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During the past several years, the Cathedral Area Preservation Association has been approached by a few homeowners who have expressed great interest in opening a Bed and Breakfast (B&B) in the Cathedral Area. In response to these requests, CAPA developed a series of protocols and policies in 2004 in order to address these requests in a fair and appropriate manner. It is important to note that CAPA does not automatically oppose B&B requests.

The Board will support the operation of a B&B in the Cathedral Area if:

- It is operated legally – which means that it is approved by the City of Joliet and has the appropriate zoning variance,
- Meets very specific guidelines as written by the CAPA Board (see below); and
- The surrounding neighbors of the property are in favor of the operation of a B&B

When CAPA receives a request to operate a B&B in the Cathedral Area, the following will take place:

- Neighbors surrounding the property in question must be consulted. This usually takes place in the form of an official letter from CAPA which ascertains the opinion of the neighbor as to their interest in supporting the proposed B&B. The neighbors surrounding the property (usually those on the same block and on both sides of the street) must approve of the B&B in order for CAPA to express any kind of support for the proposal.
- The homeowners of the property in question must officially seek a zoning variance from the City of Joliet in order to allow for the B&B to be operated on the premises. This process involves a public hearing in which neighbors are invited to voice their support or opposition to the proposed B&B.
- CAPA will not support/endorse a B&B proposal if the nearby neighbors are not in favor of it or if there is overwhelming opposition to the proposal. CAPA cannot endorse a B&B that does not have a zoning variance from the City of Joliet.
- The proposed B&B must meet a series of somewhat stringent requirements as outlined by CAPA. These requirements are spelled out in a document written by CAPA legal counsel (see attached pages). The document is written in the form of a city ordinance, but is not officially “on the books” with the City of Joliet. Regardless, the guidelines for operation of a B&B as outlined in this document officially represent CAPA’s position in regard to a B&B. It is written in such a way as to explain in great detail why CAPA has adopted these guidelines for the operation of a B&B in the Cathedral Area.

## DRAFT Ordinance for Bed and Breakfast

A bed and breakfast is an existing, owner occupied, single-family residence in an area zoned for residential use that for a fee provides overnight sleeping accommodations and hot, morning breakfasts for guests ("B&B"). In order to operate a B&B, a proposed licensee operator shall simultaneously submit to the City of Joliet (the "City") an application for a zoning variance and an application for a B&B license. In order to qualify for a zoning variance and a license to operate a B&B, the proposed B&B property and the proposed B&B licensee operator shall at the time of the initial applications and at all times thereafter comply with all of the following requirements:

1. Provide a business plan for the B&B to the City, in a form and content acceptable to the City, which shall describe at a minimum the following: (a) the names and addresses of the owners of the real property upon which the proposed B&B will operate; (b) the names, addresses, and business backgrounds of the proposed operators who are seeking a license to operate a B&B, all of whom shall be not less than twenty-one years of age; (c) the number of bedrooms, not to exceed five, proposed to be offered for use by B&B overnight guests; (d) the available off-street parking for the B&B; (e) the type of advertising and marketing that will be used by a proposed B&B; (f) the names and addresses of any proposed employees of a B&B, including employees hired subsequent to the issuance of a B&B license; (g) any alterations that are proposed to be made to a property to operate it as a B&B; and (h) a description of the daily operations of the B&B and who will participate and to what extent in all such operations.

(This allows the City to know up-front the specifics of how a proposed B&B will be operated and who will be responsible for what actions in the operation of the business. By making a proposed B&B licensee describe the business operations on paper some matters the proposed operator may not have previously thought of may come to light and the City may be forewarned of any potential problems.)

2. A B&B zoning variance and license shall be issued in the name of a licensee operator or operators and such variances and licenses shall neither be assignable to nor assumable by any other person or entity; at least one of the proposed licensee operators of a B&B shall at all times be an owner of the real property upon which the B&B will be operated; a B&B license shall initially be for a period one year and renewable on an annual basis thereafter.

