



**AGENDA**  
**BREVARD PLANNING BOARD– REGULAR MEETING**  
**Tuesday, October 18, 2016 – 6:00 PM**  
**Council Chambers**

- I. Welcome**
- II. Introduction of Board Members**
- III. Approval of Minutes**
  - a. August 16, 2016
- IV. New Business**
  - a. Bicycle Friendly Community Discussion
- V. Old Business**
  - a. Short Term Rentals
  - b. Annual Work Plan
- VI. Other Business**
- VII. Adjourn**

**MINUTES  
BREVARD PLANNING BOARD  
AUGUST 16, 2016**

Brevard Planning Board met for a regular meeting, Tuesday, August 16, 2016, at 6:00 PM in Council Chambers of City Hall.

**Members Present:** Kimsey Jackson, Chair  
Demi Loftis, Vice Chair  
Jimmy Perkins  
Chris Strassner  
Keenan Smith  
Frank Porter

**Members Absent:** Katie Thompson

**Staff Present:** Daniel Cobb, Planning Director  
Aaron Bland, Planner  
Paul Ray, Senior Code Enforcement Officer  
Janice H. Pinson, Board Secretary

**I. Welcome and Introduction of Planning Board Members -**

At 6:00 PM Chair, Kimsey Jackson, called the meeting to order and there was a moment of silent reflection. No introductions were necessary.

**II. Approval of Minutes –**

a. June 21, 2016, motion to approve with changes by J. Perkins, seconded by D. Loftis, unanimously carried.

**III. New Business-**

**a. Residential apiary updates –**

A. Bland presented his staff report stating that the recommended changes to the ordinance are being made to meet the State requirements. He further explained that the North Carolina General Statutes clearly state two requirements of local laws that regulate bee hives which the City's code does not currently conform to:

“Any ordinance shall permit up to five hives on a single parcel within the land use planning jurisdiction of the city.” § 106-645(b) (1)

“Any ordinance shall require that the hive be placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand, the city may permit the anchor or stand to be permanently attached to a roof surface.” § 106-645(b) (2)

The following language was recommended by Staff:

1 **CODE OF ORDINANCES CITY OF BREVARD, NORTH CAROLINA**

2

3 **Chapter 14 – Animals and Fowl**

4

5 **Article I – In General**

6

7 **Sec. 14-9. – Keeping bees.**

8 (a) It shall be unlawful for any person to locate, construct, reconstruct, alter, maintain or use,  
9 on any lot or parcel of land within the corporate limits of the city, any hives or other  
enclosures

10 for the purpose of keeping any bees or other such insects unless every part of such hive or  
11 enclosure is located at least 75 feet from a dwelling house located on the adjoining property.  
12

13 (b) On lot sizes of 15,000 square feet or less, no more than **four five** hives (colonies of bees)  
will

14 be permitted. The hives shall be no closer than 15 feet from any property line, **and all hives**  
15 **shall be placed at ground level or securely attached to an anchor or stand.** On lots larger  
than

16 15,000 square feet, additional hives will be permitted on the basis of one hive for each 5,000  
17 square feet in excess of 15,000.

18

19 (c) This section shall pertain only to honey bees maintained in movable frame hives and it  
does

20 not authorize the presence of hives with no movable frames or feral honey bee colonies  
21 (honey bees in trees, sides of houses, etc.).

22

23 (d) The hives (colonies) of bees may not be manipulated between the hours of sunset and  
24 sunrise unless the hives are being moved to or from another location.

25

26 **(e) The City may require the removal of a hive, or hives, if the owner no longer maintains the**  
27 **hive(s), or if removal is necessary to protect the health, safety, and welfare of the public, as**  
28 **allowed by NCGS 106-645(b) (4).**

After discussion, F. Porter made a motion that 5,000 be changed to 3,000 in line 16 and to  
strike (d) in its entirety, seconded by D. Loftis and unanimously carried.

**b. Invasive species ordinance changes**

Daniel Cobb presented his staff report which is attached hereto and labeled, Exhibit "A" for  
reference, along with a power point presentation.

