



AGENDA
BREVARD PLANNING BOARD– SPECIAL CALLED MEETING
Tuesday, January 26, 2016 – 7:00 PM
Council Chambers

I. Welcome

II. Introduction of Board Members

III. Approval of Minutes

a. November 17, 2015

b. December 10, 2015

IV. New Business

a. Presentation by Annette Raines, Transylvania County Tax Administrator, Countywide Reappraisal 2016

b. Annual review Sign Chapter 12.9.J

V. Old Business

a. Short-term rentals

VI. Other Business

a. Election of Officers

b. Meeting Schedule

VII. Adjourn

**MINUTES
BREVARD PLANNING BOARD – REGULAR MEETING
NOVEMBER 17, 2015**

Brevard Planning Board met for a regular meeting on Tuesday, November 17, 2015, at 7:00 PM in Council Chambers of City Hall.

Members Present: Kimsey Jackson
Demi Loftis
Katie Thompson
Jimmy Perkins
Frank Porter
Chris Strassner
Keenan Smith

Staff Present: Daniel Cobb, Interim Planning Director
Janice H. Pinson, Board Secretary

I. Welcome and Introduction of Planning Board Members -

At 7:00 PM Chair, Kimsey Jackson, called the meeting to order and the Board members introduced themselves. There was a moment of silent meditation.

II. Approval of Minutes –

a. Approval of Minutes of the October 20, 2015 meeting, J. Perkins requested a correction, motion to approve as corrected by F. Porter, seconded by D. Loftis, unanimously carried.

III. New Business –

a. Consideration of Application #TA15-000003 by Charles Edwards for a Text Amendment to Chapter 12.9.G.5 of the Unified Development Ordinance to allow for two (2) primary and one (1) secondary menu reader boards.

D. Cobb, presented his staff report which is attached hereto, labeled Exhibit “A” and incorporated herein by reference.

Charles Edwards, Applicant, thanked the board for the opportunity to speak. He stated that he owns several McDonalds restaurants including the one in Brevard. He further stated that it is fairly common to have a second drive thru, it keeps the traffic out of the streets, and out of danger, which applies to the Brevard location. Therefore, he wants to add an additional drive thru lane, which would require the need for an additional menu reader board.

K. Smith asked staff if we currently allow more than one (1) menu board.

D. Cobb responded, no.

J. Perkins stated that it makes sense to say one (1) menu reader board for each order lane.

It was requested that C. Edwards clarify the correct language and he stated that it is called, "order point".

D. Cobb stated that the proposed wording would read each order point shall be allowed one (1) menu reader board, not to exceed a total of two (2) menu reader boards and that he would email rewording to the board.

D. Loftis made a motion to approve as modified by the Planning Board with modifications to be presented in an email to the board for their review, seconded by F. Porter, unanimously carried.

D. Cobb informed Mr. Edwards that because City Council may cancel their regular meeting in December, his application may be heard by Council at the Special Called Joint Meeting of Planning Board and City Council on December 10th, and that this has not been confirmed but that he would be notified.

b. "Short Term Rentals" – Proposed Text Amendments

D. Cobb stated that he would make a brief presentation and that he did have survey results, input session data and information received from other agencies. The board requested that the information be handed out to them.

D. Cobb stated that no ordinance language would be presented, that this meeting was to establish framework for potential amendments. He further informed the board that council does not want to outlaw short term rentals, but does want to protect neighborhoods and allow STRs in certain areas with guidelines.

He then presented the results of the November 5th Public Input Session. The results are attached hereto, labeled Exhibit "B" and incorporated herein by reference.

D. Cobb explained that the only means for collecting occupancy tax is through legislature, that Airbnb automatically collects this tax and the current rate for Transylvania County is 5% and that nearly 100% of the funds collected go to the Tourism Development Authority. By law 2/3 of the tax collected must go to travel and tourism development.

K. Thompson asked if everyone was paying this tax.

D. Cobb responded that this is a good question, and that he did not have the answer to the question right now.

He further explained that there are current ordinances in place that would take care of some of the problems such as on street parking prohibitions, noise, noise ordinances was confirmed with Chief Phil Harris to be 10PM, and that the health department does get involved when there are four (4) or more units.

