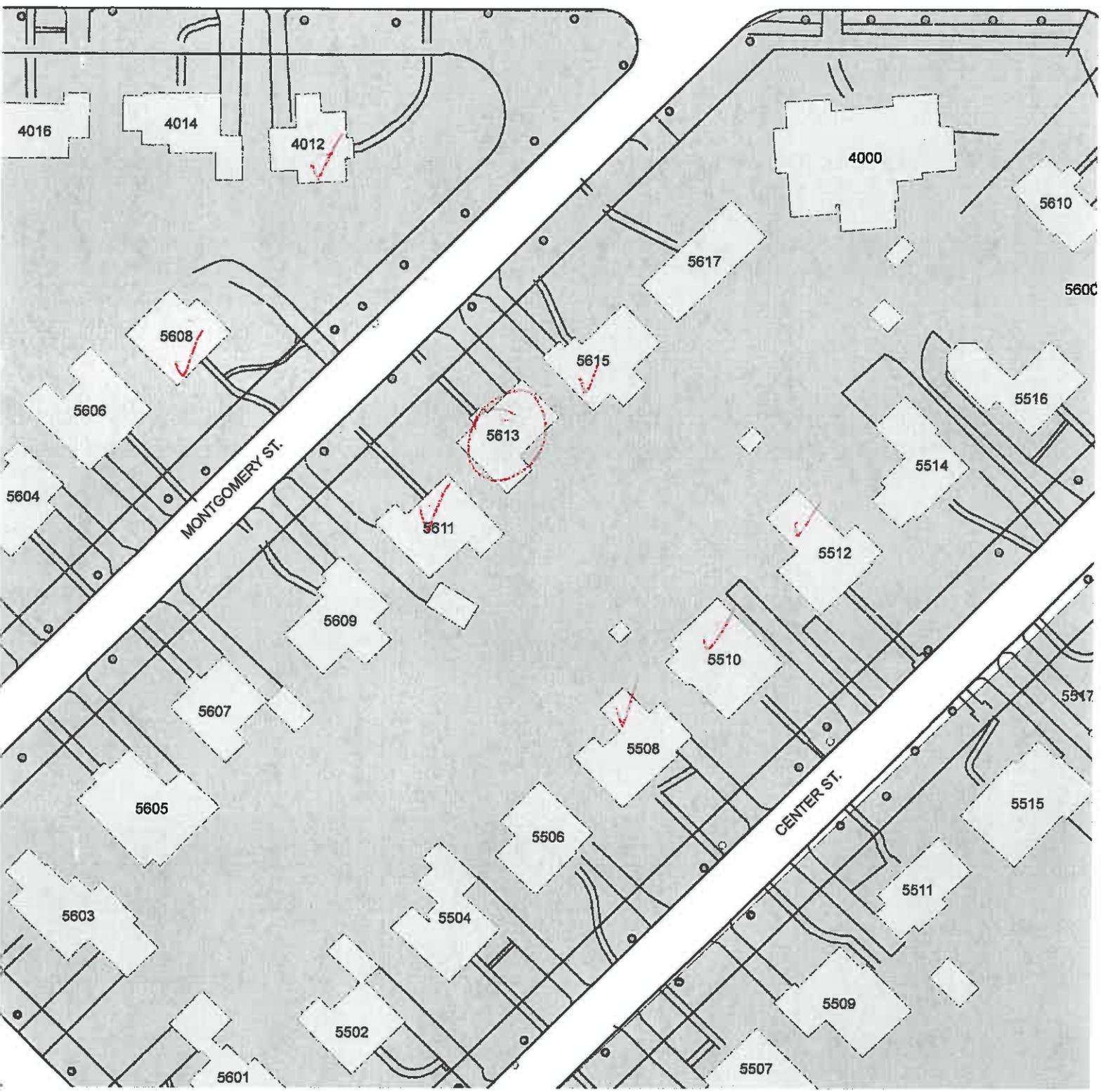
I hereby certify that a public notice was emailed (where possible) and mailed to the aforementioned property owners on the 2nd day of June 2016.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

CEDAR PKWY.



OLIVER ST.



Chevy Chase Village Application for a Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. Except as provided in Sec. 8-11 a variance can be granted only by the Board of Managers.

Subject Property: <u>5613 MONTGOMERY STREET, CHEVY CHASE, MD. 20815</u>	
Describe the Proposed Project: <u>PROPOSED NEW PATIO & STEPS TO REPLACE EXISTING PATIO & STEPS.</u>	
Applicant Name(s) (List all property owners): <u>SCOTT LEVINE & MELISSA BLUME</u>	
Daytime telephone: <u>202-879-3437</u>	Cell: <u>202-997-0028</u>
E-mail: <u>smlevine@jonesday.com</u>	
Address (if different from property address): .	
For Village staff use:	
Date this form received: <u>5/26/16</u>	Variance No: <u>A-6951</u>

Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- Completed *Chevy Chase Village Application for a Variance* (this form)
- Completed *Chevy Chase Village Building Permit Application*
- Completed *Chevy Chase Village Website Posting Notice*
- A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- Copy of Covenants applicable to the property except for variances from Secs. 8-21 or 8-26 of Chapter 8 (Building Regulations) or Chapter 25 (Public Rights-of-Way) of the Chevy Chase Village Code.
- Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: 

Date: 5/24/16

Applicant's Signature: 

Date: 5/27/16

Describe the basis for the variance request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway; etc.) and how the property compares to other properties in the Village.

SEE ATTACHMENT 1-a

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

SEE ATTACHMENT 1-b

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

SEE ATTACHMENT 1-c

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee: <i>Per Village Code Sec 6-2(a)(24)</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: 300.00 credit # 35023	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 Date Paid: Staff Signature: <i>Winters</i>
	Approved to Issue Building Permit per Signed Board Decision. Signature: _____ Village Manager Date: _____

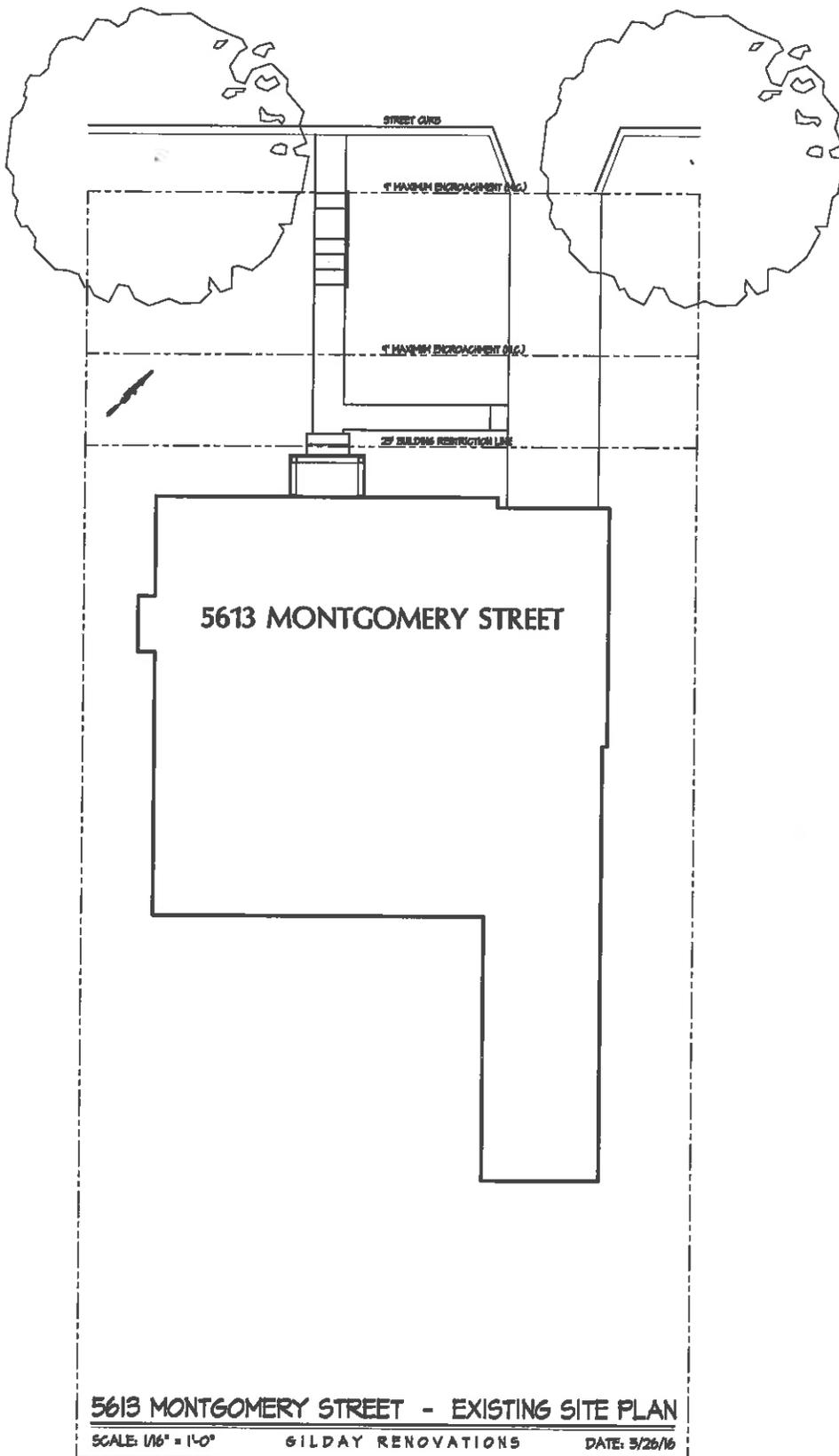
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Levine Residence
5613 Montgomery Street
Chevy Chase, MD 20815

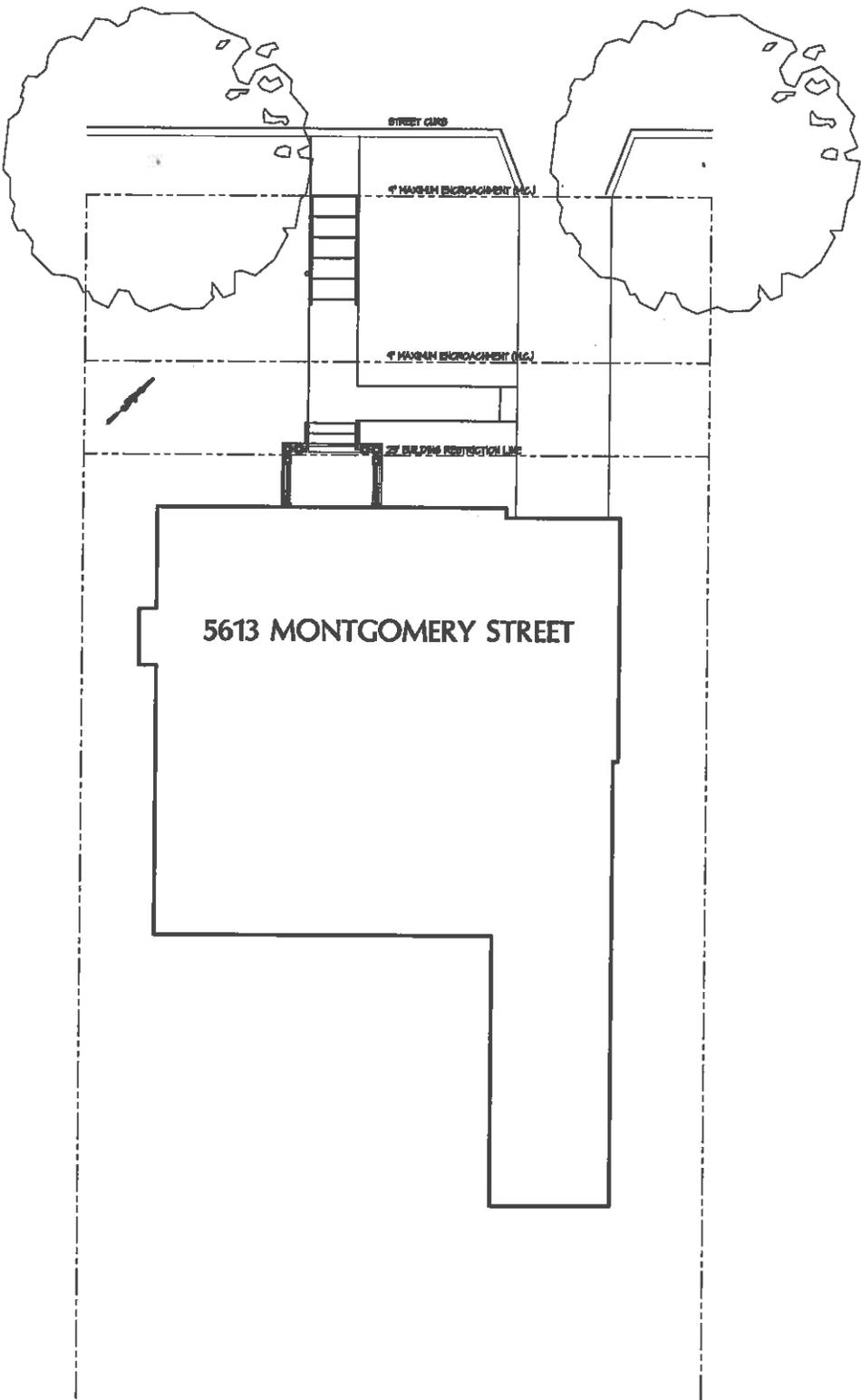
RE: Portico Variance

Attachment1:

- a) While the property is regularly configured, the existing stoop steps encroach into the set back line by approximately 15".
- b) The intent of the proposed portico expansion is to provide a safe entry into the house as required to address the change in elevation from the ground to the primary entrance of the house. The family has two young children, the youngest being of stroller age, therefore the proximity of the existing stoop's edge to the swing of the storm door make it unsafe when entering. The proposed portico stoop and steps are slightly larger as compared to the existing portico in order to safely negotiate entry and exit from the residence. The roof is necessary to protect the residents from inclement weather and to keep the stoop's surface free of ice.
- c) The proposed portico expansion is modest in size and consistent with the guidelines of the recently adopted policy on stoops, steps, and associated porticos, therefore it would not be considered "structure" and would be consistent with that policy. In addition, it will not adversely alter the property or the neighborhood's character.



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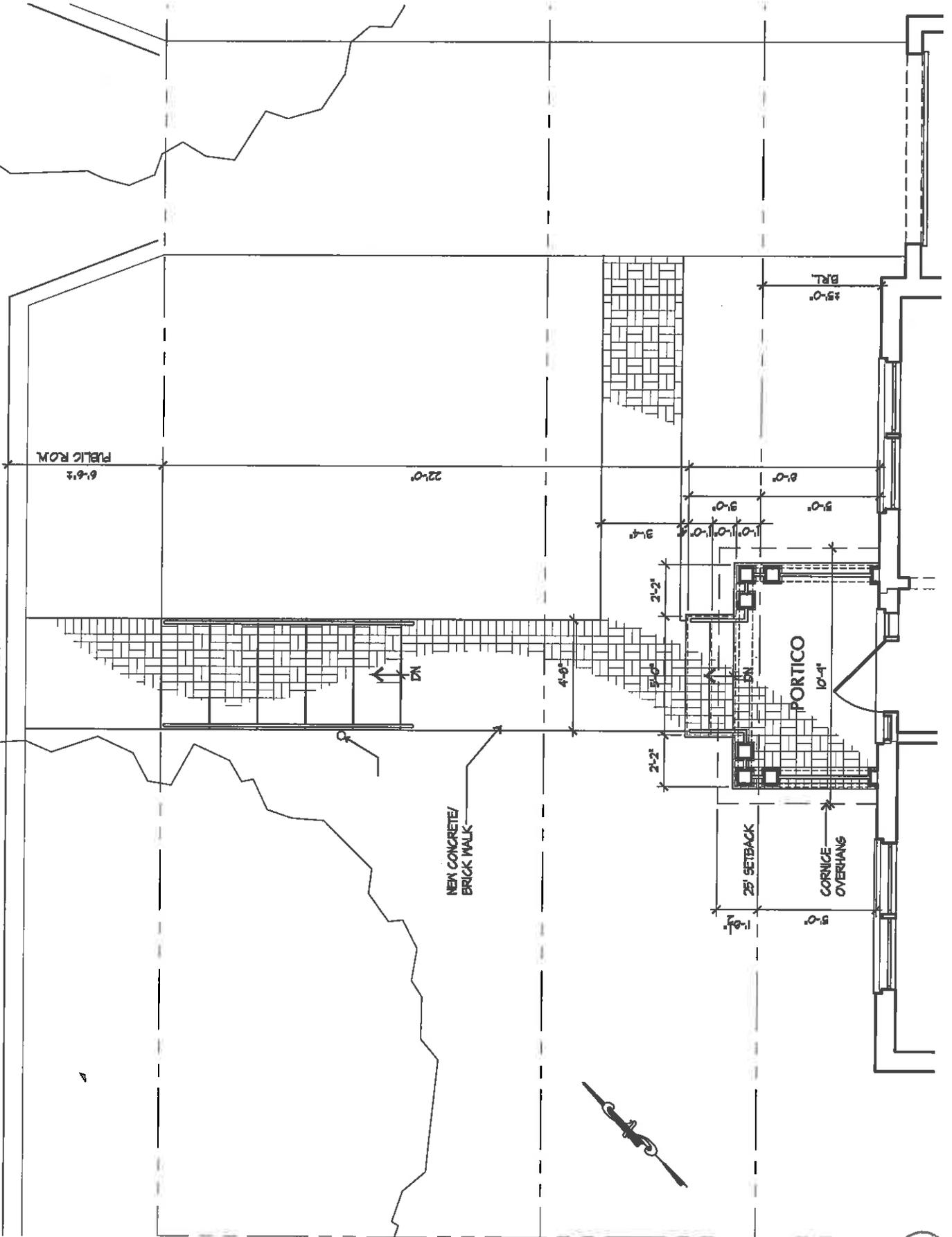
5613 MONTGOMERY STREET - PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0" GILDAY RENOVATIONS DATE: 5/26/16

5613 MONTGOMERY STREET - PROPOSED FRONT YARD PLAN

SCALE 3/16" = 1'-0"

GILDAY RENOVATIONS

DATE 5/27/16





PROPOSED FRONT ELEVATION



PROPOSED FRONT ELEVATION

5613 MONTGOMERY STREET - EXISTING AND PROPOSED FRONT ELEVATION

SCALE: 1/2" = 1'-0"

GILDAY RENOVATIONS

DATE: 5/27/16



EXISTING LEFT ELEVATION



PROPOSED LEFT ELEVATION

5613 MONTGOMERY STREET - EXISTING AND PROPOSED LEFT ELEVATION

SCALE: 1/2" = 1'-0"

