



CITY COUNCIL AGENDA
September 8, 2015

6:00 p.m. – 7:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code

Second Floor Conference Room (Acquisition of easement for Schenk's Branch Sewer Interceptor; CRHA Board appointments; Acquisition of real property on Kenwood Lane for greenbelt trail system)
Council Chambers

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS
MATTERS BY THE PUBLIC

National Payroll Week (Sept. 7-11, 2015); Voting Equipment (Roseanna Bencoach)

Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

1. **CONSENT AGENDA*** (Items removed from consent agenda will be considered at the end of the regular agenda.)
- a. Minutes for August 17 **Consent Agenda approved 5-0**
 - b. **APPROPRIATION:** Urban and Community Forestry Grant - \$20,000 (2nd of 2 readings)
 - c. **APPROPRIATION:** Safe Routes to School Program Grant for Jackson-Via School - \$249,959 (2nd of 2 readings)
 - d. **APPROPRIATION:** Victim Witness Assistance Program Grant - \$178,551 (2nd of 2 readings)
 - e. **APPROPRIATION:** Adoptions Through Collaborative Partnerships Grant Renewal - \$84,000 (2nd of 2 readings)
 - f. **APPROPRIATION:** Donation to Market Central - \$500 (1st of 1 reading)
 - g. **APPROPRIATION:** Enhanced Police Coverage Donation - \$84,194 (1st of 2 readings)
 - h. **APPROPRIATION:** Fire Programs Aid to Localities - \$137,789 (1st of 2 readings)
 - i. **APPROPRIATION:** Grant for Belmont Historic Survey - \$33,000 (1st of 2 readings)
 - j. **RESOLUTION:** Accept McIntire Road Extended (John W. Warner Parkway) into City Street System (1st of 1 reading)
 - k. **RESOLUTION:** Accept Portion of McIntire Road into City Street System (1st of 1 reading)
 - l. **RESOLUTION:** Approve Grant Application for Meadow Creek Trail Bridge (1st of 1 reading)
 - m. **RESOLUTION:** Application for Revenue Sharing Grant for Sidewalks, ADA Improvements and Bike Lanes (1st of 1 reading)
 - n. **ORDINANCE:** Stormwater Utility Amendments (2nd of 2 readings)
 - o. **ORDINANCE:** Reduce Emmet Street Speed Limit from Arlington Blvd to Hydraulic Road (1st of 2 readings)
2. **PUBLIC HEARING/RES*** Charlottesville Project Submissions for House Bill 2 (HB2) Transportation Funding **Approved 5-0**
3. **RESOLUTION*** Approve Bicycle/Pedestrian Master Plan Update (1st of 1 reading) **Approved 5-0 (with amendments)**
4. **ORDINANCE*** Transient Lodging (HomeStay) Ordinance Amendments (2nd of 2 readings) **Approved 4-1**
5. **REPORT** Charlottesville-Albemarle Technical Education Center (CATEC) Strategic Plan Update
6. **REPORT** Piedmont Council of the Arts – Create Charlottesville/Albemarle Cultural Plan
7. **REPORT** ~~YMCA Financial Plan Update~~ [Removed from Agenda at request of YMCA]
8. **ORDINANCE*** Amendment to YMCA Ground Lease (1st of 2 readings) **Carried over**
9. **REPORT** Quarterly Update from Rivanna Water & Sewer Authority/Rivanna Solid Waste Authority

OTHER BUSINESS
MATTERS BY THE PUBLIC
COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION.

Urban and Community Forestry Grant

\$20,000.

WHEREAS, the City of Charlottesville has received \$7,000 from the Virginia Department of Forestry through the Urban Community Forestry Grant in order to perform an urban tree canopy assessment; and

WHEREAS, the City will contribute \$13,000 in funds from the Urban Tree Preservation and Planting fund to supplement the grant;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$7,000 received from the Virginia Department of Forestry is hereby appropriated in the following manner:

Revenue - \$20,000

\$7,000	Fund: 209	IO: 1900254	G/L Code: 430120
\$13,000	Fund: 209	IO: 1900254	G/L Code: 498010

Expenditures - \$20,000


\$20,000	Fund: 209	IO: 1900254	G/L Code: 599999
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Transfer

\$13,000	Fund: 425	WBS: P-00428	G/L Code: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$7,000 from the Virginia Department of Forestry.

Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council

APPROPRIATION.

