

## MEMORANDUM

To: Mayor Charlie Sellers and Blowing Rock Town Council

From: Kevin Rothrock, Planning Director

Subject: Short-term rental draft ordinance

Date: June 5, 2018

The Short-Term Rental Task Force met on several occasions and attended a webinar at the High Country COG about short-term rentals (STRs) and the nationwide trends affecting local communities. The Task Force reviewed several documents and summaries of STRs and presented Planning Board a draft of an ordinance designed to regulate short-term rentals in town. The draft ordinance provides a list of community goals that identify what the ordinance is trying to accomplish with a focus on health, safety, general welfare, protection of neighborhoods, and clarification and understanding of where STRs are allowed and where they are not allowed. Through drafting this ordinance there will be an emphasis on the Town's legal position and consistency with NC General Statues.

At the May meeting, the Planning Board made a few changes to the draft ordinance and approved the attached draft ordinance unanimously.

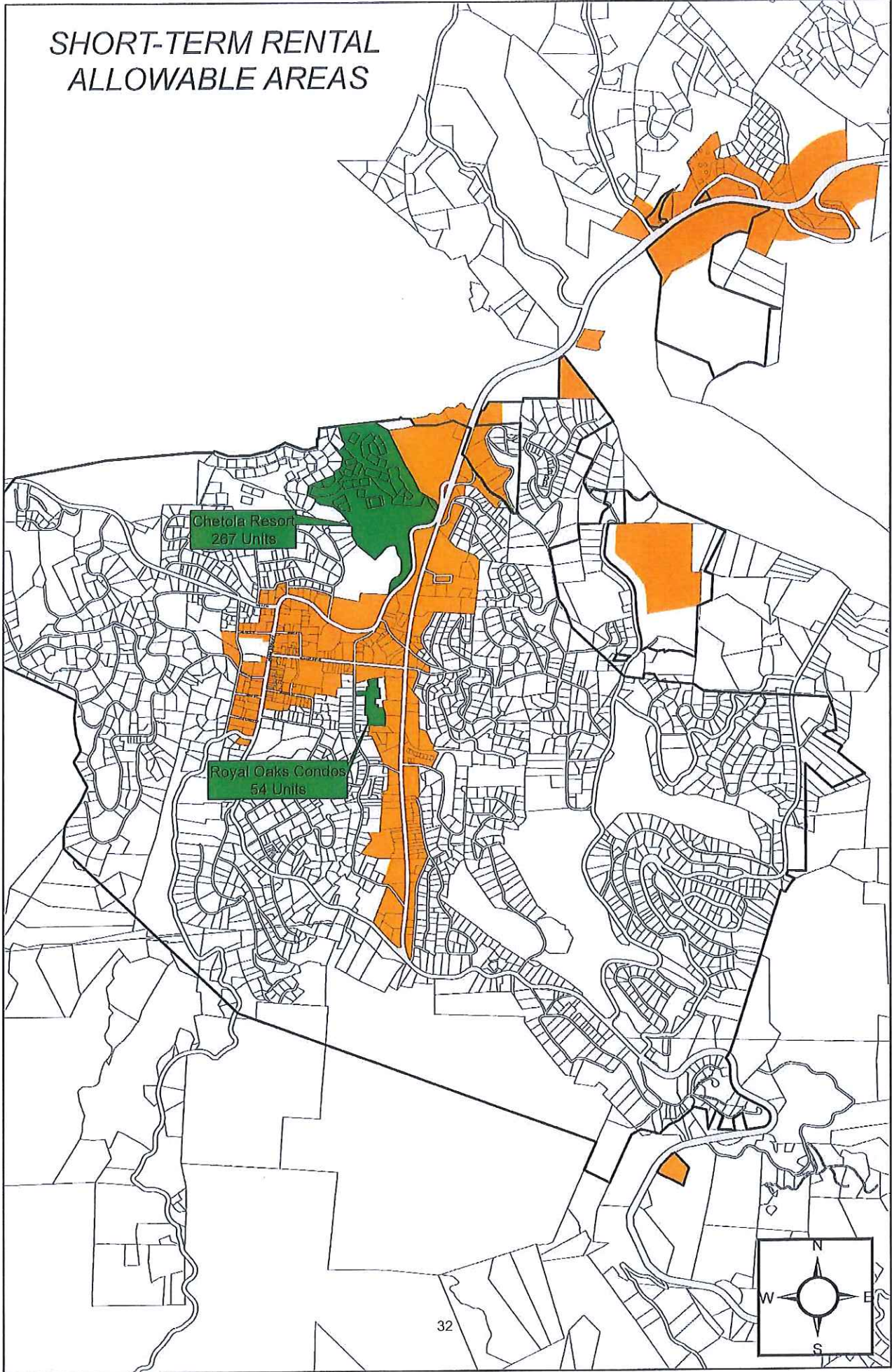
The draft ordinance outlines the following:

- A. Overall Goals of the ordinance
- B. Current definition of short-term rental
- C. Changes to the Table of Permissible Uses
- D. Changes to the Parking Ordinance
- E. Listing of Compliance Standards and process for obtaining and renewing a permit

Please note that the draft ordinance does not recommend expansion of short-term rentals into new areas of town.

Ordinance changes are highlighted with new text underlined and deleted text ~~struck through~~.

# SHORT-TERM RENTAL ALLOWABLE AREAS



**A. Goals:**

1. To clearly define short-term rental so everyone understands what is allowed and what is not.
2. To clearly identify where short-term rentals are permitted.
3. To clearly identify those nonconforming properties where a grandfathered status has been established and how/when that grandfathered status can/cannot be lost.
4. To clearly define when occupancy taxes are required (ie, rental period under 90 days)
5. To establish basic safety regulations for visitors renting short-term properties.
6. To reduce liability of the town.
7. To protect neighborhoods from unwanted short-term rentals and the problems that arise as a result (parties, noise, parking, dogs, trash, etc).
8. To maintain property values.
9. To have a local contact to quickly and effectively address issues that arise during a rental stay.
10. To communicate transparently with 3<sup>rd</sup> party rental listing companies.
11. To allow homeowners the opportunity to legally rent their dwelling units where permitted.
12. To regulate short-term rentals consistent with authority given by NC General Statutes.

**B. Definition:**

***Short-Term Rental of a Dwelling Unit.*** The rental, lease, or use of an attached or detached residential dwelling unit for a duration that is less than 28 consecutive days. Short-term rental use does not include rooming houses, boarding houses, or bed and breakfast establishments, which are specifically addressed as separate uses within the Table of Permissible Uses.

**C. Table of Permissible Uses:**

Z = Zoning Permit required; C = Conditional Use Permit required; Z/C = Zoning permit if lot less than 1 acre, CUP if lot 1 acre and greater; Blank = Use not permitted.

Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
<b>1.600 Temporary Residences</b>															
<b>1.610</b> Temporary emergency construction and repair residences	Z	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z		
<b>1.620</b> Short-term rental of a residential dwelling unit Tourist homes and other temporary residences renting by the day or week									C Z	C Z	C Z	C Z			
<b>1.630</b> Hotels, motels, and similar businesses or institutions providing overnight accommodations									C	C	C				
<b>1.640</b> Bed and Breakfast establishments									C	C	C	C			
<b>1.700</b> Home Occupations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		

**D. Parking:**

Current ordinance:

1.620 1.630	<i>TOURIST HOMES AND OTHER TEMPORARY RESIDENCES RENTING BY THE DAY OR WEEK</i>	1 space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities
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Proposed ordinance:

1.620 <del>1.630</del>	<del><i>TOURIST HOMES SHORT-TERM RENTALS</i></del>	1 space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities
<del>1.630</del>	<del><i>HOTEL, MOTEL AND OTHER TEMPORARY RESIDENCES RENTING BY THE DAY OR WEEK</i></del>	1 space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities

## E. Compliance Standards

**Section 16-10.12 Short-Term Rentals** The Board finds that short-term rentals (STRs) are an appropriate use given the residential/resort character of Blowing Rock's planning jurisdiction, provided that specific controls are in place to regulate parking, trash, noise, tenant safety, and other related effects thereby protecting neighborhood property values, and the health, safety, and the general welfare of Town citizens and visitors.