After discussion, the Board recommended that the Staff recommendations be approved with the following changes: a specific list of invasive species be listed in UDO Chapter 8.2, p. to further strike the reference to the North Carolina Cooperative Extension Office's "Guide to Successful Gardening in Transylvania County" and to further remove language regarding "invasive plant species" from Chapter 38 of the Code of Ordinances.

Motion to approve as stated by J. Perkins, seconded by D. Loftis and unanimously carried.

c. Annual Work Plan

D. Cobb, Planning Director, explained that the Planning Department develops an informal work plan each year and lists what they want to achieve during the fiscal year. He asked the board to think about the idea and give him feedback as to their ideas of what they would like to accomplish. He further explained that much of their time would be devoted to the review of the Form Based Codes project this year.

**IV. Old Business - None**

**V. Other Business –**

D. Cobb informed the Board of the Form Based Codes presentation and input session to be held the next day at the Transylvania County Library, Rogow Room. He stated that specific groups would also be targeted for their input at a later date.

F. Porter commented on the fact that Planning Staff is well prepared and friendly.

**VI. Adjourn –**

There being no further business, F. Porter moved to adjourn, seconded by D. Loftis unanimously carried and the meeting adjourned at 6:53 PM.

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Richard K. Jackson, Chair

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Janice H. Pinson, Board Secretary



# The City of *Brevard* North Carolina

## NEW BUSINESS STAFF REPORT

October 18, 2016

**TITLE:** Bicycle-Friendly Communities  
**SPEAKER:** Aaron N. Bland AICP, Planner & Assistant Zoning Administrator  
**PREPARED BY:** Aaron N. Bland AICP, Planner & Assistant Zoning Administrator

**EXECUTIVE SUMMARY:** This staff report outlines progress in the City's application to the League of American Bicyclists Bicycle Friendly Communities rating program and identifies steps that the Planning Board may initiate to strengthen the City's application.

**BACKGROUND:** At Council's 2016 annual retreat, the idea of applying for Brevard to be designated as a bicycle friendly city was brought up as an item for further discussion. Staff presented background information about the Bicycle Friendly Communities rating program and its scoring methodology to City Council at their February meeting, and Council expressed interest in the city working towards certification.

Since that presentation, Staff has researched the application and certification requirements to identify "low-hanging fruit" actions that the City can accomplish relatively easily before applying for certification in order to improve chances of success and/or achieve a higher rating classification. These actions include amendments to City ordinances and codes that would require approval by the Planning Board before adoption by Council.

**DISCUSSION:** The program's application is a very detailed and thorough examination of a municipality's commitment to creating a place where bicycling is "a real transportation and recreation option for all people." Because no two cities are the same, scoring is not done on a black and white point system but is more evaluative based on five areas of judgment criteria: engineering, education, encouragement, enforcement, and evaluation and planning. Cities are judged with their size, population, climate, topography, and other factors in mind. See Attachment A for an evaluation infographic.

Planning Staff has identified many items that can easily be accomplished in the coming months that will strengthen Brevard's application. These include a wide range of items from the symbolic, such as passing resolutions, to on-the-ground improvements, such as painting markings on streets. Many items are easily done with little to no cost, such as adding bicycling information on the City's website and amending the Traffic Schedule.

Staff has compiled a list of the most easily attainable items (Attachment B) that can be achieved quickly prior to the next application deadline in February 2017. Staff has already begun to complete items on this list and will continue fulfilling as many as possible before applying for certification.

**POLICY ANALYSIS:** Becoming a certified Bicycle Friendly Community is a Policy item (Policy 3.2.E) in the Environmental Health element of the City’s recent Comprehensive Plan update under “Objective 3.2: Reduction of the City’s carbon and ecological footprint.”

Additionally, furthering the City’s commitment to making sure cycling is a viable transportation option works towards multiple goals and policies within the Transportation & Infrastructure and Livable Communities elements.

**STAFF RECOMMENDATION:** This staff report is for the Board’s information and no action is required at this time. Staff will present information on the scoring system and requests that the Board discuss the issues that cyclists face within Brevard and recommend items to Staff for the Board’s consideration at future meetings.

