

Lakelure, NC

§92.042 Residential Vacation Rentals.

- (A) Use Recognized. Vacation Rental Operating Permit Required. Residential vacation rentals are hereby recognized as a use within the planning jurisdiction of the Town of Lake Lure. Except as provided herein, on and after 1 January 2010, it shall be a violation of these Zoning Regulations to operate a residential vacation rental without a vacation rental operating permit from the Town. **(Adopted 10-13-09, Effective 01-01-10)**
- (B) Exceptions. The following activities and / or uses shall not be deemed residential vacation rentals and the requirements of this section shall not apply to them. **(Adopted 10-13-09, Effective 01-01-10)**
- (1) Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total annual rental period for both rentals does not exceed two weeks.
 - (2) Rentals of property in any hotel, lodge, motel, bed & breakfast establishment, or boarding & rooming house, with a valid certificate of zoning compliance.
 - (3) Rentals of a dwelling unit in a duplex only when the owner of the duplex resides in the other dwelling unit in that duplex.
- (C) Vacation Rental Operating Permits. Every residential vacation rental shall require a vacation rental operating permit issued pursuant to the regulations contained herein. The vacation rental operating permit may also function as a certificate of zoning compliance for a residential vacation rental. **(Adopted 10-13-09, Effective 01-01-10)**
- (1) *Application.* In order to obtain a vacation rental operating permit the owner or the operator shall submit an application for each such residential vacation rental which complies with the requirements of §92.042(D), below, and shall pay all applicable fees in accordance with the Town's adopted fee schedule.
 - (2) *Decision of the Zoning Administrator.* The Zoning Administrator shall review the application along with the report of the permit inspection, if any, and other pertinent information. The Administrator shall issue a permit upon determining that the application and supporting information demonstrate compliance with the requirements of this section and other applicable provisions of these Zoning Regulations and the Town Code of Ordinances and all other applicable regulations. If compliance with such provisions is not demonstrated, the Administrator shall deny the

application in writing, stating therein the grounds for denial. The decision of the Administrator may be appealed to the Board of Adjustment pursuant to § 92.086 of these Zoning Regulations by any party with standing.

- (3) *Administration of Vacation Rental Operating Permits.* In administering this section, the Zoning Administrator shall have all the remedies and enforcement provisions contained in Article 13 of these Zoning Regulations, and, in addition thereto, shall have the power to suspend vacation rental operating permits.

If a neighboring property owner has filed a formal, written complaint with the Zoning Administrator alleging a substantive violation of the regulations contained in this section, the Zoning Administrator shall serve a copy of his or her written decision on such neighboring property owner in the same manner as is done to the operator of the residential vacation rental. The operator and any such property owner(s) shall have standing to appeal the Zoning Administrator's decision to the Board of Adjustment pursuant to §92.086 of these Zoning Regulations.

(4) *Appeals.* The Zoning Administrator shall provide notice of the hearing at which the Board of Adjustment will take up an administrative appeal to the residential vacation rental operator and to anyone else who has requested such in writing. Appeals shall be conducted in accordance with the provisions contained in §92.086 of the Zoning Regulations with the proviso that the residential vacation rental operator may elect to offer evidence of remedial steps taken or proposed to be taken to provide assurance of future compliance with this section. If the operator demonstrates that the cause(s) for any regulatory violations have been satisfactorily addressed and are not likely to reoccur, the Board of Adjustment may fashion an appropriate remedy and in doing so shall evaluate the impacts of the residential vacation rental on the particular neighborhood in which it is located and shall have full power to impose conditions on the operation of such residential vacation rental.

- (D) Contents of Application: The application for a vacation rental operating permit shall contain the following information. The application shall be signed and sworn to by the operator. **(Adopted 10-13-09, Effective 01-01-10)**

- (1) The address of the property.
- (2) Name and contact information for the owner of the property.
- (3) Name and contact information for the operator if other than the owner.

(4) A site plan showing the off-street parking area(s) for the property.

(5) The number of bedrooms on the property intended to be used for occupancy.

(6) If the property is served by a septic system, a statement attesting to the adequacy of the system to accommodate the number of bedrooms intended for occupancy pursuant to these regulations. This shall be satisfied by providing a copy of the septic permit issued by County Health Department for the property. In such event, the number of bedrooms listed on the County Health Department permit shall determine the occupancy limits established by Paragraph (I)(1), below. If no such permit exists, the applicant shall provide a statement from a qualified licensed professional attesting to the adequacy of the system to accommodate the maximum number of guests permissible under these regulations or provide evidence that the septic system has been pumped out within one year prior to the date of application.

