

CURRENT VERSION OF THE STR TEXT AMENDMENT & ORIGINS

The following is a summary of the most current version of the STR text amendment proposal as reviewed by the Planning Board at their final meeting in April 2024.

A brief explanation of the origin of each proposed standard is shown in **red**.

Questions from STR Committee members are shown in **green**.

Clarifications for Committee questions are in **blue**.

1. Create a definition of ‘Detached structure’

Origin: No definition currently exists, and confusion during permitting has illuminated the need for a definition in the ordinance.

2. Revise the term ‘vacation rental’ to ‘short-term rental’

Origin: The term ‘vacation’ does not encompass all of the many reasons someone might use a short-term rental, and staff seeks to differentiate between individual short-term rentals and larger vacation complexes or resorts.

3. Remove Vacation Rental Complexes from the definition of Planned Unit Developments

Origin: The proposed text amendments seek to reimagine the vacation rental complex use type by changing the naming to ‘3 to 10 units’, and in the future creating new standards and separate requirements for Vacation Complexes and Resort Centers.

4. Update the STR definition: Allowed only in detached single-dwelling units; rented between 2 and up to 30 nights; STRs adjacent to each other and in common ownership or management are a common plan of development; complexes of 11+ STRs are regulated as hotels.

Origin: The current Zoning Ordinance defines vacation rentals as ‘no more than two single-family homes...’. Staff seek to expand this definition to exclude all attached housing, including missing middle housing such as townhomes, as those housing types have the potential to be more affordable than single-family detached homes. This aligns with policies and actions laid out in the

Comprehensive Plan which promotes the expansion of missing middle housing in order to alleviate housing supply issues and housing cost issues within the County.

The current ordinance states that the rental is for two days or more. The intention of this language when it was originally drafted was two nights. This was intended to reduce the transient nature of this use within residential neighborhoods. However, as the current language is not clear, the proposal changes it to 2 nights or more and clarifies that it is for 30 nights or less compared to a long-term rental which is more than 30 days. Long-term rentals are not regulated by zoning.

The proposal seeks to clarify that adjacent STRs in common ownership or management are considered a common plan of development, which is the current way the ordinance is enforced. The proposal seeks to regulate vacation complexes the same in all districts without exempting Open Use as it currently does.

Committee Member Comments:

- I worry that an unintended consequence of this definition would lead to developers creating duplex housing for rent, which might undermine or weaken a neighborhood or community and would not fall under this definition. Maybe it should be simply defined by the rental period.
- I need clarity on this because I didn't realize this could potentially eliminate homestays. And I am also not sure I am supportive of discriminating against people who set up a portion of their home as an STR that is attached. Like a converted mother-in-law suite.
- I am very concerned about the impact on homestays. I don't feel comfortable just leaving them up in the air. This is something that will hit a lot of our lower-income community members who want/need to do STR to meet their mortgage and other financial obligations harder. Even if they will be addressed later, perhaps there should be something added to the text amendment that establishes their rightful use and refers to that future time when they have more specific regulations formulated for them. Or they should in fact be added to this text amendment/regulation process.
- I agree with this....assuming we are not addressing the garage apartment, owner on property, extra bedroom suite type rentals....

Clarification for Committee comments: Historically, neighborhoods have contained a mix of single-family, duplex, and multi-family housing, which creates opportunities for housing at a wider range of income levels and creates more resilient communities. Additionally, the County currently allows duplexes and quadruplexes as a use-by-right in some of our zoning districts. The Comprehensive Plan includes policies and actions that encourages the construction of missing middle housing (including duplexes and other attached housing) as one way to address the housing shortage in the County. Many communities throughout the Country are looking at similar policies or have enacted the policies as a way to impact unit cost and scarcity. Austin, TX, Raleigh, NC, and Portland, OR are early adopters of these types of policies and are seeing success in both increases in housing stock and a

variety of types of housing. In addition, the proposed STR definition prevents STRs from being located in attached housing, such as duplexes. The policy direction outlined in the Comprehensive Plan is the creation of these units for long-term housing, as they tend to be more affordable than single-family detached housing.

Clarification for Committee comments: Regarding homestays, the wording of this STR text amendment would prohibit homestays which are renting individual bedrooms or spaces within the resident's home. However, the Planning Board has requested that staff bring a separate Homestay text amendment for their review once the STR text amendments are completed. Just as Staff is looking at separate regulations of uses such as yurts, RVs, and tiny homes, Staff feels that homestays should be evaluated separately as the use presents a different set of issues from full-house short-term rentals. Also please note that the STR text amendment is the first in a large series of text amendments that will result in implementation of polices and actions from the Comprehensive Plan. It also includes modernization of the County's development regulations. These text amendments will be occurring over a series of years and will be comprehensive in scope.

5. Delete the definition of a vacation rental complex

Origin: The proposal seeks to reimagine the vacation rental complex use type, by changing the naming to '3 to 10 units' for clarity, and in the future creating new standards and separate requirements for Vacation Complexes and Resort Centers through a different set of proposed text amendments.

6. In the Permitted Use Table, separate short-term rentals into these categories:

- *Urban – up to 2 units (Permit in the NS, CS, EMP, PS, and CR districts only)*
- *Rural – up to 2 units (Permit in the OU district only)*

Origin: During public listening sessions it became clear that residents wanted there to be a distinction between what happens in more rural areas of the county vs. more urban areas. Additionally, it was clear that flexibility in allowed use was desired within the Open Use District. In response, staff created standards based on a classification of 'Urban' vs. 'Rural', with rural being represented by the Open Use district.