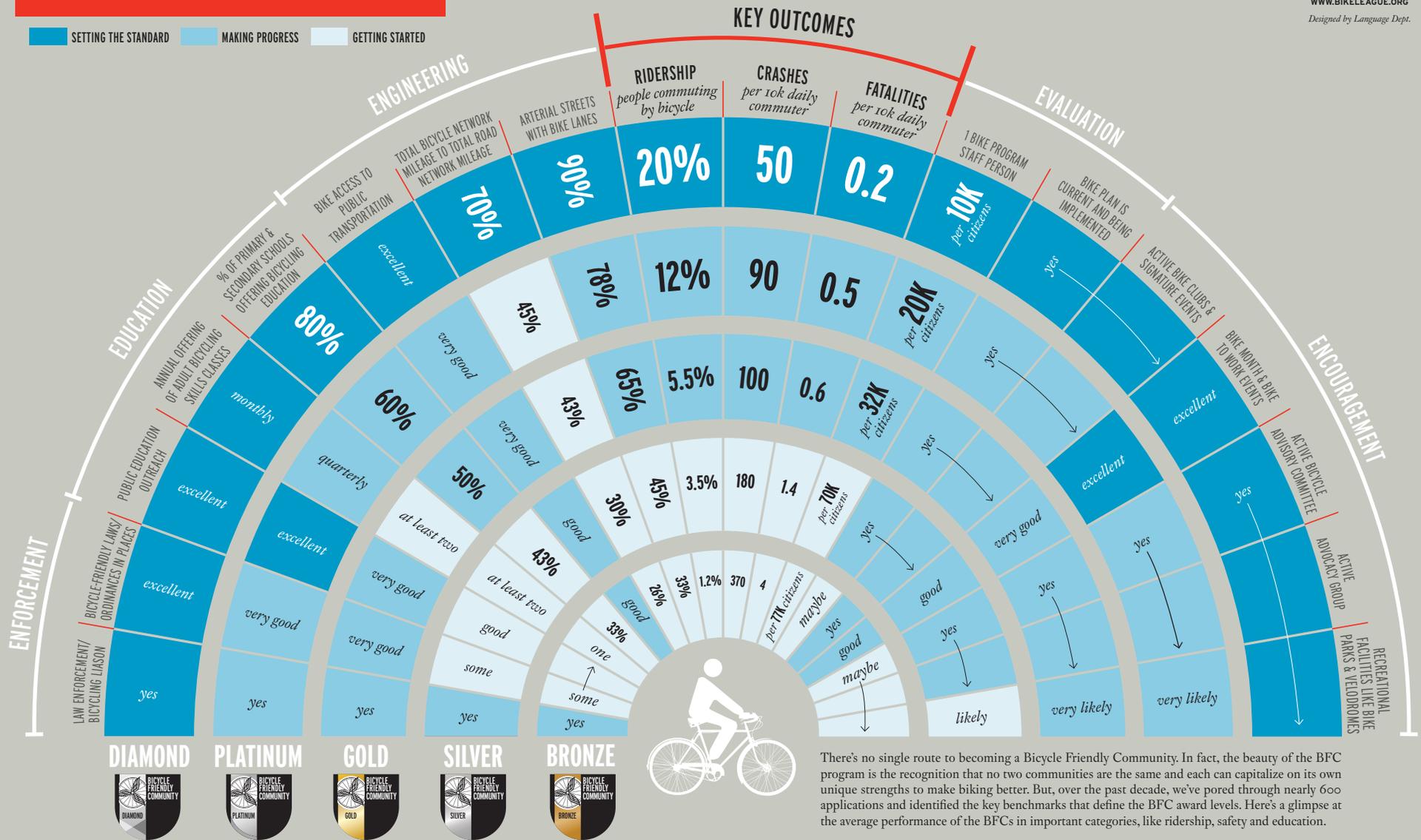
**FISCAL IMPACT:** Some actions that Staff intends to undertake before applying will require expenditure of funds from the Planning Department’s budget, which includes funds designated specifically for outreach materials.

