

## **Bed and Breakfast Establishments:**

The American Planning Association (APA) and the American Bed and Breakfast Association (ABBA) have recommended breaking the definition of Bed and Breakfast into two separate definitions. The first is a "Bed and Breakfast (homestay)" which is a private, owner occupied residence with one to three guestrooms. The second is a "Bed and Breakfast (inn)" is operated primarily as a business with four to twenty rooms, even through the owner may live on the premises. Communities can choose one or both types (homestay/ inn) different districts and methods (by-right special permit or prohibited) given the desires of the community. Most zoning by-laws for the Bed and Breakfast use have restrictions on the length of stay (in order to differ Bed and Breakfasts and boarding homes). The typical range of such a restriction is two to four weeks. Another common restriction is on food preparation; most by-laws limit food service to breakfast for guests only.

There are several different ways of drafting zoning amendments to a communities zoning by-law. How the by-law is structured, easy of reading and desires of the individual community should be considered when using an example from another town or a model by-law. The amendment can either be worked into the existing regulations (Version 1) or written as a freestanding article or overlay district (Version 2). While free standing or overlay articles are often easier to package for a town meeting or city council vote they often over time lead to a fragmented zoning by-law which is not easy to read.

### **Version 1 Integrated Example By-Law:**

#### **ARTICLE A.**

*Change to the definitions section by adding Bed and Breakfast (homestay) to the By - Laws.*

**Bed and Breakfast (homestay):** a private owner occupied residence with one to three guestrooms. The bed and breakfast homestay is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than fourteen (14) days in any one-year period.

#### **ARTICLE B.**

*Change to Use Regulations by adding Bed and Breakfast (homestay) to the zoning by-laws.*

#### **DISTRICT**

**ACCESSORY USE RA RB RC CA CB I**

Bed and Breakfast (homestay) SP SP P P SP P

A = Allowed by right

SP = Special Permit

P = Prohibited

### **ARTICLE C.**

*Change to Sign section of the by-law by adding a paragraph to cover Bed and Breakfast (homestay) sign requirements to the zoning by-laws.*

#### **xx. Signs in residential district(s):**

For each bed and breakfast (homestay), one small-unlighted announcement sign not exceeding three square feet in area may be attached to and parallel with the front porch or wall of the building.

### **ARTICLE D.**

*Change to parking section of the by-law by adding a section to address the Bed and Breakfast homestay use.*

#### **xxx. Parking requirements:**

##### **Use Requirement**

Bed and Breakfast (homestay): one space per guestroom plus two spaces for residence. Spaces shall be located to the side and rear of the building and shall be screened from adjacent properties by a four-foot high wood or masonry fence or by sight- obscuring vegetation of the same height.

### **ARTICLE E.**

*Add new section to by-law or a subsection of the use regulations.*

#### **xxxx. Bed and Breakfast (homestay):**

Bed and breakfast (homestay) operations shall be subject of the following regulations:

- a. The only meal to be provided guests shall be breakfast, and it shall only be served to guest taking lodging in the facility.

- b. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- c. No exterior alterations other than sign (see section --) and those required by law to ensure the safety of the structure shall be made.
- d. The homestay operation shall not use more than fifty (50%) percent of the floor area of the principal residence. Common areas such as the kitchens are not included in this calculation.

## **Version 2 Overlay Example By-Law:**

### **ARTICLE A.**

*Change to the definitions section by adding Bed and Breakfast (homestay) to the By - Laws.*

**Bed and Breakfast (homestay):** a private owner occupied residence with one to three guestrooms. The bed and breakfast homestay is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than fourteen (14) days in any one-year period.

### **ARTICLE B.**

*Add the following new section to the By -Laws.*

#### **Section X. Bed and Breakfast (homestay):**

##### **X.1 Purpose:**

The purpose of this section is to preserve the existing housing stock and neighborhood character while providing efficient use of larger homes and providing flexibility to respond to changing household sizes and needs.

##### **X.2 Powers and Administrative Procedures:**

The (choose one of the following (Planning Board/ Board of Appeals/ Board of Selectmen)) is hereby designated the Special Permit Granting Authority (SPGA) for Bed and Breakfast (homestay). The SPGA shall adopt rules relative to the issuance of special permits for Bed and Breakfast (homestay) and file a copy with the Town Clerk. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of

the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such applicable as the SPGA finds reasonably appropriate to improve the site design as based on Section 15.4, traffic flow, safety and or otherwise serve the purpose of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

### **X.3 Applicability:**

Within \_\_\_ districts, no bed and breakfast (homestay) special permit shall be granted unless the application and site plan meet the requirements contained in Section X.4 and the SPGA's Rules and Regulations for Bed and Breakfast (homestay) applications.

### **X.4 Requirements:**

A bed and breakfast (homestay) operation shall be allowed by special permit be subject of the following requirements:

- a. The only meal to be provided guests shall be breakfast, and it shall only be served to guest taking lodging in the facility.
- b. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- c. No exterior alterations other than sign (see e below) and those required by law to ensure the safety of the structure shall be made.
- d. The homestay operation shall not use more than fifty (50%) percent of the floor area of the principal residence. Common areas such as the kitchens are not included in this calculation.
- e. For each bed and breakfast (homestay), one small-unlighted announcement sign not exceeding three square feet in area may be attached to and parallel with the front porch or wall of the building.
- f. One parking space per guestroom plus two parking spaces for residence shall be provided.
- g. Spaces shall be located to the side and rear of the building and shall be screened from adjacent properties by a four-foot high wood or masonry fence or by sight- obscuring vegetation of the same height.
- h. No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total

cutoff of all light at less than ninety (90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed.

**X.5 Compliance:**

- a. An as built, certified by a registered professional land surveyor or engineer shall be submitted to the SPGA and Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.
- b. Any changes in the approved special permit shall be submitted to the Planning Board for review and approval prior to issuance of permanent occupancy permit.
- c. The special permit is granted for a period of two years and shall lapse if substantial use or construction has not been commenced by such date, except for good cause shown and provided that said construction once begun shall be actively and continuously pursued to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

**X.6 Appeals:**

Any person aggrieved by a decision of the Planning Board under Section X may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.