



Town of Southampton
DIVISION OF FIRE PREVENTION
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Hampton Bays, NY 11946
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CHERYL KRAFT
Chief Fire Marshal
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Requirements for filing for a Bed & Breakfast
NEW APPLICATION AND ZONING CODE

All Bed and Breakfast permits are valid for one year and expire on December 31st.

1. Please submit an original survey of the property. The survey or site plan must show parking in compliance with §330-213.F (No parking area is allowed in the front or side yard or within 10' of a rear lot line as per 330-77.A. of Town Code. Cars may use the driveway as per 330-93.F of the Town Code.
2. Two sets of the new floor plans drawn to ¼" scale must be submitted. Label all rooms and designate which rooms will be owner occupied or for guests.
3. The owner will use the dwelling as his/her principal residence and must sign and have notarized the "Affidavit of Residency". Regardless of whether or not the owner has changed, this affidavit must be signed and notarized annually.
4. The owner must sign and have notarized the Smoke Alarm/Carbon Monoxide Affidavit.
5. The total number of bedrooms in the dwelling is at least three (3) in VB zone and at least four (4) in all other areas.
6. Kitchen facilities comply with 330-213.C. of the Town Code.
7. No more than five (5) bedrooms for registered guests.
8. Submit fee of \$175.00 along with a completed application.

BUILDING CODE

- (1) A one family dwelling is permitted to be used as a bed and breakfast dwelling as defined in section R202 and in compliance with Section AJ704 of the Residential Code of New York State, under the following conditions:
 - (1) No bedrooms for transient use shall be located above the second story.
 - (2) A fire safety notice shall be affixed to the occupied side of the entrance door of each bedroom for transient use indicating:
 - (i) means of egress;
 - (ii) location of means for transmitting fire alarms, if any; and
 - (iii) evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke detecting or other alarm device.
 - (3) Means of egress from the second floor shall include at least one of the following alternatives:
 - (i) a special sprinkler installation conforming to the requirements of NFPA 13D protecting all interior stairs serving as a means of egress;
 - (ii) an exterior stair conforming to the requirements of Section R314.1 and Section 314.2 of this code providing a second means of egress from all above grade stories or levels; or
 - (iii) an opening for emergency use conforming to the requirements of Section R310 of this code within each bedroom for transient use, such opening to have a sill not more than 14 feet above level grade directly below and as permanent equipment, a portable escape ladder which attaches securely to such sill. Such ladder shall be constructed with rigid rungs designed to standoff from the building wall, shall be capable of sustaining a minimum load of 1,000 pounds, shall extend to grade, and provide unobstructed egress to legal open space.
 - (4) Smoke-detecting alarm devices, installed in conformity with Section R313 of this code, shall be provided outside each separate sleeping area, in each sleeping space and on each floor level.
 - (5) Carbon Monoxide alarms shall be installed in conformance with Section R313.4 of the Residential Code of New York State and are required in the following locations:
 - (i) Within each dwelling unit on any story containing a sleeping area.
 - (ii) On any story of a dwelling unit where fuel-fired appliances and equipment, solid fuel burning appliances and equipment, fireplaces, wood stoves or attached garages are located. A carbon monoxide alarm installed on any story of a dwelling unit having a sleeping area shall suffice for that story.
 - (iii) Where more than one carbon monoxide detector is required, the units shall be interconnected if the units are hard-wired into the building's electrical system. Interconnection is not required if the units are permitted to be battery operated.

DEPARTEMENT OF FIRE PREVENTION
TOWN OF SOUTHAMPTON

AFFIDAVIT OF RESIDENCY

In the matter of the Application of

for a Permit for Bed and Breakfast Accessory Use pursuant to
Article XX III of Chapter 330 (Zoning) of the Town Code.

STATE OF NEW YORK)
COUNTY OF SUFFOLK) SS:

I, _____, duly sworn, deposes and says:

1. I am the owner of the premises located at _____, more particularly shown as Suffolk County Tax Map Number:

473689-_____._____-_____-_____.

2. I am familiar with the buildings and structures located on the subject premises as shown on the survey of _____, dated _____ (copy attached hereto), and acknowledge that the use of the building is for a single family dwelling and that a valid certificate of occupancy or certificate of compliance exists for said structures (copy attached hereto).

3. I have thoroughly read and I am familiar with the Bed and Breakfast use as defined by Article XXIII of the Town code. In particular I have read and thoroughly understand items A through J of the regulations listed under chapter 330-213 of the Town code.

