

Short Term Rentals Text Amendment Draft: 6/16/2021

Additions to the existing ordinance are underlined and highlighted.

2.6 COMMON REVIEW PROCEDURES

I. ANNUAL ZONING PERMIT FOR HOMESTAYS AND SHORT-TERM VACATION RENTALS.

An annual zoning permit is required for certain land uses, including Homestays and Short-Term Vacation Rentals. The UDO Administrator shall issue homestay and Short-Term Vacation Rental permits in accordance with Article 3: Zoning. These annual zoning permits must be renewed each year before the expiration date and in accordance with the terms of this UDO. The Annual Zoning Permit for Homestays and Short-Term Vacation Rentals is valid from January 1 thru December 31 in the year of issue and must be renewed annually. In addition, the annual zoning permit for a nonconforming Short-Term Vacation Rental located in a residential zoning district must be renewed by the property owner of record prior to the expiration of the existing zoning permit to maintain the nonconforming use. Failure to maintain a valid zoning permit for a nonconforming short-term vacation rental will result in forfeiture of all legal rights and claims to continue that use.

3.5 TABLE OF PERMITTED AND SPECIAL USES

A. USE TABLE

The following uses are listed as permitted by right (P), special (S), or permitted by right with an additional use standard (PS), or special with an additional use standard (SS) in each zoning district where allowed. The Use Table (3.1) is separated by Accessory Uses, Residential Uses, and Nonresidential Uses.

B. PROHIBITED USES

1. If a cell in the table of uses is blank, the use is prohibited in the corresponding zoning district.
2. The following uses are prohibited throughout the City's planning jurisdiction in an effort to mitigate natural and manmade hazards, maintain desired environmental qualities, and enhance public health, safety, and welfare, as desired in the City's Comprehensive Plan:
 - a) The manufacturing, processing, fabrication, and/or bulk storage of acetylene gas (except for use on-premises), ammunition, explosives, fireworks, gunpowder, jute, or matches;
 - b) The manufacturing, processing, and/or fabrication of acids (except non-corrosive acids), ammonia, ammonium nitrate, animal byproducts, bleaching powder, cellulose, chlorine, creosote and creosote treatment, detergents, enamels, lacquers, linoleum, oilcloth, paints, paper pulp,

pigments, lime, plastic, rubber (except tire recappers), soaps (except artisan manufacturing), tannery products, turpentine, varnishes, whiting and/or wood fillers, and environmentally hazardous material. The fabrication of plastics is exempt from this prohibition.

c) The slaughtering of animals, except seafood processing.

Table 3.1: Table of Uses	Districts													Use Stand ard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
Accessory Uses														
ACCESSORY STRUCTURES OR USES, GENERAL		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.A
ACCESSORY DWELLING, COMMERCIAL						SS	SS	SS	SS	SS	SS	SS		3.6.B
ACCESSORY DWELLING, RESIDENTIAL		SS	SS	SS	SS	SS	SS							3.6.C
CEMETERIES AND MAUSOLEUMS		SS	SS	SS	SS	SS	SS	PS	PS	PS				3.6.D
DOCKS, PIERS, GAZEBOS, BULKHEADS, AND LIVING SHORELINES		PS	PS	PS	PS	PS	PS	PS	PS				SS	3.6.E
HOME DAYCARE, ADULT AND CHILD		SS	SS	SS	SS	SS								3.6.F
HOME OCCUPATION		SS	SS	SS	SS	SS								3.6.G
HOMESTAY		PS	PS	PS		PS								3.6.H
MODULAR UNIT					PS	PS	PS	PS	PS	PS	PS	PS		3.6.I
OUTDOOR DISPLAY								PS	PS	PS				3.6.J
OUTDOOR STORAGE									PS	PS	PS	PS		3.6.K
<u>OUTDOOR VENDING MACHINE</u>					<u>PS</u>	PS	PS	<u>PS</u>	PS	PS	<u>PS</u>	<u>PS</u>		3.6.L
PORTABLE STORAGE CONTAINERS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.M
RECREATIONAL VEHICLE OR TRAVEL TRAILER		PS	PS		PS	PS	PS							3.6.N
SELF-SERVICE ICE VENDING MACHINES									SS	SS				3.6.O
SOLAR ENERGY SYSTEMS		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.P

