

ZPH2023-00038

SHORT TERM RENTAL TEXT AMENDMENT

PLANNING BOARD DRAFT 2

Date: March 5, 2024

Additions underlined in red

Deletions in red and ~~strikethrough~~

Alternative Planning Board Language in Blue

Changes from Draft 1

1. Removed Short Term Rentals as an allowed use in the Steep Slope/High Elevation Overlay and Protected Ridge Overlay.
2. Cross-referenced buffer standards in the Zoning Ordinance where it applies.
3. Provided alternative language for the management requirement as requested by Planning Board in blue. Planning staff recommendation is in red.
4. Provided alternative size limitation regulations based on acreage in blue. Planning staff recommendation is in red.
5. Clarified Events limitation language and added examples.
6. Removed advertisement from the Occupancy standard.
7. Clarified language regarding days and nights.

SHORT-TERM RENTAL TEXT AMENDMENTS

Sec. 78-581. Definitions

Detached structure means a building in which walls and roof are independent of any other building, surrounded by open space on all sides, and containing only one individual use, such as a single-dwelling unit or single-business unit.

Planned unit development, level I (PUDI) means more than four principal buildings or uses on a single lot; any principal building with a gross floor area of 25,000 square feet or more; any residential complex of more than eight units; or a subdivision of more than ten lots where building envelopes are defined, areas are set aside for open space and/or amenities, and a decrease in minimum lot size and/or interior setbacks is desired. A PUDI may be comprised of residential uses; a mix of residential and nonresidential uses; or the following nonresidential uses: health care facilities; private or public utility stations and substations, pumping stations, water and sewer plants, water storage tanks; recreation uses; and schools; ~~and vacation rental complexes~~ and shall not include places of worship.

Residence means any building, structure, or portion thereof which is designed, arranged, or used for a residential occupancy, but shall not include a motel, hotel, rooming house, or short-term vacation rental.

Short-term vacation rental means ~~no more than two a detached~~ single-family dwelling unit homes with a combined total no more than 9,000 square feet gross floor area which are is rented for periods of at least two (2) days nights or more and no greater than 30 nights to tenants, including but not limited to tourists, visitors, vacationers, or similar transients. Short-term rentals which are adjacent to each other, either on

the same lot or on separate lots, and under common ownership or management shall be considered a common development. A development consisting of more than ten (10) short-term rental units shall be considered a hotel or motel for purposes of this ordinance.

~~Vacation rental complex means two single-family homes or one single-family home with a combined total of more 9,000 square feet of gross floor area or a group of more than two separate vacation rental units adjacent to each other and held in common ownership which are rented out for two days or more to tourists, vacationers, or similar transients. A vacation rental complex shall include no more than ten separate vacation rental units. A development consisting of more than ten vacation rental units shall be considered a hotel or motel for purposes of this ordinance except within the Open Use District (OU) where it shall be considered a vacation rental complex and shall be required to obtain a special use permit.~~

Sec. 78-641. Permitted uses

Table 1 – Permitted Use Table:

USES	RLD	R1	R2	R3	NS	CS	EMP	PS	CR	AI	BDM	OU
<u>Short-term Vacation rentals, up to 2 units</u>	P	P	P	P	<u>SR</u> P	<u>SR</u> P	<u>SR</u> P	<u>SR</u> P	<u>SR</u> P		P	P
<u>Short-term Vacation rental complex, 3 to 10 units</u>				S	<u>SR</u> S	<u>SR</u> S	<u>SR</u> S	<u>SR</u> S	<u>SR</u> S		S	<u>S</u> C

Sec. 78-644. Steep Slope/High Elevation Overlay District

USES	RLD	R1	R2	R3	NS	CS	EMP	PS	CR	AI	BDM	OU
<u>Short-term Vacation rentals, up to 2 units</u>	P	P	P	P	P	P	P	P	P	P	P	P
<u>Vacation rental complex; less than 11 units</u>				S	S	S	S	S	S	S	S	S

Sec. 78-645. Protected Ridge Overlay District

USES	RLD	R1	R2	R3	NS	CS	EMP	PS	CR	AI	BDM	OU
<u>Short-term Vacation rentals, up to 2 units</u>	P	P	P	P	P	P	P	P	P	P	P	P

