

LOCAL LAW NO. ____ OF 2015

**CITY COUNCIL
CITY OF BEACON, NEW YORK**

**LOCAL LAW AMENDING THE
ZONING CHAPTER OF THE CITY CODE WITH RESPECT TO
BED-AND-BREAKFAST ESTABLISHMENTS AND TOURIST HOMES**

BE IT ENACTED by the City Council of the City of Beacon as follows:

SECTION 1. TITLE

This local law shall be entitled, "A Local Law Amending the Zoning Chapter of the City Code with Respect to Bed-and-Breakfast Establishments and Tourist Homes."

SECTION 2. INTENT AND PURPOSE

The City Council believes that it is reasonable and appropriate to update and amend the provisions of the Zoning chapter of the City Code with respect to bed-and-breakfast establishments and tourist homes. This local law is determined to be an exercise of the police powers of the City to protect the public health, safety and welfare of its residents.

SECTION 3. ZONING CHAPTER AMENDMENTS

- 1. The following definitions in Section 223-63 shall be revised to read as follows:**

BED-AND-BREAKFAST ESTABLISHMENT (B&B)

A detached one-family dwelling unit that also contains a maximum of three to five guest rooms; where repeated short-term lodging with or without food and drink is provided or offered to transient guests for compensation, and where the owner resides on the same parcel. ~~Seating for food and beverage service shall be limited to the maximum occupancy of the bed and breakfast establishment. The lodging provided shall be for periods of less than two weeks in duration. The maximum number of guest bedrooms at a bed and breakfast establishment shall be six, except that the approval authority may, at its discretion, allow additional guest bedrooms up to a maximum of 10. The term "bed-and-breakfast establishment" shall not include "hotel," "inn," "boardinghouse," "rooming house," "tourist home" or "single room occupancy building" for the purposes of this chapter.~~

TOURIST HOME

A dwelling that contains a maximum of one or two guest rooms where repeated short-term lodging with or without food and drink is, except a hotel, boardinghouse or rooming house, as defined elsewhere in this chapter, in which overnight accommodations are provided or offered tofor transient guests for compensation. The term “tourist home” shall not include “bed-and-breakfast establishment,” “hotel,” “inn,” “boardinghouse,” “rooming house” or “single room occupancy building” for the purposes of this chapter.

2. The following new definition shall be added to Section 223-63:

OWNER

In instances where owner-occupancy is required, an “owner” is any person, partnership, corporation or beneficiary of a trust which is listed on the deed of a property.

3. Section 223-24.4 shall be revised to read as follows:

§ 223-24.4 Bed-and-breakfast establishments.

- A. The minimum number of guest bedrooms at a bed-and-breakfast establishment shall be three, the maximum number of guest bedrooms shall be five, and the maximum number of guests shall be 10 at any given time. In the residential zoning districts enumerated in § 223-2A of this chapter the minimum lot size for the establishment of this use shall be as shown in the following table40,000 square feet.:

<u>Maximum Number of Guest Bedrooms</u>	<u>Minimum Lot Size (square feet)</u>
<u>3 or 4</u>	<u>15,000</u>
<u>5</u>	<u>20,000</u>

- B. In the residential zoning districts enumerated in § 223-2A of this chapter the number of off-street parking spaces provided shall be in accordance with § 223-26F. Said off-street parking accessory to this use shall be screened from adjacent residential properties to the satisfaction of the approval authority. Notwithstanding the above, in other zoning districts the parking requirement in § 223-26F may be modified or eliminated by the approval authority, in its discretion, based upon information submitted by the applicant or otherwise in the public record, demonstrating that there is sufficient public parking available within 800 feet of the site to meet the foreseeable parking needs of the proposed use and surrounding uses.

