

ORDINANCE NO. 2019 – 945 TC 416
TC-1-19

AN ORDINANCE TO ESTABLISH REGULATIONS CONCERNING HOMESTAYS—A TYPE OF OVERNIGHT LODGING—AND TO ALLOW HOMESTAYS IN CERTAIN ZONING DISTRICTS THAT PERMIT RESIDENTIAL USES.

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

Section 1. Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by adding: “Homestay” to the Specific Use column as a separate entry underneath the “Overnight Lodging, Except as Listed Below” heading and marking it as a Limited Use in the following zoning districts:

R-1, R-2, R-4, R-6, R-10, RX, OX, NX, CX, DX.

Section 2. Section 6.2.2.B. of the Part 10A Raleigh Unified Development Ordinance, Boardinghouse, is hereby amended by insertion of the following underlined provisions and deleting the language shown with a strike-through:

B. Boardinghouse

1. Defined

A facility that contains individual rooms ~~without cooking facilities~~ that are rented to the general public to more than 4 unrelated persons for periods in excess of 30 days, and which includes a rooming house ~~lodging house and tourist home.~~

2. Use Standards

- a. The facility was constructed originally as a detached house for single family residential use.
- b. The total number of individuals occupying a boardinghouse is limited to 6.
- c. In a Residential District, there is no exterior advertising except 1 unlit announcement sign not to exceed 2 square feet in area.
- d. No boardinghouse can be located within 1,200 feet of another boardinghouse (determined by a straight line from property line to property line).
- e. The minimum tenant rental period exceeds 30 days.
- f. Cooking facilities shall not be permitted in the rented rooms of the boardinghouse.
- g. The facility shall comply with the City’s Housing Code, Article 11.6 of this UDO.

Section 3. Section 6.4.6 of the Part 10A Raleigh Unified Development Ordinance, Overnight Lodging, is hereby amended by inserting a new subsection “E”, which reads:

E. Homestay

1. Defined

A dwelling unit that is occupied by the resident domiciled at that location, with up to two guest rooms for overnight lodging accommodations that are provided to transients for no longer than 30 days for compensation and where the use is subordinate to and incidental to the main residential use of the building. Rentals of entire dwelling units less than 30 days are considered Overnight Lodging and are permitted as set forth in Sec. 6.1.4.

Domicile means the place where an individual has a true, fixed permanent home and principal establishment, and to which place, whenever absent, the individual has the intention of returning. A resident may have only one domicile.

2. Use Standards

- a. Every homestay operator shall first apply for and procure a homestay zoning permit from the City's Development Services Department. Permits must be renewed annually. Prior to the approval of any homestay operation, the operator must first present proof that a tax account number has been established with Wake County.
- b. Every application for the homestay prescribed herein shall be upon a form approved by the City Manager and shall be filed with the Development Services Department.
- c. At the time of submission of the application, the applicant shall deliver to City Planning first class stamped envelopes addressed to the owners of all property within 100 feet on all sides of the proposed location at the time of submittal. Mailed notice shall be provided to such property owners as listed in the Wake County tax records at the time of submittal.
- d. A full-time resident homestay operator who is domiciled at the property shall be present for the entire time that a homestay lodger is staying at the property. The resident homestay operator cannot stay elsewhere overnight while the homestay lodger is present. Temporary day-time absences related to normal residential activity are allowed.
- e. In a Residential zoning district, the maximum number of overnight guests shall not exceed two (2) adults and their minor children.
- f. Cooking facilities are not permitted in any homestay bedroom or any exclusive homestay area. For the purpose of this regulation, cooking facilities include any refrigerator in excess of seven cubic feet; any stovetop range that operates on 220 volt electric service; any appliance that operates on natural gas; or any cooktop, whether integrated into a countertop or a separate appliance, which contains more than two cooking surfaces or burners.
- g. No exterior advertising shall be allowed.
- h. In residential zoning districts, homestay lodgers shall not utilize the premises for holding special events or gatherings. No activities other than lodging shall be provided on the premises.

- i. The premise shall not be used for “Live-Work”, an “Accessory Dwelling Unit” or a “Day Care, Home”.
- j. Homestay operators shall comply with all applicable State and local laws, including those relating to Fire and building codes, smoke detecting and carbon monoxide detecting equipment, housing codes, and payment of taxes to appropriate governmental entities, including occupancy taxes.
- k. Every homestay operator shall maintain for a period of three (3) years a list of all homestay lodgers staying at the residence.

3. Civil Penalty

Violations of section 6.4.6.E shall be subject to a civil penalty of five hundred dollars (\$500). All other provisions of section 10.4.2 of this UDO apply to violations of section 6.4.6.E.

4. Revocation of permit

The Planning and Zoning Administrator shall revoke the homestay permit following a written determination that any resident of the facility, resident manager of the facility, the operator of the facility have been:

- a. Convicted of violating on the homestay premise a Criminal Law within a 365-day period. “Criminal Law” means a conviction of any of the following:
 - i. Article 27 of Chapter 14 of the North Carolina General Statutes.
 - ii. Article 3 of Chapter 18B of the North Carolina General Statutes.
 - iii. N.C.G.S 14-71.1.
 - iv. N.C.G.S 14-292.
- b. Received within a 365-day period two or more “Verified Violations” of any combination of:
 - i. Any City Code zoning regulation on the homestay premise.
 - ii. Any noise regulation on the homestay premise.
 - iii. Any nuisance prohibited by City Code section 12-6002 on the homestay premise.
- c. Any combination of convictions and/or Verified Violations of two or more items from a. and b. above within a 365-day period.

A Verified Violation means a determination made by a Code City enforcement official or a judge, with notice of violation of the City Code, opportunity to respond to the noticed alleged offenses and an order or other mandate issued to the owner or any other person imposing a sanction or requiring further actions to comply with the City Code, including, without any limitation, the payment of civil penalties or administrative fees, or implementation of corrective measures, or cessation of activities, or conviction of a criminal Code offense for failure to comply with the Code provisions listed in this subsection. A verified violation that is appealed continues as a verified violation unless it is overturned on appeal. If the violation is reinstated on a further appeal, it resumes its status as a verified violation.

Once lawfully revoked, a new permit for a homestay cannot be issued or re-instated for the premise for a period of 365 days.

Section 4. The application fee for an initial homestay permit shall be \$172 and the fee for an annual renewal shall be \$86. Future amendments to these fees shall be included and indexed in the Development Fee Schedule.

Section 5. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This text change has been reviewed by the Raleigh City Planning Commission.

Section 8. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 9. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 11. This ordinance is effective 90 days after adoption.

ADOPTED: **May 21, 2019**
EFFECTIVE: **August 19, 2019**

DISTRIBUTION: Planning – Bowers, Crane, Holland
 Development Services – Bailey-Taylor, Rametta
 City Attorney – Tatum Currin, Hargrove-Bailey
 Department Heads
 Transcription Svcs – Taylor