Sec. 78-657. Nonconforming uses

(8) Nonconforming short-term rentals (vacation rentals), and short-term rental complexes ((vacation rental complexes) (3-10 units)). All legal short-term rental uses which were established and in continuous use prior to -INSERT DATE OF ADOPTION -, shall be considered a legal, non-conforming use and shall be allowed to remain in operation based on the following conditions:

(a) In order for the legal, non-conforming use to be recognized the property owner shall apply for a Zoning Compliance Permit for the existing short-term rental:

- a. Written documentation shall be provided proving that the use was pre-existing within the last 180 days since the adoption of the Short-Term Rental Text Amendment.
- b. Approval of the Zoning permit shall establish the use as a legal, non-conforming use on the subject property.
- c. The Zoning permit shall be renewed annually to maintain the legal, non-conforming status.

(b) To maintain the legal, non-conforming status the structure must be rented for a minimum of two (2) nights every one hundred and eighty (180) days.

~~(6)(7)~~ *Reconstruction of damaged buildings or structures...*

~~(7)(8)~~ *Continuation of mobile home parks...*

Sec. 78-658. Off-street parking

Land Use	Required Parking
Short-term Vacation rental complex or rooming house	1 space per 2 guest rooms

Sec. 78-678. Uses by right subject to special requirements and special use standards

(a) *Uses by right, subject to special requirements (SR).*

(6) Short-term rentals. Short-term rental standards shall be as follows:

- a) *Parking.* Parking areas containing more than four (4) spaces shall be visually screened with a vegetative buffer from adjoining residential uses in compliance with *Section 78-667 Buffering and Landscaping.*
- b) *Waste.* For each short-term rental unit, the property owner shall provide capacity for a weekly accumulation of on-site solid waste in 90 gallon detachable containers. Containers must be emptied weekly to remove all solid waste generated by each unit. The property owner shall provide recycling containers for the short-term rental units and remove all recycling generated by each unit on a weekly basis.
- c) *Spacing.* Short-term rentals located on the same parcel of land shall have a minimum distance of 20 feet between rental units.
- d) *Bathrooms.* Each short-term rental unit must be connected to an approved wastewater system, and shall provide a complete, functioning bathroom in every dwelling unit.
- e) *Signage.* Freestanding signage shall be shown on the submitted plan and shall not

exceed ten square feet in surface area. Only one (1) freestanding sign is allowed.

- f) **Planning Staff: Management.** The owner, operator, and/or manager of the short-term rental shall be located within a 50-mile radius of the short-term rental during the time that the unit is occupied. 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 a 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.

Planning Board: Management. The owner, operator, and/or manager of the short-term rental shall be located such that they could be on-site of the short-term rental within one (1) hour during the time that the unit is occupied. 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 a 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.

- g) **Addressing.** The County-approved E-911 street address of the short-term rental unit, including the road name, shall be prominently displayed on the front of or at the entrance to the structure so as to be clearly legible from the street on which the property fronts. Numerals shall be at least three (3) inches in height and a contrasting color to the background on which they are applied. If the structure is situated so that the address cannot be clearly seen from the street, the address shall also be displayed at the end of the driveway or easement nearest the access street.
- h) **Planning Staff: Unit Size.** Short-term rental units shall have a maximum individual heated gross floor area not to exceed 4,000 square feet,

Planning Board : Unit Size. Short-term rental units shall have a maximum individual heated gross floor area not to exceed 4,000 square feet when located on a parcel less than one (1) acre, or up to 8,000 square feet when located on a parcel over one (1) acre.

- i) **Access.**
- i. **Driveways and access roads.** Short-term rentals which are accessed from a driveway and/or access road that is greater than 150 feet in length and less than 10 feet in width shall obtain Fire Marshal approval.
- ii. **Shared driveways.** Short-term rentals which are accessed from a shared private driveway shall require a shared access agreement from the adjacent property owner of the shared driveway approving the use of the driveway specifically for the purpose of a short-term rental, which shall be recorded at the Register of Deeds office and provided to the Planning Department.
- iii. **Buffering.** Lots containing three (3) or more short-term rentals shall provide vegetative buffering against any adjacent residential uses in compliance with the standards in Section 78-667 Buffering and Landscaping. Buffering shall be designed to allow emergency service access to the property by maintaining a 12 foot clearance along the driveway entrance to the structure.

j) Prohibitions.