A memorandum prepared by Chief Phil Harris was distributed to the board which addresses concerns in reference to short term rentals, the memorandum is attached hereto, labeled Exhibit "C" and incorporated herein by reference.

K. Jackson, Chair opened the meeting up for the audience to speak.

Andrea Babin stated that he owns a short term rental that occupancy taxes are collected and paid, that he finds it hard to believe that if you are running a rental as a business that you could hide it from the IRS. That we need to allow STRs, or we are saying no to new business. That he uses short term rentals when he travels because it is a better experience. He read his statement #15 from the survey results: "Local economic stimulus is undisputable. Guest are here to experience Brevard in the most intimate way. They walk eat and shop. We cannot let this go?? I support compliance with existing laws whether that be the collection of taxes, registration requirements or other provisions. However we believe any regulations tend to provide ample tools for addressing the actions of a few bad apples, for example, noise ordinances, neighborhood parking regulations, trash guidelines."

Jim Wright stated that he had no doubt that the short term rental owners present are good business people, but that he is concerned about commercial uses in a residential neighborhood. He cautioned the board to take a very careful look before you start changing the ordinance.

Robert Senecal stated that he had some friends that were of low income that lost their rental home due to the fact that the owner decided to turn it into a short term rental, and that we need to be aware that we are taking available rental homes off the market.

Mary Ernst stated that she felt that a lot was being discussed that had already been discussed at the input session. She questioned what is prompting this change and wanted to know what complaints were driving it. She lives in Hendersonville but owns a short term rental in Brevard.

D. Cobb stated that City Council asked that Planning Staff look into the matter.

Kevin Jones stated that his short term rental is within two (2) blocks of the library and the house was being rented for \$250.00 a month and was in total disrepair. They purchased the property as an investment and to fix up, because it was next door to their residence.

Elda Brown stated that she feels like they are the good guys, promoting Brevard. That she purchased the property next to her and improved the neighborhood, but needs a way to recoup her investment. She requested that if there were going to be new fees that the short term rental property owners be given plenty of notice before they go into effect.

K. Jackson, Chair, asked Chief Harris if there had been complaints about short term rentals.

Chief Harris stated not until recently and that they have received a couple of noise and parking complaints. He stated that it is not about making money but about keeping our town and our citizens safe from being victimized. He urged the public to call the Police Department if they have problems so that they can be corrected.

Pat Pettit, a realtor for 42 years, stated that she owns three (3) properties in Brevard, two (2) of which are long term rentals and one (1) that is her home. She stated that she opposes short term rentals because she lived through it in another state. She stated that long term renters get involved in the community, but short term renters are here and gone. She cautioned that we need to look at this as a future thing, not as it is now.

Susie Wells, stated that this is a job and that when their property is rented they are on call 24 hours a day. She further stated that she embraces the people that visit Brevard.

Jack Alderman stated that he lives next door to a short term rental and that people are coming to Brevard and spending money, riding bikes, walking, enjoying our town. He observes that someone comes to clean the house after each visitor. That he feels there is a way to work this out. That he trust the board to have the wisdom to figure it out. He further stated that he would prefer to have stable neighbors that my kids could play with, but that they have had fun over the summer playing with the children of guests.

Travis Buchanan stated that he owns a home in a cul-de-sac on Hazel Court and that parking was an issue for his family when they were living in the house. That he feels that some of the complaints are heavily embellished. That they are renting the house as a short term rental to pay the mortgage, that he would love to sell it, but cannot get his money out of it at this point in the market. He stated that he lives and works in this town and that the City needs to change with the times. He stated that bikers who visit like the option of short term rentals instead of motel rooms because they can store their bikes, etc. He stated that he lives only 15 minutes away from the property.

Cory Gaffney stated that we needed to look at who we are as a community and that he feels like Brevard attracts a calmer crowd. That people are not coming to Brevard to party. He stated he owns a short term rental on Carolina Avenue and the house is an asset to the neighborhood.

