

Short Term Rentals

PROPOSED REGULATIONS:

HOMESTAYS

SHORT TERM NON-PRIMARY RENTALS (STNPRs)

Planning Services

10/5/2020

Benchmarking

Austin, TX

Arroyo Grande, CA

Berkeley, CA

Charlottesville, VA

Charleston, SC

Clemson, SC

Fort Collins, CO

Madison, WI

Piedmont, CA

San Luis Obispo, CA

Tuscaloosa, AL

Definitions

Homestay: A home occupation in which an individual who owns a dwelling and uses it as his or her permanent residence hires out, as lodging, such dwelling, or any portion thereof. (Charlottesville, VA)

Residence, Permanent: Residential occupancy of a dwelling unit by the same individual(s) for a period of more than 180 consecutive days and the usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence. (less than 180 days subject to lodging tax; 180 days residency required for homestead exemption)

Short Term Non-Primary Rental: A dwelling unit that is not a permanent residence and that is leased in its entirety to one party for periods of less than 30 consecutive days. The term party as used in this definition shall mean one or more persons who as a single group rent a short term non-primary rental pursuant to a single reservation and payment. (Fort Collins, CO)

Definitions

Family: Two (2) or more persons residing in a single dwelling unit where all members are related by blood, marriage, adoption, or guardianship to the second degree of consanguinity, plus one unrelated person in the Limited Development District, Neighborhood Conservation District, Development District Housing, or the Neighborhood Redevelopment District (west of North Donahue Drive) and Corridor Redevelopment District – West (west of North Donahue Drive). For the purpose of this definition, “consanguinity” means husbands and wives, brothers and sisters, parents and children, grandparents and grandchildren, uncles and aunts, nephews and nieces, and first cousins. In all other zoning districts where residential units are permitted the term “family” may include up to five (5) unrelated persons occupying a single dwelling unit.

Homestay: A home occupation in which an individual, who owns a dwelling and uses it as his or her permanent residence hires out, as lodging, such dwelling, or any portion thereof.

Definitions

Occupancy, Residential: For purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. See “family.” (Charlottesville, VA)

Occupancy, Transient: The use of any building or structure, or portion thereof, as overnight accommodations for any individual(s) for any period(s) of thirty (30) or fewer consecutive days, in return for a fee or charge. No transient occupancy shall be deemed or constructed as being a residential use of any dwelling, or portion thereof. (Berkeley, CA; Charlottesville, VA)

Homestays

Article V, 511.04. Detailed Use Regulations: Home Occupations.

A. Purpose. It is the purpose of this Section to provide residents of the City of Auburn a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

B. General Regulations. All home occupations shall meet the following criteria:

1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. With the exception of homestays, no more than 25 percent of the total floor area of the dwelling unit shall be used for the home occupation, to a maximum of 500 square feet. For the purpose of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded. At the Planning Director's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.
2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.
3. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.
4. No new accessory structure shall be built, nor shall any existing accessory be used, for the purpose of operating the home occupation.
5. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted. No more than two (2) company or commercial vehicles shall be parked at the premises at any time.
6. A maximum of one (1) person not residing in the dwelling may engage in the operation of the home occupation.

Homestays

Article V, 511.04. Detailed Use Regulations: Home Occupations. (continued)

7. No merchandise shall be distributed to customers on the premises.
8. No advertising material shall indicate the business hours, address, and/or physical location of the address.
9. There shall be no outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.
10. With the exception of homestays, off-street parking shall be provided on the premises as required by Section 513. Parking in connection with homestays may use available on-street parking areas, only when off-street parking cannot be accommodated.
11. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
12. The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns.
13. The on-site repair of vehicles shall be prohibited as a home occupation.

