EVANSTON PLAN COMMISSION

Wednesday, February 15, 2012
7:00 P.M.

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, CITY COUNCIL CHAMBERS

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. ZONING TEXT AMENDMENT  11PLND-0026
   A consideration to amend portions of 6-4-7 “Bed and Breakfast Establishments” of the Zoning Ordinance of the Municipal Code, as proposed by the Bed and Breakfast Subcommittee of the Zoning Committee of the Plan Commission.

3. COMMITTEE REPORTS

4. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for WEDNESDAY, MARCH 14, 2012 at 7pm in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items are subject to change. Information about the Plan Commission is available online at: http://www.cityofevanston.org/plancommission. Questions can be directed to the General Planner, Craig Sklenar, at 847-448-8683 or by e-mail at csklenar@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community and Economic Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TTY).
To: Chair and Members of the Evanston Plan Commission

From: Craig Sklenar, General Planner

Subject: Bed and Breakfast Subcommittee recommendations and proposed revisions to the Zoning Ordinance

Date: February 10, 2012

The Bed and Breakfast Subcommittee of the Zoning Committee of the Plan Commission was able to provide a series of recommended changes and additions to the current B&B regulations described in section 6-4-7 of the Zoning Ordinance of the Municipal Code. Included in this packet are all the background materials provided to the subcommittee and minutes from those meetings and their results. The Legal Department has prepared a proposed revised ordinance that is included in this packet as well.
MEETING MINUTES
BED AND BREAKFAST SUBCOMMITTEE
OF THE ZONING COMMITTEE
OF THE PLAN COMMISSION
Wednesday, January 17, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2404

Members Present: Richard Shure, Stuart Opdycke (Chair), David Galloway, Seth Freeman

Members Absent: Kwesi Steele

Staff Present: Craig Sklenar, Dennis Marino, Ken Cox

Alderman Present: Mellissa Wynne, Judy Fiske

Presiding Member: S, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Opdycke called the meeting to order at 7:04 P.M.

2. APPROVAL OF DECEMBER 13, 2011 MEETING MINUTES

Commissioner Shure motioned for approval of the December 13 meeting minutes
Commissioner Peters Seconded the motion.

A voice vote was taken and the minutes were approved as written.

1. BED AND BREAKFAST DISCUSSION
Chairman Opdycke began the discussion of items relating to Bed and Breakfast regulation defined in the Zoning Ordinance. He felt that the subcommittee should go item by item as discussed at the December meeting. Those items included:

- Definition of a Bed and Breakfast
- Ownership
- Signage
- Parking: On-site parking requirements
- Special Events
- Allowable Guest Rooms:
- Additional Kitchens
- Maximum Days of Operation
- Special Use Permit
Definition of a Bed and Breakfast
Chairman Opdycke began discussions first concerning the definition of Bed and Breakfast. He asked Alderman Fiske what she would like to see the definition of the bed and breakfast to be defined.

Alderman Fiske felt that the current definition as defined in the Zoning Ordinance 6-4-7 is acceptable, but rather the regulations were what needed to be discussed for proposed changes.

Decision: Subcommittee members agreed that the definition in the Zoning Ordinance is appropriate.

Ownership
The general concern expressed about ownership centers around the percentage the operator owns that resides within the Bed and Breakfast.

Commissioner Freeman proposes that ownership should be 51% or greater.

Commissioner Opdycke felt that ownership should be at least 30%

Alderman Fiske felt 51% should satisfy ownership issues concerning the operator of the Bed and Breakfast.

Commissioner Freeman motioned that the definition of owner for the purposes of a bed and breakfast shall be the owners of a single family or two family residence that have great than 50% ownership in the property.

Commissioner Shure Seconds the Motion.

A voice vote was taken and the motion was approved.

Signage
It was determined by the subcommittee that control over signage should be left as is currently stated in the ordinance now, relying on the sign ordinance to guide regulation.

Parking: On-site parking requirements
Currently there are no parking requirements in the Bed and Breakfast regulations.

Alderman Fiske felt that it should depend on the size of the B&B that will determine parking regulations.

Commissioner Galloway motioned to require one off-street parking space per dwelling unit, plus one off-street parking space per guest room to be used for the purposes of a bed and breakfast.

Commissioner Opdycke seconded the motion.
A voice vote was taken and the motion was approved.

**Special Events**
There is a concern about events not in the event itself but the frequency, currently can have as many as they wish.

There was also a concern about allowing special events in a bed and breakfast at all.

A suggestion was made to limit the number of special events to a bed and breakfast to no more than 3 per calendar year.

Decision: No motion made, split consensus for and against special events. Even vote either to allow up to three events a year or none. It will be up to the Plan Commission to provide a recommendation to City Council concerning special events at a bed and breakfast.

**Allowable Guest Rooms:**
Currently, the zoning ordinance allows up to 5 bedrooms to be rented to registered guests in a bed and breakfast - this is the maximum allowed by Illinois state law.

Alderman Fiske proposed to restrict the number of guest rooms allowed in a home to be no more than 30% of the total number of bedrooms in a house, up to two rooms.

Alderman Wynne believed that allowing up to three or four bedrooms to be used in a home as guest rooms would be fair to a bed and breakfast operator.

Commissioner Opdycke motioned to allow no more than five guest rooms in any bed and breakfast. The owner of the property must reside in one of the bedrooms in the house.

Commissioner Freeman Seconded the motion.

A voice vote was taken and the motion was approved.

Decision: No more than five bedrooms to rent. Owner must occupy and must live in one of the bedrooms in the house. (e.g. a four bedroom house, only three of the rooms may be rented.)

**Additional Kitchens**
Alderman Fiske recommended to the subcommittee that only one primary kitchen should be allowed in a bed and breakfast.

Commissioner Galloway motioned to prohibit additional kitchens in a bed and breakfast other than what legally exists.

Commissioner Opdycke seconded the motion.

A voice vote was taken and the motion was approved.
Maximum Days of Operation
The subcommittee determined to not provide any new recommendations concerning maximum days of operation for a bed and breakfast.

