

ORDINANCE NO. 2020 – XXX TC XXX
TC-XX-XX Safe, Vibrant, Healthy Communities Committee

AN ORDINANCE TO REPEAL HOMESTAY REGULATIONS AND REPLACE WITH REGULATIONS FOR SHORT TERM RENTAL A TYPE OF OVERNIGHT LODGING— AND TO ALLOW SHORT TERM RENTAL IN CERTAIN ZONING DISTRICTS THAT PERMIT RESIDENTIAL USES.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 6.1.4 of the Part 10 Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by deleting: “Homestay” underneath the “Overnight Lodging, Except as Listed Below” heading and replacing with: “Short Term Rental” marking it as a Limited Use in the following zoning districts:

R-1, R-2, R-4, R-6, R-10, RX, OX, NX, CX, DX.

Section 2. Section 6.4.6.A of the Part 10 Raleigh Unified Development Ordinance, Overnight Lodging Use Category, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough

A. Overnight Lodging Category

Accommodations arranged for short term stays. Overnight lodging includes the following uses:

1. Bed and Breakfast.
2. Hospitality House.
3. Hotel, Motel, Inn.
4. Hostel.
5. Short Term Rental.

Section 3. Section 6.4.6 of the Part 10 Raleigh Unified Development Ordinance, Overnight Lodging, is hereby amended by repealing all of subsection E “Homestays” and replacing with the following language.

E. Short Term Rental

1. Defined

A dwelling unit that can be used for overnight lodging accommodations that is provided to renters for no longer than 30 days for compensation. A portion of or the entire dwelling unit can be used for lodging, including part or all of an accessory structure.

2. Use Standards

- a. Every short term rental operator shall first apply for and procure a zoning permit from the City. Zoning permits must be renewed annually.
- b. 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 shall not prohibit cooking facilities within a one-room studio short term rental. For the purpose of this regulation, a studio shall be a single-room rental with a sleeping area, living area and kitchen/eating area in one consolidated room.

- c. No exterior advertising shall be allowed.
- d. In residential zoning districts, short term renters shall not utilize the premises for holding special events or gatherings.
- e. For single-unit and two-unit living the premise shall not be used for “Live-Work” or a “Day Care, Home”. For multi-unit living the dwelling unit shall not be used for “Live-Work” or a “Day Care, Home”
- f. Short term 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, housing codes, and payment of taxes to appropriate governmental entities, including occupancy taxes.
- g. Every short term rental operator shall maintain for a period of three (3) years a list of all short term rental lodgers staying on the premises.

3. Civil Penalty

Violations of section 6.4.6.E shall be subject to the civil penalties as set forth in section 10.4.2 of this UDO.

4. Revocation of permit

The City shall revoke the short term rental permit following a written determination that any resident of the facility, resident manager of the facility, and/or operator of the facility have been:

- a. Convicted of violating a Criminal Law within a 365-day period on the short term rental premise. “Criminal Law” means a conviction of any of the following:
 - i. Article 27 of Chapter 14 of the North Carolina General Statutes.
 - ii. Article 3 of Chapter 18B of the North Carolina General Statutes.
 - iii. N.C.G.S 14-71.1.
 - iv. N.C.G.S 14-292.
- b. Received within a 365-day period two or more “Verified Violations” of any combination of:
 - i. Any City Code zoning regulation on the short term rental premise.
 - ii. Any noise regulation on the short term rental premise.
 - iii. Any nuisance prohibited by City Code section 12-6002 on the short term rental premise.

- c. A Verified Violation means a determination made by a City Code enforcement official, Police Officer, or judge, with notice of violation of the City Code, 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 City 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 Code offense for failure to comply with the Code provisions listed in this subsection. 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.

Once lawfully revoked, a new permit for a short term rental cannot be issued or re-instated for the premise for a period of 365 days.

Section 4. The application fee applied to a short term rental shall be either a zoning permit fee of \$182 for a partial short term rental or a zoning permit fee of \$194 for a whole house rental. Annual renewal rates shall be equal to the mount of the original zoning permit fee.

Section 6. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This text change has been reviewed by the Raleigh City Planning Commission.

Section 9. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 11. This ordinance is effective 30 days after adoption. Compliance with this ordinance is required 90 days from the effective date.

ADOPTED: **XXXX**
EFFECTIVE: **XXXX**

DISTRIBUTION: Planning – Young, Bowers, Crane, Waddell, Ray, Rametta,
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