



Langrock Sperry & Wool, LLP
ATTORNEYS AT LAW

June 9, 2017

Dean Bloch, Town Administrator
Town of Charlotte
159 Ferry Road
P.O. Box 119
Charlotte, VT 05445

Joe Rheaume, Zoning Administrator
Town of Charlotte
159 Ferry Road
P.O. Box 119
Charlotte, VT 05445

Re: Airbnb / VRBO Short Term Rentals

Dear Dean and Joe:

I am a longtime resident of Hills Point Road, Charlotte, Vermont. This letter is a follow-up to our discussion at the Charlotte Town offices. I have concerns (shared by some of my neighbors) about the short term commercial rentals of primary residences in Charlotte, particularly on Hills Point Road. These rentals are often facilitated by websites such as Airbnb and VRBO. I believe presently there are scores of such listings in Charlotte including listing(s) on Hills Point Road (see attached). This is an endemic problem facing many communities throughout the country.

These short term home rentals are commercial and have an impact on our residential neighborhoods which are adverse and degrade the value and enjoyment of our residential properties. There are traffic and safety concerns. On more than one occasion I have had multiple cars turn around in my driveway (with grandchildren playing) asking where the rental or party is? There are septic and water quality issues. On Hills Point Road everyone has private septic systems and drinking water comes from the lake or private wells. If a house is permitted as a single family residence what is the impact of 4-5 families splitting the cost of renting a 5-7 bedroom home for multiple days or weekends? In any event these short term rentals to the public may be subject to scrutiny by the Vermont Agency of Natural Resources (Department of Environmental Conservation) and may require a Public Buildings Permit from the Vermont Department of Public Safety Division of Fire Safety. I have copied these Departments with this letter and will be contacting them directly.

These short term home rentals could also result in a diminution in the value of neighboring properties since the character of the neighborhood is clearly altered from being primarily

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BURLINGTON: 210 College Street, P.O. Box 721, Burlington, VT 05402-0721 • (802) 864-0217 • Fax: (802) 864-0137

A Limited Liability Partnership Including a Professional Corporation

residential to quasi-commercial. This could be tested *vis-a-vis* appeals of property tax assessments and resulting loss of property tax revenue.

The short term home rentals on Hills Point Road (see attached) are not consistent with the purpose clause of the shoreland district (SHR) provisions of the Charlotte Land Use Regulations (Zoning and Subdivision), as amended. Although the stated purpose of the SHR includes "(3) to allow residential and limited commercial development that is consistent with these aims..." short term commercial rentals are a use (not development) that is not consistent with SHR aims. Such use is not "Allowed By Right (No Permit Required)" and does not fall within the scope of "Permitted Uses (Dwelling/Single Family)" for which the Hills Point subdivision and individual residences are permitted for. Furthermore, it is not a "Conditional Use" as defined since short term rentals do not qualify, by definition as either "Bed and Breakfast," "Inn" or otherwise. The Conditional Uses related to the type of "limited commercial development" that might be permitted after review and approval by the Town does not include, nor should it mean, short term commercial rentals with the owner absent.

The only way short term commercial rentals of otherwise primary residences could be allowed (if at all) would be by expanding the list of Conditional Uses. Otherwise, such a blatant commercial use for profit of these residential properties is prohibited. I trust these property owners/renters are reporting their rental income to the IRS and Vermont Department of Taxes and collecting meals and rooms tax. Arguably such use of the property could result in the loss of the Vermont Homestead Exemption and would no longer qualify as the owner's primary residence.

Finally, the definition of "Land Development" (which requires a permit) includes, "(4) any material change in the use of any building, structure, land or extension of use of land." It would be hard to argue that these short term rentals with the owner absent are not commercial in nature and do not constitute a change in use from "primary residence" to commercial.

Accordingly, it would appear in the SHR district that short term home rentals are not allowed by right under the ordinance, are not a permitted use and do not qualify as a conditional use. Hence, they should not be allowed.