**ATTACHMENTS:**

- A. The Building Blocks of a Bicycle Friendly Community
- B. Staff-Identified List of Easily Attainable Action Items

# THE BUILDING BLOCKS OF A BICYCLE FRIENDLY COMMUNITY

produced by  
**THE LEAGUE**  
 OF AMERICAN BICYCLISTS  
 WWW.BIKELEAGUE.ORG  
 Designed by Language Dept.



There's no single route to becoming a Bicycle Friendly Community. In fact, the beauty of the BFC program is the recognition that no two communities are the same and each can capitalize on its own unique strengths to make biking better. But, over the past decade, we've pored through nearly 600 applications and identified the key benchmarks that define the BFC award levels. Here's a glimpse at the average performance of the BFCs in important categories, like ridership, safety and education.

## **Bicycle Friendly Community Application: Easily Attainable Action Items**

### *People*

- Designate an official “Bicycle Program Manager” and “Safe Routes to Schools Coordinator”
- Create an officially recognized Bicycle Advisory Committee (with a Police Department member)
- Staff watch APBP webinars (<http://www.apbp.org/?page=Webinars>)
- Official police point person for Safe Routes to School program

### *Infrastructure*

- Paint greenway road crossings with high visibility markings or signs
- Paint sharrows on streets (especially near schools)
- Regular sweeping, pothole patching, and vegetation upkeep of road shoulders and greenways

### *Outreach/Promotion*

- Give away locks and lights (in addition to helmets) at bike rodeos
- Provide the League’s educational materials to residents and/or businesses
- Share-the-road Education outreach
  - PSAs
  - Share the road videos on website
  - Newsletter article
  - Utility bill insert
  - Flyer in city hall
  - Newspaper columns
  - Dedicated bike page on city’s website
  - Share the road signs
- Promote national bike month
  - Official proclamation
  - Bike month website
  - Trail maintenance day
- Promotion outside bike month
  - Trail workdays (e.g. Bracken trail maintenance; pick up trash on greenway)
  - Publish guide to community bike events
  - Official celebrations upon completing bike projects (like Cherry Street Greenway)

### *Code Amendments*

- Amend Traffic Schedule to ensure no parking on narrow streets
- Reduce speed limits in residential areas to 20 MPH
- Development ordinance amendments
  - Allow bike parking to count for car parking
  - Bike parking standards conform to Association of Pedestrian & Bicycle Professionals guidelines
- Local ordinance against harassment of cyclists

### *Analysis*

- Online reporting mechanism for cyclists to identify problem areas or hazards to planning/police
- Counts of bicycles on trails/roads and parked at schools
- GIS-based network analysis: identify low-stress routes and barrier intersections/corridors



# The City of Brevard North Carolina

## OLD BUSINESS STAFF REPORT

October 18, 2016

**TITLE:** Short-Term Rentals Text Amendments  
**SPEAKER:** Aaron N. Bland AICP, Planner & Assistant Zoning Administrator  
**PREPARED BY:** Aaron N. Bland AICP, Planner & Assistant Zoning Administrator

**EXECUTIVE SUMMARY:** The Board will reconsider the issue of creating ordinance language to allow short-term rentals within the City of Brevard and its planning jurisdiction.

**BACKGROUND:** The Planning Board last discussed short-term rentals (STRs) on March 15, 2016. At that meeting the Board approved its recommended amendments to the City's Unified Development Ordinance (UDO) that would allow short-term rentals within the City of Brevard and its planning jurisdiction. The recommended amendment then went before City Council.

Council reviewed the Board's proposed amendments beginning in April and again at their meetings in May, June, August, and September of 2016. Council opened a public hearing on June 20, 2016, this hearing was continued until August 15, 2016 for additional information. The hearing was subsequently continued again in August to September 19, 2016 to give the City Attorney and Planning Staff time to conduct additional research pertaining to state laws and local government's authority to regulate short-term rentals.

At their September meeting Council was presented with information about North Carolina General Statute (NCGS) 160A-424(c) which prohibits local governments from requiring permits for rental property. After learning of this statute, Council remanded the STR ordinance back to Planning Board for further consideration in light of the statute.

