



AGENDA
BREVARD PLANNING BOARD– REGULAR MEETING
Tuesday, February 16, 2016 – 7:00 PM
Council Chambers

- I. Welcome**
- II. Introduction of Board Members**
- III. Approval of Minutes –**
 - a. January 26, 2016
- IV. New Business - None**
- V. Old Business –**
 - a. Annual review Sign Chapter 12.9.J
 - b. Short term rentals
- VI. Other Business**
- VII. Adjourn**

**MINUTES
BREVARD PLANNING BOARD – SPECIAL CALLED MEETING
JANUARY 26, 2016**

Brevard Planning Board met for a special called meeting, Tuesday, January 26, 2016, at 7:00 PM in Council Chambers of City Hall.

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

Members Absent: Demi Loftis

Staff Present: Daniel Cobb, Planning Director
Aaron Bland, Long Range Planner
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 there was a moment of silent reflection. Board members and staff introduced themselves.

II. Approval of Minutes –

- a. November 17, 2015, F. Porter made a motion to approve with suggested changes, seconded by J. Perkins, unanimously approved with changes.
- b. December 10, 2015, motion to approve by J. Perkins, seconded by Keenan Smith, unanimously approved as written.

III. New Business –

- a. Presentation by Annette Raines, Transylvania County Tax Administrator, Countywide Reappraisal 2016.
- b. Annual Review Sign Chapter 12.9.J

Daniel Cobb presented his staff report, which is attached hereto and labeled, "Exhibit A". He explained that this section of the UDO is subject to an annual review by the Planning Board.

J. Perkins stated his concerns that people are using the decorative flags as permanent signage.

K. Smith suggested deletion of section 12.6 and using 12.9 for a clearer take away.

C. Strassner suggested any prohibitions be added to 12.9.

K. Thompson ask for explanation of 12.8 which D. Cobb explained stating that this section basically outlines signs allowed without a permit.

K. Jackson asked for regulations for political signage.

D. Cobb explained that signs are allowed 90 days prior to the election or primary and must be removed 10 days after the election. The signs are required to be outside the right of way of city streets. He further explained that the State now allows political signs in the right of way, but that they cannot block sight triangles.

J. Perkins commented that he would like to come back to topic a little more comprehensively.

D. Cobb stated that he would provide a staff report with a summary of Chapter 12 at the next meeting. His intent for tonight was just to open the door for discussion that the review was staff initiated and therefore, there are no deadlines attached to the matter.

K. Jackson stated that the board would look forward to further discussions next month or whenever staff has it put together.

c. Pisgah Forest Small Area Plan- Teresa Buckwalter, Destination by Design and Christy Carter, J.M. Teague Engineering and Planning, presented an update to the board. They explained that their scope is to look at three (3) things: 1. Intersections: Hwy. 280, 276 and 64; Deavor Road where it intersects with Hwy 280 and dogleg at Wilson Road, Ecusta Road and Old Highway 64, to perform traffic counts and come up with solutions to alleviate congestion at these points. 2. Looking at other modes of transportation, pedestrian and bicycle, to make it more mobile. 3. Looking at the character as new commercial development or infill community development comes to the area and that the information will be of help with the form based codes project.

They went over conceptual designs of the 3 intersections in the study and stated that there will be three (3) different options for each intersection presented. They further announced that there will be a public information and input session at a location to be determined on February 25, 2016, one presentation at noon and one at 6-6:30 pm.

They further noted that NCDOT would be involved in the project and that the Davidson River Connector Road would change the area.

K. Jackson asked the time frame of construction of the Davidson River Connector Road.

Daniel Cobb stated that the property is owned by Davidson River Village, so not right of way acquisition is required and that the project is scheduled for construction this summer.

Several items of concern were noted by the board: Contingency for bike traffic; how to handle pedestrian traffic, pedestrian right of way and safety; danger of crossing at the Estatoe bridge, are there similar models in use. Christy Carter stated that there are similar models in use in Winston Salem, Davidson, Hillsborough Street in Raleigh.