Committee member comment:

- I basically agree with this, but since i missed the last meeting am not sure of what i also missed per this discussion. I definitely think what happens in existing densely populated communities/developments should/could be viewed differently from what happens in wide open areas like Leicester/ parts of Candler/ etc. My other concern is not only for what is

happening now, but what could happen in the future per the growth of STRS. Hopefully that would also be taken care of by this permitting?

Clarification for Committee comments: The Comprehensive plan sets a clear policy goal of protecting the rural character of parts of Buncombe County. This is clearly outlined through many policy tools, including our Growth, Equity, and Conservation Map (the County’s first future land use plan map). One way this will be accomplished is regulating the scale of developments within rural areas. One way to regulate scale is by regulating the minimum size of the property. Additionally, requiring an owner-occupied or long-term renter occupied home on the property allows a housing unit to be maintained for long-term use, while still allowing residents in more rural areas to create short-term rentals for economic reasons. A large number of the comments that were heard during the public input sessions indicated that in more rural areas, residents opened STRs on their property for financial reasons, in addition to maintaining their primary dwelling unit on the same site.

- *3 to 10 units (Permit in the NS, CS, EMP, PS, CR, and OU districts only)*

Origin: The current Zoning Ordinance already distinguishes between a development of 1-2 STR units vs. a development with 3-10 STRs. Staff does not propose to change that threshold but does propose to change the type of review required.

Committee member comment:

- I am ok with this...would just like to hear/understand the reasoning behind it
- I just not sure i understand the whole clause.
- My only question is how many of the developments are there in the county that have 3 -10 STRs on a single parcel/ common plan of development which are currently non-compliance with county regulations. How many are there and what will happen to them? Just curious.
- Feels like apples and oranges: Rural vs. Urban vs. 3-10?
- Would like more information about no longer requiring 3-10 STR developments to have BOA approval.

Clarification for Committee comment: There is no way for us to know how many illegal 3-10 unit STR complexes there are in the county. The County has a robust permitting system and Planners check for the possibility of a 3-10 STR complex when reviewing permits. For developments of 3-10 STRs in the NS, CS, EMP, PS, and CR district, staff proposes that these projects be a staff-level permitting review. Currently 3-10 STRs require a public hearing for a Special Use Permit before the Board of Adjustment. ***This reduction in review steps is part of a broader proposal that staff is working on to reduce administrative hurdles across many types of uses without compromising regulatory standards.*** 3–10-unit STR developments in Open Use would continue to have the current review requirement which is reviewed by the Board of Adjustment at a public hearing. Again, this aligns with the comprehensive plans policy direction of putting regulations in place that protect the rural character of our

conservation areas as designated by the Buncombe County Growth, Equity, and Conservation Map. Additionally, these areas may require greater review due to road infrastructure and lack of connection to public utility.

7. Prohibit STRs in the Steep Slope/High Elevation and Protected Ridge Overlays

Origin: Buncombe County has adopted goals within the Comprehensive Plan, and continuing from the original 1998 Land Use Plan, to protect the Overlay areas of the county. Prohibiting STRs within the overlay districts is one yutool to limit the development pressure on these environmentally sensitive areas. *This prohibition was added at the request of the Planning Board.*

Committee member comment:

- I would also like to see this applied to all new development, not only singling out STRs.
- Not sure what you mean? Could they be a residential home on a steep slope? Or a new home? Seems like new construction has to follow the requirements anyways.

Clarification for Committee comment: The County's Steep Slope & Protected Ridge Overlays already restrict uses and scale of development. The overlays are some of the most robust in Western North Carolina. Single-family residential development is an allowed use in the Overlay Districts. The proposal is to prohibit STRs in these overlays. Numerous uses are already prohibited in the current ordinance.

8. Allow all pre-existing STRs, which were legally established and in continuous use, to be grandfathered as legal, non-conforming uses, which may operate as-is, with conditions:

- A zoning permit is required to establish the legal non-conforming use.
- The permit must be renewed every 2 years to maintain the grandfathered status.
- The unit must be rented short-term for a minimum of 2 nights every 2 years.

Origin: Allowing pre-existing uses to remain in operation after the adoption of text amendments is a standard procedure for all use types, which helps to minimize legal challenges, ensure residents and businesses which operated in good faith are not unduly burdened, and limits the enforcement requirements of County staff. Some pre-existing uses are required to cease operation after a certain amount of time; however, the current proposal requires no phase-out period for STRs. Requirements for a 2-year permit renewal and a minimum number of rental nights is proposed to remain a legal, non-conforming use. Without the permitting requirement, there would be no way to verify which STRs were grandfathered, and which were in violation of any standards.

Committee member comment:

- I agree that this is likely the most feasible path forward, although I think the greatest amount of impact that is to be had through this process is through dealing with existing STRs. I will add that the health and safety issues discussed in the last meeting should be accounted for. It's my understanding that ordinances exist on some of these topics (e.g. waste removal). I'd like to discuss ways that these existing regulations can be more reliably enforced to help address the community's concerns with existing STRs. My feeling is that staff knows what they're dealing with and added these provisions to the proposed text amendments for a reason (as they mentioned, the complaint-based nature of the current system and difficulties conducting enforcement in such a large geographical area). If this is a question of more resources/funding, I think this should be discussed as well - is the plan to leverage permit fees to pay for enforcement? Is that enough?
- I agree but i will say only if the strs are in compliance with health and safety requirements. If a bathroom and keeping property trash free are part of county policies they need to be enforced before issuing permits. If it is not those should be a part of the requirements. It affects the health, safety, and environment of the greater citizens of the county.
- I am concerned about the General Assembly ruling that a Zoning Permit is unacceptable in the same way that the found permits unacceptable in the Schroeder case.
- I am definitely in favor of grandfathering. The concern would be if the zoning permit stands up to legal complications..but if it does; then most definitely I'm for this.
- I think this is a great way to balance the impact of grandfathering, and does not seem too onerous. I do want to ensure that Matt Allen's question about renting long-term counting towards the time frame is addressed.
- From the discussion at the last STR ad hoc meeting, it's my understand that the 2 night rental criteria can be achieved through either renting the property on a short-term or long-term. I think that should be made explicit to avoid any confusion that property owners are required to rent their property as an STR in order to maintain the grandfathered status.
- I agree with the realtors after hearing their perspective the minimum renting str requirement may discourage people from considering long term rentals without the option to go back. That i don't think is the intent.