**DISCUSSION:** North Carolina General Statute (NCGS) 160A-424(c) (revised July 28, 2016) prohibits local governments from requiring permits for rental property. Below is an excerpt of this law:

*"In no event may a city do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the city to lease or rent residential real property or to register rental property with the city, except for those individual rental units that have either more than four verified violations in a rolling 12-month period or two or more verified violations in a rolling 30-day period..."*

This change appears to have significant impact on the City's options related to regulating and permitting short-term rentals. Taking this change into account Staff is presenting revised proposed language, which is included with this staff report; insertions are shown in [blue](#) and deletions are shown in ~~red~~. These

changes are based on the language in the revised statute, and build off of the most recent draft language that City Council considered at their August 15, 2016 meeting. The Board should note that this language has seen several changes from the recommended language the Board approved in March.

A key change is the consolidation of short-term rentals and homestays into a single category. Without the ability to regulate or permit short-term rentals it is not necessary to differentiate between the two types of uses. Due to the fact that permits cannot be required, but standards may be applied, lines 57-89 have been stricken. General requirements for occupancy, appearance, and parking still apply.

**POLICY ANALYSIS:** The City's Comprehensive Plan does not specifically list lodging as a goal, objective, or policy. However, alternative forms of lodging offer more opportunity for varying demographics to find what fits them best to make Brevard a destination. This is consistent with the goals in the Economic Health element of the City's 2015 Comprehensive Plan, which states:

*"The objectives and policies in this element aim to further existing efforts to foster entrepreneurship, retain and attract employers, remain an attractive retirement and tourism destination, and support and strengthen existing businesses."*

**STAFF RECOMMENDATION:** Staff recommends the Board review the revised language and begin to consider how to best regulate STRs in Brevard within the limits of NCGS 160A-424(c). This presentation is intended to reorient the Board with STRs and explain how NCGS 160A-424(c) relates to the City's ability to regulate them; the Board does not need to act on the amendments at this time.

If the Board does decide to take action, NCGS 160A-383 requires that the City's review of the proposed zoning amendment include a written statement analyzing the reasonableness and the consistency of the amendment with any adopted plans and policies of the City. This statement is included as Attachment B.

**FISCAL IMPACT:** North Carolina state law allows for reasonable fees to be collected to offset the costs of administration of development ordinances. However, per the revised state statute, no fees may be collected for short-term rentals.

**ATTACHMENTS:**

- A. Revised Draft Text Amendments
- B. Consistency Statement

# 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           |
|--|---------------------------|----------------|---------------|---------------|---------------|---------------|--------------|
| <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</u>                   | <u>See subsection (d)</u> |                |               |               |               |               | <u>–</u>     |
| <del>Short-Term Rental (Host-Absent)</del> | <del>SUP</del>            | <del>SUP</del> | <del>PS</del> | <del>PS</del> | <del>PS</del> | <del>PS</del> | <del>–</del> |
| <del>Homestay (Host-Present)</del>         | <del>PS</del>             | <del>PS</del>  | <del>PS</del> | <del>PS</del> | <del>–</del>  | <del>PS</del> | <del>–</del> |

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.~~

**STATEMENT OF REASONABLENESS & CONSISTENCY  
WITH CITY POLICIES AND PLANS  
SHORT-TERM RENTAL ZONING ORDINANCE AMENDMENTS**

NCGS 160A-383 requires that the City's review of the proposed zoning amendment include a written statement analyzing the reasonableness and the consistency of the amendment with any adopted plans and policies of the City. The Brevard Planning Board finds that the proposed zoning amendment is **consistent** with the City of Brevard 2015 Comprehensive Plan as demonstrated by excerpt included below:

2015 Comprehensive Plan – Element 2: Economic Health

*The objectives and policies in this element aim to further existing efforts to foster entrepreneurship, retain and attract employers, remain an attractive retirement and tourism destination, and support and strengthen existing businesses. To continue to provide the public services necessary to achieve these goals, the City's tax revenues need to keep pace with increasing costs of providing those services.*

The amendments as proposed are intended to promote the public health, safety, and general welfare of the City of Brevard. Further, these ordinances and intend to preserve and protect the long-established, traditional single-family neighborhoods within the City while allowing those desiring to operate short-term rentals to do so without detriment to those neighborhoods. Short-Term Rentals are lodging uses, as they are typically rented for less than 30 days.