- C. The outward appearance of the use shall be that of a one-family dwelling and there shall be no indication of the bed-and-breakfast establishment from the exterior of the building, except for the sign. ~~A separate entrance into the building for the bed and breakfast use shall not be permitted.~~
- D. Seating for food and beverage service shall be limited to the maximum occupancy of the bed-and-breakfast establishment.
- E. The lodging provided for any particular guest shall not exceed~~be for~~ periods of less than 30 days~~two weeks~~ in duration during any 60-day period.
- ~~F. The maximum number of guest bedrooms at a bed and breakfast establishment shall be six, except that the City Council may, at its discretion, allow additional guest bedrooms up to a maximum of 10 where the Council determines that the size and shape of the lot on which the establishment is proposed can accommodate the additional patrons and parking.~~
- F. There shall be no kitchen facilities in the guest bedrooms except for a coffee maker and a small refrigerator.
- G. The bed-and-breakfast establishment shall be owner-occupied, and an owner shall reside in the B&B as his/her primary residence. An owner or an employee of the bed-and-breakfast establishment shall be on premises the majority of the time while a guest is on the premises of said establishment.
- H. The bed-and-breakfast establishment shall have a valid New York State sales tax identification number. Said establishment shall maintain a current register of all guests.
- I. Only bed-and-breakfast establishments which have been approved by the City in accordance with this section may advertise said lodging.
- J.G. Renewal inspections.—Each bed-and-breakfast establishment shall be inspected by the Building Department every two years in order to determine whether the establishment remains in compliance with this section. Upon a satisfactory inspection report, the bed-and-breakfast establishment owner shall be reissued a certificate of occupancy for the bed-and-breakfast operation. In the event that the inspection indicates that the bed-and-breakfast establishment is no longer in compliance, said~~the~~ certificate of occupancy shall be revoked until the violations are cured.

4. In the Schedule of Regulations for Residential Districts associated with Section 223-17C the following new Permitted Principal Use shall be added and shall read as follows:

23. Tourist home, subject to § 223-26.4.

5. The following new Permitted Principal Use in the CMS Central Main Street District in Section 223-41.18A shall be added and shall read as follows:

(24) Tourist home – site plan review not required.

6. The following Permitted Principal Use in the L Linkage District in Section 223-41.21A shall be amended to read as follows:

(9) ~~Reserved.~~ Tourist home – site plan review not required.

7. Section 223-25A shall be amended to read as follows:

A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26F hereof, shall be permitted, other than one-family dwellings and tourist homes, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

8. A new Section 223-26.4 shall be added and shall read as follows:

§ 223-26.4 Tourist homes.

A. The operation of a tourist home shall not commence until the operator has registered the tourist home with the Building Department and has obtained a certificate of occupancy for the tourist home from said department.

B. The maximum number of guest rooms in a tourist home shall be as shown in the following table:

<u>Type of Home</u>	<u>Maximum Number of Guest Bedrooms</u>
<u>2 or 3-Bedroom</u>	<u>1</u>
<u>4-Bedroom and Larger</u>	<u>2</u>

- C. In the residential zoning districts enumerated in § 223-2A of this chapter no tourist home shall be located on a lot which is within 500 feet of another lot occupied by such an establishment.
- D. There shall be no indication of the tourist home from the exterior of the building.
- E. There shall be no kitchen facilities in the guest bedrooms except for a coffee maker and a small refrigerator.
- F. The lodging provided for any particular guest shall not exceed 14 days in duration during any 30-day period.
- G. The tourist home shall be owner-occupied or, with the written consent of the landlord, may be renter-occupied. Said owner or renter shall reside in the tourist home as his/her primary residence. A home shall not qualify to become a tourist home if any of said owners or renters is also an owner or renter of an existing tourist home. Notwithstanding the definition of "owner" in this chapter, a tourist home shall not be owned or rented by a partnership or corporation.
- H. An operator of the tourist home shall be on premises for the majority of the time while a guest is on the premises of said tourist home.
- I. Only tourist homes which have been approved by the City in accordance with this section may advertise said lodging.
- J. Each tourist home shall be inspected by the Building Department every two years in order to determine whether the establishment remains in compliance with this section. Upon a satisfactory inspection report, the tourist home owner shall be reissued a certificate of occupancy for the tourist home operation. In the event that the inspection indicates that the tourist home is no longer in compliance, said certificate of occupancy shall be revoked until the violations are cured.

9. **In the Section 223-26F, the following listed use and parking requirement shall be revised to read as follows:**

Use	Minimum Off-Street Parking
Bed-and-breakfast establishment; rooming house or boardinghouse	1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee

10. Section 223-24.1B shall be revised to read as follows:

- B. Owner occupancy required. ~~An~~The owner of the single-family lot upon which an accessory apartment is located shall occupy at least one of the dwelling units on said lot.

SECTION 4. RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Zoning chapter of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 5. NUMBERING FOR CODIFICATION

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 6. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Dated: _____, 2015