Short-Term Rentals

Brevard Planning Board

October 20, 2015

The City of Brevard North Carolina

Outline

- Purpose
- Background information
- Brevard’s current regulations
- Regulation examples from other cities

Purpose

Staff has received direction from City Council to explore options for new ordinance language specific to short-term rentals in Brevard.

At their September 21st meeting, all Councilmembers were in favor to send the issue to Planning Board to begin the amendment process.

Council's Discussion

Background Information

- Renting of bed/room/house to a paying customer
- Rental period of less than one month
- Web-based listings on Airbnb, VRBO and Flipkey
- Often not subject to same health, safety, and building code standards as other lodging types
- Have largely gone unregulated
- Many hosts simply not aware of regulations

Background Information

- Multiple types of STRs
  - Owner-occupied vs. non-owner-occupied
  - Entire house vs. individual rooms
  - Serve breakfast vs. no food service
  - Primary structure vs. accessory structure

Background Information

- Pros
  - Allow homeowners ability to earn additional income
  - Encourage tourism which contributes to local economy
  - Market-driven alternatives to traditional lodging
- Cons
  - Commercial activity in residential areas
  - Impacts on neighbors
    - Noise
    - Trash
    - Parking/traffic
  - Reduces affordable housing stock
  - Unfair competition
  - Potentially unsafe for guests

Current Conditions

- 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.*
- Any stay under one month classified as lodging

Current Conditions

2.2.B.1 – Any use not listed in the use matrix and not otherwise explicitly permitted within this ordinance is prohibited, unless the administrator determines that it falls within the same class as a listed use as set forth below.

District	GR	RMX	NMX	DMX	CMX	IC	GI
Bed & Breakfast Home	PS	PS	PS	PS	PS	PS	–
Bed & Breakfast Inn	SUP	PS	PS	PS	PS	PS	–
Accessory Rental Cottages/Cabins*	PS	PS	PS	–	–	–	–
Hotels/Motels/Inns	–	–	–	P	P	P	–
Rooming or Boarding House	–	–	P	P	P	P	–
Recreational Vehicle Park	–	–	–	–	–	–	–

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

Current Conditions

- Bed and breakfast establishments:

  Establishments primarily engaged in providing short-term lodging in facilities known as bed and breakfast inns. 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.

Current Conditions

- Bed and breakfast establishments:

  Bed and breakfast establishments are separated into two distinct categories: “Bed and breakfast home,” and “Bed and breakfast inn.”

  1. “Bed and breakfast home” means a private home offering bed and breakfast accommodations to eight or less persons per night for a typical period of less than one week, that does not serve food or drink to the general public for pay, and which is the permanent residence of the owner or manager of the business.
  2. “Bed and breakfast inn” means a business offering bed and breakfast accommodations to not more than 24 persons for a typical period of less than one week and that does not serve food or drink to the general public for pay.

Current Conditions

3.9. - Bed and breakfast home (GR, RMX, NMX, DMX, CMX, IC) permitted with standards.

A. Other than a business identification sign as provided for in paragraph J, below, no display of goods, products, services, or other advertising shall be visible from outside the building.
B. The manager of the facility shall reside on the premises.
C. The facility may employ no more than one full-time equivalent (FTE) employee who does not reside on the premises.
D. On-premise retail sales shall not be a component of the bed and breakfast home.
E. No activities other than lodging, a morning meal, and an evening and/or afternoon refreshment shall be provided.
F. Activities shall be provided for overnight guests only.
G. 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 bed and breakfast home is located, at the rear of the lot and screened with vegetation from adjacent properties and from the street.
H. No accessory structures shall be used to accommodate guests.
I. No home of less than 2,500 heated square feet shall be used for a bed and breakfast home.
J. Signage shall be limited to a single sign, not to exceed four square feet, attached to the home.
K. Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
L. Bed and breakfast homes shall comply with N.C. State Building Code requirements that are in effect at the time the use is begun, subject to the requirements of Chapter 14 of this ordinance.

Current Conditions

- 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.

