

**SPECIAL MEETING OF THE
GREENSBORO PLANNING & ZONING COMMISSION**

MARCH 1 2023

The regular meeting of the Greensboro Planning and Zoning Commission was held in person and electronically through a Zoom meeting and broadcast simultaneously on the City of Greensboro's website on Wednesday, March 1, 2023, beginning at 5:35 p.m. Members present were Chair O'Connor, Vice Chair Bryson, Vernal Alford, Mary Skenes, Catherine Magid, Keith Peterson, Erica Glass, and Zac Engle. Present for City staff were Mike Kirkman, Luke Carter, Rachel McCook, and Allison Woods (Planning), and Brent Ducharme and Emily Guarascio (City Attorney).

Chair O'Connor welcomed everyone to the meeting and noted the meeting was being conducted both in-person and online. Chair O'Connor advised of the policies, procedures and instructions in place for the Planning and Zoning Commission. She briefly explained how the Commission members normally prepare for the meeting and advised those participants attending virtually would be able to view the meeting and speak when called upon. Chair O'Connor noted the online meeting was being recorded and televised and was close-captioned for the hearing impaired. She further explained that speakers have 3 minutes to speak and due to the number of speakers, unused time does not carry over to other speakers.

Brent Ducharme, Assistant City Attorney, then advised that the following the public hearing tonight, the Planning and Zoning Commission will deliberate on this issue and potentially vote on a recommendation to City Council. The Commission does not have final action authority on this, and any recommendation may include general guidelines on further work by staff before the presentation of any text amendment to City Council.

ACKNOWLEDGEMENT OF ABSENCES:

Chair O'Connor advised that Andrew Egbert was unable to attend.

PUBLIC HEARINGS:
TEXT AMENDMENT

Mike Kirkman presented background information on the text amendment. With the increase of the number of Short Term Rental (STR) properties operating in Greensboro, confusion on the current regulations, and more municipalities in North Carolina adopting comprehensive STR ordinances, the Board of Adjustment requested the City to update its rules. The City's Land Development Ordinance (LDO) does not currently define "Short Term Rental", and the City has been using the Tourist Home/Bed and Breakfast use for regulation. Mr. Kirkman stated that these uses require Special Use Permits in Single-Family Residential (R-) zoning districts, and are subject to several development standards such as a 400-foot separation requirement, the presence of an owner or operator on site, a 15-day limit in a 60-day period, and restrictions on kitchen facilities. He stated that a Short Term Rentals Working Group brought together stakeholders and met for five months to create this proposal. Mr. Kirkman also noted the City has limitations on its authority to regulate STRs, imposed by both State law and recent litigation. Mr. Kirkman stated that that State law prohibits the City from establishing a registration program

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to rent residential dwellings, and cannot require initial building or safety inspections to rent a residential dwelling unless the property has at least 4 verified housing violation citations within a 12-month period. Additionally, the *Schroeder vs. City of Wilmington* NC Supreme Court case decided in April 2022 set precedents that restrict municipalities related to this topic. In this case, the Court invalidated minimum spacing and citywide registration with annual renewal and fees.

Mr. Kirkman then presented the proposed definition of “Short Term Rental” as The rental (for a fee or other valuable consideration) of a portion of all of a residentially used property for a period of no more than 30 days. The property may include an onsite Accessory Dwelling Unit (ADU) as part of the short-term rental. Homestay Short Term Rentals are the rental of only a portion of available bedrooms of a residentially used property to persons for a fee. The host for the rental must use the property as their primary residence and be on site during the rental. Whole House Short Tem Rentals are the rental of an entire residence (at any time) to persons for a fee for a minimum of 2 nights. If the host does not use the property as their primary residence, a local operator (with local contact) must be identified and contact information provided to the City of Greensboro Planning Department. Mr. Kirkman also stated that the proposed ordinance updates the LDO to define Bedrooms and Local Operators. Bedrooms are rooms furnished with a bed and primarily used for sleeping that includes at least one clearly defined exit door and/or window to allow for escape in an emergency. This does not include common living areas not furnished with a bed on a regular basis. Local Operators are individuals or property management companies with an identified point of contact that may change on a recurring basis.

