

ORDINANCE NO. 4470

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE DEFINITION OF, AND THE DEVELOPMENT STANDARDS FOR, HOMESTAYS.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the City of Asheville Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) currently provides allowances for Homestays and the opportunities for such uses should be expanded; and

WHEREAS, Homestays support economic growth; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the reasons as follows:

a) Will provide economic opportunity and security to a greater number of Asheville residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend Sec. 7-2-5 is amended by replacing the existing definition of Homestay with:

Homestay means a private, resident occupied dwelling, with up to two guest rooms where overnight lodging accommodations are provided to transients for compensation and where the use is subordinate and incidental to the main residential use of the building. A homestay is considered a "Lodging" use under this UDO.

b. Amend Sec. 7-8-1(d) by adding the following to the *Table of Uses* under Homestay:

"P" to the NB, NCD, UV and UP zoning districts, and
"S" to the URD zoning district

c. Amend Sec. 7-16-1(c)9 by replacing this section in its entirety with the following

(9) *Homestays.*

- a. Use districts: RS-2, RS-4, RS-8, RM-6, RM-8, RM-16, UR
- b. No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- c. The homestay operation shall be managed and carried on by a full-time resident of the property who shall be present and residing in the home when lodgers are present. Present and residing in the home means the full-time resident shall not be staying overnight outside of the home for reasons such as vacation, visiting with friends or family, or travelling out of town for business or personal reasons. Temporary absences related to normal residential activity such as shopping, working, attending class, etc. are permitted. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents.
- d. No activities other than lodging shall be provided.
- e. No additional off-street parking is required for a homestay.
- f. Only one homestay shall be permitted per lot/parcel.
- g. Homestay permits shall be limited to one per person, at any given time.
- h. No signage shall be allowed for homestays.
- i. The length of stay of guests shall not exceed 30 days.
- j. Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
- k. The homestay owner or operator shall maintain liability insurance on the property, which covers the homestay use and homestay guests.
- l. The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- m. The homestay area of the dwelling shall comply with all current and applicable building codes.
- n. The homestay must be reviewed annually and inspected for compliance with this subsection.
- o. Subsection 7-16-1(a)(1) shall not apply to homestays. Legally established, but non-conforming properties are eligible for a homestay use.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 17th day of November, 2015.

Magdalen Boulson
City Clerk

Edwin E. Howler
Mayor

Approved as to form:

Om Chiu
City Attorney