Clarification for Committee comment:

- Staff, as part of the drafting process for any text amendments, evaluates the feasibility of enforcement. The Ad-Hoc Committee may make recommendations that enforcement procedures and resources needed be further studied.
- Please see information at the end of this document from the County's Legal staff, and the Planning Department, regarding a separate police-powers ordinance, and the feasibility of regulating existing short-term rentals for health and safety purposes.
- County Legal staff and the Planning Department has been monitoring the current Iredell County case regarding the legality of zoning permits. Additionally, they are monitoring the General Assembly regarding STR bills. We are aware of the current case and how it may affect the ability to regulate STRs in Buncombe County.

- Please see information at the end of the document from County Legal staff regarding the 2 night rental criteria, long and short-term rentals, and grandfathering.
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9. Create parking standards which are specific to STRs as follows:

Off-street parking spaces shall be 1 space per 2 guest rooms

Origin: Currently STRs are required to have parking based on the type of unit. For example, single-family homes require a minimum of 2 parking spaces. Multi-family requires 1.75 spaces per unit. The proposal seeks to create standards which are specific to STRs, by requiring parking based on the number of bedrooms. For example, a 4-bedroom house would require 2 parking spaces. A 6-bedroom house would require 3 parking spaces. As the number of bedrooms increases, it is expected that the number of overnight guests also increases, thus increasing the demand for parking. This is especially true for STRs being rented by multiple households, such as friends staying together, or for family reunions where there may be multiple cars.

Committee member comment:

- I need to understand the reason for this. Is it to keep STRs from affecting street parking? Is this an issue in the zones where new STRs will be allowed?
- Not sure i agree with this. You don't require a three-bedroom home have a two-car garage when building. Again not sure this is fair or constructive.
- Additionally, I wonder if there is any flexibility in more commercial areas, where parking may already be more ample.
- I am concerned about impacts to tree canopy, but I certainly believe parking needs to be well-planned for, as this is a high-conflict issue with STRs and community members

Clarification for Committee comment:

- Buncombe County does not permit on-street parking at this time for any uses, except those within an approved Planned Unit Development. Off-street parking means a parking space not located on a road or within a right-of-way. Parking located in a private driveway, in a designated parking space, or in a garage is considered off-street parking and meets the requirements. STRs are proposed to be treated differently than detached single family residential uses, as staff sees STRS as a more transient, intense use, such as a Bed and Breakfast. For example, Bed and Breakfasts currently requires one parking space per guest room plus one space per additional employee. Single-family homes require two parking spaces, however larger homes tend to have additional parking based on the needs of the owner and size of the structure.
- The parking section of the Zoning Ordinance already allows for shared parking agreements.

10. Create special requirement standards for STRs as follows:

- Parking areas with 5+ spaces shall have screening from residential uses.

Origin: To protect residential uses from short-term rentals which may include larger numbers of cars and visitors, staff proposes that parking lots of 5 or more spaces include vegetative screening. This is one way to protect the character of the neighborhood so that commercial-like features can be minimized.

Committee member comment:

- I think this is unreasonable. And how far to adjacent. If the residential use is 100 feet away.

Clarification for Committee comment: If a STR has a parking area designed to fit 5 or more vehicles, the STR is more likely to generate higher volumes of visitors to the site. Screening of parking lots can help protect the residential character of the neighborhood by reducing the visual impact of the parking lot and providing additional privacy for residents. This is typical when you have a non-residential use adjacent to a residential use. For example, a Bed and Breakfast would be held to the Zoning Ordinance's current buffering standards. If the parking lot is not adjacent to a residential use, such as if it is '100 feet away', screening would not be required. Further, if there is existing vegetation, such as a forested area between the parking lot and the adjacent residential use, that typically will suffice. This happens often in a County the size of Buncombe with many heavily wooded tracks. The buffering section of the Zoning Ordinance current allows for variations in the buffering standards to be modified by the Zoning Administrator based on things such as existing vegetation.

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- Waste containers of 90 gallons shall be provided and emptied weekly.

Origin: The Planning Department receives complaints that STR operators do not sufficiently provide for or clean up solid waste from visitors which can cause unsightly trash in yards and roads, and attract wildlife and pests.

Committee member comment:

- 90-gallon seems a little too specific. As long as it is disappearing from the property weekly (in a legal and ecologically sound manner), why specify the container?;

- The county doesn't offer weekly service of trash/recycling collection in all areas. Nor may every str need a 90 gallon trash bin. This is too specific. Trash collection does need to be regulated but this statement needs to be adjusted.
- I just have a small issue with saying that it's required to be empty on a weekly basis - some STRs won't be rented all the time. Perhaps a small tweak in the language to say that they should be emptied on a weekly basis when the STR is occupied for 1 or more nights that week? Otherwise it is clear that waste removal has become a serious issue and should certainly be addressed in a fair and workable manner.

