



## 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 completed 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.
- No one employed who does not live in the residence.
- No disruptive external effects.
- No more than five guest rooms.
- No garage conversions.



# COLORADO DEPARTMENT OF HEALTH

Richard D. Lamm  
Governor

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*  
John A. Baghott

DATE: June 11, 1985

SUBJECT: Licensure of Bed and Breakfast Establishments

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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.

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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 character (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 DESCRIPTION: Annual Text Amendments to various sections of the Zoning & Development Code.

## REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES		NO *		TECHNICAL REQUIREMENTS	SATISFIED		NOT SATISFIED *	
Complies with adopted policies	X				Streets/Rights Of Way			N/A	
Complies with adopted criteria	X				Water/Sewer			N/A	
Meets guidelines of Comprehensive Plan	X				Irrigation/Drainage			N/A	
					Landscaping/Screening			N/A	
					Other: _____				

\* See explanation below

- Amend 5-4-13 & 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.
- 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 category 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 HEADING Text Amendment Section 5-1-9 DUE DATE 7-17-87

ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES Text Amendment re: Bed & Breakfast

Grand Junction Planning Dept.

PETITIONER ADDRESS \_\_\_\_\_

ENGINEER \_\_\_\_\_

<u>DATE REC.</u>	<u>AGENCY</u>	<u>COMMENTS</u>
7-0787	Fire Dept.	This office has no objections to this operation as long as it meets the local building and fire codes and life safety codes in effect at the time of operation.
7-13-87	PoJice Dept.	NO problems.
7-22-87	Building Dept.	I have inspected the buiding 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.

**LATE**

# development summary



File # 1-87 Name Text Amendments for Date 7/8/87  
1987

PROJECT LOCATION: N/A

**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 use<sup>1</sup>; 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.<sup>2</sup>

## REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES		NO*		TECHNICAL REQUIREMENTS		SATISFIED		NOT SATISFIED*	
Complies with adopted policies	X				Streets/Rights Of Way	N/A				
Complies with adopted criteria	X				Water/Sewer	N/A				
Meets guidelines of Comprehensive Plan	N/A				Irrigation/Drainage	N/A				
					Landscaping/Screening	N/A				
					Other: _____					

\* See explanation below

- 1 Currently, similar uses such as Swimming Pools and Membership Clubs and Community Activity Buildings are allowed in the I-1 zone. Suitable existing buildings which could be used for Health/Athletic Clubs are likely to be found in the I-1 zone.
- 2 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.

## 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 Services 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.



# 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 SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES		NO*		TECHNICAL REQUIREMENTS	SATISFIED		NOT SATISFIED*	
Complies with adopted policies	X				Streets/Rights Of Way		N/A		
Complies with adopted criteria	X				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:

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

### Planning Commission Action

Recommend approval.

*CIC - Approved 8/11/87*