

**Proposed Amendment to Harpers Ferry Ordinances:
Building Uses and Bed and Breakfast Authority**

While considering revision of the Harpers Ferry Zoning ordinances, the Planning Commission found no area generating more interest than the need to revise our ordinance relating to authorization and regulation of Bed and Breakfast facilities. The Commission recognizes that revision of our present ordinance is crucial to advance the objectives of the Comprehensive Plan, encourage tourism and preservation and restoration of historic residential properties, stimulate business, and provide a source of tax revenue for the Town.

In drafting changes to the ordinance, the Planning Commission attempted to create a framework that would preserve the 19th century character of Harpers Ferry by encouraging purchase and restoration of some of our larger residences. We recognize that some of the elements of our present ordinance are unenforceable and not consistent with creation of economically viable businesses. Bed and Breakfasts are consistent with the objectives of the Comprehensive Plan in that they encourage the orderly and modest growth of the Town, encourage home-based business activities while retaining the Town's nineteenth century character and uses. We feel that these businesses encourage both preservation and the "best use" of suitable properties by optimizing their economic use.

Bed and Breakfast businesses increase the vitality of Harpers Ferry by filling an evident tourism need since there will be no additional hotel space for visitors for at least two years. Even if the Hilltop House is re-developed, these entities fill a tourism niche by providing more affordable accommodations than the resort class structure envisioned by developers such as SWaN. We recognize that these businesses encourage tourism without any serious disruption to residents since the owners have direct control over the guests who are accepted and "self-regulate" by having direct contact with their guests and refusing future reservations to the few guests who may prove troublesome.

The current ordinance is currently unenforceable and is not consistent with national Bed and Breakfast standards and practices. For example, we cannot provide "bed checks" to assure that the current four guest limit is observed. The language of the current ordinance also appears to be written for municipalities that actually have inspectors or enforcement personnel. Restrictions against use of auxiliary buildings are neither being uniformly enforced nor economically realistic. We can see no reason to prohibit use of suitable auxiliary buildings to make Bed and Breakfast businesses more economically viable.

We feel that there is no current need for parking restrictions for these businesses and that such issues should be considered as part of a comprehensive parking policy for the Town, particularly ad hoc restrictions on Bed and Breakfasts appear to be unenforceable. There appears to be

adequate parking space currently available in our residential areas to accommodate these businesses and that restrictions could be added if necessary in the future.

Attached is a copy of the current ordinance showing recommended changes, a final draft of the revised ordinance. We are also including a letter from the Angler Inn, which contained information on the Bed and Breakfast business we found useful.

Attachments