Clarification for Committee comment:

- 96 gallons is the standard size that Buncombe County's waste contractors use for trash receptacles and the County's contracted service is available for all the unincorporated parts of the County. An STR owner would be allowed to contract with a different agency to provide trash services.
- The standard can be clarified to indicate that the containers only have to be emptied when the STR is occupied. The Ad-Hoc Committee could make a recommendation that this standard be clarified.

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- 2+ STRs on the same lot shall be spaced a minimum of 20 feet apart.

Origin: This is the current standard for a Planned Unit Development, and it's proposed for STRs on the same lot to ensure that there is a safe distance in the event of a fire at one of the units.

Committee member comment:

- Need to revisit the reasoning on this one. Density is usually a good thing. Is this addressing a health/safety issue?
- Again i think this goes back to concern not sure i agree with attached structures.
- I am not necessarily opposed, but would like to understand the reasoning for this particular distance.
- whether this is a requirement for other buildings when there are multiple buildings on the same property.

Clarification for Committee comment:

- The 20-foot separation is from the North Carolina State building code. When this distance is reduced, building code requirements increase for the structure. 20-feet for a single-family site built home allows adequate space in case of a fire. Note, this standard is only for two or more STRs adjacent to each other on the same parcel of land. This standard has been part of our Planned Unit Development standards since county-wide zoning was created in 2009.

- Each STR shall be connected to an approved wastewater system, and provide a complete, functioning bathroom in every unit.

Origin: Some STR owners have not been providing bathrooms in their units, requiring renters to go to an outhouse or other building to find a toilet. While this may be acceptable in a campground where there is a camp attendant and daily maintenance of facilities, STRs have no requirement for an on-site attendant or maintenance. Further, violations have occurred with STR owners direct-piping or dumping human waste into streams, fields, or forests in direct violation of local and state laws.

Committee member comment:

- I think this regulation is confusing and superfluous. If the definition of a structure that is habitable is having a bathroom, stating it as a separate regulation is confusing.
- I think that sewage management is essential for existing STRs. I have heard of some people adding bedrooms to existing STR houses and marketing them for numerous people - way over the septic allowances. Also 911 addresses and guests attending a party.
- Most definitely....this appeared to be a problem when viewing Air B&B sites...in some rentals the bathroom was there, but it was not functioning properly. Not a happy rental....
- I think all STRs should have a clear and sanitary wastewater management plan. When it comes to an STR as defined (a single family detached unit), I am certainly in favor of this. But I am also in favor of allowing nontraditional structures (RVs, yurts, etc.) as short term rentals so long as their use as such is safe and does not cause sanitation issues.

Clarification for Committee comment:

- The purpose of this requirement is to provide clarity to Short Term Rental developers at the beginning of the development process that this will be a requirement. An example would be a developer who wanted to turn an existing barn into a Short Rental. The standards make them aware at the beginning of the process that a fully functional bathroom will be required per building code, and the hope is they would evaluate the feasibility of that and the condition of the existing septic and/or sewer connection before moving forward. Having this information up front can save property owners time and money as they develop their land. Additionally, this would help restrict the use of “primitive structures” as defined by NC General Statute from being used as a STR.
- Non-traditional structures, such as yurts and RVs, will be addressed as part of a separate text amendment. However, numerous complaints and issues have arisen using these structures as STRs. These include electrical fires, dumping of waste, and complaints from residents of the county. Staff does not recommend the use of non-traditional structures as a

STR unless they are located within a development that has facilities for waste, water, and emergency service access.

- Only 1 freestanding sign is allowed and up to 10 sq. ft. in size.

Origin: Advertising of commercial businesses on residential property is discouraged to protect the character of neighborhoods. Currently, Home Occupations are limited to a sign of 2 square feet in size. Visitors to STRs are more likely to have trouble finding their destination, leading to them using private driveways to turn around, trying to enter the wrong home, or conflicts with idling and parking in residential neighborhoods. As a result, staff proposed a larger sign of up to 10 sf be allowed to assist with navigation.

Committee member comment:

- I need clarity and information before making a decision
- Must they have a sign?
- I have no problem with this...but do not know all the ins/outs of why this is good or not good policy....
- I agree with the idea of only 1 sign. However, I am wondering if it should be a requirement to have a sign. My understanding is that Brevard prohibits STRs from having signs to avoid a more cluttered commercial aesthetic. 2 feet x 5 feet also seems large to me. I don't have strong feelings on this but these are my questions/ comments.
- Is this just signage at the parts of the property in public view? May be good to clarify, since properties with multiple units may need multiple signs to direct guests. Also, does this include signs along the way to the property? I.e., "Woodland Retreat 1 mile this way"

Clarification for Committee comment:

- STRs are not required to have an advertising sign, only E-911 Addressing posted. This standard proposes that if the owner chooses to have a sign advertising the use of the property as an STR, the sign be limited to 1 sign up to 10 square feet in size.
 - One complaint received during the Planning Board's review of STRs was people getting lost and not being able to find their STR unit. The Planning Board agreed that allowing signage may help mitigate this issue.
 - This proposed standard is for signage on the property. The County has a separate ordinance that regulates off-premise signs.
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- The owner/operator shall be located within 50 miles of the STR when occupied.

Origin: Public concerns about absentee owners neglecting properties and being unresponsive to neighborhood conflicts between STR tenants and residents is one reason for the proposed requirement that owners or operators be within a certain distance of the unit when occupied. This ensures that problems can be promptly resolved.

