

UDO Amendments for Short-Term Rentals

2.2. - Use categories and tables of permitted uses.

Residential: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.

Lodging: Premises available for short-term human habitation, including daily and weekly rental.

2.2.C – Use Matrix

	GR	RMX	NMX	DMX	CMX	IC	GI
Lodging							
Bed and Breakfast Home	PS	PS	PS	PS	PS	PS	–
Bed and Breakfast Inn	SUP	PS	PS	PS	PS	PS	–
Accessory Rental Cottage/Cabin	PS	PS	PS	–	–	–	–
Hotels/Motels/Inns	–	–	–	P	P	P	–
Rooming or Boarding House	–	–	P	P	P	P	–
Recreational Vehicle Park	–	–	–	–	–	–	–
<u>Short-Term Rental</u>	<u>See subsection (d)</u>						<u>–</u>
Short-Term Rental (Host-Absent)	SUP	SUP	PS	PS	PS	PS	–
Homestay (Host-Present)	PS	PS	PS	PS	–	PS	–

a) Within NMX, DMX, and CMX districts, single family structures are permitted only as town homes or multi-family structures; on the second or higher floor of any structure where the ground floor is used for non-residential purposes; or as part of a group development, or conditional district, in which event they shall not be subject to the foregoing limitation.

b) Manufactured homes are permitted with standards in the Manufactured Home Overlay District.

c) Accessory rental cottage/cabins are permitted with standards in association with approved bed and breakfasts.

~~d)~~ Short-term rentals are allowable uses subject to the standards in Chapter 3.34. No permits required, per NCGS 160A-424(c).

~~d)~~ e) Vehicle services are permitted within institutional campuses only for the purposes of maintaining vehicles associated with the operation of the campus and for instructional classes. For example, a college may operate a maintenance shop for the campus fleet, as well as, for instructional classes. Other vehicle service operations shall not be permitted within institutional campuses.

~~e)~~ f) Non-residential uses within a live-work unit must be listed within Chapter 2, Section 2.2 (C. Use Matrix) as a permissible use within the district in which the live-work unit is proposed. and such non-residential use must be approved by means of the appropriate permitting process. Non-residential enterprises and residential units within any live-work unit that is located within a General Residential District shall have a common tenant. In districts where residential building

35 types are not permitted. live-work units may be permitted within pre-existing non-conforming
 36 residential structures.

37

38 Chapter 3 – Additional standards

39 3.34 – Short-Term Rentals ~~and Homestays~~

40 A. Intent

41 It is the intent of this ordinance and standards below to preserve and protect the long-
 42 established, traditional single-family neighborhoods within the City while allowing those
 43 desiring to operate short-term rentals ~~or homestays~~ to do so without detriment to those
 44 neighborhoods. Short-Term Rentals ~~and Homestays~~ are lodging uses, as they are typically
 45 rented for less than 30 days.

46 B. General requirements

- 47 1. Occupancy: Overnight occupancy shall not exceed two persons per bedroom plus two
 48 additional persons. The number of “bedrooms” used in calculating occupancy limits shall
 49 be taken from the property’s application. For example: a two bedroom rental would
 50 have an occupancy limit of 6 (2 x 2 bedrooms = 4 + 2 additional = 6 total).
- 51 2. Appearance: Dwelling units used as short-term rentals ~~or homestays~~ in GR or RMX
 52 zoning districts shall maintain their residential character and outside appearance. No
 53 signs shall be permitted. All exterior lighting shall be residential in nature and shall not
 54 be directed towards adjacent properties.
- 55 3. Parking: Parking requirements shall be provided for the type of dwelling unit, per
 56 Chapter 10 of this ordinance.

57 ~~C. Permits required~~

- 58 ~~1. The owner, or authorized agent thereof, of any property upon which a Homestay or~~
 59 ~~Short-Term Rental proposes to operate shall secure a permit from the City of Brevard~~
 60 ~~Planning & Zoning Department.~~
- 61 ~~2. The application shall designate a “Primary Contact” which is to be a local responsible~~
 62 ~~party who is available by phone 24 hours per day while the property is being rented.~~

63 ~~D. Violations: Any act constituting a violation of these standards shall subject the owner to~~
 64 ~~enforcement procedures as set forth in Chapter 18 of this ordinance.~~

65 ~~E. Duration of permit:~~

66 ~~1. Rentals permitted with standards (PS)~~

- 67 ~~a. Short-Term Rental and Homestay permits are temporary, and shall not establish a~~
 68 ~~vested right to renewal. Short-Term Rental and Homestay permits shall be valid for~~
 69 ~~a period of one year from the date upon which approval is granted.~~
- 70 ~~b. Annual renewal applications shall be filed 30 days prior to expiration of the current~~
 71 ~~permit.~~
- 72 ~~c. Applications for renewal shall include a written report demonstrating compliance~~
 73 ~~with the previously approved permit.~~
- 74 ~~d. The approving authority may deny a request for permit renewal and require the~~
 75 ~~applicant to terminate the Short-Term Rental or Homestay upon a determination~~
 76 ~~that the Short-Term Rental or Homestay operated in violation of a requirement of~~
 77 ~~this section or other applicable condition or requirement; or, that the Short-Term~~
 78 ~~Rental or Homestay has generated unanticipated effects that are detrimental to the~~
 79 ~~residential character of the neighborhood in which the Short-Term Rental or~~
 80 ~~Homestay is located.~~