# The City of *Brevard* North Carolina

## OLD BUSINESS STAFF REPORT

October 18, 2016

**TITLE:** Annual Work Plan  
**SPEAKER:** Daniel Cobb AICP, CFM, CZO – Planning Director  
**PREPARED BY:** Daniel Cobb AICP, CFM, CZO – Planning Director

**EXECUTIVE SUMMARY:** Staff has prepared a rough draft document to be used as a basis for an annual work plan for the Board.

**BACKGROUND:** Earlier this year Staff broached the idea of an annual work plan for the Board to help guide them throughout the fiscal year. There was positive feedback on this idea so Staff has prepared a very rough draft for the Board's review.

**DISCUSSION:** Each fiscal year city departments submit an annual budget which must account for any potential projects that may arise, as well as projects specifically required by City Council. With the exception of larger projects like the Comprehensive Plan, there has not been any planning associated with the Planning Board in the past. This is an effort to capture any ideas or projects the Board would like to consider throughout the remainder of the fiscal year. If such plans, studies, or projects require future funding, it can be programmed into future budget requests just as other projects are.

The document provided is in its infancy and needs additional work. Staff has simply created a format and placed a few ideas for consideration and give the Board an idea of how it can be utilized.

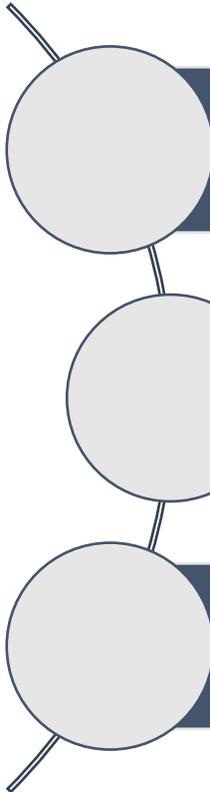
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### ATTACHMENTS:

- A. Fiscal Year 2016-2017 Work Plan



City of Brevard Planning Board

Annual Work Plan

Fiscal Year 2016-2017



# Meeting Schedule

## Third Tuesday

July 19, 2016 – 6:00PM

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The City of  
*Brevard*  
North Carolina

# Membership

|                          |                             |
|--------------------------|-----------------------------|
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| Demi Loftis – Vice Chair | Term Expires September 2018 |
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The City of  
*Brevard*  
North Carolina

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- a. Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in those conditions.
- b. Prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area.
- c. Establish principles and policies for guiding action in the development of the area.
- d. Prepare and recommend to the city council ordinances promoting orderly development along the lines indicated in the comprehensive plan.
- e. Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of this area.
- f. Keep the city council and the general public informed and advised as to these matters.
- g. To review and make a recommendation on text amendments, rezoning applications, and annexations, and certain Category III Land Development Applications, including Planned Development Districts, Conditional Zoning Districts, special use permits (upon request from the board of adjustment), and other requests as set forth in this ordinance.
- h. To render opinions and make recommendations on all issues and petitions related to the City of Brevard Code of Ordinances and other land use plans and policies, transportation plans and policies, road closings, and other policies which may be adopted from time to time which require approval by the city council.
- i. To review with the city manager and other city officials and report its recommendations to the city council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines and proposals to change existing street lines. However, in the absence of a recommendation from the board, the city council may, if it deems wise, after the expiration of 30 days from the date on which the question has been submitted in writing to the board for review and recommendation, take final action.
- j. Perform any other duties which may lawfully be assigned to it.



The City of  
*Brevard*  
North Carolina

# Membership and Terms of Office

- a. The BPB shall consist of a total of seven members with four members residing within the city and three members residing in the extraterritorial jurisdiction. The members residing in the ETJ shall have equal right, privileges and duties with other members of the board in all matters pertaining to the Unified Development Ordinance both within the corporate limits of the city and within its ETJ.
- b. In accordance with G.S. 160A-360, the total membership of the BPB shall be proportional to the population of residents of the city and residents in the ETJ area. At a minimum, the membership of the board shall be examined following every decennial census, and changes shall be made as necessary to maintain an appropriate balance of city and ETJ board membership.
- c. Representatives from within the corporate limits shall be appointed by the Brevard City Council. Representatives from the ETJ area shall be appointed by the Transylvania County Board of Commissioners.
- d. The term of office shall be three years staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.
- e. The BPB shall elect the board chair and vice-chair from among its members. They each shall serve a one-year term.



