

## **Section 17.49 - BED AND BREAKFAST SPECIAL PERMIT AND TRANSIENT LODGING**

### **17.49.010-PURPOSE**

The purpose of this ordinance is to:

- A. Provide opportunity for a more economic use for underutilized residences, and to preserve larger historically significant residences by allowing an appropriate accessory use compatible with the residential character of the neighborhood;
- B. Support tourism activity in Winthrop without unduly changing the residential character or inconveniencing residents;
- C. Discourage the current illegal and possibly unsanitary operation of unlicensed boarding homes or rooming houses by providing clear standards for the operation of bed and breakfast establishments as defined herein.

(Ord. of 6-6-11(2))

### **17.49.020-RELATIONSHIP TO EXISTING ZONING**

- A. The Board of Appeals shall be the Special Permit Granting Authority for accessory B&B special permits in the following districts: Residential A (RA), Residential B (RB), Center Business (CB), Business A (BA), Waterfront (WF).
- B. It shall be unlawful to conduct a bed and breakfast use, whether new or a continuation of an unlawful commercial use in operation the effective date of this ordinance without a special permit from the Board of Appeals.

(Ord. of 6-6-11(2))

### **17.49.030-DEFINITIONS**

"Bed and Breakfast (B&B)" – Means an accessory home occupation use within a private residence, providing no more than four (4) guest bedrooms available for overnight guests at a fee that includes breakfast.

"Breakfast" – Shall include the so-called "continental breakfast," consisting of non-alcoholic hot and cold beverages and baked goods prepared on- or off-site, and customary breakfast foods prepared on-site as may be allowed by a food service permit from the Board of Health.

"Transient Lodging" – Means an accessory home occupation use within a private, owner occupied single family or the owner occupied unit of a two-family resident for overnight guests at a fee.

(Ord. of 6-6-11(2))

17-49-040-SPECIAL PERMIT CONDITIONS

- A. The B&B or Transient Lodging residence shall be the principal residence of the owner-operator to be substantiated through the submission of an affidavit by the B&B owner or Transient Lodging owner that states that said dwelling is the primary
  - a. Residence of the owner of operation and is responsible for the guest(s) and use contemplated herein.
  
- B. The owner shall be on premises at all times when services are being provided, which is defined as overnight and during hours when breakfast is served.
  - i. B&B: overnight and during hours when breakfast is served; and
  - ii. Transient Lodging overnight.
  
- C. No room shall be rented to any individual guest for a period of more than 14 consecutive days or for a cumulative period of more than 45 days in any calendar year. Additionally, the following limitation on the number of bedrooms to be rented applies:
  - i. B&B: No more than four (4) bedrooms may be rented as guest rooms at any one time.
  
  - ii. Transient Lodging: No more than two (2) bedrooms may be rented as guest rooms at any one time.
  
- D. The owner shall maintain a guest register, subject to periodic inspection by Building Commissioner, Fire Chief, Board of Health and any other municipal body as required by the Board of Appeals in its sole discretion, to ensure compliance with this provision.
  
- E. The gross floor area (GFA) of the accessory B&B, calculated as the floor area of all guest bedrooms available at any time during a 12-month period, shall not occupy more than 45 per cent of the GFA of the residence.
  
- F. A Parking Management Plan shall be made a condition of the special permit and may not thereafter be substantially changed without a modification of the special permit following application and hearing in the same manner as for the original special permit application; tandem parking shall be allowed only pursuant to the determination by the Board of Appeals that sufficient management procedures are possible to reasonably assure that the need for additional parking created by the B&B shall not create a burden on adjacent public parking areas or illegal overnight parking on public streets.
  
- G. The initial term of the special period shall be two (2) years.
  
- H. The special permit shall be exercised only by the applicant-owner of the residence and shall not be transferable without express permission granted by a modification of the special permit, following notice and hearing as required by G. L. c. 40A in the case of the original application.

- I. Occupancy for each B&B residence shall be limited to comply with the determination of the Building Commissioner pursuant to the State Building Code and shall comply with all other applicable codes.
- J. A B&B Special Permit shall allow breakfast to be served only to overnight guests.
- K. No cooking facility and/or appliance shall be located within a guest rooms and use by guests of the kitchen cooking facilities shall not be allowed.
- L. There shall be at least one full bathroom, with a lockable door, including a shower and/or bath, dedicated for the use of guests.
- M. Signage:
  - a. must conform to the requirements of Section 17.32 of the Winthrop Zoning Code for both B&B and Transient Lodging; and
    - i. shall be further limited to one attached wall or window sign, not to exceed three square feet, mounted on the building, and
    - ii. must be visible from the street at all times during the use of the residence as a B&B or Transient Lodging.
  - b. For B&B only, may include one ground sign, single-or double-faced, permanently anchored five feet or less above grade, as approved by the Building Commissioner at his/her sole discretion, not to exceed three square feet per face, not to be internally laminated, no located so as to obstruct traffic visibility across street corners, and located no closer than fifteen feet to any lot line.
- N. The exterior appearance of the B&B residence or the Transient Lodging residence shall be maintained and any exterior alteration or addition to the residence following the grant of the special permit shall require a modification of the special permit following application and hearing in the same manner as for the original special permit application which modification shall be granted provided the exterior character is maintained.

(Ord. of 6-6-11(2))

17.49.050-SUBMISSION REQUIREMENTS AND PERMIT STANDARDS

1. The application shall comply with the special permit requirements of 17.24.010, and shall include the following:
  - a. A plot plan, prepared by a licensed surveyor, showing all existing and proposed structures, appurtenances and parking areas, any changes to existing grade, and all boundary/ property lines and easements.
  - b. A floor plan, drawn to scale, of the dwelling showing location of each guest bedroom, access to, and egress from, each guest room, location of each guest bathroom and the location of area(s) where breakfast is prepared and served.
  - c. A Parking Management Plan identifying the location of off-street parking on the lot, and demonstrating sufficient parking for the principal use, in accordance with Section 17.20 of the Zoning Code plus one (1) additional parking space for each guest room. The Parking Management Plan shall describe, in detail, any provision for tandem parking to meet the required parking standards.
  - d. A written statement from the town Treasurer/Collector stating that all municipal encumbrances are current or under proper agreement.
2. A copy of the application shall be submitted to the Board of Health for its review and comments.