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File_1987-0001

Project Name: <u>Text Amendment Section 5-1-9</u>

P	S	A few items are denoted with an asterisk (*), which means the	y a	are	to be scanned for permanent record on the in some					
r	c	instances, not all entries designated to be scanned by the department are present in the file. There are also documents								
e	a	specific to certain files, not found on the standard list. For this reason, a checklist has been provided.								
s e	n n	Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick								
n	e	guide for the contents of each file.								
t	d	Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in								
. أ	ĺ	full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.								
X	X	Table of Contents								
X	X	Review Sheet Summary	_							
X		Application form			, <u>, , , , , , , , , , , , , , , , , , </u>					
X	\dashv	Review Sheets								
	-+	Receipts for fees paid for anything								
		*Submittal checklist								
		*General project report								
		Reduced copy of final plans or drawings								
		Reduction of assessor's map								
		Evidence of title, deeds, easements								
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		Record of certified mail								
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		Appraisal of raw land								
		Reduction of any maps – final copy								
		*Final reports for drainage and soils (geotechnical reports)								
		Other bound or non-bound reports								
		Traffic studies								
		Individual review comments from agencies								
		*Petitioner's response to comments								
		*Staff Reports								
		*Planning Commission staff report and exhibits								
		*City Council staff report and exhibits								
		*Summary sheet of final conditions								
		*Letters and correspondence dated after the date of final appro	va	l (1	pertaining to change in conditions or expiration date)					
	I	DOCUMENTS SPECIFIC TO THIS	D	ΕV	ELOPMENT FILE:					
X	X	Action Sheet	7							
X	X									
X		Review Sheets	-							
X		Development Summary - 2/4/87, 7/8/87, 8/5/87 Planning Commission Minutes - ** - 2/3/87, 7/7/87, 8/4/87	ᆉ							
X			十							
X			1							
X		Letter from Susan Morris, Executive director of Bed & Breakfast Reservation								
		Services World – Wide to Karl Metzner re: statistics and reports on research of			·					
v	X	bed & breakfasts-8/15/86 Home procedures	_							
X		Colorado Dept. of Health Memorandum – Consumer Protection Division –		-						
^	l	6/11/85								
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Home occupation procedure for Bed and Breakfast (B&B) operations

B&B's are an allowed Home Occupation in any RMF zone or in an existing residential structure in any B or C zone. Before commencing operations, a B&B must be registered with the Planning Department and be inspected by Fire, Building, and Health Departments.

To obtain registration and approval, B&B operators must pick up a registration form from the Planning Department and arrange for the required inspections. If the operation meets inspection requirements, the inspectors will sign off on the form. The applicant must provide a site plan showing required off-street parking (including dimensions) and a layout drawing of the structure showing the use of all rooms.

Following inspection sign-off, the applicant must return all documents to the Planning Department for final sign-off. Applicant will be given a copy of the compelted registration form and the Department will file the original.

Criteria on which approval is based (see section 5-1-9 of the Code)

- No alteration of appearance of structure for the purposes of the home occupation.
- Noone employed who does not live in the residence.
- No disruptive external effects.
- No more than five guest rooms.
- No garage conversions.



Richard D. Lamm Governor OF HEALTH

Thomas M. Vernon, M.D. Executive Director

MEMORANDUM

Consumer Protection Division

TO:

Directors of Environmental Health

County and City Sanitarians General Sanitation, Staff

FROM:

John A. Baghott

DATE:

June 11, 1985

SUBJECT: Licensure of Bed and Breakfast Establishments

The traditional Bed and Breakfast operation, first popularized in Great Britain and Ireland, offers, for a modest fee, the use of a spare bedroom or two in a private home, and includes provision of a breakfast meal. Such meals vary from a continental breakfast (coffee or tea, juice, toast or a roll) to a more complete "farm" breakfast. Operated in private homes, such Bed and Breakfast facilities are residential in character and scale and are largely non-commercial in nature.

