

MINUTES
SHORT-TERM RENTAL (STR) TASK FORCE
SPECIAL CALLED MEETING
Thursday, May 18, 2023- 11:00 AM
City Council Chambers

Members Present: Geraldine Dinkins, Council Member, Co-Chair
Aaron Baker, Council Member, Co-Chair
Nory LeBrun
Mack McKeller, City Attorney, Ex Officio Member
Hannah Bowers
Isaac Allen
Dee Dee Perkins
Madeline Offen

Absent: Tripp Presnell
Jeremy Owen

Staff Present: Janice Pinson, Clerk
Aaron Bland, Assistant Planning Director

I. Welcome, Call to Order and Introduction

Co-Chair Aaron Baker welcomed everyone and called the meeting to order at 11:00 AM.

II. Certification of Quorum

Quorum was certified by Co-Chair Aaron Baker.

III. Approval of Agenda

Motion to approve agenda Isaac Allen, second by Geraldine Dinkins, unanimously carried.

IV. Approval of Minutes-

Motion to approve the April 20, 2023, minutes as written by Dee Dee Perkins, seconded by Geraldine Dinkins unanimously carried.

V. Public Comment –

The following were allowed to speak:

Sasha Jones – 266 W. Probart Street – Ms. Jones stated that she does not support any restrictions the Task Force imposes on short term rentals, or any ideas on how she can rent my house. That the stakes are high for residents like herself. She said there are a lot of court rulings, pending state legislation and the consideration of personnel to regulate to consider in the process.

Kevin Gallo, 671 Probart Street – Mr. Gallo stated that he has been to several of the meetings. When an area is residential people have expectations of land use. He believes that reasonable guidelines should be in place. His opinion is that once a residential home becomes a short-term rental it is a business. He cannot understand why there continues to be discussion about current short-term rental owners when it has already been recommended that they be grandfathered. That there needs to be more clarification in general.

VI. Update on Pending State Legislation –

A. Baker explained that the bill on the floor did not make cross over so that as of today, it is not moving forward but that it could come up at a session later this year.

Mack McKeller explained that nothing more has occurred that Senate bill 667 is sitting in a committee in Raleigh and did not make the cross over.

VII. Discussion – Policy Discussion

Aaron Bland read a portion of Resolution No. 2021-47 establishing the short-term rental task force: the Task Force shall obtain data on short-term rentals in the City of Brevard, assess positive and negative impacts of short-term rentals and provide recommendations to City Council for consideration.

A. Baker stated he would like to recap decisions thus far, further stating that none of the recommendations would restrict anyone's ability to operate a short-term rental if there is a permanent resident on the property. If there is any change to the ordinance these properties would be grandfathered if the use remains and continues without a 180 day lapse in the use.

That the committee has already agreed by straw vote to have no restrictions in the following zoning districts – Downtown Mixed Use (DMX), Residential Mixed Use (RMX) and Neighborhood Mixed Use (NMX).

Aaron Bland explained that CMX, corridor mixed use is the most commercial district, main auto-oriented areas. CMX does not allow single family or duplexes, but townhomes and multi-family units are allowed.

After discussion on CMX – the task force took a straw vote to allow short-term rentals in the Corridor Mixed Use zoning district which was unanimous.

General Industrial (GI) was discussed briefly and because the GI zoning district does not allow any residential or lodging uses, the task force took a straw vote to not allow STR in this zoning district which was unanimous.

GR8 – general residential zoning district recommendation to City Council to grandfather existing short-term rentals but to not allow in the future if a permanent resident lives in the premises.

There was further discussion and then Aaron Baker restated for the straw poll.

To grandfather short term rentals but not allow any in the future with no owner or operator on site. Explaining the vote is on whole house being used as short-term rental. It was further discussed and stated that the uses of accessory structures, room in your house, renting your house while on vacation, and renting out a second home have all been excluded by our definition. Further, that when a whole house is used for short-term rental only, it ceases to be a residential property and becomes wholly a commercial use, and the purpose of our land use rules is to regulate land use so that property owners know what is allowed around them.

Nory LeBrun stated that he represents the Chamber, that he lives in Lake Toxaway, so he is present with knowledge about another place. That he has not noticed that the character of neighborhoods has really changed. He still thinks that some polling should include those people who live some place else who have bought homes here to get their opinions.

Isaac Allen shared his thoughts on living in a house and paying a mortgage having likeness to a short-term rental. Stating that so many people come to Transylvania County for weddings and family events and come here because they have commitments here and that short-term rentals are an affordable alternative to hotel rooms for families. He further explained that he did not recall any survey differences for people living on site or 50 miles away. As to neighborhoods changing, we need to understand that change is inevitable.

After further discussion in favor of zoning regulations on short-term rentals to keep residential neighborhoods intact with visitors sprinkled throughout. With onsite owners or operators there are likely less problems with noise, pets, parking, etc.

GR8 straw poll vote was taken as to not going forward with any new short-term rentals in the general residential 8 zoning district, 5 voted in favor and 2 opposed.

Next was discussion of the IC – Institutional Campus zoning district, which includes schools, churches, park lands, campus areas that are not in a special district. Short-term rentals are not allowed but overnight accommodations is allowed.

Straw poll vote to allow in IC zoning district was unanimously in favor.

GR4 – primarily located in the ETJ (Straus and Deerlake are in this zoning district, but they do not allow STR). There is no difference is GR4 and GR8 other than density requirements.

Straw poll vote was taken to adhere to the same recommendation as GR8, to not allow any new short-term rentals moving forward. Vote 5 in favor and 2 opposed.

Aaron Bland, Assistant Planning Director, stated that he would start crafting an ordinance and asked if the committee wanted to recommend any additional standards. Advising the committee that they could make recommendations for personnel to regulate the ordinance.

It was discussed that registrations are illegal, and that a list cannot be kept. That enforcement will be challenging, and most likely complaint driven.

There was discussion about the Wilmington case.

Mack McKeller shared that our current ordinance was in a book by UNSOG as a good example.

Attorney McKeller recommended that there be a preamble to the ordinance as to the reasons for it. He suggested the following language: "In order to maintain the predominantly residential character of traditional neighborhoods in the City of Brevard and the Extra-Territorial Jurisdiction thereof, and to encourage an increase in housing stock available within the City and the Extra-Territorial Jurisdiction."

Straw poll vote on adding preamble as recommended was unanimously approved.

VIII. Set Date for Next Meeting, June 15, 2023.

The next meeting of the Short-Term Rental Task Force is scheduled for June 15, 2023, at 11:00 AM in City Council Chambers.

IX. Next Steps

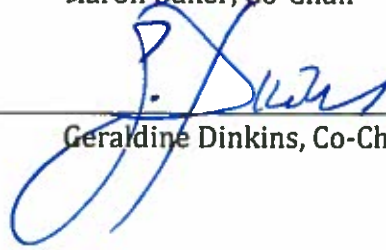
Aaron Bland will craft a proposed ordinance for review at the next meeting.

X. Adjourn

There being no further business, a motion was made to adjourn by Geraldine Dinkins, seconded by Hannah Bowers. The motion carried unanimously, and the meeting adjourned at 12:20 PM.



Aaron Baker, Co-Chair



Geraldine Dinkins, Co-Chair