Special Use Permit
Commissioner Opdycke motioned to tied the special use of a bed and breakfast with the owner of the property and not with the property itself.

Commissioner Shure Seconded the motion.

A voice vote was taken and the motion was approved.

Proximity between Bed and Breakfasts
Commissioner Opdycke Motioned to limit the proximity of a Bed and Breakfasts to no less than 900’ lot line to lot line.

Commissioner Shure Seconded the motion.

A voice vote was taken and the motion was approved.

3. ADJOURNMENT

Commissioner Opdycke motioned for adjournment

Commissioner Freeman Seconded the motion.

Meeting Adjourned at 8:50 PM

The next meeting to consider these items of recommendation will be a Plan Commission held on Wednesday, February 15, 2012 at 7:00 P.M., Evanston Civic Center, 2100 Ridge Avenue, Council Chambers.

Respectfully Submitted,
Craig D. Sklenar, AICP
General Planner, Community and Economic Development Department
A Bed and Breakfast Establishment is an owner/operator-occupied, single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation. The owner/operator/occupant(s) shall have legal or beneficial title interest in the subject property that exceeds fifty percent (50%). The following general requirements shall apply to Bed and Breakfast Establishments:

(A) Location: The Bed and Breakfast Establishments shall be located within and accessory to an owner occupied single-family or two-family residential structure.

(B) Maximum Bedrooms Allowed: Subject to the special use provisions in each zoning district, up to a maximum of five (5) bedrooms may be provided for registered guests. No additional bedrooms as living quarters for roomers, permanent guests, or other boarders shall be permitted in conjunction with the operation of a Bed and Breakfast Establishment.

(C) Maximum Stay: The maximum stay by any one guest shall be four (4) consecutive weeks.

(D) Cooking Limitations: Morning meals shall be the only meals provided for registered guests only. No cooking facilities shall be permitted in guestrooms. No additional cooking facilities may be installed after application for a Special Use Permit for a Bed and Breakfast Establishment.

(E) Room Locations: Rooms used for guests shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

(F) Guest Parking: Guest parking shall be provided either on site, in the rear off a public alley or along the curb abutting the lot but at no time shall guest parking be permitted in any front or side yard.

(G) Licensing: The resident owner shall obtain a license for the operation of a Bed and Breakfast Establishment from the City of Evanston Department of Health and Human Services. The license shall be granted for a period of one year commencing on the date of issuance. Thereafter, the license may be renewed for a one year period subject to a review by the City Council, through its Health and Human Services Committee.

(H) Revenue Collection: The resident owner/operator(s) shall comply with all the revenue collection ordinances of the City.

(I) Signage and Lighting: All signage and special lighting shall comply with the Sign Ordinance of the City.
Special Events: No special events (e.g.: weddings) may be held at any Bed and Breakfast Establishment unless the owner/operator/occupant(s) first obtains a Certificate of Zoning Compliance from the Zoning Administrator pursuant to Section 6-4-8 of this Code, as amended.

Distance: No Bed and Breakfast Establishment shall be permitted within nine hundred feet (900') of another Bed and Breakfast Establishment.

Special Use Non-transferable: Section 6-3-5-15-(C) of the Zoning Ordinance notwithstanding, any Special Use Permit for a Bed and Breakfast Establishment shall be deemed to relate to, and be for the benefit of, the owner/operator/occupant(s), rather than the use and lot in question, except when otherwise provided in the ordinance approving such a Special Use Permit.

6-4-8-3: PERMITTED TEMPORARY USE REGULATIONS:

(A) Residential Districts:

7. Special Events in Bed and Breakfast Establishments: Special events (e.g.: weddings) in Bed and Breakfast Establishments shall be allowed, provided that no more than three (3) such events shall be held within any twelve (12) month period.

6-16-1-2: EXEMPTION FROM OFF-STREET PARKING AND LOADING REQUIREMENTS FOR EXISTING BUILDINGS AND USES:

Changes in the use or intensity of use of a building and/or land area, which do not include construction of a new building, or building addition (i.e., increase in gross floor area), shall be exempt from the parking and loading requirements of this Chapter, except in the following cases:

(A) Changes in a use or intensity of a use regarding medical or dental offices in the Business, Commercial, Office or Transitional Manufacturing districts.

(B) Changes in use to Religious Institution in the Business, Commercial, or Downtown districts.

(C) Changes in use to Bed and Breakfast Establishment in any district.
6-16-3-5: TABLE 16-B: SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS:

| Bed and Breakfast Establishments | 1 space per guestroom plus 1 space for the owner/operator/occupant(s). For the purpose of satisfying this requirement, on street parking along the curb of the specific property may be counted. |


I. DECLARATION OF QUORUM
Chair Opdycke called the meeting to order at 7:05 p.m.

II. INTRODUCTIONS
The Chair welcomed the members and requested self-introductions and stated the purpose of the meeting: to explore a wide-ranging discussion of bed and breakfast establishments and their regulation in Evanston.

III. BED AND BREAKFAST DISCUSSION

Background
An extensive discussion occurred regarding the City’s history with bed and breakfast (B & B) regulations, including current regulations in the Zoning Ordinance and the possible need for changes to this section of the Ordinance. There were no actions taken or recommendations made during the meeting.

Ald. Fiske and Wynne discussed with the Committee a range of concerns regarding the existing B & B regulations that they regard as inadequate in meeting the legislative intent of allowing B & B’s. They also indicated that the existing regulations do not sufficiently protect single family residential neighborhoods.

