

RESOLUTION OF PLANNING BOARD RECOMMENDING THAT THE BUNCOMBE COUNTY BOARD OF
COMMISSIONERS AMEND THE TEXT OF CHAPTER 78 OF THE BUNCOMBE COUNTY CODE OF
ORDINANCES, THE ZONING ORDINANCE OF BUNCOMBE COUNTY, and STATEMENT OF CONSISTENCY

- WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;
- WHEREAS, the provisions set forth in Division 8 of Article VI of the Buncombe County Code of Ordinances were met prior to the public hearing at which this recommendation was considered;
- WHEREAS, pursuant N.C. Gen. Stat. §153A-344 and §78-719 of the Buncombe County Code of Ordinances, the Planning Board is charged with making a recommendation to the Board of Commissioners and to comment on whether the proposed amendments are consistent or inconsistent with the Comprehensive Land Use plan; and
- WHEREAS, the Buncombe County Planning Board reviewed proposed amendments to the text of The Zoning Ordinance of Buncombe County, North Carolina at a number of regular meetings prior to September 12, 2011 with considerable public input, and at the September 12, 2011 regular meeting of the Planning Board;
- WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which this application was considered have been properly mailed to members of the Planning Board, at least ten (10) days prior to the meeting and public notice of the meeting has been properly published in a newspaper having general circulation in the County as required;
- WHEREAS, the Planning Board has reviewed the proposed amendments, has heard public comment, and consulted with planning staff, and, after careful review, has determined that it is in order to approve these proposed amendments and make recommendation to the Board of Commissioners for Buncombe County that the proposed amendments be approved.

Based on the facts as set forth above the Buncombe County Planning Board hereby finds and concludes as follows pertaining to the proposed amendments to the Zoning Ordinance of Buncombe County:

1. the Planning Board found that the proposed amendments regarding definitions of "Rooming House," "Vacation Rental," and "Vacation Rental Complex;" the establishment of conditional use standards for Vacation Rental Complexes and Rooming Houses; and the revision of the Permitted Use Tables for the underlying zoning districts and the Steep Slope/ High Elevation and Protected Ridge Overlay Districts to separate into different categories and address Vacation Rentals, Vacation Rental Complexes, and Rooming Houses are consistent with the Buncombe County Comprehensive Land Use Plan and updates, as the 2006 update (IV-E) identifies tourism as a growing and robust industry, a major part of which consists of "the well-

established leisure & hospitality sector.” Furthermore, the setting of conditional use standards for uses addressed by the Zoning Ordinance such as Vacation Rental Complexes and Rooming Houses as such does not contradict the Buncombe County Comprehensive Land Use Plan or updates and instead provides an opportunity to mitigate possible impacts associated with these uses; and

2. the Planning Board found that the proposed amendments to the text are reasonable and in the public interest as they will set standards for appropriate uses and address an existing practice and continuing desire within the local community to be able to derive economic benefit from the short-term rental of lodging space to local persons or tourists.

NOW, THEREFORE, BE IT RESOLVED that upon motion and second, the Buncombe County Planning Board hereby finds and concludes as follows:

1. This Planning Board hereby recommends that the Board of Commissioners amend Chapter 78 of the Buncombe County Code of Ordinances as follows:

Revise Sec. 78-581. Definitions.

~~*Rooming house means a house where lodgings are provided for rent by the week or month.*~~

Rooming house means accommodations in which, for compensation, lodging is provided and the owner and/or operator of the establishment maintains their residence at the site. A rooming house shall be limited to no more than 10 rental units. A rooming house with more than 10 rental units shall be deemed a hotel or motel for the purposes of this Ordinance.

~~*Vacation rental means a house(s) where lodgings are provided by the week or month.*~~

Vacation rental means no more than two single family homes with a combined total no more than 9,000 square feet gross floor area which are rented for two (2) days or more to tourists, vacationers, or similar transients.

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 (2) days or more to tourists, vacationers, or similar transients. A vacation rental complex shall include no more than 10 separate vacation rental units. A development consisting of more than 10 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 conditional use permit.

Add to Sec. 78-678. Conditional use standards.

(13) Vacation Rental Complex or Rooming House. Vacation Rental Complex and Rooming House standards shall be as follows:

- a. Frontage requirements. The development shall have access to a highway or road suitable for the scale and density of the development being proposed.
- b. 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.
- c. Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles as approved by the Fire Marshal.
- d. Water and waste systems. Plans and accompanying documentation to ensure that the water and waste systems proposed for the development have been approved by the appropriate local and state agencies shall be submitted as part of this application.
- e. Parking. Preliminary plans shall included 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 vegetated buffer or fencing adjacent to any single family residential development.
- f. 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.
- g. Bathrooms. One bathroom must be provided for every four guest rooms.
- h. Lighting. Outdoor lighting shall be shown on the submitted development plan and shall be harmonious with surrounding properties. Lighting shall not create glare or interfere with the relative enjoyment of surrounding properties.

Revise Sec. 78-641. Permitted uses.

- (a) *Permitted use table.* Uses are permitted in the various zoning districts pursuant to Table 1

Table 1- Permitted Use Table										
Uses	P = Permitted C = Allowed as Conditional Use Blank Space = Not Permitted									
	Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
Rooming houses and Vacation rentals				P	P	P	C	P		P
Vacation rentals	P	P	P	P	P	P	P	P	P	P

Table 1- Permitted Use Table										
Uses	P = Permitted C = Allowed as Conditional Use Blank Space = Not Permitted									
	Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
<u>Vacation Rental Complex</u>				<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Rooming House</u>			<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>		<u>P</u>

Revise Sec. 78-645. Steep Slope/High Elevation Overlay District

Steep Slope/High Elevation Overlay Permitted Use Table										
Uses	P = Permitted C = Allowed as Conditional Use Blank Space = Not Permitted									
	Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
Vacation rentals	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Vacation rental complex; less than 11 units</u>				<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

Revise Sec. 78-646. Protected Ridge Overlay District

Protected Ridge Overlay Permitted Use Table										
Uses	P = Permitted C = Allowed as Conditional Use Blank Space = Not Permitted									
	Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
<u>Vacation rentals</u>	P	P	P	P	P	P	P	P	P	P

2. This resolution is approved by a vote of 5 to 1 (Aye: Tom Alexander, Scott Hughes, Michelle Pace Wood, Bernie Kessel, and Josh Holmes; Nay: Joe Sechler) and shall be effective upon its adoption.

This the 12th day of September, 2011.

BUNCOMBE COUNTY PLANNING BOARD

By: 

Tom Alexander, Chairman

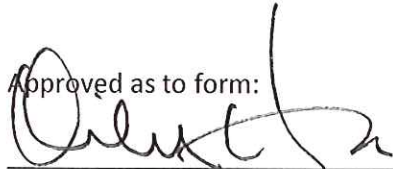
Consented to:

Planning Board Members:

Scott Hughes
 Joe Sechler
 Greg Phillips (absent)
 Josh Holmes
 Michelle Pace Wood
 Tom Alexander
 Bernie Kessel
 Rod Hudgins (absent)


 Josh O'Conner, Zoning Administrator

Approved as to form:


 Michael C. Frue, County Attorney