- i. Development Types. Short-term rentals shall not be located within a Community Oriented Development, a Planned Unit Development, a Conservation Subdivision, an Alternative Path Hillside Subdivision, or any other County program that provides development incentives through density bonuses, and/or the varying or waiving of standards.
- ii. Events. In addition to the occupants of the short-term rental, the property shall not be used for hosting of events or gatherings of more than 10 people, such as weddings, parties, family reunions, except when they have also received approved permits for an Event Center.
- iii. Occupancy. Short-term rentals served by private septic systems shall not accommodate more than two (2) guests per bedroom.
- iv. Manufactured Home Parks. Short-term rentals shall not be located within a manufactured home park.
- v. Temporary uses. Short-term rentals are not permitted within structures that are not approved for permanent habitation, including but not limited to travel trailers, RVs, sheds and other accessory structures, vehicles, or tents.
- vi. Attached dwellings. Short-term rentals are not permitted within attached dwelling units, including but not limited to duplexes, townhomes, or multi-family dwellings.

(b) Special use standards.

~~(9) Vacation rental complex or rooming house. Vacation rental complex and rooming house standards shall be as follows:~~

- ~~a. Minimum distance between buildings. The minimum distance between buildings shall be 20 feet or as otherwise specified by the board of adjustment to ensure adequate air, light, privacy, and space for emergency vehicle access.~~
- ~~b. Parking. Preliminary plans shall include parking provisions adequate for the maximum number of guests proposed. Parking requirements shall be at least one space for each two proposed guest rooms. Such parking areas shall be visually screened with a vegetative buffer or fencing adjacent to any single family residential development.~~
- ~~c. Signage. Freestanding signage shall be shown on the submitted plan and shall not exceed ten square feet in surface area. Only one freestanding sign is allowed.~~
- ~~d. Bathrooms. One bathroom must be provided for every four guest rooms.~~

(9) Short-term rentals, 3 to 10 units. Short-term rentals of three (3) to 10 units shall have the following standards:

- a) Parking. Parking areas containing more than four (4) spaces shall be visually screened with a vegetative buffer from adjoining residential uses in compliance with Section 78-667 Buffering and Landscaping.
- b) Waste. For each short-term rental unit, the property owner shall provide capacity for a

weekly accumulation of on-site solid waste in 90 gallon detachable containers. Containers must be emptied weekly to remove all solid waste generated by each unit. The property owner shall provide recycling containers for the short-term rental units and remove all recycling generated by each unit on a weekly basis.

- c) *Spacing.* Short-term rentals located on the same parcel of land shall have a minimum distance of 20 feet between rental units.
- d) *Bathrooms.* Each short-term rental unit must be connected to an approved wastewater system, and shall provide a complete, functioning bathroom in every dwelling unit.
- e) *Signage.* Freestanding signage shall be shown on the submitted plan and shall not exceed ten square feet in surface area. Only one (1) freestanding sign is allowed.
- f) ***Planning Staff: Management.*** The owner, operator, and/or manager of the short-term rental shall be located within a 50-mile radius of the short-term rental during the time that the unit is occupied. 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 a 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.

Planning Board: Management. The owner, operator, and/or manager of the short-term rental shall be located such that they could be on-site of the short-term rental within one (1) hour during the time that the unit is occupied. 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 a 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.

- g) *Addressing.* The County-approved E-911 street address of the short-term rental unit, including the road name, shall be prominently displayed on the front of or at the entrance to the structure so as to be clearly legible from the street on which the property fronts. Numerals shall be at least three (3) inches in height and a contrasting color to the background on which they are applied. If the structure is situated so that the address cannot be clearly seen from the street, the address shall also be displayed at the end of the driveway or easement nearest the access street.
- h) ***Staff Option: Unit Size.*** Short-term rental units shall have a maximum individual heated gross floor area not to exceed 4,000 square feet,

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