GILDAY RENOVATIONS

DATE: 5/27/16



EXISTING RIGHT ELEVATION



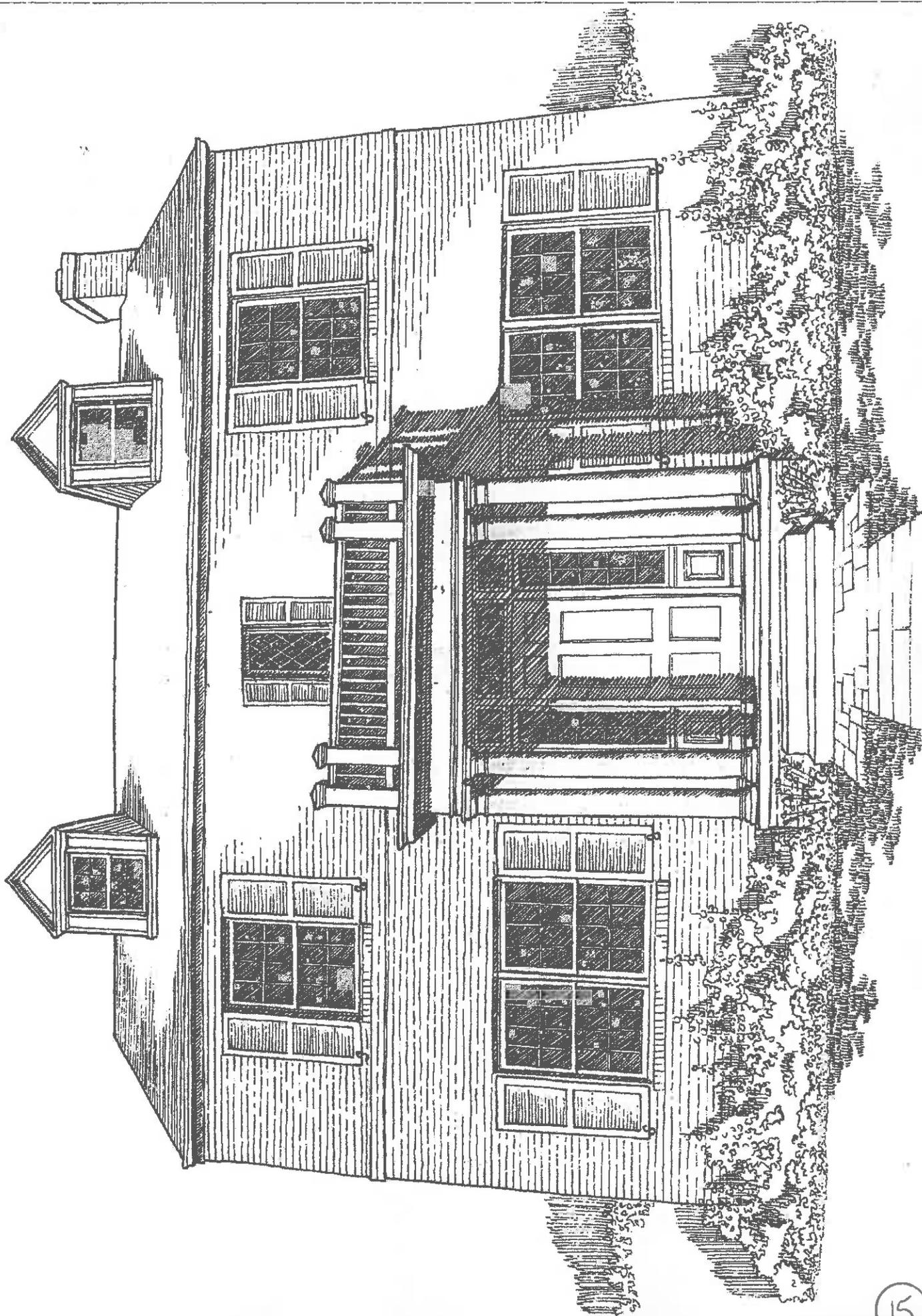
PROPOSED RIGHT ELEVATION

5613 MONTGOMERY STREET - EXISTING AND PROPOSED LEFT ELEVATION

SCALE: 1/2" = 1'-0"

GILDAY RENOVATIONS

DATE: 5/27/16



Chevy Chase Village
Building Permit Application

Permit No: 6951

Property Address: 5613 MONTGOMERY STREET
CHEVY CHASE, MD. 20815

Resident Name: SCOTT LEVINE & MELISSA BLUMIE

Daytime telephone: 202-879-3437

Cell phone: 202-997-0028

After-hours telephone: 301-565-0465

E-mail: smlevine@jonesday.com

Project Description:

PROPOSED NEW PORCH AND STEPS TO REPLACE EXISTING PORCH AND STEPS

Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

Primary Contact for Project:

Resident

Architect

Project Manager

Contractor*

*MHIC/MD Contractor's License No. (required): 10131

Information for Primary Contact for Project (if different from property owner):

Name: DANIEL MORALES

Work telephone: 301 565 4600 X95

After-hours telephone: 202 21 565 4600 X95

Cell phone: 240 997 3908

E-mail: danmorales@gilday.com

Will the residence be occupied during the construction project?

Yes No

If no, provide contact information for the party responsible for the construction site (if different from above):

Name:

Address:

Work telephone:

After-hours telephone:

Cell phone:

E-mail:

Parking Compliance:

Is adequate on-site parking available for the construction crews?

Yes No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons? Yes No

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- This application form, signed by resident.
- Boundary Survey
- Site Plan (see: Village Site Plan Checklist to ensure completeness)
- Building plans and specifications
- Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: 

Date: 5/24/16

<i>To be completed by Village staff</i>			
Is this property within the historic district?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Staff Initials: <u>GB</u>
Date application filed with Village: <u>5/24/16</u>	Date permit issued: _____	Expiration date: _____	

For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager	Application denied for the following reasons:
	<i>Denial Reason</i>
	<i>Proposed work expands an existing developmental non-conformity.</i>

DENIED
MAY 27 2016
Chevy Chase Village Manager

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>30⁰⁰</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$30⁰⁰ check # 35023</u>	
	Date: <u>5/27/16</u> Staff Signature: <i>[Signature]</i>

Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: _____ Village Manager Signature: _____
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: _____ Village Manager Signature: _____

Secretary and its corporate seal to be hereunto affixed, and does hereby constitute and appoint T. Stanley Holland its true and lawful Attorney in fact, for it and in its name to acknowledge and deliver these presents as its act and deed.

Attest: William S. French, Jr. Secretary E-Z Chemical Company Incorporated Delaware 1923 E-Z Chemical Company By T. Stanley Holland Vice-President. (Internal Revenue \$46.75) (State Tax \$42.50)

District of Columbia, to wit:

I, Linnaeus T. Savage, a Notary Public in and for the aforesaid District of Columbia, do hereby certify that T. Stanley Holland, who is personally well known to me as the person named as Attorney in fact in the foregoing and annexed Deed, bearing date on the 30th day of October, A. D. 1944, to acknowledge the same, personally appeared before me in said District of Columbia and as Attorney in fact as aforesaid, and by virtue of the authority vested in him by said Deed, acknowledged the same to be the act and deed of E-Z Chemical Company the corporation grantor therein, and delivered the same as such.

Given under my hand and seal, this 30th day of October, A. D. 1944.

Linnaeus T. Savage Notary Public, D. C. My commission expires October 14, 1945. District of Columbia.

at the request of H. Glenn Phelps and Harry K. Sells, the following Deed was recorded December 1st, A. D. 1944, at 11:36 o'clock A. M. to-wit:

This Deed Made this 27th day of November, in the year one thousand nine hundred and forty-four, by and between The Chevy Chase Land Company, of Montgomery County, Maryland, (a corporation duly organized under and by virtue of the laws of the State of Maryland) party of the first part, and H. Glenn Phelps and Harry K. Sells, as joint tenants parties of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of Twenty-seven thousand seven hundred twenty (\$27,720.00) Dollars to it paid by the said parties of the second part, and of the covenants and agreements of the said parties of the second part as hereinafter set forth, does hereby grant and convey unto the said parties of the second part, in fee simple, as joint tenants, the following described land and premises, with the improvements, encumbrances, and appurtenances thereto belonging, situate in the County of Montgomery, State of Maryland, namely:

Lots numbered Twenty-six (26) to thirty-seven (37) both inclusive, in the resubdivision made by The Chevy Chase Land Company of Montgomery County, Maryland of certain lots in block numbered Nine (9) 'Section One-A, Chevy Chase', as per plat of said resubdivision recorded in Plat Book 18, at folio 1134, one of the Land Records of Montgomery County, Maryland.

subject to building restriction line as shown on said plat.

It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans of the elevations, the design and color scheme thereof, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

It is hereby understood and agreed that no objection will be raised by

16

the said parties of the second part, their heirs and assigns, to the rezoning of Lots in Blocks 6 and 11 in said subdivision known as "Section One-a, Chevy Chase", Montgomery County, Maryland, for use for commercial purposes.

In evidence of their acceptance of the covenants and restrictions herein contained and of their intention to bind themselves, their heirs and assigns, in carrying out and performing the same, the said parties of the second part have hereunto set their hands and seals.

To Have and to Hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said parties of the second part, as joint tenants,

In Consideration of the execution of this Deed, the said parties of the second part, for themselves, their and each of their heirs and assigns, hereby covenant and agree with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereof conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than seventy-five hundred (7500) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of the Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square or part of a lot or square in the Section of the subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinafore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward L. Hillyer, its President, attested by Willard G. McGraw, its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint Willard G. McGraw, its true and lawful Attorney in fact, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest: Willard G. McGraw
Secretary

The Chevy Chase
Land Co. of Mont-
gomery Co. Maryland

The Chevy Chase Land Company
of Montgomery County, Maryland.
.....
President.

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Mary.

**Chevy Chase Village
Website Posting Notice
for Appeal, Special Permit & Variance Hearings**

Case Number: A-6951

Hearing Date: 6/11/16

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: SCOTT LEVINE & MELISSA BLUME

Address: 5613 MONTGOMERY STREET, CHEVY CHASE, MD. 20815

Telephone: 301-565-0765

E-mail: smlevine@jonesday.com

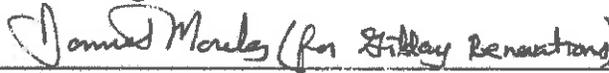
Applicant/Appellant Signature: 

Agent Name for applicant/appellant (if necessary):

Telephone: 301-565-4600 x95

Address: 9162 BROOKVILLE RD., SILVER SPRING MD. 20910

E-mail: danmorales@gilday.com

Signature of agent:  (for Gilday Renovations)

Village staff initials: ES

Date: 5/29/16

Treasurer's Report July-June (11 months of FY 2016)

Overall:

This report is an eleven month snapshot for FY 2016. In FY 2016 we project to have a surplus of approximately \$426,268, which would be \$817,639 better than the deficit we had budgeted. Income tax revenue is projected to be approximately \$430,000 more than budgeted. Also, since the approval of the original budget, supplemental appropriations have been made for an increase in the refuse and recycling contract and for additional Village Hall landscaping. However, higher than expected fees, county payments, plus lower than expected expenses in some areas, will offset the new expense from the supplemental appropriations approved for this fiscal year. We received from the State of Maryland a onetime income tax windfall in March of \$161,741 due to a State audit of tax returns going back to 2010

Income Tax Revenue:

We are projected to come in approximately \$430,000 over budget this year about 19% higher than projected, not including the onetime income tax windfall we received in March. In addition to the one time windfall, the five year state audit revealed a higher tax base for Tax Year 2014 for which the 2016 income tax distributions are based on.

Property Tax Revenue:

We are projecting coming in around budget since we are using the constant yield rate for this fiscal year

Safe Speed Net Revenue:

This is now running approximately 3% under budget for the current year. The last half of FY 2015 saw an increase in Safe Speed revenue from the first half of FY 2015 and so far this trend had continued for the first five months of FY 2016. However, due to construction on Connecticut Ave., this revenue has had a slight decrease since and we may still see a slight decrease going forward for a couple of months.

Miscellaneous Revenue:

Net of reimbursement revenue for Newlands Street repaving, we project this to be over budget by \$70,000 due to a higher than expected County tax duplication payment, and higher than expected fees and income. We also received a one-time \$55,000 dividend from our share of stock we had in Principal Life, our life insurance company after they demutualized, and were recently bought out by a new company.

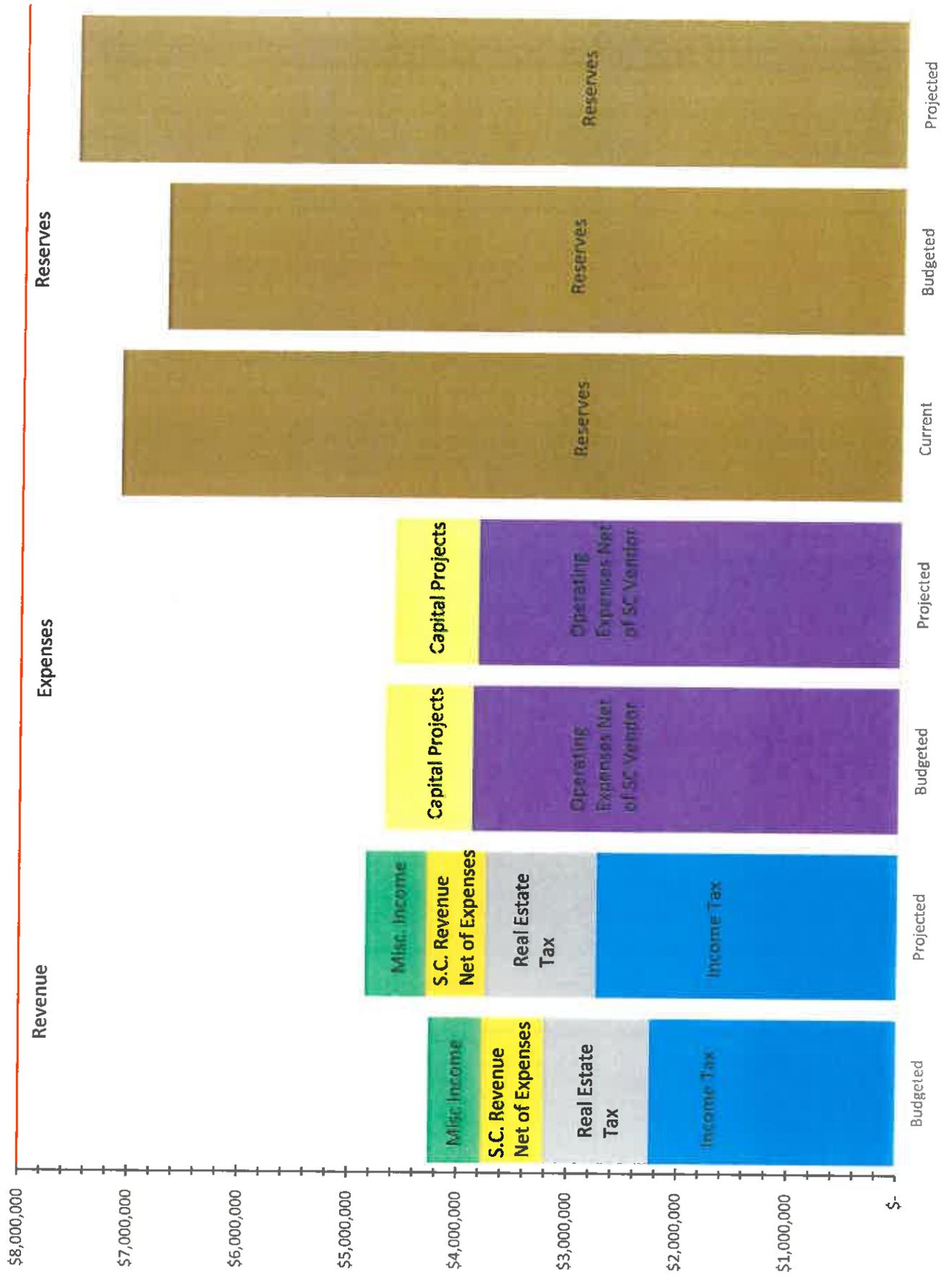
Capital Expense:

We added a supplemental appropriation for Village Hall landscaping, we have made a slightly higher contribution to Western Grove Park, we made a small donation to a local elementary school, and we are implementing the Village traffic study. We have also elected not to proceed with the Village wide boundary study. The net effect of these decisions is that we will be about \$24,000 over the original budget for the year, net of the reimbursed expense for Newlands Street repaving.

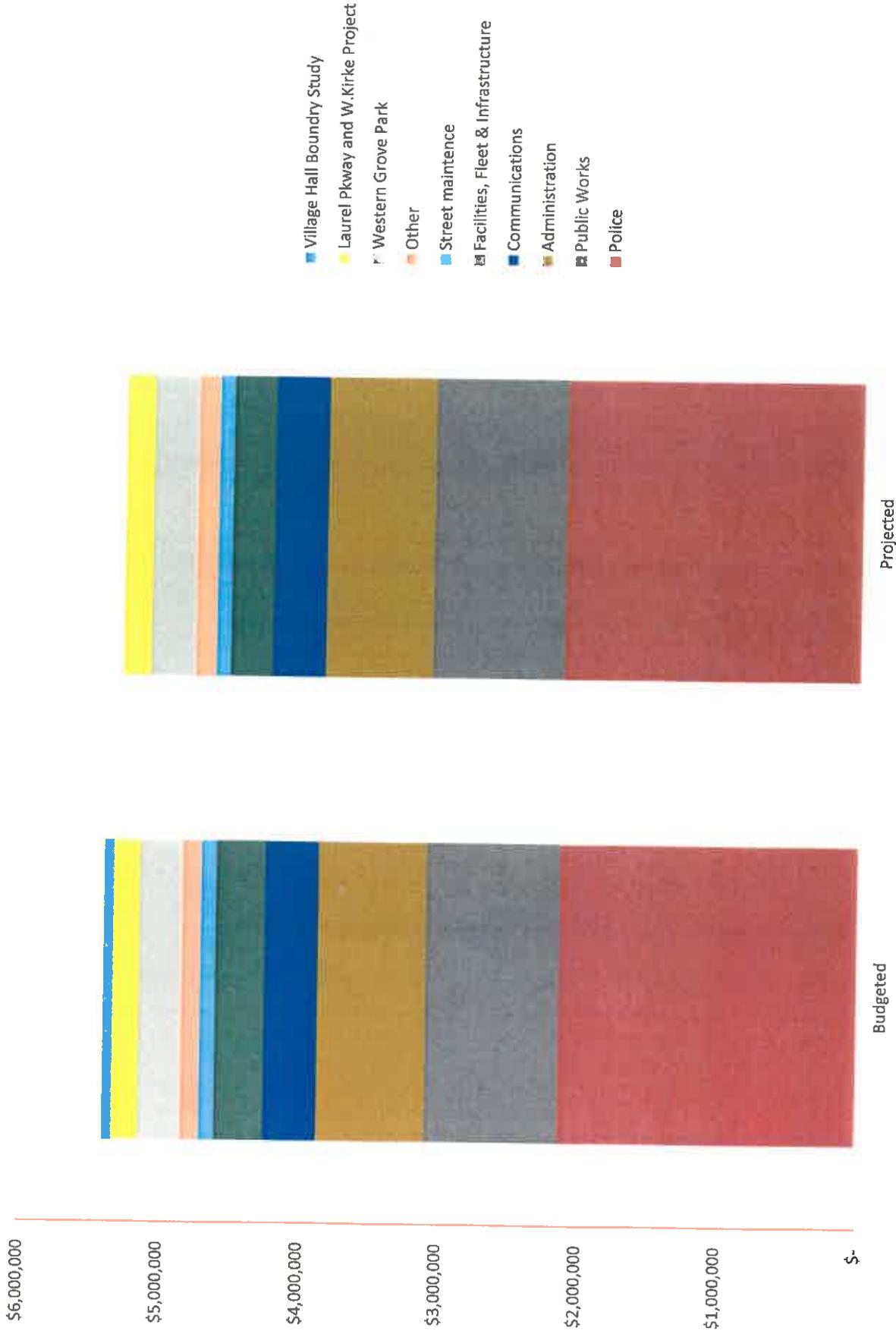
Operating Expense:

We project this will be 4-5% below budget.

Revenue + Expenses Budget versus Projected



Expenses Budgeted versus Projected



CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JUNE 13, 2016 MEETING

STAFF REPORT

TO: BOARD OF MANAGERS
FROM: SHANA R. DAVIS-COOK, VILLAGE MANAGER 
DATE: 6/7/2016
SUBJECT: BOARD DISCUSSION RE: TRANSIENT LODGING FACILITY REGULATIONS
(AIR B&BS)

Background

The following was reported to the Board on May 19, 2016:

Air B&B Operating in the Village

Last week, it was brought to my attention that an Air B&B advertisement for a room in a house on Cedar Parkway has been listed online. Although we have not received any complaints regarding its operation, I did some research to determine whether it was lawful; the bottom line: it is (currently).

Chapter 54 of the Montgomery County Code requires a license (approved jointly by the zoning and health & human services departments) for all "transient lodging facilities", which include formal "bed and breakfast" establishments where monies are paid for lodging for any period not to exceed six months. The Board has not adopted Chapter 54 by reference within the Village, and we do not have any of our own regulations pertaining to transient or short-term (less than 6 months) rentals. We have, however, adopted by reference County Code Chapter 26 which regulates rentals that are six months or longer.