(A B&B can only be operated by the person(s) and business plan the City has previously approved. The requirement of making a licensee an owner of the property means this person has more to lose if the operation fails and, hopefully, will be more diligent in the operation of the business. If not required, the operator could easily shut down the business, leaving both the guests with reservations and the property owner in a bind.)

3. Every B&B prior to licensing and at least annually thereafter, if not more frequently in the discretion of the City, shall be inspected by the City and pass an annual health and safety inspection meeting the \_\_\_\_\_ standards (what type of standards will be required?) and the cooking facilities at a B&B shall comply with \_\_\_\_\_ standards for health and cleanliness (what standards?), the zoning variance and the B&B license shall be contingent upon a B&B meeting such standards at all times.

(There has to be some safety and health standards for the operation of a B&B. What they will be needs to be decided. Also, the City can inspect a B&B property at any time for compliance with the standards.)

4. Hot breakfasts shall be offered only to guests who spend the night; the costs of breakfasts shall be included in the cost of the nightly accommodations; no meals other than breakfasts shall be served; and

liquor shall neither be sold nor provided to B&B guests.

(Hot breakfast requirement to prevent an operator, most likely absentee and from out of town, from leaving a box of donuts on a hall table and saying this is the B&B breakfast for the guests. Breakfasts only to guests and no other meals to prevent someone from starting to sell breakfasts to non-guests and then evening meals, no restaurant or boarding house operation under the title of a B&B. Does not prevent guests from bringing a bottle of wine, etc. to be consumed in their rooms.)

5. No licensee and no person employed to assist in the operation of a B&B shall have been convicted of a felony.

6. At least one licensee operator of a B&B shall live full-time at the B&B property and the licensee operator or operators shall individually or collectively personally work not less than sixty percent of the hours necessary to operate the B&B, and provide satisfactory written evidence of such matters to the City upon request.

(This was probably the most discussed issue. The consensus of opinion was that a B&B is traditionally operated with the owners, typically husband and wife, living on the premises. The question was raised if guests are charged for food and lodging without an owner living on the premises, does this business operation more closely resemble a small hotel or a B&B? Issues regarding the safety of guests and noise levels in the neighborhoods were also discussed and the potential for such incidents to hurt the image of the City. B&B patrons will include race fans, gamblers from the boats, and others in town for a good time. Many persons will consume alcohol either prior or subsequent to arrival at a B&B or both. Many thought it was better and more prudent for the safety of guests and peace and quiet in the neighborhoods that an owner live on the premises and that someone over 21, not a 14 year old, be on premises at all times when B&B guests are present. Such presence will have someone observing and hearing everything that is going on at a B&B at all times. If there are problems between the guests, if guests are disturbing other guests, if guests are making too much noise, or if guests disturbing the neighbors someone with authority will be there and can take appropriate action. If a B&B guest returns home and complains to others that he didn't get any sleep at a Joliet B&B because of noise in the next bedroom or because of a drunk, this single bad experience can have the effect of outweighing more numerous positive experiences. Having an owner living on the premises and someone on premises when guests are present is protection for the guests, the neighbors, the B&B licensee, and the City. Sixty percent is a fairly low threshold of time for a B&B licensee to meet and employees can perform forty percent of the work.)

7. A licensee operator or an employee thereof over the age of twenty-one years shall be present on the premises of a B&B at all times when a guest is present.

8. A B&B shall accept no guest under the age of twenty-one years unless accompanied by a parent or guardian; every B&B bedroom shall be available for occupancy for a period of not less than sixteen consecutive hours.

(No one hour "quick nap specials." Sixteen hours will allow for check-in at 6:00 p.m. and check-out at 10:00 a.m. or a variation thereof. There may be a legal issue if someone who has reached the legal age of majority under Illinois law, 18 years, can be lawfully prevented from renting a room.)

9. All guests over the age of twenty-one shall register upon arrival and at least one guest in a party shall

provide a drivers license or other identification and the licensee operator or an employee thereof shall record evidence of such person's name and address and provide such written information to the City upon request.