Committee member comment:

- Hard to enforce. We want to make sure that emergency contact is available to get things fixed and the proximity of an owner or manager does not necessarily achieve that.
- I will not agree to anything that potentially violates the 14th amendment of the Constitution. The puts an unreasonable limitation on personal movement of both homeowners and management workers.
- Generally on board but want to clarify the definition of "owner, operator, or manager"
- ...at least in general principle on this standard. I definitely think the owner/manager/etc should be in some kind of 'range' while the unit is occupied. I'm not inclined to think it should be farther away either...but am open to hearing more on this if needed.
- Is this a provision that is risky from a legal standpoint? What about restricting ownership to those within 50 miles? The "or operator" stipulation sounds like it could be a large loophole - for example, a large company might designate a local cleaning staff person as an "operator", but they may not be empowered to truly deal with an issue like problematic guests or major maintenance issues causing trouble for neighboring properties.

Clarification for Committee comment:

- Regarding enforcement, this requirement would be enforced during the permitting process, by requiring that the applicant show that the property owner or property management company's primary address was within a 50-mile radius of the STR unit. That radius can be determined using GIS software and the County's existing GIS data system. This information would be re-verified every 2 years with the permit renewal.
- Staff confers with the County's Legal Department when drafting proposed development regulations. The intention of this proposal is to establish a management point of contact for those renting, and for those adjacent to STRs. The purpose is not to restrict movement. However, the committee can request that this language be clarified or reworded to remove the term 'location'.
- 'Owner' refers to the owner of the property. The draft language further expounds on what an operator is by indicating: *"An operator shall include a person or business who is employed by the owner to manage the rental property, and who is responsible for responding to tenant(s)*

needs during all times that the rental is occupied. Management contact information shall be provided to the Buncombe County Planning and Development Department and shall be posted on the site in an exterior location that is visible and accessible”

- E-911 addresses and road names shall be displayed on the STR per standards

Origin: Listing of Address numbers is an existing requirement of the E-911 ordinance, however staff seeks to make it more prominent by listing it in the STR ordinance. Visitors often have trouble finding their STR and ensuring that addressing is clearly posted can help reduce problems. If this standard is not adopted, it will continue to be a requirement through another ordinance.

Committee member comment:

- I need clarity and information before making a decision
- Great way to keep everyone safe!

Clarification for Committee comment: The current E-911 Ordinance requires that all structures prominently display their street numbers, with 3-inch-tall numbers in a contrasting color from the background color they are affixed to. This text amendment proposes to add the additional requirement that the street name also be prominently displayed. This is due to the higher likelihood of visitors to STRs having trouble finding their unit, and provides the address is prominently listed in the case of an emergency given the transient nature of this use.

- Max. STR size: 4,000 sq.ft. on parcels less than 1 acre; up to 9,000 on 1+ acres.

Origin: Having large numbers of visitors to an STR is one of the many complaints received about this use. It can cause issues with parking, noise, and septic system capacity. Limiting the size of homes that can be used as an STR helps reduce these conflicts by placing a size limit on the type of home that can be used as an STR. For example, large homes are more likely to be rented for parties, events, or other big gatherings of people, which can be disruptive to the surrounding neighborhood.

Committee member comment:

- I need clarity and information before making a decision;
- These numbers are arbitrary. Let's revisit why we want this kind of constraint and see if there is a rationale for a pair of numbers
- square feet on properties of 1 acre or less.
- I am open to this approach but would be curious to hear other perspectives on whether there are downsides to these specific criteria. I could see an argument for maybe allowing a new STR to be a bit larger than 4,000 s

Clarification for Committee comment: Staff originally proposed a much smaller size limit for STR units in order to limit large events and parties in residential neighborhoods. Based on public input and the desire for large-home rentals, the proposal was increased to allow up to 9,000 square foot houses when located on an acre or more. The numbers were based on looking at average home sizes of newly constructed homes in the USA, which currently stand at approximately 2100 square feet. Larger sizes were proposed to allow for flexibility of development. Homes which are larger than these thresholds can apply to be an Event Center or Hotel if they are within allowable zoning districts. The Event Center or Hotel use type allows for more commercial-level impacts through higher regulations for parking, outdoor lighting, buffering, etc.

- Driveways over 150 ft long and less than 10 ft wide require FM approval.

Origin: Private driveways are not currently regulated in Buncombe County. Driveways which are less than 10 feet in width and greater than 150 feet in length may result in structures that cannot be reached by emergency vehicles. This is especially true in steeper areas where fire trucks may be unable to navigate tight switchbacks or extreme road grades.

Committee member comment:

- If this is the same requirement for residences, fair. I can also see it as fair if there are more than 2 units on the property, if it is given that the requirement is the same for regular residences. If not, though, this is holding them to a different standard in a way that doesn't necessarily seem fair. But in general if this is something that is safer, it seems like it should be required across the board.

Clarification for Committee comment: Currently the County does not regulate individual private driveways for individual single-family homes. STR owners are not required to disclose to tenants if the home is inaccessible for emergency services. Requiring long, narrow driveways to obtain Fire Marshal approval improves safety for visitors of STRs. Regulation of driveways to ensure emergency service access has been a policy direction the County has taken in previous Ordinances and amendments. For example, similar standards have been added to the Buncombe County Land Development and Subdivision Ordinance for shared private driveways.

- Shared private driveways require recorded shared access agreement for the STR.

Origin: Residents have reported conflicts between STR operators and adjacent property owners who share a private driveway or access easement. Conflicts can include access being blocked by visitor's cars, illegal parking on private property, trespassing, and visitors getting lost and bothering long-term tenants. Requiring that STRs obtain written approval from the adjacent owner of the shared access increases the ability of property owners to collaborate.

Committee member comment:

- I am concerned about the text amendment relating to shared driveways. This seems like it should be separated out because I think it is a potentially really problematic piece to this. My first comment pertains only to the other pieces, not the shared driveway bit. The shared driveways provision seems like it could be a powder keg for neighbor conflict and legal issues. As written, it sounds like giving another individual, a neighbor, a right to say what you can and can't do with your property. Especially in the OU district, this doesn't seem fair. Also, if this is not a requirement for other businesses, it feels problematic with respect to holding STRs to a different standard.