This letter is not intended as a veiled threat but a request by me as an interested person (24 V.S.A. §4465(b)) that the Town take appropriate action in this matter.

I am requesting the Town Zoning Administrator to take appropriate enforcement action and the Town to clarify any ambiguities concerning such short term rentals in residential areas by specifically amending the Land Use Regulations (Zoning and Subdivision) to either prohibit short term rentals of residential properties or to add them to the list of Conditional Uses. I have attached to this letter a summary of how Asheville, N.C. has dealt with the problem of short term homestays balancing the need to protect the integrity and safety of residential communities against the sometimes conflicting desires of absentee resident owners. Hopefully the Town will follow the Asheville example and amend the existing ordinance to appropriately deal with this issue.

I would respectfully request the opportunity to make this request at the public input portion of the June 15, 2017 Planning Commission meeting.

Sincerely,

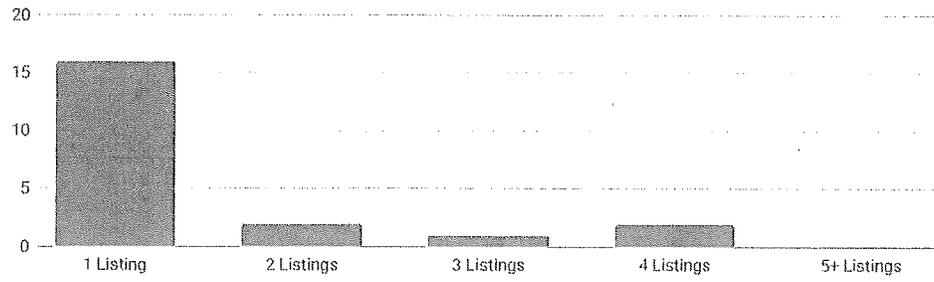


Michael W. Wool
mwool@langrock.com
MWW:sll
Enc.

c: Matt Krashow, Selectboard Member (to be shared with Selectboard)
Mary Mead, Town Clerk
Daryl Benoit, Town Planner
Agency of Natural Resources (Department of Environmental Conservation)
Vermont Department of Public Safety, Division of Fire Safety
Vermont Department of Taxes, Commissioner
Hills Point Road Residents

698445.1

Hosts by # of Listings Managed



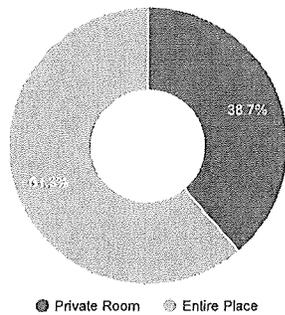
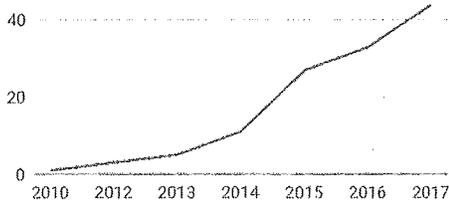
Airbnb Property Information

31
active Airbnb rentals ⓘ

13
10 or more reviews

16
rated 5 stars

Cumulative Listed Properties Of currently active listings



VermontProperty.com

Vermont vacation rentals guide

Town of Charlotte Vermont Vacation Rentals

1 Bedroom | 2 Bedrooms | 3 Bedrooms | 4 Bedrooms | 5+ Bedrooms | Rental Agencies

1 Bedroom - Charlotte Vermont Vacation Rentals

Top ↑



Garden Island 1br - Oak - Honeymoon Cottage, Lake Champlain

Screened porch & lakefront deck. In Converse Bay on 32-acre private island accessible by private launch. Beach, boat
1BR, sleeps 2 - 4. Charlotte, VT.