(Checking an ID for name and address is so the police will have a name and address if anything happens.)

10. Every B&B guest shall sleep in a bedroom; no more than two guests over the age of twenty-one years shall occupy any one bedroom; and no more than four persons shall occupy any bedroom.

(Allows mom, dad, and 2 kids in a room or up to 4 kids in a room, no over crowding.)

11. No guest shall stay at a B&B for more than fourteen consecutive days and no guest shall stay at a B&B for more than fourteen days in any thirty day period.

(So that a B&B is not a permanent residence. Most likely, family visiting family and business people doing business in Joliet will require a stay of no more than 14 days.)

12. Every B&B shall have a minimum of three (two?) off-street parking spaces for guests' vehicles.

13. No B&B shall have more than five bedrooms available for nightly accommodations for paying guests.

(Limits guests and their impact upon the neighborhoods and potential parking problems on the street.)

14. Together with an application for a B&B zoning variance and license, a proposed licensee operator shall submit to the City, in a form and content acceptable to the City, written approval of the operation of a B&B by all residential households within 250 feet (150? 200?) of a proposed B&B property; the City shall take into consideration the expressed views and opinions of other residents of the City of Joliet regarding granting or denying of a B&B license prior to making such determination.

(If a B&B is being proposed to operate in a residential neighborhood, the neighbors who are in a close proximity to it and who will be most impacted by its operation should give it their approval. "Expressed views and opinions of other residents" represents a comment made to the board and could be expressed at a zoning board of appeals hearing and before the City Council.)

15. Only one sign shall be allowed on a B&B property indicating its operation as a B&B and any such sign shall be non-illuminated and shall be no more than nine square feet in size, exclusive of posts or other supports.

(Allows a 3-foot by 3-foot non-light sign.)

16. No trailers, boats, travel trailers, pop-up campers, motor homes, recreational vehicles, motorcycles, or trucks, excepting, however, non-commercial pick-up trucks, vans, and sports utility vehicles, shall be parked overnight by a B&B guest on any B&B property or on any residential street within 1,000 feet of a B&B property.

(Ban lessens the impact upon the neighborhoods of a B&B operation.)

17. Any alterations of a proposed B&B property shall be done in such manner so that it may be easily converted back into a single family residence; the cost of alterations of a property for a proposed B&B shall not be considered in determining whether to grant, deny, suspend, terminate or renew a B&B

license, such decisions shall be made solely based upon compliance with the B&B zoning variation, the B&B ordinance, and other applicable laws, ordinances, rules, and regulations.

(The costs of making alterations to operate a B&B are not a reason to grant or renew a B&B license when there has been non-compliance with the zoning variance, the B&B ordinance or other applicable laws or ordinances. Simply put, the argument that “you can’t shut me down because I have too much money invested” or “this is my retirement money” cannot be accepted and will fail as a matter of law.)

18. Noise levels at a B&B shall be kept at a minimum so as not to disturb other B&B guests or neighbors to the B&B property;

(This probably needs some objective standard.)

19. The City may impose additional restrictions on the zoning variance, license or operations of any B&B so as to protect the peace, safety, and welfare of the residents of the City of Joliet; and

20. All guests shall be accepted at a B&B regardless of race, color, creed, national origin or religious beliefs.

(I did not address, at least for now, requiring a certain number of bathrooms with a sink, toilet, tub or shower for a certain number of B&B bedrooms. Nor did I address insurance or requiring a certain number of square feet per bedroom or certain number of square feet per person occupying a bedroom. These need to be at least be raised as possible issues for the City to determine whether it wishes to address them or whether it will allow the marketplace make such determinations, i.e. if someone has to wait an hour to take a shower and then ends up with cold water, it is unlikely that he will be a return B&B guest. There are also federal and state handicapped accessibility laws, however, I have not researched them for purposes of writing the proposed ordinance, and, therefore, I make no representation regarding their applicability.)

**For more information, please contact:**

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