Safe Routes to School Program (S.R.T.S.) Jackson-Via School Grant
\$249,959

WHEREAS, the Safe Routes to School Program (S.R.T.S.) grant, providing Federal payments for construction of sidewalks and crosswalks has been awarded the City of Charlottesville, on behalf of Jackson-Via School, in the amount of \$199,967;

WHEREAS, the S.R.T.S. program is a 80% reimbursement program requiring the City to meet all federal guidelines to qualify and;

WHEREAS, the grant requires a 20% match of \$49,992 to be provided by transfer from Citywide A.D.A. Sidewalks and Curb Ramps (P-00670);

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

\$199,967	Fund: 426	WBS: P-00877	G/L Account: 430120
\$49,992	Fund: 426	WBS: P-00877	G/L Account: 498010

Expenses

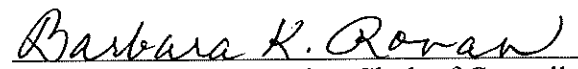
\$249,959	Fund: 426	WBS: P-00877	G/L Account: 530550
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Transfer

\$49,992	Fund: 426	WBS: P-00697	G/L Account: 561426
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$199,967 from the Virginia Department of Transportation.

Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council

APPROPRIATION.

Charlottesville Victim Witness Assistance Program Grant

\$178,551.

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$148,301; and

WHEREAS, the City is providing a supplement in the amount of \$30,250, the source of which is the Commonwealth Attorney's salary budget (Cost Center: 1401001000; G/L Account: 519999).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$178,551 is hereby appropriated in the following manner:

Revenues

\$111,226	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$ 37,075	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 30,250	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

Expenditures

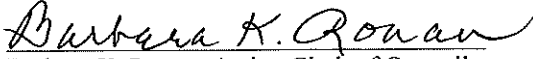
\$114,484	Fund: 209	Cost Center: 1414001000	G/L Account: 510010
\$ 8,756	Fund: 209	Cost Center: 1414001000	G/L Account: 511010
\$ 25,633	Fund: 209	Cost Center: 1414001000	G/L Account: 511020
\$ 878	Fund: 209	Cost Center: 1414001000	G/L Account: 511030
\$ 20,930	Fund: 209	Cost Center: 1414001000	G/L Account: 511040
\$ 4,808	Fund: 209	Cost Center: 1414001000	G/L Account: 520010
\$ 3,062	Fund: 209	Cost Center: 1414001000	G/L Account: 530100

Transfer

\$ 30,250	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$148,301 from the Virginia Department of Criminal Justice Services.

Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council

APPROPRIATION.

Adoption Through Collaborative Partnerships Grant Renewal - \$84,000.

WHEREAS, the Charlottesville Department of Social Services has received \$84,000 to support Adoptions Through Collaborative Partnerships from the Virginia Department of Social Services R.F.P.# F.A.M.-14-072;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$84,000 is hereby appropriated in the following manner:

Revenue – \$84,000

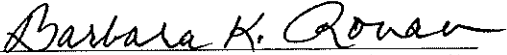
Fund: 212 Cost Center: 3343012000 G/L Account: 430110

Expenditures - \$84,000

Fund: 212 Cost Center: 3343012000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$84,000 from the Virginia Department of Social Services.

Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council

APPROPRIATION.
Susanne Palmer Donations for Market Central
\$500.

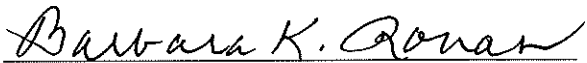
WHEREAS, the City of Charlottesville, through the Parks & Recreation Department, has received donations in honor of Susanne Palmer a City Market supporter of which \$500 will go towards Market Central.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville funding is hereby appropriated in the following manner:

Expenditures

\$500 Fund: 105 Cost Center: 180038 G/L Account: 599999

Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council

RESOLUTION

MAINTENANCE PAYMENTS FOR JOHN W. WARNER PARKWAY

WHEREAS, it is necessary that a resolution be adopted by the City of Charlottesville Council requesting the Virginia Department of Transportation to accept a street addition in the City of Charlottesville for maintenance payments for John W. Warner Parkway, formerly known as McIntire Road Extended, from the Intersection of Melbourne Road & John W. Warner Parkway the City Limits with Albemarle County for a centerline distance of 0.07 mile and the portion of John W. Warner Parkway from the City Limits to Route 250 Bypass for a centerline distance of 0.481 mile. The total addition of John W. Warner Parkway is 0.551 centerline mile.