The City of  
*Brevard*  
North Carolina

# Rules of Procedure

Adopted 18 June 2013

## Article I. Name

The name of this organization is the City of Brevard Planning Board, hereinafter referred to as the “Board.”

## Article II. Purpose and Powers

The purpose of the Board is to function as the planning agency for the City of Brevard and to exercise all powers and duties specified by Section 15.1 of the City of Brevard Unified Development Ordinance (UDO), as such may be amended from time to time, and to fulfill such other responsibilities as may otherwise be delegated to the Board by City Council.

## Article III. General Rules

The Board shall be governed by the Ordinances of the City of Brevard and the Laws of the State of North Carolina. The Board shall follow the procedures outlined in *Suggested Rules of Procedure for Small Local Government Boards*, except as they may be modified by these rules of procedure.

## Article IV. Jurisdiction

The Board’s jurisdiction shall apply equally within the City limits and the City’s area of extraterritorial jurisdiction.

## Article V. Organization

**Section 1. *Membership.*** The Board shall consist of seven members, four of whom shall be residents of the City of Brevard; the other three shall be residents of the City’s extraterritorial jurisdiction. The members who reside in the extraterritorial jurisdiction shall be entitled to equal rights, privileges and duties with other members of the board regardless of where the matters at issue arise.

**Section 2. *Officers.*** At its January meeting each year, the Board shall elect a chair and vice-chair for the coming year. The chair and vice-chair shall hold office for one year and shall be eligible for reelection. The chair shall preside over all meetings of the Board. The vice-chair shall assist the chair and shall serve as acting chair in the absence of the chair. If the chair is vacated the vice-chair shall become the chair for the remainder of the vacated term.

**Section 3. *Attendance at Meetings.*** Members are expected to attend all meetings of the Board. In accordance with Section 15.4 of the UDO, any member who attends less than 75%



The City of  
*Brevard*  
North Carolina

of the regular and special meetings held by the Board during any one year period may be removed from the Board by City Council. The Chair shall notify the proper appointing authority if a member fails to abide by this requirement.

**Section 4. *Conflict of Interest.*** No Board member shall take part in the hearing, consideration, or deliberation of any case or matter before the Board in which the Board member, or any member of the Board member's family, either directly or indirectly, is a party or has any financial interest.

**Section 5. *Committees.*** The Board shall have such standing committees as it finds necessary and convenient. In addition the chair may create ad hoc committees. The chair shall designate the membership of all committees. The chair shall be either an active or ex-officio member of all committees.

## VI. Meetings

**Section 1. *Regular Meetings.*** The Board shall hold a regular meeting on the third Tuesday of each month or at such other time as it may find convenient.

**Section 2. *Special Meetings.*** The chair may call special meetings. A majority of the Board may by written demand of a majority of its members call a meeting. Written notice of a special meeting shall be provided to all members at least one week in advance of the meeting.

**Section 3. *Cancellation of Meetings.*** Whenever there is no business for the Board the chair may cancel a meeting, by giving notice to all members not less than twenty-four hours before the time set for the meeting. In the event of severe weather or other sufficient cause the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. In the case of a meeting called by a majority of the Board the chair may cancel the meeting only upon the concurrence of a majority of the Board.

**Section 4. *Quorum.*** A majority of members shall constitute a quorum for the conduct of business of the Board or of any committee.

**Section 5. *Conduct of Meetings.*** All meetings shall be noticed and open to the public as provided by law. Any person who may be substantially affected by final action in any matter that comes before the Board may appear in person or by agent or attorney to make presentations respecting any such matter. The Chair may impose reasonable restraints on presentations.

**Section 6. *Voting.*** Members must be present to vote on any matter. Except as may be otherwise required by these rules or other prevailing law, any motion to be carried must have the vote of the majority of members actually voting. The chair shall be eligible to vote as any other member.