DISCUSSION
The following issues were discussed:
- Definition of a B & B
- Ownership definition/threshold: wide range discussed up to 51% ownership requirement
- Signage: should be minimal and iconic if allowed
- Parking: on site parking requirements
- Special events: research on special events permits to be done
• Number of rooms to be allowed: Currently 5 bedrooms are allowed; range of restrictions discussed including 2 bedrooms or 30% of bedrooms in house; State of Illinois caps B & B’s at 5 bedrooms
• No additional kitchens to be allowed
• Legislative intent of existing zoning regulations described by some members as long term home owners forming B & B’s for two or more rooms
• Maximum days of operation per year: potential limits
• Special use should run with the operator, not the land
• Licensing of operator annually by Health Department but threshold of renewal based on different and lesser standards than a special use and does not include public participation
• Owner/operator should live in house for a certain period of time
• Other cities’ regulations of B & B’s discussed: Charlottesville, Virginia; Madison, Wisconsin; Spotsylvania County; Champaign County
• City’s experience with the 300 Church Street B & B application
• Cumulative effect of too many B & B’s in one neighborhood raised
• Advantages and disadvantages of a distance separation rule ranging from 500 feet to 1,500 feet, to address cumulative effect concerns
• Concerns about special events such as renting out a B & B for a wedding
• How to balance attractiveness of B & B’s with need to insure they do not negatively impact residential neighborhoods, especially single family neighborhoods

IV. NEXT STEPS
The Committee agreed to continue the discussion at the next meeting on Tuesday, January 17th at 7:00 p.m. before determining what form of text amendment would be most appropriate for a future public hearing to possibly propose amendments of the Zoning Ordinance.

V. ADJOURNMENT
The meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Dennis Marino
PLAN COMMISSION
BED & BREAKFAST SUBCOMMITTEE
Tuesday, January 17, 2012
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, ROOM 2402

AGENDA

1. CALL TO ORDER

2. INTRODUCTIONS

3. APPROVAL OF DECEMBER 13, 2011 MEETING MINUTES

4. BED AND BREAKFAST DISCUSSION
   a. Background
   b. Meetings to date
   c. Current Ordinance
   d. Proposed Changes to Date

5. NEXT STEPS

6. ADJOURNMENT

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MEMBERS PRESENT: Stuart Opdycke, Richard Shure

ALDERMEN PRESENT: Ald. Judy Fiske, Ald. Melissa Wynne

STAFF PRESENT: Ken Cox, Dennis Marino,

PRESIDING OFFICIAL: Stuart Opdycke

I. DECLARATION OF QUORUM
Chair Opdycke called the meeting to order at 7:05 p.m.

II. INTRODUCTIONS
The Chair welcomed the members and requested self-introductions and stated the purpose of the meeting: to explore a wide-ranging discussion of bed and breakfast establishments and their regulation in Evanston.

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DRAFT - NOT APPROVED
• Number of rooms to be allowed: Currently 5 bedrooms are allowed; range of restrictions discussed including 2 bedrooms or 30% of bedrooms in house; State of Illinois caps B & B’s at 5 bedrooms
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V. ADJOURNMENT
The meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Dennis Marino
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, November 30, 2011
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), David Galloway (Vice Chair), Richard Shure, Seth Freeman, Patricia Ledesma, Kwesi Steele, Stuart Opdycke (Assoc.), David Galloway

Members Absent: Barbara Putta, Lenny Asaro

Staff Present: Craig Sklenar, Ken Cox

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Peters called the meeting to order at 7:01P.M.

2. OLD BUSINESS

A.) 11PLND-0026 TEXT AMENDMENT TO THE ZONING ORDINANCE
Continued discussion from the October 26, 2011 meeting of the Zoning Committee of the Plan Commission:
“Discussion to amend the Bed and Breakfast definition in Chapter 18 of the Zoning Ordinance. The “owner-occupied” portion of the definition is the focus of further clarification by the committee.”

Alderman Judy Fiske (1st Ward), spoke to the Committee concerning her recommended changes to the existing regulations in the Zoning Code. These included:
- Limiting the number of bedrooms for rental to 2 (or no more than 30% of the bedrooms on a property including outlying dwelling units like a coach house)
- Requiring a minimum distance between B&Bs akin to spacing requirements in 6-4-4-4 of the Zoning Ordinance requiring Residential Care Homes in Residential Districts to be spaced no less than 900’ from each other.
- Clarify the definition of ownership
- Require a license, inspection and charge a fee for these services
- Prohibit basement apartments or rental units in conjunction with a B&B
- Explore increased off-street parking requirements

Her research included Madison, WI’s zoning ordinance.

Commissioner Freeman had a concern with the limitation to 2 bedrooms
Commissioner Galloway thought that limiting rental of rooms should be tied to the number of off-street parking spaces an applicant can provide.
Mary Singh, community resident, discussed the original intent of the B&B regulations that they were to help keep residents in their homes by providing an opportunity for income to help offset costs of homeownership.

She suggested to place a time requirement for living at the property before an owner may apply for a B&B License.

Commissioner Freeman agreed that corporations shouldn’t be able to purchase a home and run a B&B, that it could potentially change the character of a neighborhood. He expressed concern on putting distance limitations on B&B as it could limit the number of homes that could be helped to offset taxation burdens on homes, in the spirit of the original intent of the ordinance.

Commissioner Peters suggested there might be more than one class of B&B. That the committee should consider the smaller and larger impacts of B&Bs. Smaller impacts included number of people that could visit a B&B. Larger impacts included parking, signage and number of people hanging out at the B&B (special events, etc).

Commissioner Opdycke recommended that a subcommittee be formed to discuss the issue of B&B in more detail. He recommended that they would present to the Zoning Committee a draft of recommendations.

Commissioners Galloway, Steele, Opdycke agreed to be on the subcommittee.

Commissioner Opdycke motioned to form a subcommittee for the purpose to examine the entire definition of Bed and Breakfast and the ordinance as it relates.

Commissioner Galloway Seconded the motion.

A voice vote was taken and the Motion passed unanimously.

Alderman Fiske expressed the desire to move this issues expeditiously to the City Council, urged the subcommittee to meet as soon as possible. She asked that herself and Alderman Melissa Wynne (3rd Ward) be invited to the meetings.

Other Business:

Commissioner Peters motions to elect Commissioner Shure as the Chair of the Zoning Committee of the Plan Commission.

Commissioner Galloway Seconded the motion.

A voice vote was taken and the Motion passed unanimously.

3. **ADJOURNMENT**

Commissioner Freeman motions to adjourn
Commissioner Galloway Seconded the Motion.