WHEREAS, the Virginia Department of Transportation has accepted this street addition into the State system or roadways, and

WHEREAS, said street has a total centerline length of 1.102 miles, and

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Charlottesville, Virginia, this 8th day of September, that the Virginia Department of Transportation be, and hereby is, requested to accept this street into the City's transportation network and authorize maintenance payments on a lane mile basis to the City.

ADOPTED this 8th day of September 2015.

BY ORDER OF THE COUNCIL OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA

Barbara K. Ronan

Attest:

[Signature]

Adopted by City Council
On September 8, 2015

Barbara K. Ronan
Barbara K. Ronan, Acting Clerk of Council

RESOLUTION

MAINTENANCE PAYMENTS FOR MCINTIRE ROAD

WHEREAS, it is necessary that a resolution be adopted by the City of Charlottesville Council requesting the Virginia Department of Transportation to accept a street addition in the City of Charlottesville for maintenance payments for McIntire Road, from the Intersection of McIntire Road & Route 250 Bypass to 0.15 miles south of the Route 250 Bypass for a centerline distance of 0.15 mile. The total addition for the Route 250 Interchange project at McIntire Road is 0.15 centerline mile.

WHEREAS, the Virginia Department of Transportation has accepted this street addition into the State system or roadways, and

WHEREAS, said street has a total centerline length of .45 miles, and

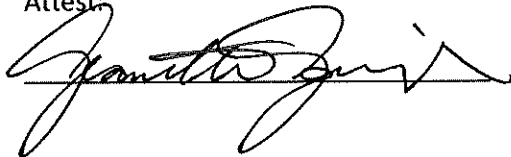
NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Charlottesville, Virginia, this 8th day of September, that the Virginia Department of Transportation be, and hereby is, requested to accept this street into the City's transportation network and authorize maintenance payments on a lane mile basis to the City.

ADOPTED this 8th day of September 2015.

BY ORDER OF THE COUNCIL OF THE
CITY OF CHARLOTTESVILLE, VIRGINIA

Barbara K. Ronan

Attest:



Adopted by City Council
On September 8, 2015

Barbara K. Ronan
Barbara K. Ronan, Acting Clerk of Council

**Recreational Trails Program
Authorizing Resolution**

A resolution authorizing application(s) for federal funding assistance from the Recreational Trails Program (R.T.P.) to the Virginia Department of Conservation & Recreation (D.C.R.).

WHEREAS, under the provisions of R.T.P.F., federal funding assistance is requested to aid in financing the cost of bridge construction within the Meadow Creek Valley, and

WHEREAS, The City of Charlottesville considers it in the best public interest to complete the project described in the R.T.P. application;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Manager be authorized to make formal application to D.C.R. for funding assistance;
2. Any fund assistance received be used for implementation and completion of construction of the trail bridge over Meadow creek within the specified time frame;
3. The City Manager hereby certifies that project funding is currently available and is committed for the completion of this project while seeking periodic reimbursement through the Recreational Trails Program.
4. We are aware that the R.T.P. funding, if approved, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to D.C.R.
5. We acknowledge that the assisted trail project will have an assigned life expectancy assigned to it and that the facility must be maintained to standards suitable for public use.
6. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, Executive Orders 11988 and 11990 (Floodplain Management and Wetlands Protection) and all other applicable state and federal laws;
7. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval.
8. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation.

This resolution was adopted by Charlottesville City Council during the meeting held:

Location: Charlottesville City Hall Council Chambers

Date: September 8, 2015

Signed and approved by the following authorized representative:

Signed: *Maurin Jauer* Title City Manager

Date: 9-10-15

Adopted by City Council
On September 8, 2015

Barbara K. Ronan
Barbara K. Ronan, Acting Clerk of Council

RESOLUTION

Revenue Sharing Program - \$295,000

At a regularly scheduled meeting of the Charlottesville City Council held on September 8, 2015, on a motion by Kristin Szakos, seconded by Kathy Galvin, the following resolution was adopted by a vote of 5 to 0 :

WHEREAS, the Charlottesville City Council desires to submit an application for an allocation of funds of up to \$295,000 through the Virginia Department of Transportation Fiscal Year 2017, Revenue Sharing Program; and,


WHEREAS, \$295,000 of these funds are requested to fund New Sidewalk, ADA Improvements and & Bicycle Improvements; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Charlottesville City Council hereby supports these applications for an allocation of \$295,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the Charlottesville City Council hereby grants authority for the City Manager to execute project administration agreements for any approved revenue sharing projects.