Mr. Kirkman stated that the proposed standards permit STRs only in residential dwelling units, and while they are permissible in any zoning district that allows residential dwelling units, STR operation requires a zoning permit that the City can revoke for regulation violations. 2 adults per rented bedroom is the maximum, but persons under the age of 18 do not count towards the persons allowed. The proposed regulations prohibit gatherings publicly announced or promoted (through any means) that involve more than 2 times the number of people allowed with a rental, and exterior signage. Local operators for Whole House STR rentals must be physically located in Guilford County or counties directly adjacent to Guilford County. STRs must have local operator contact information posted prominently, and they must be readily accessible throughout the rental period. He stated that all STRs must comply with these standards within 180 days (6 months) of their adoption.

Mr. Kirkman then provided details on the Working Group process. The Planning Department held two Public Information Meetings with over 100 participants, and used that feedback to change elements of the proposed regulations. The proposed effective date is 6 months from adoption in order to facilitate the implementation of the zoning permit process and educate the public on the revised rules. He stated that based on feedback from the public and City Council, Planning is providing additional information on when zoning permits may be revoked or denied.

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Permits may be revoked or denied if an owner or local operator has a criminal conviction on the STR premises or if 2 verified violations of the STR ordinance provisions or other local codes (such as noise, nuisance, etc.) within a one-year period. There also may be limits available on the number of STRs within multifamily buildings, but minimum spacing and initial inspection restrictions appear impermissible based on the Court rulings and State law.

With no questions or comments from the Commission, Chair O'Connor opened the public hearing at 5:54 p.m.

Michael Pendergraft, 106 Kensington Road, stated that Whole House rentals are a business engaged for profit unacceptable for residential areas, but Homestay STRs are less objectionable and a reasonable home occupation. Whole House STRs are not a single-family use suitable in single-family residential zoning districts, and he believes the proposed ordinance will damage neighborhoods. He quoted an opinion by University of North Carolina School of Government staff suggesting that the separation requirement would be permissible under State law, and stated that he believed the *Schroeder* decision held the distance requirement was objectionable only concerning registration.

Kathy Latham, 14 Josephine Circle, stated that the ordinance would increase housing scarcity, and increase cost of living for townhome communities. Whole House STRs damage neighborhood cohesion, as vacation rental tenants do not know or follow community guidelines. Greensboro has a serious housing shortage, and institutional investors are dominating the limited existing rental units. She stated she believed the working group process was not representative.

Megan Callahan, 705 Magnolia Street, stated that STRs damage the supply of affordable housing, and the ordinance as written does not expand the supply of affordable housing or preserve neighborhoods. She stated she believes investors are purchasing units to speculate for STRs, damaging housing supply for Greensboro citizens. Fewer STRs means more availability of long-term rentals and increasing options for homeownership.

Jim Waynick, 5605 Buddingwood Drive, stated that STRs are common in Greensboro and it will not be possible to stop them, but the City can keep operators and owners accountable. He is a long-term rental landlord and seeks to assist his tenants, and he stated that owners and operators of STRs should be more involved in the process, as State landlord law has not changed.

Shonda Sutton, 110 Summerland Drive, stated that she has concerns that unintended consequences could emerge from outside investors finding loopholes and damaging neighborhoods. She advocated the use of ADUs for STRs so owners are on-site.

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Joy Watson, 909 West Wendover Avenue, stated she operates STRs as an on-site owner-operator. While some operators are negligent, so are some long-term rental landlords, and she believes a significant number of STR owners are working to improve properties that will ultimately help neighborhoods. She stated that no regulation could ever fully account for people who are not concerned with the community.

Mr. Ducharme reiterated that there was a 3-minute limit for speakers from the floor.

