

## UDO Amendments for Short-Term Rentals

### Planning Board Recommended Draft Language

#### 2.2.C – Use Matrix

	GR	RMX	NMX	DMX	CMX	IC	GI
<b>Lodging</b>							
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 (Host-Absent)</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>PS</u>	<u>PS</u>	<u>–</u>
<u>Homestay (Host-Present)</u>	<u>SUP</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>–</u>	<u>PS</u>	<u>–</u>

#### Chapter 3 – Additional standards

##### 3.34 – Short-Term Rentals and Homestays

- A. Operational requirements
  1. Occupancy: Overnight occupancy shall not exceed two persons per bedroom plus two additional persons. The number of “bedrooms” used in calculating occupancy limits shall be taken from the property’s application. For example: a two bedroom rental would have an occupancy limit of 6 (2 x 2 bedrooms = 4 + 2 additional = 6 total).
  2. Signs: No signs permitted.
  3. Parking: Off-street parking shall be provided as required by Chapter 10 of this ordinance. Parking shall be located on the same lot on which the rental units are located. Homestays in GR districts shall require guest parking to be located to the rear or side of the principal structure and to be screened with a Type A buffer in accordance with Chapter 8 of this ordinance.
  4. Lighting: Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- B. Permits required
  1. The owner, or authorized agent thereof, of any property upon which a Homestay or Short-Term Rental proposes to operate shall secure a permit from the City of Brevard Planning & Zoning Department.
  2. The application shall designate a “Primary Contact” which is to be a local responsible party who is available by phone 24-hours per day while the property is being rented.
- C. Violations: Any act constituting a violation of these standards shall subject the owner to enforcement procedures as set forth in Chapter 18 of this ordinance.
- D. Duration of permit:
  1. Short-Term Rental and Homestay permits are temporary, and shall not establish a vested right to renewal. Short-Term Rental and Homestay permits shall be valid for a period of one year from the date upon which approval is granted.
  2. Annual renewal applications shall be filed 30 days prior to expiration of the current permit.

3. Applicants shall apply for renewal of Short-Term Rental or Homestay permits. Applications for renewal shall include a written report demonstrating compliance with the previously approved permit.
4. The approving authority may deny a request for permit renewal and require the applicant to terminate the Short-Term Rental or Homestay upon a determination that the Short-Term Rental or Homestay operated in violation of a requirement of this section or other applicable condition or requirement; or, that the Short-Term Rental or Homestay has generated unanticipated effects that are detrimental to the residential character of the neighborhood in which the Short-Term Rental or Homestay is located.
- E. Exemptions: The following activities shall not be considered as a Short-Term Rental or Homestay use and the requirements of this subsection shall not apply to them.
  1. Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total number of nights rented does not exceed 14.
  2. Rentals of property in any permitted hotel, motel, inn, rooming or boarding house, or bed and breakfast establishment.

**10.3.A – Minimum parking ratios**

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/ <u>Short-Term Rental/Homestays</u>	1 per <u>bed</u> room 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)

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

G. Location of off-street parking:

1. Off-street parking shall not be permitted within any public right-of-way.
2. Off-street parking shall not be permitted within any front yard setback area.
3. Except for properties located in the Corridor Mixed Use (CMX) zoning district, off-street parking shall not be permitted between any principal structure and the street upon which such

structure fronts. Where a structure fronts upon two or more streets, parking may be permitted between the principal structure and the adjacent street of lesser classification when parking cannot reasonably be placed in another location.

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

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

### Chapter 19 – Definitions

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

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

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

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

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