

Short Term Rentals in the City of Florence per the *Unified Development Ordinance*

Definition:

Short Term Rentals means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than 29 consecutive days and not to exceed 72 days in the aggregate during any calendar year.

Sec. 1-2.7.1 Interpretation of Use Tables

- A. **Generally.** *Section 1-2.7.2, Residential and Commercial Uses of the Home through Section 1-2.7.7, Agriculture Uses*, contain tables that set out which uses are allowed by right (permitted), allowed subject to special standards (conditional) or processes (permitted special exception), and not allowed (prohibited) in each zoning district.
- B. **Applicability of Standards.** The standards of *Part 4, Site Design and Development* apply to the development, redevelopment, or substantial improvement of the uses set out in this Division.
- C. **Symbols.** All the tables use the following symbols:
1. "**P**" means that the use is a **Permitted Use**, subject to the standards that apply to all permitted uses. The use is approved by the Director, or an appointee.
 2. "**C**" means that the use is a **Conditional Use**, which is permitted by right and may be administratively approved by the Director, or an appointee, subject to:
 - a. Determination by the Director that the development substantially conforms to the standards of this Unified Development Ordinance.
 - b. The standards for permitted uses that are set out in this Unified Development Ordinance; and
 - c. The applicable conditional use standards for the specified use, as set forth in *Division 1-2.8 Conditional and Permitted Special Exception Use Standards*.
 3. "**SE**" means that the use is allowed as a **Permitted Special Exception Use**, which may be approved following a public hearing by the Board of Zoning Appeals and consideration of the City Council, subject to:
 - a. The standards for permitted uses that are set out in this Unified Development Ordinance;
 - b. The applicable conditional and permitted special exception use standards for the specified use as set forth in *Division 1-2.8 Conditional and Permitted Special Exception Use Standards*; and
 - c. The permitted special exception use standards of *Division 6-21.5, Standardized Development Review Procedures*, which apply to all permitted special exception uses.
 4. "-" means that the use is a **Prohibited Use** in the specified zoning district.
 5. "**B**" (subscript) means that the use is subject to **Special Site and Building Development Standards** and shall comply with:
 - a. The standards for permitted uses that are set out in this Unified Development Ordinance; and
 - b. The standards set out in *Division 3-8.3, Special Building Standards*; and
 - c. The standards set out in *Division 4-16.1, Special Site Development Standards*.

**Table 1-2.7.2-a
Residential and Commercial Uses of the Home**

Land Use	Zoning Districts															
	Residential					Business Commercial			Mixed- Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC ³	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Residential Uses																
Single Family Detached	P	P	P	P	³	P	-	-	-	-	-	-	-	-	P	
Lot Line Home	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	
Patio Home ²	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	
Townhome	-	PB	PB	PB	³	-	-	PB	PB	PB	-	-	-	-	-	
Cottage	-	C	C	-	³	-	-	-	-	-	-	-	-	-	-	
Duplex	-	-	PB	PB	³	-	-	-	-	-	-	-	-	-	-	
Manufactured Home ^{1,2}	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	
Multiplex (triplex or quadraplex)	-	-	PB	PB	³	PB	-	-	PB	-	PB	-	-	-	-	
Multifamily ²	-	-	C	C	³	-	-	C	C	C	C	-	-	-	-	
Live - Work Units	-	-	-	-	³	C	-	-	P	C	P	C	-	-	-	
Residential Neighborhoods																
Single Family Cluster	P	P	P	-	³	-	-	-	-	-	-	-	-	-	P	
Mixed Housing Cluster	-	P	P	P	³	-	-	-	-	-	-	-	-	-	-	
Manufactured Home Park or Subdivision	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	
Commercial Use of the Home																
Bed and Breakfast Inn	C	C	-	-	³	C	-	-	C	C	C	-	-	-	C	
Child Care Services	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	
Group Home	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	
Home Occupation	C	C	C	C	³	C	-	-	C	C	-	-	-	-	-	
Short Term Rental	SE	SE	SE	SE	³	P	P	P	P	P	P	-	-	-	-	

TABLE NOTES:

¹Permitted only in a manufactured home park or manufactured home subdivision.

²Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required).

RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), – (Prohibited Use), B (subscript, Special site and Building Development Standards)

³Refer to Table 1-2.7.2-b for Neighborhood Conservation Residential Uses of the Home

Table 1-2.7.2-b Neighborhood Conservation Residential Uses of the Home						
Land Use	Zoning Districts					
	Residential					
	NC-15	NC-10	NC-6.1	NC-6.2	NC-6.3	NC-4
Residential Uses						
Single Family Detached	P	P	P	P	P	P
Lot Line Home	-	-	-	C	C	-
Patio Home ²	-	-	-	C	C	-
Townhome	-	-	-	-	PB	-
Cottage	-	-	-	-	-	-
Duplex	-	-	-	PB	PB	PB
Manufactured Home ^{1,2}	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	-	-	PB	-
Multifamily ²	-	-	-	-	C	-
Live - Work Units	-	-	-	-	-	-
Residential Neighborhoods						
Single Family Cluster	-	-	-	-	-	-
Mixed Housing Cluster	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	-	-
Commercial Use of the Home						
Bed and Breakfast Inn	-	-	C	C	C	-
Child Care Services	C	C	C	C	C	C
Group Home	-	-	-	-	C	-
Home Occupation	C	C	C	C	C	C
Short Term Rental	SE	SE	SE	SE	SE	SE
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Section 1-2.8.2 Residential and Commercial Use of the Home Standards

F. **Short Term Rentals** are permitted if it is demonstrated that:

In zoning districts: RE, RS, RG, RU, NC

1. The short term rental shall be operated by the owner and full-time resident of the property. For the purposes of this ordinance, the “owner and full-time resident” shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver’s license, and the subject property must be assessed at the four percent homeowner’s assessment rate according to the records of the Florence County Assessor’s Office. The owner or his/her designee is not required to be present during the entire lease period; however, the owner or his/her designee must be present at check-in to ensure the accuracy of the guest registry.