IV. Old Business –

a. Short-term rentals

Daniel Cobb, Planning Director, presented his staff report, draft ordinance language, which was drafted by borrowing language that already exists in the ordinance with the intent to allow short term rentals with protection of the general residential neighborhoods. Attached hereto, labeled Exhibit "B".

He gave a brief history and timeline of events to date, stating that City Council feels there is a place for short term rentals in the community, but want to protect the peace, tranquility and community character of residential neighborhoods when allowing them.

K. Jackson stated that the board would follow council's procedures, if you wish to speak you must sign in and you will be limited to three (3) minutes.

The public participation sign in sheet is attached hereto and labeled, Exhibit "C".

William Christie read a prepared statement to the board which is attached hereto, labeled Exhibit "D".

Richard Fallis, President of the Waterford Property Owners Association, stated that the property owners were mostly retired and that they were very concerned for their quality of life. He said that they feel that most, if not all of the short term rental property owners are responsible people but that the point he needed to make was that this is the fastest growing part of the hospitality business according to the Wall Street Journal. His group feels it very important to bring on the regulations, but also to keep a very watchful eye on how fast this is growing. We do not want to see this damage Brevard and what attracted us all to move here.

K. Smith asked if there were restrictive covenants in place that could manage the situation, especially the parking problems.

Mr. Fallis stated that they thought so, but legally it had been difficult to enforce, and that nothing is in place for the parking situation.

K. Jackson asked if the roads in Waterford were public or private.

Mr. Fallis stated that they were private.

K. Jackson asked if they had attempted to regulate what happens on their streets.

Mr. Fallis said not to his knowledge and deferred the question to his predecessor, Mr. Christie, he stated that they tried but encountered legally opposition by the operator in their community.

Mr. Fallis stated that the property owners have a problem with the operation in their community.

K. Jackson requested comments from any other Waterford property owners: Ms. Bliss commented that her concerns are the same as those that had already been expressed.

Elda Brown, stated that she and her husband own a short term rental on Maple Street. She read an article from the Transylvania Times and stated that they were the entrepreneurs that the board should be fostering economic development and that they should have the right to take advantage of this tourism economic opportunity. She stated that after the last meeting she felt very hopeful after the discussion. She stated that she believes that the use should be permitted with standards and not have to go through the special use permit process to regulate. To start with the permitted with standards process and if that does not work, then to pursue the special use permit process. She pleaded for the board not to put the undue burden on them to go through the special use permit process. She stated not to make this so difficult that the "little guy" cannot participate.

J. Perkins stated that he had never gone through the special use permit process and did not realize that it was so oppressive.

D. Cobb was ask to enlighten the board on the special use permitting process, which he explained.

Kevin Jones, Maple Street, stated he was reviewing the staff report for the first time and that it states that the process would generate extra application fees received by the City. He stated that he did not mind paying the \$200.00 fee but suggested that the fee be charged and that short term rental owners not be kicked back to the Board of Adjustment. He stated that last time there was discussion about simplicity, saying that here are the rules and we follow the rules, pay the fee and we have to verify that we have been good every year.

Susan Andresen stated that she lives at Waterford Place, and that she and her neighbors are concerned about maintaining the character of their neighborhood. The parking is of the most concern, this is the main street and if you have two (2) additional parking spaces at ten (10) houses within a block, in her mind this will change the character of the neighborhood. She answered the question as to where parking takes place now and it is mostly garage parking for the residences. The existing business now has the two (2) front additional parking spaces but also is using the two (2) community parking spaces at the bottom of the hill. Therefore, residents cannot use these spaces because they are always occupied. She stated her concerns for the future of the community as this type of business grows. She further asked if the proposed parking would be behind the businesses or just off street.

D. Cobb responded just off street was the proposed parking requirement. He went on to explain that the special use permit process looks at each case individually and that the permitted with standards would not do so. He explained the permitting processes further.

Wendy Hawkins, Waterford Place, spoke to her concerns about density and what will happen if you get an application for four (4) short term rentals within a block, would this be allowed.