Susan Boswell, 1109 Hill Street, stated she operates a Homestay STR with the extra space in her home that typically rents for 2-3 days, and she uses the extra income to maintain her property. She stated her guests prefer her home and neighborhood to staying at a hotel, and she has had positive experiences interacting with them. Staying in a neighborhood gives a favorable impression of Greensboro to parents visiting their children at college, visitors to the aquatic center, and coliseum. Ms. Boswell stated that rules for turning down permits need impartial application and the City should grandfather current STR operators unless they fail to meet criteria. She also stated that the two type of STRs as defined are insufficient, as some operators are hybrid and operate both interchangeably, including multiple types of rentals of the same property at the same time.

Burton Kennedy, 516 Hillwood Court, stated that the Greensboro Regional Realtors Association has not endorsed or opposed the proposed regulations and local realtors care about neighborhood integrity.

Janis Hammett, 218 West Avondale Drive, stated that knowing neighbors is important to the high quality of life in Greensboro, and she believes the changes to the regulations endanger that. It may increase the number of empty houses or houses with strangers, and she is concerned about the availability of affordable housing. She stated that the Commission serves the citizens of Greensboro, and not outside investors.

Ashley Bell, 506 North Mendenhall Street, stated she owns STRs in High Point and Winston-Salem and that the stakeholders of the Working Group reviewed the ordinance and helped develop changes with data to back it up. She stated that she believes purchasing units for STR use will happen whether or not the ordinance changes. Because distance restrictions are now impermissible under state law, the proposed regulations increase restrictions and monitoring of short-term rentals above the current regulations. Ms. Bell stated that corporate institutional investors are buying properties for long-term rentals, and individuals own most STRs.

Daniel Coffey, 1623 Helmwood Drive, stated that he is an STR operator and believes most of the proposed regulations make sense except for the 30-day maximum stay length. He stated he feels it is arbitrary and capricious, and excludes some common guests like temporary workers and traveling medical workers who need time to find a new home in Greensboro. He stated that

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STRs are a vital component of a thriving city, and many people prefer to stay in neighborhoods and get a feel for a city's character. STRs are here to stay and the City needs to regulate them effectively.

David Wharton, 667 Percy Street, president of Dunleath Neighborhood Association, stated a majority of the Dunleath neighborhood rents, and the board voted unanimously to oppose the ordinance. He stated that they are afraid STRs will overrun their neighborhood, and their preference is to limit STRs to on-site owners and retain spacing restrictions. Mr. Wharton stated he believes overnight accommodation is a commercial use and the proposed regulations allow institutional investors to upzone residential areas without hearings or notice to neighbors. Raleigh, Wilmington, and Asheville have added limitations, and he stated he believes the proposed regulations in Greensboro are too limited and vague. He stated that opinions at the UNC SOG suggest separation limits may be permissible, and that he believes the Working Group had a bias towards the industry instead of residents.

Cheryl Pratt, 910 Magnolia Street, stated that STRs presented a zoning issue regarding occupancy. She stated she believed STRs are not a residential home without any permanent residents; they are a change of use without neighborhood input or approval, and may be spot zoning. Ms. Pratt stated she believes Homestay STRs are reasonable, but investor-owned STRs are not, as it is a change of use to commercial. Based on opinion from the UNC SOG, the *Schroeder* ruling may allow Cities to use numerical caps and spacing limits as part of their permit and zoning authority to control STR, and Tourist Home regulation changes should require more input from residents. She stated that her neighborhood has concerns about enforcement and monitoring, and asked if there was a budget to support investigation resources. The burden of proof for nuisance should be clearer and more concise, not imposed on neighbors to enforce.

Jennifer Schwartz, 108 Fisher Park Circle, stated that she believes the STR industry exacerbates housing shortages and increases rent prices. Owners and operators are separate, owners can hire operators the next county over to manage multiple rentals, and investors can be far out of the area. She believes STRs erode the stability and character of core neighborhoods, the only interest for owners is profiteering by pretty on limited quantity of affordable housing, and most revenues go to a small pool of out-of-area landlords.