4. I presently reside in the subject single family dwelling and this dwelling is my domicile or principal place of abode. In support of this statement, I have attached the following items as a form of proof:

5. Upon receipt of a permit to add the Bed and Breakfast accessory use subject single family dwelling, I will reside in the subject single family dwelling and the single-family dwelling will be my domicile or principal place of abode.

6. I make this affidavit knowing full well that the Town of Southampton, Division of Fire Prevention will rely upon the facts as stated herein to issue a permit for a Bed and Breakfast pursuant to Article XX III of Chapter 330 (Zoning) of the Code of the Town of Southampton, as same was adopted by Local Law Number 46 of 1994.

Dated: _____

Sworn to before me this _____ day of _____, 20 _____

Signature

Notary Public

BED AND BREAKFAST APPLICATION

Owners Name: _____ Phone Number: _____

Name of Bed & Breakfast (if different from owner) _____

Address: _____ E-Mail: _____

SCTM # 473689-_____._____-_____-_____._____ Current Zoning District _____

Approved by: _____ _____ Date
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REQUIREMENTS

Please Check One

- | | |
|--|--|
| 1. An original survey of the property if any structures have been added to the property. The survey or site plan must show parking in compliance with §330-213.F. (No parking area is allowed in the front or side yard or within 10’ of a rear lot line as per 330-93.F. of the Town Code.) | survey attached <input type="checkbox"/>
no changes <input type="checkbox"/> |
| 2. Floor plan drawn to ¼” scale of all floors if there have been any changes since last year’s permit. If new floor plans are being submitted, label all rooms and designate which rooms will be owner occupied or for guests. | floor plans attached <input type="checkbox"/>
no changes <input type="checkbox"/> |

Please answer Yes or No

- | | |
|--|---|
| 3. The B & B is located in the dwelling unit. | <input type="checkbox"/> <input type="checkbox"/> |
| 4. The Planning Board gave approval for a SE uses in an Acc. Bldg. | <input type="checkbox"/> <input type="checkbox"/> |
| 5. The number of bedrooms is at least three (3) in VB zones and at least four (4) in all other areas. | <input type="checkbox"/> <input type="checkbox"/> |
| 6. The owner will use the dwelling as his/her principal residence dwelling and signed the “Affidavit of Residency” | <input type="checkbox"/> <input type="checkbox"/> |
| 7. Kitchen facilities comply with 330-213.C. of the Town Code | <input type="checkbox"/> <input type="checkbox"/> |
| 8. No more than five (5) bedrooms for registered guests. | <input type="checkbox"/> <input type="checkbox"/> |
| 9. Smoke Alarm/Carbon Monoxide Affidavit. | <input type="checkbox"/> <input type="checkbox"/> |

Dated: _____

Sworn to before me this _____ day of _____, 20 _____

Signature

Notary Public

Emergency Contact List

If owner is unavailable, give name, title and address of two (2) emergency contacts other than the owner.

Name

Street

Unit #

Hamlet

Zip Code

Telephone

Cell

E-mail Address

Name

Street

Unit #

Hamlet

Zip Code

Telephone

Cell

E-mail Address

Do you have an on-site Manager. Yes No If yes, please list.

Name

Street

Unit #

Hamlet

Zip Code

Telephone

Cell

E-mail Address

Do you have an off-site Manager. Yes No If yes, please list.

Name

Street

Hamlet

Zip Code

Telephone

Cell

E-mail Address

§ 330-77. *Placement of accessory buildings and uses in residence districts.*

- A. Accessory off-street parking areas shall not be located in a required front yard or side yard and shall be not less than 10 feet from any property line in a required rear yard.

§ 330-93. *Methods of determining off-street parking space requirements.*

[Amended 8-22-1989 by L.L. No. 15-1989]

- A. The requirement for a single use (e.g., a one-family dwelling or a retail store) shall be determined directly from the schedule of such requirements which is a part of this chapter.
- B. The requirement for a combination use made up of several component uses (e.g., a bowling alley combined with an auditorium; a restaurant and bar; or a retail store combined with an office building or a storage area) shall be determined by establishing the requirement for each component use from the schedule of such requirements, which is a part of this chapter, and adding them together.
- C. When the required number of spaces is determined to result in a fraction, it shall be increased to the next highest whole number.
- D. If the use is not specifically listed in the schedule of such requirements, the requirements shall be the same as for the most similar use listed, as determined by the Planning Board.
- E. When the schedule requires the number of spaces to be calculated per employee and employees are on the site in shifts, the number to be used is the number of employees present during the largest shift. In all other cases it shall mean the total number of employees on the site or who will use the site for parking at any one time.
- F. A garage or a carport may be used to meet the requirements of this section. A driveway may only be used to meet the requirements of this section where it serves a one-family or two-family dwelling. No garage or other parking area shall be located under a motel, multiple dwelling (other than a two-family dwelling) or other commercial use without the explicit written permission of the Town Division of Fire Prevention and all other local agencies having jurisdiction to review and approve such a plan.
- G. Uses which require approval pursuant to the special exception procedure set forth in § 330-121 may be required to provide off-street parking spaces in excess of the requirements of this section, as indicated in § 330-122I.

