

UNC School of Government
Ordinance Comparison Chart
STR Workshop 2020

	Wilmington Whole-House STR	The Town of XYZ
Permit or registration required?		
Which STR Model 1 or 2		
Are rentals of the entire dwelling allowed in Residential zones? Any restrictions?		
Limits/caps on permits or registrations?		
Permit Renewal		
Occupancy Cap		
Responsible party		
Parking		
Trash		
Signs		
Noise		
Special events		
Insurance		
Address Posted		
Revocation/Enforcement		
Other things to note		

Print for Workshop

**AN ORDINANCE AMENDMENT TO REGULATE SHORT-TERM RENTALS
IN THE PLANNING AND ZONING JURISDICTION OF
THE TOWN OF XYZ, NORTH CAROLINA**

Section 1: Intent.

WHEREAS, the intent of this article is to establish minimum operational standards for the use of dwelling units as Primary and Dedicated Short-Term Rentals.

WHEREAS, the Town Council agrees that this ordinance amendment is consistent with the Town's Land Use Management Ordinance, and helps to promote the health, safety, and general welfare of the citizens of the Town.

WHEREAS, a Zoning Compliance Permit shall be required in order to operate a Primary or Dedicated short-term rental within the planning and regulation jurisdiction of the Town.

Section 2: Scope of Article.

Unless otherwise specified, the requirements and provisions of this section shall apply to Primary and Dedicated short-term rentals (collectively "short-term rentals"). This section does not apply to other types of transient lodging uses, such as hotels, motels, boarding houses, rooming houses, or hosted short-term rentals.

Section 3: Definitions.

Host means any Owner or Tenant Host. An Owner Host is a person who is the owner of record of residential real property, as documented by a deed or other such evidence of ownership, who offers their Host Residence, or a portion thereof, as a short-term rental. A Tenant Host is a lessee of residential real property, as documented by a lease or other such evidence, who offers their Host Residence, or portion thereof, as a short-term rental.

Short-Term Rental means the use of any dwelling unit, accessory dwelling unit, or portions thereof, for dwelling, sleeping, or lodging purposes by a paying transient guest(s) for fewer than 30 consecutive days.

Dedicated Short-Term Rental means a dwelling that is primarily used as a short-term rental and does not serve as the Host's true, fixed, permanent home. Dedicated STRs may be rented for an unlimited number of days during the calendar year. This use is limited to the commercial and resort district within the Town's planning jurisdiction.

Primary Short-Term Rental means the use of the Host's primary residence as a short-term rental. A primary residence is the true, fixed, permanent home of the Host. When the Host is present and on-site overnight, a portion of the dwelling or an accessory unit may be rented as short-term rental an unlimited number of days during the calendar year. When the Host is not present, the number of days that the unit can be used for short-term rental purposes shall be limited to 90 days per calendar year.

Zoning Compliance Permit (“STR permit”) shall mean the zoning permit that the property owner is required to hold before a dwelling unit may be advertised or used as a Primary or Dedicated Short-Term Rental.

Section 4: Zoning Compliance Permit Regulations.

1. Primary short-term rentals are hereby recognized as a lawful land use within the following zoning districts: **R-1, R-2, R-3, R-4.**
2. Dedicated short-term rentals are hereby recognized as a lawful land use within the following zoning districts: **Commercial, Resort, and Mixed-Use Zones.**
3. A STR permit shall be assigned to each dwelling unit used as a Primary or Dedicated short-term rental.
4. The zoning permit must be renewed every two-years before the expiration date. Failure to timely renew will result in an expiration of the zoning permit and may result in a voluntary forfeiture of all regal rights and claims to continue the use.
5. On or after _____, 2021, it shall be a violation of the Land Use Management Ordinance to operate a Primary or Dedicated short-term rental without having secured a valid STR permit.
6. In multifamily dwellings, a maximum of two (2) units or 25% of the units, whichever is greater, may hold an STR permit to operate a Dedicated short-term rental.
7. The STR permit application shall contain the following information:
 - a. Name and contact information of the property owner, including telephone number, mailing address, and email address. If the property owner is a corporation, firm, partnership, association, organization or other group acting as a unit, the owner shall provide the name of the entity set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number.
 - b. The address of the dwelling unit to be used as a Primary or Dedicated short-term rental. Indicate whether the dwelling will be used as a Primary or Dedicated STR.

