

Adopted _____ by Town of Pendleton Resolution _____ in its entirety

§247-47 **Bed-and-Breakfasts**

A. Purpose.

The Town Board recognizes that popularity has risen with regard to the rental of rooms on a temporary basis and on occasion providing breakfast to the renter, which has become known as a "bed-and-breakfast residence or inn." The Town Board has determined that the permission for such incidental use of an existing residence should not create a detriment to the surrounding residences, provided the same is properly regulated.

B. Definitions; regulations.

Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BED-AND-BREAKFAST RESIDENCE

A residence with living quarters within the principal building for the temporary use of guests of the occupants of the premises, which living quarters shall not be a dwelling unit and which are not rented or otherwise leased as separate dwelling units.

C. Regulations.

- (1) Bed-and-breakfast permits shall only be granted for residences in an R2 Zone and for existing residences (at the time this chapter is adopted) in a commercial zone which are used solely for residential purposes. Any property in a commercial zone which has any commercial activity shall not be allowed to operate a bed-and-breakfast.
- (2) No building permit for an addition to the principal structure may be issued within three (3) years of any granting of a bed-and-breakfast permit. No bed-and-breakfast **Special Use Permits** may be granted within three (3) years of the issuance of a building permit for an addition to the principal structure.
- (3) The quarters to be utilized by the guests or the occupants of the premises shall not be permitted in any accessory structure.
- (4) The principal building in which the use is permitted shall be occupied by the owners as their principal residence.
- (5) The use by guests shall be temporary only and limited to a maximum of fourteen (14) days for any one (1) guest.
- (6) A maximum of three (3) bedrooms and nine (9) guests shall be allowed.
- (7) At least one (1) bathroom shall be provided for each six (6) guests.
- (8) At least one (1) smoke detecting device shall be located in each bedroom.

- (9) At least one (1) fire extinguisher shall be located in every hallway.
- (10) Emergency lighting shall be provided in every hallway leading to an exit.
- (11) The serving or providing of meals to paying guests shall be limited to breakfast.
- (12) One (1) off-street parking space shall be provided for each room or rooms designated as a living quarter, in addition to the off-street parking spaces for the residence.
- (13) Signs shall be limited by **Chapter 247, Zoning**.

D. Special Use Permit.

- (1) The structure to be used must comply with all state, county and local health and building codes and permits.
- (2) The standards and regulations governing this use shall not be construed to exclude the requirement for further conditions and standards as determined as necessary for granting a Special Use Permit.
- (3) Such use shall be considered as a Special Use and shall require a Special Use Permit granted by the Planning Board.

E. All Bed-and-Breakfast Applications shall be subject to Planning Board Site Plan Review per Section 247-54.

- (1) Environmental Review (SEQR) is required.
- (2) Public Hearing is required.
 - a) 400 feet notification is required.

F. A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation/violations.

G. Application for a Special Use Permit shall be accompanied by a fee of two hundred fifty dollars (\$250). The Town Building Inspector/Code Enforcement Officer shall inspect the premises for compliance with all applicable codes before any permit is granted.

H. Fees.

- (1) Once a Special Use Permit is granted, the Bed-and-Breakfast will be subject to an annual inspection by the Building Inspector/Code Enforcement Officer. An annual inspection fee of

fifty dollars (\$50) payable prior to inspection is required.

(2) See **Chapter 131** to verify current fees.

I. Penalties for offenses.

Every person, firm, or corporation convicted of a violation of any provision of this chapter shall be punished by a fine of not more than two hundred fifty dollars (\$250) or imprisonment for not more than fifteen (15) days, or both. Each and every day that a violation of this chapter is permitted to exist by an owner of a bed-and-breakfast residence shall constitute a separate offense.

PENDING APPROVAL