

**ORDINANCE NO. 2023-37**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT  
ORDINANCE: CHAPTER 2 – DISTRICT PROVISIONS AND  
CHAPTER 3 – USE DEFINITIONS AND STANDARDS,  
SPECIFICALLY AMENDING REGULATIONS FOR SHORT-TERM RENTALS**

**WHEREAS**, on September 20, 2021 the City of Brevard City Council adopted Resolution Number 2021-47 establishing the Short-Term Rental Task Force for the purposes of obtaining data about short-term rentals in the City of Brevard, assessing their positive and negative impacts, and providing recommendations to City Council; and,

**WHEREAS**, the Task Force has worked diligently since its inception, including initiating data-gathering endeavors such as an economic impact analysis and representative public survey; and,

**WHEREAS**, on June 15, 2023, the Task Force recommended that the Brevard Unified Development Ordinance, Chapters 2 & 3 be amended to update the City's regulations of short-term rentals; and,

**WHEREAS**, the City of Brevard Planning Board discussed these recommendations on June 27, 2023 and has recommended in favor of the amendments as recommended by the Task Force; and,

**WHEREAS**, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following adopted plans and policies:

*Building Brevard 2030 Comprehensive Land Use Plan*

***LUH-16:** Provide support for the preservation and rehabilitation of existing affordable housing.*

***LUH-17:** Monitor impacts and consider additional regulations for short-term rentals. Follow recommendations from the City's Short-Term Rental Task Force.*

and,

**WHEREAS**, a public hearing was conducted on Monday, August 7, 2023, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:**

**SECTION 01.** Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

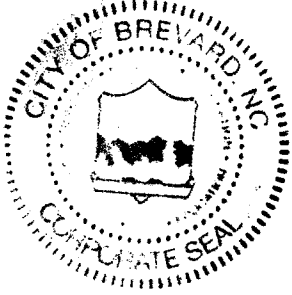
**SECTION 02.** The Short-Term Rental Task Force, its purpose being completed, is hereby dissolved.

**SECTION 03.** As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

**SECTION 04.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 05.** This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon first reading this the 21<sup>st</sup> day of August 2023.



*Maureen Copelof*  
\_\_\_\_\_  
Maureen Copelof  
Mayor

ATTEST:

*Denise Hodsdon*  
\_\_\_\_\_  
Denise Hodsdon, CMC  
City Clerk

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
Mack McKeller  
City Attorney

**EXHIBIT A**

**2.2.C Use matrix**

<b>Lodging</b>		<b>GR</b>	<b>RMX</b>	<b>NMX</b>	<b>DMX</b>	<b>CMX</b>	<b>IC</b>	<b>GI</b>
<b>Overnight accommodations</b>	All overnight accommodations, except as listed below	—	—	—	P	P	P	—
	Bed and Breakfast	PS	PS	PS	PS	PS	PS	—
	Short-Term Rental (STR)	—	PS	PS	PS	PS	PS	—

**3.6.1.C. Short-term rental**

- a. Purpose: The regulation of short-term rentals, as defined below, is intended 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 its ETJ.
- b. Definition: A private residential property that is rented, either in whole, or part, for periods of less than 30 days for compensation. The following activities shall not be considered as a Short-Term Rental use for the purposes of this ordinance:
  - i. Dwelling units rented, in whole or in part, where a permanent resident lives on-site on the property. This shall include attached or detached accessory dwelling units where the operator lives elsewhere on the property.
  - ii. 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.
  - iii. Rentals of property in any permitted hotel, motel, inn, rooming or boarding house, or bed and breakfast establishment.
- c. Existing STRs in GR Districts:
  - i. Existing STRs in General Residential zoning districts in operation at the time of the effective date of this ordinance shall be allowed to continue operations, in accordance with Section 14.2 – Nonconforming Uses.
- d. Additional Standards:
  - i. A typical zoning permit shall be required solely to verify notification and agreement to comply with the additional standards contained herein
  - ii. 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 tax records. For example: a two bedroom rental would have an occupancy limit of 6 (2 × 2 bedrooms = 4 + 2 additional = 6 total).
  - iii. Existing dwelling units used as short-term rentals in GR zoning districts shall maintain their residential character and outside appearance.
  - iv. No signs shall be permitted.
  - v. All exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
  - vi. Parking requirements shall be provided for the type of dwelling unit, per Chapter 10 of this ordinance.