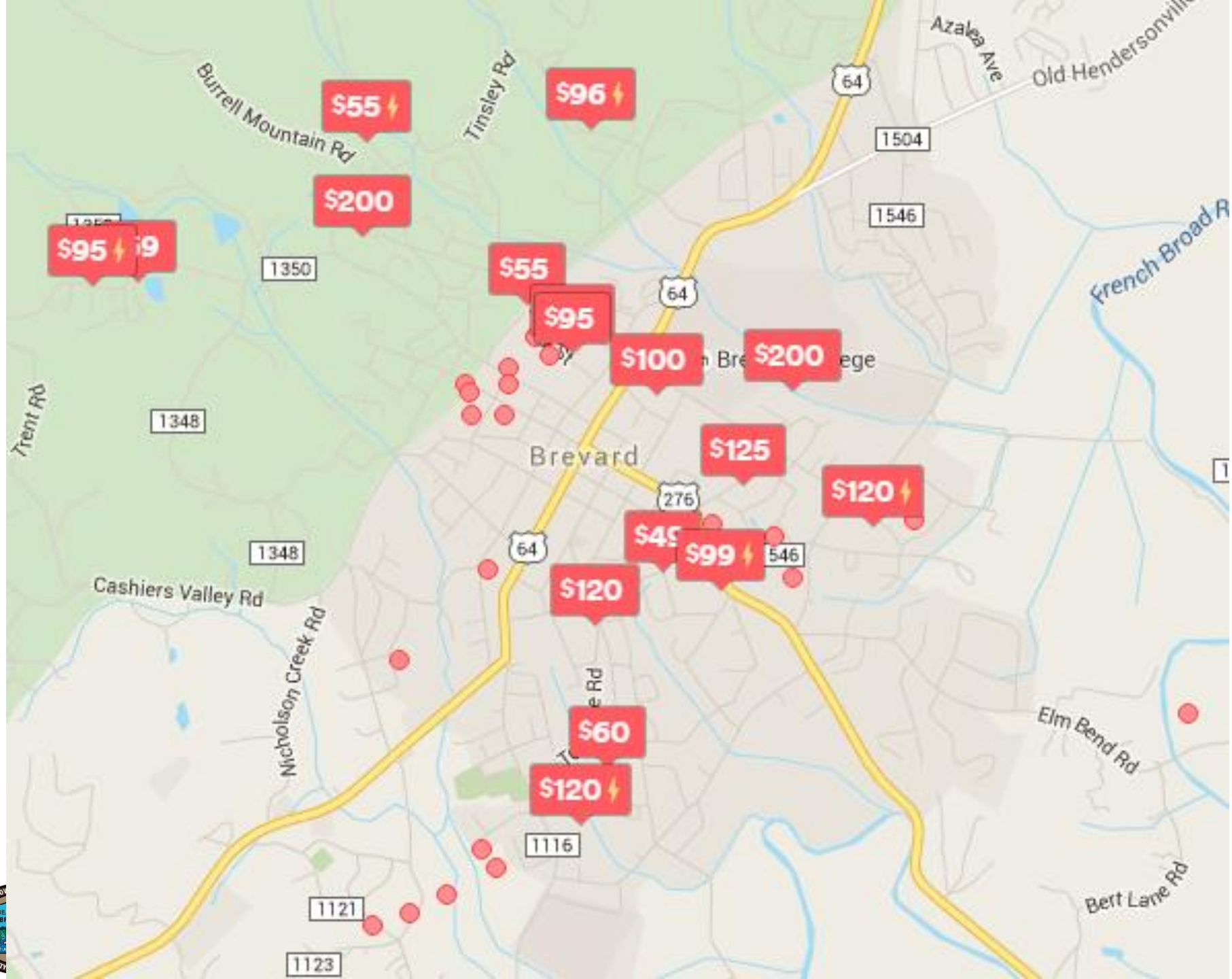
Current Conditions

District	GR	RMX	NMX	DMX	CMX	IC	GI
Bed & Breakfast Home	PS	PS	PS	PS	PS	PS	–
Bed & Breakfast Inn	SUP	PS	PS	PS	PS	PS	–
Accessory Rental Cottages/Cabins*	PS	PS	PS	–	–	–	–
Hotels/Motels/Inns	–	–	–	P	P	P	–
Rooming or Boarding House	–	–	P	P	P	P	–
Recreational Vehicle Park	–	–	–	–	–	–	–

Current Conditions

If relying on the current language:

- Staff will contact owners of listed rentals.
- Those operating in allowable districts will be required to submit an application for zoning approval and demonstrate compliance with existing regulations.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Tinsley Rd
Azalea Ave
Old Hendersonville
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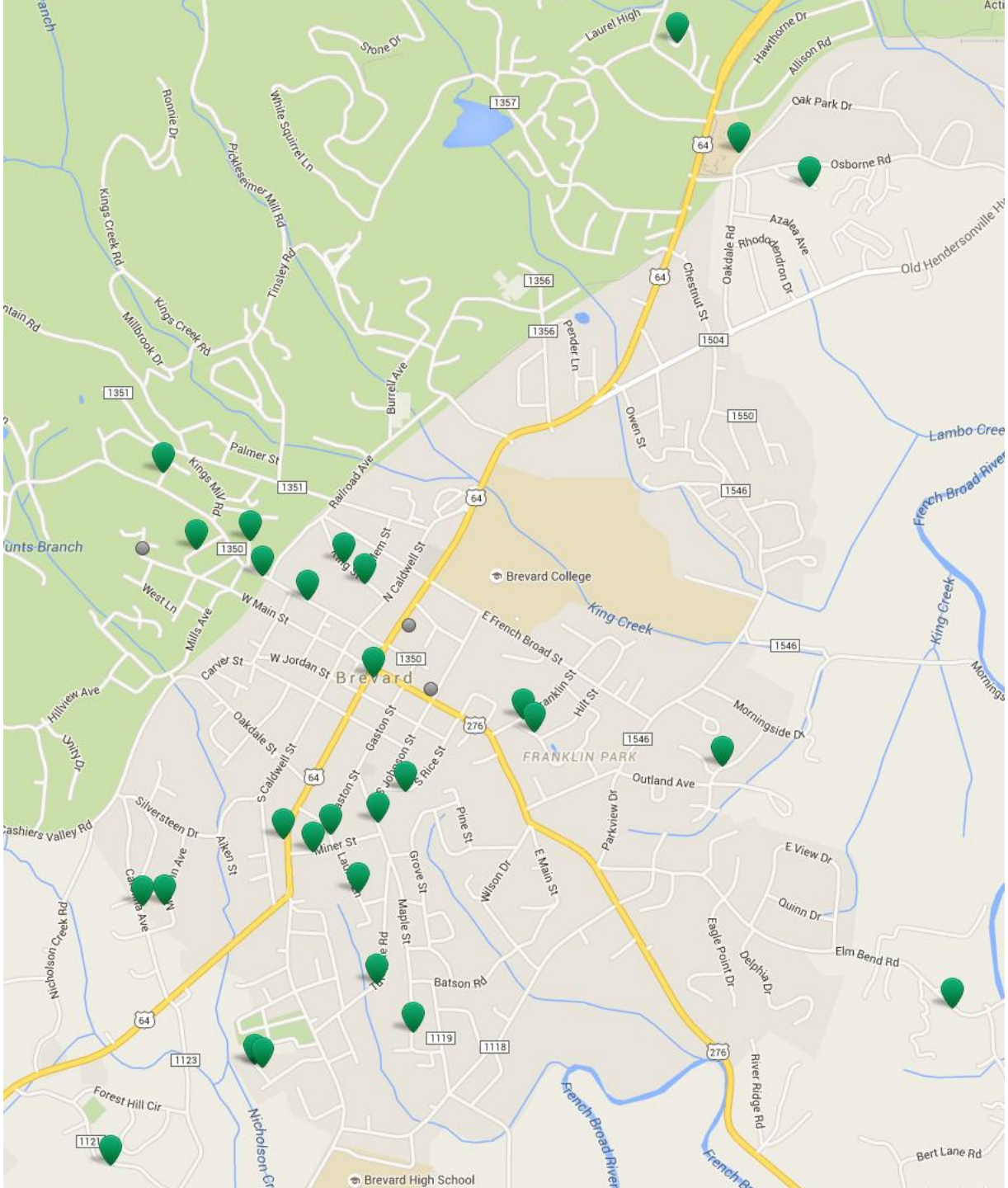
Trent Rd
Brevard
Cashiers Valley Rd
Nicholson Creek Rd
French Broad R
Elm Bend Rd
Bert Lane Rd