3 Bedroom - Charlotte Vermont Vacation Rentals

Top ↑



Garden Island - Three 3br Lakefront Cottages, Lake Champlain

Choose one of our six cottages on 32-acre Garden Island. Private launch, boats & beach. Weekly lakefront rentals
3BR, sleeps 6 - 7. Charlotte, VT.

4 Bedroom - Charlotte Vermont Vacation Rentals

Top ↑



Garden Island - 4br Birch - Lake Champlain Lakefront Cottage

Original farmhouse expanded to cottage with large screened porch. One of 6 cottages. Shared launch, beach, boats.
4BR, sleeps 8 - 10. Charlotte, VT.

5+ Bedroom - Charlotte Vermont Vacation Rentals

Top ↑



Grand Lakefront Home with Pool, Hot Tub, Kayaks, and Sunsets

One of the grandest homes on Lake Champlain, this 5-7 bedroom home has it all.
5BR, sleeps 10 - 12. Charlotte, VT.



Garden Island an Unforgettable Summer Experience - 6 Homes

Available June to Labor Day. 1BR to 6BR. Easy I-87 drive from New York or a short flight into Burlington Airport
6BR, sleeps 4 - 15. Charlotte, VT.

[Back to the Top](#)

Northern Vermont Rental Regions

Southern Vermont Rental Regions

[Burlington - Northwest VT](#)

[Ascutney Mountain](#)

Region:
[Lake Champlain & Islands](#)

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Towns in Region

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- [Panton](#)
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- [South Hero](#)
- [Swanton](#)
- [Vergennes](#)

See rentals by:

Lakes in Region

- [Lake Champlain](#)

175* Hills Point Road



Charlotte, VT



175 Hills Point Rd
Charlotte, VT

View Photos

Overview Location Reviews The Host

Luxury home on Lake Champlain, sleeps 12

Charlotte, VT, United States



Entire home/apt



12 Guests



Studio



9 Beds

\$500 per night

Check In

mm/dd/yyyy

Check Out

Guests

Request to Book

You won't be charged yet

 Report this listing

Request to Book

You won't be charged yet

100% refundable

Cancel up to 24 hours before your trip and get a full refund, including service fees.

About this listing

One of the most beautiful homes on Lake Champlain, with an in-ground pool, panoramic sunset views across the lake to the Adirondacks, a 500-year-old oak tree for shade on sunny days, and every amenity: hot tub, two kayaks, two docks, mooring buoy, fully stocked kitchen and pantry, and more. Only 12 miles from downtown Burlington, a lovely college town. In the winter, we're only an hour from world-class skiing at Stowe, Smuggs, Sugarbush, Bolton, and Middlebury.

Contact host

The space

Accommodates: **12** (/s/charlotte--vt)

Bathrooms: **5.5**

Bedrooms: **Studio**

Beds: **9**

Check In: **Anytime after 3PM**

Property type: **House** (/s/Charlotte--VT)

Room type: **Entire home/apt**

House Rules

Amenities

 Wireless Internet

 Hot tub

+ More

Elevator in building

Pets allowed

Internet

Doorman

 **Wireless Internet**

Buzzer/wireless intercom

Smoking allowed

Kitchen

Gym

Wheelchair accessible

 **Hot tub**

 **Family/kid friendly (/s/charlotte--vt? amenity=family-friendly)**

Pool

 **Free parking on premises**

Breakfast

 Family/kid friendly (/s/charlotte--vt? amenity=family-friendly)

 **Free parking on premises**

Suitable for events

Indoor fireplace

 **Air conditioning**

Cable TV

 **TV**

Hair dryer

 **Iron**

 **Hangers**

 **Laptop friendly workspace**

 **Dryer**

 **Heating**

Washer

 **Essentials**

Private entrance

Prices

Extra people: **No Charge**

Always communicate through Airbnb

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

[Learn more \(/help/article/199\)](#)

Description

Sleeping arrangements



Common spaces

1 king bed, 1 queen bed, 2 double beds, 4 single beds, 1 sofa bed, 1 air mattress

One of the most beautiful homes on Lake Champlain, with an in-ground pool, panoramic sunset views across the lake to the Adirondacks, a 500-year-old oak tree for shade on sunny days, and every amenity: hot tub, two kayaks, two docks, mooring buoy, fully stocked kitchen and pantry, and more. Only 12 miles from downtown Burlington, a lovely college town. In the winter, we're only an hour from world-class skiing at Stowe, Smuggs, Sugarbush, Bolton, and Middlebury.