D. Cobb, stated that it was not talked about in the ordinance language but that it is something that we do have in our visual, separation requirements. He further explained that what has been presented in staff's opinion covers everything, but that there are some other considerations that have been listed. He stated that the way things stand right now there are no limits on density and it is something that should be considered.

F. Porter stated that the permitting process would regulate the density of short term rentals, noting that it is an annual permit.

K. Thompson stated that she is very much concerned about the density, separation requirements. She gave some information about research she had done on short term rentals in different areas. After doing some research she shared concerns about how to protect against corporate intrusion into neighborhoods. She said that there is a need for further discussion on this subject and it needs to be thought thru before decisions are made. Stating that we do not want to change the character of our town and neighborhoods.

C. Strassner stated that enforcement is an issue, that there is no planning rule that can be put in place that would guarantee enforcement. Stating you have to trust in people and your neighborhoods. Make a phone call to the Planning Department to inquire as to whether a permit exists. He stated that because of the way they are operated, it is hard to determine how many are in existence.

A. Bland, Planner, stated that his research revealed that there are approximately 50 listings on VRBO and AirBnB within the City and ETJ.

K. Jackson, Chair asked if the planning board had any more questions.

C. Strassner stated that he felt like they asked staff for a framework to work with and that they have now been provided with the framework requested. Density is an issue but it is unlikely that it will be an issue and that four (4) short term rentals will be in the same neighborhood.

F. Porter stated that his biggest concern is that the signage be allowed in a residential district.

J. Perkins stated that he felt there had been great conversation, that there had been opposing viewpoints and not a single thing said that was not completely valid. He further stated that he believes that not a single board member wants the process to be difficult. That he feels we all have the vision of a vibrant town and of bringing people to our town. That the short term rentals fulfill a need, our town is desperately lacking in accommodations. That planning does require regulations and some folks do not like regulations but sometimes it is necessary. Stating that this is a very healthy conversation.

There was a question as to how the regulation of 2 bedrooms, 2 people per bedroom plus 2 was derived upon and the concern that this would require more parking.

D. Cobb explained that it is the standard used by other jurisdictions and it seemed logical because just because there are 2 bedrooms does not mean that only two (2) people will share a bedroom. It also allows some flexibility because you cannot regulate every situation.

D. Cobb explained that because the request was Council initiated that there are no time constraints on the board to make a decision.

F. Porter stated he wanted to discuss in detail the special use permit process, his thoughts are to drop that process to make it less complicated and that he felt there would still be protection.

K. Jackson asked D. Cobb to put up the additional items for the board to view and decide which they wanted to pursue for further discussion:

1. separation requirements – sense of scale of separation requirements? Limit by parcel? yes.
2. minimum size – no.
3. location – zoning district – effected by form based codes? yes.
4. total number of units – no.
5. minimum or maximum number of nights – no.
6. notifications – SUP permit would have the requirement of notifying neighbors and the process would notify neighbors, allow them to come to a meeting to discuss. Would the board want to make the notification process required on the permitted with standards? Who would be responsible for the notification, most efficient to let staff handle – yes.
7. affordable housing rentals, restrictions exist, limited but not enforced. yes.

K. Thompson a comment was made previously that a part of the fee be used to help create affordable housing, at some point we need to look into this option. We also need to look at the details of the application.

K. Jackson suggested that parking requirements and any signage be included on the application form.

K. Jackson asked if the board wanted to take action tonight and they decided to table the matter until their next meeting.

K. Thompson stated she wanted to discuss the special use permit versus the permitted with standards process. Also, in her research, some jurisdictions require proof of insurance and evidence of occupancy tax on their applications.

A. Bland stated that if an applicant is not yet permitted it would be hard to include the occupancy tax requirement.

F. Porter stated that it could be included on the renewal permit application.

D. Cobb stated that the application could have language that states they agree to pay the occupancy tax.

V. Other Business –

a. Election of Officers

Kimsey Jackson was unanimously elected Chair and Demi Loftis was unanimously elected as Vice Chair.

b. Meeting Schedule

The board discussed the results of their survey and elected to leave their meeting time as it currently is, the 3rd Tuesday of each month at 7:00 PM, to try to limit their meetings to no more than 3 hours, the majority prefers their packets digitally but Kimsey Jackson and Keenan Smith prefer a paper copy as well.

