

Overnight Accommodations Amendments
Draft #6
March 7, 2017

~~Strikethrough~~ denotes deleted text

Underline denotes proposed text

Article 5: Definitions

Bed and Breakfast Establishment: A dwelling unit, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for a tenancy or occupancy for less than thirty (30) days in duration and where the only meal, food or drink served or otherwise provided by the property owner to any guest is breakfast. The property owner shall reside on the premises or property adjacent to the premises during periods of occupancy. This term includes a bed and breakfast home or a bed and breakfast inn. This term does include hotel or motel, extended stay lodging, short-term rentals, and boarding, rooming, and lodging houses.

Boarding, Rooming, and Lodging House: A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight (8) people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotels, motels, extended stay lodging, short term rentals, bed and breakfast establishments, nursing homes, or assisted care living facilities.

~~Dwelling and Dwelling Units: A dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. Dwelling unit refers to that dwelling accommodation within a building designed for one individual or family unit maintaining separate and independent housekeeping.~~

Dwelling: A building or portion thereof designed and used exclusively for permanent residential occupancy. This term does not include hotels, motels, or extended stay lodging.

Dwelling Unit: Either a single room or two (2) or more connected rooms used exclusively as a single unit and intended for permanent residential occupancy of more than thirty (30) consecutive days in duration by one family and providing complete, independent living facilities, which at minimum includes permanent provisions for living space (family rooms, dining rooms, living rooms, dens, etc.), sleeping quarters, food preparation and cooking, eating spaces, personal hygiene, cleanliness, and sanitation facilities which are accessed independently. Notwithstanding the provisions of this definition, where permitted, short term rentals may be occupied by more than one family and for less than thirty (30) consecutive days in duration. This term does not include hotel or motel rooms, extended stay lodging, boarding and lodging homes, bed and breakfast inns, nursing home rooms, or assisted care living units.

Extended Stay Lodging: Accommodations for persons away from their permanent place of residence which are available on a daily or weekly basis and may include kitchen facilities. This term does not include short term rentals, boarding and lodging houses, bed and breakfast homes and inns, nursing home rooms, or assisted care living units.

Family: A person living alone or two or more persons related by blood, marriage, or not more than four (4) unrelated persons living together in a dwelling unit, as distinguished from a group occupying a boarding, lodging, or room house, house, hotel, or motel.

Hotel : A building or structure where sleeping accommodations are kept, used, maintained, advertised or held out to and are furnished to the public and which has a registration desk. This term includes motels, and similar establishments, but does not include short term rentals, boarding and lodging houses, nursing home rooms, or assisted care living units.

Motel: A group of attached or detaching lodging units having bathrooms, used as individual sleeping units, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and which may include on dwelling unit for a bona fide caretaker or operator. This term includes building designed as auto courts, tourist courts, motor lodges, autels, and similar terms. This term does not include short-term rentals, boarding and lodging houses, nursing homes, or assisted care living facilities.

Residential Use: Uses associated with permanent residential occupancy of not in the form of a dwelling unit. Specific uses such as bed and breakfasts, bed and breakfast inns, boarding and lodging houses, short term rental homes, hotels, motels, and extend stay lodging where stays can be less than thirty (30) days in duration shall be considered commercial uses.

Permanent Residential Occupancy: Occupancy of a dwelling for more than thirty (30) consecutive days in duration.

Non-Residential Use: Uses not associated with permanent residential occupancy. Non-residential uses include public, institutional, office, commercial and industrial uses.

Short-Term Rental: A dwelling unit, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for tenancy or occupancy for less than thirty (30) consecutive days in duration and where no meals, food or drink are served or otherwise provided by the property owner to any guest. This term includes tourist and guest homes. This term does not include hotel or motel rooms, extended stay lodging, bed and breakfast establishments, and boarding, rooming, and lodging houses.

Conditional Uses - A-1, R-1A, R-1B, R-1C, R-1D, R-1T, R-2, R-3, R-4, MHS, MHP

Bed and Breakfast Home or Inn or Short-Term Rental – Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the following criteria:

- (1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
- (2) No more than one B&B or short-term rental shall be operated on the property.
- (3) The B&B or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
- (4) The dwelling unit shall be limited to one rental contract at a time.
- (5) The Applicant/Owner shall reside on the property during periods of occupancy.
- (6) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the property owner and family.
- (7) No more than fifty (50) percent of a single-family dwelling shall be rented to overnight guests.
- (8) Such use shall be limited to detached single-family dwellings and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
- (9) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
- (10) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
- (11) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
- (12) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
- (13) If the Planning Commission receives two (2) substantiated noise or nuisance complaints, then the CUP is subject to revocation.