Daniel Tressler, owner of Red House Inn and four (4) vacation rentals in town, stated that they have been renting short term rentals for approximately 5 years and that his businesses complement each other. He stated that Brevard has to embrace this change. He shared that Airbnb just started collecting taxes and that with VRBO you can do whatever you want. His thoughts are that people that come here to ride bikes, etc. have to have a lot of disposable income and are not likely to be high school partiers and reminding everyone that we are a tourist town and that a lot of older people visit here.

K. Jackson, Chair called for a five (5) minute recess at 8:25 PM.

K. Jackson called the meeting back to order at 8:34 PM.

K. Jackson asked if anyone else wished to speak, no one responded.

D. Cobb thanked everyone for coming out and stated that he knows that this is a slow process, but that is how local government runs. He then continued with the presentation of his staff report and outlined staff's recommendations. Staff Report is attached hereto and labeled, Exhibit "D", as well as, pages 22 and 23 of the presentation.

D. Loftis asked if sufficient off street parking addresses parking in the front yard.

D. Cobb responded that single family dwellings are exempt from parking standards.

D. Loftis asked that D. Cobb check into this item.

There were questions from the audience about what would be involved in obtaining a special use permit. D. Cobb explained the application and Board of Adjustment procedures and processes, further explaining that the board is a quasi-judicial board and that each application is considered on a case by case basis and that the board is supposed to consider only the facts.

K. Thompson stated that the discussion had reached a point of concern to her about the requirement to obtain a special use permit, in that the purpose, as she understood it, is to be compatible with the surrounding area, but there is no definition so that everyone will understand the expectations.

D. Tressler stated he thought that the category "permitted with standards" and outlining standards would be a better approach than a special use permit requirement.

K. Thompson stated that she values the sense of community, that she lives on Maple Street and recognizes and appreciates the improvements that have been made there, and that she has no concerns about density, but feels the critical issue is the mass of people coming and going without roots to the neighborhood.

C. Strassner stated that these are ideas at this point and that he felt things were trying to get too specific, when at this point, the board is just trying to form the framework to legislate. Police and Fire need to know that the property is a business, and a registration requirement is necessary for this to happen.

Some other suggestions were to limit the number of special use permits per year. Also to possibly limit the number of days per year a property can be rented as a STR.

F. Porter stated that it needs to be kept simple and not to make it too regulated and complicated.

There was discussion as to next steps and it was decided that the regular December meeting would be cancelled and that staff would prepare regulations, standards and definitions to present to the board at their January meeting and that staff will also look at the standards for Bed and Breakfast home and make sure that there is clarification between them and short term rentals that make sense, so as not to overcomplicate procedures.

F. Porter requested that D. Cobb research occupancy limits of 2 per room +2, as noted in his presentation.

K. Jackson asked if there were any more comments from the board. There were none.

D. Cobb stated that all of the information that had been presented would be placed on the website for public viewing the next day.

IV. Old Business – None.

V. Other Business –

Joint meeting of Planning Board and City Council will be held on December 10, 2015 at 5:30 PM was announced by Chair, K. Jackson.

VI. Adjourn –

There being no further business, K. Thompson moved to adjourn, seconded by D. Loftis, unanimously carried.

Richard K. Jackson, Chair

Janice H. Pinson, Board Secretary

**MINUTES
BREVARD PLANNING BOARD – SPECIAL CALLED JOINT WORKSHOP WITH BREVARD CITY COUNCIL
DECEMBER 10, 2015**

Brevard Planning Board met for a special called workshop with Brevard City Council, Thursday, December 10, 2015, at 5:30 PM in Council Chambers of City Hall.

Members Present: Kimsey Jackson
Demi Loftis
Katie Thompson
Jimmy Perkins
Chris Strassner
Keenan Smith

Members Absent: Frank Porter

Staff Present: Daniel Cobb, Interim Planning Director
Aaron Bland, Long Range Planner
Janice H. Pinson, Board Secretary

Council Members Present: Mayor Jimmy Harris
Mayor Pro Tem, Mac Morrow
Ann Hollingsworth
Gary Daniel
Charlie Landreth

Members Absent: Maurice Jones

Others: Mike Pratt, City Attorney
Jim Fatland, City Manager
Demetri Baches, Mallory Baches, Metrocology
Joe Minicozzi, Urban 3
Allen Ward, PE, Ward Edwards Engineering
Paul Moore, Ward Edwards Engineering

I. Welcome and Introduction of Planning Board Members -

At 6:09 PM Chair, Kimsey Jackson, called the meeting to order and certified a quorum of the board present.

