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## PROPOSED REVISION

### ARTICLE XV: - BED AND BREAKFAST FACILITIES

#### Section 15-1. - Purpose, definitions, licenses.

##### *15-1.1 Purpose.*

- A. The purpose of this article is the establishment of land use regulations within the scope of the zoning powers of the municipal authority to govern bed and breakfast facilities in the city. The intent of this article is to promote economic development in the bed and breakfast industry without harming existing residential properties.

##### *15-1.2 Definitions.*

- A. A lodging room is defined as a room that is used for temporary occupancy for a fee.
- B. An owner is defined as an individual, partner, or officer of a corporation who is an officer registered with the Corporations Division of the Georgia Secretary of State with title to real property.
- C. A bed and breakfast hotel facility is defined as a commercial type establishment having no less than three (3) and no more than eight (8) lodging rooms to be used for temporary occupancy for a fee and that serves meals to guests.
- D. A bed and breakfast home facility is defined as a private residential type establishment, with commercial enterprise, offering no more than two (2) lodging rooms for temporary occupancy for a fee, does not hold itself to be a restaurant, hotel, or motel, and that may or may not offer food to overnight guests only.

##### *15-1.3 Licenses.*

- ~~A. A bed and breakfast facility shall obtain an occupational tax certificate from the city.~~
- ~~B. Fees for lodging in a bed and breakfast facility are subject to local and state taxation ordinances.~~

#### Add new Section 15-1.3 Licenses

- A. A bed and breakfast hotel facility shall obtain an occupational tax certificate from the city and must meet all requirements for food and lodging operations.
- B. A bed and breakfast home facility shall obtain a home occupational tax certificate from the city and is exempt from local food operations requirements providing that only breakfast is served, with breakfast being defined as pre-wrapped, commercially prepared portions.
- C. Fees for lodging in all bed and breakfast facilities are subject to local and state taxation ordinances.

#### Section 15-2. - Occupancy and parking restrictions.

##### *15-2.1 Occupancy restrictions.*

- A. A bed and breakfast hotel facility must meet the following occupancy restrictions:

# DRAFT

1. Provide no less than three lodging rooms and no more than eight lodging rooms with a minimum of 80 square feet per room and one private bath per room.
2. Occupancy of a lodging room shall require at least 40 square feet per individual.
3. No occupancy shall exceed 14 days for any individual at a bed and breakfast facility.
4. The owner of a bed and breakfast facility shall live in the bed and breakfast facility, on the property, or live adjacent to the property on which the bed and breakfast is located.
5. Bed and breakfast facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.

B. A bed and breakfast home facility must meet the following occupancy restrictions:

1. Provide no more than two (2) lodging rooms with a minimum of 70 square feet per room.
2. Occupancy of a lodging room shall require at least 40 square feet per individual.
3. No occupancy shall exceed 14 days for any individual at a bed and breakfast home facility.
4. The owner of a bed and breakfast facility shall live in the bed and breakfast facility, on the property, or live adjacent to the property on which the bed and breakfast is located or a local property manager shall be registered with the municipality during licensing of the establishment. Change in ownership or property manager shall be reported to the municipality and may be subject to new licensing requirements.
5. Bed and breakfast home facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner or property manager.
6. Bed and breakfast home facilities shall be required to have a smoke alarm in each lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

15-2.2 *Parking restrictions.*

- A. Except where permitted by law, no parking shall be allowed on the street or in the front yard of bed and breakfast facilities.
- B. One parking space shall be maintained for each lodging room with a minimum width of eight feet and a minimum length of 15 feet.

Section 15-3. - Signage.