VI. Adjourn –

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

Richard K. Jackson, Chair

Janice H. Pinson, Board Secretary



The City of
Brevard
North Carolina

OLD BUSINESS STAFF REPORT

February 16, 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 continue their discussion and review of Chapter 12 of the UDO, specifically section 12.9.J which is subject to annual review by the Board. Included with this report is a full copy of Chapter 12 of the UDO for reference as well as a list of definitions for the sign types listed in the ordinance.

Please note that the recent amendments regarding murals and vintage signs are not yet included in the City's written codes but are effective.

BACKGROUND: This item came before the Board on January 26, 2016. Upon further discussion it was decided to table any action on this item until the next regular meeting on February 16, 2016.

DISCUSSION: The purpose of sign regulation is to prevent dangerous conditions from occurring due to sign 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.

Generally speaking any sign placed within the City of Brevard is subject to regulations. Some sign types and locations are expressly prohibited (UDO 12.6), for example the following are not allowed anywhere within the City's jurisdiction:

- Signs constituting a traffic hazard
- Signs in the public right-of-way or easement
- Signs obstructing passages
- Off-premise advertising signs
- Flashing devices
- Posted signs – signs posted on utility poles, trees, fences, rocks or other signs
- Copies of official signs – a sign imitating an official sign
- Portable signs
- Roof signs

- Signs not permitted unless otherwise allowed in the ordinance

There are a handful of exemptions (UDO 12.7). Those sign types are listed below:

- Governmental agency signs – examples include stop signs, road closure signs, etc.
- Signs required by law
- Warning signs – examples include signs warning of hazards like high voltage.
- “No trespassing” signs

In addition to those signs exempt from the ordinance other categories of signs are allowed without the issuance of a permit subject to minimal standards (12.8). A list of those signs allowed without a permit include:

- Temporary real estate signs
- Signs on window glass
- Private traffic signs
- Organization signs (examples include government agency, civic, religious, among others)
- Service station signs
- Numbers and nameplates (home address)
- Construction signs
- Public notice
- Commemorative plaques
- Nonprofit organization signs
- Public-owned baseball/softball fields
- Automobile and motorized vehicle dealer signs

While the signs listed above are allowed without the issuance of a permit, they are subject to specific size and location regulations. For example, during the construction of a new building the contractor may place one sign up to 64 square feet on site during the construction process. This sign must be removed within five days of completing the project. While no permit is required for these signs any violations of their specific standards can be addressed through existing enforcement procedures.

There are several types of signs that are allowed with the issuance of a permit. Wall signs, ground signs, menu reader boards, and many others have specific standards given the sign type and location. A specific list of these can be found in Chapter 12, subsection 12.9 *Signs allowed with permits*.

The purpose of this discussion is to review Chapter 12, subsection 12.9 *Decorative flags, banners, and other moving devices*. When reading section 12.9.J alone the language is clear. However, section 12.6.F clearly prohibits moving devices, which are defined as *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). Chapter 12.6.F appears to be more specific in its writing as well as intent. A basic rule of thumb when reading and interpreting an ordinance is to rely on the text in and strive to achieve its spirit and intent. When the language is unclear or ambiguous one attempts to give meaning to the language by referring to definitions in the ordinance or if no ordinance definition is provided, the dictionary. Where specific ordinance language exists, it rules over more general language. The specific inclusion of one item implies the exclusion of others, and if, after all other attempts, ambiguities still exist the ruling should be in favor of the property owner and the free use of their land.

Given the apparent contradiction of these two sections, it appears some changes are necessary to provide consistency in regulation.