Brevard
Brevard College
Brevard High School
FRANKLIN PARK
King Creek
French Broad River
Lambo Cree
Stone Dr
Laurel High
Hawthorne Dr
Allison Rd
Oak Park Dr
Osborne Rd
Azalea Ave
Rhododendron Dr
Old Hendersonville Hy
Oakdale Rd
Chestnut St
Ronnie Dr
White Squirrel Ln
Pickleseimer Mill Rd
Kings Creek Rd
Tinsley Rd
Millbrook Dr
Burrel Ave
Pender Ln
Owen St
Palmer St
Kings Mill Rd
Railroad Ave
N Caldwell St
W Main St
West Ln
Mills Ave
Carver St
W Jordan St
Hillview Ave
Unity Dr
Oakdale St
S Caldwell St
Gaston St
S Johnson St
S Rice St
Franklin St
Hill St
Morningside Dr
Outland Ave
Parkview Dr
E View Dr
Quinn Dr
Elm Bend Rd
Eagle Point Dr
Delpha Dr
River Ridge Rd
Bert Lane Rd
E French Broad St
E Main St
Pine St
Wilson Dr
Grove St
Maple St
Miner St
Aiken St
Silversteen Dr
Cashiers Valley Rd
Nicholson Creek Rd
Batson Rd
Forest Hill Cir
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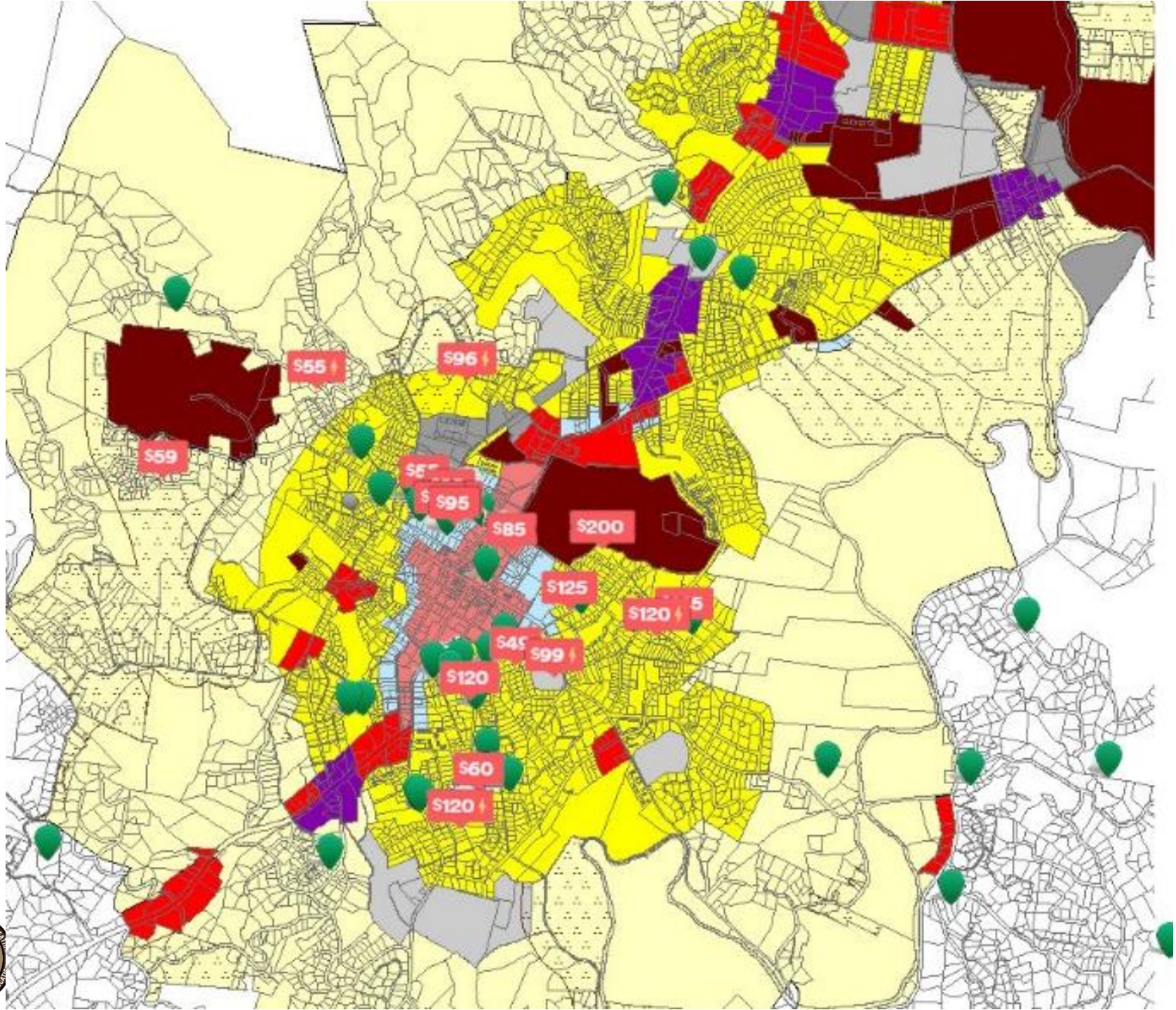
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Example Regulations