+ More

House Rules

No smoking

Not suitable for pets

No parties or events

Check in is anytime after 3PM

Cancellations

Flexible

Cancel up to 24 hours before your trip and get a full refund, including service fees.

View details (/home/cancellation_policies#flexible)

Safety features

Carbon monoxide detector

Fire extinguisher

First aid kit

Smoke detector

Safety card

Availability

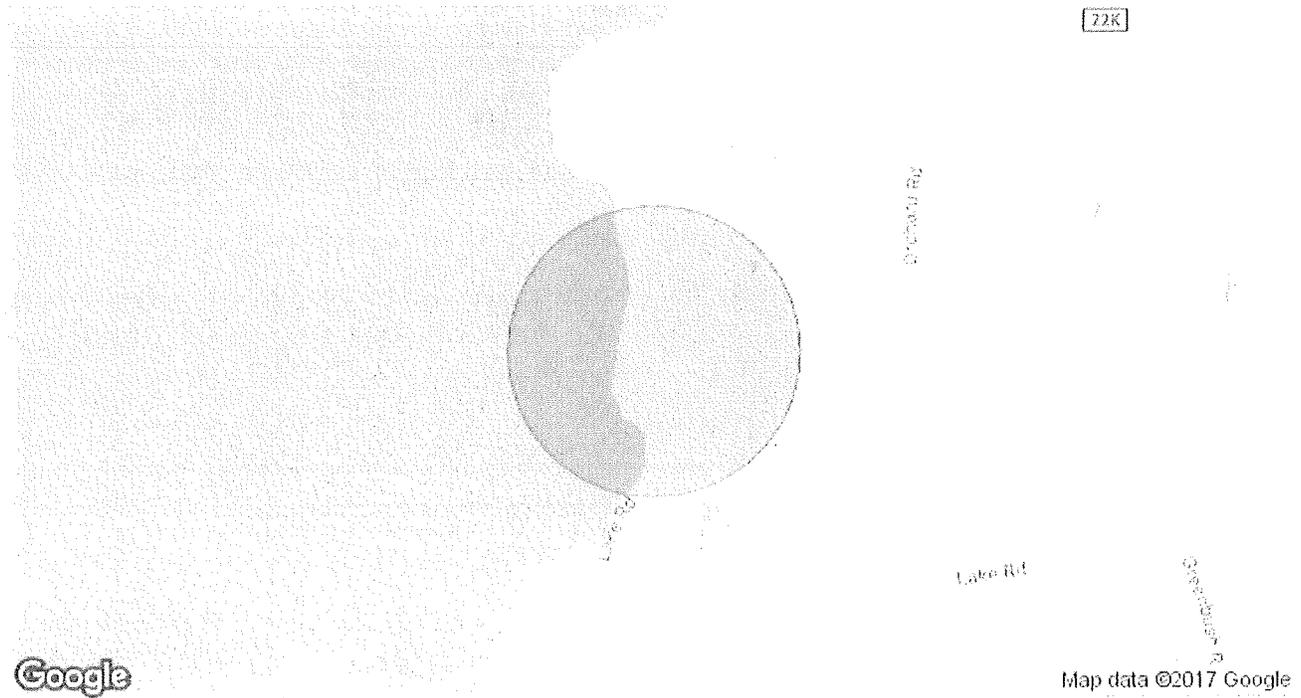
3 nights minimum stay

View calendar

The neighborhood

Bob's home is located in Charlotte, (/s/Charlotte--VT) Vermont, (/s/Vermont--United-States) United States (/s/United-States)

Open map



Exact location information is provided after a booking is confirmed.