ADOPTED this 8th day of Sept., 2015.

Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council

AN ORDINANCE
AMENDING AND REORDAINING SECTION 10-103 OF ARTICLE VI OF
CHAPTER 10 (WATER PROTECTION) OF THE CODE OF THE CITY OF
CHARLOTTESVILLE, 1990, AS AMENDED, TO WAIVE THE STORMWATER
UTILITY FEE ON PROPERTY OWNED BY ALBEMARLE COUNTY OR ITS
SCHOOL BOARD

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 10-103 of Article VI (Stormwater Utility) of Chapter 10 (Water Protection) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

CHAPTER 10. WATER PROTECTION

ARTICLE VI. Stormwater Utility

Sec. 10-103. Stormwater utility fee.

(a) A stormwater utility fee is hereby imposed on every parcel of improved real property in the city that appears on the real property assessment rolls as of December 31 of each year. All stormwater utility fees and other income from the fees shall be deposited into the water resources protection fund.

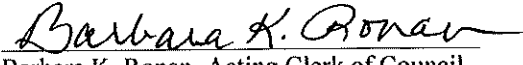
(b) The rate per billing unit to be used for calculating the stormwater utility fee shall be one dollar and twenty cents (\$1.20) per month.

(c) Except as otherwise provided in this article, the impervious area for a property shall be determined by the city using aerial photography, as-built drawings, final approved site plans, field surveys or other appropriate engineering and mapping analysis tools.

(d) Notwithstanding subsection (a) above, and consistent with Virginia Code § 15.2-2114, the stormwater utility fee shall be waived in its entirety for the following:

- (1) A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system; except that the waiver of charges shall apply only to property covered by any such permit;
- (2) For so long as there exists a revenue sharing agreement between the City and the County of Albemarle, Virginia, the waiver authorized by this section shall also apply to the property of each such locality, and to property of each locality's school board that is accounted for within that locality's municipal storm sewer program plan, regardless of whether such property is located within the territorial jurisdiction of the other locality;
- (3) Public roads and street rights-of-way that are owned and maintained by state or local agencies including property rights-of-way acquired through the acquisitions process;
and,
(4) Unimproved parcels.

Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council

RESOLUTION
Support of Project Submissions for House Bill 2 Transportation Funding
By the City of Charlottesville

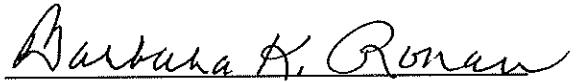
WHEREAS, the Charlottesville City Council desires to submit applications for House Bill 2 transportation funding to the Virginia Department of Transportation for Fiscal Year 2017; and

WHEREAS, following a public hearing held at a regular meeting of City Council on September 8, 2015, the following items for submission (in order of priority) were presented to the City Council:

1. East High Street Streetscape Improvements
2. Fontaine Avenue Streetscape
3. Emmet Intersection Improvements

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that this Council supports and approves the submission of applications for funding the above-referenced projects (in priority order) through the House Bill 2 transportation funding program.

Approved by City Council
September 8, 2015



Barbara K. Ronan
Acting Clerk of Council

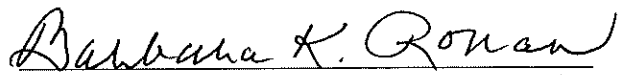
RESOLUTION
APPROVING AN AMENDMENT TO THE CITY COMPREHENSIVE PLAN
BY INCORPORATING THE 2015 BICYCLE
AND PEDESTRIAN MASTER PLAN UPDATE

WHEREAS, the Charlottesville Planning Commission and City Council jointly held a public hearing on the proposed 2015 Bicycle and Pedestrian Master Plan Update on June 9, 2015, after notice given as required by law; and

WHEREAS, on June 9, 2015, the Planning Commission adopted a resolution recommending approval by City Council of the proposed Update to the Bicycle and Pedestrian Master Plan, and certifying a copy of the proposed Update to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the proposed Update, the City Council hereby approves the 2015 Bicycle and Pedestrian Master Plan Update, as presented and modified by Council, as an amendment to the City's Comprehensive Plan. Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this Update, along with a copy of the approved Update.

Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council

**AN ORDINANCE
AMENDING AND REORDAINING ARTICLE IX
AND ARTICLE X OF CHAPTER 34 OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
TO ESTABLISH A SPECIAL CATEGORY OF HOME OCCUPATION
TO BE KNOWN AS A "HOMESTAY"**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Section 34-1172 of Article IX (Generally Applicable Regulations), and Section 34-122 of Article X (Definitions), of Chapter 34 (Zoning) of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained as follows:

CHAPTER 34. ZONING

ARTICLE IX. GENERALLY APPLICABLE REGULATIONS

Sec. 34-1172. - Standards—Home occupations.