Meeting Adjourned at 9:50 PM.
The next meeting of the Plan Commission will be **Wednesday, December 21, 2011** at 7:00 P.M., Evanston Civic Center, 2100 Ridge Avenue, Room 2200.

Respectfully Submitted,
Craig D. Sklenar, AICP
General Planner, Community and Economic Development Department
To: Members of the Zoning Committee of the Plan Commission

From: Craig Sklenar, General Planner

Subject: Continued Discussion of Zoning Regulations and Proposed Changes for Bed and Breakfast Enterprises that began during the October 26, 2011 meeting of the Zoning Committee of the Plan Commission

Date: November 23, 2011

November Update
Since the October 26, 2011 meeting of the Zoning Committee of the Plan Commission, Alderman Fiske has shared with Staff her additional comments concerning a change to the Ordinance that regulates the operation of a Bed and Breakfast. Her suggestions include:

- Limiting the number of bedrooms for rental to 2 (or no more than 30% of the bedrooms on a property including outlying dwelling units like a coach house)
- Requiring a minimum distance between B&Bs akin to spacing requirements in 6-4-4-4 of the Zoning Ordinance requiring Residential Care Homes in Residential Districts to be spaced no less than 900’ from each other.
- Clarify the definition of ownership
- Require a license, inspection and charge a fee for these services
- Prohibit basement apartments or rental units in conjunction with a B&B
- Explore increased off-street parking requirements

Chairman Peters has also provided to me a copy of the City of Louisville, KY’s code that defines and regulations Bed and Breakfast Inns in the city. I have attached this to this memo for your review. The regulations begin on page 8 (Section 4.2.9) of the document.

For your records a copy of the October 22, 2011 Memo has been attached as well.

Attachments
October 22, 2011 ZPC Memo
Evanston Bed and Breakfast General Zoning Regulations
City of Louisville, Kentucky Bed and Breakfast Inn Regulations
Memorandum

To: Members of the Zoning Committee of the Plan Commission

From: Dominick Argumedo, Zoning Planner

Subject: Discussion of Property-Owner Pertaining to the Operation of a Bed and Breakfast

Date: October 24, 2011

Aldermanic Referral
Alderman Wynne referred the portion of owner-occupied in the Bed and Breakfast definition of Zoning Committee for further clarification. The Alderman felt the intent of the original Bed and Breakfast owner definition would be to allow a single person—or individual family who lived on site to operate a Bed and Breakfast. The current definition allows a partial owner of an LLC to satisfy the owner-occupied portion of the Bed and Breakfast definition. Alderman Wynne would like the definition to be amended to only allow existing, on-site owners to operate a Bed and Breakfast.

Background
Owner is defined in the Zoning Ordinance as follows:
“Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to the whole or to part of a structure or land.”

The Bed and Breakfast Definition in the City of Evanston Zoning Code as follows:
“An owner-occupied single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation.”

There is not a separate owner definition for a Bed and Breakfast “owner” in the Zoning Ordinance. It is covered by the general definition of owner. This definition allows a partial owner of a Bed and Breakfast entity to operate such an establishment.

Attachments
Bed and Breakfast General Zoning Regulations
4. Window air conditioner units are permitted within ten feet (10') but not closer than five feet (5') of any side property line. (Ord. 66-0-09)

6-4-7: BED AND BREAKFAST ESTABLISHMENTS: A bed and breakfast establishment is an owner occupied single-family or two-family dwelling where short term lodging and morning meals are provided for compensation. The following general requirements shall apply to bed and breakfast establishments:

(A) Location: The bed and breakfast establishments shall be located within and accessory to an owner occupied single-family or two-family residential structure.

(B) Maximum Bedrooms Allowed: Subject to the special use provisions in each zoning district, up to a maximum of five (5) bedrooms may be provided for registered guests. No additional bedrooms as living quarters for roomers, permanent guests, or other boarders shall be permitted in conjunction with the operation of a bed and breakfast establishment.

(C) Maximum Stay: The maximum stay by any one guest shall be four (4) consecutive weeks.

(D) Cooking Limitations: Morning meals shall be the only meals provided for registered guests only. No cooking facilities shall be permitted in guestrooms.

(E) Room Locations: Rooms used for guests shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

(F) Guest Parking: Guest parking may be provided either on site, in the rear off a public alley or along the curb abutting the lot but at no time shall guest parking be permitted in any front or side yard.

(G) Licensing: The resident owner shall obtain a license for the operation of a bed and breakfast from the city of Evanston department of health and human services. The license shall be granted for a period of one year commencing on the date of issuance. Thereafter, the license may be renewed for a one year period subject to a review by the city council, through its health and human services committee.

(H) Revenue Collection: The resident owner shall comply with all the revenue collection ordinances of the city.
(I) Signage And Lighting: All signage and special lighting shall comply with the sign ordinance of the city. (Ord. 43-0-93)

6-4-8: TEMPORARY USES:

6-4-8-1: AUTHORIZATION: Subject to the limitations of this section 6-4-8, temporary uses shall be permitted in the zoning districts as hereinafter specified. No temporary use, however, shall be established unless a certificate of zoning compliance has been issued. (Ord. 43-0-93)

6-4-8-2: CERTIFICATE OF ZONING COMPLIANCE: An application for a certificate of zoning compliance shall be made to the zoning administrator in conjunction with any application for approval of a temporary use. A decision by the zoning administrator not to issue a certificate of zoning compliance may be appealed to the planning and development committee of the city council.

(A) Certificate Of Denial: In the event that an application for certificate of zoning compliance is denied, the zoning administrator shall state the specific reasons therefor and shall cite the specific provisions of this ordinance upon which such denial is based.

(B) Conditions On Certificate: The certificate may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this ordinance and to protect the public health, safety, and welfare.