Homestays

Article V, 511.04. Detailed Use Regulations: Home Occupations. (continued)

In addition to the provisions (1-13) above, the following regulations shall apply only to homestays:

- a) Homestays may only be established as a home occupation business in the following zoning districts [Comprehensive Development District \(CDD\)](#), Corridor Redevelopment District-Urban, Suburban, East and West (CRD-U, CRD-S, CRD-E, CRD-W*) [Medium Density Residential District \(MDRD\)](#), [Neighborhood Redevelopment District \(NRD*\)](#), [Redevelopment District \(RDD\)](#), [Rural District \(R\)](#), Urban Core(UC), and Urban Neighborhoods-West, East, and South (UN-W, UN-E, UN-S), and. [*East of North Donahue Drive](#)
- b) No more than six (6) overnight guests are allowed per day.
- c) The homestay may operate no more than one hundred twenty (120) days per licensing year when the residence is not owner-occupied in the [CDD](#), CRD-U, CRD-S, CRD-E, CRD-W*, [MDRD](#), [NRD*](#), [RDD](#), [R](#), UC, UN-W, UN-E, and UN-S zoning districts. [*East of North Donahue Drive](#)
- d) No food shall be prepared for or served to guests of the homestay by the owner or the owner's agent(s) or contractor(s).
- e) Each zoning certificate for a homestay will be valid from January 1 (or such other date during a calendar on which such certificate is issued) through December 31 of the calendar year in which the certificate is issued. During this period of validity, the owner of the homestay must occupy the dwelling as his or her residence for more than 180 days.
- f) A zoning certificate for a homestay may be revoked by the Planning Director (i) in the event that three (3) or more substantiated complaints are received by the city within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose zoning certificate for a homestay has been revoked pursuant to this paragraph shall not be eligible to receive any new zoning certificate for a homestay, for the remaining portion of the calendar year in which the certificate is revoked, and for the entire succeeding year.

Short Term Non-Primary Rental

408.02. Special Development Standards.

D. Institutional, Indoor Recreation & Special Residential Uses.

6. Short Term Non-Primary Rental

A short term non-primary rental shall be limited in operation to 240 days each calendar year.

no more than 30 days per calendar year if not owner occupied (Madison, WI)

not allowed at all (San Luis Obispo, CA)

no limitation on number of days per year (Austin, TX)

maximum of 25 days per year (Clemson, SC)

limited to two "Tourist Overlay" (TO) districts only- TO Downtown Campus District and TO Lake District (Tuscaloosa, AL)

- a) Each zoning certificate for a short term non-primary rental will be valid from January 1 (or such other date during a calendar on which such certificate is issued) through December 31 of the calendar year in which the certificate is issued.
- b) A zoning certificate for a short term non-primary rental may be revoked by the Planning Director (i) in the event that three (3) or more substantiated complaints are received by the city within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose zoning certificate for a rental has been revoked pursuant to this paragraph shall not be eligible to receive any new zoning certificate for a rental, for the remaining portion of the calendar year in which the certificate is revoked, and for the entire succeeding year.

Short Term Non-Primary Rental

Article IV, Table 41. General Regulations – Table of Permitted Uses.

