

# THE TOWN OF BELHAVEN, NORTH CAROLINA

## Short Term Rental Regulations

Adopted March 9, 2020

### **§152.260 Intent.**

WHEREAS, the intent of this article is to establish minimum operational and safety standards for the use of residential dwelling units as Primary Resident and Dedicated short-term rentals and to minimize the impact of changed regulations on existing land uses established as of the effective date of the changed regulations.

WHEREAS, the Town Council agrees that this ordinance amendment is consistent with the Town of Belhaven Zoning 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 to operate a Primary Resident or Dedicated short-term rental within the planning and regulation jurisdiction of the Town.

### **§152.261 Scope of Article.**

Unless otherwise specified, the requirements and provisions of this section shall apply to Primary Resident and Dedicated short-term rentals (collectively called "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.

### **§152.262 Definitions.**

*Dedicated Short-Term Rental* shall mean the residential dwelling unit that is not owner-occupied or used as a principal residential dwelling unit to transient guests for a duration not to exceed thirty (30) consecutive days.

*Designated Responsible Party* shall mean the local contact responsible for responding to complaints or issues stemming from the use of the dwelling unit as a short-term rental. The Responsible party must be located within 25 miles of the short-term rental property and be available to respond to complaints within (60) minutes.

*Operator* shall mean the property owner or any natural person, company, or rental agency that advertises a residential dwelling unit for nightly rentals or that otherwise facilitates the use of the property as a short-term rental.

*Transient Guest* shall mean the person who, for compensation, rents a residential dwelling unit on a nightly basis for stays not to exceeded thirty (30) consecutive days.

*Primary Resident Short-Term Rental* shall mean the rental of a principal residential dwelling unit by a transient guest for a duration not to exceed (30) consecutive days, for a maximum of ninety (90) days per year. A principal residential dwelling unit is a residence that is occupied by the property owner (or the tenant/lessee of the owner authorized by the owner to offer the unit for short-term rental) for a cumulative minimum of 275 days per calendar year.

*Zoning Compliance Permit* ("STR permit") shall mean the zoning permit that the property owner is required to hold before the residential dwelling may be advertised or used as a Primary Resident or Dedicated short-term rental.

**§152.263 Zoning Compliance Permit Regulations.**

- (A) Primary Resident short-term rentals and dedicated short-term rentals are hereby recognized as a lawful land use within the following zoning districts: Residential (R-5), Residential Mobile Home (R-5M), General Business (GB).
- (B) Primary Resident and Dedicated short-term rentals are may be considered as conditional use within the following zoning districts: Marine Business (MB)
- (C) A STR permit shall be assigned to each residential dwelling unit used as a Primary Resident or Dedicated short-term rental.
- (D) 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 legal rights and claims to continue the use.
- (E) On or after April 1, 2020, it shall be a violation of the Town's Zoning Ordinance to operate a Primary Resident or Dedicated short-term rental without having secured a valid STR permit. Existing STR properties as of the adoption date of this ordinance, will be grandfathered, but will be required to obtain and display a permit.
- (F) Owners of duplex properties or properties with accessory dwelling units may apply for one STR permit per parcel. The STR permit will allow the property owner to rent either the primary residence or the accessory dwelling unit as a short-term rental. The simultaneous rental of the primary residence and the accessory dwelling unit to more than one party under separate contracts is prohibited.
- (G) In multifamily dwelling units, a maximum of 25% of the units within a structure may be issued permits for Dedicated short-term rentals.
- (H) There may be no more than one (1) STR property within 200 feet of another permitted STR.
- (I) *Grounds for Denial.* The Town may deny an application for a STR permit if any of the following has occurred:
  - (1) The property owner submits an incomplete application; or
  - (2) The proposed short-term rental fails to meet a specified standard set forth in this ordinance.The property owner may appeal the denial of a STR permit to the Board of Adjustment pursuant to the requirement set forth in the Zoning Ordinance.

### **§152.264 Operational Requirements.**

The following operational requirements apply to Primary Resident and Dedicated short-term rentals:

- (A) **Maximum Overnight Occupancy.** The overnight occupancy shall not exceed two (2) persons per bedroom plus four (4) 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.
- (B) **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. A designee's repeated failure to timely respond to complaints may result in the revocation of the STR permit. The designee may be the property owner if he/she satisfies these requirements.
- (C) **Parking.** A minimum of one off-street (1) parking space per every two (2) bedrooms is required.
- (D) **Noise.** The noise regulations set forth in Title IX, Chapter 95 of the Code of Ordinances apply.
- (E) **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.
- (F) **Signs.** Signs on the property advertising it as a short-term rental are prohibited.

### **§152.265 Miscellaneous Requirements.**

- (A) **Taxes.** Short-term rental owners are responsible for paying the state sales tax and personal property taxes as established by state and local law.
- (B) **Minimum Rental Age.** The principal transient guest of a short-term rental shall be at least twenty-one (21) years old.
- (C) **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.
- (D) **Simultaneous Rental Contracts.** The simultaneous rental to more than one party under separate rental contracts shall be prohibited.
- (E) **Food Preparation.** The operator shall not prepare or serve food to transient guests.
- (F) **Notice.** The jurisdiction will notify neighboring property owners located within 100 feet of

the short-term rental that the property is being used as a short-term rental. The notice to neighboring property owners shall include:

- (1) Street address of proposed short-term rental;
- (2) Name and contact information of the designated responsible party; and
- (3) Statement of the maximum overnight occupancy for the property.

### **§152.266 Safety Standards**

The Town Manager, or his designee, shall establish safety standards for the operation of Primary Resident and Dedicated short-term rentals. These standards include, but are not limited to, the following requirements:

- (A) Property owners shall install at minimum of one smoke detector on each floor within the dwelling unit and in each bedroom. Property owners are responsible for changing the batteries annually or when put on notice that a detector needs replacement batteries.
- (B) Property owners shall provide one wall-mounted fire extinguisher visible from the kitchen area.
- (C) Property owners shall install a minimum of one operable carbon monoxide detector located on each floor of the dwelling unit. The property owner shall inspect the carbon monoxide detector every six (6) months to ensure it is properly functioning.
- (D) Property owners shall remove all double-keyed deadbolt locks. A double-keyed deadbolt lock one that can be locked with a key from the interior of the dwelling unit.
- (E) Property owners should ensure that all exit doors and windows within the dwelling unit can easily be opened in the event of an emergency.
- (F) Property owners shall ensure that the property address is easily visible from the street by using reflective address numbers.

### **§152.267 Enforcement.**

- (A) **Permit Revocations.** If a property owner 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.
- (B) **Operating Without a Permit.** Any person who operates a short-term rental property without having been issued a STR permit shall be fined \$25.00 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.
- (C) **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.