- (7) If the property is served by the Town's sewer system, a certificate from a qualified licensed professional that the connection to the Town's system is operational and free of detectable leaks.
- (8) If the residential vacation rental includes the use of a boat on Lake Lure, proof of a valid Town commercial boat license.
- (9) Proof that the property is registered with the Rutherford County Tourism Development Authority or, for a new business, that an application has been submitted, and that all room occupancy and tourism development taxes for the prior year have been paid.
- (10) Certification that the property complies with the Fire Code as adopted by Rutherford County.
- (11) A copy of the standard rental agreement used for the residential vacation rental which contains information required by this section.
- (12) Such other information reasonably needed for the Town to make an informed decision on the application.
- (13) An acknowledgment that the applicant is aware of the occupancy restrictions on the use of the property as a residential vacation rental and the applicant's agreement to abide thereby.

- (E) Inspections: In conjunction with an application for a vacation rental operating permit, the Town shall conduct an initial inspection to confirm compliance with the requirements of this section. **(Adopted 10-13-09, Effective 01-01-10)**
- (F) Operational Requirements: The following operational requirements shall apply to all residential vacation rentals. **(Adopted 10-13-09, Effective 01-01-10)**
- (1) **Occupancy Limits.** Occupancy in a residential vacation rental property shall not exceed two persons per bedroom plus two additional persons; provided, however, in the R-1, R-1A, R-1B, R-1C, R-1D, and M-1 Zoning Districts, occupancy shall be the lesser of the total determined by the foregoing formula or twelve persons. Occupancy shall refer to the number of persons on the premises between the hours of 12:00 midnight and 6:00 a.m. Bedrooms used in calculating occupancy limits shall include only those that meet the definitions and standards for habitable bedrooms in the State Building Code.
 - (2) **Signs.** In the R-1, R-1A, R-1B, R-1C, R-1D and M-1 zoning districts, residential vacation rental properties shall not have any signs visible from the exterior of the premises which advertise the use of the property as a residential vacation rental, other than as required by this section. In the remaining zoning districts, residential vacation rental properties may have signage as authorized by Article 10 of these regulations.
 - (3) **Posting Permit.** Each operator shall affix and maintain a copy of its vacation rental operating permit on the inside of the main entry door of the property to which it applies.
 - (4) **Display of Contact Information.** Residential vacation rental operators shall prominently display on the exterior of the residential vacation rental property the name and 24-hour per day, 365 days-per-year telephone number for the residential vacation rental operator who will take and resolve complaints regarding operation of the residential vacation rental property and its occupants and guests. The Town will prescribe the form of this display which shall also include a telephone number to report violations of this section to the Zoning Administrator.
 - (5) **Parking.** Occupants or guests of any residential vacation rental property shall not park vehicles on the property other than within parking area(s) designated on the application for the residential vacation rental.
 - (6) **Trash Disposal.** Household trash must be bagged and disposed of in trash receptacles. Trash receptacles shall be the size and number authorized by existing refuse contracts, shall be animal-proof, and placed in an enclosed area.

- (7) **Conduct of Occupants & Guests.** Occupants and guests shall conduct themselves in accordance with provisions of this section, the Town Code or any other applicable federal, state, or county statute, ordinance, rule or regulation pertaining to nuisance, noise, disorderly conduct, trespass, illegal consumption of alcohol, or use of illegal drugs.
- (G) **Contract Addendum:** Every residential vacation rental contract shall contain an addendum, in a form prepared by the Town, setting forth the requirements of this section and other applicable provisions of law. The operator shall obtain a signed acknowledgment from the renter(s) that they have received such addendum prior to delivering possession of the residential vacation rental property. **(Adopted 10-13-09, Effective 01-01-10)**
- (H) **Duties of the Operator to Respond to Complaints:** To assure prompt response to complaints and issues concerning a residential vacation rental, the operator shall comply with the following: **(Adopted 10-13-09, Effective 01-01-10)**
- (1) Maintain a call center that is staffed by a live person and fully responsive 24 hours per day, 365 days per year.
 - (2) Cause a responsible party with decision-making authority to be on-site at the residential vacation rental property within one hour after receipt of a complaint requiring the operator's on-site presence.
 - (3) Continuously maintain on file with the Town the operator's current address, telephone number, and facsimile number and/or email address.
 - (4) Ensure that the occupants and guests of its residential vacation rental property do not violate provisions of this Section, the Town Code or any other applicable federal, state, or county statute, ordinance, rule or regulation pertaining to noise, disorderly conduct, trespass, illegal consumption of alcohol, or use of illegal drugs. An operator shall be deemed to have satisfied this standard if it (1) clearly advises its occupants and guests of such requirements before they take occupancy of the property, (2) promptly and appropriately responds to complaints concerning the behavior of its occupants and guests, and (3) promptly evicts from the residential vacation rental property any who have failed to comply with any such applicable laws on two or more occasions during their period of occupancy.