15-3.1 *Signage.*

# DRAFT

- A. ~~One exterior sign is permitted not to exceed 12 square feet. The sign may not be attached to any structure on the premises. The sign may be lighted on two sides by an external light source not to exceed 2,400 lumens per light. A sign permit application must be submitted to the city clerk for approval and a sign permit fee must be paid according to the schedule of fees maintained by the city prior to the construction of an exterior sign.~~
- A. For bed and breakfast hotel facilities – One exterior sign is permitted not to exceed 12 square feet. The sign may not be attached to any structure on the premises. The sign may be lighted on two sides by an external light source not to exceed 2,400 lumens per light. A sign permit application must be submitted to the city clerk for approval and a sign permit fee must be paid according to the schedule of fees maintained by the city prior to the construction of an exterior sign.
- B. For bed and breakfast home facilities – No business and advertising signs shall be permitted.

## ORDINANCE 2017-04

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN, GEORGIA TO AMEND APPENDIX A - ZONING, ARTICLE XV: BED AND BREAKFAST FACILITIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

### PART I

The Council of the City of Stone Mountain hereby ordains that APPENDIX A – ZONING, ARTICLE XV: BED AND BREAKFAST FACILITIES of *The Code of the City of Stone Mountain, Georgia* be amended as follows:

1. Add to Section 15-1.2 Definitions
  - C. A bed and breakfast hotel facility is defined as a commercial type establishment offering no less than three (3) and no more than eight (8) lodging rooms to be used for temporary occupancy for a fee and that serves meals to guests.
  - D. A bed and breakfast home facility is defined as a residential type establishment, with commercial enterprise, offering no more than two (2) lodging rooms for temporary occupancy for a fee and that may or may not offer food to guests.
2. Delete Section 15-1.3 Licenses in its entirety and
3. Add new Section 15-1.3 Licenses
  - A. A bed and breakfast hotel facility shall obtain an occupational tax certificate from the city and must meet all requirements for food and lodging operations.
  - B. A bed and breakfast home facility shall obtain a home occupational tax certificate from the city and is exempt from local food operations requirements providing that only breakfast is served, with breakfast being defined as pre-wrapped, commercially prepared portions.
  - C. Fees for lodging in all bed and breakfast facilities are subject to local and state taxation ordinances.
4. Add to Section 15-2.1(A) Occupancy restrictions, the word “hotel” to read
  - A. A bed and breakfast hotel facility must meet the following occupancy restrictions:
5. Add to Section 15-2.1 Occupancy restrictions
  - B. A bed and breakfast home facility must meet the following occupancy restrictions:

1. Provide no more than two (2) lodging rooms with a minimum of 70 square feet per room.
2. Occupancy of a lodging room shall require at least 40 square feet per individual.
3. No occupancy shall exceed 14 days for any individual at a bed and breakfast home facility.
4. The owner of a bed and breakfast facility shall live in the bed and breakfast facility, on the property, or live adjacent to the property on which the bed and breakfast is located or a local property manager shall be registered with the municipality during licensing of the establishment. Change in ownership or property manager shall be reported to the municipality and may be subject to new licensing requirements.
5. Bed and breakfast home facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner or property manager.
6. Bed and breakfast home facilities shall be required to have a smoke alarm in each lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.
7. Delete Section 15-3. – Signage in its entirety and
8. Add Section 15-3.1 Signage
  - A. For bed and breakfast hotel facilities – One exterior sign is permitted not to exceed 12 square feet. The sign may not be attached to any structure on the premises. The sign may be lighted on two sides by an external light source not to exceed 2,400 lumens per light. A sign permit application must be submitted to the city clerk for approval and a sign permit fee must be paid according to the schedule of fees maintained by the city prior to the construction of an exterior sign.
  - B. For bed and breakfast home facilities – No business and advertising signs shall be permitted.

## PART II

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III

This ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2017  
This ordinance was proposed by Council Member \_\_\_\_\_ with a  
motion to adopt. Thereafter, the motion was seconded by Council Member  
\_\_\_\_\_. \_\_\_\_\_ Council Members voted in favor of the motion and  
\_\_\_\_\_ Council Members voted against the motion.

\_\_\_\_\_  
Mayor Patricia Wheeler

\_\_\_\_\_  
Alicia Daniels, Asst. City Clerk

Approved as to form: \_\_\_\_\_  
City Attorney Joe Fowler

First read: \_\_\_\_\_ Second read: \_\_\_\_\_