

Tourist Home/Bed and Breakfast Special Exception Conditions

(In the following text, any reference to a Tourist Home, shall also apply to a Bed & Breakfast establishment)

Definitions:

Bed and Breakfast Establishment: means an operator occupied residence which provides up to seven (7) guest rooms to the public for a fee, and as part of the fee, provides breakfast and sleeping accommodations on a temporary basis (i.e., no more than thirty (30) consecutive days to a particular guest). The term does not include hotels, motels, boarding houses, or food service establishments.

Guest Room: means any room in a Tourist or in a Bed and Breakfast establishment that is equipped and/or intended for use as a bedroom, including rooms equipped with sleeper sofas.

Home Stay: means a single-family residence that is occupied by the owner and that is used to provide up to two (2) guest rooms to the public for a fee (note: Home Stay uses are subject to the Home Occupation Requirements).

Tourist Home: means a building in which not more than five (5) guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

Operation of a Tourist Home requires BOTH a Special Exception AND an annually renewable permit.

In deterring whether a proposed Tourist Home use will subvert the spirit, intent or general purposes served by the relevant Zoning Ordinance or, substantially or materially and permanently injures other property or appropriate uses in the same area, vicinity or neighborhood, or, serve the public convenience and welfare, the Board shall impose the following conditions:

Conditions

- A. The Tourist Home building and equipment shall comply with all relevant health, housing, and Building rules, standards and permit requirements.
- B. The Tourist Home shall be maintained and operated, at all times, in a manner that does not create a health, safety, or fire hazard or other nuisance to the neighboring properties, uses, or residents.
- C. Tourist Homes may be used only for the overnight residential accommodations of the approved number of guests. In addition to the guest room limitation contained in the definition of a Tourist Home, the number of guests occupying the Tourist Home shall not exceed one guest per fifty (50) square feet of guest area; four (4) guest per room regardless of room size, and ten (10) guests regardless of Tourist Home Size. A guest is an individual of any age.

- D. Tourist Homes may not be occupied if substandard conditions of maintenance are found to exist. Without limitation, substandard conditions of maintenance result from a failure to comply with any of the following minimum Tourist Home standards: adequate smoke detectors and fire rated extinguishers; safe heating systems; intact window and door glass; structural soundness; hot and cold running water; functional washing and bathing facilities; and safe water supply (public, or if private, annually tested and approved by a certified laboratory)
- E. The sewage disposal facilities that serve the Tourist Home shall be of sufficient size and suitable condition, as determined and approved by the Brown County Health department, to safely handle the effluent generated by the occupants and by the approved number of guests.
- F. A Tourist Home shall comply with the off-street parking requirements applicable to both the residential uses, if any, and the Tourist Home uses of the Tourist Home building.
- G. Off street parking spaces shall be arranged so that guests and/or occupants of the Tourist Home will not be required to back onto or off of any public road or alley in order to access property.
- H. All Tourist Homes shall have access without easements to a state highway or county maintained road. The access driveway shall be of sufficient width and condition to accommodate emergency services vehicles and equipment.
- I. Within the county jurisdictional area, all Tourist Homes shall be located no closer than six hundred sixty (660) feet from an existing residence and no closer than two thousand six hundred forty (2640) feet from an existing Tourist Home.
- J. Only one (1) Tourist Home building shall be located on a lot or plat and no other businesses or industrial use may be conducted on the Tourist Home lot, unless the Tourist Home is located in a General Business Zone. No Tourist Home shall be permitted in a private Recreational Development.
- K. Each Tourist Home shall have a local manager who posses the authority and ability to promptly address and correct any violations of the conditions, use requirements, and/or limitations applicable to the Tourist Home. The name, address, and telephone number of the local manger shall be registered with the Area Plan Office and shall be placed in a conspicuous area of the Tourist Home.

- L. Discharge of firearms, fireworks or weapons of any kind by guests is prohibited.
- M. A description of the Tourist Home boundary lines shall be clearly identified and shall be available to the occupants of the Tourist Home.
- N. Only (one) 1 sign (non-illuminated, maximum area of four (4) feet) may be allowed per Tourist Home, even if the Tourist Home is located on a corner lot.
- O. Operation of a Tourist Home requires an annual permit. A fee of \$30 shall be charged for the permit and the initial Inspection. Permits shall not be issued until Inspection criteria have been fulfilled. If the Tourist Home does not meet the Inspection criteria, an additional \$30 shall be charged for each subsequent inspection. If upon a second inspection, the Inspection criteria have not been fulfilled, a permit, subject to annual review, shall be suspended and the Tourist Home operation shall cease and the Special Exception be subject to review by the BZA.
- P. Tourist Homes shall be inspected annually by the County Planning Office.
- Q. Tourist Homes shall be provided with a working telephone.

The foregoing list of conditions are not exclusive and not intended to limit the Board. The Board may apply or impose other reasonable conditions as each situation warrants.

Conditions

The attachment of reasonable conditions to the use and development of land within the County Jurisdictional Area as part of the approval of rezoning petitions, special exceptions, conditional uses, home occupations, temporary uses, variances, outline plans, development plans, plat vacations and amendments, or as otherwise authorized, is an exercise of valid police power delegated to the County by the State. The applicant has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the County and to the safety and general welfare of present and future landowners and citizens of the County. The failure to comply with any such conditions may be cause for denial of permits and approvals prescribed by these regulations and shall constitute a violation of the Zoning Ordinance.

Violations

The erection, demolition, conversion, construction, enlargement, moving or maintenance of any such structure, or use of any land, structure, or premises, which is contrary to any requirement, condition or commitment imposed or made by the Board, Commission, administrator or applicant under the provisions of this ordinance, is hereby declared to be a common nuisance and an unlawful violation of this ordinance.

Authorized Remedies for Violations

revoke the permits, certificates and/or approvals that have been violated.