POLICY ANALYSIS: The City's comprehensive plan which was adopted in November of 2015 states that Brevard will continue to strive to be an outstanding place to live, work, and play while building upon its distinctive small-town charm and remain a livable community for everyone. There are no other specific plans or policies available for review to address this issue. There is clearly a need and purpose for decorative flags and other moving devices throughout the community. However, the amount of this type of signage and what it specifically addresses should be carefully considered. Signs are common in every community and necessary to a certain extent for the advertisement of local businesses. While there are safety implications to consider (visibility at intersections, not blocking access, etc.) the overall amount, location, and size of signs is largely a decision to be made by policy makers depending on the overall sense of community and aesthetic appeal desired.

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 as well as any other specific guidance on sign regulation changes.

FISCAL IMPACT: None.

ATTACHMENTS:

- A. UDO Chapter 12
- B. Sign Definitions

1 **CHAPTER 12. - SIGNS**

2 **12.1. - Purpose.**

3 The purpose of this article is to permit such signs in the City of Brevard and its extraterritorial
4 jurisdiction that will not, by their reason, size, location, construction, or manner of display,
5 endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for
6 traffic safety, or otherwise endanger public health and safety; and to permit and regulate signs
7 in such a way as to support and complement land use objectives set forth in the zoning ordinance
8 for the City of Brevard.

9 **12.2. - General regulations.**

10 The following regulations shall apply to all signs in all districts:

11 A. Compliance: No sign of any type shall be constructed, erected, painted, posted, placed,
12 replaced, or hung in any district except in compliance with this ordinance.

13 1. Repainting of signs:

14 i. Nonconforming painted signs may be repainted so long as the new coat of paint
15 is for maintenance purposes and the design of the sign is not altered in any
16 fashion.

17 ii. If, during repairing, the design of the sign structure is altered in any way, then
18 the entire structure shall comply with the provisions of this ordinance. See also
19 Section 12.2(B).

20 2. Billboards:

21 i. Billboards existing at on or before May 6, 1991 shall be allowed to be reposted
22 so long as the structure of the sign itself remains in good repair.

23 ii. The structure of the billboard shall be subject to all other provisions of this
24 ordinance, particularly Section 12.2(D).

25 iii. If at any time an advertising message on a billboard becomes obsolete or in
26 disrepair, the advertising copy itself shall be subject to subsections 12.2(B) and
27 12.2(C), without the structure being subject to the provisions, provided it is in
28 good repair.

29 3. Vandalism and adverse weather:

30 i. Signs destroyed by vandals or adverse weather conditions shall be allowed to
31 be replaced even if such signs do not conform to this ordinance provided they
32 existed before the date of enactment of this ordinance and they are replaced
33 in the exact same location, in the exact same manner and with the exact same
34 advertising copy of the same size as the previously destroyed sign.

35 ii. Adverse weather conditions shall not be interpreted to be normal weathering
36 of a sign.

37 iii. If a sign is allowed to deteriorate over time due to exposure to the weather
38 elements, then it shall not be deemed as replaceable under this section.

39 B. Maintenance:

- 40 1. All signs, together with braces, guys and supports, shall at all times be kept in good
41 repair.
- 42 2. If at any time a sign should become unsafe or poorly maintained, the administrator
43 shall notify the owner or lessee of the sign of such condition.
- 44 3. Upon failure of the owner or lessee to correct such condition within 30 days, the
45 administrator shall order the removal of such sign.
- 46 4. The expense of the removal of the sign shall be billed to the owner or lessee of said
47 sign.
- 48 5. See Section 12.5(E) and Chapter 18 of this ordinance for collection procedures.

49 C. Removal of obsolete signs:

- 50 1. Signs identifying establishments no longer in existence, products no longer being
51 sold, and services no longer being rendered shall be removed from the premises
52 within 30 days from the date of termination of such activities except that ground
53 sign supports, braces, and guys which are not easily dismantled and are to be sold
54 as a portion of the business assets shall remain.
- 55 2. However, remaining sign supports, braces, and guys shall comply with all other
56 requirements of this ordinance. If remaining sign supports, braced, and guys are not
57 used to support signs identifying establishments in compliance with this chapter for
58 a period of two years or more, such sign supports, braces, and guys shall be
59 removed in accordance with this chapter.
- 60 3. Temporary signs and political signs shall be removed within ten days after the
61 termination of the event or election advertised.
- 62 4. Upon failure of the owner or lessee of these signs to remove such signs within the
63 prescribed time period, the administrator shall order their removal subject to the
64 terms of this article and Chapter 18 of this ordinance and any additional expense of
65 removal shall be billed to the owner or lessee of said sign(s).