Short-term rentals are defined as the rental, lease, or use of an attached or detached residential dwelling unit for a duration that is less than 28 consecutive days. Rental agreements and contracts for less than 28 days are not permitted in zoning districts where short-term rentals are not allowed. The following standards shall apply to all short-term rentals with the Town's planning and zoning jurisdiction:

- a) A zoning permit must be initially obtained for each dwelling unit that is to be rented for a period of less than 28 days. The zoning permit for short-term rental must be renewed annually through the Planning and Inspections office by paying any required fee and requesting an inspection. The permit is not valid until a satisfactory inspection is completed.
- b) A local contact person or management company must be listed and available to respond to complaints or emergencies within one (1) hour.
- c) Sufficient off-street parking must be provided for each room to be rented. The parking space must meet the minimum dimensional requirements in Section 16-20.6.
- d) Adequate trash and recycling containers must be provided. If collection containers are kept in an enclosure bin, the bin must meet minimum design standards defined in the Town Code (ex. Placed within 6 to 12 feet of the edge of the street, opaque screening at least four feet high, etc.).
- e) The dwelling unit must be equipped with operable smoke detectors and carbon monoxide detectors consistent with the NC Building Code.
- f) The 911 address must be posted on the front of the house with 3.5-inch reflective numbers (6-inch reflective number if commercial or multi-family) or on the property according to Section 7-17 of the Town Code.
- g) Permits may be revoked upon repeated substantiated complaints resulting in violations of the Town Code related to noise, trash, dogs, parking, etc. If the Town receives three (3) complaints within one (1) year that lead to violations of the Town Code, the permit may be revoked for a period of one (1) year.

**16-10.12.1** In addition to those areas zoned to allow short-term rentals (CB, TC, GB, OI), there are other areas where short-term rentals are permissible including Chetola Resort and Royals Oaks Condominiums (Overlay District). There are other properties that were previously operating short-term rentals or had permitted vested rights through Watauga or Caldwell County prior to being annexed or added to the Extraterritorial Jurisdiction. These properties have a legal nonconforming status that provides the opportunity for short-term rental. Each property owner that

applies for a zoning permit for short-term rental use in areas not permitted by right or listed herein must provide historical documentation that the nonconformity has been legally obtained or a vested right has been legally established.

**AN ORDINANCE AMENDMENT TO REGULATE SHORT-TERM RENTALS  
IN THE PLANNING AND ZONING JURISDICTION OF  
THE TOWN OF BLOWING ROCK, NORTH CAROLINA**

WHEREAS, the Land Use Code specifies the restrictions for the short-term rental of dwelling units in the Blowing Rock Town Limits and Extraterritorial Jurisdiction; and

WHEREAS, a Short-term Rental Task Force of the Planning Board was formed to evaluate the current Land Use Code regulations and establish goals for a new ordinance to regulate short-term rentals, with the following goals recommended as key to preserving the health, safety, and general welfare of Town Citizens, protection of neighborhoods and property values:

1. To clearly define short-term rental so everyone understands what is and is not allowed.
2. To clearly identify where short-term rentals are permitted.
3. To clearly identify those nonconforming properties where a grandfathered status has been established and how/when that grandfathered status can/cannot be lost.
4. To clearly define when occupancy taxes are required to be paid.
5. To establish basic safety regulations for visitors renting short-term properties.
6. To reduce liability of the Town.
7. To protect neighborhoods from unwanted short-term rentals and the problems that arise as a result (parties, noise, parking, dogs, trash, etc).
8. To maintain property values.
9. To have a local contact to quickly and effectively address issues that may arise during a rental stay.
10. To communicate transparently with 3<sup>rd</sup> party rental listing companies.
11. To allow homeowners the opportunity to legally rent their dwelling units where permitted.
12. To regulate short-term rentals consistent with authority given by NC General Statutes.

WHEREAS, Town Staff, the Planning Board Task Force, and Planning Board recommends this draft ordinance be adopted to properly regulate short-term rentals in the Town's planning and zoning jurisdiction; and

WHEREAS, the Planning Board and Board of Commissioners agree that this ordinance amendment is consistent with the 2014 Comprehensive Plan Update, and helps to promote the health, safety, and general welfare of the citizens of the Town of Blowing Rock.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

Section 1. Section 16-10.12 of the Land Use Code of the Town of Blowing Rock is hereby added to read as set forth herein.

**"Section 16-10.12 Short-Term Rentals The Board finds that short-term rentals (STRs) are an appropriate use given the residential/resort character of Blowing Rock's planning jurisdiction, provided that specific controls are in place to regulate parking, trash, noise, tenant safety, and other related effects thereby protecting neighborhood**

property values, and the health, safety, and the general welfare of Town citizens and visitors.