§ 330-211. *Definitions.* [Amended 4-23-1996 by L.L. No. 13-1996]

In addition to the other definitions set forth in this chapter, the following definitions shall apply to this article: BED-AND-BREAKFAST -- An owner-occupied building designed, used and occupied as a single-family or two-family residence, managed by the property's owner, and having, as an accessory use, bedroom accommodations and breakfast provisions, served in the host's private dining room or kitchen for those accommodated as paying guests, who are referred to, for purposes of this article, as "registered guests."

§ 330-212. *Permit required; fee; period of validity.*

- A. No dwelling unit shall be used as a bed-and-breakfast unless:
 - (1) It is in compliance with the requirements of this article.
 - (2) A bed-and-breakfast permit has been issued by the Division of Fire Prevention.
- B. An application for a bed-and-breakfast permit shall be filed with the Division of Fire Prevention with a filing fee of \$175.00.
- C. Following an inspection of the premises, the Chief Fire Marshal is authorized to issue a bed-and-breakfast permit if he finds the residence meets all the requirements of this article.
- D. All bed-and-breakfast permits shall be valid for a period of one calendar year.

§ 330-213. *Regulations.*

- A. The building shall be a detached, single-family or two-family residence with a certificate of occupancy for such use. A bed-and-breakfast may also utilize one accessory building for guest facilities only if approved as a special exception use by the Planning Board. [Amended 4-23-1996 by L.L. No. 13-1996; 6-27-1997 by L.L. No. 24-1997]
- B. The building shall be occupied as a principal residence by its owner during any period of time in which it is also being used and occupied as a bed-and-breakfast.
- C. A single-family or two-family residence providing bed-and-breakfast accommodations may be located in any zoning district. In the Village Business (VB) Districts, it shall have a minimum of three bedrooms. In all other districts, it shall have a minimum of four bedrooms. No separate kitchen facilities for registered guests shall be provided. In the case where an existing two-family residence is to be used as a bed-and-breakfast, a separate kitchen may be used by the owner-occupant. [Amended 4-23-1996 by L.L. No. 13-1996]
- D. In addition to the number of bedrooms occupied by the owner in connection with the residential use, the number of bedrooms available for registered guests shall not exceed five.
- E. The number of registered guests occupying the premises at any one time shall not exceed 10.
- F. The residence must have a minimum of two parking spaces and at least one parking space for each room to be let. When four or more parking spaces are provided, the parking area shall be screened from direct view of any adjacent residential use.
- G. Not more than one employee shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 p.m. and 6:00 a.m. Members of the owner's immediate family who are residents on the premises shall not be considered employees, whether paid or unpaid.
- H. No guest may be registered for more than seven consecutive nights. The owner shall maintain a guest register and shall preserve registration records for a minimum of three years. The register and all records shall be made available for inspection by the Building Inspector or his designees or by the Codes Enforcement Officers at any time.
- I. No meals except for breakfast shall be served on the premises to registered guests.
- J. The building shall be in compliance with all applicable zoning, building, fire, electrical and plumbing codes.

§ 286-5. *Display of numbers; style and size.* [Amended 6-28-2005 by L.L. No. 25-2005]

- A. Manner of display.
 - (1) During construction period. The owner of a land parcel for which a building permit has been issued shall have the street address number displayed on a sign or a post located at the front of the property.
 - (2) Existing and newly completed buildings. The owner of an existing building or newly completed building shall have the street address number displayed by permanently affixing or painting numerals, letters or script stating the number to the front of the building. Where the building is not close enough to the street or is not readily visible from the street, the street address number shall be permanently affixed to a sign, post or mailbox located at the front of the parcel or lot where the building is situated.
- B. Style and size of numbers. The numerals, letters or script used to display the street address number of the building shall be painted on a plaque or the front of the building or made of metal or other durable material. The numerals, letters or script shall be at least **four inches in height**. All street address numbers shall be displayed so as to be easily seen from the street by both pedestrians and drivers of vehicles.