

AN ORDINANCE TO DEFINE, REGULATE, AND LICENSE BED AND BREAKFAST FACILITIES WITHIN ESCANABA TOWNSHIP.

(A) DEFINITION: A bed and breakfast facility is a facility which is subordinate to a dwelling unit and in which transient guests are provided sleeping rooms and a breakfast only, in return for payment.

(B) LICENSE FEES: It shall be unlawful for any person to operate a Bed and Breakfast facility as defined in this Section without first obtaining a permit. The annual fees for such a permit shall be \$20 for the whole or any part of the year and shall be paid to the zoning administrator. This ordinance shall not apply to hotels, motels, or boarding houses. The Bed and Breakfast licenses shall be renewed annually and are not transferable to another location or to another operator.

(C) DWELLING UNIT AND OPERATOR REQUIREMENTS: Bed and Breakfast Facilities shall be confined to the single family dwelling unit which is the principal dwelling unit on the property. The dwelling unit in which the Bed and Breakfast facility takes place shall be the principal residence of the operator and said operator shall live on the premises during any times that the Bed and Breakfast facility is active.

(D) LENGTH OF STAY: The maximum stay for any occupants of Bed and Breakfast facilities shall be fourteen (14) consecutive days.

(E) APPLICATION REQUIREMENTS: Applicants for a license to operate a Bed and Breakfast facility shall submit the following materials for review:

(1) A floor plan of the single family dwelling unit illustrating that the proposed use will comply with the Zoning Ordinance, and the other applicable Codes and Ordinances with-in the terms of this Ordinance.

(2) A site plan showing the dimensions of the property, the size and location of the buildings and the proposed parking.

(F) BILLING REQUIREMENTS: No premises shall be utilized as a Bed and Breakfast facility unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for additional occupant to a maximum of four (4) occupants per room. The minimum size of a dwelling unit for a Bed and Breakfast use shall be two thousand (2000) square feet of normal residential space exclusive of garages and storage sheds. No more than four (4) guests shall be allowed to stay in any one (1) Bed and Breakfast sleeping room. Each sleeping room used for a Bed Breakfast use shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using any Bed and Breakfast unit.

(G) PARKING REQUIREMENTS: Bed and Breakfast shall provide one parking space per sleeping room.

(H) SIGNAGE: One sign, not exceeding one thousand square inches, will be permitted in front of the dwelling unit on the property of the applicant.

(I) FOOD AND BEVERAGES: Food and beverages shall be served only to registered guests or personal guests of the owner/operator.

(J) PUBLIC NUISANCE VIOLATIONS: Bed and Breakfast operations shall not be permitted and shall cease whenever the operations shall become a nuisance to adjoining residents by reason of noise, smoke, odor, lighting, unreasonable traffic congestion, or when the same interferes with the safety or rights of others. The impact of a Bed and Breakfast operation shall be no greater than that of a private home with guests.

(K) RETAIL SALES: Limited retail sales shall be permitted on the premises according to the conditional use given.

(L) AUTHORITY FOR DENIAL: The floor plan and site plan for the Bed and Breakfast use shall be reviewed by the Planning Board for compliance with all City, State and Federal Codes and Ordinances. If the Planning Board finds that an applicant cannot meet a particular requirement, then they shall have the authority to deny the applicant a license. The denial may be appealed to the Zoning Board of Appeals, who may then weigh the facts of the case and make a final decision.

(M) SUSPENSION, REVOCATION AND RENEWAL: The Planning Board shall have the authority to refuse to renew a license or to suspend or revoke a license for the continued and repeated violations of the provisions of this ordinance. A decision to deny a license may be appealed to the Zoning Board of Appeals by the applicant. Any license issued under the provisions of this ordinance may be revoked by the Zoning Board of Appeals for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto. In such investigation the compliance or noncompliance with the State law and local ordinances, the conduct of the licensee in regard to the public and other considerations shall be weighed in determination of such issue.

(N) PENALTY FOR VIOLATION: It shall be a misdemeanor to violate this ordinance and a fine of \$500.00 or 90 days in jail or both may be assessed in the discretion of the court.

(O) APPLICATION OF OTHER ORDINANCE: The regulation and license of Bed and Breakfast facilities shall be deemed to be additional to, and not to the exclusion of, the requirements of a "conditional use" as defined and regulated in this code of ordinances.

Latvia J. Beauchamp
Scarborough Township Clerk

February 13-2003
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