**Section 7. *Electronic Notice.*** Notice to a member conforms to a requirement of these rules to be in writing if sent by electronic mail to an electronic address provided by the member and not returned to the sender with an error message.

**Article VII. Public Hearings**

**Section 1. *Conduct of Hearings.*** The Board may conduct public hearings to fulfill its responsibilities as specified in Section 15.1 of the City of Brevard UDO. The chair shall preside at all hearings and unless overruled by a majority of the board shall have plenary power to limit presentations in the interest of brevity, clarity, fairness or other considerations. "Limit" in this sense shall be construed broadly, and shall include the power to provide for the representation of groups by spokespersons.

**Section 2. *Review of Zoning Amendments.*** The Board shall advise and comment on whether any proposed zoning amendment is consistent with the 2002 Land Use Plan, any other comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Board shall provide a written recommendation to City Council that addresses plan consistency and other matters as deemed appropriate by the Board.

**Article VIII. Amendments**

These rules may be amended at any meeting after the meeting at which the amendment is first presented upon an affirmative vote of not fewer than four members of the Board.

Adopted by at least four members of the Board this 20th day of August, 2013.

\_\_\_\_\_

Board Chair, Rick Lasater

\_\_\_\_\_

Board Vice Chair, Gary Daniel

\_\_\_\_\_

Board member, Seyl Park

\_\_\_\_\_

Board member, Kimsey Jackson

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Board member, Demi Loftis

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Board member, Paul Welch

\_\_\_\_\_

Board member, Norah Davis



The City of  
*Brevard*  
North Carolina

- Studies and Plans
- Code Amendments
- Permits
- Special Projects



The City of  
*Brevard*  
North Carolina

# Studies and Plans

Railroad Avenue Small Area Plan

Pisgah Forest Small Area Plan

Rosenwald Small Area Plan



The City of  
*Brevard*  
North Carolina

# Code Amendments

Short-Term Rentals



The City of  
*Brevard*  
North Carolina

# Permits

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Rezoning's

Annexations



The City of  
*Brevard*  
North Carolina

# Special Projects

Land Development Code

NFIP Outreach

Training

Update Rules of Procedure



The City of  
*Brevard*  
North Carolina



# The City of *Brevard* North Carolina

## OLD BUSINESS STAFF REPORT

October 18, 2016

**TITLE:** Annual Work Plan  
**SPEAKER:** Daniel Cobb AICP, CFM, CZO – Planning Director  
**PREPARED BY:** Daniel Cobb AICP, CFM, CZO – Planning Director

**EXECUTIVE SUMMARY:** Staff has prepared a rough draft document to be used as a basis for an annual work plan for the Board.

**BACKGROUND:** Earlier this year Staff broached the idea of an annual work plan for the Board to help guide them throughout the fiscal year. There was positive feedback on this idea so Staff has prepared a very rough draft for the Board's review.

**DISCUSSION:** Each fiscal year city departments submit an annual budget which must account for any potential projects that may arise, as well as projects specifically required by City Council. With the exception of larger projects like the Comprehensive Plan, there has not been any planning associated with the Planning Board in the past. This is an effort to capture any ideas or projects the Board would like to consider throughout the remainder of the fiscal year. If such plans, studies, or projects require future funding, it can be programmed into future budget requests just as other projects are.

The document provided is in its infancy and needs additional work. Staff has simply created a format and placed a few ideas for consideration and give the Board an idea of how it can be utilized.

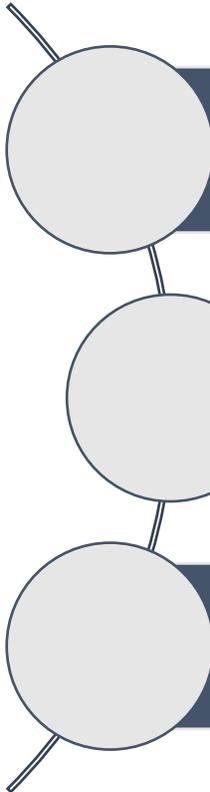
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City of Brevard Planning Board

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The City of  
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North Carolina

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The City of  
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North Carolina

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- Code Amendments
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The City of  
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The City of  
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The City of  
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