Air B&Bs—either for a room, more than one room or an entire house—that do not meet the standards for a "transient lodging facility" are currently prohibited in the County. Montgomery County Council Member Hans Reimer has introduced a zoning text amendment for Chapter 54 to recognize the growing shared economy and the prevalence of Air B&Bs across the County by providing a lenient process for legalizing their operation. This amendment was met by heavy public opposition and the County Council has referred the matter back to the Planning Board for summer study.

Since Chapter 54 does not apply within the Village and we do not have our own regulations pertaining to short-term rentals, the current Air B&B in the Village is legal and no permitting or licensing is required. Although the current Chapter 54 has some useful protections, I do not feel that it would be in our best interest to adopt this chapter by reference until the final amendments are adopted. Additionally, since this is unlikely to become a prevalent operation in the Village and the current location is limited to an owner-occupied residence wherein a single room is made available for rent, it does not appear we have a problem at this time that we need to address. Nonetheless, I wanted to make the Board aware of this matter and to assure you that the Village staff will continue to monitor the current Air B&B's operation and the county's efforts to liberalize Chapter 54 to determine whether any local protections need to be put in place.

Since this report was provided, I have determined that there is a second Air B&B that is being operated in the Village, which is also located on Cedar Parkway.

In response to my report, Board Secretary Mr. Richard Ruda requested that the Board discuss this matter during your June regular meeting. To assist the Board in your discussion, I have provided as attachments copies of Chapter 54 of the County Code, entitled "Transient Lodging Facilities", along with a copy of Montgomery County Bill 2-16/Zoning Text Amendment No. 16-03 and the related staff reports, which is the latest effort by Montgomery County Councilmember Hans Reimer to liberalize the current regulations pertaining to transient lodging facilities in the county.

Board Action

No formal Board action is requested by staff at this time.

Attachments

Chapter 54 of County Code, "Transient Lodging Facilities"
Info. re: Montgomery County Bill 2-16/Zoning Text Amendment No. 16-03

Montgomery County Code

Chapter 54. Transient Lodging Facilities. [Note]**Article I. In General.**

§ 54-1. Definitions.

§ 54-2. Authority of county executive to regulate and license.

§ 54-3. Guest register-Required to be kept by hotels, tourist homes, etc.; information to be shown.

§ 54-4. Same-Giving or permitting false information to be given prohibited.

Article II. Hostels, Rooming Houses, Boardinghouses and Tourist Homes.**Division 1. Generally.**

§ 54-5. Numbering of rooms.

§ 54-6. Limitation on admission of guests.

§ 54-7. Inspection of register by county officials.

§ 54-8. Owner, operator or manager to reside on premises.

§ 54-9. Parking facilities.

§ 54-10. Administration and enforcement of article generally.

§ 54-11. Right of entry of county officials.

§ 54-12. Responsibility for compliance with article.

§ 54-13. Violation of article; penalties and injunctive, etc., relief.

Division 2. Licenses.

§ 54-14. Required.

§ 54-15. Application.

§ 54-16. Compliance with Code, etc., prior to issuance.

§ 54-17. Certificates to be filed prior to issuance.

§ 54-18. Separate license required for each establishment.

§ 54-19. Fees.

§ 54-20. Denial where operator has been convicted of certain state law violations.

§ 54-21. Procedure for issuance or denial.

§ 54-22. Display.

§ 54-23. Change of location of establishment; transfer.

§ 54-24. Expiration.

§ 54-25. Renewal.

§ 54-26. Revocation or suspension generally.

§ 54-27. Appeals from denial, revocation or suspension.

Division 3. Health Standards and Regulations.

§ 54-28. Water and sewer facilities.

§ 54-29. Plumbing facilities.

§ 54-30. Disposal of solid waste.

§ 54-31. Screens.

§ 54-32. Minimum size of rooms.

§ 54-33. Heating and ventilation.

§ 54-34. Lighting.

§ 54-35. Basement rooms.

§ 54-36. Cellar rooms.

§ 54-37. Bedding and linen.

§ 54-38. Drinking glasses.

§ 54-39. Food, dining rooms and kitchens.

§ 54-40. Maintenance of premises.

§ 54-41. Inspections and report of violations of article.

Articles III, IV. Reserved.

Article I. In General.

Sec. 54-1. Definitions.

For the purposes of this Chapter, unless the language or context clearly indicates that a different meaning is intended, the following words and phrases have the following meanings:

Basement: That portion of any building which is located below grade; provided, however, that at least one-half of the vertical height extends above the average lot grade. Average lot grade, for this purpose, shall mean the arithmetic average of the highest and lowest elevations of the ground

contiguous to the house.

Boardinghouse: A dwelling in which, for compensation, lodging, or lodging and meals, are provided or offered to not more than 5 transient visitors.

Cellar: That portion of any building which is located below grade and whose vertical height extends less than one-half above the average lot grade.

Director and Department: The term "Director" means the Director of the Department of Health and Human Services, or the Director's designee, and the term "Department" means the Department of Health and Human Services.

Establishment: Every hostel, tourist home, boardinghouse, rooming house and guestrooms in an apartment hotel which, for compensation, provides or offers lodging or lodging and meals to transient visitors.

Fire Code: The Fire Prevention Code set forth in Chapter 22 of this Code, and any amendments thereto.

Habitable room: Any room in which people normally congregate or sleep. This shall not include bathrooms, toilet rooms, storage rooms, kitchens or pantries.

Hostel: Any building or portion thereof or any group of buildings where, for compensation, lodging or lodging and meals are provided or offered to 3 or more transient visitors, including hotels, motels, tourist courts, motor courts, tourist camps and similar establishments such as apartment hotels.

Liquid wastes: Human excreta, bath water, wash water, laundry wastes, dishwater and any other liquid wastes resulting from cleaning operations. Gasoline and explosive or inflammable liquids are not included.

Plumbing Code: The Plumbing Code in effect within the jurisdiction of the Washington Suburban Sanitary Commission and any other jurisdictions in the County having or subsequently adopting a Plumbing Code, and any changes or revisions thereof.

Rooming house: In a residential zone, shall mean a dwelling in which, for compensation, lodging is provided or offered to 3 or more but not exceeding 9 guests.

Solid wastes: Garbage, trash, sweepings, animal refuse and dead animals.

Tourist home: A dwelling in which, for compensation, lodging or lodging and meals are provided or offered to not more than 12 transient visitors.

Transient visitor: A person who obtains lodging or lodging and meals upon payment or promise of payment therefor at the same premises for a continuous period of not more than 6 months. (Mont. Co. Code 1965, § 90-1; 1980 L.M.C., ch. 41, § 1; 1982 L.M.C., ch. 49, § 1; 1995 L.M.C., ch. 13, § 1.)

Editor's note-Section 5 of 1995 L.M.C., ch. 13, reads as follows: "Sec. 5. A regulation that implements a function assigned to the Department of Health and Human Services by 1995 LMC ch. 13 continues in effect but is amended to the extent necessary to provide that the regulation is administered by the Director of the Department of Health and Human Services."

Sec. 54-2. Authority of county executive to regulate and license.

The county executive, in order to implement the health standards and regulations of this chapter, is hereby authorized by law to adopt such regulations, under method (3) of section 2A-15 of this Code, concerning the operation, maintenance and conduct of any of the types of establishments referred to in this chapter, including provision of such licenses and license fees for such establishments as he may deem appropriate. (Mont. Co. Code 1965, § 12-3; 1970 L.M.C., ch. 8, § 1; 1981 L.M.C., ch. 52, § 1; 1982 L.M.C., ch. 49, § 2; 1984 L.M.C., ch. 24, § 53; 1984 L.M.C., ch. 27, § 36; 1985 L.M.C., ch. 31, § 34.)

Cross reference-Applicability of county legislation within municipal corporations, § 1-203.

Sec. 54-3. Guest register-Required to be kept by hotels, tourist homes, etc.; information to be shown.

Any person who owns or operates a hotel, rooming house, tourist home, motel, or tourist cabin park in the County must maintain on the premises a permanent register in which must be inscribed in ink in legible writing:

- (a) the name of each visitor;
- (b) the residence address of each visitor, including state, city or town, street and street number or rural mail delivery route number;
- (c) the number of the room or facility occupied by each visitor; and
- (d) the date and time of registration and checkout of each visitor.

In tourist homes, motels, and tourist cabin parks the register must include a record of the license plate numbers and state of registration of any automobiles or trailers in or with which the guests are traveling. The owner or operator of the establishment must see that the license plate and automobile or trailer registration information is correct. A person must not occupy any room or facility until after the registration required under this section is provided. The permanent register may be in a bound book, looseleaf book, or cards. If a looseleaf book or cards are used, the pages or cards must be numbered consecutively before use and all numbered pages or cards must be kept even though they are not used. The register provided for by this section must be kept for at least 3 years and must be open to inspection upon the request of the Director or of any law enforcement officer of the county or the state. (Mont. Co. Code 1965, § 12-1; 1972 L.M.C., ch. 16, § 5; 1980 L.M.C., ch. 41, § 1; 1982 L.M.C., ch. 49, § 3; 1996 L.M.C., ch. 20, § 1; 1998 L.M.C., ch. 12, § 1; 2001 L.M.C., ch. 14, § 1; 2002 L.M.C., ch. 16, § 2.)

Sec. 54-4. Same-Giving or permitting false information to be given prohibited.

It shall be unlawful for any person knowingly to inscribe any false or incorrect name or address or license plate number in any such register. It shall be unlawful for the owner or manager of any type of establishment or any employee thereof knowingly to permit any person to inscribe any false name or address or license plate number in any such register. (Mont. Co. Code 1965, § 12-2.)

Article II. Hostels, Rooming Houses, Boardinghouses and Tourist Homes. [Note]

Division 1. Generally.

Sec. 54-5. Numbering of rooms.

Every establishment shall have a number on the corridor side of the door to each guest room and no two (2) doors shall bear the same number. (Mont. Co. Code 1965, § 90-2.)

Sec. 54-6. Limitation on admission of visitors.

No establishment shall admit more visitors than the number for which it is licensed. (Mont. Co. Code 1965, § 90-3; 1982 L.M.C., ch. 49, § 4.)

Sec. 54-7. Inspection of register by county officials.

Registers kept in accordance with section 54-3 shall always be available at the establishment for inspection by the director, the fire marshal, the county police and such other officials as may be designated by the above named officials. Presentation of proper credentials or proof of identity may be requested by the licensee. (Mont. Co. Code 1965, § 90-6; 1972 L.M.C., ch. 16, § 13.)

Sec. 54-8. Owner, operator or manager to reside on premises.

The owner, operator or a responsible manager appointed by the owner or operator shall reside on the premises of each establishment. (Mont. Co. Code 1965, § 90-7.)

Sec. 54-9. Parking facilities.

Every establishment shall provide off-street automobile parking for visitors as is set forth in the zoning ordinance, chapter 59 of the Montgomery County Code, as amended. No license shall be issued by the director unless he finds the required parking facilities have been provided. (Mont. Co. Code 1965, § 90-8; 1982 L.M.C., ch. 49, § 5.)

Sec. 54-10. Administration and enforcement of article generally.

The director is hereby authorized and directed to administer and enforce the provisions of this chapter. All department heads in the county government are hereby authorized and directed to provide such assistance as may be required by the director for the purpose of enforcing this article. (Mont. Co. Code 1965, § 90-9; 1972 L.M.C., ch. 16, § 5; 1980 L.M.C., ch. 41, § 1.)

Sec. 54-11. Right of entry of county officials.

For the purpose of enforcing this article, the director, the fire marshal, the county police and such other officials as may be designated by the above named county officials shall, upon exhibiting the proper credentials or proof of identity, have the right to enter any establishment for the purpose of making any inspection they may deem necessary at any time during business or operating hours, and at such other times as the county officials find may be necessary in the public interest. (Mont. Co. Code 1965, § 90-10; 1972 L.M.C., ch. 16, § 13.)

Sec. 54-12. Responsibility for compliance with article.

The owner or operator of an establishment, and his agent or manager, shall be responsible for conforming to the provisions of this article. (Mont. Co. Code 1965, § 90-11.)

Cross reference—Special revenue tax on trailer coach parks, § 52-12.

Sec. 54-13. Violation of article; penalties and injunctive, etc., relief.

Any person who violates any provision of this article shall be subject to punishment for a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day such violation shall continue shall be deemed a separate offense. (Mont. Co. Code 1965, §§ 12-4, 90-12; 1973 L.M.C., ch. 6, §§ 1, 2; 1983 L.M.C., ch. 22, § 58.)

Division 2. Licenses.

Sec. 54-14. Required.

No building or premises shall be occupied or used as a hostel, rooming house, boardinghouse or tourist home within the county unless a license shall have been issued for such occupancy and use by the director, nor shall any such building or premises be so occupied and used after such license has expired or has been revoked or suspended. (Mont. Co. Code 1965, § 90-13.)

Sec. 54-15. Application.

Before an annual license for any establishment shall be issued by the director under this division, an application shall be filed by the owner or operator, or his duly authorized agent, in accordance with the regulations prescribed by the county executive under method (3) of section 2A-15 of this Code. (Mont. Co. Code 1965, § 90-14; 1984 L.M.C., ch. 24, § 53.)

Sec. 54-16. Compliance with Code, etc., prior to issuance.

No license shall be issued to any establishment under this division unless such proposed establishment is in conformance with the applicable provisions of this Code and other ordinances of the county. (Mont. Co. Code 1965, § 90-15.)

Sec. 54-17. Certificates to be filed prior to issuance.

The Director must not issue an initial annual license under this Division unless the following certificates have been filed with the Department:

- (a) A certificate of use and occupancy from the Department of Permitting Services.
- (b) A certificate from the fire marshal stating that the building is in compliance with the fire prevention code.
- (c) A certificate from the Director stating that the building or buildings and rooms to be occupied or used by the guests of the establishment, and the premises on which such buildings are located, are in compliance with the standards and regulations of the County and State Boards of Health. (Mont. Co. Code 1965, § 90-16; 1972 L.M.C., ch. 16, §§ 5, 13; 1980 L.M.C., ch. 41, § 1; 1995 L.M.C., ch. 13, § 1; 1996 L.M.C., ch. 20, § 1; 1998 L.M.C., ch. 12, § 1; 2001 L.M.C., ch. 14, § 1; 2002 L.M.C., ch. 16, § 2.)

Editor's note—Section 5 of 1995 L.M.C., ch. 13, reads as follows: "Sec. 5. A regulation that implements a function assigned to the Department of Health and Human Services by 1995 LMC ch. 13 continues in effect but is amended to the extent necessary to provide that the regulation is administered by the Director of the Department of Health and Human Services."

Sec. 54-18. Separate license required for each establishment.

Each individual establishment, although operated by the same management, shall be required to obtain a separate license under this division. (Mont. Co. Code 1965, § 90-17.)

Sec. 54-19. Fees.

The annual fees for licenses under this division shall be of such amount as may be established by the county executive by written regulation adopted under method (3) of section 2A-15 of this Code and shall not exceed an amount necessary to defray the costs of administering this chapter. (Mont. Co. Code 1965, § 90-18; 1981 L.M.C., ch. 52, § 2; 1982 L.M.C., ch. 49, § 6; 1984 L.M.C., ch. 24, § 53; 1984 L.M.C., ch. 27, § 36.)

Sec. 54-20. Denial where operator has been convicted of certain state law violations.

The Director may deny an initial or annual license to operate an establishment under this Division if the Director finds the owner or operator of the proposed establishment has been convicted of violating the following provisions of the Criminal Law Article of the Maryland Code:

- (a) Section 10-202 (keeping disorderly house);
- (b) Title 12 (gaming);
- (c) Title 5 (controlled dangerous substances, prescriptions, and other substances); or
- (d) Section 10-201 (disturbing the public peace and disorderly conduct).

The Director may deny an initial or annual license if the owner or operator has been convicted of

any similar offense outside Maryland. (Mont. Co. Code 1965, § 90-19; 2010 L.M.C., ch. 49, § 1.)

***Editor's note**—Md. Ann. Code art. 27 has been amended as follows: §§ 15 through 17 (bawdy houses and houses of ill fame; prostitution, etc.) were repealed; § 125 (disorderly houses) appears in Md. Code Ann., Crim. Law § 10-202; §§ 237 through 264C (gaming) appear in Crim. Law, Title 12; § 277 (illegal keeping of, or sale of narcotics) appears in Crim. Law, Title 5; § 291 (opium joints) appears in Crim. Law, Title 5; §§ 121 and 122C (disturbance of the peace) appear in Crim. Law, § 10-201 (2003).

Sec. 54-21. Procedure for issuance or denial.

(a) Upon receipt of an application for an annual license under this division, or for renewal of a previously issued license, the director shall make or cause to be made all investigations and inspections required by this article. The director shall act upon the application within ninety (90) days after the date of filing, or as soon thereafter as practicable. In cases in which an application for renewal of an annual license has been filed on or before October 1 as provided in section 54-25 and has been neither approved or disapproved by the director prior to the following January 1, the current license shall remain in full force and effect until the application has been acted upon by the director.

(b) If, upon the completion of all investigations and inspections, the director finds that the establishment for which a license under this division is requested does not comply with the provisions of this chapter, he shall, within ten (10) days after making such a finding, cause to be served upon the applicant written notice of such finding and shall in such notice advise the applicant of the necessary corrective measures to be taken before a license will be issued. The director may, in such notice, direct the applicant to appear before him within ten (10) days from the date of service of the notice to show cause why the license should not be denied. If the applicant shall fail to show cause as directed in such notice, or shall fail to take the necessary corrective action specified therein, the director shall refuse to issue or renew such license.

(c) All orders and notices issued by the director hereunder shall be served upon the applicant either by registered mail or by personal delivery at the address shown on the application. If the applicant cannot be found in the county, service by personal delivery shall be made upon the person who is at the time in charge of the establishment. (Mont. Co. Code 1965, § 90-20.)

Sec. 54-22. Display.

Each license issued under this division shall be prominently displayed in the establishment for which it was issued. (Mont. Co. Code 1965, § 90-21.)

Sec. 54-23. Change of location of establishment; transfer.

(a) Whenever an establishment changes its location, the current license held by such owner or operator under this division shall automatically become void.

(b) The director may, in his discretion, authorize the transfer of a license issued under this division to a new owner or operator upon an application for transfer of the license and payment of a transfer fee which shall be established by the county executive by written regulation adopted under

method (3) of section 2A-15 of this Code. (Mont. Co. Code 1965, § 90-22; 1981 L.M.C., ch. 52, § 2; 1984 L.M.C., ch. 24, § 53.)

Sec. 54-24. Expiration.

All annual licenses issued under this division shall expire on December 31 of the year for which they are issued, unless sooner revoked or suspended as provided in this article. (Mont. Co. Code 1965, § 90-23.)

Sec. 54-25. Renewal.

Every establishment shall, on or before July 1 of each year, make application to the department for renewal of the annual license required by this division. Before an annual license for any establishment shall be renewed by the director, the director shall have received, within ninety (90) days prior to renewing any such license, certificates as prescribed in section 54-17, which shall indicate thereon that the premises have been inspected within ninety (90) days prior to the expiration of the license. (Mont. Co. Code 1965, § 90-24; 1982 L.M.C., ch. 49, § 7.)

Sec. 54-26. Revocation or suspension generally.

(a) The director may revoke or suspend any license issued under this division upon finding that the owner or operator of any establishment is in violation of any provision of this article. Any such revocation or suspension shall be by written order directed to and served upon the owner or operator of such establishment in the manner prescribed in subsection (c) of section 54-21. Any such notice of revocation or suspension shall require the holder of the license to appear before the director and show cause why the license should not be revoked or suspended in the manner provided above.