II. New Business – Form Based Codes Presentation- Demetri Baches

Daniel Cobb, Planning Director, thanked everyone for taking the time to attend the meeting. He gave a brief background on the form based codes project to date and introduced Demetri Baches.

The Stakeholder Committee for the Form Based Codes project introduced themselves and are as follows: Josh Hallingse, Parker Platt, Richard Caldwell, Lori Roberts, Elizabeth Harrison, Jimmy Perkins, Heath Seymour and Ann Hollingsworth.

D. Baches explained their purpose to be, on the ground members of the community to be embedded into the community to gather feedback.

D. Baches gave a presentation on Form Based Codes which is attached hereto, labeled Exhibit "A" and incorporated herein by reference. There were questions and discussion during and following his presentation.

Important points made by board members:

1. The importance and usefulness of the Comprehensive Plan to the project.
2. The importance of ensuring that pedestrian infrastructure takes into consideration the elderly and disabled population.

III. Adjourn –

There being no further business, J. Perkins moved to adjourn, seconded by C. Strassner, unanimously carried.

Richard K. Jackson, Chair

Janice H. Pinson, Board Secretary



The City of
Brevard
North Carolina

NEW BUSINESS STAFF REPORT

January 26, 2016

TITLE: Sign Ordinance Review – UDO Chapter 12.9.J
SPEAKER: Daniel P. Cobb AICP, Planning Director
PREPARED BY: Daniel P. Cobb AICP, Planning Director

EXECUTIVE SUMMARY: The Board will review UDO chapter 12.9.J which consists of standards for decorative flags, banners, and other moving devices and is subject to annual review by the Planning Board.

BACKGROUND: This particular section of development code outlines what types of decorative flags, banners, and other moving devices are allowed on a building. However, UDO chapter 12.6.F clearly intends to prohibit these types of signs.

DISCUSSION: The purpose of sign regulation is to prevent dangerous conditions from occurring due to their size, location, construction, or manner of display or to mislead the public by causing confusion, or obstruct the vision necessary for traffic safety. The intent is also to support and complement land use objectives set forth in the zoning ordinance for the City of Brevard.

POLICY ANALYSIS: There is clearly a need and purpose for these types of signs throughout the community. The amount of this type of signage and what it specifically addresses should be carefully considered.

STAFF RECOMMENDATION: Staff recommends the Board review UDO chapter 12.9.J and provide direction on addressing the contradicting language of 12.6.F and 12.9.J

FISCAL IMPACT: None.

ATTACHMENTS:

A. UDO Chapter 12.6 & 12.9.J

12.6 – Prohibited Signs

F. Moving devices: Any moving signs or device to attract attention, all or any part of which moves by any means, including motion by the movement of the atmosphere or by electrical or other means, including but not limited to pennants, flags, propellers or discs, whether or not any said device has a written message. Moving devices may, however, be allowed if in compliance with Section 12.8(M) or 12.9(J).

12.9 – Signs Allowed With Permits

J. Decorative flags, banners and other moving devices: Decorative flags, banners, pennants, and other moving devices (balloons, windsocks, etc.) may be allowed in all districts except GR, subject to the following requirements:

