



The City of *Brevard* North Carolina

OLD BUSINESS STAFF REPORT

March 15, 2016

TITLE: Short-Term Rentals
SPEAKER: Daniel P. Cobb AICP, Planning Director
PREPARED BY: Daniel P. Cobb AICP, Planning Director

EXECUTIVE SUMMARY: Planning Board will continue their discussion regarding text amendments for short-term rentals, including draft ordinance amendments to UDO chapters 2, 3, 10, 12, and 19, included as attachment A.

BACKGROUND: At the Board's meeting on February 16, 2016 Staff presented revised draft ordinance language for the Board's consideration. Several questions and concerns were raised by the Board regarding the Special Use Permit (SUP) application and review process, parking, landscaping, and allowing an application window that allows hosts to operate while awaiting a hearing by the Board of Adjustment.

Staff has further revised the draft ordinance language and rental application form to reflect changes outlined in the Board's discussion at the February meeting; the revised language and application form are included as Attachment A and Attachment B respectively. Revisions resulting from the Board's discussion at the February meeting have been highlighted.

Additionally, the Board tasked Staff with researching a question regarding special use permits, specifically, does the Board of Adjustment have authority to put a "sunset" on a special use permit so that the permit does not follow the property? Upon discussions with consulting attorney Mr. Mike Egan Staff feels that legally it would not be a good idea to include something like this in our ordinance, and practically this would be difficult for Staff to manage and track. A special use permit is not a personal right and is legally tied to the property for which it is issued.

DISCUSSION: The attached draft language reflects the Board's discussion at the February meeting as well as advice from the Planning Department's consulting land use attorney.

One item of note that does not appear in the draft ordinance language is the timeframe that existing rentals will have to apply for a special use permit in order to continue operation while awaiting to be adjudicated by the Board of Adjustment. This provision should not be included in the language that will appear in the UDO, instead this component will be included in the adopting ordinance that is approved by City Council.

POLICY ANALYSIS: The draft language being presented by Staff has several key aspects:

- Two new uses have been created under the Lodging category:
 - The “Homestay” use is for host-present rentals where the space for rent is a spare room or other portion of a house that is the host’s primary residence.
 - The “Short-Term Rental” use is for host-absent rentals where the space for rent is the entire house, which is not the host’s primary residence.
 - The key distinction between the two use types is whether or not the host is present and living onsite.
- The application will include required contact information for a responsible party that will be available 24-hours per day.
- Minimum standards for parking and signs.
- The definitions of other lodging uses have been amended to ensure clarity between all lodging uses that appear in the UDO’s use matrix.

Staff will present the revised draft language in greater detail at the meeting.

STAFF RECOMMENDATION: Staff recommends the Planning Board discuss the amendments as presented and continue to provide Staff with specific questions or suggested changes to the proposed language.

If the Board feels that the language as revised is sufficient and does not require additional information from Staff, the Board may take action to recommend changes to City Council.

FISCAL IMPACT: Requiring short-term rentals to receive a Special Use Permit from the Board of Adjustment and/or zoning site plan approval from the Planning Department will result in the collection of additional application fees received by the City. The application fee for a Special Use Permit is \$200. The fee for a zoning permit is currently \$50, however Staff is of the opinion that a permit fee specific to short-term rental applications should be established and recommends a fee of \$200 which matches the current fee for a home occupation.

ATTACHMENTS:

- A. Draft Language
- B. Draft Permit Application