

## **15.14 Vacation Rental**

A vacation rental is the lease of a dwelling with up to six bedrooms for transient overnight accommodations for any period of less than thirty (30) days. A vacation rental is considered a "Lodging" use under this UDO. A vacation rental includes the leasing of any dwelling or portion thereof for any period of less than thirty (30) days that does not qualify as a homestay rental under this ordinance; provided, that any use that comes within the purview of another use under this ordinance (e.g., motel, hotel, boarding house, etc.) shall be governed by the terms of that use and not as a vacation rental.

Notwithstanding the foregoing, the full-time resident of a dwelling (as defined at section 15.05.02 above) may rent out their dwelling for up to two (2) weeks in any calendar year and such rental shall not be deemed a vacation rental under this section 15.14 but rather shall be considered an incidental use of the dwelling that does not require approval or permitting under this Article.

- 15.14.01** Every vacation rental operator must first apply for and procure a zoning permit from the Town. Zoning permits must be renewed annually. The zoning permit number authorizing the short-term rental shall be conspicuously posted on (i) all advertisements for short-term rentals, and (ii) on the subject property in a location easily viewable from the exterior of the structure provided, that if the permit number cannot be viewed from a private or public street, it shall be displayed where it can be viewed from the public or private street adjoining the primary façade of the dwelling unit.
- 15.14.02** A vacation rental is required to provide at least one (1) parking space per bedroom, which may not be located on any street right of way and must conform to all applicable parking regulations of this ordinance.
- 15.14.03** A vacation rental operator shall ensure that the primary responsible renter of a vacation rental is at least twenty-one (21) years old.
- 15.14.04** Reserved
- 15.14.05** In the B1 Downtown, B2 Neighborhood Business, and B3 General Business zoning districts, single-family detached dwellings and two-family detached dwellings (and any accessory dwellings on the same property) may be used as a vacation rental only if the dwelling existed as of January 1, 2014.
- 15.14.06** Cooking facilities are not permitted in any bedroom. 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. This subsection is not intended to prohibit cooking facilities within a one-room studio/efficiency unit. For the purpose of this regulation, a studio/efficiency unit is a rental with a sleeping area, living area and kitchen/eating area in one consolidated room.

**15.14.07** No signs advertising the property as a rental are allowed.

**15.14.08** Reserved

**15.14.09** The premises shall not be used for a home occupation that allows employees, customers, clients or patrons to visit.

**15.14.10** For any multi-family developments, including any mixed-use developments, that contains up to twenty-nine (29) dwelling units, no more than one dwelling unit may be operated as a vacation rental. For any multi-family developments, including any mixed-use developments, that contains thirty (30) or more dwelling units, no more than 5% of the dwelling units may be operated as a vacation rental. Permits shall be issued on a first-come, first-served basis based on the initial application date, and thereafter may be renewed. If a permit lapses before renewal, a renewal application shall be treated like an initial application for purposes of this paragraph.

**15.14.11** Vacation rental 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, and housing codes.

**15.14.12** Vacation rental operators are responsible for and must ensure that any and all occupancy taxes and other applicable taxes due under law as a result of their rental activities are remitted to the proper tax authorities, whether through their online platform service or by personally remitting the required taxes. The town shall require evidence of payment of such taxes as part of the application and permitting process, and may also conduct audits of vacation rental permittees, as it sees fit in its sole discretion, in order to ensure payment of all such applicable taxes.

**15.14.13** The rental operator or the operator's employee, management company, or other agent must be available to respond to complaints by renters or neighbors and to emergencies within two (2) hours at all times that a rental is occupied. A method will be provided for concerned citizens to make complaints or report emergency situations.

**15.14.14** If the primary structure on a property qualifies for vacation rental use, a lawful accessory dwelling structure on the same property also may be used for vacation rental. The operators of such a vacation rental may, at any given time, offer for short-term rental either the single-family dwelling unit or the accessory dwelling, or both units. The simultaneous rental of both the single-family dwelling unit and the accessory apartment to more than one party under separate contracts is prohibited. The units may, however, be rented out together to one party under a single contract.