(b) The Director may revoke or suspend any license issued under this Division if the Director finds that the establishment is a nuisance because of noise or indecent or immoral activity by any guest, owner, operator or employee. The Director may also revoke or suspend any license issued under this Chapter if the owner or operator of the establishment has, while operating the establishment, been convicted of violating:

- (1) the provisions of the Criminal Law Article of the Maryland Code listed in section 54-20; or
- (2) the drunkenness and disorderly conduct provisions of Section 10-201 of the Criminal Law Article of the Maryland Code while on the licensed premises.

Revocation or suspension of a license under this subsection must follow the procedures in Section 54-21(b). (Mont. Co. Code 1965, § 90-25; 2010 L.M.C., ch. 49, § 1.)

Sec. 54-27. Appeals from denial, revocation or suspension.

Any person aggrieved by the denial, revocation or suspension of a license under this division may appeal from the action of the director to the county board of appeals. Such person shall file a written notice of appeal with the clerk of the board of appeals within twenty (20) days after service of notice of such action. Upon receiving such appeal, the board of appeals shall hold a hearing thereon within

thirty (30) days after the notice of appeal has been filed, and shall act upon such appeal within thirty (30) days after the hearing. The council may, by resolution entered on its minutes, extend such periods of time. (Mont. Co. Code 1965, § 90-26.)

Division 3. Health Standards and Regulations.

Sec. 54-28. Water and sewer facilities.

Water and sewer facilities in every establishment must be connected to public lines where such lines are available. In the event no public sewer lines are available the sewage must be collected, treated and disposed of in an independent sewerage system which complies with the standards of the excreta disposal laws of the State and of Chapter 45. In the event no public water lines are available, no water supply may be used by an establishment unless it has been approved by the Director of the Department of Health and Human Services. (Mont. Co. Code 1965, § 90-27; 1972 L.M.C., ch. 16, § 13; 1980 L.M.C., ch. 41, § 1; 1995 L.M.C., ch. 13, § 1.)

Editor's note-Section 5 of 1995 L.M.C., ch. 13, reads as follows: "Sec. 5. A regulation that implements a function assigned to the Department of Health and Human Services by 1995 LMC ch. 13 continues in effect but is amended to the extent necessary to provide that the regulation is administered by the Director of the Department of Health and Human Services."

Cross reference-Individual water supply and sewage disposal facilities, Ch. 27A; sewers and sewage disposal, Ch. 45.

Sec. 54-29. Plumbing facilities.

All plumbing facilities in establishments shall be constructed, installed and maintained so as to prevent sanitary hazards. Toilet and bath facilities shall be provided in accordance with the plumbing code for the Washington Suburban Sanitary Commission and any amendments thereto. (Mont. Co. Code 1965, § 9-28.)

Sec. 54-30. Disposal of solid waste.

All solid waste at establishments shall be stored in covered metal receptacles which shall be removed from the premises and cleaned at least once a week or as often as prescribed by the director. All such waste shall be burned, buried or otherwise disposed of in such manner as not to constitute a nuisance or to be accessible to animals or flies. (Mont. Co. Code 1965, § 90-29; 1972 L.M.C., ch. 16, § 13.)

Sec. 54-31. Screens.

All outside doors, windows and other outside openings in establishments shall be adequately screened against flies, mosquitoes and other insects. If the establishment is completely air-conditioned, screening shall not be required. (Mont. Co. Code 1965, § 90-30.)

Sec. 54-32. Minimum size of rooms.

(a) No habitable room shall be occupied at an establishment unless it contains at least seventy (70) square feet and at least fifty (50) square feet of floor area for each person. Children under twelve (12) years of age shall be counted as one-half person. Children under one (1) year of age shall not be counted.

(b) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. (Mont. Co. Code 1965, § 90-31.)

Sec. 54-33. Heating and ventilation.

All rooms in establishments shall be adequately heated and ventilated. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. Every establishment shall have heating facilities which are properly installed and maintained in safe and good working condition. Such heating facilities shall be capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments to a temperature of at least seventy (70) degrees Fahrenheit at a distance of three (3) feet above floor level under ordinary minimum winter conditions. (Mont. Co. Code 1965, § 90-32.)

Sec. 54-34. Lighting.

All rooms in establishments shall be adequately lighted by either natural or artificial light and additional light shall be provided for reading purposes. (Mont. Co. Code 1965, § 90-33.)

Sec. 54-35. Basement rooms.

No habitable room shall be located in the basement of an establishment unless the floors and walls are constructed of material impervious to water. (Mont. Co. Code 1965, § 90-34.)

Sec. 54-36. Cellar rooms.

A room in a cellar shall not be considered habitable and shall not be used by any establishment for habitation. (Mont. Co. Code 1965, § 90-35.)

Sec. 54-37. Bedding and linen.

(a) All mattresses, blankets and other bedding used at establishments shall be kept clean.

(b) Clean sheets and pillow slips shall be provided in establishments at least once each week and after each succeeding guest.

(c) Two (2) clean towels shall be provided for each establishment guest at least twice each week and after each succeeding guest. (Mont. Co. Code 1965, § 90-36.)

Sec. 54-38. Drinking glasses.

Drinking glasses used in any establishment shall be sterilized at least after each succeeding guest and common drinking glasses shall be prohibited. (Mont. Co. Code 1965, § 90-37.)

Sec. 54-39. Food, dining rooms and kitchens.

Food, public dining rooms and kitchens in each establishment shall comply with the provisions of chapter 15 of this Code and any amendments thereto. (Mont. Co. Code 1965, § 90-38.)

Cross reference-Eating and drinking establishments, ch. 15.

Sec. 54-40. Maintenance of premises.

Every owner or operator of an establishment shall be responsible for maintaining in a clean and sanitary condition all parts of the establishment, including the land on which the establishment is located. Every owner or operator shall be responsible for maintaining the establishment in good repair. (Mont. Co. Code 1965, § 90-39.)

Sec. 54-41. Inspections and report of violations of article.

The Department of Health and Human Services is responsible for making all necessary inspections of the establishments regulated under this Article and must report to the Director any violations of this Division. (Mont. Co. Code 1965, § 90-40; 1972 L.M.C., ch. 16, § 13; 1980 L.M.C., ch. 41, § 1; 1995 L.M.C., ch. 13, § 1.)

Editor's note-Section 5 of 1995 L.M.C., ch. 13, reads as follows: "Sec. 5. A regulation that implements a function assigned to the Department of Health and Human Services by 1995 LMC ch. 13 continues in effect but is amended to the extent necessary to provide that the regulation is administered by the Director of the Department of Health and Human Services."

Article III. Reserved.*

***Editor's note**-Article III, §§ 54-42--54-68, relating to trailer coach parks, was repealed by 1987 L.M.C., ch. 23, § 1. The article was formerly derived from Mont. Co. Code 1965, §§ 12-1--12-31; 1970 L.M.C., ch. 8, § 1; 1971 L.M.C., ch. 3, § 1; 1972 L.M.C., ch. 16, §§ 5, 13; 1979 L.M.C., ch. 12, §§ 1, 2; 1980 L.M.C., ch. 41, § 1. See § 29-66 et seq.

Article IV. Reserved*

***Editor's note-**Article IV, §§ 54-69--54-75, relating to bicentennial housing licenses, was repealed by 1976 L.M.C., ch. 33, § 1.

Notes

[Note] ***Cross references-**Smoking prohibited in certain areas, § 24-9; commercial campgrounds, § et seq.

[Note] ***Cross references-**Special housing standards for hostels, boardinghouses, rooming houses and tourist homes, § 26-11; room rental tax, § 52-16; H-M (hotel) zone, § 59-C-4.38; country inn zones, § 59-C-4.39; zoning requirements for boardinghouses, § 59-G-2.10; other special zoning requirements for hotels and motels, § 59-G-2.34; rural resort hotels, § 59-G-2.35.

MEMORANDUM

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: Public Hearing: Bill 2-16, Transient Housing -- Licensing and Registration

Bill 2-16, Transient Housing -- Licensing and Registration, sponsored by Lead Sponsor Councilmember Riemer and Co-Sponsor Councilmember Rice, was introduced on February 2, 2016. A Planning, Housing and Economic Development Committee worksession is tentatively scheduled for April 11 at 2 p.m.

Bill 2-16 would revise Chapter 54 of the County Code. The revisions would update the provisions for hotels, delete forms of transient housing no longer allowed by the Zoning Code (Chapter 59), establish a less burdensome method of licensing for Bed and Breakfast establishments and assign responsibilities for licensing between Executive departments.

This Bill anticipates the approval of ZTA 16-03 which will make a Bed and Breakfast a limited use in most residential and mixed-use zones, however, the enactment of Bill 2-16 does not require the approval of ZTA 16-03. The only transient housing allowed by the Zoning Ordinance (Chapter 59 of the code) are hotels and bed and breakfast establishments. ZTA 16-03 would not change that fact. Those establishments are addressed in Bill 2-16.

Currently, the licensing requirements for a Bed and Breakfast are currently the same as the licensing requirements for a hotel. Even though the level of rental activity at a hotel is significantly higher than at a Bed and Breakfast, the County's regulatory burdens are currently identical. An annual license is required for every establishment, with annual inspections. The Department of Health and Human Services has not received any applications for any Bed and Breakfast under current law. No licenses are outstanding.

As introduced, Bill 2-16 would simplify existing requirements for hotels in more precise, concise and decisive text. Licenses for a Bed and Breakfast would be by self-certification but subject to revocation based on substantiated complaints.

This packet contains:

Bill 2-16

Legislative Request Report

Circle #

1

22

Bill No. 2-16
Concerning: Transient Housing --
Licensing and registration
Revised: 1/17/16 Draft No. 2
Introduced: February 2, 2016
Expires: August 2, 2017
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Riemer
Co-Sponsor: Councilmember Rice

AN ACT to:

- (1) define a bed and breakfast and hotel establishment;
- (2) limit the transient housing allowed to a bed and breakfast and a hotel;
- (3) require only hotels to comply with most current licensing provisions for transient housing;
- (4) revise the requirement for resident hotel management;
- (5) delete the requirement for annual hotel inspections;
- (6) add a requirement for hotel inspections upon complaint;
- (7) establish a licensing system for bed and breakfast establishments;
- (8) amend provisions to make them more precise, concise, and decisive; and
- (9) generally amend Chapter 54 of the County Code.

By amending

Montgomery County Code
Chapter 54, Transient Lodging Facilities
Sections 54-1, 54-2, 54-3, 54-4, 54-5, 54-6, 54-7, 54-8, 54-9, 54-10, 54-11, 54-12, 54-13, 54-14, 54-15, 54-16, 54-17, 54-18, 54-19, 54-20, 54-21, 54-22, 54-23, 54-24, 54-25, 54-26, 54-27, 54-28, 54-29, 54-30, 54-31, 54-32, 54-33, 54-34, 54-35, 54-36, 54-37, 54-38, 54-39, 54-40, and 54-41

By adding:

Montgomery County Code
Chapter 54, Transient Lodging Facilities
Sections 54-22A, 54-42, 54-43, 54-44, 54-45, 54-46, 54-47, 54-48, and 54-49

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 Sec. 1. Sections 54-1, 54-2, 54-3, 54-4, 54-5, 54-6, 54-7, 54-8, 54-9, 54-10, 54-
 2 11, 54-12, 54-13, 54-14, 54-15, 54-16, 54-17, 54-18, 54-19, 54-20, 54-21, 54-22, 54-
 3 23, 54-24, 54-25, 54-26, 54-27, 54-28, 54-29, 54-30, 54-31, 54-32, 54-33, 54-34, 54-
 4 35, 54-36, 54-37, 54-38, 54-39, 54-40, and 54-41 are amended as follows:

5 **54-1. Definitions.**

6 For the purposes of this Chapter, unless the language or context clearly
 7 indicates that a different meaning is intended, the following words and phrases
 8 have the following meanings:

9 Average lot grade means the arithmetic average of the highest and lowest
 10 elevations of the ground contiguous to the building.

11 Basement [:That] means that portion of any building [which is] located below
 12 grade [;provided, however, that] when at least one-half of the vertical height
 13 extends above the average lot grade. [Average lot grade, for this purpose, shall
 14 mean the arithmetic average of the highest and lowest elevations of the ground
 15 contiguous to the house.]

16 [Boardinghouse: A dwelling in which, for compensation, lodging, or lodging
 17 and meals, are provided or offered to not more than 5 transient visitors.]

18 Bed and Breakfast [:A] means a dwelling unit or part of a dwelling that is
 19 available to overnight guests for compensation. Overnight guests on any night
 20 must satisfy the definition of one household. A guest must stay at a Bed and
 21 Breakfast for no more than 30 days in any one visit. Meals may be provided
 22 to overnight guests.

23 Cellar [:That] means that portion of any building which is located below grade
 24 and whose vertical height extends less than one-half above the average lot
 25 grade.

26 *Director [and Department:* The term "Director"] means the Director of the
 27 Department of Health and Human Services, or the Director's designee[, and
 28 the term "Department" means the Department of Health and Human Services].

29 Department means the Department of Health and Human Services.

30 *Establishment* [:Every hostel, tourist home, boardinghouse, rooming house
 31 and guestrooms in an apartment hotel which, for compensation, provides or
 32 offers lodging or lodging and meals to transient visitors.] means a hotel or Bed
 33 and Breakfast regulated under this chapter.

34 *Fire Code* [:The] means the Fire Prevention Code [set forth] in Chapter 22 [of
 35 this Code, and any amendments thereto] as amended.

36 *Habitable room* [:Any] means a room in which people normally congregate
 37 or sleep with a minimum ceiling height of 7 feet. [This shall not include
 38 bathrooms,] Bathrooms, closets, porches, decks, toilet rooms, storage rooms,
 39 kitchens, [or] and pantries are not habitable rooms.

40 [*Hostel*] *Hotel* [:Any] means a building or portion [thereof or any group of
 41 buildings] of a building where, for compensation, lodging or lodging and
 42 meals are provided or offered to 3 or more transient visitors [, including hotels,
 43 motels, tourist courts, motor courts, tourist camps and similar establishments
 44 such as apartment hotels]. Hotel includes a motel, but not a bed and breakfast.

45 *Household* means a person living alone, or any one of the following groups
 46 living together as a single housekeeping unit and sharing common living,
 47 sleeping, cooking, and eating facilities:

- 48 1. any number of people related by blood, marriage, adoption, or
 49 guardianship;
- 50 2. up to 5 unrelated people; or

51 3. 2 unrelated people and any children, parents, siblings, or other
 52 persons related to either of them by blood, adoption, or
 53 guardianship.

54 *[Liquid wastes:* Human excreta, bath water, wash water, laundry wastes,
 55 dishwater and any other liquid wastes resulting from cleaning operations.
 56 Gasoline and explosive or inflammable liquids are not included.]

57 *Lodging* [:The] means the short-term overnight accommodation of a paying
 58 guest.

59 *Plumbing Code* [:The] means the Plumbing Code [in effect within the
 60 jurisdiction of] adopted by the Washington Suburban Sanitary Commission,
 61 [and any other jurisdictions in the County having or subsequently adopting a
 62 Plumbing Code, and any changes or revisions thereof] as amended.

63 *[Rooming house:* In a residential zone, shall mean a dwelling in which, for
 64 compensation, lodging is provided or offered to 3 or more but not exceeding
 65 9 guests.]

66 *Solid wastes* [:] means garbage, trash, sweepings, animal refuse and dead
 67 animals.

68 *[Tourist home:* A dwelling in which, for compensation, lodging or lodging
 69 and meals are provided or offered to not more than 12 transient visitors.]

70 *Transient visitor* [:A] means a person who [obtains] purchases lodging, [or
 71 lodging and] with or without meals, [upon payment or promise of payment
 72 [therefor at the same premises] for a continuous period of [not more than] 6
 73 months or less.

74 **54-2. Authority of [county executive] Executive to regulate and license.**

75 The [county executive] Executive [,in order to implement the health standards
 76 and regulations of this chapter, is hereby authorized by law to] may adopt

77 [such] regulations, under method (3) [of section 2A-15 of this Code],
 78 concerning the operation, maintenance [and], conduct, licensing, and license
 79 fees for [of] a [any of the types of establishments] hotel or bed and breakfast
 80 [referred to in this chapter, including provision of such licenses and license
 81 fees for such establishments as he may deem appropriate].

82 **54-3. Guest register - Required [to be kept by hotels, tourist homes, etc.;**
 83 **information to be shown].**

84 Any person who owns or operates a hotel, [rooming house, tourist home,
 85 motel, or tourist cabin park] in the County must maintain on the premises a
 86 permanent register [in which must be inscribed in ink in legible writing]
 87 containing:

- 88 (a) the name of each visitor;
- 89 (b) the residence address of each visitor, including state, city or town, street
 90 and street number or rural mail delivery route number;
- 91 (c) the number of the room or facility occupied by each visitor; and
- 92 (d) the date and time of registration and checkout of each visitor.

93 [In tourist homes, motels, and tourist cabin parks the] The register must
 94 include a record of the license plate numbers and state of registration of any
 95 automobiles or trailers [in or with which the guests are traveling] that guests
 96 are using. The owner or operator of the establishment must see that the license
 97 plate and automobile or trailer registration information is correct. A person
 98 must not occupy any room [or facility] until [after] the registration required
 99 under this section is provided. The permanent register may be in a bound
 100 book, looseleaf book, or cards. If a looseleaf book or cards are used, the pages
 101 or cards must be numbered consecutively before use and all numbered pages
 102 or cards must be kept even though they are not used. The register [provided
 103 for] required by this section must be kept for at least 3 years and must be open

104 to inspection upon the request of the Director or of any law enforcement
 105 officer of the county or the state.

106 **54-4. Same-Giving or permitting false information to be given prohibited.**

107 [It shall be unlawful for any] A person must not knowingly [to inscribe] write
 108 any false or incorrect name or address or license plate number in any such
 109 register. [It shall be unlawful for the] The owner, [or] manager, or employee
 110 of [any type of establishment or any employee thereof] a hotel must not [to]
 111 knowingly [to] permit any person to [inscribe] write any false name or address
 112 or license plate number in any such register.

113 **Article II. [Hostels, Rooming Houses, Boardinghouses and Tourist Homes]**

114 **Hotels.**

115 **54-5. Numbering of rooms.**

116 Every [establishment shall] hotel must have a unique number on the corridor
 117 side of the door to each guest room [and no two (2) doors shall bear the same
 118 number].

119 **54-6. Limitation on admission of visitors.**

120 [No establishment shall] A hotel must not admit more visitors than the number
 121 for which it is licensed.

122 **54-7. Inspection of register by county officials.**

123 Registers kept [in accordance with] under section 54-3 [shall] must always be
 124 available at the [establishment] hotel for inspection by the [director] Director,
 125 the fire marshal, the [county] police chief and [such other officials as may be
 126 designated by the above named officials] their designees. The licensee may
 127 request the official to present [Presentation of] proper credentials or proof of
 128 identity [may be requested by the licensee].

129 **54-8. Owner, operator or manager to reside on premises.**

130 The owner, operator, or a responsible manager appointed by the owner or
 131 operator [shall reside on the premises of] must be on-site at all times at each
 132 [establishment] hotel.

133 **54-9. Parking facilities.**

134 Every [establishment shall] hotel must provide off-street automobile parking
 135 for visitors as [is set forth in the zoning ordinance] required by, chapter 59 of
 136 [the Montgomery County] this Code, as amended. [No license shall be issued
 137 by the director unless he finds the required parking facilities have been
 138 provided.]

139 **54-10. Administration and enforcement of article generally.**

140 The [director is hereby authorized and directed to] Director must administer
 141 and enforce [the provisions of] this chapter with the assistance of other County
 142 departments, as necessary. [All department heads in the county government
 143 are hereby authorized and directed to provide such assistance as may be
 144 required by the director for the purpose of enforcing this article.]

145 **54-11. Right of entry of county officials.**

146 [For the purpose of enforcing this article, the director] The Director, the fire
 147 marshal, the [county] police chief and [such other officials as may be
 148 designated by the above named county officials shall] their designee, upon
 149 exhibiting the proper credentials or proof of identity, [have the right to] may
 150 enter any [establishment for the purpose of making] hotel to make any
 151 necessary inspection [they may deem necessary at any time] during business
 152 or operating hours [, and at such]. Inspections may also occur at other times
 153 [as] if the county officials find [may be necessary in the public interest] it
 154 necessary to protect the health and safety of any person.

155 **54-12. Responsibility for compliance with article.**

156 The owner or operator of [an establishment] a hotel, and [his] the hotel's agent
 157 or manager, [shall be] are responsible for [conforming to the provisions of]
 158 complying with this article.

159 **54-13. Violation of article; penalties [and injunctive, etc., relief].**

160 [Any person who violates] A violation of any provision of this article [shall
 161 be] is [subject to punishment for] a class A violation [as set forth in section 1-
 162 19 of chapter 1 of the County Code]. [Each day such violation shall continue
 163 shall be deemed a separate offense.]

164 **54-14. License required [Required].**

165 [No] Any building [or premises shall be] occupied or used as a [hostel,
 166 rooming house, boardinghouse or tourist home] hotel within the county
 167 [unless a license shall have been issued] must be licensed for such occupancy
 168 and use by the [director, nor shall any] Director. An operator of a [such
 169 building or premises be so occupied and used] hotel must cease operating
 170 immediately after [such] the license has expired, or has been revoked or
 171 suspended.

172 **54-15. Application.**

173 Before the Director issues an annual license for any [establishment shall be
 174 issued by the director] hotel under this [division, an application shall be filed
 175 by] Division, the owner or operator, or [his duly] their authorized agent, [in
 176 accordance with] must file an application that satisfies the regulations
 177 [prescribed] approved by the [county executive] Executive under method (3)
 178 of section 2A-15 of this Code.

179 **54-16. Compliance with Code, [etc., prior to] before issuance.**

180 [No license shall be issued to] The Director must not issue a license to any
 181 [establishment] hotel [to] under this [division] Division unless [such] the

182 proposed [establishment is in conformance] hotel conforms with the
 183 applicable provisions of this Code [and other ordinances of the county].

184 **54-17. Certificates to be filed [prior to] before issuance.**

185 The Director must not issue an initial [annual] license or license renewal under
 186 this Division unless the applicant files [the following certificates have been
 187 filed] with the Department a certificate:

- 188 (a) [A certificate] of use and occupancy from the Department of Permitting
 189 Services[.];
- 190 (b) [A certificate] from the fire marshal stating that the building [is in
 191 compliance with] complies with the fire prevention code[.]; and
- 192 (c) [A certificate] from the Director stating that the building or buildings
 193 and rooms to be occupied or used by the guests of the [establishment]
 194 hotel, and the premises on which such buildings are located, [are in
 195 compliance with] comply with the standards and regulations of the
 196 County and State Boards of Health.

197 **54-18. Separate license required for each establishment.**

198 [Each individual establishment] The Director must require each hotel,
 199 [although] operated by the same management, [shall be required] to obtain a
 200 separate license under this [division] Division.

201 **54-19. Fees.**

202 The Executive must establish annual fees for licenses under this [division shall
 203 be of such amount as may be established by the county executive] Division
 204 by [written] regulation adopted under method (3) of section 2A-15 of this
 205 Code. [and shall] Fees must not exceed an amount necessary to defray the
 206 costs of administering this [chapter] Chapter.

207 **54-20. Denial where operator has been convicted of certain state law violations.**

208 The Director may deny an initial [or annual] license or license renewal to
 209 operate [an establishment] a hotel under this Division if the Director finds the
 210 owner or operator of the proposed [establishment has been] hotel was
 211 convicted of violating the following provisions of the Criminal Law Article
 212 of the Maryland Code:

- 213 (a) Section 10-202 (keeping disorderly house);
 - 214 (b) Title 12 (gaming);
 - 215 (c) Title 5 (controlled dangerous substances, prescriptions, and other
 216 substances); or
 - 217 (d) Section 10-201 (disturbing the public peace and disorderly conduct).
- 218 The Director may deny an initial [or annual license] or license renewal
 219 if the owner or operator [has been] was convicted of any similar offense
 220 outside Maryland.

221 **54-21. Procedure for issuance or denial.**

- 222 (a) [Upon receipt of] When an application for [an annual] a license under
 223 this [division] Division, or [for renewal of a] when a previously issued
 224 license is in the renewal process, the [director shall make or cause to be
 225 made] Director or the Director's designee must conduct all investigations
 226 and inspections required by this article. The [director shall act upon]
 227 Director must approve or deny the application within [ninety (90)] 90
 228 days after the date of filing, or as soon thereafter as practicable. [In cases
 229 in which an application] Applications for renewal of [an annual] a
 230 license [has been] filed on or before October 1 [as provided in section]
 231 under Section 54-25 and [has] that have not been [neither] approved or
 232 [disapproved] denied by the [director prior to] Director before the
 233 following January 1, [the current license shall remain] remain in [full

234 force and] effect until approved or denied by the Director application
 235 [has been acted upon by the director].

236 (b) If, [upon the completion of] after all investigations and inspections are
 237 completed, the [director] Director finds that the [establishment] hotel
 238 for which a license under this [division] Division is requested does not
 239 [comply with the provisions] satisfy the requirements of this chapter, [he
 240 shall] the Director must, within [ten (10)] 10 days after making such a
 241 finding, [cause to be served upon the applicant written] transmit notice
 242 of such finding to the applicant [and shall in such]. The notice must
 243 advise the applicant of the necessary corrective measures to be taken
 244 before [a license will be issued] the Director will issue the license. The
 245 [director] Director may [, in such notice,] direct the applicant to appear
 246 [before him] within [ten (10)] 10 days from the date of service of the
 247 notice to show cause why the license should not be denied. If the
 248 applicant [shall fail] fails to show cause as directed in such notice, or
 249 [shall fail] fails to take the necessary corrective action [specified
 250 therein], the [director shall refuse to issue or renew such license] Director
 251 may deny the application.

252 (c) [All] The Director must send all of the Director's orders and notices
 253 [issued by the director hereunder shall be served upon] to the applicant
 254 either by registered mail or by personal delivery at the address shown on
 255 the application. If the applicant cannot be found in the [county] County,
 256 service by personal delivery [shall] must be made [upon] to the person
 257 who is [at the time] in charge of the [establishment] hotel.

258 **54-22. Display.**

259 [Each] The applicant must prominently display each license issued under this
 260 [division shall be prominently displayed] Division in the [establishment] hotel
 261 for which it was issued.

262 **54-22A. Complaints**

263 (a) The Director must investigate any complaints that a licensee is in violation
 264 of this Article within 30 days of receiving the complaint/s./s.

265 (b) If a violation is found, the Director must issue written notice of the
 266 violation to the owner or operator requiring that the violation be corrected
 267 immediately.

268 (c) If the violation is not corrected immediately, the Director may revoke or
 269 suspend the license under Section 54-26.

270 **54-23. Change of location of establishment; transfer.**

271 (a) Whenever [an establishment] a hotel changes its location, the current
 272 license held by such owner or operator under this [division shall
 273 automatically become] Division is void.

274 (b) The [director] Director may [, in his discretion,] authorize the transfer of
 275 a license issued under this [division] Division to a new owner or operator
 276 upon an application for transfer of the license and payment of a transfer
 277 fee [which shall be established by the county executive]. The Executive
 278 must establish the transfer fee by [written] regulation adopted under
 279 method (3) of section 2A-15 of this Code.

280 **54-24. Expiration.**

281 All [annual] licenses issued under this [division shall] Division expire on
 282 December 31 of the year for which they are issued, unless sooner revoked or
 283 suspended [as provided in] under this [article] Article.

284 **54-25. Renewal.**

285 [Every establishment shall, on] On or before July 1 of each year, every hotel
 286 must make application to the department for renewal of the [annual] license
 287 required by this [division] Division. Before [an annual] a license for any
 288 [establishment shall be] hotel is renewed by the [director, the director shall
 289 have received] Director, the Director must receive, [within ninety (90) days
 290 prior to renewing any such license,] certificates as [prescribed in section]
 291 required by Section 54-17 [, which shall indicate thereon that the premises
 292 have been inspected within ninety (90) days prior to the expiration of the
 293 license]. The Director must renew the license after receiving the certificates,
 294 completing any outstanding complaint investigations, and finding that the
 295 application satisfies this Article.

296 **54-26. Revocation or suspension generally.**

- 297 (a) The [director] Director may revoke or suspend any license issued under
 298 this [division upon finding] Division if the Director finds that the owner
 299 or operator of any [establishment] hotel is in violation of any provision
 300 of this [article] Article. Any such revocation or suspension [shall] must
 301 be by written order directed to [and served upon] the owner or operator
 302 of such establishment [in the manner prescribed in subsection (c) of
 303 section] under the procedures of subsection 54-21(c). Any such notice
 304 of revocation or suspension [shall] must require the holder of the license
 305 to appear before the [director] Director and show cause why the license
 306 should not be revoked or suspended [in the manner provided above].
- 307 (b) The Director may revoke or suspend any license issued under this
 308 Division if the Director finds that the [establishment] hotel is disruptive
 309 to the general peaceful enjoyment, dangerous to the health and safety,
 310 of the community or a nuisance because of noise or indecent or immoral
 311 activity by any guest, owner, operator or employee. The Director may

312 also revoke or suspend any license issued under this Chapter if the
 313 owner or operator of the [establishment] hotel has, while operating the
 314 establishment, been convicted of violating:

- 315 (1) the provisions of the Criminal Law Article of the Maryland Code
 316 [listed] in section 54-20; or
 317 (2) the drunkenness and disorderly conduct provisions of Section 10-
 318 201 of the Criminal Law Article of the Maryland Code while on
 319 the licensed premises.

320 Revocation or suspension of a license under this subsection must follow
 321 the procedures in Section 54-21(b).

322 **54-27. Appeals from denial, revocation or suspension.**

323 Any person aggrieved by the denial, revocation or suspension of a license
 324 under this [division] Division may appeal from the action of the [director]
 325 Director to the [county board of appeals] Board of Appeals. Such person
 326 [shall] must file a [written] notice of appeal with the clerk of the [board of
 327 appeals] Board of Appeals within [twenty (20)] 20 days after service of notice
 328 of such action. Upon receiving such appeal, the [board of appeals shall] Board
 329 of Appeals must hold a hearing [thereon] within [thirty (30)] 30 days after the
 330 notice of appeal has been filed, and [shall] must act upon [such] the appeal
 331 within [thirty (30)] 30 days after the hearing. [The council may, by resolution
 332 entered on its minutes, extend such periods of time.]

333 **Division 3. Health Standards and Regulations.**

334 **54-28. Water and sewer facilities.**

335 Water and sewer facilities in every [establishment] hotel must be connected
 336 to public lines where such lines are available. [In the event no] When public
 337 sewer lines are not available, the [sewage must be collected, treated and
 338 disposed of in an independent sewerage system which complies with the

339 standards of the excreta disposal laws of the State and of] private sewage
 340 system must satisfy Chapter 45 of this Code. [In the event no] When public
 341 water lines are not available, [no] only a water supply [may be used by an
 342 establishment unless it has been] approved by the Director [of the Department
 343 of Health and Human Services] may be used.

344 **54-29. Plumbing facilities.**

345 [All plumbing facilities in establishments shall be constructed, installed and
 346 maintained so as to prevent sanitary hazards.] Toilet and bath facilities [shall
 347 be provided in accordance with] must satisfy the plumbing code for the
 348 Washington Suburban Sanitary Commission [and any amendments thereto]
 349 as amended.

350 **54-30. Disposal of solid waste.**

351 All solid waste [at establishments shall] must be stored in covered metal
 352 receptacles [which shall be]. These receptacles must be removed from the
 353 premises and cleaned at least once a week or as often as [prescribed by the
 354 director] the Director requires. All such waste [shall be burned, buried or
 355 otherwise] must be disposed of in [such] a manner [as] that does not [to]
 356 constitute a nuisance [or to be accessible to animals or flies].

357 **54-31. [Screens.] Insects.**

358 [All outside doors, windows and other outside openings in establishments
 359 shall be adequately screened against flies, mosquitoes and other insects. If the
 360 establishment is completely air-conditioned, screening shall not be required.]
 361 All interior spaces must be maintained free of all insects. Any infestation
 362 must be immediately addressed by management.

363 **54-32. Minimum size of rooms.**

364 (a) [No] Any habitable room [shall be occupied at] in

365 [an establishment unless it contains] a hotel must be at least [seventy
 366 (70)] 70 square feet in floor area and there must be at least [fifty (50)] 50
 367 square feet of floor area for each person. Children under [twelve (12)] 12
 368 years of age [shall be] are counted as one-half person. Children under
 369 [one] [(1)] 1 year of age [shall] are not counted as a person for the purpose
 370 of this requirement.

371 (b) At least one-half of the floor area of every habitable room [shall] must
 372 have a ceiling height of at least [seven (7)] 7 feet, and the floor area of
 373 that part of any room where the ceiling height is less than [five (5)] 5 feet
 374 [shall] is not [be] considered as part of the floor area in computing the
 375 total floor area of the room for the purpose of determining the maximum
 376 permissible occupancy [thereof] of the room.

377 **54-33. Heating and ventilation.**

378 All rooms in [establishments shall] hotels must be adequately heated and
 379 ventilated. Every habitable room [shall] must have at least one [(1)] easily
 380 opened window or skylight [which can easily be opened], or such other device
 381 [as will] that adequately [ventilate] ventilates the room. Every [establishment
 382 shall] hotel must have a heating [facilities which are] system. The heating
 383 system must be properly installed and maintained in safe and good working
 384 condition [. Such heating facilities shall be] capable of safely and adequately
 385 heating all habitable rooms, bathrooms and water closet compartments to a
 386 temperature of at least [seventy (70)] 70 degrees Fahrenheit at a distance of
 387 [three (3)] 3 feet above floor level under ordinary minimum winter conditions.

388 **54-34. Lighting.**

389 All rooms in [establishments shall] hotels must be adequately lighted [by
 390 either natural or artificial light and additional] including light [shall be
 391 provided] for reading [purposes].

392 **54-35. Basement rooms.**

393 [No habitable room shall be located in the basement of an establishment unless
 394 the] Only when basement floors and walls are constructed of material
 395 impervious to water, may a habitable room be located in a basement.

396 **54-36. Cellar rooms.**

397 A room in a cellar [shall not be considered] is not a habitable room [and shall
 398 not be used by any establishment for habitation].

399 **54-37. Bedding and linen.**

400 (a) All mattresses, blankets and other bedding used at [establishments shall]
 401 hotels must be kept clean and free of bedbugs.

402 (b) Clean sheets and pillow slips [shall] must be provided in
 403 [establishments] hotels at least once each week and after each
 04 succeeding guest.

405 [(c) Two (2) clean towels shall be provided for each establishment guest at
 406 least twice each week and after each succeeding guest.]

407 **54-38. [Drinking glasses.] Reserved.**

408 [Drinking glasses used in any establishment shall be sterilized at least after
 409 each succeeding guest and common drinking glasses shall be prohibited.]

410 **54-39. Food, dining rooms and kitchens.**

411 Food, public dining rooms and kitchens in each [establishment shall comply
 412 with the provisions of chapter] hotel must satisfy Chapter 15 of this Code [and
 413 any amendments thereto] as amended.

414 **54-40. Maintenance of premises.**

415 Every owner or operator of [an establishment shall be] a hotel is responsible
 416 for maintaining all parts of the establishment, in a clean and sanitary condition
 417 [all parts of the establishment], including the land on which the

418 [establishment] hotel is located. Every owner or operator [shall be] is
 419 responsible for maintaining the [establishment] hotel in good repair.

420 **54-41. Inspections and report of violations of article.**

421 The Department [of Health and Human Services] is responsible for making
 422 all necessary inspections [of the establishments] regulated under this Article
 423 and must report to the Director any violations of this Division.

424 **Article III. [Reserved] Bed and Breakfast.**

425 **54-42. Administration**

426 In this Article, Director means the Director of the Department of Housing and
 427 Community Affairs or the Director's designee. The Director must administer
 428 this Article.

429 **54-43. License required.**

430 A person must not operate a bed and breakfast in the County without a license
 431 issued by the Director. After the initial issuance of a license, the license must
 432 be renewed once a year.

433 **54-44. Certification for a License.**

434 An application for a bed and breakfast license or a license renewal must be
 435 signed by the applicant. The applicant must certify that:

- 436 (a) the building in which the bed and breakfast is located complies with all
 437 applicable zoning standards under Chapter 59 of this Code;
- 438 (b) the overnight occupants of each dwelling unit will satisfy the definition
 439 of one household;
- 440 (c) only habitable rooms will be used by guests;
- 441 (d) smoke detectors operate as designed;
- 442 (e) sanitation facilities operate as designed;
- 443 (f) the applicant has not been found guilty of a violation of this Chapter in
 444 the past 12 months;

- 445 (g) all local taxes and required fees are paid in full;
- 446 (h) the dwelling unit where the bed and breakfast is located is the primary
- 447 residence of the applicant; and
- 448 (i) the applicant is the owner or authorized agent of the facility.

449 **54-45. Applications.**

450 The Director must establish an electronic method of submitting, issuing,

451 renewing, denying, and revoking an application for a license through the

452 internet.

453 **54-46. License Approval and Renewal.**

454 The Director must:

- 455 (a) accept the self-certification of the applicant after verifying compliance
- 456 by reviewing available records; and
- 457 (b) approve or deny a license or a license renewal within 15 working days
- 458 after receipt of the application and all required fees unless the Director
- 459 receives a challenge to the certifications under Section 54-47.

460 **54-47. Challenge to Certifications.**

- 461 (a) A challenge to any required certification made by the applicant may be
- 462 filed with the Director within 30 days after the application is filed by:
 - 463 (1) a resident or owner of real property located within 300 feet of a
 - 464 licensed or proposed bed and breakfast; or
 - 465 (2) a civic or homeowner's association comprised of property
 - 466 owners located within 300 feet of a licensed or proposed bed and
 - 467 breakfast.
- 468 (b) The Director must, within 60 days after receipt of the challenge:
 - 469 (1) provide notice of the challenge to the applicant;
 - 470 (2) provide an opportunity for the applicant to respond to the
 - 471 challenge;

- 472 (3) investigate the question of fact raised by the challenge; and
- 473 (4) revoke or deny the license if the Director finds that one or more
- 474 facts certified by the applicant is false.

475 **54-48. Appeals.**

476 Any person aggrieved by an approval, denial, revocation or suspension of a
 477 bed and breakfast license may appeal the decision to the Board of Appeals.
 478 The Board of Appeals must hold a hearing on the appeal within 30 days after
 479 the notice of appeal has been filed, and must act on the appeal within 30 days
 480 after the hearing.

481 **54-49. Effect of a revocation.**

482 For a period of 3 years after a license is revoked, the Director must not issue a
 483 bed and breakfast license to:
 484 (a) the former licensee or a member of the former licensee's household; or
 485 (b) any applicant for a license to use the same dwelling unit where the license
 486 was revoked.

488 *Approved:*

489 _____
 Nancy Floreen, President, County Council Date

490 *Approved:*

491 _____
 Isiah Leggett, County Executive Date

492 *This is a correct copy of Council action.*

493 _____
 Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 2-16

Transient Housing – Licensing and Registration

DESCRIPTION: The Bill would amend Chapter 54 of the County Code by updating and simplifying licensing and registration requirements.

PROBLEM: The code includes forms of transient housing that are no longer permitted by the zoning code. The requirements for hotels are out dated. The requirements for non-hotels are overly burdensome. The Department responsible for all forms of transient housing has only issued licenses for hotels.

GOALS AND OBJECTIVES: The Bill will make the process for licensing and registration more efficient for hotels and other transient housing.

COORDINATION: Department of Permitting Services, Health and Human Services and Housing and Community Development.

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Departments of Permitting Services, Health and Human Services and Housing and Community Development.

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: NA

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion.

As a result of the demographic changes, the number of children in the world who are under 15 years of age is expected to increase from 1.1 billion in 1990 to 1.5 billion in 2000.