(C) Revocation Of Certificate: The certificate may be revoked by the zoning administrator pursuant to section 6-3-10-6, "Revocation Of Certificate Of Zoning Compliance", of this title if any of the standards and conditions imposed by this section 6-4-8 are violated. (Ord. 43-0-93)

6-4-8-3: PERMITTED TEMPORARY USE REGULATIONS: Subject to the specific regulations and time limits indicated for each temporary use, and to the other applicable regulations of the zoning district in which the use is permitted, the following temporary uses, and no others, are permitted in the following zoning districts:

(A) Residential Districts:

    1. House, Apartment, Garage And Yard Sales: House, apartment,
To: Plan Commission Bed and Breakfast Subcommittee Members  
From: Craig Sklenar, General Planner  
Subject: Bed and Breakfast Research  
Date: December 12, 2011

Below is a matrix of various communities that regulate Bed and Breakfasts. Attached to this memo are copies of each community’s regulations concerning B&Bs.

<table>
<thead>
<tr>
<th>City</th>
<th>As-of-Right</th>
<th>Special Use</th>
<th>Parking Requirement</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urbana, IL</td>
<td>Only in Business Districts</td>
<td>B&amp;B Owner Occupied permitted as a special use in Residential Districts</td>
<td>1 space for every living or sleeping room, plus 2 if owner-occupied</td>
<td></td>
</tr>
<tr>
<td>Champaign Co., IL</td>
<td>Home Occupation – Requires License</td>
<td>1 space for every guest room</td>
<td>Considered Home Occupation and as an Accessory Use</td>
<td></td>
</tr>
<tr>
<td>Oak Park, IL</td>
<td>By Right – requires license from Health Dept.</td>
<td>1 space per dwelling unit plus 1 space per guest room</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Madison, WI</td>
<td>Allowed in all Districts</td>
<td>1 space per guest room, plus all off-street parking provided for owner vehicles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charlottesville, VA</td>
<td>Allowed in all Districts</td>
<td>0.3 Parking spaces per guest room.</td>
<td>3 different designations of B&amp;B based on intensity of use and ownership</td>
<td></td>
</tr>
</tbody>
</table>
Balcony: An upper-story platform open on at least one side and having a balustrade railing or other guard, which may either be recessed behind the face of the building or extend out from the building. The following are types of balconies:

A. Private Balcony: A balcony exclusively for the use of and accessible from only an individual dwelling unit.

B. Public Balcony: A balcony primarily for the use of ingress and egress, and accessible from two or more dwelling units and one or more vertical exitways. Public balconies shall meet minimum corridor width requirements of the building code and shall be limited in their use to that providing exit access.

Basement: That portion of a structure which is at least one-half below grade.

Bed and Breakfast Inn: A converted single-family detached dwelling in which rooms are rented to transient guests on an overnight basis. A dining area that is open to both guests of the Inn and to the public as a restaurant and retail sales are permitted activities within a Bed and Breakfast Inn if they are subordinate to the use of the Inn for lodging. (Ord. No. 9596-57, 11-20-95)

Bed and Breakfast, Owner Occupied: An owner-occupied single-family dwelling or part thereof where rooms are rented to transient guests on an overnight basis. A bed and breakfast shall be subordinate to the principal use as a single-family dwelling.

Block: Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, subdivided area, or other definite boundary.

Block Face: The total frontage measured in linear feet of lots on the same side of the street between the nearest intersecting streets. The concept being illustrated by the following:

The block face shall be considered to run from one cross street to the next cross street. A block face opposite of the cross street in a "T" intersection shall be considered to be a single block face and not two separate block faces. In the case of corner lots, the block face shall be measured using each individual frontage. In the case of a cul-de-sac, the block face shall be said to begin at the entrance to the cul-de-sac and continue along the same side of the street to the end of the cul-de-sac. (Ord. No. 9697-154, 6-16-97)
<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recreation</strong></td>
<td></td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>2 for every lane, and 1 for every 2 employees</td>
</tr>
<tr>
<td>Country Club</td>
<td>Based on specific uses within a facility and the corresponding</td>
</tr>
<tr>
<td></td>
<td>parking requirements</td>
</tr>
<tr>
<td>Driving Range or Miniature Golf</td>
<td>1 for every tee, plus 1 for every four employees</td>
</tr>
<tr>
<td>Golf Course</td>
<td>4 for every tee</td>
</tr>
<tr>
<td>Indoor Movie Theater</td>
<td>1 for every 5 seats</td>
</tr>
<tr>
<td>Lodge or Private Club</td>
<td>1 for every 2 bedrooms and 1 for every 50 sq. ft. area used</td>
</tr>
<tr>
<td></td>
<td>for assembly, dancing or dining</td>
</tr>
<tr>
<td>Outdoor Commercial Recreation Enterprises</td>
<td>1 for every 2,000 sq. ft. of lot area</td>
</tr>
<tr>
<td>Private Indoor Fitness/Recreational Development or Similar Uses</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td></td>
</tr>
<tr>
<td>Motor Bus Station</td>
<td>1 for every 400 sq. ft. of leasable floor area</td>
</tr>
<tr>
<td><strong>Vehicular Sales and Service</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile Accessories</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Gasoline Station</td>
<td>1 for every 300 sq. ft. of retail floor area; pump locations do</td>
</tr>
<tr>
<td></td>
<td>not count as parking spaces</td>
</tr>
<tr>
<td>All Other Vehicular Sales and Service Uses</td>
<td>1 for every 400 sq. ft. of floor area, and 1 for every 3</td>
</tr>
<tr>
<td></td>
<td>employees</td>
</tr>
<tr>
<td><strong>Miscellaneous Business</strong></td>
<td></td>
</tr>
<tr>
<td>Animal Hospital or Kennel</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Contractor Shop and Showroom</td>
<td>1 for every 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Self-Storage Facility</td>
<td>1 for every 100 storage units, no less than 2; must be located</td>
</tr>
<tr>
<td></td>
<td>next to main office</td>
</tr>
<tr>
<td>Warehouse or Similar Uses</td>
<td>1 for every 2,000 sq. ft. of lot area</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>1 for every living or sleeping room, plus 2 if owner-occupied</td>
</tr>
<tr>
<td>Boarding or Rooming House or Similar Uses</td>
<td>1 for every 2 residents</td>
</tr>
<tr>
<td>Community Living Facility (any type) or Home for Adjustment</td>
<td>1 for every employee on maximum shift, and one for every 4 members of the service dependant population</td>
</tr>
<tr>
<td>Dormitory</td>
<td>1 for every 3 residents</td>
</tr>
<tr>
<td>Hotel or Motel</td>
<td>1 for every living or sleeping room</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>1 for every 6 beds, and 1 for every 3 employees on maximum</td>
</tr>
<tr>
<td></td>
<td>shift</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>2 for every mobile home</td>
</tr>
<tr>
<td>Efficiency, One or Two Bedroom Multiple-Family Dwelling Unit</td>
<td>No less than 1 for every dwelling unit</td>
</tr>
<tr>
<td>Three Bedroom Multiple-Family Dwelling Unit</td>
<td>1.5 for every dwelling unit</td>
</tr>
<tr>
<td>Four Bedroom Multiple-Family Dwelling Unit</td>
<td>2 for every dwelling unit</td>
</tr>
<tr>
<td>More Than Four Bedroom Multiple-Family Dwelling Unit</td>
<td>2.5 for every dwelling unit</td>
</tr>
<tr>
<td>Single and Two-Family or Similar Uses</td>
<td>2 for every dwelling unit</td>
</tr>
<tr>
<td><strong>Industrial</strong></td>
<td></td>
</tr>
<tr>
<td>All Industrial Uses</td>
<td>1 for every 1,000 sq. ft. of floor area</td>
</tr>
</tbody>
</table>

