THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: April 25, 2023

Subject: Cat Café District Expansion UDO Text Amendment

Staff Resource(s): Ben Woody, Assistant City Manager; Will Palmquist, AICP, Principal Planner

Action Requested: Adoption of an ordinance to amend Chapter 7 of the Asheville Code of Ordinances to amend the tables of uses to allow the use of "cat cafés" in more commercial zoning districts.

Background:

- Cat cafés are defined as "premises used to house or contain homeless, orphaned, or unwanted cats and that is owned, operated, or maintained by an organization that is licensed by the State as an animal shelter and devoted to the welfare, protection, and humane treatment of animals for the purpose of adoption, and which incorporates retail sales to support the interaction of patrons with cats, such as a café, bookshop, or other permitted use."
- Cat cafés are currently only allowed as a permitted use in the CBD zoning district.
- A request was received from a business owner seeking to open a cat café in the Haywood Rd Corridor district (HR-3).
- This amendment would allow cat cafés in zoning districts that currently allow eating/drinking establishments, including: NB, OFF I, OFF II, OB, CBI, CBII, NCD, HB, RB, CI, RSRT, INST, RIV, URD, UV, UP, ARPT, CBD EXP, COM EXP, HR-1, HR-2, HR-3, HR-4, HR-6, HR-7, RAD-LYH, RAD-NT, RAD-SHP, RAD-RIV, and RAD-IND.

Comprehensive Plan Consistency:

- This proposal supports a number of goals in the *Living Asheville Comprehensive Plan*, including:
    - **Promote Small and Independent Business, Entrepreneurship and the Maker Economy** - by evaluating land use policies to ensure that zoning regulations support small business growth and a local maker-based economy (p. 195).
    - **Facilitate Real Estate Development that Maximizes Public Benefit** - by ensuring all necessary land use types are provided for (p. 201).

Council Goal(s):

- This project is most closely aligned with the council goal of A Well-Planned and Livable Community.

Committees:

- Planning & Zoning Commission (PZC) - April 5, 2023 - Approved, 5:0.

Pros:

- Allows cat cafés to operate as a permitted use in more commercial districts of the city.
- Provides more opportunities for cat adoption by city residents and visitors in a commercial establishment such as a café or bookstore which also provides neighborhood-serving retail services.

Cons:

- None identified.

Staff Recommendation:

- Staff recommends approval of this zoning text amendment request based on the reasons stated above.

Suggested Motion:

- Motion to approve the proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will: 1) ensure that zoning regulations support small business growth and a local maker-based economy; and, 2) ensure all necessary land use types are provided for.

Attachments

1. Ordinance
2. PZC Recommendation
3. PZC Draft Action Minutes (4/5/23)

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE TABLE OF USES TO ALLOW CAT CAFES IN MORE COMMERCIAL DISTRICTS

WHEREAS, the City of Asheville has the authority pursuant to Article 7 of Chapter 160D 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) specifies permitted uses allowed in zoning districts;

WHEREAS, the Comprehensive Plan encourages business activity and the provision of neighborhood-level services;

WHEREAS, cat cafés are businesses used to house or contain homeless cats and which incorporate retail sales to support the interaction of patrons with cats, such as a café, bookshop, or other permitted uses.

WHEREAS, this amendment aligns with the City Council goals to update the Unified Development Ordinances in order to reflect recommendations in the Comprehensive Plan and other adopted goals and plans; and,

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in that the changes:

1. ensure that zoning regulations support small business growth and a local maker-based economy; and,
2. ensure all necessary land use types are provided for.

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. 7-8-1(d) Table of Permitted Uses, to add Cat Café as a Permitted use in the following zoning districts:**
    i. Neighborhood Business (NB)
    ii. Office (OFF I)
    iii. Office II (OFF II)
    iv. Office/Business (OB)

v. Community Business I (CBI)
vi. Community Business II (CBII)
vii. Neighborhood Corridor (NCD)
viii. Highway Business (HB)
ix. Regional Business (RB)
x. Commercial Industrial (CI)
xi. Resort (RSRT)
xii. Institutional (INST)
xiii. River (RIV)
xiv. Urban Residential (URD)
xv. Urban Village (UV)
xvi. Urban Place Form (UP)
xvii. Airport (ARPT)
xviii. CBD Expansion (CBD EXP)
xix. Commercial Expansion (COM EXP)

b. Amend Sec. 7-8-28(3.2) Haywood Road Form District - Permitted Use Table, to add Cat Café as a Permitted use in the following zoning districts:

i. Haywood Road Core (HR-1)
ii. Haywood Road Expansion (HR-2)
iii. Haywood Road Corridor (HR-3)
iv. Haywood Road Traditional (HR-4)
v. Haywood Road Town (HR-6)
vi. Haywood Road Traditional Community (HR-7)

c. Amend Sec. 7-8-29(3.2) River Arts Form District - Permitted Use Table, to add Cat Café as a Permitted use in the following zoning districts:

i. RAD Lyman Hollow (RAD-LYH)
ii. RAD Neighborhood Transition (RAD-NT)
iii. RAD Shopfront (RAD-SHP)
iv. RAD River (RAD-RIV)
v. RAD Industrial (RAD-IND)Haywood Road Core (HR-1)

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 the 25th day of April, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney