

BOARD OF ALDERMEN

ITEM NO. **B(4)**

AGENDA ITEM ABSTRACT

MEETING DATE: December 9, 2003

TITLE: PRESENTATION OF A PETITION: Land Use Ordinance Text Amendment to allow a Bed and Breakfast in a Historic Home in the Watershed

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ NO _X_
ATTACHMENTS: A. Resolution B. Petition C. Relevant LUO provisions	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

Steven and Carol Rum have submitted a petition to amend the text of the Land Use Ordinance to make permissible the operation of Bed and Breakfast establishments in historic properties in the University Lake watershed. A summary of this request is provided here. Should the Board wish to take further action, the Administration recommends that Board adopt the resolution directing the staff to prepare a draft ordinance, setting a public hearing and referring the draft ordinance to the Planning Board, the OWASA Board of Directors, and Orange County.

INFORMATION

Steven and Carol Rum have met with Town staff to discuss their interest in purchasing a historic home, the Smith-Cole house on Smith Level Road in the Watershed Residential zoning district (W-R), and operating a Bed and Breakfast establishment there. Since the bed and breakfast use is not permitted in the W-R district, the Rums have submitted a petition requesting that the Land Use Ordinance be amended to allow this use (*Attachment B*).

Prior to June 1999, it was the interpretation of staff that for permitting purposes, a bed and breakfast would be considered a Tourist Home (Classification 1.520) that had been included under the temporary residences category in the Table of Permissible Uses in the Land Use Ordinance since 1980. The use was allowed in seven zoning districts including the R-2, R-3, R-7.5 and the R-10/R-SIR, B-2 and B-5. Special use permits are required in all but the B-5 district, where, as is typical of nearly all uses in the University Lake watershed, conditional use permit approval is needed. This use was defined in contrast to the Boardinghouse use (1.430 – type of Group Home) in Section 15-15(8) as follows:

Boarding House. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented out but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

The use was subject, as were and are the other 1.500 uses (temporary residences, such as hotels and motels) to screening and parking requirements.

In June 1999, the Board of Aldermen created a new use classification, 1.530, Bed and Breakfast, made it permissible in seven zoning districts, and did not include the watershed districts (i.e. the B-5 and the W-R). The amendment limited the use to pre-existing residential structures, limited the provision of meals to residents, and required on-site occupancy by the B&B operators. Copies of the relevant existing LUO provisions are attached (*Attachment C*).

RECOMMENDATION

The Administration recommends that the Board adopt the resolution directing the staff to prepare a draft ordinance, setting a public hearing and referring the draft ordinance to the Planning Board, the OWASA Board of Directors, and Orange County (*Attachment A*).