

Chapter 104

Bed-And-Breakfasts

[**HISTORY: Adopted by the Town Board of the Town of Pendleton 6-29-1993. Amendments noted where applicable.**]

GENERAL REFERENCES

Zoning — See Ch. 247.

§ 104-1 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.

§ 104-2 Definitions; regulations.

A. 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.

B. 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 permit 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.

§ 104-3 Permits.

- A. The structure to be used must comply with all state, county and local health and building codes and permits.
- B. 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 any permit.
- C. Such use shall be considered as a special exception and shall require a special use permit granted by the Town Board.
- D. Application for a permit shall be accompanied by a fee of two hundred fifty dollars (\$250.). The Code Enforcement Officer shall inspect the premises for compliance with all applicable codes before any permit is granted.
- E. Such permit, when granted, shall be good for one (1) year and renewable after an inspection by the Code Enforcement Officer and the submittal of a renewal fee of fifty dollars (\$50.).

§ 104-4 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.