



TOWN OF BLACK MOUNTAIN

Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

Date: **March 29, 2023** Time: **4:00 p.m.**

Special Call Meeting Agenda

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1. CALL TO ORDER

In accordance with the Code of Ethics adopted by the Council, all council members have a duty to conduct the affairs of the governing board in an open and public manner free of conflicts of interest. Is there any item on the agenda the outcome of which will have a direct, substantial, and readily identifiable financial impact for any Council member, his or her family or close business associates? Does any council member have a financial interest in any public contract coming before this Council today? There being none all Board members have a duty and obligation to vote.

2. BUSINESS

A. Presentation of Information Regarding Short-Term Rentals –
Josh Harrold, Town Manager and Jessica Trotman, Planning Director

B. Feedback and Discussion – Town Council

3. ADJOURNMENT

Summary Data

The current land use code has an adopted definition of short-term rentals, but no associated regulations. It is not on the table of uses.

“Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.”

- Population is 8,452
 - That’s an increase from 7,848 in 2010 (7.4%)
- \$68,333 is the median household income.
- 60.6% of the population has a bachelor’s degree or higher.
- There are 4,476 housing units.
- The median age is 54 years old.
- 64.1 % of dwelling units are owner occupied
- Number of dwelling units 4,476
 - That’s an increase from 4,141 in 2010 (8.1%)

United States Census Bureau

Buncombe County TDA reports more than 2.2 million people visit Black Mountain each year. Approximately 13 million people visit Asheville each year, leaving significant growth to occur in the number of visitors.

- 334 hotel rooms rooms
- 35 rooms at bed and breakfasts

*There is one boutique hotel currently under construction that will add 6

When considering a new regulation, you may consider asking:

- What is the goal of the new regulation?
- What problem is the town trying to solve?
- What data is available to demonstrate the problem?
- Is the proposed regulation proportionate to the problem or potential problem?
- What resources does the town to enforce the regulation?

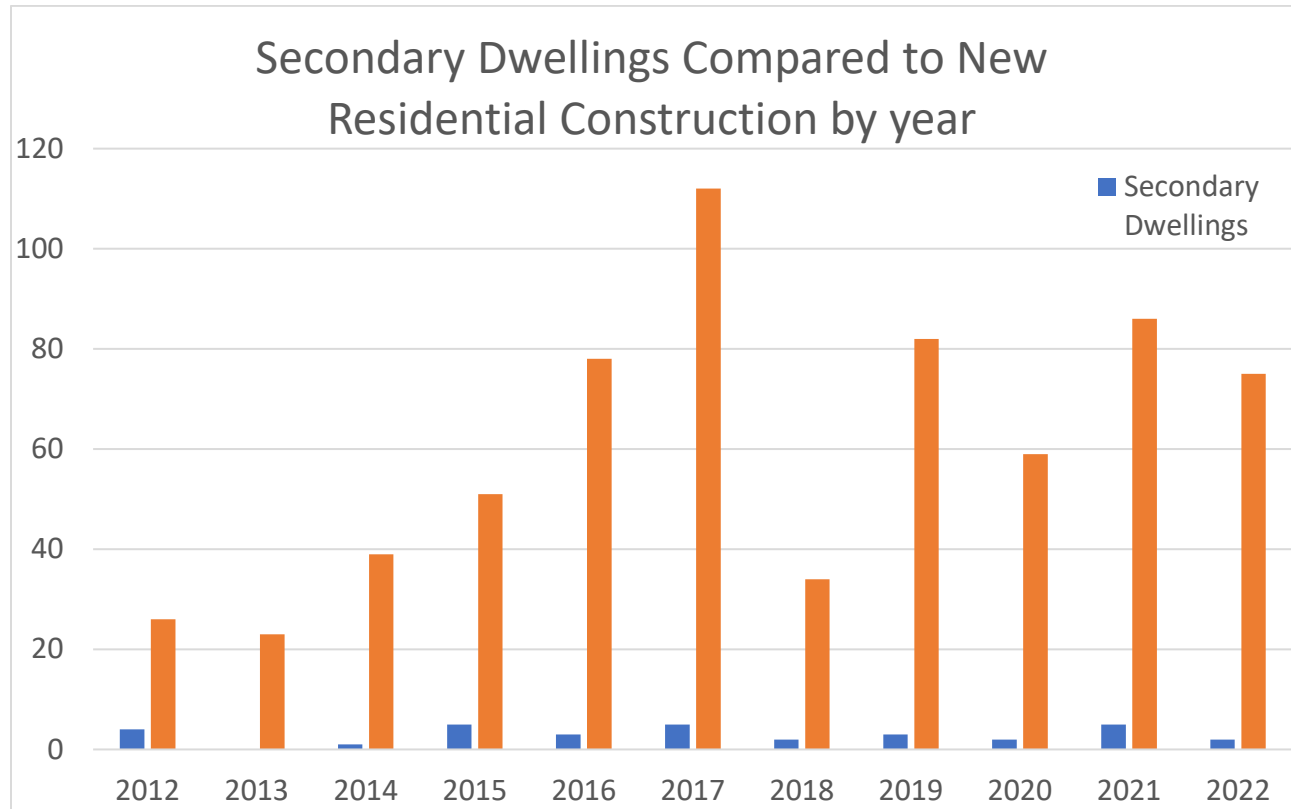
Staff have received only a handful of official complaints about short-rental properties. The complaints, however, are not directly related to the fact the property was being rented by a visitor. Complaints have been about noise or parking, which are both addressed by existing regulations.

Unlike many local governments regulating STRs, Black Mountain has a long history of being a vacation or summer destination. Historical context is an important consideration in developing a new regulation.

Strict regulations on short-term rentals could increase the number of rental units available. Regulating short term rentals is unlikely to affect affordability. If affordability is the concern, there are other more direct policies to consider. Outdated zoning regulations have prohibited a variety of housing types and have prioritized single family dwellings. Affordability is impacted significantly by the lack of diversity in

housing stock. Other development regulations influencing affordability are multifamily regulations, density, height restricts and incentives to promote affordable units.

The Town does allow secondary dwellings (accessory dwelling units or ADU is a common term) on all single-family residential properties. Secondary dwellings are limited to a maximum of 1,100 square feet. Secondary dwellings represent only a small fraction of new residential units each year.



What tools are available to regulate short-term rentals?

Schroeder v City of Wilmington confirmed registries are not permitted and the ruling said the original order overstepped by striking the entire ordinance.

“In no event may a local government do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager for rental property to obtain any permit or permission under Article 11 or Article 12 of this Chapter from the local government to lease or rent residential property or to register rental property with the local government.”

S.L 2019 -1111

Traditional zoning regulations to protect the public, health safety and welfare under police powers are allowed including:

- Define the use (complete)
- Determine what zoning districts they are allowed

- Basic parking requirements
- Limitations on occupants
- Limitations on signage
- Life and safety (smoke detectors, carbon monoxide detectors, fire extinguishers)
- Local contact

More complex zoning regulations can also be used, but they are difficult and costly to administer:

- spacing/distance requirements
- caps on number of STRs
- amortization
- Limitation on what portion of a house may be rented on a short-term basis
 - Example: City of Asheville Homestay regulations