

DANIEL ORDINANCE 2008-03-03M

The following DMC section is hereby amended as of April 7, 2008 according to the following markup version, which shows the wording of the statute before and after the amendment:

Section 8.21.25 Bed and Breakfast.

Bed & Breakfasts may be allowed as a Conditional Use in historical buildings located in any zone in the Town of Daniel. Newly constructed Bed & Breakfasts may be permitted as a Conditional Use in the RA-5 or HS Zones if the applicant shows a preponderance of the evidence that the following is true:

(1) The property on which the Bed & Breakfast establishment is located is at least five (5) acres in size. If a building that is older than seventy five (75) years of age and of historical significance applies for a permit, the five (5) acre requirement does not apply provided there is adequate land for parking to meet the requirements of this ordinance.

(2) The property fronts a road of sufficient size and design to handle the traffic adequately that has a designation as a "collector" or "arterial" road.

(3) A report from the Building Official and the Wasatch County Fire Marshall has been submitted showing that the building does, or can and will under the current proposal, meet current Building and Fire codes.

(4) A report from the Health Department showing that the building and premises is served by an approved water and sewer or septic service of adequate size, and otherwise does or can be made to comply with current health rules, regulations or laws. If the property line of a proposed Bed & Breakfast is located, is located within three hundred (300) feet of an available sewer line, the establishment will be required to hook up to the sewer line.

(5) That adequate off-street parking, as required by this Title, for all guests and employees of the establishment can be met on the property in an area which screens the parking from the street or nearby neighbors.

(6) Any outside lighting for the establishment is designed so it will not reflect or direct light onto adjoining property or the night sky.

(7) The proposed establishment is in accordance with the rules adopted by any appropriate property owners association, if any, in accordance with their ability to regulate by law.

(8) That the establishment may have no less than three (3) bedrooms for rent on a nightly basis, and no more than eight (8) bedrooms that are rentable. If more than the allowed number of bedrooms is requested they will not qualify as a Bed & Breakfast, but may qualify as a hotel, inn, etc. under a different standard.

(9) That Breakfast, brunch, or other light snacks or refreshment may be provided only for overnight guests, and must comply with any health code requirements.

(10) Liquor may not be sold in a Bed & Breakfast. Overnight guests may provide their own, if desired.

(11) Receptions for groups not staying overnight on the premises are not allowed unless the establishment is approved for a reception use in an appropriate zone under a separate ordinance.

(12) Either the owner or resident manager will occupy the residence full time. Other employees may be hired for cooking, cleaning, etc.

(13) The guest rooms shall not have any kitchen facilities.

(14) There must be a distance of at least one-half (.5) miles between any Bed & Breakfast unless in a commercial zone.

