

84.0620 Bed and Breakfast Uses.

(a) Bed and Breakfast Uses as defined in Division 12 shall be permitted in all residential Land Use Districts and all Land Use Districts where residential uses are permitted.

(b) Requirements.

(1) Only a single family dwelling structure, including habitable accessory structures shall be considered for Bed and Breakfast Uses.

(2) This use shall be conducted as an accessory use only; the residential structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the said use is proposed.

(3) All Bed and Breakfast Uses shall be subject to:

(A) Special Use Permit as specified in this Title. The Special Use Permit is renewable annually;

(B) Health Permit as specified in Title 3 of the County Code. The Health Permit is renewable annually; and

(C) Transient Occupancy Tax (bed tax).

(4) Application for a permit shall be made by the resident property owner or his legal agent having power of attorney to make such application.

(5) Where deemed appropriate by the Director of Environmental Health Services Department, owners/operators of Bed and Breakfast Uses shall be required to sign and record a Certificate of Land Use Compliance and abide by the provisions outlined therein.

(c) Findings. Prior to acting upon an application for a Special Use Permit for a Bed and Breakfast Use, the reviewing authority shall find that all the following are true:

(1) That the site upon which the Bed and Breakfast Use is to be established, shall conform to all standards of the Land Use District in which it is located, and that the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other applicable requirements of the Code.

(2) That the residential character of the neighborhood in which the use is located shall be maintained and preserved and that the issuance of the permit shall not be significantly detrimental to the public health, safety and welfare or injurious to the vicinity and district in which the use is located.

(d) Conditions.

(1) Structural Features.

(A) All dwelling units proposed for Bed and Breakfast use must comply with standards and specifications of the Uniform Building Code, and shall also be subject to the Room Occupancy Standard outlined in the State Housing Law (as amended).

(B) Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to Uniform Building Code Standards (UBC No. 43-6), and exit/egress and an emergency evacuation map must be displayed in a prominent location in each guest room.

(2) Accesses and driveways. The owner shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all times.

(3) Parking. In addition to the required parking standards for residential uses, one (1) parking stall nineteen (19) feet in length and nine (9) feet in width shall be provided on-site for each guest room. Such additional parking spaces shall comply with the location and design standards established by the applicable Land Use District and the provisions of this Title. Neither on-street parking nor tandem parking shall be used to satisfy this on-site parking requirement. Additional parking spaces may be required when deemed necessary by the reviewing authority.

(4) Design Standards.

(A) A Bed and Breakfast Use shall not be permitted in a dwelling that is located on a site that has less than the applicable lot area specified by the underlying Land Use District.

(B) Alterations and modifications may be made to the structures and the site but such alterations shall be compatible with the character of the neighborhood. Such alterations and modifications shall also comply with all applicable provisions, requirements and standards of the County Code.

(C) Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where such parking is located within the front yard setback.

(D) Any lights used to illuminate the site shall be designed so as to reflect away from adjoining properties and public thoroughfares.

(E) A nonilluminated identification sign, not to exceed six (6) square feet in area is permitted. If not attached to the residence, such sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood.

(F) No Bed and Breakfast use shall be permitted where more than two such uses currently exist within one thousand (1,000) feet of the perimeter of the proposed site.

(5) Kitchen Facilities.

(A) There shall be no cooking facilities permitted in guest rooms.

(B) The sale of food or other materials is limited to guests who are currently residing on the premises where the use is located and not to the general public.

(6) Records of Patrons. Records of all guests who patronize the Bed and Breakfast establishment shall be preserved for a minimum period of three (3) years before such records are discarded.

(7) Miscellaneous Conditions.

(A) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(B) The use shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.

(C) There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.

(D) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.

(E) The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(e) Penalty for Noncompliance. The reviewing authority may void any Special Use Permit for a Bed and Breakfast Use for noncompliance with the conditions set forth in approving the permit, and shall give notice of such action to the permittee.

(f) Types of Bed and Breakfast Uses. Bed and Breakfast Uses shall be classified into three (3) types:

(1) Host Home (having one [1] or two [2] guest room[s]).

(A) Such use shall not be permitted on a site that is less than five thousand (5,000) square feet of lot area. A minimum lot area of seven thousand two hundred (7,200) square feet is required for host homes with two (2) guest rooms.

(B) Such homes shall have a minimum of two (2) bathrooms.

(2) Bed and Breakfast Home (having three [3] to five [5] guest rooms).

(A) In addition to the Special Use Permit, such use shall be subject to a Conditional Use Permit.

(B) This use shall not be permitted on a site that has less than the net lot area specified below:

No. of Guest Rooms	Minimum Lot Size
3	8,200
4	9,200
5	10,200

(C) Such home shall have a minimum of three (3) bathrooms.

(3) Bed and Breakfast Inn/Lodge having a minimum of six (6) and a maximum of ten (10) guest rooms.

(A) Structures of Historical, Architectural and Cultural significance.

(I) Only residential structures that have been determined to be of historical, architectural or cultural significance by the Planning Commission, or properties which are on the State or National listing of structures of historical significance shall be permitted to be used as a Bed and Breakfast Inn/Lodge.

(II) The Planning Commission may establish Historic and Scenic Preservation Standards and shall review the proposal for a determination of historical, architectural or cultural significance. In making such determination, the Planning Commission shall consider the:

(i) Architecture of the structure noting the history, uniqueness and style of the design;

(ii) Historical and/or cultural value(s) of the property and/or the site;

(iii) Age of the structure and its physical and structural condition.

(III) After such determination, the structure shall be placed on: (1) State lists of Points of Historic Interest and Historic Landmarks, or (2) the National Register of Historic Places.

(B) The Planning Commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural and/or cultural features of the structure and/or property.

(C) A residential building that has been declared a historical structure shall be subject to prealteration inspection by a designated County official prior to application for Bed and Breakfast Use and report of such inspection must accompany the application.

(D) All historical structures proposed for Bed and Breakfast Uses shall comply with all current applicable Uniform Building Code standards, including those regarding historical building and those pertaining to the physical and structural conditions of the building and the site.

(E) In addition to the Special Use Permit, this use shall be subject to a Conditional Use Permit.

(F) This use shall not be permitted on a site that has less than twenty thousand (20,000) square feet of lot area and one thousand (1,000) square feet of additional lot area shall be required for each additional guest room over six (6).

(G) Such home shall have a minimum of four (4) bathrooms. The owner shall provide access for the physically handicapped.

(4) Any use that is the subject to an approved Conditional Use Permit may also be made subject to the issuance of a Special Use Permit.

(5) Special Use Permits may be issued for limited time periods. New applications may be required for Special Use Permit renewal.