Such Bed and Breakfast establishments are currently operating in many areas in Colorado, especially in the urbanized front range corridor and the summer and winter resort areas. No evidence exists to suggest that they are a significant source of foodborne illness. Bed and Breakfast establishments are, by definition, operating within private residences. Title 12-44-202 (5), CRS 1973, exempts from the definition of a food service establishment "Operations serving food to four or less persons" and "Homes containing what is commonly known as the family unit and its non-paying guests;....". Although Bed and Breakfast operations charge a fee, court decisions based on the Fourth Amendment (See Attachment) which severely curtail access to private homes for health/sanitation inspection purposes, must also be considered in determining regulatory status. For these reasons, Bed and Breakfast operations conducted in private homes have not been considered food service establishments and a state food service establishment license is not required.

Page 2 Licensure of Bed & Breakfast Establishments June 11, 1985

In the past several years, however, commercial establishments such as inns, lodges, and motels have increasingly adopted the phrase "Bed and Breakfast" for their use. These establishments are not private homes but business establishments providing accommodations and food service to their customers and are commercial in nature, even though some physical facilities may be residential in chararacter (former homes converted to commercial use). Such establishments, meeting the definition of a food service establishment, are required to obtain a Colorado State Food Service Establishment License.

JAB:sf

Attachment

Bed and Breakfast Intepretation

NOTE

An example of these Court Decisions: the District of Columbia v. Little (1949). Conviction of Little for refusing a sanitary inspection was overturned by the U.S. Court of Appeals for the District of Columbia Circuit. It constituted a first in putting health inspections under the Fourth Amendment. In his decision, Judge Prettyman wrote:

"We emphasize that no matter who the officer is or what his mission is, a Government official cannot invade a private home, unless (1) a magistrate has authorized him to do so, or (2) an immediate major crisis in the performance of duty affords neither time nor opportunity to apply to a magistrate. This right of privacy is not conditioned upon the objective, the prerogative or the stature of the intruding officer. His uniform, badge, rank, and the bureau from which he operates are immaterial. It is immaterial whether he is motivated by the highest public purpose or by the lowest personal spite".

In 1960, the U.S. Supreme Court upheld this reversal.

development summary



File # 1-87 Name 1987 Text Amendments Date 2-4-87

PROJECT LOCATION:

N/A

PROJECT DESCRIPTIONS

Annual Text Amendments to various sections of the Zoning & Development Code.

REVIEW SUM	ΜA	RY	(Major Concerns)		
POLICIES COMPLIANCE	YES	ио *	TECHNICAL REQUIREMENTS	SATISFIED S	NOT # ATISFIED
Complies with adopted policies	х		Streets/Rights Of Way	N/A	
Complies with adopted criteria	х		Water/Sewer	N/A	
Meets guidelines of Comprehensive Plan	х		lrrigation/Drainage	N/A	
			Landscaping/Screening	N/A	
·			Other:		

^{*}See explanation below

Amend $5-4-13 \ \varepsilon \ 5-1-5G$ - clarifies variance of fence regulation is responsibility of the Board of Adjustment while variance of design standards remains responsibility of City Council.

responsibility of City Council.

Amend 4-2-12D - amends C-2 zone to require same degree of landscaping along state or federal highways as is required along all other streets.

Amend Chapter 13 - adds definitions of Helipads & Heliports as approved in the Helicopter Operations Guidelines.

Amend Use/Zone Matrix - adding catagory of Propane/Home Fuel Retailers.

Amend Use/Zone Matrix - adding catagory of Propane/Home Fuel Retailers.

Amend 5-1-5A - allows six foot fences in front yards along Patterson Road.

STATUS & RECOMMENDATIONS:

Planning Commission Action

Recommend approval.