1. A plan for all banners, flags, pennants, and devices indicating locations must be submitted to the administrator. An annual permit is required showing location, size, style, copy, and manner of installation of said banners, flags, pennants, and devices.
2. Manner of installation must be based on established safety standards.
3. No banner, flag, pennant, or moving device shall obstruct any fire escape, window, or door, or be placed in such a manner so as to interfere with any openings required for ventilation, nor offer hindrance to fire department equipment or personnel.
4. All banners, flags, pennants, or moving devices shall be constructed of a fire-retardant material or be treated to be fire retardant.
5. All banner, flag, pennant, or moving devices must be well-maintained; frayed, faded, or worn banners constitute illegal moving devices.
6. No advertising message from any off-premise business may be contained on the face of any banner, flag, pennant, or moving device.
7. No banner, flag, pennant, or moving device may overhang any portion of a vehicular travelway, except as otherwise allowed by this ordinance.
8. No illuminated, electric, or motor-powered devices may be allowed; glare cannot pose a problem to passing motorists.
9. No banner, flag, pennant, or moving device shall be secured to the wall in such a manner that the bottom portion is at least seven feet from the sidewalk or does not interfere in any manner with pedestrian traffic.,
10. Banners or flags cannot exceed a width of four feet and a length of six feet.
11. Banners, flags and other devices cannot exceed one per every 20 linear feet of storefront.
12. If, in the opinion of the administrator, said devices cause a nuisance or safety problem, the owner of said devices must relocate or remove them to the satisfaction of the code [enforcement] officer.
13. Banners, flags or pennants must be properly designed and engineered to withstand the average prevailing winds and to meet the minimum wind load requirement of the North Carolina Building Code.
14. *This provision is subject to annual review by the Planning Board.*



The City of Brevard North Carolina

OLD BUSINESS STAFF REPORT

January 26, 2016

TITLE: Short-Term Rentals
SPEAKER: Daniel P. Cobb AICP, Planning Director
PREPARED BY: Aaron N. Bland AICP, Planner & Asst. Zoning Administrator

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.

BACKGROUND: At the Board's meeting on October 20, 2015 Staff presented an overview of short-term rentals. The Board responded that there was a need to amend the City's Unified Development Ordinance (UDO) to address short-term rentals and requested Staff create a "framework" of new language for the Board to consider.

At the November 17, 2015 meeting, Staff presented the Board with the requested framework, as well as a summary of the public engagement process which included formal public input sessions and an online survey. The Board discussed the framework and requested Staff begin writing draft ordinance language.

DISCUSSION: Since the Board's last meeting, Staff has expanded upon the framework and crafted draft ordinance language. The overall goal of the draft language is to allow for short-term rentals to be available while protecting the health, safety, and general welfare of the citizens of Brevard. Particular effort was made to ensure tranquility of residential neighborhoods while allowing this type of use.

Additional provisions that are not included in the draft language but the Board could consider include: separation requirements, minimum square footage, and location (zoning district). Other items were intentionally not include as amendments. For example, one concern voiced during the public input process was noise. A noise ordinance already exists within the Code of Ordinances, specifically City Code chapter 38, Article II, Division 2, Section 38-71 states the following:

"The creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited."

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 draft language in greater detail at the meeting.

STAFF RECOMMENDATION: Staff recommends the Planning Board discuss the amendments as presented and provide a list of questions or suggested changes to the proposed language. At next month’s meeting Staff will provide any additional information requested by the Board.

In lieu of further discussion or if the Board does not require additional information, 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 Application
- C. Sample Site Plan

Draft UDO Amendments for Short-Term Rentals

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 (Host-Absent)</u>	<u>SUP</u>	<u>SUP</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>–</u>
<u>Homestay (Host-Present)</u>	<u>PS</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

- 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).
- Signs: Signage shall be limited to a single sign, not to exceed four square feet, attached to the primary structure which houses the lodging unit(s).
- 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.

B. Permits required

- 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.
- 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:

- 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.
- 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.
- 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/ Short-Term Rental/Homestays	1 per 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 Homestay and 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.

12.9 – Signs allowed with permits

A. Signs allowed in GR districts: The following types of signs shall be allowed in all of the residential districts subject to the accompanying restrictions and the issuance of a sign permit:

1. Nameplate signs:
 - i. Home occupations [and Short-Term Rental uses](#) shall be allowed one nameplate sign for purposes of identification.
 - ii. Signs shall not exceed four square feet of surface area and shall be attached to the residence.
 - iii. Signs shall not be illuminated.

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.](#)



APPLICATION FOR SHORT-TERM RENTAL UNIT

This application shall be completed with the following information, attachments, and all required signatures.