- c. The name, address, telephone number, and email address of the designated responsible party. This information shall constitute the designated responsible party's 24-hour contact information.
8. *Grounds for Denial.* The Town may deny an application for a STR permit if any of the following has occurred:
 1. The applicant submits an incomplete application; or
 2. The proposed short-term rental fails to meet a specified standard set forth in this ordinance.

The applicant may appeal the denial of a STR permit to the Board of Adjustment pursuant to the requirements set forth in the Land Use Management Ordinance.

Section 5: Operational Requirements. The following operational requirements apply to Primary and Dedicated short-term rentals:

1. **Maximum Overnight Occupancy.** The overnight occupancy shall not exceed two (2) persons per bedroom plus two (2) additional persons, excluding children under three (3) years of age. The occupancy limit shall be posted prominently within the short-term rental unit and be included in property listings on the hosting platforms.
2. **Designated Responsible Party.** Operators shall designate a local responsible party who is available to respond to complaints or other issues arising from the STR use 24-hours during all times that the property is rented or used on a transient basis. The name, telephone number, and email address of the designee shall be conspicuously posted within the short-term rental unit. The designee shall reside within twenty (25) miles of the short-term rental property and be available to respond to complaints within sixty (60) minutes of their receipt.
3. **Noise.** The noise regulations set forth in Chapter __, Article __ of the Code of Ordinances apply.
4. **Trash and Recycle Disposal.** The dates and instructions for trash and recycling collection shall be posted prominently within the short-term rental. Waste may not be placed in trash bags at the curb; all trash is required to fit into trash receptacles.
5. **Parking.** Transient guests shall abide by all parking rules and regulations set forth in the Code of Ordinances. No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the short-term rental use.
6. **Signs.** Signs on the property advertising it as a short-term rental are prohibited.
7. **Address.** The address shall be visible from the street using reflective lettering. The 911 address shall be prominently posted within the property.

Section 6: Miscellaneous Requirements.

1. **Taxes.** Short-term rental operators are responsible for paying the state sales tax, personal property taxes, and the transient occupancy tax as established by state and local law.
2. **Minimum Rental Age.** The principal transient guest of a short-term rental shall be at least twenty-one (21) years old.
3. **Minimum Rental Duration.** The operator shall not make the residential dwelling unit available to short-term rental transient guests for a period of less than overnight.
9. **Simultaneous Rental Contracts.** The simultaneous rental of a dwelling unit, portion thereof, or an accessory unit to more than one party under separate rental contracts is prohibited.

Section 8: Enforcement.

1. **Permit Revocations.** If a STR operator receives three verified complaints relating to the use of the property as a short-term rental within a rolling twelve (12) month period, the STR permit may be revoked. The procedures for STR permit revocations, including the appeals process, are set forth in ____.
2. **Operating Without a Permit.** Any person who operates a short-term rental property without having been issued a STR permit shall be fined \$500.00 per day. This is a continuing violation and fines will accrue until the owner has secured a permit or ceases to rent the property on a short-term basis.
3. **Action for Recovery of Civil Penalty.** If payment of a civil penalty is not made, or if violations are not cured or corrected, within the time specified in the citation, then the matter may be referred to the Town Attorney for institution of a civil action before a court of competent jurisdiction.