REVIEW SHEET SUMMARY

FILE NO. 1	-87 TITLE HEA	DING Text Amendment Section 5-1-9 DUE DAT	E 7-17-87							
ACTIVITY -	PETITIONER - LOCAT	ION - PHASE - ACRES Text Amendment re: Bed & Brea	ıkfast							
Grand Jun	ction Planning Dep	•								
PETITIONER	ADDRESS									
ENGINEER										
DATE REC.	AGENCY	COMMENTS								
-0787	Fire Dept.	This office has no objections to this operation it meets the local building and fire codes an codes in effect at the time of operation.								
-13-87	Police Dept.	NO problems.								
r-22 - 87	Building Dept.	I have inspected the building that is to be used for the Bed and Breakfast operation. The operation is considered to be an R-1 occupancy. That is comparable with the previous use the building. Any work that is done as required by other county agencies will require a building permit. City of Grand Junction licensed contractos mya be required to preform								
-		certain types of work.								

development summary



File # 1-87 Name Text Amendments for Date 7/8/87

PROJECT LOCATION: N

PROJECT DESCRIPTION: A request to amend section 4-3-4 Use/Zone Matrix under the heading of Amusement Business-Inside providing the use category Health/Athletic Clubs and Services be permitted in the Light Industrial (I-1) zone as a special use1; and under the heading of Retail Business Unlimited-Outside providing the category Automobiles, Pickup Trucks, Vans be permitted in the Light Industrial (I-1) zone as an allowed use.²

REVIEW SUMMARY (Major Concerns)									
POLICIES COMPLIANCE	YES	№*	TECHNICAL REQUIREMENTS SATISFIED SATISFIED						
Complies with adopted policies	χ		Streets/Rights Of Way						
Complies with adopted criteria	х		Water/Sewer N/A						
Meets guidelines of Comprehensive Plan	N/A		Irrigation/Drainage N/A						
			Landscaping/Screening N/A						
			Other:						

^{*} See explanation below

STATUS & RECOMMENDATIONS:

By permitting these uses as a special use, staff has the opportunity to review each request on a case-by-case basis. The review process also allows for agency review and neighboring property notification. The special use provides for tighter control over the site design and location.

Planning Commission Action

Recommended approval that under Amusement Business-Inside Health/Athletic Clubs and Serü $\sqrt[4]{e}$ s be permitted in the Light Industrial (I-1) zone as a special use. Recommended approval that under Retail Business Unlimited-Outside, the category Automobiles, Pickup Trucks, Vans be permitted in the Light Industrial (I-1) zone as a special use.

¹ Currently, similar uses such as Swimming Pools and Membership Clubs and Community Activity Buildings are allowed in the I-l zone. Suitable existing buildings which could be used for Health/Athletic Clubs are likely to be found in the I-l zone.

The I-1 zone in the City covers a limited area. The bulk of the zone is located between Pitkin Avenue and the railroad tracks, and from First Street to Fifteenth Street. There are currently several existing car sales businesses along Pitkin Ave.

development summary



File # 1-87 Name Text Amendment for Date 8-5-87

Bed & Breakfast

PROJECT LOCATION: N/A

PROJECT DESCRIPTION: Text amendment to permit Bed & Breakfast occupations in Residential Multi-family (RMF) zones. Limits Bed & Breakfast to 5 rental rooms. Requires off street parking and inspection from the Building, Fire & Health Departments.

REVIEW SUM	MAI	RY	(Major Concerns)			
POLICIES COMPLIANCE	YES	мо#	TECHNICAL REQUIREMENTS	SATISFIED	NC SATIS	FIED
Complies with adopted policies	x		Streets/Rights Of Way	N	/A	
Complies with adopted criteria	ا پا		Water/Sewer	N.	/A	
Meats guidelines of Comprehensive Plan	N/A		lrrigation/Drainage		/A	
			Landscaping/Screening		/A	
			Other:			

^{*} See explanation below

STATUS & RECOMMENDATIONS:

No objections from review agencies as long as life safety needs are met.

Planning Commission Action

Recommend approval.

CIC-Approved \$1/19/87