

# DRAFT STR GRANDFATHERING PROPOSAL

**Q1: What recommendations do you agree with?**

**Q2: What recommendations do you want to review as a Committee?**

## WHAT ABOUT PRE-EXISTING STRS?

### PROPOSED REGULATIONS

To maintain their status as a legal, non-conforming use, and remain grandfathered, pre-existing STR which were operating prior to the zoning changes, would need to meet the following requirements:

1. Obtain a Zoning Permit to document the use as an STR
2. Renew the Zoning Permit every two (2) years to confirm that the dwelling continues to be used for an STR
3. Rent the STR for a minimum of two (2) nights every two (2) years

## WHAT IS GRANDFATHERING?

**STRs, vacation rentals, and partial home rentals (homestays) which were in continuous operation prior to adoption of these amendments are grandfathered, do not have to meet the new requirements, and may continue to operate as before.**

When zoning regulations are changed, uses and structures which began operating prior to the change might not meet the new requirements. If they do not meet the new requirements, they are considered 'legal, non-conforming', otherwise known as grandfathered.

When a use or structure is grandfathered it means that it existed prior to the new regulations, and can continue to operate as before. It is not required to meet the new standards so long as the use or the structure is not changed, and is not discontinued.

## WHAT LIMITATIONS APPLY?

The following types of STRs cannot be grandfathered due to existing North Carolina State Building Codes and other County regulations:

- STRs located in an illegal or non-habitable structure
- 3+ STRs on the same or adjacent lots, established after 2010, which did not receive a Special Use Permit approval (*these STRs are operating in violation of existing regulations and cannot be grandfathered*)

## WHERE DID THIS COME FROM?

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 includes 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.

APPLIES ONLY TO STRS IN  
UNINCORPORATED BUNCOMBE COUNTY,  
NOT WITHIN THE CITY OR TOWN LIMITS