Property Owner Information (required)	<input type="checkbox"/> This is the primary contact.
Property Owner Name:	
Mailing Address	
Email:	Telephone:

Applicant Information (if different than owner)*	<input type="checkbox"/> This is the primary contact.
Property Owner Name:	Agency Name:
Mailing Address	
Email:	24-Hour Telephone:

Managing Agent Information (if applicable)	<input type="checkbox"/> This is the primary contact.
Property Owner Name:	Agency Name:
Mailing Address	
Email:	24-Hour Telephone:

Rental Information (required)

Address of rental: _____ Parcel # (PIN): _____

Market name of rental (if applicable): _____

Type of Rental: Homestay (host-present) Short-Term Rental (host-absent)

Number of bedrooms available for rent: _____

Total allowed occupancy = Number of rooms × 2 + 2

Briefly describe your rental: _____

Site Plan (required)

Attach a site plan of your rental unit(s) showing: all of the home or building (all heated square feet) with all areas and rooms to be rented indicated, location of off-street parking, locations of all smoke detectors, and all guest entrances/exits.

Signatures (required)

I, the undersigned, acknowledge the following: that I am authorized to make decisions concerning the property represented herein; that I understand and hereby agree to comply with all regulations and requirements of the City of Brevard that are applicable to the use proposed by this application, including but not limited to the City of Brevard Noise Ordinance; that I understand this lodging use requires remittance of taxes by state law; and that I grant permission to the Review Officer, and designees thereof, to enter upon the property represented herein for the purposes of administering this application.

Property Owner: _____
Print Name: _____

Date: _____

Applicant: _____
Print Name: _____

Date: _____

Managing Agent: _____
Print Name: _____

Date: _____

* If the applicant is other than the property owner, proof of owner's consent is required. Owner's signature proves consent. The applicant will be the liaison with the City and will be the party to receive official notice. Notice communicated to the applicant will be deemed communicated to the owner. By signing this application, the applicant is consenting to the designation for these purposes.

Application Checklist

- Permit fee
- Complete application
- Site plan

Frequently Asked Questions

I don't understand the occupancy formula, what does it mean?	<p>The formula is determines total occupancy based on the number of rented bedrooms. Each bedroom equals two people toward the total allowed occupancy, then an additional two people are added. So, total occupancy equals the number of bedrooms times two, plus two.</p> <p>For example, a house with 4 bedrooms only 3 of which are available and open to guests renting the house would work out to a maximum occupancy of 8 people: 3 rented rooms × 2 people per room = 6 people + 2 additional = 8 total.</p>
Does the site plan have to be drawn by an architect?	No. You can draw the site plan yourself and it can be hand-drawn, but it must be detailed enough to convey the layout of the building.
Do I need to renew this permit?	Yes. This is an annual permit which should be renewed with the Planning Department on a yearly basis. There is no renewal fee, only the one time application fee when you first apply.
Can I operate more than one Homestay?	No. Homestays must be operated in your primary residence and only one homestay permit may be issued to a single applicant.
Can I operate more than one Short-Term Rental?	Yes.
Why am I required to provide parking? Can't guests park on the street?	Parking is allowed on many City streets, but not all. Off-street parking helps ensure that emergency vehicles such as fire trucks and ambulances can navigate the sometimes narrow streets in town and access everyone's home.
What is the City's noise ordinance?	<p>Violations of the noise ordinance are defined as exceeding the ambient noise level by 10 dB between the hours of 9:00 PM and 7:00 AM, or by 20 dB between the hours of 7:00 AM and 9:00 PM.</p> <p>If the ambient noise level cannot be determined a violation occurs when the noise level exceeds 60 dB between the hours of 9:00 PM and 7:00 AM, or 70 dB between the hours of 7:00 AM and 9:00 PM.</p> <p>You can find the full ordinance in Section 38-71 of City Code, available online at cityofbrevard.com/noise.</p>
Who else should I contact?	<ul style="list-style-type: none"> - Transylvania County Finance Office (828-884-3104) - Transylvania County Health Department (828-884-3135) - Your insurance company

ELM STREET

Property boundary