Table 3.1: Table of Uses	Districts													Use Stand ard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
SWIMMING POOLS		PS	PS	PS	PS	PS	PS	PS						3.6.Q
TEMPORARY SALES OFFICES		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		3.6.R
TEMPORARY HEALTHCARE STRUCTURES		PS	PS	PS	PS	PS								3.6.S
Residential Uses														
DWELLING, SINGLE- FAMILY		P	P	P	P	P	P							
DWELLING, TWO-FAMILY (DUPLEX)		S	S	P	P	P	P							
DWELLING, MULTI-FAMILY				PS		SS	SS							3.7.A
DWELLING, TRIPLEX, OR QUADRUPLEX				PS	SS	SS	SS							3.7.B
FAMILY CARE HOME		PS	PS	PS	PS	PS								3.7.C
MANUFACTURED HOME ON SINGLE LOT					PS									3.7.D
MANUFACTURED HOME PARK					PS									3.7.E
MIXED USES						PS	PS	PS	PS					3.7.F
MODULAR HOMES		PS	PS	PS	PS	PS	PS							3.7.G
Nonresidential Uses														
ADULT ESTABLISHMENT												SS		3.8.A
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES								P	P	P				
AUTOMOTIVE, MAJOR									SS	P	P	P		3.8.B
AUTOMOTIVE, MINOR								SS	P	P	P			3.8.B
BED & BREAKFAST	721191	SS	SS	SS	SS	SS	SS	SS	SS	SS				3.8.C

Table 3.1: Table of Uses	Districts													Use Stand ard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R- 10	R- 20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
BOTTLE SHOP AND WINE BAR						P		P	P	P				
BUILDING MATERIAL DEALERS	444190								S	P	P	P		
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	561						SS	SS	SS	SS				3.8.D
BUS TERMINALS AND RAILROAD STATIONS									P	P				
CHURCHES, SYNAGOGUES & OTHER ASSOC. ACTIVITIES, INCL. OFFICES, ACTIVITY CENTER, ETC.	813110	SS	SS	SS	SS	SS	SS	PS	PS	PS				3.8.E
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS			3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				
COMMERCIAL RECREATION, OUTDOOR										P				
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE	811310									P	P	P		
CONTRACTORS, HEAVY CONSTRUCTION, GRADING, PAVING, MARINE, ETC.	234										P	P		
CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.						P	P	P	P	P				
DANCE STUDIOS	611610					P	P	P	P	P				
DAYCARE, ADULT, AND CHILD	624120						SS	SS	PS	PS				3.8.H
DIVERS, COMMERCIAL								P	P	P	P	P		
DRY CLEANERS	812320					SS		PS	PS	PS				3.8.I

Table 3.1: Table of Uses	Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													Use Stand ard	
	Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI		O S
DRY STORAGE											PS	PS	PS		3.8.J
EDUCATIONAL FACILITY			S	S	S	S	S	P	P	P	P				
ELECTRONIC GAMING OPERATIONS											SS				3.8.K
EXTERMINATING SERVICES	561710								PS	P S	P	P	P		3.8.L
FARMERS'S MARKET	445230		SS				SS		SS	PS	PS			S S	3.8.M
FARM MACHINERY SALE AND SERVICE										S	P	P			
FEED, SEED, AND FERTILIZER SALES, RETAIL										S	P	P			
FISHING, COMMERCIAL	11411								P	P	P				
FLEA MARKET											SS				3.8.N
FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	445230								SS	SS	PS	PS	SS		3.8.O
FUEL & ICE DEALERS	422710									P	P	P	P		
FUNERAL HOMES	812210							P	P	P	P				
FURRIERS AND FUR STORAGE										P	P				
GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	562111												P		
GAS COMPANIES (LP-BOTTLED & BULK STORAGE)	324110											P	P		
GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP	713910		P	P	P		P								
GOVERNMENT USE, CITY OF SOUTHPORT			P	P	P	P	P	P	P	P	P	P	P	P	
GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT			SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS		3.8.P
GROCERY STORES	445110						P		P	P	P				

Table of Uses	Districts													Use Standard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	Section #
HARDWARE, LAWN, OR GARDEN STORE	444130							P	P	P	P	P		
HEALTH SERVICES,						P	P	P	P	P				
HELIPAD							SS							3.8.Q
HOSPITALS	622110						P	P	P	P				
HOTEL, MOTEL, OR INN	721110					SS	SS		SS	PS				3.8.R
HOTEL, RESIDENTIAL OR BOUTIQUE						SS	SS	PS	PS	PS				3.8.S
INSTITUTIONAL CARE FACILITY, ADULT										S				
INSTITUTIONAL CARE FACILITY, CHILD HANDICAPPED									S	S				
JAIL	922140									PS	PS	PS		3.8.T
KENNEL	812910									SS	PS	PS		3.8.U
LAUNDRY, INDUSTRIAL	812332									P	P	P		
LAUNDRY, COIN-OPERATED									P	P				
LIBRARY	514120					P	P	P	P	P				
LIQUOR STORES	445310							P	P	P				
MANUFACTURED HOME DEALERS	453930									P	P			
MANUFACTURED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION					S	S	S	S	S	S	S	S		
MANUFACTURING, ARTISAN									P	P	P	P		
MANUFACTURING, GENERAL											C	P		
MANUFACTURING, INTENSIVE												CS		3.8.V