Kathy McKeithan, 2506 Westmoreland Drive, stated she opposes non-owner-occupied STRs in residential areas. STRs may increase tourism, but may be disruptive when located in neighborhoods not fit them, and they do not contribute to wellbeing of communities. She stated that some investor-owners lease to managers who then in turn sublease, and the proposed regulations do not require stringent enough monitoring. Ms. McKeithan stated that corporate landlords and short-term tenants could be difficult neighbors, as the community does not know who is staying there or how to contact managers. She stated that she believes STRs are very

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different from furniture market rentals given the objectionable and uses that sometimes happen with STRs such as party houses.

Jon Enos, 681 Percy Street, stated that he believes owner-occupied STRs are accountable to their neighbors, but absentee owners are much less concerned about the state of the neighborhood. He supports limiting the number of STRs in an area.

Dyan Arkin, 635 Scott Avenue, on behalf of the Lindley Park Neighborhood Association Executive Committee, stated it has voted not to support the proposed regulations. She stated that they believe the STR Working Group lacked sufficient neighborhood inclusion, and communities deserve to be included in a decision like this given the potential impact. She requested for a continuance of the policy discussions.

Joyce Eury, 805 Howard Street, stated that she believes STRs are suitable for resort areas, which Greensboro is not. She believes neighborhoods need stability, and the proposed regulation should have caps and spacing limits as other cities in the State have added. She stated she supports enforcing an owner occupation requirement, but there should be other limits for Whole House STR rentals. Ms. Eury stated that the proposed regulation does not limit or regulate corporate ownership of STRs, and this could affect availability of long-term rentals and homeownership. She believes that outside investors feel less involvement with and commitment to neighborhoods, and requested a new committee to consider the issue with more neighborhood involvement

Kellie Blalock, 2505 Westmoreland Drive, stated neighborhood stability was very important to her, and the addition of an STR nearby has been detrimental and disruptive to her neighborhood. She stated that she believes STRs do not make sense in Greensboro.

A.G. Elder, 1617 Oak Street, stated that he splits his time between Greensboro and elsewhere, appreciates the ability to use his STR income to help pay bills, and hopes he will still have the opportunity to do so.

Jim Wynn, 2103 Mimosa Drive, stated that he and his wife own and operate a homestay STR, and he thanked Mike Kirkman and Planning staff for their help with his situation. He asked the Commission to consider the importance of neighborhood character by looking into a maximum density standard given negative influence of institutional investors. He stated that he believes multiple-ownership groups have a negative impact on stock of rental housing and affordability.

Annik Adamson, 211 Isabel Street, stated she moved to Fisher Park for the neighborhood's character, and she believes the proposed regulations do not sufficient control Whole House STRs. Other cities in the State have had safety concerns with Whole House STRs regarding decreased property values and party houses, and parking would be an issue in Fisher Park.

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She stated that parking there relies on informal agreements between neighbors, which short-term tenants will not know. She stated she believes STRs limit affordable housing availability and change the character of residential neighborhoods, and the proposed regulations do not sufficiently protect communities or encourage affordable housing. Ms. Adamson stated she is concerned about a revolving door of short-term guests damaging the sense of community, as enforcement of regulations is difficult, and responsibility often falls on adjacent property owners. Proposed regulations sacrifice neighborhoods and homeowners for commercial ventures. Process favored property investors over residents.

Keisha Hadden, 404 West Bessemer Avenue, stated home prices in Greensboro have greatly increased and made entry level home-buying more difficult. She is concerned about outside investors purchasing homes and using them for STRs, as a lack of inventory and high prices would shut out younger and lower income residents from becoming homeowners. She stated she believes density regulations would help prevent a depletion of affordable housing stock, and the proposed regulations' enforcement mechanisms are insufficient compared to other cities in the State. Ms. Hadden asked the Commission to prioritize affordable housing, and requested the proposed regulation to have another round of public input.