This place would love your review

When you book this place, here's where your review will show up!

Hosted by Bob (/users/show/15147847)

Burlington, Vermont, United States · Joined in May 2014

6 Reviews

(/users/show/15147847#reviews)



Verified



(/show/15147847)

Contact host

Response rate: 100%

Response time: within an hour

Home (/) / Vermont (/region/us/vermont) / Charlotte (/city/us/vermont/charlotte) / **Top 100 Listings**

The Best Airbnb Rentals in Charlotte, Vermont

Top Airbnb Listings - May 2017

4 out of 5 Airbnbs are ranked 4.5 stars or better

We've created a more precise way of ranking the best Airbnb Rentals

- Ratings
- Reviews
- Superhost Status
- Response Rate
- Instant Booking
- Cancellation Policy



Top .1%



Top 1%



Top 3%

Rental Type

Prices

Entire Place Private Room Shared Room

\$20 - \$500+

Explore Airbnb investment opportunities in Charlotte, Vermont

[View Now \(/investment-explorer\)](/investment-explorer)

Top Airbnb Listings in Charlotte

Trouble finding the right Airbnb?
Search other places to stay in Charlotte, Vermont

Learn More (<https://www.tripping.com/search?search-input=Charlotte%2C+Vermont%2C+United+States&cam=2180&htad=true&c>)

Top Airbnb Listings in Charlotte		
1st	 <p>Tuscan Suite in Forested Farmhouse Retreat (http://www.airbnb.com/rooms/5159213) Entire Place, 1 bed, 1 bath, 2 guests max Airdna Score: 86</p>	<p>\$86 Average Price</p>
2nd	 <p>1805 Carriage Barn Apartment (http://www.airbnb.com/rooms/4971387) Entire Place, 2 bed, 1 bath, 4 guests max Airdna Score: 86</p>	<p>\$133 Average Price</p>
3rd	 <p>Zen Suite in Forested Farmhouse Retreat (http://www.airbnb.com/rooms/5159943) Entire Place, 1 bed, 1 bath, 2 guests max Airdna Score: 79</p>	<p>\$86 Average Price</p>
4th	 <p>Newly Built 4 BDR Farm House, 12 Acr (http://www.airbnb.com/rooms/3736984) Entire Place, 4 bed, 3 bath, 7 guests max Airdna Score: 78</p>	<p>\$350 Average Price</p>
5th	 <p>Artful, rustic, country retreat (http://www.airbnb.com/rooms/43934) Entire Place, 1 bed, 1 bath, 4 guests max Airdna Score: 71</p>	<p>\$159 Average Price</p>
6th	 <p>Scandinavian Suite in Forested Farmhouse Retreat (http://www.airbnb.com/rooms/5157592) Entire Place, 1 bed, 1 bath, 2 guests max Airdna Score: 71</p>	<p>\$81 Average Price</p>