**15.14.15** Vacation rental operators must carry insurance that covers the rental use and renters.

**15.14.16** Vacation rental permits are not transferrable. Every person wishing to operate a vacation rental must apply for and obtain the required permit prior to beginning operation of the rental.

**15.14.17 Revocation of Permit.** The Administrator shall revoke a vacation rental permit following a written determination that an operator of the facility has been:

- A. Convicted of violating any of the following criminal laws on the short-term rental premises within the prior three-year period: Article 10 (*kidnapping*), Article 10A (*human trafficking*), or Article 27 (*prostitution*) of Chapter 14 of the North Carolina General Statutes;
- B. Convicted of committing a violent felony as defined at N.C. Gen. Stat. §14-7.7 on the short-term rental premises within the prior three-year period.
- C. Convicted of violating any of the following criminal laws on the rental premises within the prior 365-day period:
  1. Article 3 of Chapter 18B of the North Carolina General Statutes (*sale, possession and consumption of alcohol*)
  2. N.C. Gen. Stat. §14-71.1 (possession of stolen goods)
  3. N.C. Gen. Stat. §14-292 (unlawful gambling)
- D. Received within a 365-day period two or more “Verified Violations” of any combination of the following, occurring on the short-term rental premises:
  1. Any Town Code zoning regulation.
  2. Any noise regulation set forth at Town Code Chapter 82.
  3. Any nuisance prohibited by Town Code Chapter 80.

A Verified Violation means a determination made by a code enforcement official, law enforcement officer, or judge, following notice of violation being issued by the Town Code and 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 Town 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 offense. 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.

- E. Once lawfully revoked, a new permit for a short-term rental cannot be issued or reinstated for the premise for a period of 365 days, except that in case of revocation under (A) or (B) above a new permit cannot be issued or re-instated for the premise for three years unless the person convicted of the criminal violation is no longer a resident, manager or operator of the short-term rental.

**15.14.18 Compliance period; existing nonconformities**

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- A.** The owner of any un-permitted vacation rental in operation as of June 30, 2022 must apply for a permit as required in this section 15.14 on or before December 31, 2022 and must come into compliance with this section by June 30, 2023.
- B.** Any existing, un-permitted vacation rental not conforming under this section 15.14 must be brought into compliance with this ordinance or cease operation by June 30, 2023.
- C.** Any person seeking to begin operation of a vacation rental after June 30, 2022 must first apply for and obtain a vacation rental permit as required under this section 15.14.
- D.** Any vacation rental located in the RA or R3 zoning districts that was legally permitted as of May 8, 2024 may continue to operate so long as the annual short-term rental permit (1) has not been revoked in accordance with Subsection 15.14.17 and (2) the annual permit has been successfully renewed prior to the permits expiration.

(Ord. PL04727-050721; 07-01-2021; Ord. PL05168-100621, 12-08-2021; Ord. A24-0010, 02-14-2024; Ord. A24-0072, 05-08-2024; Ord. A24-0640, 11-13-2024)

### **15.15      Airport/Landing Strip, Heliport, Helistop**

**15.15.01**    Federal Aviation Administration (FAA) approval must be submitted with the Special Use Permit application.

(Ord. PL04727-050721; 07-01-2021)

### **15.16      Utility Facility**

**15.16.01**    Utility facilities in or adjoining residential zoning districts must maintain district setback, be fenced (unless totally enclosed within a structure), and either be screened from view or designed to have a residential appearance.

**15.16.02**    Equipment producing noise or sound may not exceed 60 decibels at any adjoining property line.

(Ord. PL04727-050721; 07-01-2021)

### **15.17      Wireless Communication Facilities**

**15.17.01**    This Section 15.17 applies to wireless communications facilities that are not “qualifying small wireless facilities” (which are governed by Section 15.18), that are not micro wireless facilities, and that are not exempted in Section 15.17.04. Any terms used herein that are not defined at Article 34 shall have the meaning set forth at Part 3 (“Wireless Telecommunications Facilities”) of Chapter 160D of the North Carolina General Statutes.

**15.17.02**    The purpose of this section is to:

- A.** Minimize the impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
- B.** Encourage the location and co-location of wireless communications facilities