Notes: The intent for multi-family dwellings is to provide parking at a rate of one-half space per person. However, in no case shall a dwelling unit have less than one parking space.

Accessory off-street parking may be located on a lot other than on the same zoning lot where the principal use is located as provided for in Section V-3.G
SECTION 7 ACCESSORY STRUCTURES AND USES

ACCESSORY STRUCTURES and USES customarily incidental to the MAIN or PRINCIPAL STRUCTURES are permitted in all DISTRICTS. In addition, the following standards for ACCESSORY STRUCTURES and USES shall apply:

7.1 NEIGHBORHOOD HOME OCCUPATIONS and RURAL HOME OCCUPATIONS

7.1.1 NEIGHBORHOOD HOME OCCUPATIONS as defined in Section 3, are permitted as an ACCESSORY USE subject to the following standards:

A. No more than one employee, in addition to family members, shall be present on the premises at any one time. No employees shall be present on the premises earlier than 8:00 a.m. or later than 6:00 p.m.

B. All business activities shall be conducted entirely indoors, and limited to the DWELLING and no more than one ACCESSORY BUILDING located on the LOT. The DWELLING or ACCESSORY BUILDING shall not be modified and no DISPLAY or activity shall be conducted that would indicate from the exterior that it is being used for any purpose other than that of a residential DWELLING or residential ACCESSORY BUILDING.

C. No SIGN other than a name plate not more than two square feet in area shall be permitted.

D. No storage of volatile liquids, flammable gases, hazardous materials, or explosives shall be permitted except as might be kept for normal household use in typical household quantities.

E. No more than three patrons, clients, congregants, or similar persons may be present on the premises at one time except:

i. up to 12 children may be present in day care homes;

ii. up to 12 clients, patients or other congregants may be present for religious services, group counselling, or similar purposes not more than three times in any seven day period nor more than twice in one day; and

iii. up to 12 patrons may be present at sales parties, open houses or similar events not more than once in any 30 day period;

iv. up to eight guests in no more than four guest rooms may be present at one time in a bed and breakfast establishment.
SECTION 7.1.1 NEIGHBORHOOD HOME OCCUPATIONS - CONTINUED

F. No patrons, clients, or other congregants shall be present on the premises earlier than 9:00 a.m. nor later than 10:00 p.m. except that day care recipients may be present as early as 6:30 a.m.

G. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernible at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with the exclusive residential use of a similar DWELLING.

H. Deliveries by truck shall be limited to no more than an average of one per week and a maximum of two in any given week for trucks no larger than a standard commercial delivery truck. Deliveries by semi-trailer trucks are prohibited.

I. Prohibited NEIGHBORHOOD HOME OCCUPATION Activities shall include:

   i. automobile and truck repair;
   ii. salvage, recycling and solid waste hauling;
   iii. sale of articles not produced on the premises except as provided in Section 7.1.1Eiii or as such sales are incidental to the provision of a service.
   iv. sales of guns and ammunition provided that a Gun Dealers License is obtained from the Federal Bureau of Alcohol, Tobacco and Firearms and sales are made by appointment only subject to the limitations of Section 7.1.1E.

J. Outdoor STORAGE or DISPLAY is prohibited.

K. No more than one commercial vehicle less than or equal to 36,000 pounds gross vehicle weight and no more than 25 feet in length shall be permitted on LOTS located in a residential zoning district as part of the NEIGHBORHOOD HOME OCCUPATION.

L. All NEIGHBORHOOD HOME OCCUPATIONS shall be registered with the Department of Planning and Zoning on forms prepared by the Zoning Administrator.

7.1.2 RURAL HOME OCCUPATIONS as defined in Section 3, are permitted as an ACCESSORY USE in any dwelling in the AG-1, Agriculture; AG-2, Agriculture; and CR, Conservation-Recreation Districts subject to the following standards:
Article 9 - DEFINITIONS

9.23 Bed-and-Breakfast

An owner-occupied residence providing accommodations for a charge to the public with no more than three guest units for rent, in operation for more than ten nights in a twelve-month period. Only the breakfast meal may be provided to the registered guests. The service of food to the public for a charge is otherwise prohibited. Bed-and-breakfast establishments shall not include motels, hotels, rooming or boarding houses or facilities, or food service establishments.

9.24 Boarding House

A building in which meals and sleeping quarters (but not cooking facilities) are provided by prearrangement for compensation on a weekly or longer basis for three or more people who are not members of the keeper's family. For purposes of this Zoning Ordinance, a boarding house shall not include a Residential-Care Home or Nursing Home.