Previous Proposal

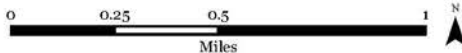
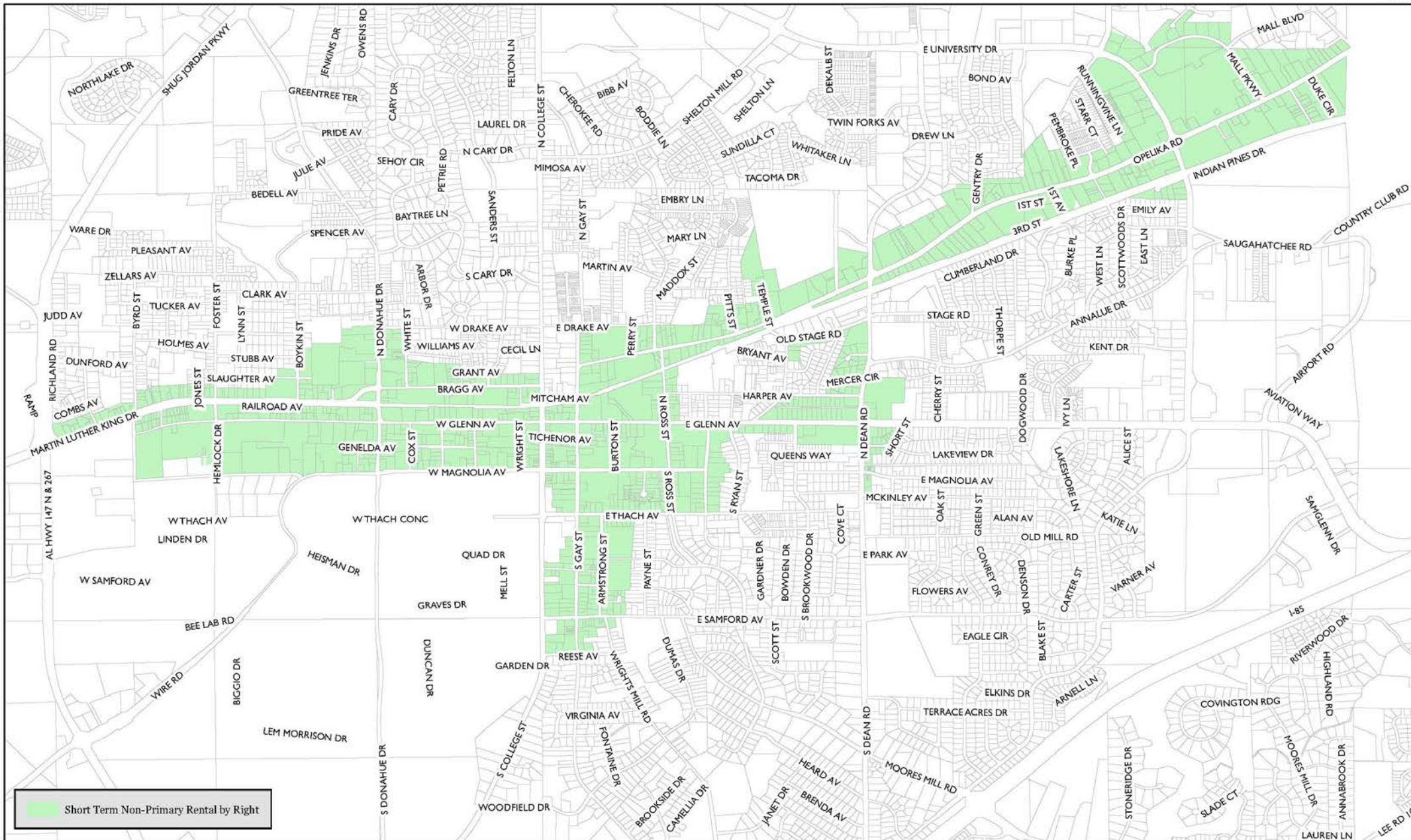
Special Residential	SDS*	UC/CEOD	UN-E	UN-W	UN-S	NC	DDH	MD RD	NRD	RDD	LLRD	R	LDD	CDD	CRD-U	CRD-E	CRD-S	CRD-W	SCCD	I	PDD
Short Term Non-Primary Rental	*	P	P	P	P										P	P	P	P			

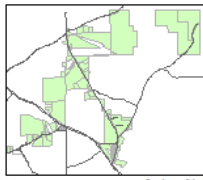
Revised Proposal

Special Residential	SDS*	UC/CEOD	UN-E	UN-W	UN-S	NC	DDH	MD RD	NRD	RDD	LLRD	R	LDD	CDD	CRD-U	CRD-E	CRD-S	CRD-W	SCCD	I	PDD
Short Term Non-Primary Rental	*	P	P	P	P			<u>P</u>	<u>P*</u>	<u>P</u>		<u>P</u>		<u>P</u>	P	P	P	<u>P*</u>	<u>P</u>		