66 D. Nonconforming signs:

- 67 1. Any sign existing on the date of enactment of this ordinance which does not
68 conform to the requirements of said ordinance shall be taken down and removed
69 or brought into compliance by the owner, agent, or person having the beneficial
70 use of the building, land, or structure upon which such sign may be found within a
71 period of ten years.
- 72 2. The amortization period for nonconforming signs is ten years. All signs must be in
73 compliance by April 1, 2000.

- 74 3. The amortization period for those signs which do not comply with the setback
75 provisions of this ordinance, but that conform in every other respect, shall be
76 extended to expire on January 1, 2003.
- 77 4. Signs subject to the provisions of G.S. 136-131.1 are exempt from the requirements
78 for removal or compliance.
- 79 5. Removal of nonconforming signs: Any sign existing on the date of enactment of this
80 article shall not be repaired if 50 percent or more of the structure must be restored
81 in order for it to be deemed in good repair; instead, such a sign shall be removed
82 and a new sign which conforms to the regulations set forth by this article may be
83 erected.
- 84 6. Relocation of nonconforming signs: Any nonconforming sign existing on the date of
85 enactment of this article may be relocated on the same premises of the
86 establishment having beneficial use of said structure so long as it is the same sign
87 structure and the nonconformance is not increased in any manner beyond the point
88 of noncompliance that existed before the movement of said structure.
- 89 7. Replacement of nonconforming sign inserts: The plastic inserts within existing
90 nonconforming sign frames may be replaced for continued use until the
91 amortization period expires.
- 92 8. Nonconforming signs within newly annexed areas outside the city's area of
93 extraterritorial jurisdiction (ETJ):
- 94 i. Nonconforming signs within voluntary annexed areas outside the city's ETJ
95 must comply with the provisions of this article (the sign ordinance) within one
96 year from the effective date of annexation.
- 97 ii. Nonconforming signs within involuntary annexed areas outside the city's ETJ
98 must comply with the provisions of this article by April 2000, or three years
99 from the effective date of annexation, whichever is greater.

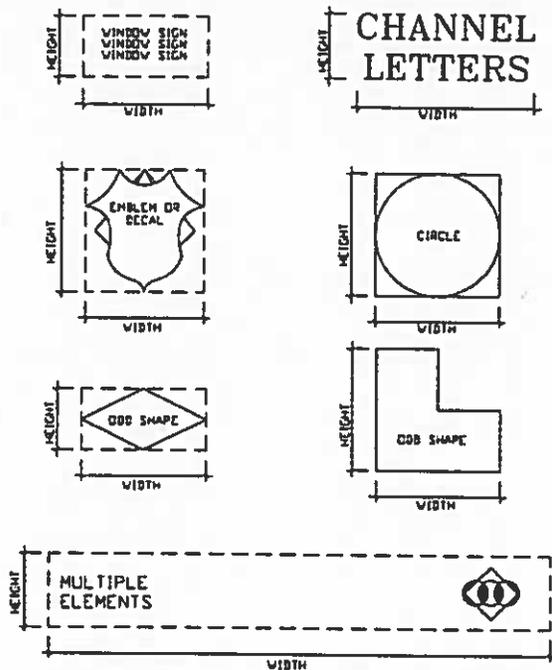
100 **12.3. - Computation of signage area.**

- 101 A. The area of a sign face (which is also the sign area of a wall sign or other sign with only one
102 face) shall be computed by means of the smallest rectangle that will encompass the extreme
103 limits of the writing, representation, emblem or other display, together with any material or
104 color forming an integral part of the background of the display or used to differentiate the
105 sign from the backdrop or structure against which it is placed, but not including any
106 supporting framework, base, bracing or decorative fence or wall when such fence or wall
107 otherwise meets the regulations of this chapter and is clearly incidental to the display itself.
- 108 B. For a single wall on a single-occupant building, all pieces of information or other graphic
109 representations on that wall shall be measured as though part of one sign, encompassed
110 within one rectangle, which may not exceed the permitted total wall area to which the sign
111 is affixed. For a single wall on a multi-occupant building, the area of signs shall be computed

112 using these principles and each individual sign shall not exceed the permitted total wall area
 113 to which the sign(s) is affixed.