Clarification for Committee comment: Shared private driveways are common in the County, and many existed prior to regulation of them through the Buncombe County Land Development and Subdivision Ordinance. Many of these do not have shared agreements in place. Requiring that an agreement be in place prior to the use of the property as an STR provides for a set of standards before issues arise. The Planning Board and Planning Department have received complaints and feedback about STRs negatively impacting shared private driveways that serve other residences.

- Lots with 3+ STRs require vegetative screening from adjacent residential uses

Origin: Developments consisting of three or more short-term rentals adjacent to each other results in a higher number of visitors than a single STR, which can have more negative impacts on residential communities. Requiring vegetative screening adjacent to residential uses can provide some privacy for long-term tenants and protect community character.

Committee member comment:

- How does this comport with the parking vegetative screening requirement? Are other types of businesses held to the same standard?

Clarification for Committee comment: Buffering is typical when you have a more intense use adjacent to a residential use. For example, a Bed and Breakfast would be held to the Zoning Ordinance's current buffering standards. Further, if there is existing vegetation, such as a forested area between the STR and the adjacent residential use, that typically will suffice. This happens often in a County the size of Buncombe with many heavily wooded tracks. The buffering section of the Zoning Ordinance currently allows for variations in the buffering standards to be modified by the Zoning Administrator based on things such as existing vegetation.

- STRs on private septic shall not accommodate more than 2 guests per bedroom

Origin: Septic system approvals are currently based on two individuals per bedroom. STR operators have a habit of having numerous beds in bedrooms, living rooms, and other non-sleeping rooms to increase how many people can be at the home. This can tax the septic system and has resulted in failed systems which can negatively impact neighborhoods and local ecosystems. While the bedroom requirement currently exists through Environmental Health regulations, adding this requirement to the zoning ordinance makes it more visible for STR operators.

Committee member comment:

- Too hard to enforce. What if there is an attic area for kids that sleeps 4 (bunk beds, pull-out sofas, etc.)?
- Many STR's have bunk beds for children which would exceed the 2 people per bedroom rule.

Clarification for Committee comment: Environmental Health regulations assume 2 residents per bedroom for residential septic systems. However, there have been issues with STRS that allow more than two guests per bedroom overtaxing septic systems. As such, when someone is applying for a zoning permit for an SPR, Staff can check how many guests they are proposing and make sure that aligns with what the septic system allows. Requiring this information during the permitting process also sets a foundation for enforcement if a unit is advertised for rent for more people than is allowed.

-
- Events/gatherings are limited to 10 people in addition to the tenants, except when approved as an Event Center.

Origin: STRs are typically located in residential neighborhoods where people live. Noise, parties, and parking issues are some of the major complaints received. STRs which want to have large numbers of people on-site should be required to meet Event Center standards to ensure that they do not negatively impact the neighborhood or cause health or safety issues.

Committee member comment:

- Not sure I understand this question the way it is worded;
- Hard to enforce. Can a STR also be approved as an Event Center?
- I need to know more about what the requirements are for an Event Center. I think something like this could be better handled through the permitting process, or potentially a

process for event permits. Perhaps the STR could have a cap on the number of events per year, say 5, as other types of properties are certainly allowed events. I agree that STRs being used primarily for frequent, large events are problematic for neighbors, but this feels a little too heavy-handed if an STR owner's guest wants to be able to use an STR for a small wedding, a wake, etc. and this only happens a few times a year.

Clarification for Committee comment: In addition to the individuals that are renting the STR unit (Could be 2 people, could be a family of 8, etc.), the proposal is to allow up to 10 additional visitors to the site in addition to those overnight guests. Example: if a house has 5 bedrooms, with 2 people per bedroom, the unit can accommodate 10 overnight guests, plus 10 daytime visitors, for a total of 20 people visiting the STR at one time. Regarding enforcement, Buncombe County's policy has been a complaint-based enforcement process. For example, if a neighbor complains that a STR is hosting huge events that exceed a certain number of people, the Zoning Inspector would do a site inspection and look at any available documents, such as those provided by the neighbor, or online rental listings for the unit. STRs which are located in certain zoning districts can apply to be Event Centers and host large numbers of visitors. Staff is currently working on proposed Event Center regulations as part of the numerous text amendments that are being drafted as part of the Comprehensive Plan implementation. Allowing STRs to have up to 10 visitors to the site in addition to the STR rental tenants still allows for large parties but provides some level of a cap to reduce disturbances to neighbors.

-
- Prohibit STRs in the following locations: Within CODs, PUDs, Conservation subdivisions, Alternative Path Hillside Subdivisions, and all other County incentive programs

Origin: Housing developments which receive density or other bonuses from the County should not be used as STRS, as those programs are designed and intended to provide for long-term housing.

Committee member comment:

- I think this is one to be careful with. It is a similar sort of effect to programs which are income-based but restrict the ability of the owner to generate extra income with the property, which can have the effect of trapping people in poverty. I definitely understand the reasoning, but this is exactly the thing - if we don't want to interfere with lower-income homeowners' ability to generate extra income, this can work against that goal. Perhaps it should be allowed if it's an ADU or similar, or no more than 1 or 2 units per owner?

Clarification for Committee comment: It is typical for an incentive-based program to restrict the parameters of when that incentive-based program is used. The purpose of an incentive-based program is to create the type of development that the County would like to see. These development options are

not required to be used. A developer could develop a property for the specific purpose of short-term rentals, and we have had developments in the county that have been specifically marketed as STRs.

