

## STAFF REPORT

**To:** Edenton Planning Board  
**Date:** July 8, 2019  
**Case:** Text Amendment 19-03  
**Prepared by:** Elizabeth Allen Bryant, Director of Planning & Community Development

**Applicable Regulations:** Unified Development Ordinance: Article X Permissible Uses, Article XI, Supplementary Use Regulations, and Article XX Amendments.

### GENERAL INFORMATION

**Requested Action:** Review and make recommendation to Town Council on the proposed text amendment to the Unified Development Ordinance (UDO) amending Article X, Permissible Uses, Section 146, *Table of Permitted Uses*, to allow “Short-Term Rental” as a permissible use in the R-5, R-10, R-14, R-20, R-40 and RA, Residential zoning districts as well as in the CD, Downtown Commercial and CN, Neighborhood Commercial zoning districts; as well as Article XI, Supplementary Use Regulations to add Section 180.14 *Short-Term Rentals* (attached).

Currently the UDO does not allow for “Short-Term Rentals” in any zoning district.

Article IX of the Town’s UDO, *Zoning Districts and Maps*, states that the Town’s residential zoning districts are “designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.”

Article IX also indicates that the CD zoning district “established as a district in which to accommodate a wide variety of commercial activities (particularly those that are pedestrian-oriented) in an intensive development pattern in the town’s central business district;” and that the CN zoning district is “established as a district in which to allow small, limited retail service land uses which provide goods and services primarily to surrounding residential neighborhoods.”

The requested action would result in the following amendments to the Town’s Unified Development Ordinance (UDO):

### **ADD - Article X Permissible Use Table**

Under “Residential Uses,” allow “Short-Term Rental” in R-5, R-10, R-14, R-20, R-40 and RA, Residential zoning districts as well as in the CD, Downtown Commercial and CN, Neighborhood Commercial zoning districts by zoning permit review (Staff review).

| Use Type          | RA | R-40 | R-20 | R-14 | R-10 | R-5 | CD | CN |
|-------------------|----|------|------|------|------|-----|----|----|
| Residential Uses  |    |      |      |      |      |     |    |    |
| Short-Term Rental | Z  | Z    | Z    | Z    | Z    | Z   | Z  | Z  |

**ANALYSIS**

The proposed text amendment to the Unified Development Ordinance (UDO) amending Article X, Permissible Uses, Section 146, *Table of Permitted Uses* and Article XI, Supplementary Use Regulations to add Section 180.14 *Short-Term Rentals* is requested by Town Staff.

The proposed amended language (above & attached) is suggested to be inserted into the existing language of Article X, Permissible Uses, Section 146, *Table of Permitted Uses*, and the attached ordinance language is proposed to be added to Article XI, Supplementary Use Regulations as Section 180.14 *Short-Term Rentals*.

***\*\*PLEASE NOTE: The Town was notified by the NC League of Municipalities that the NC General Assembly is considering adding language to an existing proposed bill which would remove the ability for local governments to pass regulations for short-term rental properties. As of this date, such legislation has not been passed, but should it become law, the Town will not be able to enact this proposed ordinance, either if adopted or if it remains under consideration. \*\****

**RECOMMENDATION**

Staff recommends approval of the proposed text amendment based on review of Article XX, Amendments, Section 325 as stated below.

**Planning Board Action**

**Requested Action:** This is a formal request for consideration by the Planning Board. The Planning Board’s recommendation will be forwarded to the Edenton Town Council for consideration at their August meeting; August 13, 2019.

**NOTE:** Article XX, Amendments, Section 325, Ultimate Issue Before Council on Amendments states: “In deciding whether to adopt a proposed amendment to this ordinance, the central issue before the Council is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded.”