81 ~~2. Rentals permitted with the issuance of a Special Use Permit (SUP)~~

- 82 a. ~~Per 16.11.D, the effect of approval of a Special Use Permit by the Board of~~
- 83 ~~Adjustment is binding on the property, and all subsequent development and use of~~
- 84 ~~the property must be in accordance with the approved plan and conditions. Special~~
- 85 ~~Use Permits do not need to be renewed annually.~~
- 86 b. ~~Per 16.11.F, the Board of Adjustment may revoke an approved Special Use Permit~~
- 87 ~~upon finding that a violation of Brevard City Code, the City of Brevard Unified~~
- 88 ~~Development Ordinance, or a specific condition or requirement of the Board of~~
- 89 ~~Adjustment has occurred.~~

90 ~~D.C.~~ Exemptions: The following activities shall not be considered as a Short-Term Rental ~~or~~

91 ~~Homestay~~ use and the requirements of this subsection shall not apply to them.

- 92 1. Incidental residential vacation rentals, defined to mean no more than two such rentals
- 93 in any calendar year where the total number of nights rented does not exceed 14.
- 94 2. Rentals of property in any permitted hotel, motel, inn, rooming or boarding house, or
- 95 bed and breakfast establishment.

97 **10.3.A – Minimum parking ratios**

98 A. *Minimum parking ratios:*

Use Type	Required Parking Spaces
Residential (All types)	2 spaces
Residential Accessory Dwelling Unit	1 space
Retail Uses	1 per 500 square feet
Office Uses	1 per 500 square feet
Theaters	1 per 3 seats
Restaurants	1 per 4 seats
Manufacturing/Warehousing/Light Assembly	.25 per 1,000 square feet of non-office space
Bed and Breakfast Inns/Hotels/Motels	1 per bedroom or suite
Civic Uses (Assembly Uses Only)	1 per 4 seats (If benches or pews are used then the standard shall be measured as 1 per 6 feet)

99

100

101 **10.5.G – Location of off-street parking**

102 G. Location of off-street parking:

- 103 1. Off-street parking shall not be permitted within any public right-of-way.
- 104 2. Off-street parking shall not be permitted within any front yard setback area.
- 105 3. Except for properties located in the Corridor Mixed Use (CMX) zoning district, off-street
- 106 parking shall not be permitted between any principal structure and the street upon which such
- 107 structure fronts. Where a structure fronts upon two or more streets, parking may be permitted

108 between the principal structure and the adjacent street of lesser classification when parking
 109 cannot reasonably be placed in another location.

110 4. The following uses and parking types shall be exempt from Sections 10.5(G.2) and 10.5(G.3)
 111 above:

- 112 a. Single-family and duplex residential structures in GR, RMX and NMX districts,
 113 including those used for Short-Term Rental uses, except those which are subject to
 114 Chapter 2, Section 2.3(E.2).
- 115 b. Handicapped parking spaces as required by the North Carolina Accessibility Code or
 116 other federal, state, or local regulations.
- 117 c. Bicycle parking spaces required by this Ordinance.
- 118 d. Existing non-residential and multi-family development undergoing significant or
 119 substantial improvement or change of use as defined in Chapter 19 of this Ordinance,
 120 provided that all newly created parking spaces associated with such redevelopment
 121 shall conform with Sections 10.5(G.2) and 10.5(G.3) unless the approving authority
 122 deems that compliance would be impractical due to existing site constraints.

123

124 **Chapter 19 – Definitions**

125 *Bed and breakfast establishments:* Establishments primarily engaged in providing short-term lodging and
 126 the service of the breakfast meal in facilities known as bed and breakfast inns and bed and breakfast
 127 homes. These establishments provide short-term lodging in private homes or small buildings converted
 128 for this purpose. Bed and breakfast establishments are characterized by a highly personalized service
 129 and meet the following requirements:

- 130 1. They do not serve food or drink to the general public for pay;
- 131 2. They serve only the breakfast meal, and that meal is served only to overnight guests of the
 132 business;
- 133 3. They include the price of breakfast in the room rate; and
- 134 4. They serve as the permanent residence of the owner or the manager of the business.

135

136 ~~*Homestay:* A private, owner-occupied single-family residence that offers one or more guest rooms for
 137 overnight accommodations which are rented for periods of less than 30 days for compensation, so long
 138 as the lodging use is subordinate to the main residential use of the building. The key distinction of a
 139 Homestay from a Short-Term Rental is that the host is present in a Homestay.~~

140

141 *Rooming or boarding house:* Short or long-term accommodations that serve a specific group or
 142 membership such as a dormitory, fraternity or sorority house, youth or adult hostel, or similar
 143 accommodations, or single room occupancy units that provide a number of related services including,
 144 but not limited to housekeeping, meals, and laundry services; excludes hotels, motels, inns, bed and
 145 breakfasts, ~~homestays,~~ and short-term rentals.

146

147 *Short-Term Rental:* A private residential property that is rented for periods of less than 30 days for
 148 compensation. ~~in which the owner does not reside in the home being rented. The key distinction of a
 149 Short-Term Rental from a Homestay is that the host is absent in a Short-Term Rental.~~