7th		<p>Tonino Camp at Thompson's Point, Charlotte http://www.airbnb.com/rooms/13561387 Entire Place, 3 bed, 1 bath, 5 guests max Airdna Score: 65 </p>	<p>\$220 Average Price</p>
8th		<p>Historic farmhouse apartment (The 4 Seasons) http://www.airbnb.com/rooms/12760615 Entire Place, 2 bed, 1 bath, 6 guests max Airdna Score: 59 </p>	<p>\$122 Average Price</p>
9th		<p>Lake Champlain Summer Island Cabin "Cedar" (http://www.airbnb.com/rooms/12301121) Entire Place, 3 bed, 1 bath, 7 guests max Airdna Score: 57 </p>	<p>\$292 Average Price</p>
10th		<p>Inn at Charlotte B&B, Cottage Room http://www.airbnb.com/rooms/5279167 Entire Place, 1 bed, 1 bath, 4 guests max Airdna Score: 51 </p>	<p>\$187 Average Price</p>
11th		<p>Mt. Philo Inn - spacious suites http://www.airbnb.com/rooms/1009234 Entire Place, 3 bed, 2 bath, 6 guests max Airdna Score: 51 </p>	<p>\$370 Average Price</p>
12th		<p>Over the garage loft http://www.airbnb.com/rooms/7821147 Entire Place, 1 bath, 2 guests max Airdna Score: 50 </p>	<p>\$75 Average Price</p>
13th		<p>Spacious Suites in Charlotte VT Inn http://www.airbnb.com/rooms/444105 Entire Place, 3 bed, 2 bath, 6 guests max Airdna Score: 50 </p>	<p>\$384 Average Price</p>
14th		<p>Elegant Forested Farmhouse Retreat http://www.airbnb.com/rooms/5145352 Entire Place, 3 bed, 3 bath, 6 guests max Airdna Score: 43 </p>	<p>\$239 Average Price</p>
15th		<p>Heart of Village, Charlotte, VT http://www.airbnb.com/rooms/4594205 Entire Place, 3 bed, 3 bath, 6 guests max Airdna Score: 39 </p>	<p>\$318 Average Price</p>
16th		<p>Ideal for your family and friends http://www.airbnb.com/rooms/2927203 Entire Place, 5 bed, 5 bath, 10 guests max Airdna Score: 39 </p>	<p>\$534 Average Price</p>
17th		<p>Refined Luxury and Elegance http://www.airbnb.com/rooms/1880938 Entire Place, 3 bed, 3 bath, 6 guests max Airdna Score: 39 </p>	<p>\$664 Average Price</p>

18th		The Projector House, Thompon's Pt (http://www.airbnb.com/rooms/9996489) Entire Place, 3 bed, 2 bath, 6 guests max Airdna Score: 36	\$569 Average Price
19th		Scenic Cottage on Lake Champlain (http://www.airbnb.com/rooms/5642174) Entire Place, 3 bed, 1 bath, 6 guests max Airdna Score: 32	\$350 Average Price
20th		Peaceful lakeside Vermont cabin (http://www.airbnb.com/rooms/3792369) Entire Place, 4 bed, 1 bath, 9 guests max Airdna Score: 31	\$318 Average Price
21st		Lakefront Cabin "Pine" on Private Island (http://www.airbnb.com/rooms/7967621) Entire Place, 3 bed, 1 bath, 7 guests max Airdna Score: 29	\$248 Average Price
22nd		Lake Front Cabin "Willow", Near Burlington, VT (http://www.airbnb.com/rooms/13623605) Entire Place, 3 bed, 1 bath, 6 guests max Airdna Score: 21	\$236 Average Price

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 \(<http://www.linkedin.com/shareArticle?mini=true&url=http%3A%2F%2Fwww.airdna.co>\)](http://www.linkedin.com/shareArticle?mini=true&url=http%3A%2F%2Fwww.airdna.co)

(Printed from url=<http://coablog.ashevillenc.gov/2016/07/ashevilles-homestay-and-short-term-rental-regulation-program-progressing/>)

Asheville's homestay and short-term rental regulation program progressing



City of Asheville has actively ramped up its enforcement of homestays and short-term rentals

In November 2015 and May 2016, City Council adopted updates to Asheville's homestay regulations that included clarification of the definitions, a decrease in number of bedrooms that can be rented out in a homestay from three to two, and increased the number of zoning districts where homestays may be allowed. They also removed the separation requirement from 500 feet to no separation. The signed ordinances can be read here:

Homestay ordinance adopted Nov. 17, 2015

Ordinance 4505 revise standards reg homestays 5.17.16

Homestays and short-term rentals

The City of Asheville allows two types of paid overnight lodging accommodations within a home or apartment for less than one month.