Ana Giri, 2504 Circle Pine Court, stated that there are many responsible STR hosts, and the proposed regulations will encourage more effort from hosts to prevent nuisances. She stated she has added tools such as noise level monitoring to help maintain her property as a better element in the neighborhood, and she monitors her guests and puts in significant effort to handle problematic guests. Ms. Giri stated that responsible STR hosts set sensible house rules that maintain neighborhood standards.

Peggy McGinty, 606 Simpson Street, stated she owns and operates STR and long-term rentals, and that a significant difference between the two is that STR operators can regularly visit the properties and maintain them well. She stated STR guests come to Greensboro for a variety of reasons and having STRs in neighborhoods is appealing for many of the guests. STR properties are often in up-and-coming neighborhoods and are renovated properties, improving neighborhood character. Ms. McGinty stated that all rental operation is income based, and that while she is opposed to large absentee corporations buying housing stock, small property owners are different and add value to Greensboro.

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Chair O'Connor advised the Commission would take a short break starting at 7:17 p.m.

The meeting resumed at 7:37 p.m.

Chuck Cranford, 2301 West Market Street, has owned long- and short-term rentals, and stated that long-term is usually only 1-2 years and often requires considerable maintenance after damage from less thoughtful tenants, so he has converted his properties to STRs to make maintenance easier. He stated that he believes operators need to be close to a rental property, adjacent in the neighborhood if possible, because being able to monitor a property every few weeks helps keep rentals in good condition. Mr. Cranford stated he believes Greensboro is a destination city these days with many visitors and a need for well-managed STRs. He thanked Mike Kirkman and City Planning staff for their work.

Mark Grooms, 2508 Westmoreland Drive, stated he that has had bad experiences with an STR across the street, particularly issues with parties and disruptive guests.

James Hadden, 404 West Bessemer Avenue, stated he loves the Fisher Park neighborhood and is concerned that non-owner-occupied STRs will be disruptive in residential neighborhoods like his, as they are functionally small hotels without zoning regulations. He stated that there have been issues with very disruptive parties, including a physical assault of a neighbor. He stated he wished the proposed regulations had more stringent enforcement mechanisms, and asked the Commission to consider a preference for Homestay STRs and require non-owner-operated STRs to inform neighbors. He believes enforcement of current issues is not working well. Mr. Hadden requested the Working Group to reconvene with more input from residents and neighborhood association.

Chris Fletcher, 211 West Bessemer Avenue, on behalf of Lane Harvey Brown, stated that they can support homestay STRs, but they believe corporate owners and speculators' buying housing stock creates an unreasonable pressure on housing market. Available housing going to STR use reduces the City's ability to attract young professionals. He stated that he believes neighborhoods are places for residents to get to know each other, not for commercial activity. Greensboro's strong neighborhoods need better.

Dayna Carr, 806 Hertford Street, stated that national and local economic forces have eroded affordable housing stock, and she believes that loosening STR regulations would make it even worse. She was only able to achieve home ownership because investors were not highly active at that time, but she is worried that younger residents of Greensboro are at risk of losing this kind of opportunity by the conversion of affordable homes to STRs. She urged the Commission to consider affordable housing first when reviewing the ordinance. Local entrepreneurship from STRs could work, but it should be local.

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Judy Porter, 809 South Lindell Road, stated that there has been vandalism, poor maintenance, and disruptive activity at adjacent properties operated as an STR.

Dass Sklan, 1026 Jefferson Road, stated that she owns a registered tourist home that is her only source of income, and she can only expand her livelihood by operating a separate non-owner-occupied Whole House STR. Online STR booking companies already require operators to list contact information. She stated that she did not believe STRs are negatively affecting affordable housing, and that when she was planning to move to Greensboro she appreciated the option of staying in a neighborhood to see what the City had to offer. Ms. Sklan stated that neighbors should proactively report bad behavior, regardless if it comes from an STR or otherwise, and that STRs allow new residents to come to our City and become members of our communities.