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MCPB
Item No.
Date: 3-3-16

Zoning Text Amendment (ZTA) No. 16-03, Land Use – Bed and Breakfast

 Gregory Russ, Planner Coordinator, FP&P, gregory.russ@montgomeryplanning.org, 301-495-2174
 Pam Dunn, Chief, FP&P, pamela.dunn@montgomeryplanning.org, 301-650-5649

Completed: 02/25/16

Description

Zoning Text Amendment (ZTA) No. 16-03 would amend the definition of a Bed and Breakfast and allow a Bed and Breakfast as a limited use in all residential and mixed-use (Commercial/Residential) zones. Currently, a Bed and Breakfast requires conditional use approval in the R-90 and R-60 zones and is not allowed in the R-40, Residential Townhouse, Residential Multi-Unit zones and the CR zone. The ZTA has the intent of expanding the opportunities for short-term tenancy in the County.

Summary

Staff provides the following comments on ZTA No. 16-03 to amend the definition of a Bed and Breakfast and allow a Bed and Breakfast as a limited use in all residential and mixed-use (Commercial/Residential) zones. These modifications generally allow the short-term rental or use of residential and mixed use property. Staff is concerned that the relaxation of the duration of tenancy requirements for a Bed and Breakfast use could impact the character of existing residential neighborhoods. Staff believes that, generally, the short term rental or use of residential property should be regulated separate from a Bed and Breakfast use, thereby maintaining the "spirit" of the current Bed and Breakfast use and definition (to be allowed only in an owner-occupied detached house), including many of the existing use standards. Staff also believes that the current requirement for conditional use approval in the smaller lot R-90 and R-60 zones should be retained. A Bed and Breakfast is categorized under the Commercial Use Group as "Lodging" and should remain as such. Other forms of short term rental should be considered "accessory" to the primary residential use of a property and therefore established under the "Accessory Residential Uses" use group of Section 59-3.1.6, Use Table. Staff also recommends that short term residential occupancy of a dwelling or room be restricted to a maximum specified number of days per month (14 days) and per year (90 days as a recommended starting point), and be monitored and licensed by the County. Staff further recommends that the permanent resident, (the property owner or tenant who "hosts" the short term

rental of the unit) must reside in the dwelling unit at least 6 months in a calendar year. The timeframes associated with staff's comments are only stated as place holders for continued discussions. Staff's intent is to strike a balance: recognizing the demand for short term tenancy of residential property without commercializing residential neighborhoods.

Staff recommends that the Bed and Breakfast standards revert to its current provisions-Pre-ZTA 16-03. Attachment 2 depicts a draft ZTA that staff would support reflecting a new short-term tenancy provision.

Background/Analysis

Under the new Zoning Code, household living is defined as the residential occupancy of a dwelling by a household on a monthly or longer basis. Currently, an owner may not rent "or loan for no charge" their dwelling for shorter time periods. A Bed and Breakfast is a separately defined use (a detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serves breakfasts to guests) with specific standards. In the opinion of the sponsor, the limitations on short-term rental forecloses the opportunity for owners to benefit from the sharing economy. The sponsor believes that the opportunities for short-term tenancy should be expanded.

ZTA No. 16-03 would allow a means for property owners to earn income through the "sharing economy". In particular, it would allow for "Airbnb" or other similar short term residential rentals. Airbnb is an internet based incarnation of a bed and breakfast. Airbnb allows the occupant of a housing unit to advertise their willingness to rent an entire residence, or room or space in the residence, *for any duration*; rentals could be as short as 1 day, but are generally for fewer than 30 days. Homeowners or tenants renting space to Airbnb users would still be required to obtain a County license allowing "transient visitors."

Bed and Breakfast Standards

ZTA 16-03 would revise the standards for a Bed and Breakfast. Currently, there are minimum lot size requirements for a Bed and Breakfast (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. In these same 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). Those limits would be eliminated under ZTA 16-03. There would be two new standards: 1) the number of people allowed would be limited to 5 unrelated people or one family of any size; and 2) the dwelling must be the primary residence of the licensee. Also, the time period a guest can remain in a Bed and Breakfast in one visit is proposed to increase from a maximum of 14 days to 30 days.

The County Code requires the licensing of all transient housing. ZTA 16-03 is being introduced in conjunction with Bill 2-16. Bill 2-16 would update the licensing requirements for all transient housing, including a Bed and Breakfast.

Currently, a Bed and Breakfast is allowed in the AR, R, RC, RNC, RE-2, RE-2C, RE-1, R-200, CRN, CRT, GR, and NR zones as a limited use. It is also currently allowed as a conditional use in the R-90 and R-60 zones. In addition to the zones where it is currently allowed as a limited use, ZTA 16-03 would also allow it as a limited use in the R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CR, RT-6.0, RT-8.0, RT-10.0, RT-12.5, RT-15.0, R-H, PD, T-S, PNZ, and PCC zones.

ZTA No. 16-03 Provisions and Staff Comments

ZTA No. 16-03 proposes to amend the definition of a Bed and Breakfast and allow a Bed and Breakfast as a limited use in all residential and mixed-use (Commercial/Residential) zones. These modifications generally allow the short-term residential rental of residential and mixed use property. Staff is concerned that the relaxation of the duration of tenancy requirements for a Bed and Breakfast use could impact the character of existing residential neighborhoods.

Staff believes that, generally, the short term rental of residential property should be regulated separate from the current Bed and Breakfast use, thereby maintaining the "spirit" of the current Bed and Breakfast definition (to be allowed only in an owner-occupied detached house), and a number of the existing use standards (for example, minimum lot area, the number of guest rooms per a specific lot area). Staff also believes that the current requirement for conditional use approval in the smaller lot R-90 and R-60 zones should remain. A Bed and Breakfast is categorized under the Commercial Use Group as "Lodging" and should remain as such. Other forms of short term rental should be considered "accessory" to the primary residential use of a property and therefore established under the "Accessory Residential Uses" use group of Section 59-3.1.6, Use Table (establish the name- "Short-Term Residential Tenancy", and define). Staff also recommends that short term residential occupancy of a dwelling or room be restricted to a maximum specified number of days per month (14 days) and per year (90 days as a recommended starting point), and be monitored and licensed by the County. Staff further recommends that the permanent resident, (the property owner or tenant who "hosts" the short term rental of the unit) must reside in the dwelling unit at least 6 months in a calendar year. The timeframes associated with staff's comments are only stated as place holders for continued discussions. The intent is to strike a balance: recognizing the demand for short term tenancy of residential property without commercializing residential neighborhoods. (In San Francisco, for example, a property owner or tenant, can rent out their house or apartment for periods of fewer than 30 days for a maximum of 90 days a year; if the primary resident remains on-site, there is no limitation). Staff's research has shown short term rental limits ranging from 17 rental periods a year (with no more than one rental within a seven day period) up to 95 days a year (See Attachments 3 & 4 for additional short-term tenancy requirements in various jurisdictions).

Short-term tenancy vs. Bed and Breakfast Lodging

In general, short term rental housing differs from bed & breakfasts, hotels, motels, and other lodging uses by providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Although bed & breakfasts often are similar in appearance and location to many short-term rentals, they differ in their requirement for presence of the owner/operator on-site. *ZTA 16-03 would eliminate the requirement for owner occupancy for a Bed and Breakfast use but replaces it with a standard that requires the dwelling unit to be the primary residence of the bed and breakfast licensee.*

Bed and Breakfast means a detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serves breakfasts to guests. It is further categorized under the Lodging use group which means *a building used for the short-term overnight accommodation of paying guests.* Bed and Breakfast is a limited use in most Residential Detached, Rural Residential and Agricultural Reserve zones and requires a conditional use permit in the smaller lot R-60 and R-90 zones. Use standards are in place to address a number of potential issues including but not limited to compatibility with neighboring properties, number of guest nights allowed per visit, parking, number of guest rooms per a specific lot area, and under the conditional use standards, adverse impact limitations. Staff is concerned that eliminating the conditional use requirement for a Bed and Breakfast in the smaller lot R-90 and R-60 zones could impact the case-by-case mitigation measures of the Hearing Examiner to address potential neighborhood character impacts for a use that is commercial in nature. As stated in the section above, staff believes that short-term rental or use of residential property should be regulated separate from the bed and breakfast use. Regulations for short term tenancy should include the establishment of standards minimizing potential impacts to residential neighborhoods by limiting the number of short term (under 30 days) rental days permitted per year and per month.

Conclusion

Widespread conversion of residential housing to short-term rentals, when taken to extremes, could result in the loss of housing for permanent residents. But, with the rise of the sharing economy, and the economic and social benefits to residents of sharing resources, short-term rental activity continues to grow. This has led the Council to work toward strengthening short-term rental laws, and prompted an examination of parameters to regulate short-term rentals and established a pathway to legalize this activity. ZTA 16-03 attempts to accomplish these goals by modifying the definition of Bed and Breakfast to encompass all types of short-term tenancy. However, staff believes that a clearer method of accomplishing this goal is to address the use as accessory to the Residential use category (as a new defined use - "Short-Term Tenancy") thereby maintaining the integrity of the Bed and Breakfast use standards and definition. Staff recommends that the Bed and Breakfast standards revert to its current provisions. Attachment 2 depicts a draft of a ZTA that staff would support reflecting a new short-term tenancy provision.

Attachments

1. **ZTA No. 16-03 as introduced**
2. **Potential language to be included in ZTA No. 16-03 or a separate ZTA**
3. **Short-Term Tenancy Summary Matrix**
4. **Short Term Residential Rentals in Other Jurisdictions**

ATTACHMENT 1

Zoning Text Amendment No.: 16-03
Concerning: Land Use – Bed and
Breakfast

Draft No. & Date: 1 – 01/06/16

Introduced: February 2, 2016

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: Councilmember Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow a Bed and Breakfast as a limited use in all Residential and all Commercial/Residential zones;
- revise the definition and requirements for a Bed and Breakfast;
- delete the requirements for a Bed and Breakfast as a conditional use; 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 59-3.1.	“Use Table”
Section 59-3.1.6.	“Use Table”
DIVISION 59-3.5.	“Commercial Uses”
Section 59-3.5.6.	“Lodging”
DIVISION 8.2.	“Residential Floating Zone”
Section 8.2.3.	“Use Table for the RT and R-H zones
DIVISION 8.3.	“Planned Unit Development Zones”
Section 8.3.2.	“PD Zone”

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 59-3.1 is amended as follows:**

2 * * *

3 **Section 3.1.6. Use Table**

4 The following Use Table identifies uses allowed in each zone. Uses may be
 5 modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards		Residential										Commercial/Residential						
			Residential Detached						Residential Townhouse			Residential Multi-Unit			CRN	CRT	CR		
			RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD/THD	R-30	R-20	R-10					
* * *																			
COMMERCIAL																			
* * *		* * *																	* * *
LODGING	3.5.6																		
Bed and Breakfast	3.5.6.B		L	L	L	L	[C] ⊥	[C] ⊥	⊥	⊥	⊥	⊥	⊥	⊥	⊥	⊥	L	L	⊥
Hotel, Motel	3.5.6.C																	P	P
* * *																			
Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed																			
* * *																			

6

7 **Sec. 2. DIVISION 59-3.5 is amended as follows:**

8 **Division 3.5. Commercial Uses**

9 * * *

10 **Section 3.5.6. Lodging**

11 **A. Defined, In General**

12 Lodging means a building, dwelling unit, or a portion of a dwelling unit used
 13 for the short-term overnight accommodation of paying guests.

14 **B. Bed and Breakfast**

15 **1. Defined**

16 Bed and Breakfast means [a detached house that is owner-occupied
17 with no more than 5 guest rooms for rent and customarily serves
18 breakfasts to guests.] a dwelling unit that is available for lodging. A
19 Bed and Breakfast includes a dwelling unit that makes available the
20 entire dwelling unit or any portion of the unit for rental periods. Meals
21 may be provided to overnight guests when the provider satisfies the
22 requirements of Chapter 15.

23 **2. Use Standards**

- 24 a. Where a Bed and Breakfast is allowed as a limited use, it must
25 satisfy the following standards:
- 26 i. A Bed and Breakfast is prohibited in a dwelling unit [that
27 also provides guest rooms for roomers, or] in a Farm
28 Tenant Dwelling, or on a site that includes an Accessory
29 Apartment.
 - 30 ii. [The display of a sign must include the official house
31 number.]
 - 32 [iii. Breakfast is the only meal that may be served and only
33 to] The overnight guests on any night must satisfy the
34 definition of one household.
 - 35 [iv][iii]. A guest must only remain in a Bed and Breakfast for a
36 maximum of [14] 30 days in any one visit.
 - 37 [v]iv. A record of all overnight visitors must be maintained.
 - 38 [vi]v. The Bed and Breakfast must be [registered with DPS]
39 licensed under Chapter 54.
 - 40 [vii. In the Agricultural, Rural Residential, and Residential
41 zones, the minimum lot area is the greater of 9,000

42 square feet or the minimum lot area for a detached house
43 building type in the zone.]

44 [viii. In the Agricultural, Rural Residential, and Residential
45 zones, on a lot of less than 2 acres, a maximum of 3
46 bedrooms may be designated as guest rooms for which
47 compensation is charged.]

48 vi. The dwelling unit must be the primary residence of the
49 bed and breakfast licensee.

50 [ix]vii. In the Agricultural and Rural Residential zones, a
51 Bed and Breakfast may be allowed in an accessory
52 building designated as historic on the Master Plan for
53 Historic Preservation.

54 [x]viii. [Parking must be located behind the front building
55 line] On-site parking that satisfies the property's zoning
56 is required.

57 [xi]ix. In the AR zone, this use may be prohibited if not
58 accessory to Farming under Section 3.1.5, Transferable
59 Development Rights.

60 [b. Where a Bed and Breakfast is allowed as a conditional use, it
61 may be permitted by the Hearing Examiner under all limited
62 use standards, Section 7.3.1, Conditional Use, and the following
63 standards:

64 i. The Hearing Examiner may deny a petition for a Bed and
65 Breakfast with frontage on and access to a road built to
66 less than primary residential standards if it finds that road
67 access will be unsafe and inadequate for the anticipated

68 traffic to be generated or the level of traffic would have
 69 an adverse impact on neighboring residences.

- 70 ii. If there is inadequate space for parking behind the front
- 71 building line, the Hearing Examiner may approve an
- 72 alternative placement for parking.
- 73 iii. Screening under Division 6.5 is not required.
- 74 iv. To avoid an adverse neighborhood impact and assure that
- 75 the residential use remains predominant, the Hearing
- 76 Examiner may limit the number of transient visitors who
- 77 may be accommodated at one time or the number of
- 78 visits in any 30-day period.]

79 **Sec. 3. DIVISION 59-8.2 is amended as follows:**

80 **Division 8.2. Residential Floating Zones**

81 * * *

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

83 A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.

84 B. The following Use Table identifies uses allowed in each zone. Uses may be
 85 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
* * *							
COMMERCIAL							
* * *							
Eating and Drinking	3.5.3						
Restaurant	3.5.3.B						
Lodging	3.5.6						C ⁷
Bed and Breakfast	3.5.6.B	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
Office and Professional	3.5.8						
* * *							

86 **Sec. 4. DIVISION 59-8.3 is amended as follows:**

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

88 * * *

89 **Section 8.3.2. PD Zone**

90 * * *

91 **B. Uses**

92 * * *

93 **2. Commercial Uses**

94 * * *

95 d. A Bed and Breakfast is allowed as a limited use under Section
96 3.5.6.B.

97 * * *

98 **Sec. 5. Effective date.** This ordinance becomes effective 20 days after the
99 date of Council adoption.

100

101 This is a correct copy of Council action.

102

103

104 _____
Linda M. Lauer, Clerk of the Council

ATTACHMENT 2

Zoning Text Amendment No.: 16-XX
Concerning: Accessory Residential
Uses – Tenancy Duration
Draft No. & Date: 1 – 2/25/16
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:

- define “short-term tenancy”;
- establish limited use standards for short-term tenancy; 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 Tenancy:** 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			Residential 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 Tenancy</u>	<u>3.3.3.I</u>	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊	⌊				

17 * * *

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

19 **DIVISION 59.3.3. Residential Uses**

20 * * *

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

22 * * *

23 **I. Short-Term Tenancy**

24 **1. Defined**

25 Short-Term Tenancy means the residential occupancy of a dwelling unit by a
26 household for less than a month. Short-Term Tenancy is not a Bed and
27 Breakfast.

28 **2. Use Standards**

29 Where Short-Term Tenancy is allowed as a limited use, it must satisfy the
30 following standards:

31 a. Short-Term Tenancy is prohibited in a dwelling unit in a Farm
32 Tenant Dwelling or on a site that includes an Accessory
33 Apartment.

34 b. The property owner or tenant must reside in the dwelling unit a
35 minimum of 6 months in a calendar year.

36 c. The property can only be used for Short-Term Tenancy a
37 maximum of 14 days in a month and 90 days in a calendar year.

38 d. The use must be licensed under Chapter 54.

39 e. A record of all overnight visitors must be maintained.

40

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

42 **Division 8.2. Residential Floating Zones**

43 * * *

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

45 A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.

46 B. The following Use Table identifies uses allowed in each zone. Uses may be
 47 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	<u>3.3.3</u>						
* * *							
<u>Short-Term Tenancy</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>
* * *							

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

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

50 * * *

51 **Section 8.3.2. PD Zone**

52 * * *

53 **B. Uses**

54 * * *

55 **1. Residential Uses**

56 * * *

57 c. Short-Term Tenancy is allowed as a limited use under Section
 58 3.3.3.I.

59 * * *

60
 61
 62 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the
 63 date of Council adoption.
 64

65 This is a correct copy of Council action.

66

67

68 Linda M. Lauer, Clerk of the Council

ATTACHMENT 3

City/State	Type of Use	Owner/ Tenant Occupancy Restrictions	Limitation on Days per Year that Unit can be Rented	Liability Insurance Required	Limitation on # of Bedrooms Rented or # Occupants Allowed	Step-down/ Spacing Limitations
San Francisco	Short-Term Residential Rental	Yes	Unlimited if resident is present; 90 nights if resident <i>not</i> present	Yes, or must be provided by hosting platform		
Jersey City	Short Term Rental	No	No (but a license is required if 1 person offers 5+ units)	No		
Portland	Accessory Short Term Rental	Yes	<ul style="list-style-type: none"> Up to 2 bedrooms: unlimited if resident is present and 95 days if resident is <i>not</i> present 3-5 bedrooms: conditional use review required 	No	5 bedrooms; # of occupants may not exceed number allowed for household	The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure, whichever is greater
Nashville	Short Term Rental Property	No	No	Yes	2x the number of bedrooms + 4	3% cap on percentage of non-owner occupied single and two family rentals in each census tract
DC	Home Occupation/ Bed and Breakfast?	Yes, unless property owner gets a use variance & general business license	No?		2 renters, although 3 or more renters may be allowed with approval from Board of Zoning Adjustment and a general business license	
New York	?	Yes	No limitation, but owner must be present			
Philadelphia	Limited Lodging	No?	180		Up to 3 persons (including owner & renters) unrelated by blood, marriage, etc	

Short Term Residential Rentals in Other Jurisdictions

The laws governing short term residential rentals in the 6 jurisdictions described in this document are varied, but some common elements that are regulated in several jurisdictions include:

- A resident occupancy requirement & occupancy requirement during the rental period
- A limitation on the number of days per year the unit can be rented
- A liability insurance requirement
- A limitation on the number of bedrooms rented or the number of occupants allowed or the number of simultaneous rentals to more than one party under separate contracts
- A geographic or spacing requirement
- A noticing requirement to neighbors

San Francisco

San Francisco defines the use *Short-Term Residential Rental* as:

A Tourist or Transient Use where all of the following conditions are met:

- (a) The Residential Unit is offered for Tourist or Transient Use by the Permanent Resident of the Residential Unit;*
- (b) The Permanent Resident is a natural person;*
- (c) The Permanent Resident has registered the Residential Unit and maintains good standing on the Department's Short-Term Residential Rental Registry; and*
- (d) The Residential Unit is not subject to the Inclusionary Affordable Housing Program... Or any other applicable law or regulation prohibits the permanent resident from subleasing, renting or otherwise allowing Short-Term Residential Rental of the Residential Unit.*

The use is subject to the following:

- A resident can rent out a portion of their unit while they are present for an unlimited number of nights per year and they can rent out their entire unit (or a portion) while they are *not* present for a maximum of 90 nights per year (the wording of the law requires that the resident occupy the dwelling for a minimum number of days during each calendar year).
- Permanent resident maintains liability insurance appropriate to cover the Short-Term Residential Rental use in the aggregate of not less than \$500,000 or conducts each Short-Term Residential Rental transaction through a Hosting Platform that provides equal or greater coverage.
- Residential Unit must be registered on the Short-Term Residential Registry
- Permanent Resident includes the Department-issued registration number on any Hosting Platform listing or other listing offering the Residential Unit for use as a Short-Term Residential Rental

ATTACHMENT 4

- For units subject to rent control provisions, the Permanent Resident complies with the initial rent limitation for subtenants and charges no more rent than the rent the Resident is paying to any landlord per month

<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances14/o0218-14.pdf>

Jersey City

Jersey City defines the use *Short Term Rental* as:

The accessory use of a Dwelling Unit for occupancy by someone other than the unit's owner or permanent resident for a period of less than 30 consecutive days.