A **homestay** is the rental of a room or rooms in a private home. A permanent resident must reside at the property and be present in the home during the time of the homestay. Homestays can be permitted in residentially-zoned areas, if they meet the regulatory requirements for homestays and obtain a homestay permit.

Rental of a dwelling unit for less than a month is called a **short-term rental (STR)**, and these types of uses are prohibited in all residential districts. STRs can only be permitted in certain non-residentially zoned areas that allow lodging facilities with a permit.

Regulation and enforcement

Shortly after the City updated its homestay regulations, Shannon Morgan was hired as homestay and short-term rental enforcement employee. His initial task was to help residents get permits for their conforming homestays or short-term rentals. Along with that, of course, comes enforcement.

So where are we with the program? Through June the City has:

- Processed 93 homestay applications
- Issued 86 permits
- Issued 72 notice of violations
- Issued 5 citations

"Since April, we actively ramped up our proactive enforcement efforts and have nearly doubled the amount of notice of violations issued," said Development Services Director Jason Nortz.

Many notice of violations stem from neighborhood complaints.

"They seem to come in stages," said Morgan. Following recent holiday weekends, for example, Morgan has seen a spike in complaints.

Some people want to be compliant and operate their homestay or STRs the right way. "But we are getting reports of properties that are being used as income properties owned by people who do not even live in the state of North Carolina," Nortz said. Hence, the need for enforcement.

Violators can face \$500 a day fines.

The City's Legal Department has been involved in four cases, two of which have been resolved. The City may move forward with legal action in at least one outstanding case.

More staff to manage the program

With the new fiscal year that started July 1 came more resources for the City of Asheville to regulate the short-term rental and homestays community.

The \$154.36 million budget adopted June 23 by City Council includes \$130,000 for an additional enforcement officer and equipment for the City's homestay and short-term rental programs. The money was generated from increased Development Services revenue. The new budget also funds a part-time administrative position to help process paperwork involved in licensing and enforcement.

With additional staff will come more regulation and enforcement.

Anyone interested in operating a legal homestay or STR should contact Shannon Morgan. He is available to answer questions and guide you through the process. You can contact him at smorgan@ashevillenc.gov or 828- 259-5829.

Related coverage:

Homestay permitting program update from Development Services Director Jason Nortz to Asheville City Council

Get your homestay permit — here's how

For more coverage on Asheville short-term rentals, visit [this link](#).

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 Bourleson
City Clerk

Edwin E. Howler
Mayor

Approved as to form:

Om Ori
City Attorney

ORDINANCE NO. 4505

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REVISE STANDARDS REGULATING 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 Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides allowances for homestays and the opportunities for such uses should be expanded; and

WHEREAS, homestays support economic growth; and

WHEREAS, the 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 following reasons:

a) by developing zoning standards that regulate activities in order to promote harmony and compatibility with the surrounding neighborhoods.

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. Section 7-16-1(c)(9)(c) shall be revised in its entirety to read:

c) The homestay operation shall be managed and carried on by a person who: 1) is a full-time resident of the property; and 2) is present during the homestay term for the entire time lodgers are staying at the property. To be a "full time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For purposes of this homestay ordinance, a person can only have one primary, full time residence, and the homestay must be operated from that primary, full time residence. In order to be "present during the homestay term," the full time resident shall be at the property overnight and not away on vacation, visiting friends or family, travelling out of town for business or personal reasons, etc. during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents.

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.

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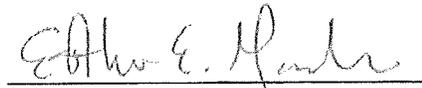
Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 17th day of May, 2016.

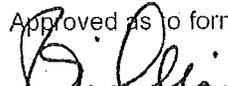


City Clerk



Mayor

Approved as to form:



City Attorney