Kristen Huff, 705 Simpson Street, stated that loosened STR regulations threaten her neighborhood's strong fabric. She supports STRs but requests more work on the proposed regulations. She does not believe there is consensus among all impacted neighborhoods about what the regulations are trying to fix, and she stated that current tourist home regulations are not being enforced. Ms. Huff believes the *Schroeder* case's restrictions have not prevented other cities from regulating STRs to protect neighborhoods, and the proposed regulations lack shared evidence-based assumptions as the hotel occupancy rate in Greensboro is below the national average. She believes that the committee that drafted the ordinance did not properly represent neighborhoods.

Barbara Cashman, 411 North Cedar Street, stated she hosts an STR in half of a duplex, and is concerned about allowing outside corporations to dominate the local housing market. She believes that homeowner control over the STR is important, absentee management is dangerous, and she is not sure how the regulations will solve the problem. As a Homestay STR operator, she cares about her neighborhood. She stated the 30-day limit is arbitrary, and will keep good guests out of the City.

Mary Morgan, 4 Oliver Court, stated that she believes the ordinance is overly restrictive, as online STR booking platforms are self-governed. She believes the zoning permit requirement is capricious when compared to a lack of requirement for long-term rentals, and the potential impact for a short versus long-term rental is not certain. Ms. Morgan stated that verification and enforcement of some of these regulations would be unreasonable and redundant, and the proposed regulations are an unfair attempt to single out STRs as an industry.

J.T. Jobe, 409 Victoria Street, stated that he believes the separation requirement is a legal option for Greensboro and supports it, and opposes Whole House STRs. He stated that if the Tourist Home regulation is legal, then restricting Whole House STRs should be as well. There is

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no perfect regulation, but Mr. Jobe believes the City should prioritize neighborhoods, and STRs are not a necessity.

Jim White, 901 Magnolia Street, stated that he does not support the proposed regulations and asked the Commission consider requirements for owner occupied STRs, density limits, and enforcement needs.

Michael Fuko-Rizzo, 301 Fisher Park Circle, stated that he supports limiting operators to the adjacent neighborhood or perhaps half a mile as opposed to having out-of-county management. He also suggested requiring the same Special Use Permit and notices for Whole House STR as currently exists for Tourist Homes. He stated that he has followed those regulations and they are reasonable for a serious, dedicated operator, and asked why the City could not enforce the existing ordinance. Mr. Fuko-Rizzo stated that he believes Homestay STRs are largely popular and acceptable like other home occupations, but the issue is Whole House STRs.

Steve Cancian, 209 West Bessemer Avenue, stated that he supports limiting Whole House STRs in residential areas. Many people pay extra to live in a residential area away from commercial uses, and he believes adding STRs to the mix is an unreasonable imposition. He does not believe that the proposed regulations fit the purpose of land use regulation, and the City should enforce the current ordinance as it works right now even though it is not perfect. Mr. Cancian stated that Asheville has used their zoning ordinance to add stronger regulation to STRs, allowing only Homestays in neighborhoods and restricting non-owner-occupied STRs only in CBD or resort areas.

Kisha Fox, 12 Josephine Circle, stated that she generally supports the proposed regulations but suggested setting the maximum adult occupancy by the available sleeping capacity of a dwelling. Bedrooms may be easy to determine, but could make some otherwise reasonable STRs not economically viable. She stated that large houses with sleeper sofas can reasonably accommodate more guests based on square footage, and the permit process should consider this given the service that STR operators offer to their community.