Table of Uses	Districts													Use Standard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	Section #
MANUFACTURING, LIMITED										P	P	P		
MARINA, COMMERCIAL	713930					PS		PS	PS	PS	PS	PS		3.8.W
MARITIME SALES, RENTAL, AND SERVICE									P	P				
MICROBREWERY AND MICRODISTILLERY								SS	PS	PS	PS			3.8.X
MOBILE VENDOR OR FOOD TRUCK								PS	PS	PS	PS	PS		3.8.Y
MOTION PICTURE PRODUCTION & DISTRIBUTION	512110										P	P		
MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE										P	P	P		
MUSEUMS, ART GALLERIES	712110						P	P	P	P				
NIGHTCLUB	722410							SS	SS	SS				3.8.Z
NURSING & PERSONAL CARE FACILITY	623110					SS	SS		SS	PS				3.8.AA
OFFICE, GENERAL						P	P	P	P	P				
PACKAGE DELIVERY SERVICES, COMMERCIAL	492210						SS	SS	SS	PS	PS	PS		3.8.BB
PARKS & RECREATION AREAS, MUNICIPAL	924120	P	P	P	P	P	P	P	P	P			P	
PERSONAL SERVICE ESTABLISHMENT						P	P	P	P	P				
RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES							SS		PS	PS				3.8.CC
RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC.		SS	SS	SS	SS	SS	SS	SS	SS	SS				3.8.F

Table of Uses	Districts													Use Standard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M-F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O-S	Section #
VETERINARY SERVICES WITH OPEN PENS	541940									P	P	P		
VETERINARY SERVICES WITH PENS ENCLOSED IN A BUILDING	541940								S	P	P	P		
WAREHOUSING, GENERAL	493110									PS	PS	PS		3.8.00
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS									P	P	P	P		
WELDING, REPAIR	811310								P	P	P	P		
WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING, AND SUBSTANTIAL MODIFICATIONS										SS	SS	SS		See Article 7
WIRELESS TELECOMMUNICATION FACILITY, COLLOCATION OR COLLOCATED SMALL/MICRO-WIRELESS FACILITY		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		See Article 7
YARD SALES		P	P	P	P	P	P	P	P	P				

3.6 ACCESSORY USE STANDARDS

G. HOMESTAY

Where permitted, the following shall apply:

1. No displays of goods, products, services, or other advertising shall be visible outside the dwelling.
2. The homestay operation shall be managed and carried on by a person who:
 - a) Is a full-time resident of the property; and
 - b) Is present during the homestay term for the entire time lodgers are staying at the property. To be a "full-time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For the purposes of this section, a person can only have one primary, full-time residence. To be "present during the homestay term," the full-time resident shall be at the property overnight and not

away on vacation, visiting friends or family, traveling out of town for business or personal reasons, etc., during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents.

3. No activities other than lodging shall be provided. Special events, including weddings, receptions, and other large gatherings, are expressly prohibited.
4. No additional off-street parking is required for a homestay.
5. Only one homestay permit shall be permitted per property.
6. Homestay permits shall be limited to two guest rooms at a time.
7. No signage shall be allowed for homestays.
8. The length of stay of guests shall not exceed 30 days.
9. Exterior lighting shall be residential in nature and shall comply with the lighting requirements of the UDO.
10. The homestay owner or operator shall maintain a minimum of \$500,000 general liability insurance on the property, which covers the homestay use and homestay guests.
11. The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entities.
12. The homestay owner or operator shall not prepare food for guests or provide pre-packaged or unpacked food items or beverages for guests.
13. The homestay area of the dwelling shall comply with all current and applicable building codes.
14. Accessory Dwellings with a Special Use Permit are not eligible for homestay use.
15. A homestay zoning permit is required pursuant to 2.6 (I). It shall be a violation of the City's Unified Development Ordinance to operate a homestay without having secured a valid homestay zoning permit.

3.8 NON-RESIDENTIAL USE STANDARDS

II. SHORT-TERM VACATION RENTALS

Where permitted, the following shall apply:

1. No displays of goods, products, services, or other advertising shall be visible outside the dwelling.
2. No activities other than lodging shall be provided. Special events, including weddings, receptions, and other large gatherings, are expressly prohibited.
3. Off-street parking requirements shall be consistent with residential use requirements in 3.14 D.
4. No signage shall be allowed for short-term vacation rentals.
5. The length of stay of guests shall be less than 30 days.
6. Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
7. Rental rules, including the maximum number of guests per stay, prohibition of any large gatherings, trash disposal procedures and sanitation schedules, noise

ordinance hours, where guests are to park, and emergency contact information must be posted in a common area of the unit.