2. The owner may rent out no more than two (2) bedrooms as short term rentals in the primary residence. Rental bedrooms may not contain a separate kitchen or cooking area from the primary residence.
3. The owner shall maintain a guest registry which includes at minimum the guest's name, address, and contact phone number; the number of people in each guest's party; the make, model, and license plate number of any guest's vehicle parked on the property; as well as the guest's date and time of arrival and scheduled departure date. The guest registry shall be maintained such that the owner, upon request, can supply information regarding the number of rooms rented, the number of individuals occupying the home, and the dates of guest's date and time of arrival and departure.
4. A motor vehicle may not park in the front yard or side yard of a residential property, except in a driveway or on an improved surface such as concrete, asphalt, pavers, brick, or other material as approved by the Planning Director. The total area designated for parking shall not exceed 25% of the front and/or side yard area. There shall be no parking of motor vehicles on grass or the street.
5. No exterior signage is permitted.
6. No activities other than lodging shall be allowed as part of a short term rental (e.g. weddings, parties, conferences).
7. The Short Term Rental will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, as well as applicable Federal and State requirements.

Sec. 6-21.7.11 Permitted Special Exception Use Approval

- A. **Generally.** A permitted special exception use is a use that is allowed within a zoning district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within the district. These uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts, which if unmitigated, could undermine the integrity of the zoning district. The designation of a use as a permitted special exception use means that it is only allowed in a proposed location if all of the conditions applicable to the use, set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards, the general standards of Subsection C., below, and all of the other applicable requirements of this Unified Development Ordinance, are met.
- B. **Application Requirements.** Applications for approval of a permitted special exception use permit shall be on a form approved by the Director and include the contents set out in [Section 6-21.4.1](#), Submittal Requirements, Subsection D., Use Permits.
- C. **Criteria for Approval.** In addition to the applicable standards of this Unified Development Ordinance, including those set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards, all permitted special exception uses shall comply with the all of the following general standards:
 1. The permitted special exception use shall not be of a type that would tend to undermine the implementation of an adopted plan that includes the parcel proposed for development.
 2. The permitted special exception use shall be compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate

- area or negatively affect the planned or anticipated development or redevelopment trajectory.
3. There is no practicable alternative location where the use is permitted as-of-right within 1,000 feet of the parcel proposed for development, or, if such a location exists, the proposed location is more favorable in terms of:
 - a. Providing a needed community service;
 - b. Providing a critical mass of jobs that are likely to pay more than the median wages for the region;
 - c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or
 - d. Making more efficient use of public infrastructure, such as off-peak street capacity.
 4. The approval of the permitted special exception use will not create a critical mass of similar permitted special exception uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
 5. The permitted special exception use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
 6. The permitted special exception use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries.

D. Procedure. In issuing a permitted special exception use permit, applications are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference through Section 6-21.5.10, Public Meetings and Hearings. The application is decided by the Board of Zoning Appeals after recommendation of the Director, pursuant to the public meetings provisions of Section 6-21.5.10, Public Meetings and Hearings.

E. Decision; Conditions of Approval. The Director may recommend, and the Board of Zoning Appeals may attach, conditions of approval to the permitted special exception use in order to mitigate its impacts (or reasonably foreseeable impacts) such that it complies with the criteria of Subsection C., above, and/or to assure and monitor continued compliance with this Unified Development Ordinance. Conditions shall be roughly proportional to the impacts to which they are addressed, taking into account the mitigating effects of applicable requirements set out in Division 1-2.8, Conditional and Permitted Special Exception Use Standards. The subject matter of conditions, by way of illustration and not limitation, may include:

1. Additional landscaping or buffering, or landscaping improvements;
2. Building or façade improvements;
3. Specification of hours of operation;
4. Limitations on the use or related activities;
5. Noise abatement measures;
6. Limitations on lighting, such as lighting curfews or restrictions on levels of illumination;
7. Measures to control, mitigate, or direct traffic;
8. Parking, loading, and site circulation adjustments;

9. Restrictions on outdoor displays, sales, or storage;
10. Standards and assurances regarding the maintenance of property;
11. Restrictions on signage that relate only to the sign structure, materials, lighting, placement, size, or type, but not to the content of messages displayed (unless such messages are not protected speech); and
12. An expiration date for the permit, before which the permit must be renewed in order for the permitted special exception use to continue to operate.

F. Annotation of Official Zoning Map. If the application is approved, the Official Zoning Map shall be annotated to reference the approval by case number.

City of Florence Board of Zoning Appeals – Special Exception Use Permit

Date Filed: _____ Permit Application No. _____ Appeal No. _____

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for use of the property described above as: _____

_____ which is a permitted special exception use under the district regulation in Section _____ of the *Unified Development Ordinance*.

2. Applicant will meet the standards in Section _____ of the *Unified Development Ordinance* which are applicable to the proposed special exception in the following manner:___

3. Applicant suggests that the following conditions be imposed to meet the standards in the *Unified Development Ordinance*: _____

4. The following documents are submitted in support of this application: _____

Date

Applicant Signature