Kevin Smithey, 807 South Lindell Road, stated that he purchased a neglected property, renovated it, and operates it as an STR because he could not sell it as a residence. He operates it as an STR because it was not economically viable to operate it as a long-term rental or sell it without an unreasonable loss. Mr. Smithey stated that he maintains the property on a regular basis, and is often on the premises even though he does not live on-site. He stated that families looking for different accommodations use STRs, but the 2-day minimum regulation will reduce opportunities to rent to visitors looking to attend one-night events in the City.

John Mandrano, 411 East Hendrix Street, stated his family has rented parts of a large house for many years, and it was a productive experience for them. Issues can arise with absentee

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owners and property managers, and he believes that facilitating distant investors will increase the probability of that happening. Mr. Mandrano asked for tight regulation on non-owner-occupied STRs.

There being no further speakers from the floor, Chair O'Connor closed the public hearing.

Ms. Skenes asked about hybrid short term/long-term renting and mixing Homestay and Whole House STR, and stated the current ordinance language does not address these nuances. Mr. Kirkman stated that the ordinance's Whole House definition covers the hybrid scenario. If an owner ever rents a dwelling Whole House, you have to operate it that way. Ms. Skenes asked if STR operators can still rent long term, and Mr. Kirkman stated that was correct. Ms. Skenes asked about the 30 days maximum. Mr. Kirkman stated that 30 days is a national standard based on staff research. It does not prohibit long-term rental, but a stay of more than 30 days is outside of the STR regulations. Ms. Skenes then asked about the 2-day minimum, and Mr. Kirkman stated that regulation was a compromise on concerns about disruptive party rentals.

Mr. Engle asked if Homestay STRs permit single night rental. Mr. Kirkman stated that staff amended the Homestay definition to remove the 2-day minimum based on public comment feedback.

Ms. Skenes stated that permitting offsite management in adjacent counties bothers her, given the good public feedback tonight about the benefits of local management. Mr. Kirkman stated that it was another product of compromise in the Working Group. The original standard was a limit based on travel time to a property, and the intent with the current language is to require a reasonable level of management access to address concerns of neighbors and guests.

Mr. Engle stated that during the furniture market era, many of the hosts would leave the area while renting their homes and requested staff to consider a way to change the regulation to require a closer proximity for operators. Mr. Kirkman asked to clarify if staff should consider a different standard for determining proximity, and Mr. Engle stated that was correct.

Vice Chair Bryson asked about the definition of a bedroom under the ordinance. Mr. Kirkman stated that the bedroom restriction is another product of compromise, and re-read the proposed definition. Vice Chair Bryson stated it was a broad definition, and asked about the potential for clarification in the final regulation. Mr. Kirkman stated that one of the definitions was a "clearly defined exit", as the ordinance takes safety considerations in an emergency into account. Confined spaces not designed as a room could be dangerous in an emergency such as a fire.

Ms. Magid asked about the uses made available by the proposed regulation. Mr. Kirkman stated that the zoning districts listed in the ordinance allow residential uses, and the Commission can consider additional restrictions. Ms. Magid stated she has had positive experiences renting her

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home for the furniture market and asked about Whole House rentals. Mr. Kirkman stated that Whole House rentals have the 2-day minimum rental period for properties not used as a principal residence without the owner or operator's presence. Ms. Magid asked if there could be some specific consideration given about the needs of the furniture market. Mr. Kirkman stated that he was unsure if the ordinance could consider specific events. Ms. Magid stated that the market has changed, reducing average stay times. She stated she is concerned about absentee management corporations and distant institutional investors, as she felt there was a distinction between businesses buying property to house their employees versus operating a property as an investment to the potential detriment of the neighborhood. Ms. Magid stated she would like to see conditions regarding these kind of situations. Mr. Kirkman stated that it is difficult to make a distinction based on the characteristics of the property's management, and the current tourist home regulations have issues already and have likely only avoided legal challenge because of the STR study process.

Emily Guarascio stated that the ordinance makes no distinction about who is purchasing a property. There are long-standing United States Supreme Court equal protection considerations setting a precedent that requires treating corporations identically to individual people.