- Prohibit STRs in Manufactured Home Parks

Origin: Manufactured housing is one of the few remaining naturally occurring affordable housing types, and policy should encourage preservation for long-term tenants. In addition, pre-existing MH parks typically have fewer parking spaces, and smaller home lots than other types of detached housing, which increases the potential for conflicts between STR renters and long-term tenants.

Committee member comment:

- Totally agree. Will not waver on this one.
- Perhaps could be allowed if a resident of the park only rents one other unit within the same park? Although I'm not sure how feasible this is.

Clarification for Committee comment: Manufactured housing is one of the only naturally-occurring affordable housing types in the county. This proposal is part of a larger set of policy directions in the Comprehensive Plan to protect the manufactured home parks in the county.

- Prohibit in structures that are not approved for human habitation such as travel trailers, RVs, sheds, vehicles or tents (does not apply within an approved campground or resort center)

Origin: This is already an existing standard through both the Zoning ordinance and NC state building code but is being added to the STR section to make it more visible to STR owners and developers, and to provide clarity for permit reviewers. **The Permits & Inspections Department will not approve permits for individuals to reside in a structure which does not meet building code for human habitation.**

Committee member comment:

- When I think about this, I do think it's important that guests can be safe in their accommodations. Certainly something like a shed that doesn't have permitted electrical work is a serious hazard. But I don't think that seasonally appropriate dwellings (i.e., a travel trailer in the summertime) should necessarily be prohibited. These are structures that would not be implicated in the loss of long-term housing to STRs.

Clarification for Committee comment: Non-traditional structures, such as yurts and RVs, will be addressed as part of a separate text amendment. However, numerous complaints and issues have arisen using these structures as STRs. These include electrical fires, dumping of waste, and complaints from residents of the County. Staff does not recommend the use of non-traditional structures as a STR unless they are located within a development that has facilities for waste, water, and emergency service access.

-
- Prohibit STRs in attached units such as duplexes, townhomes, and multi-family dwellings

Origin: Based on Comprehensive Plan goals, staff proposes to prohibit STRs in missing middle housing such as attached units and multi-family developments. These units tend to be more affordable than detached single-family housing styles, and are also more prone to conflict from noise, parking, and other factors due to individuals living in tighter quarters.

Committee member comment:

- Would like more info on why this is a good/bad thing
- If they are no longer allowed in Residential Zones, does this still make sense? Need to be reminded of the reasoning.
- Unless the STR owns both sides of the duplex. Most townhomes and condos already restrict rentals.

Clarification for Committee comment:

- Regarding residential zones, commercial and industrial zoning districts all permit single-family, missing middle, and multi-family housing. There are residential developments and subdivisions within commercial zoning districts in Buncombe County. Duplexes, townhomes, and multi-family dwellings are permitted in many residential zoned districts in addition to commercial districts. In addition, the Comprehensive Plan sees missing middle housing, such as townhomes, as housing types that have the potential to be more affordable than single-family detached homes. This proposal aligns with policies and actions laid out in the Comprehensive Plan which promotes missing middle housing in order to alleviate housing supply issues and housing cost issues within the County.
- County staff has run across STRs in many forms of attached housing, including large apartment complexes and townhouse developments. There are many existing developments that have no restrictions or HOA in place.

11. Standards for Rural STRs (zoned Open Use) shall include those listed above, plus additional standards:

- Minimum lot size of 2 acres

Origin: Requiring that STRs in rural areas (zoned Open Use) be on 2-acre+ size lots protects the rural character of the area, and limits STRs within compact subdivisions where conflicts are more prevalent due to the denser development patterns and more people living in a smaller area.

Committee member comment:

- In general agree with this...but would also like more info on the pro/con of it
- The first part of this provision seems a little too strict. Suggest 1 acre for single STRs in OU. No problem with the 3 or more STRs requiring 2 acres.
- Would like a brief discussion of why OU STRs. should not be close together.
- I would like to better understand the reasoning behind this....

Clarification for committee member: See origin statement above. Additionally, minimum lot sizes for specific uses is one way to mitigate the effects of a use on surrounding properties. This proposal was an addition to the text amendment based on public input received by the Planning Board.

- STR must be on a parcel containing a primary dwelling unit

Origin: During public listening sessions residents expressed the need for STRs to help property owners afford their own homes and supplement household incomes. In response, staff proposes to allow rural STRs when there is a primary dwelling unit on the same property so that the STR income can contribute to the support of the primary dwelling unit.

Committee member comment:

- I'm unclear on how this interacts with the previous provision (#26). I also think this needs some general clarification: Whose primary residence would this be? The owner? The operator? Does the property owner have to be the STR owner, or can they be the operator? Can a long-term renter be an operator? Does this not also restrict homestays, or does that not count against them as an STR is defined as a detached structure?
- So what about 3 to 10 units?
- ...in general with this...but would also like more info on the pro/con of it

Clarification for committee member:

- The proposal makes no indication of who uses the primary residence. It could be an owner, an operator, or a long-term renter.
- For Homestays, see previous comments regarding homestays.
- 3-10 unit STRs are regulated separately as a Special Use Permit in Open Use, and would not require a primary dwelling unit be located on the site. However, we do see many 3-10 unit STR complexes with primary dwelling units on the site.