114 C. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the
 115 faces is 60 degrees or less, only one display face shall be measured in computing sign area.
 116 If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the
 117 area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be
 118 added together to compute the area of the sign. Sign area of multi-faced signs is calculated
 119 based on the principle that all sign elements that can be seen at one time or from one
 120 vantage point should be considered in measuring that side of the sign.

121 D. Spherical, cylindrical or other three-dimensional signs not having conventional sign faces
 122 shall be computed from the smallest three-dimensional geometrical shape or shapes which
 123 will best approximate the actual surface area of such faces.



124

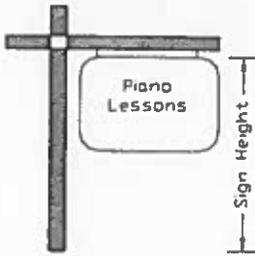
125

126 **Signage Area**

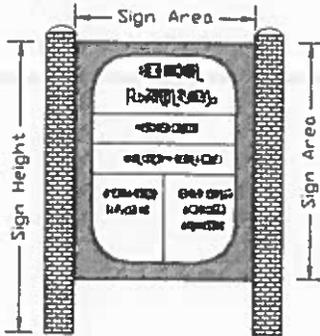
127 **12.4. - Computation of sign height.**

128 A. Sign height shall be measured from the street grade of the closest point in the street the sign
 129 is located along or the grade at the base of the sign, whichever is higher, to the highest point
 130 of the sign structure. The maximum height of a ground sign cannot exceed 25 feet unless
 131 otherwise addressed in this ordinance.

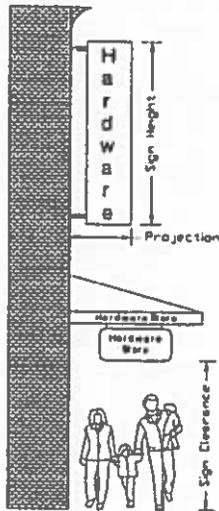
132

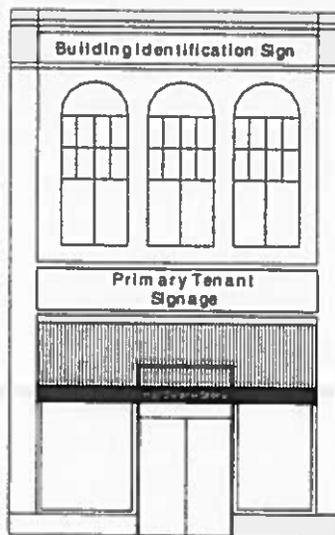


133



134





135

136 12.5. - General provisions.

- 137 A. Building code compliance: All signs shall fully comply with the requirements of the State of
138 North Carolina building and electrical codes.
- 139 B. Sign setback requirements: No portion of any freestanding sign may be located closer than
140 ten feet to any street right-of-way except in the DMX district where signs shall be no closer
141 than five feet to any street right-of-way. No portion of any freestanding sign shall be located
142 any closer than 12 feet to any side or rear property line. No sign shall be located in such a
143 manner as to constitute a traffic or safety hazard.
- 144 C. Illumination of signs: Signage shall comply with all applicable provisions of Chapter 11 of this
145 ordinance. Unless otherwise expressly prohibited, signs may be illuminated provided that
146 lighting fixtures used to illuminate a sign either shall be by directed ground lighting or
147 mounted on the top of the sign, and shall comply with shielding requirements of Chapter 11
148 of this ordinance. Lighting fixtures shall illuminate only the face of the sign, and shall not
149 project into any portion of the traveled roadway.
- 150 D. Permit required: A permit, issued by the administrator, shall be required for all signs unless
151 otherwise provided herein. No permit shall be issued until the administrator inspects plans
152 for such signs and determines that they are in accordance with the requirements contained
153 in this article. The fee schedule for sign permits shall be determined by city council.
- 154 E. Enforcement of regulations:
- 155 1. Any nonconforming sign constructed after the date of enactment of this chapter or any
156 sign maintained in a nonconforming manner after the passage of the amortization
157 period specified in Section 12.2(D) shall be subject to the enforcement procedures as
158 set forth in Chapter 18 of this ordinance.

