



BUNCOMBE COUNTY

PLANNING & DEVELOPMENT

**Agenda for Special Meeting
Work Session
Buncombe County Planning Board
March 4, 2024**

**Meeting will be at the Board of Commissioners' Chambers, 200 College Street
Asheville, NC 28801**

- **Call to Order**
- **Announcements – Nancy Waldrop**
- **Roll Call of Board Members**
- **Approval of Agenda**
- **Approval of Minutes – February 19, 2024**
- **Comprehensive Plan Implementation (ZPH2023-00038 Module 1: Short Term Rentals-Review of Proposed Text)**
 - Purpose of work session
 - Planning Board members will review the proposed Zoning Text Amendment for Short Term Rentals.
- **Adjourn**

Public Comment will not be taken at this meeting. Comments regarding the short-term rental text module can be emailed to planninginfo@buncombecounty.org for distribution to the Planning Board.



BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

Notice of Special Meeting

This notice is for your information only; there is no required response or action. If you have any questions about this special meeting, please call **828-250-4830** or e-mail planninginfo@buncombecounty.org.

Notice is hereby given that the Buncombe County Planning Board will hold a special meeting on March 4, 2024, at 9:30 AM at the Commissioner's Chambers (Suite 326), 200 College Street, 28801 at which the Board will discuss the following agenda items:

- **Comprehensive Plan Implementation (ZPH2023-00038 Module 1: Short Term Rentals-Review of Proposed Text)**
 - Planning Board members will review the proposed Zoning Text Amendment for Short Term Rentals.

**Buncombe County Planning Board
Work-Session
February 19, 2024
Minutes**

The Buncombe County Planning Board met on February 19, 2024, at 200 College Street., Asheville, NC 28801

Planning Board members present were Nancy Waldrop-Chairperson, Ken Kahn-Vice Chair, Billy Taylor, Anthony Coxie, Eric Robinson, Mike Fisher and John Noor.

Also, present were Terri Rogers, Gillian Phillips, Shannon Capezzali, and Matt Card (Planning Staff); James Shelton and Rafael Baptista (Strategy and Innovation Staff); Nathan Pennington, Planning Director; and Curt Euler, Attorney.

Call to Order

Chair Ms. Waldrop called the meeting to order at 9:33 A.M.

Announcements

Ms. Waldrop reminded the public and Planning Board that at the last meeting it was voted not to have public comment at this meeting.

Mr. Pennington read the Conflicts of Interest from 106D-109 b) Appointed Boards.

Roll Call of Board Members

Complete.

Approval of Agenda

A motion was made by Mr. Kahn and seconded by Mr. Coxie to approve the agenda, and passed unanimously.

Approval of Minutes (February 5, 2024)

Mr. Kahn made a motion to approve the February 5, 2024, meeting minutes. The motion was seconded by Mr. Coxie and passed unanimously.

Comprehensive Plan Implementation

Text Amendment Modules and Process

Ms. Phillips shared that other County staff were present at the meeting. Mr. James Shelton and Mr. Rafeal Baptista attended from the Strategy and Innovation department to review data they collected in relation to STRs and housing. Matt Card from the Community Development Division provided affordable housing information.

Ms. Phillips reviewed the purpose of the text amendments with the Board. Issues discussed included community character, conflicts of STRs in neighborhoods, and loss of housing stock to STRs. The overall need for housing stock at all price points was discussed. Staff reviewed the policies and actions outlined in the Comprehensive Plan to increase housing stock.

Mr. Shelton with the Strategy and Innovation Department provided the area median income for a family of four in the area, data by ZIP codes for STR locations, and data from AirDNA regarding properties in Buncombe County that AirDNA lists as being a good investment as an STR.

Ms. Phillips shared the process for text amendments, reviewed what County staff had completed so far, and reviewed the job of the Planning Board. She reviewed current issues that staff considered related to STR's such as the housing shortage, neighborhood character, environmental health violations, complaints from neighbors, affordability and building code violations.

The Board discussed the draft ordinance text for each proposal. The Board reached consensus on the majority of the language, but asked staff to revise the following:

- For existing short term rentals, remove the language regarding the non-conforming status being removed after a change in ownership of the property. The Board asked that the properties remain as legal non-conforming uses, until after the use is discontinued.
- Add an annual renewal requirement for the Zoning Permit for grandfathering of existing, non-conforming short term rentals.

The planning board reviewed the proposed future meeting dates for this Text Amendment topic:

- March 4, 2024, second Planning Board work-session. The Board reached consensus that no public comment would be taken at this work-session.
- March 18, 2024, evening meeting at AB Tech to obtain public comment about the proposed language at the second public listening session.
- April 1, 2024, Planning Board Meeting to finalize language.
- April 15, 2024, Planning Board Public Hearing at AB Tech.

Adjourn

A motion was made to adjourn the meeting by Mr. Coxie and seconded by Mr. Kahn. Meeting adjourned at 12:15 P.M.

ZPH2023-00038

SHORT TERM RENTAL TEXT AMENDMENT

PLANNING BOARD DRAFT 1

Date: February 28, 2024

Additions underlined in red

Deletions in red and ~~strikethrough~~

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 with an individual heated gross floor area not to exceed 4,000 square feet, which are is rented for periods of at least two (2) days nights or more and no greater than 30 days 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>SR</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	<u>SR</u> P	<u>SR</u> P	<u>SR</u> P	<u>SR</u> P	<u>SR</u> 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	<u>SR</u> P	<u>SR</u> P	<u>SR</u> P	<u>SR</u> P	<u>SR</u> P	P	P	P

Sec. 78-657. Nonconforming uses

(8) Nonconforming short-term rentals, and short-term 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.
- 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) Management. The owner or operator 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 the rental. 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) 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.

i) 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. Short-term rentals shall not be used for hosting of events or gatherings of more than 10 people, except when they have also received approved permits for an Event Center.
- iii. Occupancy. Short-term rentals served by private septic systems shall not be advertised to 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 spaces shall be visually screened with a vegetative buffer from adjoining residential uses.
- 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) Management. The owner or operator 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 the rental. Management contact information 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) Access.
 - a. 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.

- b. 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.
- i) 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.
 - a. 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. This shall not apply to Planned Unit Developments which disclosed in their application that the intention was for units to be short-term rentals.
 - b. Events. Short-term rentals shall not be used for hosting of events or gatherings of more than 10 people, except when they have also received approved permits for an Event Center.
 - c. Occupancy. Short-term rentals served by private septic systems shall not be advertised to accommodate more than two (2) guests per bedroom.
 - d. Manufactured Home Parks. Short-term rentals shall not be located within a manufactured home park.
 - e. 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.
 - f. Attached dwellings. Short-term rentals are not permitted within attached dwelling units, including but not limited to duplexes, townhomes, or multi-family dwellings.