

DRAFT LAW AS OF June 28, 2016

Red are changes

Black is existing code

133-1. Definitions

BED-AND-BREAKFAST. A one-family dwelling with rooms for rent to transient guests for no longer than 14 days, and serving no meals other than breakfast to such guests. Any one-family dwelling rented for less than 14 consecutive days shall also be deemed a bed and breakfast and must comply with the provisions of 133-14. Such one-family dwelling must be owner-occupied in all zoning districts other than District B.

§ 133-14. Bed-and-breakfasts.

A. Bed-and-breakfast establishments shall be permitted subject to issuance of a license, renewable every two years, in all zones and subject to the following requirements:

(1) The building shall be a detached one-family dwelling with a certificate of occupancy or a certificate of compliance as such with no less than two bedrooms.

(2) The building shall be occupied by the owner during any period of time in which it is being used as a Bed-and-breakfast except in B Zone.

(3) There shall be no separate kitchen for registered guests.

(4) The number of bedrooms available for registered guests shall not exceed the following limitations:

(a) In A/AA and B-1, one room, two guests.

(b) In B Zone, no restrictions other than two guests per room.

(c) C Zone, two rooms, four guests.

(5) The length of stay for registered guests shall not exceed two weeks, or 14 consecutive days.

(6) The dwelling shall have a minimum of two parking spaces and at least one additional parking space for each guest room. Guest parking shall be in the least conspicuous area of the lot.

(7) The owner shall maintain a guest register and shall preserve registration records for a minimum of three years.

(8) No meals may be served on the premises to room-registered guests except for breakfast.

(9) The building shall be in compliance with all applicable zoning, building, health, fire, electrical and plumbing codes.

(10) No accessory apartment shall be permitted in or on premises for which a bed-and-breakfast is authorized or exists.

(11) No signs with the words "B & B," "Bed-and-breakfast," "Guest House" or the like shall be allowed except in the B District. Existing signs must conform to the provisions of § 133-27 or shall be removed within six months after the enactment of this chapter.

(12) The Building Inspector/Zoning Officer will certify compliance with this section annually.

(13) The owner shall present such documentation annually as the Building Inspector/Zoning Officer requires to assure that the operation of the premises continues to fulfill the established standards.

(14) Additional requirements for the Near Shore and Peninsula Districts:

(a) No bed-and-breakfast may be continued or operated unless it can be demonstrated to the satisfaction of the Building Inspector/Zoning Officer that it was established and operating prior to the enactment of this chapter.

B. License procedure.

(1) No establishments may be operated without first obtaining a special license from the Building Inspector/Zoning Officer upon a finding that the provisions of this section are met.

(2) The application for a license shall include a current certified survey of the property, including the positions of the principal building, any accessory buildings, location of wells and septic systems and parking facilities, and a floor plan of the proposed bed-and-breakfast indicating the use of all rooms.

(3) The license shall terminate after two years or upon a change of ownership of premises, or when the owner ceases to occupy the premises, or when the Building Inspector/Zoning Officer determines that the premises fails to comply with the requirements herein, whichever comes sooner.

(4) The owner shall present such documentation annually as the Building Inspector/Zoning Officer requires to assure that the operation of the premises continues to fulfill the established standards.

(5) Premises lawfully operating either as a one-family dwelling renting rooms or as a boardinghouse that wishes to operate as a bed-and-breakfast shall apply for such license within 18 months of the effective date of this provision.

C. Prohibited Advertising

(1) It shall be unlawful to advertise occupancy or use of a bed and breakfast as defined in this code, including any rental of a single family residence for less than a two week period.

unless the property has a bed and breakfast license and is operating in compliance with this section.

(2) Any person found to have violated the provisions of 133-14(C)(1) shall be liable for a civil penalty of not more than one thousand dollars for the first violation, five thousand dollars for the second violation and seven thousand five hundred dollars for the third and subsequent violations.

(3) For the purposes of this section, the term “advertise” shall mean any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio signage, direct mail, websites or text messages.