8. All Short-Term Vacation Rentals operating within this planning jurisdiction shall have a designated responsible party who is available twenty-four hours a day 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 (20) miles of the short-term rental property and be available to respond to complaints within forty-five (45) minutes of their receipt.
9. The short-term vacation rental owner or operator shall maintain a minimum of \$1,000,000 of general liability insurance on the property, covering short-term vacation rental use and guests.
10. The short-term vacation rental owner or operator must pay any applicable taxes, including occupancy and sales taxes, to appropriate governmental entities.
11. The short-term vacation rental shall comply with all current and applicable building codes.
12. A short-term vacation rental zoning permit is required pursuant to 2.6 (I). It shall be a violation of the City's Unified Development Ordinance to operate a short-term vacation rental without having secured a valid short-term vacation rental zoning permit.
13. Short-term vacation rentals in residential zoning districts (R-10, R-20, MF) shall be considered nonconforming and only permitted with the following standards and restrictions:
 - a) A short-term vacation rental in residential zoning districts must have been in operation as a short-term vacation rental prior to the date of the adoption of the standards and regulations herein. No new short-term vacation rentals may be established and/or permitted in residential zoning districts (R-10, R-20, MF) after the adoption of the standards and regulations herein.
 - b) To establish the legal nonconforming status, pre-existing short-term vacation rentals in residential zoning districts (R-10, R-20, MF) must apply for a short-term vacation rental permit within 60 days of the adoption of the standards and regulations herein.
 - c) Legal nonconforming short-term vacation rentals in residential zoning districts may continue in operation until such time that the use is discontinued for a period greater than 180 consecutive days. In addition, the short-term vacation rental annual permit will be required for all nonconforming short-term vacation rentals. Failure to renew said permit before its expiration will also constitute a conclusory presumption that the lawful nonconformity has ceased for more than 180 consecutive days, which will result in the voluntary forfeiture of all rights and claims to operate a nonconforming short-term vacation rental at the address noted on the permit under this provision.

14. The short-term vacation rental annual zoning permit for legal nonconforming uses shall terminate upon discontinuance of use for a period of one hundred eighty (180) days or more or a failure to renew the annual zoning permit.
15. Any short-term vacation rental for which there are three (3) final determinations of violations of City Code and/or criminal convictions related to the property (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty-five (365) day period, shall constitute a violation of the supplemental standards of the permitted use and shall terminate the short-term vacation rental zoning permit. For any short-term vacation rental zoning permit that is terminated due to code/criminal violations, a property owner shall be ineligible for permitting for a period of three (3) years.
16. The rights and claims to operate a legal nonconforming short-term vacation rental are forfeited after three (3) final determinations of violations of the City Code and/or criminal convictions related to the property (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling three hundred sixty-five (365) day period.

Section 8.3 Definitions of Basic Terms

Designated Responsible Party. The local contact person responsible for responding to complaints or issues stemming from the use of the dwelling unit as a short-term rental.

Guest room. An individually secured sleeping room or a suite, with or without sanitation facilities, but does not contain a kitchen.

Homestay. A private, resident-occupied dwelling unit, with up to two guest rooms where overnight lodging accommodations are provided to transients for compensation and where the use is subordinate and incidental to the primary residential use of the building. A homestay is considered an accessory "Lodging" use under this UDO. The permanent resident is present during the rental stay.

Homestay and short-term vacation rental property owner. The person, persons, or entity whose name appears on the recorded deed of the property or unit being used as a homestay or short-term vacation rental.

Homestay permit. The required zoning permit to allow the rental of up to two (2) guest rooms within a home as a homestay rental. The City of Southport issues the homestay permit to the applicant after successfully completing the homestay permit application requirements. Generally, the permit is valid from January 1 thru December 31 in the year of issue and must be renewed annually.

Lodging. A premises available for short-term human habitation, including daily and weekly rentals for intervals of less than 30 days.

Permanent resident. A person who resides year-round in the dwelling unit and has declared the dwelling as their permanent residence. Only one dwelling unit at a time may be identified as a permanent residence.

Short-term vacation rental. A dwelling unit with up to six guest rooms that is used and/or advertised through an online platform, or other media, for transient occupancy for a period of less than 30 days. A short-term vacation rental is considered a non-residential "Lodging" use under this UDO. The owner is not required to be present during the rental stay.

Short-term vacation rental operator/manager. Any agency or individual other than the property owner that is operating or managing a short-term vacation rental.

Short-term vacation rental permit. The required zoning permit to rent a dwelling unit or guest rooms within a dwelling unit as a short-term vacation rental. The City of Southport issues the short-term vacation rental permit to the property owner after the successful completion of the short-term vacation rental application requirements. Generally, the permit is valid from January 1 thru December 31 in the year of issue and must be renewed annually. See additional standards and regulations that apply to different zoning districts.

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