9.25 Building

Any covered structure securely affixed to the land which is designed for the support, shelter, enclosure or protection of persons, animals, chattels or other tangible property.

9.26 Building Height

The vertical dimension of the building measured from the finished grade to the highest point of the roof if a flat roof; to the deck line if a mansard roof; and to the mean height level (between eaves and ridge) if a gable, hip or gambrel roof. The vertical dimension shall be measured at the center of the front façade or elevation. (See 7.2.3 Measurement of Building Height).

9.27 Building, Principal

A non-accessory building in which a principal use of the lot is conducted.

9.28 Bus-Passenger Station

Any facility for the storage or parking of motor-driven buses and the loading and unloading of passengers.

9.29 Caliper

Diameter of a tree.
Awning. An awning is a rooflike cover, temporary in nature, which projects from the wall of a building. (Am. by Ord. 9061, 1-15-87)

A Zones. A Zones are those areas shown on the flood plain zoning maps which would be inundated by the "base flood" or "regional flood" as defined herein. Such areas may be numbered as AO, A1 to A30, A99 or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area. (Cr. by Ord. 7094, 9-12-80)

Bar. For the purpose of this code, the term "bar" shall mean a counterlike object, located in a tavern, with or without accessory seating for customers, over which fermented malt beverages or intoxicating liquors are sold for consumption upon said premises. A cocktail service bar shall not be considered a bar. (Am. by Ord. 10,539, 11-23-92)

Base Flood. The base flood is a flood having a one percent (1%) chance of being equaled or exceeded in any given year. (Cr. by Ord. 7094, 9-12-80)

Base Flood Elevation. The base flood elevation is equal to that which reflects the height of the base flood as defined above. (Cr. by Ord. 7094, 9-12-80)

Basement. A basement is that portion of a building which is included between the surface of a floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and the floor of which is wholly or partly below ground level. (Cr. by Ord. 10,774, 11-16-93)

Bathroom. A room with lavatory, water closet and tub or shower. (Cr. by Ord. 5983, 9-30-77)

Bed and Breakfast Establishments means any place of temporary lodging that provides four (4) or fewer rooms for rent for a length of stay not to exceed three weeks, is the owner's personal residence, is occupied by the owner at the time of rental and while renters are on the premises, and in which the only meal served is breakfast. (Am. by Ord. 10,948, 7-30-94)

Bedroom. A bedroom is any room of a dwelling unit in excess of kitchens, bathrooms and one (1) living room, which meets the standards for habitability according to the Uniform Dwelling Code, Chapters ILHR 20-25, Wisconsin Administrative Code, or the Uniform Multifamily Dwelling Code, Chapter ILHR 66, Wisconsin Administrative Code. (Am. by Ord. 12,108, 5-4-98)

Bicycle-Sharing Facility. See Sec. 10.33(3)(a), MGO. (Cr. by ORD-11-00069, 5-31-11)

Block. A block is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the City.

Boathouse. As defined in Section 30.121(1)(a), Wis. Stats., boathouse means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts. (Cr. by Ord. 8627, 7-2-85)

Brewpub. A brewpub is a restaurant which manufactures up to five thousand (5,000) barrels of fermented malt beverages per year on premises for either consumption on premises, or off premises in hand-capped or sealed containers in quantities up to one-half barrel or 15-1/2 gallons sold directly to the consumer. Wholesaling shall be permitted only where authorized within the zoning code. (Cr. by Ord. 11,639, 7-29-96)

Brewery. A brewery is a building or portion thereof used for the manufacture of more than five thousand (5,000) barrels per year of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability. (Cr. by Ord. 11,639, 7-29-96)

Building. A building is any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by masonry or fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

Building, Completely Enclosed. A completely enclosed building is a building separated on all sides from the adjacent open space, or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
11. Accessory greenhouse and swimming pool roofs or domes which infringe on required usable open space. (Cr. by Ord. 4817, 12-24-74)

12. Rental of off-street parking facilities which are accessory to a nonresidential use to persons not using the principal use subject to the following provisions:
   a. That the parking facilities conform to the parking facility regulations in Chapter 28 and Chapter 10 of the Madison General Ordinances.
   b. That a certificate of occupancy be issued by the office of the Director of the Building Inspection Division prior to commencing such use. (Am. by Ord. 8081, 7-29-83)

13. Parking lots, open, nonaccessory and publicly or privately owned and operated for the parking of private passenger automobiles only subject to the applicable provisions of Section 28.11 provided that such site was paved as of January 1, 1977, or owned by the Parking Utility as of January 1, 1977, and that no principal building is located on said zoning lot. (Cr. by Ord. 5948, 8-15-77)

14. Community living arrangements, except those which are permitted under Section 28.08(2)(b)11, provided:
   a. That the loss of any state license or permit by a community living arrangement be an automatic revocation of that facility's use permit.
   b. That any use permit issued pursuant to this paragraph shall not be transferable to another location or another holder.
   c. That the applicant disclose in writing the capacity of the community living arrangement.

(Sec. 28.08(2)(c)14. Cr. by Ord. 5903, 7-7-77)  
(R. by Ord. 9581, 9-14-88)

15. Adult day care facility provided:
   a. That any use permit issued under this paragraph shall not be transferable to another location or another holder.
   b. That the facility pass the inspection of the Director of the Building Inspection Division and the Fire Prevention Division.

(Sec. 28.08(2)(c)17. Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)

16. Accessory buildings which exceed four (4) automobile stalls or 800 square feet. (Cr. by Ord. 8172, 12-15-83)

17. Bed and breakfast establishments provided:
   a. The establishment has a valid permit from the City Health Department.
   b. The only meal served is breakfast to registered guests.
   c. Off-street parking is available as required by Section 28.11(3)(i)6.d.
   d. No establishment shall be within 1000 feet of any other such establishment, measured lot line to lot line.
   e. Fire protection is approved by the Fire Department which may be more restrictive than State requirements.
   f. Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.