Short Term Rentals are permitted as an accessory use to a permitted principal residential use in all zoning districts and redevelopment plan areas where residential uses are permitted provided:

- The person offering a Dwelling Unit for Short-Term Rental use must be the owner or lessee of the residence in which the Short-Term Rental activity occurs.
- If one person offers more than 5 separate dwelling units for short-term rental use in the city, a license is required.
- No signage identifying the Short-Term Rental use is allowed.
- The use be conducted in a manner that does not materially disrupt the residential character of the neighborhood.
- No equipment or process shall be used in the Short-Term rental which creates glare, fumes, odors, or other nuisance factors detectable to the human senses outside the lot on which the Short-Term Rental is conducted.

[http://www.cityofjerseycity.com/uploadedFiles/Public_Notices/Agenda/City_Council_Agenda/2015/2015_Ordinance_2nd_Reading/Agenda%20Document\(19\).pdf](http://www.cityofjerseycity.com/uploadedFiles/Public_Notices/Agenda/City_Council_Agenda/2015/2015_Ordinance_2nd_Reading/Agenda%20Document(19).pdf)

Portland

Portland defines the use *accessory short term rental* as "where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days."

Rentals of 6 or more guestrooms at one time are not considered accessory short-term rentals. The regulations allow accessory short term rentals in houses, attached houses, duplexes, manufactured homes on its own lot, and accessory dwelling units. Bedrooms in legal detached accessory structures can also be rented to overnight guests and count towards the maximum size limit. All residents with accessory residential units must register as a business.

There are two types of accessory short term rentals, each with a specific permitting process:

1. Type "A" Accessory Short-Term Rental is one where the resident rents no more than 2 bedrooms to overnight guests. Property owners are required to provide written permission for the tenant to apply for the required permit. The use must be accessory to a *Household Living* use.
 - Permit required, includes safety inspection and neighborhood notification.
 - The resident of the short-term rental must reside in the dwelling unit where the bedrooms are rented at least 9 months of each year. There are no limitations to the number of nights the bedrooms may be used as short-term rentals. However, there is a maximum of 95 days (3 months) per year when the resident does not need to be present with the overnight guests.
 - A Type B home occupation (a home business), which allows either one nonresident employee or up to eight customers per day, is prohibited with a Type A accessory short-term rental. Type A home occupations, where no employees or customers come to the site, are allowed.
 - In a Multi-Dwelling Structure
 - Residents must self-certify that 1) each bedroom being rented has a smoke detector that is interconnected with a smoke detector in an adjacent hallway, and 2) each bedroom is located on a floor equipped with a functioning carbon monoxide alarm if the dwelling unit has a carbon monoxide source.
 - The number of dwelling units in each multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit, or 25 percent of the total number of units in the structure, whichever is greater.
2. Type "B" Accessory Short-Term Rental is one where the resident rents between 3 and 5 bedrooms to overnight guests. A Land Use Conditional Use Review application is required along with a site inspection or self-certification for the same safety features as the Type A rental.

<https://www.portlandoregon.gov/bds/article/518139>

<https://www.portlandoregon.gov/bps/article/501886>

Nashville

Nashville defines the use *Short Term Rental Property (STRP)* as a residential dwelling unit, containing not more than four sleeping rooms, that is used and / or advertised for transient occupancy. Owners of Short-Term Rental Properties (STRPs), are required to obtain an operating permit. This law applies to all properties (including rooms and guest houses) rented for less than 30 consecutive days to the same occupant.

There are 3 types of STRPs:

1. Type 1: Owner-Occupied (single-family, multifamily or duplex)
 - Are owner-occupied or associated with an owner-occupied principal residence on the same lot.

ATTACHMENT 4

- Include the rental of an entire dwelling unit to a single party of individuals, or If only part of the unit, include at a minimum a sleeping room (with bathroom), is limited to a single party of individuals, and the owner is generally present during the rental
- 2. Type 2: Not Owner-Occupied (single-family or duplex)
 - The law places a 3% cap on the percentage of non-owner occupied single and two family STRPs allowed to legally operate in each census tract of the county.
- 3. Type 3: Not Owner-Occupied Multifamily (Multifamily apartments and condominiums)
 - Are not owner-occupied or associated with an owner-occupied principal residence
 - Include rental to a single party of individuals

Requirements for all STRPs:

- Proof of insurance of not less than 1 million dollars per occurrence.
- Name, phone number, and email of person or business that will be the responsible party residing within a 25-mile radius.
- Proof of notification to owner of any property that shares a common wall or driveway with the proposed STRP.
- Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.
- All STRP occupants shall abide by all applicable noise restrictions contained in the Metropolitan Code and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.
- The STRP shall have smoke alarms in all locations required by the Fire Marshall.
- No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.
- No food shall be prepared for or served to the transient by the permit holder.
- The principal renter of a STRP unit shall be at least twenty-one (21) years of age.
- The maximum number of occupants permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four.
- Simultaneous rental to more than one party under separate contracts shall not be allowed.
- The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours.

ATTACHMENT 4

- The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
- A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.
- Upon the filing of three or more complaints within a calendar year regarding a STRP permit, the department of codes administration shall notify the permit holder in writing of such complaints. If the department of codes administration determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked. Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.

<http://www.nashville.gov/Codes-Administration/Construction-and-Permits/Short-Term-Rentals.aspx>

DC

The law in DC is not very clear, but I found the chart below (supplied by a DC Department of Consumer and Regulatory Affairs representative) in an article about the subject.

Do you live in the place you're renting on Airbnb?	How many people stay at a time?	How long are you renting your place for?	Here's what you need to be legal
Yes	1-2	29 days or fewer	A Home Occupation Permit (HOP) for a Bed and Breakfast and a B&B business license
Yes	3 or more	29 days or fewer	Approval from the Board of Zoning Adjustment and a general business license
No	1 or more	29 days or fewer	Not allowed under zoning without a use variance; property owner would need to get general business license

Chart is not comprehensive.

http://dc.urbanturf.com/articles/blog/the_growing_airbnb_economy_and_what_it_might_mean_for_dc/8069

New York City

New York State Multiple Dwelling Law prohibits un-hosted rentals of less than 30 days in any "Class A" building (a building occupied by 3 or more families living independently). The law does allow hosted

rentals (the owner must be present) for less than 30 days in "Class A" buildings provided that the guest has access to all parts of the apartment.

Short-term rentals in other buildings are typically prohibited unless the building's certificate of occupancy expressly authorizes that short-term rentals are allowed

<http://www.nolo.com/legal-encyclopedia/overview-airbnb-law-new-york-city.html>

Philadelphia

Philadelphia allows a use called *Limited Lodging*. A fact sheet defines it as "the short term rental of your home, or a room within your home. These short term rentals may not exceed 30 consecutive days for any visitor. Your home or a room can be rented for up to 180 days throughout a calendar year, but you will need to meet certain requirements and limitations to utilize your home for Limited Lodging."

Rentals of 90 days or less do not require a permit. The use is subject to the following:

1. Smoke alarms shall be installed throughout the home in the following locations:
 - a. In each bedroom.
 - b. In the hall area in the immediate vicinity of the bedrooms.
 - c. On each floor of the home, including basements.
2. Carbon monoxide alarms shall be installed in the home in the following manner:
 - a. Carbon monoxide alarms shall be installed within 15' of the entrance to every bedroom or within 15' of a bed in sleeping areas where there is no enclosed bedroom.
 - b. Alarms shall be centrally located on a wall or the ceiling, but not directly in front of a door to a bathroom or within 5' of a cooking appliance.
 - c. If the alarm is a combination smoke and carbon monoxide alarm, it shall be located in accordance with the installation requirements for smoke alarms.
3. Signs for lodging are prohibited on your home.
4. The home may not be occupied by more than three (3) persons (including the owner and renters) who are unrelated by blood, marriage, adoption, or foster-child status, or are not Life Partners.

ATTACHMENT 4

5. Short term rentals may not result in physical changes to your home so that it no longer looks like a home, such as constructing a separate building entrance for the sole use of the renters.

The following information must be supplied to the renters:

1. Renters are allowed to have guests only between the hours of 8:00am and 12:00am.
2. Renters shall be notified of the trash and recycle collection days for your home and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of your home. Proper containers shall be provided for the renters.
3. Renters shall be notified that excessive noise is prohibited and such violators shall be subject to fines and penalties.
4. The owner or their designee shall provide contact information to the renters in case of complaints regarding the condition, operation, or conduct of the occupants of the home. The contact person must have the responsibility to take action to resolve such complaints.

<http://www.phila.gov/li/PDF/Limited%20Lodging%20Information%20Flyer.pdf>

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JUNE 13, 2016 MEETING**

STAFF REPORT

TO: BOARD OF MANAGERS
FROM: SHANA R. DAVIS-COOK, VILLAGE MANAGER 
DATE: 6/8/2016
SUBJECT: APPOINTMENT OF AN ACTING CHAIR TO PRESIDE AT THE BOARD OF MANAGERS' GENERAL MEETING SCHEDULED FOR MONDAY, JULY 11

Background

Mr. Denger and Ms. Leonard will be absent from the Board's July 11 meeting. Assuming the officer positions for Chair and Vice Chair remain the same, the Board will need to appoint another member to preside at your July meeting.

Board Action

Section 201 (b)(3) of the Village Charter states:

Acting Chair. In the event of the incapacity or absence of the Chair and Vice-Chair, the Board of Managers shall appoint an Acting Chair to act in the place of the Chair.

Draft Motion

I move to appoint [STATE NAME] to preside at the July 11, 2016 Board of Managers' general meeting.

Board Representatives to Village Committees

(Note: Each year, the Board reaffirms the representatives and contacts that will serve as Board liaisons with standing committees.)

Excerpts from the Guidelines for Village Committees, effective January, 2012 (amended December 2014):

Board Representatives:

A Representative from the Board will attend meetings of those committees subject to membership appointment by the Board. The purpose of the representative is to facilitate communication between the committee and the Board. All other committees will be provided with a specific Board contact with whom the committee chair can communicate to receive direction on matters considered by the committee. Any Board member may attend any meeting of a committee in an unofficial capacity.

Board of Managers:

The Board shall appoint all committee chairs and all members of the following committees: Community Relations, Financial Review, Public Safety, Traffic, Trees and all single Purpose (ad hoc) Committees. Each committee will meet with the Board periodically and at least annually to establish and review the work program and accomplishments of the committee.

<u>Committees Subject to Board Appointment</u>	<u>Current/Tentative Board Representative</u>
Community Relations	Minh Le
Financial Review	Gary Crockett
Public Safety	Richard M. Ruda
Traffic	Robert C. Goodwin, Jr.
Tree	Michael L. Denger
<u>Committee NOT Subject to Board Appointment</u>	<u>Current/Tentative Board Contact</u>
Environment & Energy	Gary Crockett
Parks & Greenspaces	Elissa Leonard
Seniors	Minh Le

May 2016 CCVPD Highlights

I. Crime/Operational

1. Overnight Saturday, May 14 into Sunday, May 15, 2016, a total of seven unlocked cars were entered as follows:

- 3 were parked on Grafton Street between Kirkside Drive and Wisconsin Avenue;
- 1 was parked on Grafton Street between Cedar and Kirkside;
- 1 was parked on W. Melrose Street, and
- 2 were parked on Primrose Street between Connecticut Avenue and Brookville Road.

Nothing was stolen from either of the cars on Primrose. Loose change and iPods were stolen from the remaining cars.

2. Daytime theft from an unlocked car: On Monday, May 16, a housekeeper parked her car on Grafton Street between Cedar and Kirkside. When she returned to her car, her purse with cash, a smart phone and coins had been taken.

II. Training/Administrative

1. 3 staff members attended the annual Law Enforcement Torch Run at Lake Needwood (a fund raiser for Maryland Special Olympics) along with representatives from other area police departments.
2. Beverly, one of our daytime dispatchers, had a medical procedure on May 11 and we expect her to return to work in July.

Select Reported Crimes 2016 vs. 2015				
	May '16	May '15	YTD'16	YTD'15
Assault	0	0	0	1
Auto Theft & attempts	0	0	0	0
Burglary & attempts	0	3	1*	5
Theft & attempts	9	3	33	17
Robbery	0	0	0	0

*bicycle stolen from inside an open garage

	Select Reported Crimes 2010-Present						
	2010	2011	2012	2013	2014	2015	2016 as of 05/31/16
Assault	0	0	2	2	0	1	0
Auto Theft & attempts	3	6	2	5	0	3	0
Burglary & attempts	7	14	3	4	8	9	1
Theft & attempts	46	67	97	60	38	75	33
Robbery	1	0	0	0	1	0	0



POLICE DEPARTMENT
 5906 Connecticut Avenue, Chevy Chase, Maryland 20815
 (301) 654-7300 FAX: (301) 654-7304
 chevychasevillagemd.gov



John Fitzgerald
 Chief of Police

MEMORANDUM

TO: John Fitzgerald, Chief of Police
FROM: Bruce I Gessford, Communications Lead Dispatcher *BIG*
DATE: June 1, 2016
SUBJECT: Monthly Communications Report for May 2016

	<u>May 16</u>	<u>YTD 16</u>	<u>May 15</u>	<u>YTD 15</u>
Walk In	118	793	151	673
Incoming Phone Calls requiring no action*	1,092	5,151	1,129	5,326
Incoming Phone Calls requiring an action**	345	1,362	367	1,428
House Check Requests	177	673	203	731
Key Pick Up/Drop Off	31	242	59	237
Mail Pick Up	57	398	67	347
Special Pick Up Requests	103	375	93	397
Trash and Recycle Complaints	3	11	1	12

***Note: Incoming phone calls requiring no action include: information requests, forwarding calls internally and externally, providing directions, etc.**

****Note: Incoming phone calls requiring an action may include: house check requests, special pick ups, trash and recycle complaints, etc.**

Chevy Chase Village

Monthly Incident Report

May 2016

Burglary (including attempts)	0	Theft from Auto (including attempts)	8
911 Disconnect	0	Lost Property	0
Alarm	17	Miscellaneous	6
Animal Bite	1	Missing Person	0
Animal Complaint	4	Noise Complaint	14
Assist Citizen	5	Open Door	7
Assist Other Agency	14	Open Trunk or Vehicle Door	0
Attempted Theft of Auto/Other Vehicle	0	Power Outage	0
Burglary (including attempts)	0	Parking Complaint	0
CDS - Possession Paraphernalia	0	Recovered Property/Montgomery County	3
Check the Welfare	5	Recovered Property/Other	0
Code Enforcement	3	Suspicious Persons/Vehicles	14
Collisions	19	Sudden Death - Natural	1
Hit and Run Property Damage	3	Thefts (including attempts)	9
Property Damage Collision	15	Thefts from Auto	8
Personal Injury Collision	1	Thefts from Other	1
Disabled Vehicle	3	Theft of Auto/Other Vehicle	0
DUI	0	Traffic Hazard	1
Fraud / Embezzlement / Confidence Game	0	Traffic Stop	0
Family Trouble	0	Trees / Limbs Down	1
Fire-Other	0	Trespassing	1
Identity Theft / Forgery	0	Vandalism	0
Hazard - General	0	Vandalism-Motor Vehicle	0
Hazard - Roadway	1	Vendor Violation	4
Ill Person	0	Wanted Person	0
Injury Non-Traffic	0	Water Main Break	0
Investigation/Police Information	0	Wires Down	0

Collisions within Chevy Chase Village May 2016

Connecticut Avenue @ Quincy Street	1	Chevy Chase Circle @ Connecticut Avenue	7
Connecticut Avenue @ Oxford Street	2	Chevy Chase Circle @ Magnolia Parkway	1
Connecticut Avenue @ Newlands Street	3	Chevy Chase Circle @ Western Avenue	1
Connecticut Avenue @ West Lenox Street	1	Brookville Road @ Newlands Street	1
		Brookville Road @ Quincy Street	1
		5412 Grove Street	1

Chevy Chase Village Monthly Traffic Report May 2016

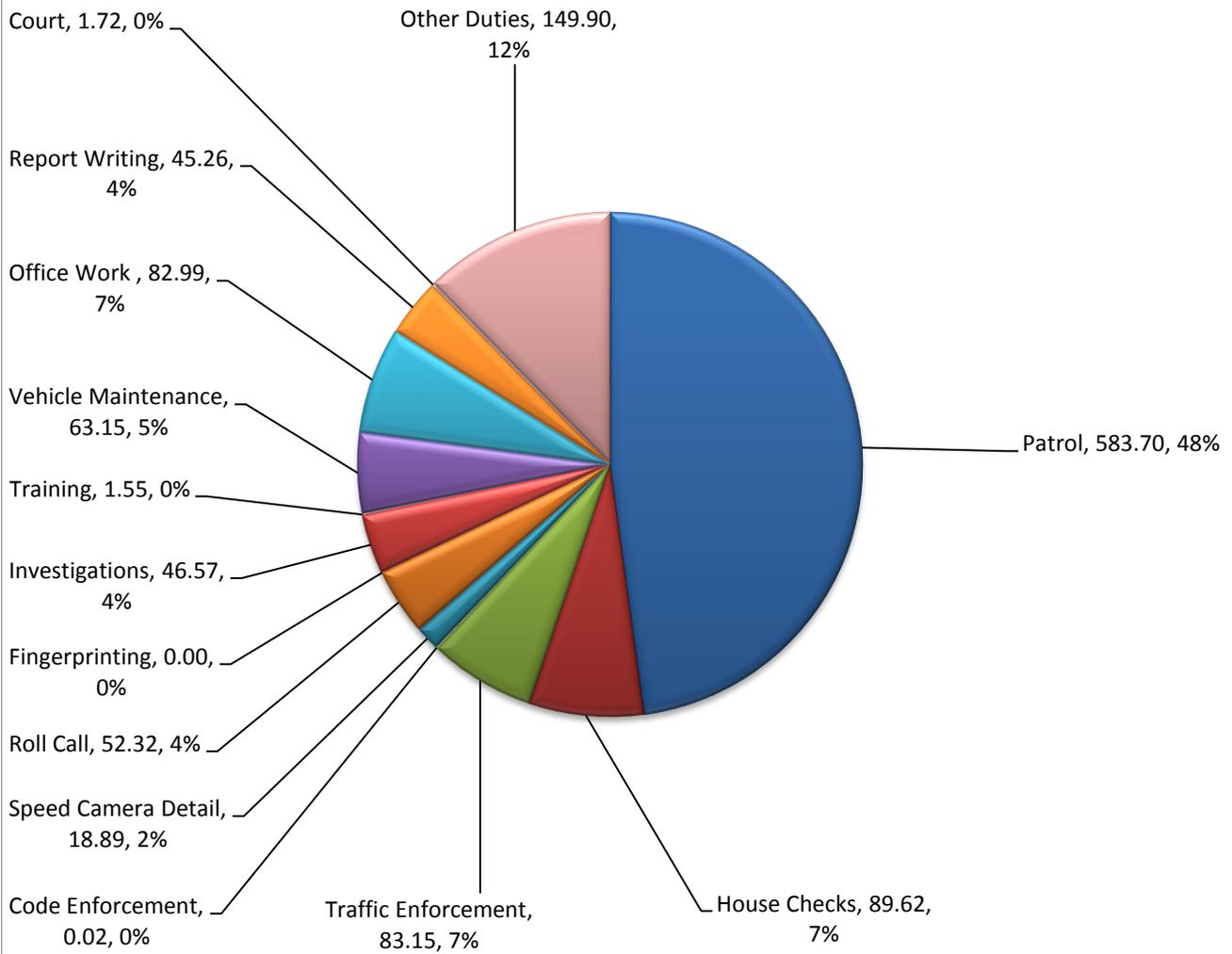
Chevy Chase Village Code Enforcement Report May 2016