A home occupation authorized by a provisional use permit shall be subject to the following regulations:

- (1) A home occupation shall be permitted only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling.
- (2) In addition to the resident of the dwelling ~~unit~~, not more than one (1) other individual person may be engaged in the activities of the home occupation business on the property premises at any given time. There must be off-street parking available for this other individual staff person.
- (3) No more than three (3) customers or clients of ~~the~~ a home occupation business shall be present on the premises at the same time; for homestays: no more than six (6) adult overnight guests are allowed, per tax map parcel, per day. No customers, clients or employees shall be allowed to visit the property on which a home occupation business is conducted premises earlier than 8:00 a.m. or later than 9:00 p.m.; these hours of operation shall not apply to a Homestay.
- (4) Deliveries of supplies associated with the home occupation business shall occur only between the hours of 8:00 a.m. and 9:00 p.m.
- (5) No mechanical or electrical equipment shall be employed within or on the property premises, other than machinery or equipment customarily found in a home.
- (6) No outside display of goods, and no outside storage of any equipment or materials used in the home occupation business shall be permitted.
- (7) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the home occupation beyond the confines of the dwelling, or an accessory building, including transmittal through vertical or horizontal party walls.

- (8) The storage of hazardous waste or materials not otherwise and customarily associated residential occupancy of a dwelling with home use is prohibited.
- (9) There shall be no sales of any goods, other than goods that are accessory to a service delivered on-premises to a customer or client of the home occupation business.
- (10) With the exception of homestays: (i) a home occupation business must be conducted entirely within the dwelling, ~~or~~ an accessory building or structure, or both and (ii) not more than twenty-five (25) percent of the total floor area of the dwelling shall be used in the conduct of the home occupation business, including storage of stock-in-trade or supplies.
- (11) For pet grooming services, all animals must be kept inside during the provision of services and no animals may be boarded or kept overnight.
- (12) All parking in connection with the home occupation business (including, without limitation, parking of vehicles marked with advertising or signage for the home business) must be in driveway and garage areas on the property premises, or in available on-street parking areas.
- (13) Homestays may not have any exterior signage. For other home occupation businesses: one (1) exterior sign, of dimensions no greater than two (2) square feet, may be placed on the exterior of the dwelling or an accessory structure to indicate the presence or conduct of the home business; and (i) this sign may not be lighted; and (ii) in all other respects the property from which a the home occupation business is to be conducted must be in compliance with the sign regulations set forth within Division 4, sections 34-1020, et seq.
- (14) Except for a ~~the~~ sign authorized by subparagraph (13) above, there shall be no evidence or indication visible from the exterior of the dwelling that the dwelling or any accessory building is being utilized in whole or in part for any purpose other than ~~as a residential occupancy dwelling~~.
- (15) Applicants for a provisional use permit authorizing a home occupation shall provide evidence of a city business license (or a statement from the commissioner of revenue that no city business license is required), proof of payment of taxes required by City Code, Chapter 30, if any, and a certificate of occupancy or other written indication from the city's building code official that use of the dwelling or accessory building structure for the home occupation business is in compliance with all applicable building code regulations.
- (16) In addition to the provisions of (1)-(16), above, the following regulations shall apply to homestays:
 - a. An individual who applies for a provisional use permit to authorize the operation of a homestay shall present proof of:
 - (i) such individual's ownership of, and permanent residence at, the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant's driver's license, voter registration card or U.S. passport, showing the address of the property, or other document(s) which the zoning administrator

determines provide equivalent proof of permanent residence by the applicant at the property that is the subject of the application.

(ii) contact information for a responsible party. If the owner is not the responsible party who will be available during the time of service, then the responsible party must be identified and must sign the application form.