Short-term Lodging Residential Districts Quick Facts

	Homestay Lodging	Whole-house Lodging
What is this?	Rental of individual bedrooms within the host's principal residence, including any single-family or accessory dwelling units. The host lives and remains onsite during the rental.	Rental of an entire dwelling unit. There is no resident host on the property. A local operator within 25 miles and available 24 hours a day is required.
Where are they allowed? View zoning map at wilmingtonnc.gov/zoningmap	HD, HD-R, HD-MU, R-20, R-15, R-10, R-7, R-5, R-3, MF-L, MF-M, MF-MH, and MF-H districts. Not allowed in MHP districts.	HD, HD-R, HD-MU, R-20, R-15, R-10, R-7, R-5, R-3, MF-L, MF-M, MF-MH, and MF-H districts. Not allowed in MHP districts.
Do I have to register? Register a short-term lodging at wilmingtonnc.gov/STLregistration	Yes, the property owner must register and the registration number must be included with any rental listings and must appear inside the unit. Registration must be renewed each year or it will terminate. Registration will terminate with the transfer of property.	Yes, the property owner must register and the registration number must be included with any rental listings and must appear inside the unit. Registration must be renewed each year or it will terminate. Registration will terminate with the transfer of property.
If I register, do I have to rent my property?	Yes, at least once every six months or your registration will terminate.	Yes, at least once every six months or your registration will terminate.
Is there a limit on registration?	No.	Yes, at least 400 feet is required between whole-house lodging or Bed & Breakfast locations within residential districts. No more than 2 percent of the total number of residentially-zoned parcels may
How many bedrooms can be rented?	One fewer bedroom than the total number of bedrooms in the home (reserving one for the host), with a maximum of three rental bedrooms.	No limit.
Is parking required?	In the R and HD residential districts: Host must issue a parking placard to each guest parked on site. Parking must be behind the front of the home , except on driveways existing on or before July 17, 2018. No more than three patron vehicles onsite at any time.	One off-street parking space is required per bedroom. In the HD districts, no new curb cuts are permitted. Shared parking plans may be approved if there is not enough parking onsite.

	Homestay Lodging	Whole-house Lodging
What about complaints and violations?	If there are three code violations and/or criminal convictions in any one-year period, registration will be terminated and the property owner may not re-register for three years. Code/criminal violations may be on, adjacent to, or within the property by an owner, tenant, guest, host, lessee, or person otherwise directly related to the property.	If there are three code violations and/or criminal convictions in any one-year period, registration will be terminated and the property owner may not re-register for three years. Code/criminal violations may be on, adjacent to, or within the property by an owner, tenant, guest, host, lessee, or person otherwise directly related to the property.
What about record keeping?	Registrants shall keep records showing: • The home is a host's primary residence • Dates of rental for the previous 365 days View a sample record keeping form for homestay lodgings.	Registrants shall keep records showing: • Dates of rental for the previous 365 days View a sample record keeping form for whole house lodgings.
What else is required?	Property owner and host must comply with all federal, state and local laws, including tax code, building code, fire code, and environmental health regulations for the level of occupancy. No parties, events, classes, weddings, receptions, or other large gatherings are allowed on the property. Insurance is required: commercial general liability of at least \$500,000 per occurrence for bodily injury and property damage. Food service is not permitted. No cooking allowed in bedrooms. Host must ensure trash carts are brought to and from the street on collection days. POST IN EACH UNIT: • Name and telephone number of host; • Address of lodging; • Maximum number of overnight occupants; • Day(s) of garbage collection; • Non-emergency phone number of the Wilmington Police Department; • Annual registration number; and • Statement that no parties, events, classes, weddings, receptions, or other large gatherings are permitted.	Property owner and host must comply with all federal, state and local laws, including tax code, building code, fire code, and environmental health regulations for the level of occupancy. No parties, events, classes, weddings, receptions, or other large gatherings are allowed on the property. Insurance is required: commercial general liability of at least \$500,000 per occurrence for bodily injury and property damage. Food service is not permitted. No cooking allowed in bedrooms. Operator must ensure trash carts are brought to and from the street on collection days. POST IN EACH UNIT: • Name and telephone number of operator; • Address of lodging; • Maximum number of overnight occupants; • Day(s) of garbage collection; • Non-emergency phone number of the Wilmington Police Department; • Annual registration number; and • Statement that no parties, events, classes, weddings, receptions, or other large gatherings are permitted.