*East of North Donahue Drive

Short Term Non-Primary Rentals & Homestays Permitted – Previous Proposal

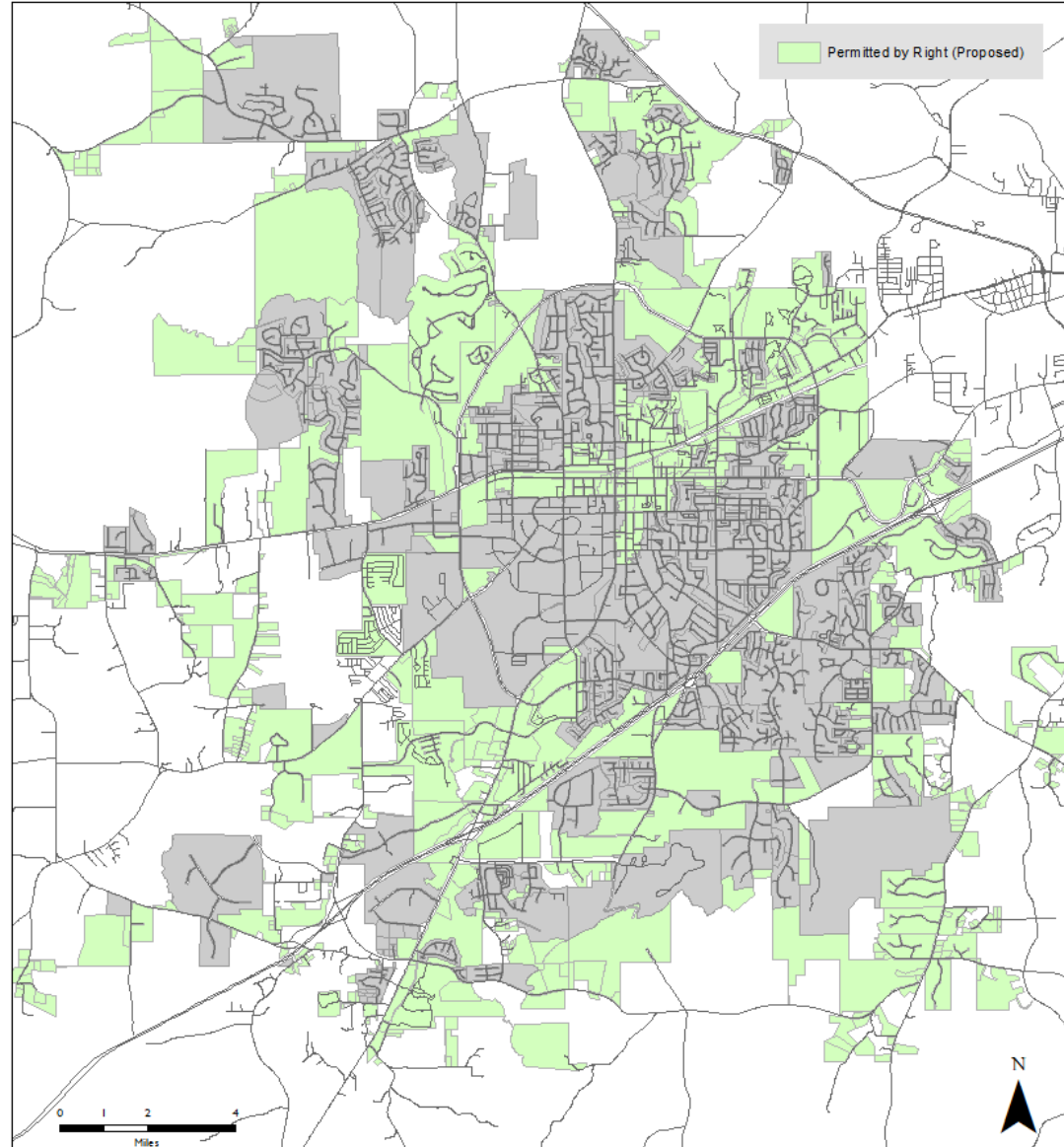




Permitted by Right Homestays & Short Term Non-Primary Rental PROPOSED



To northernmost extent of city limits of Auburn



“Decision Points and Points to Ponder...”

1) Question: Given the proposed expansion of the districts that would allow for shortterm rental uses and activity, does the Commission still wish for the geographical boundaries for where “STNPRs” and “homestays” can be allowed to be the same? (Meaning, you can either have both or neither).

2) Observation: Many communities surveyed that allow STNPRs typically allow them to be primarily in mixed-use and tourist-oriented areas, and when they are allowed in single-family residential-zoned areas, they are more restricted in terms of the number of days per year they can be rented.

3) Observation: It is somewhat more difficult to appropriately locate where STR activity is allowed by using base zoning (as opposed to using an overlay) in a community such as Auburn (performance zoning model) versus most other communities (that employ a Euclidean model).