(Sec. 28.08(2)(c)19. Am. by Ord. 10,948, 7-30-94)
§ 23-2.1.4  

**Amusement arcade** means any location, premises, building, parcel, plot or lot where more than seven (7) coin-operated amusement machines (devices) are placed for use for entertainment purposes.

**Assisted living facility** means a residential facility for the elderly that provides living areas, meals, personal services, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. Services may be provided on a fee for service basis or as part of monthly rents.

**Automobile graveyard** means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated are placed, located or found.

**Banner sign** means any sign of lightweight fabric or similar material that is permanently mounted to a building by a permanent means. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Basement** means a portion of a building partly underground, but having less than one-half its clear height below the grade plane.

**Bed and breakfast** means the overnight accommodations and meals provided to transients for compensation in a building containing a dwelling unit occupied by the owner. Such rentals shall not exceed thirty (30) days at a time.

**Biosolids** means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution consistent with state law and regulations. For purposes of this article, biosolids does not include prepackaged biosolids sold commercially that are not otherwise regulated by Virginia Code § 5-585.10 et seq. Land application of biosolids is not permitted in the primary settlement area as defined in the Spotsylvania County Comprehensive Plan.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy.

**Building, accessory:** See Accessory use.

**Building group** means a group of two (2) or more main buildings and any uses accessory thereto, occupying a lot in one ownership and having any yard in common.

**Building height:** See Height, building.

**Building, principal** means a building in which is conducted the primary use of the lot on which it is situated.

**Bulk regulations** means regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.
Charlottesville, VA B&B

Bed and Breakfast ("B & B") means a temporary lodging facility operated within a residential dwelling, which is owner occupied and managed or having a resident manager, having no more than eight (8) guest rooms; and wherein food service shall be limited to breakfast and light fare.

Bed and Breakfast (Homestay) means a temporary lodging facility operated within a single family residence which is owner occupied and managed; having no more than three (3) guest rooms; and wherein food service shall be limited to breakfast and light fare for guests only.

Bed and Breakfast (Inn) means temporary lodging facility operated within a residential dwelling; which is owner occupied and managed or having a resident manager, having no more than (15) guest rooms; and wherein food service may be provided.

Parking Requirements

0.3 space per bedroom

Sec. 34-935. - Bed and breakfast establishments.

A bed and breakfast of any type, where allowed within a residential district, shall be subject to the following regulations:

(1) A bed and breakfast homestay shall be permitted only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling.

(2) In addition to the resident of the dwelling, not more than one (1) other person may be engaged in the activities of a bed and breakfast homestay and two (2) other persons in all other bed and breakfast categories. There must be one off-street parking space available for each staff person in addition to bed and breakfast off-street parking requirements.

(3) Delivers of supplies associated with the bed and breakfast shall occur only between the hours of 8:00 a.m. and 6:00 p.m.

(4) No mechanical or electrical equipment shall be employed within or on the premises, other than machinery or equipment customarily found in a residential dwelling.

(5) No outside display of goods, and no outside storage of any equipment or materials used in the bed and breakfast shall be permitted.

(6) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the bed and breakfast beyond the confines of the dwelling, or an accessory building, including transmittal through vertical or horizontal party walls.

(7) There shall be no sales of any goods, other than goods that are accessory to a service delivered on-premises to a customer or client of the business.

(8) All parking in connection with the bed and breakfast (including, without limitation, parking of vehicles marked with advertising or signage for the bed and breakfast) must be in the driveway, parking lot or garage areas on the premises.

(9) Off-street parking shall be provided in accordance with section 34-984.

(10) One (1) exterior sign, of dimensions no greater than two (2) square feet, may be placed on the exterior of the dwelling or an accessory structure to indicate the presence or conduct of the bed and breakfast. This sign may not be lighted. In all other respects the property from which the bed and breakfast is to be conducted must be in compliance with the sign regulations set forth within sections 34-1020, et seq. of this Code.

(11)
Except for the sign authorized by subparagraph (8) above, there shall be no evidence or indication visible from the exterior of the dwelling that the dwelling is being utilized in whole or in part for any purpose other than as a residential dwelling.

(12) Bed and breakfast establishments shall obtain a city business license (or a statement from the commissioner of revenue that no city business license is required) and a certificate of occupancy or other written indication from the city's building code official that use of the dwelling or accessory structure for the bed and breakfast is in compliance with all applicable building code regulations.

(13) The guest rooms shall be offered for rent or lease by the day. The maximum length of stay is limited to ninety (90) days in a three hundred sixty-five-day period.

(14) The owner or resident manager shall keep a current guest register including names, addresses, and the dates of occupancy of all guests.

(15) Where bed and breakfast establishments are allowed by special use permit, the planning commission may, for reasonable cause shown, grant an exception to, expand or modify the requirements above upon finding that strict application of these standards would not further the purposes of this chapter or otherwise serve the public health, safety, welfare, or that alternatives proposed by the owners would satisfy the purposes of these regulations to at least an equivalent degree.
4.2.9 Bed and Breakfast Inns

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, TNZD (in effect within Louisville Metro only), R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2, and W-3 (Note: Revision proposed by Louisville Bed and Breakfast Association) Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. No more than nine (9) guest rooms shall be permitted, and a maximum of two adults shall be allowed per guest room. However, the Board of Zoning Adjustment may impose a lower limit on the number of guest rooms after considering the size of the building, the size of the property, the economics of the proposal, and the effect on surrounding properties.

B. Guests are limited to a length of stay no more than 14 consecutive days. The resident innkeeper or owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.

C. Bed and Breakfasts may provide food service or space for indoor meetings provided all applicable food service and capacity regulations are complied with. No food preparation is allowed in any guest bedroom.

D. Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board.

E. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.

F. The location of parking shall comply with the same parking standards as a single family detached dwelling unit, except any additional parking beyond what can be accommodated in a driveway no wider than to sufficiently park two (2) cars must be out of the required setback and yards as specified in the underlying Form District requirements. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure.

G. Conditional use permits for Bed and Breakfast Inns in residential zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determines, in its discretion to be appropriate.

4.2.10 Blood/Plasma Collection Center