- b. No food shall be prepared for or served to guests of the homestay by the owner or the owner's agent(s) or contractor(s).
- c. Every homestay shall have working smoke detectors, carbon monoxide detectors and fire extinguishers, and all such equipment shall be accessible to overnight guests of the homestay at all times. Every homestay shall comply with requirements of the applicable version of the Virginia Uniform Building Code, as determined by the City's Building Code Official.
- d. By his or her application for a provisional use permit for a homestay, an applicant authorizes City inspectors to enter the subject property, upon reasonable advance written notice to the applicant, at least one (1) time during the calendar year for which the permit is valid, to verify that the homestay is being operated in accordance with the regulations set forth within this section.
- e. Each provisional use permit for a homestay will be valid from January 1 (or such other date during a calendar year on which such permit is issued) through December 31 of the calendar year in which the permit is issued. During this period of validity, the owner of the homestay must occupy the dwelling as his or her residence for more than 180 days.
- f. A provisional use permit for a homestay may be revoked by the zoning administrator (i) in the event that three (3) or more substantiated complaints are received by the city within a calendar year , or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose provisional use permit has been revoked pursuant to this paragraph shall not be eligible to receive any new provisional use permit for a homestay, for the remaining portion of the calendar year in which the permit is revoked, and for the entire succeeding calendar year.

(17)The following are specifically prohibited, and shall not be deemed or construed as activities constituting a home occupation:

- a. Auto detailing, where more than two (2) vehicles being serviced are present on the property at any given time.
- b. Barber shops or beauty salons having more than two (2) chairs.
- c. Funeral home with or without chapel.
- d. Medical or dental clinic (other than psychiatric or psychological counseling services).
- e. Motor vehicle sales, repair, equipment installation, and similar activities.

- f. Nursing homes and adult care facilities.
- g. Offices or staging facilities for any non-professional service-oriented businesses (for example, maid services, landscaping and lawn maintenance services, construction services, etc.), except where the sole activity on the premises would be telephone order/dispatching functions and there would be no vehicles, equipment, workers, or customers on the premises at any time.
- h. Repair or testing of machinery, including internal combustion engines.
- i. Restaurants.
- j. Retail or wholesale sales, where any goods or merchandise are (i) displayed or otherwise offered or available on-site for sale or purchase, or (ii) delivered to or picked-up by purchasers on-site, including, without limitation: antique shops, sales of firearms, computer sales, and similar activities.
- k. Schools, nursery schools, and day care facilities.
- l. Veterinary clinics and animal kennels.

ARTICLE X. DEFINITIONS

Sec. 34-1200. Definitions.

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Guest room means a portion of a building hired out for use as room used for transient lodging and which does not contain a complete set of living accommodations in which no kitchen is provided. A room which is designed or intended for occupancy by one (1) or more persons, but in which no provision is made for cooking. A guest room does not include dormitory rooms located on a college or university campus or owned or operated by a college or university.

...

Bed and breakfast Homestay means a home occupation temporary lodging facility in which an individual who owns a dwelling and uses it as his or her permanent residence operated within a residential dwelling which is owner occupied and managed hires out, as lodging: (i) such dwelling, or any portion thereof, having no more than three (3) guest rooms within such dwelling, or (ii) a lawful accessory dwelling. And wherein food service shall be limited to.

Home occupation means any occupation or business activity which is clearly incidental and secondary to the lawful residential occupancy use of the premises as a dwelling property and which is carried on by an individual who resides within a dwelling on such property. The activities of a home occupation may be conducted, wholly or in part, only within a the main such dwelling building, or within an accessory building located on the same property.

...

Hotel/motel means a building, or portion thereof, or any group of buildings, containing or providing guest rooms used, rented or hired out to be occupied for sleeping purposes on a transient basis (i.e., by the day or week). This definition includes facilities commonly known as motor lodges, motor courts, and convention centers. The following are excluded from this definition: bed-and-breakfasts, rooming/ boarding houses, and homestays.

...

Lodging means a building, or a portion of a building (including, without limitation, any guest room) that is used or advertised for transient occupancy.

...

Occupancy, transient means the use of any building or structure, or portion thereof, as overnight accommodations for any individual(s) for any period(s) of 30 or fewer consecutive days, in return for a fee or charge. No transient occupancy shall be deemed or construed as being a residential use of any dwelling, or portion thereof.

...

Residence, permanent means residential occupancy of a dwelling unit by the same individual(s) for a period of more than 30 consecutive days.

...

Responsible party means an individual or business entity designated by the owner of a dwelling in which a homestay is conducted, who will be available 24 hours a day, 7 days a week, to respond to and resolve issues and complaints that arise during a period of time in which the dwelling is being used for transient occupancy. The responsible party must be located not more than (30) miles from a homestay at the time of a transient occupancy, so that a reasonably prompt, in-person response can be made at the homestay when necessary.

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Adopted by City Council
On September 8, 2015


Barbara K. Ronan, Acting Clerk of Council