Equipment Repair Orders	0	Police Officers	
Miscellaneous Violations	2	Compliance Inquiry	5
Parking Violations	12	Investigations	4
Sign Violations	2		
Warnings Written	27	Municipal & Civil Citations Issued	0
Speeding Violations	0	Municipal & Civil Warnings Issued	0

Chevy Chase Village Agency Personnel Report

	May	YTD
Citizen Complaints	0	0
Citizen Compliments	1	9

Chevy Chase Village Police Department Officer Hours for May 2016 within Chevy Chase Village

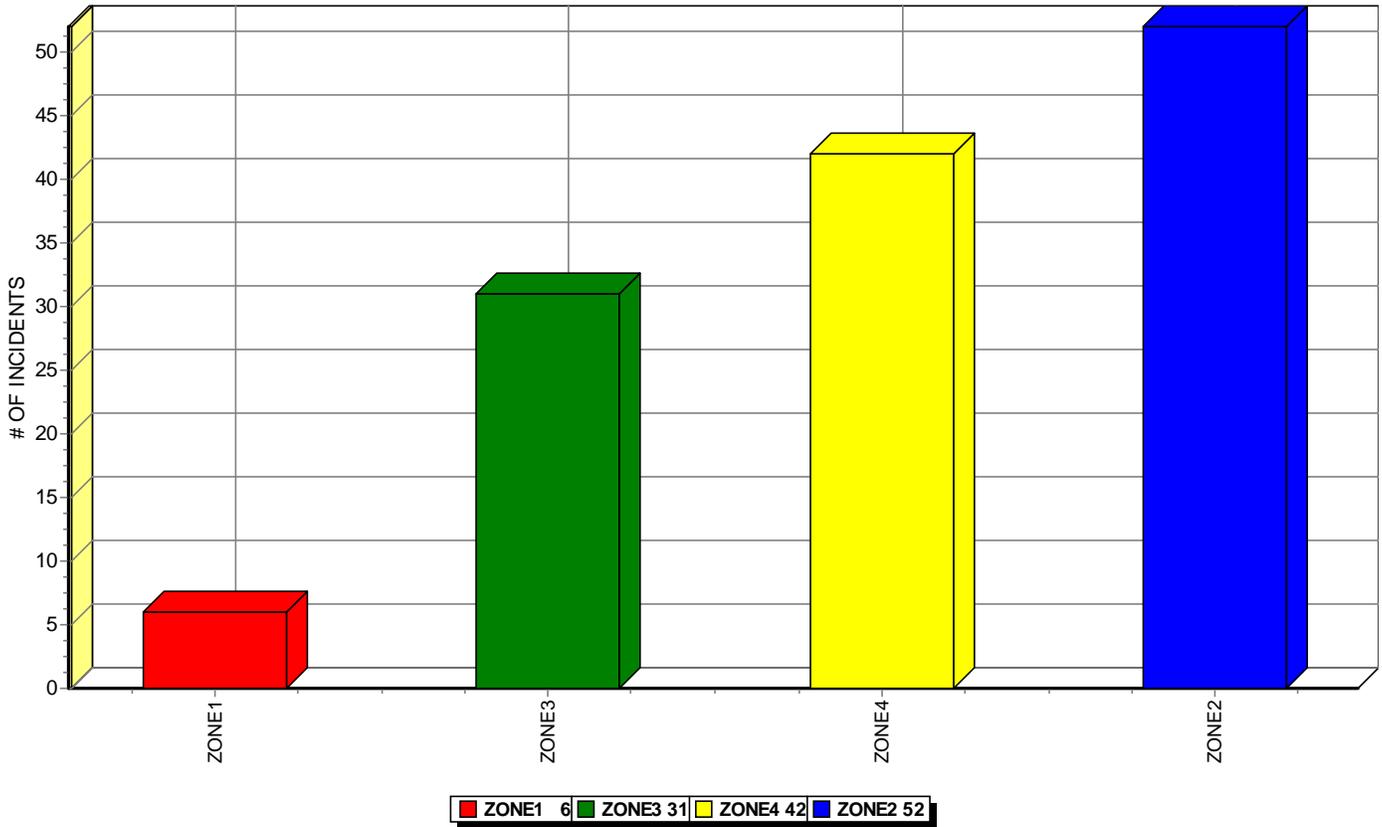


* Note: The SafeSpeed Coordinator's hours are 125.54, which are not included above

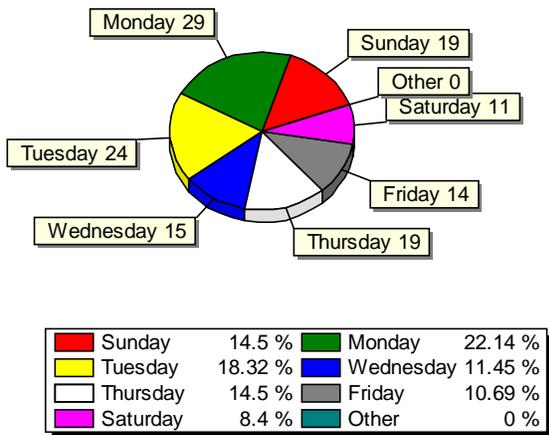
CHEVY CHASE VILLAGE POLICE

6/8/2016 8:20:38 AM

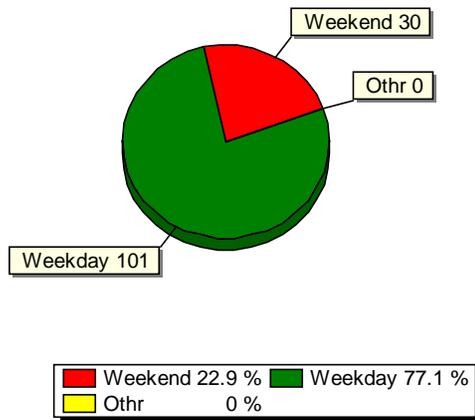
Incident Frequency by DISTRICT (Top 4 of 4 Shown) (Using DATE RECD)



By Day of Week

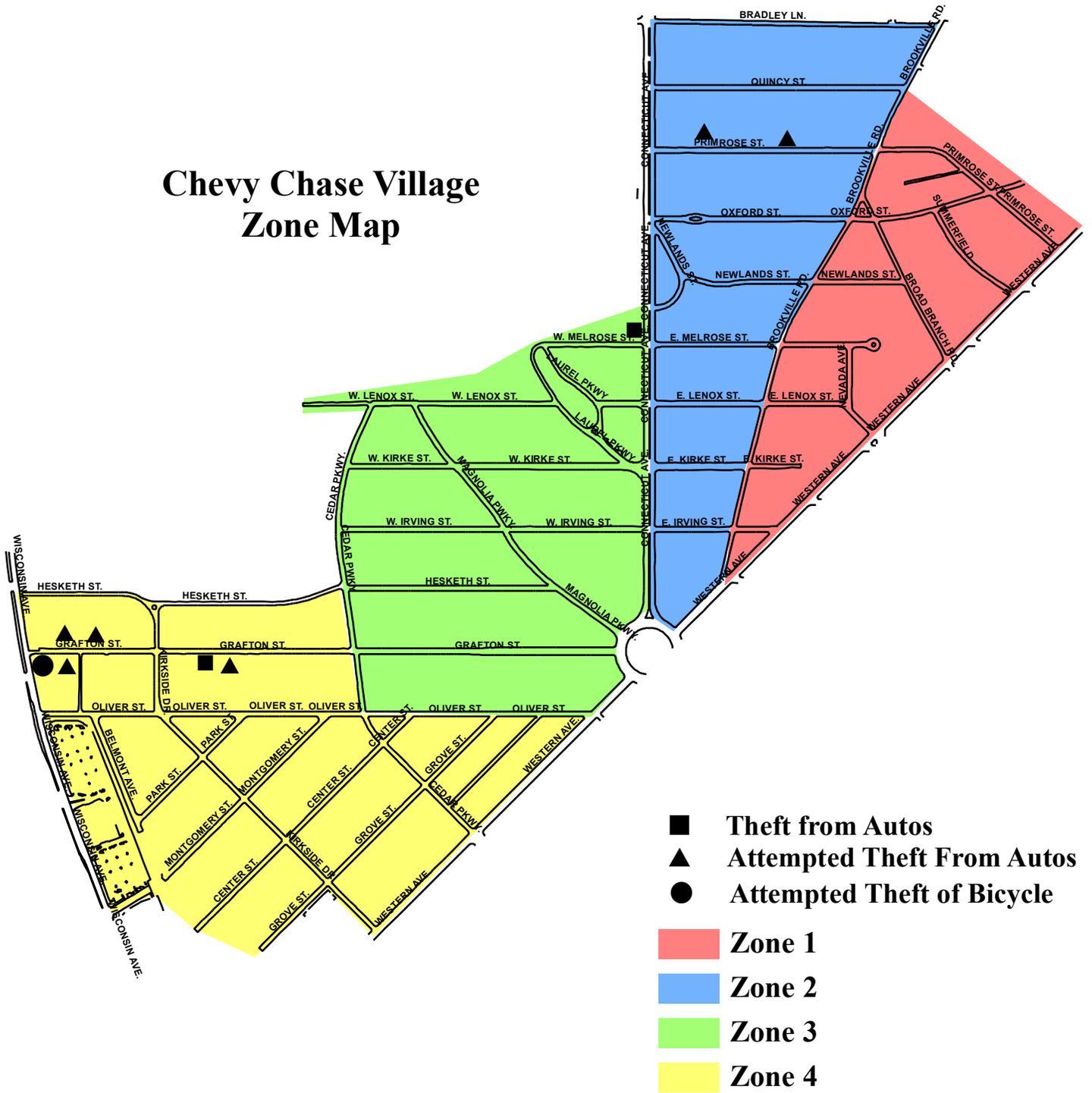


Weekday vs Weekend



Search Criteria: (DISTRICT >= 'ZONE1')
 (DISTRICT <= 'ZONE4')
 (INCDNUM like '%%')
 (DATE_RECD >= TO_DATE('5/1/2016','MM/DD/YYYY'))
 (DATE_RECD <= TO_DATE('5/31/2016','MM/DD/YYYY'))

Chevy Chase Village Zone Map



Chevy Chase Village
Building & Tree Removal Permits
Permits Issued- May 2016

Building Permits

Permit #	Address	Type of Work
6954	6318 Western Avenue	Modify and expand existing patio; construct new walkway.
6953	6403 Connecticut Ave	Re-grade and restore rear brick patio; grade water to front yard.
6952	5507 Center Street	Replace fence & gates in the rear yard.
6950	5505 Center Street	Replace fence in the side and rear yards.
6949	133 Hesketh Street	Install drain pipe in the Hesketh Street public right-of-way.
6948	5419 Center Street	Construct a new front portico.
6947	205 Primrose Street	Construct a new fence in the front yard.
6946	6128 Western Avenue	Construct a new retaining wall in rear yard.
6943	133 Hesketh Street	Construct a window well wall in the front yard of the property.
6941	5605 Park Street	Install replacement air conditioner in the right side yard.
6940	22 Grafton Street	Install replacement air conditioner in the rear side yard.
6938	8 West Irving Street	Install replacement air conditioner in the west side yard.
6937	3921 Oliver Street	Install replacement fence in the rear and side yards.

Tree Removal Permit

Permit #	Address	Type of Tree	Reason for Removal	Reforestation Indicated*
2240	135 Hesketh Street	(1) Blackgum	Hazardous	No
2239	139 Hesketh Street	(1) Sassafras	Hazardous	No
2236	20 West Kirke Street	(1) Beech	Dying; hazardous	Yes
2235	Village Right-of-Way	(1) Silver Maple, (1) American Elm, (1) White Pine	Pepco Pepco Pepco	N/A
2234	27 Hesketh Street	(1) Tulip Poplar	Pepco	No
2233	4 Hesketh Street	(1) Ash	Pepco	No
2232	5701 Wisconsin Ave.	(1) White Pine	Pepco	No
2231	136 Grafton Street	(1) White Pine	Pepco	No
2230	9 Hesketh Street	(1) Leland Cypress (1) Willow	Pursuant to 17-3(a)(7) Dead	Yes
2229	23 Primrose Street	(1) Spruce	Dead	No

* Since commencing recordation of reforestation intentions in November of 2013, 50 of 110 Applicants (45%) indicated that they would voluntarily be reforesting on their property.

Expiring Permit Notices Mailed This Month

None required

Chevy Chase Village

Permitting and Code Enforcement Activity May 2016

Telephone Queries: +/- 125

Walk-Ins: +/- 62

Pre-Design Review Meetings: 6

Municipality Letters (issued to the County for new projects): 11

Administrative Building Permits Issued: 13 Administrative Building Permit; 3 Dumpster

Licenses to Use the Public Right-of-Way: 1

Appeals: Two Decisions from variance requests granted at the May meeting were drafted, circulated, and approved; two variance requests were prepared for the June Board meeting.

Tree Ordinance Board: Two pending.

Enforcement Incidents: Routine code enforcement patrol and site inspections of construction projects were conducted. Additionally:

- One Stop Work Order was issued. The contractor had removed required tree protection fencing and run mechanical grading equipment through the tree protection zone. Staff is working with the Village arborist, contractor and resident to assess the damage, prescribe corrections and develop a revised Tree Protection Plan, at which point the Stop Work Order can be lifted.
- A resident installed a section of new fencing without obtaining the applicable Historic Preservation Commission (HPC) approval or Village Building Permit. Staff contacted the resident and advised them to contact HPC and then provide either an Historic Area Work Permit (HAWP) or confirmation that none was required, along with the applicable CCV Building Permit Application for Fences and Walls;
- Staff observed that alterations were made to an approved Building Permit for patio modifications, including the addition of a gas fireplace which had not been depicted on the plans and which was located within the rear yard setback. Staff contacted the resident, who has applied for a variance to maintain the structure;
- A contractor working at a property made alterations to an existing patio and started to install a drainage system without having obtained the applicable CCV permit. The contractor, who is also the owner of the property, has obtained the required Building Permit;
- Staff observed that a resident had installed a fence without having obtained the applicable CCV permit. The resident had obtained a County Fence Permit, but not the Historic Preservation Commission (HPC) approval. Staff has contacted the resident and advised them to obtain the required Historic Area Work Permit (HAWP) and submit that along with the other required materials to obtain the CCV Building Permit;
- A resident indicated to Staff that a wall at his property required repair however in observing the structure it became evident that the wall was unstable and would need to be removed and rebuilt. Staff advised the resident to contact HPC and the County to obtain the applicable County permits and then to submit the CCV Building Permit application;

Tree Requests: 14 requests were made to the Village arborist for tree inspections pursuant to removals or Tree Protection Plan requests for construction projects.

Administrative Tree Removal Permits: 10 permits were issued for removal of a total of thirteen (13) trees.

Expired Permit Memos Sent: None required this month.

Additional Activity:

- Staff continues coordination of engineering assessments of drainage concerns related to the appeal of the Managers Decision to issue a building permit at 5502 Grove Street.

-compiled by Ellen Sands, Permitting and Code Enforcement Coordinator

Memo

To: Board of Managers
From: Michael W. Younes, Director of Municipal Operations 
CC: Shana Davis-Cook, Village Manager
Date: 6/8/2016
Re: Update on Capital and Infrastructure Upgrade Projects

Below please find an update on the various capital and infrastructure upgrade projects currently under construction and in the planning stage:

	Status	Duration/ Remaining	Est. Start Date	Est. Completion Date
<u>Village Initiated</u>				
W. Kirke St. and Laurel Pkwy. Intersection Improvements	Complete	Complete	Complete	Complete
Village Website Redevelopment	Content Update	1 month	Ongoing	July 2016
<u>In-Partnership with M-NCPPC</u>				
Western Grove Park Development	Construction	6-9 months	Ongoing	February 2017
<u>Utility Upgrades</u>				
Laurel Park Sewer Rehabilitation	Pre-Construction	1 month	TBD	TBD
Water Main Replacement (5500 block of Western Avenue)	Design	TBD	Spring 2018 (construction)	TBD
Washington Gas Main Replacement – Bradley Lane	Permitting	TBD	TBD	TBD
PEPCO Tree Pruning and Removals	Permitting	2 months	Summer 2016	Summer 2016
<u>State Projects</u>				
Connecticut Avenue Pedestrian Signal	Construction	1 month	Ongoing	June 2016

Connecticut Avenue Pedestrian Signal:

- Village and State Highway Administration staff are still working with PEPCO to expedite bringing power to the site, so activation of the signal can be made as soon as possible. Power installation should be complete by June 10.
- Once power installation is complete, SHA contractors will be ready to activate the signal within a few days.
- If all goes well the signal should be activated by Monday, June 20.

PEPCO Tree Pruning and Removals:

- No updates since last month's report.

Village Website Redevelopment:

- Design work on the new website is complete.
- Staff is currently working through the new and old websites to update content and ensure that all functionality on the new website is working properly before its' official launch, which is scheduled for the end of June.

Washington Gas Main Replacement:

- No updates since last month's report.

W. Kirke St. and Laurel Pkwy. Intersection Improvements:

- Despite the rain all work was completed on-time.
- Overall the project was completed \$9,500 under budget.

Western Grove Park Development:

- Over the next 2 weeks, construction activities will be ramping up at the park as the contractor has received approvals to begin installing the tree preservation and site security fencing, sediment and erosion controls and will begin removing select trees.
- The Western Grove Park Friends Group is continuing its fundraising campaign and has received contributions/pledges of approximately \$37,000 to address a shortfall in the construction budget, the Friends Group initial goal is to raise an addition \$125,000.

WSSC:

Laurel Park Sewer Rehabilitation:

- No updates since last month's report.

Water/Sewer Main Replacement (5500 block of Western Avenue):

- WSSC and the Village held a joint public information meeting on May 26 with affected residents.
- Unfortunately, only 5 residents attended.
- WSSC is currently in the process of making contact with all residents to request access to private property to begin its survey activities.
- The first phase of work will be to survey the affected properties. Once that is completed, WSSC and their contracted engineering firm will conduct an alignment study to determine if the mains can be relocated out of the rear-yards.

Memo

To: Chevy Chase Village Board of Managers
From: Melissa Wiak, Community Liaison/Administrative Assistant
CC: Shana R. Davis-Cook, Village Manager
Date: June 6, 2016
Re: Village Hall Use for May 2016

Below is a chart that reflects the type and frequency of events held in the Village Hall during the month of May 2016:

Type of Event	Number of Uses	Total Net Revenue
Rentals (Private Events) —Birthday Parties (2); Memorial Service; Graduation Party	4	\$2,750
Community Use — Board of Managers' Monthly Meeting; Parks & Greenspaces Committee Meeting; Western Grove Park Friends Group Meeting; Community Shredding Event; Chevy Chase Land Company Public Information Meeting; WSSC Public Information Meeting; Environment & Energy Committee Meeting	7	\$0.00
Fee Waiver Use/Public Use —Chevy Chase @ Home Events (3); Section 5 Monthly Meeting; Garden Club of Chevy Chase's Monthly Meeting and Walking Tour; Many Hands Non-profit meeting	7	\$0.00