Mr. Peterson stated that poorly managed STRs could be an imposition on City resources. Mr. Kirkman stated that is the impetus behind the requirement to provide owner and/or operator contact information is to assist with nuisance enforcement.

Ms. Guarascio stated that regardless of the proposed regulations, police powers and nuisance ordinances are not changing and the City retains all existing enforcement powers.

Mr. Engle stated that neighbors could report disturbances or other issues in violation of City ordinances to address concerns at any time to the Greensboro Police Department's non-emergency line at (336) 373-2222.

Ms. Magid asked if Planning would be maintaining contact information of STR operators. Mr. Kirkman stated that was correct, and the 6-month enactment time in the ordinance is for Planning to establish procedures.

Chair O'Connor asked about the City's ability to regulate the density of STRs. Mr. Ducharme stated that a separation requirement is questionable after *Schroeder*. Court review will look at the totality of a circumstance, and density regulations could make a permitting scheme legally impermissible. Chair O'Connor asked if owner-occupied versus third party operated STRs could have different requirements. Mr. Kirkman asked if that would mean setting different standards, and Chair O'Connor stated that was correct. Mr. Kirkman stated that would require more research. Chair O'Connor stated she has heard a lot of concern about third-party managers, and also asked about the make-up of the Working Group. Mr. Kirkman stated that their intent for

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the Working Group was for it to have a wide variety of perspectives. The members included a member of TREBIC and land use attorney involved in situations both for and against STRs, representatives of the Convention and Visitors Bureau, Realtors Association, and Greensboro Neighborhood Congress, a representative from a neighborhood with significant STR activity, 2 STR operators, and an attorney involved with Homeowners Associations. Chair O'Connor asked about enforcement of any new regulations. Mr. Kirkman stated that a benefit of the new vendor(s) would include reviewing the online STR platforms to find new properties to monitor for enforcement. Enforcement will ultimately be through the standard zoning enforcement process.

Ms. Skenes stated that STRs are not going away and the current regulatory mechanisms are not in line with the contemporary environment, and the City needs to move forward with some change. She stated that she still has concerns about management requirements, but she believes the Commission needed to proceed.

Mr. Engle asked if there was any discussion around providing Greensboro's rules to the online platforms to display to prospective guests. Mr. Kirkman stated that the zoning permit process creates a contract with the City and is an enforcement mechanism for that, and there are limits to what the City can practically enforce and what should be in the ordinance language or part of the administrative process.

Vice Chair Bryson thanked the residents for their input and reiterated that the Commission is making a recommendation, not writing the ordinance now. He stated that Greensboro is not just on a positive incline, but is already significantly developed and is in need of updated regulation. This is not a one-off experience, and the Commission can revisit any changes to the regulation based on how it works out.

Chair O'Connor thanked staff and counsel for the effort to get the proposed regulation to the Commission, as well as the Working Group for their contribution and the public for their input.

Mr. Engle stated that he supports the proposed regulation, because there is an evident need in the City and the work needs to start somewhere. He has had negative experiences with long-term rentals before, as well as other homeowners, and issues between neighbors will always exist and are not exclusive to STRs. He prefers STRs when he travels because they suit his family's needs better and sees their appeal for homeowners, but he also understands the needs of neighborhoods, and supports the regulations.

Ms. Magid thanked the public for their comments, and encouraged everyone to attend Planning and Zoning Commission meetings more regularly. She supported adding additional conditions to the proposed regulations, and stated that STRs have been important to many people, creating the need for new regulations.

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Mr. Engle moved that the Planning and Zoning Commission recommend approval of the ordinance as presented, seconded by Ms. Magid. The Commission voted 8-0, (Ayes: Peterson, Magid, Alford, Engle, Skenes, Glass, Vice Chair Bryson, Chair O'Connor; Nays: 0).

ADJOURNMENT:

There being no further business for the Commission, the meeting was adjourned at 9:08 p.m.