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- b) A local contact person or management company must be listed and available to respond to complaints or emergencies within two (2) hours.
- c) Sufficient off-street parking must be provided for each bedroom to be rented. The parking space must meet the minimum dimensional requirements in Section 16-20.6. Short-term rental units that exist on July 1, 2018 are grandfathered with respect to parking, but each bedroom added after this date requires an additional parking space.
- d) Adequate trash and recycling containers must be provided. If collection containers are kept in an enclosure bin, the bin must meet minimum design standards defined in the Town Code (ex. Placed within 6 to 12 feet of the edge of the street, opaque screening at least four feet high, etc.).
- e) The dwelling unit must be equipped with operable smoke detectors and carbon monoxide detectors consistent with the NC Building Code.
- f) The 911 address must be posted on the front of the house or dwelling unit with 3.5-inch reflective numbers (6-inch reflective number if commercial or multi-family) or on the property according to Section 7-17 of the Town Code. The 911 address must be clearly posted on the interior of the dwelling unit to notify tenants in case of emergency.
- g) Permits may be revoked upon repeated substantiated complaints resulting in violations of the Town Code related to noise, trash, pets, parking, etc. If the Town receives three (3) complaints within one (1) year that lead to violations of the Town Code, the permit may be revoked for a period of one (1) year.

**16-10.12.1** In addition to those areas zoned to allow short-term rentals (CB, TC, GB, OI), there are other areas where short-term rentals are permissible including Chetola Resort and Royals Oaks Condominiums (Overlay District). There are other properties that were previously operating short-term rentals or had permitted vested rights through Watauga or Caldwell County prior to being annexed or added to the Extraterritorial Jurisdiction. These properties have a legal nonconforming status that provides the opportunity for short-term rental. Each



property owner that applies for a zoning permit for short-term rental use in areas not permitted by right or listed herein must provide historical documentation that the nonconformity has been legally obtained or a vested right has been legally established.”

Section 2. Section 16-10.1, the Table of Permissible Uses of the Land Use Code of the Town of Blowing Rock is hereby amended to read as set forth herein.

Z = Zoning Permit required; C = Conditional Use Permit required; Z/C = Zoning permit if lot less than 1 acre, CUP if lot 1 acre and greater; Blank = Use not permitted.

Uses Description	R-A	R-15	R-10S	R-10D	R-10M	R-6S	R-6M	R-MH	CB	TC	GB	OI	HMC	HSG	PGS
<b>1.600 Temporary Residences</b>															
<b>1.610</b> Temporary emergency construction and repair residences	Z	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z		
<b>1.620</b> Short-term rental of a residential dwelling unit Tourist homes and other temporary residences renting by the day or week									C Z	C Z	C Z	C Z			
<b>1.630</b> Hotels, motels, and similar businesses or institutions providing overnight accommodations									C	C	C				
<b>1.640</b> Bed and Breakfast establishments									C	C	C	C			
<b>1.700</b> Home Occupations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		

Section 3. Section 16-20.2, the Table of General Parking Requirements of the Land Use Code of the Town of Blowing Rock is hereby amended to read as set forth herein.

<del>1.620</del> <del>1.630</del>	<del>TOURIST HOMES SHORT-TERM RENTALS</del>	<del>1 space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities</del>
1.630	HOTEL, MOTEL AND OTHER TEMPORARY RESIDENCES RENTING BY THE DAY OR WEEK	1 space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities

Section 4. Section 16-20.3.3 of the Land Use Code of the Town of Blowing Rock is hereby added to read as set forth herein.

"16-20.3.3 Short-term rentals that legally exist on or before July 1, 2018 are grandfathered with respect to required parking. If any dwelling unit is expanded to add a bedroom that will be used for short-term rentals, the owner must provide an off-street parking space that meets the dimensional requirements of the Land Use Code."

Section 5. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

TOWN OF BLOWING ROCK

\_\_\_\_\_  
Charlie Sellers, Mayor

ATTEST:

\_\_\_\_\_  
Hilari H. Hubner, Town Clerk

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1.610 Temporary emergency construction and repair residences	Z	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z		
1.620 <u>Short-term rental of a residential dwelling unit</u> <del>Tourist homes and other temporary residences renting by the day or week</del>									€ Z	€ Z	€ Z	€ Z			
1.630 Hotels, motels, and similar businesses or institutions providing overnight accommodations									C	C	C				
1.640 Bed and Breakfast establishments									C	C	C	C			
1.700 Home Occupations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		

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Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2018.

TOWN OF BLOWING ROCK

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Charlie Sellers, Mayor

ATTEST:

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Hilari H. Hubner, Town Clerk