- Occupancy limits
- Spacing between rentals
- Proof of insurance, compliance with fire safety measures, etc.
- Minimum length of stay (limiting turn over)
- Prohibiting short-term rentals for bachelor or bachelorette parties
- Designating areas where short-term rentals are allowed, allowed with restrictions, or not allowed at all (i.e. typical zoning)
- Providing publically available contact information for local person responsible for handling any problems that may arise
- Requirements for providing off-street parking
- Noise and nuisance provisions
- Limiting hours before and after collection that garbage receptacles can be placed in front of the home

City	Palm Desert, CA	Ocean Isle, NC	Telluride, CO	Charleston, SC	Portland, OR	Austin, TX	Blowing Rock, NC	Cornelius, NC	Santa Monica, CA	Estes Park, CO *	New Bern, NC
Ordinance Requirements											
Complete Ban											
Ban in certain areas				Y		Y	Y			Y	Y
Must be owner-occupied					Y				Y		Y
Cap of number of STRs				Y							
Cap on percentage of homes used as STRs						Y					
Cap on number of nights rented in a given time period			Y					Y			
Registration required	Y		Y	Y	Y	Y	Y	Y	Y	Y	
Fee required	Y				Y	Y	Y		Y		
Inspection required					Y	Y		Y			
Consequences for violations	Y				Y	Y	Y				
Parking requirements (min and/or max)	Y			Y	Y	Y	Y			Y	
Trash/recycling requirements			Y			Y					
Mandatory designated representative	Y		Y			Y				Y	
Minimum stay	Y										
Maximum occupancy	Y			Y						Y	Y
Notification of neighbors					Y	Y					

In North Carolina

- Most cities have no specific ordinances
- By default, most cities allow in residential areas
- Many cities have regulations that could be applied to STRs
  - B&Bs, homestays, tourist rentals, etc.
- Enforcement is difficult and complaint-driven

Asheville

Separated into two categories:

- Short-Term Rental – “The renting of property for overnight stays less than 30 days. The owner does not reside in the home.”
- Homestays – “An owner-occupied single-family home with more than 2,500 square feet, and offering one to three guest rooms. This use allows the owner to rent rooms in the home for less than 30 days as long as the owner resides in the home on a full-time, permanent basis.”

Asheville

Short-term rentals

- Allowed in zoning districts that allow lodging
- Lodging not generally allowed in residential districts
  - Homestays and B&Bs are exception
- Illegal renters in residentially zoned areas
  - City verifies complaint
  - Property owner issued a Notice of Violation
  - Daily $100 fine
  - Can appeal staff's decision to Board of Adjustment

Asheville

Homestays

- Allowed by right, subject to special requirements in RS-2, RS-4, RS-8, RM-6, RM-8, RM-16 districts
- Off-street parking required:
  - Minimum: 1 space per room, plus 1 for manager/owner and 1 for each employee
  - Maximum: 1 space per ½ room, plus 2 for manager/owner and 1 for each employee
- Maximum of 25% of floor area of unit
- Minimum size of 2,500 heated square feet
- No signs in single-family residential districts
- Minimum 500’ separation from other homestays and B&Bs

Blowing Rock

- “Temporary Residences” listed in ordinance
- “Tourist homes and other temporary residences renting by the day or week” allowed in:
  - Central Business, Town Center, General Business & Office/Institutional districts
- Short-term rental of a dwelling unit is defined as “the rental, lease, or use of an attached or detached residential dwelling unit for a duration of less than 28 consecutive days.”

Blowing Rock

- Always require Conditional Use Permit
- Same zoning limitations as hotel/motel and B&Bs
- One dedicated parking place per room required
- $500 fine for illegal operation

Occupancy Taxes

North Carolina

- Guests who book Airbnb listings that are located in the State of North Carolina will pay the following taxes as part of their reservation:
  - **North Carolina Sales Tax**: 6.75-7.5% of the listing price including any cleaning and guest fees for reservations less than 90 nights. The State imposes both a statewide 4.75% tax and a local 2-2.75% tax, which varies by county.
  - **City and/or County Occupancy Tax**: All locally imposed occupancy taxes will be collected on reservations in North Carolina. The tax varies by city and county. It is typically 1-8% of the listing price including any cleaning and guest fees for reservations less than 90 nights.

Discussion

- Do current use categories of Bed & Breakfast Home and Rooming/Boarding House suffice?
- In what zoning districts are STRs appropriate?
- Are lodging uses of any kind or duration appropriate in residential districts?
- What are the major issues that new regulations should protect against?