12. Special Use Standards for 3-10 units shall include all those listed above for STRs, plus a minimum lot size of 2 acres

Origin: Per the Permitted Use Table, this requirement for a 2 acre minimum lot size would only apply to 3-10 unit developments in the Open Use zoning district

Committee member comment:

- I would like to better understand the reasoning behind this;
- Would like a brief discussion of why OU STRs should not be close together

Clarification for committee member: Developments containing 3 to 10 STRs may have higher impacts on adjacent residential neighborhoods than one-off STRs due to the larger number of visitors to the site. Staff proposes a minimum lot size of 2 acres to reduce adjacent impacts, preserve the rural-character of the Open Use zoning district, and to prevent complexes of multiple STR units from being developed inside of smaller-lot subdivisions where conflicts with neighbors are more likely to occur. Additionally, areas in the more rural parts of the County do not have access to water and sewer services; by setting an acreage for 3 to 10 STRs it allows for individual septic and well systems to be adequately provided for.

Note: A specific exemption for bona-fide agricultural uses is not required as the State of North Carolina already provides that exemption for all Zoning Ordinances through General Statutes

CLARIFICATIONS ON TOPICS FROM PREVIOUS MEETINGS

REGULATING EXISTING STR USES

If the Committee wants to explore regulating existing STRs, the only mechanism would be the adoption of a “police power” ordinance. The North Carolina General Assembly has granted Buncombe County several powers to regulate conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county. Pursuant to N.C. Gen. Stat. § 153A-121 et al, Buncombe County has what are commonly referred to as “police powers” to regulate nuisance type activities.

- The County may regulate the removal and disposal of trash and garbage (153A-132.1)
- The County may regulate noise (153A-133)
- The County may regulate and license business, trades etc (153A-134) - A county may by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience.

These police power type regulations are usually enforced by civil penalty but can also be enforced by criminal penalty. In addition, these ordinances can be enforced by injunctive relief.

These police power ordinances are normally not subject to any grandfathering or non-conforming use provisions that are typically found in a Development Ordinance, such as the Zoning Ordinance.

REGULATING STRs THROUGH A DEVELOPMENT ORDINANCE

It is possible to also address health, safety and welfare concerns through adopting a zoning ordinance. These health and safety requirements can be part of a zoning ordinance. An example would be the Planned Unit Development standards for larger commercial development in the County. The Board of Adjustment has the option to regulate things such as noise and hours of operation. Additionally, the Zoning Ordinance contains requirements such as parking standards and buffering to help mitigate safety and noise issues that may occur when a more noxious use is adjacent to a less noxious use. For example, a commercial business adjacent to a residential use. Chapter 160D of the North Carolina General Statutes regulates all planning and development ordinances. The current proposed STR regulations are currently drafted as a development ordinance. Any pre-existing use is usually treated as a non-conforming use (i.e. grandfathered) and allowed to remain so long

as the owner continues to actively operate the non-conforming use. The owner of a non-conforming use would not have to comply with any new development ordinance.

The Committee could recommend to the Planning Board and Board of Commissioners that it needs to be evaluated how to regulate existing short-term rentals from the “health, safety, and welfare” perspective in a separate police powers ordinance, and they could in turn direct staff to start researching the possibility of such.

GRANDFATHERING CLARIFICATION

Two Nights. Clarification that existing grandfathered ones could move from long-term to short-term rental and back under the proposed non-conforming language which clarifies: *“To maintain the legal, non-conforming status the structure shall be rented for a minimum of two (2) nights every two years.”*

The Legal and Planning Department have reviewed this language and feel this interpretation is correct and that a grandfathered STR could move back and forth between short-term rentals and long-term rentals, and that it would become non-conforming once it converted to an owner-occupied dwelling for two years.

GENERAL COMMENTS FROM THE STR AD-HOC COMMITTEE POLL

- Angelica Cote. With respect to my positions, I want to make it clear that I am open to changing my mind based on good data or arguments, especially those that take our community members' needs into account. I was also selected to represent the interests of ancillary business owners. I believe the impact on them is going to be multifaceted. Provisions that increase standards may in fact add to the business/revenue streams of some direct service providers. On the other hand, a reduction in the current or future number of STRs is likely to negatively impact direct service providers by reducing their potential client base, and possibly other ancillary businesses which rely on the spending of visitors to the area. But last, ancillary businesses are also impacted by housing affordability and scarcity issues across Buncombe County (and I'm not entirely convinced the impact of STRs on these issues is negligible). Certainly this is a concern for me and my husband as business owners and parents, and even as we have searched for new property to expand our business. I don't think there is one right answer here, but I am taking all of these matters under serious consideration. I am hopeful that we can find a path forward that provides something to each segment of our community that is impacted by STRs.
- Mark Bastin - I'm joining this Ad Hoc Committee on the 3rd meeting, so I need to catch up. Thanks.
- I have appreciated the discussion thus far but am concerned about the timeline. We've covered about a half a meeting's worth of material in two meetings. Also, by starting the discussion with grandfathering, the County has given the impression that banning new STRs in some areas is a foregone conclusion. I believe this item should've come later in the process after we firmed up where new STRs will and (potentially) will not be allowed. Several proposed regulations for new STRs appear reasonable but I'd want clarification on many of them. Lastly, I don't see the data discussion on the agenda for the 9/25 meeting but maybe I missed it. I hope we can broach that topic sooner rather than later. Thank you
- Candice Matelski-Brady- I would like to propose a discussion about Homestays. Perhaps during the open October 2 meeting that we planned off. It is concerning to me that it was brought up these properties would be forbidden. While i understand the implications of whole house STRs in the community and arguments towards affordable housing and the housing supply. However, if these regulations ban homestays than I feel we need to discuss their role in community economy, regulation, and what is being done currently within the borders of the county.

- Many of my requests for clarification are so that the entire group can be educated efficiently on the Planning Staff's rationale for the recommendations. It might accelerate our progress if the Planning Staff reasoning for each section that has questions is briefly explained for the group.
- Nancy Waldrop: Not at this moment...very possibly after the discussion:)