- 159 2. Removal. If the nonconforming sign has not been brought into compliance with the
 160 provisions of this ordinance or removed within 30 days of having been issued a Notice
 161 of Decision/Notice of Intent as set forth in Chapter 18, Section 18.3(D), then said sign
 162 may be removed by the city and the cost of removal shall be billed to the owner or lessee
 163 of the sign. Furthermore, the city may pursue any other remedy available under Chapter
 164 18 of this ordinance or State Law.
- 165 3. Failure to pay removal costs. If the owner or lessee of a nonconforming sign that has
 166 been removed by the city fails to pay for the costs of removal within 30 days of the billing
 167 date for such action, then the city will collect the cost as a lien on the property in the
 168 same manner as provided in G.S. 105-355 and 105-356 for delinquent property taxes.
 169 The amount of such lien may include the actual cost of removal of said sign, plus any
 170 fines which may have been levied and not paid, plus 15 percent representing penalty
 171 and interest for cost of collection, plus attorney fees.

172 **12.6. - Prohibited signs.**

173 The following signs are prohibited in all districts except as otherwise permitted by this
 174 section.

- 175 A. Signs constituting traffic hazards: Any sign located in a manner or place so as to
 176 constitute a hazard to traffic as demonstrated by the administrator.
- 177 B. Signs in public right-of-way or easement: Any freestanding sign located in a public right-
 178 of-way or easement, or extending over into a public right-of-way or easement, except
 179 as otherwise allowed by this chapter. The administrator may remove any sign located
 180 within a public right-of-way.
- 181 C. Signs obstructing passages: Any sign that obstructs or substantially interferes with any
 182 window, door, fire escape, stairway, ladder or opening intended to provide light, air,
 183 ingress or egress for any building.
- 184 D. Off-premises advertising signs: Billboards and other types of off-premises advertising
 185 signs, unless otherwise allowed by this chapter.
- 186 E. Flashing devices: Any flashing device or sign displaying flashing or intermittent lights or
 187 lights of changing degrees of intensity, except a sign indicating time and/or temperature,
 188 with changes alternating on not less than a five-second level.
- 189 F. Moving devices: Any moving signs or device to attract attention, all or any part of which
 190 moves by any means, including motion by the movement of the atmosphere or by
 191 electrical or other means, including but not limited to pennants, flags, propellers or
 192 discs, whether or not any said device has a written message. Moving devices may,
 193 however, be allowed if in compliance with Section 12.8(M) or 12.9(J).
- 194 G. Posted signs: Any sign posted to utility poles, trees, fences, rocks or other signs.
- 195 H. Copies of official signs: Any sign which is a copy or an imitation of an official sign, or
 196 which purports to have official status.

- 197 I. Portable signs.
 198 J. Roof signs.
 199 K. Signs not permitted: Any sign not expressly permitted elsewhere in this ordinance.

200 **12.7. - Exempt signs.**

201 The following signs are exempt from the provisions of this ordinance:

- 202 A. Governmental agency signs: Signs erected by a governmental agency to regulate,
 203 control or direct traffic including signs indicating bus stops, taxi stands, and similar
 204 transportation facilities. Such signs may be illuminated, flashing, or moving as required
 205 for public safety. Furthermore, signs erected by a governmental agency which convey
 206 information regarding a public service or the location of a public facility may also be
 207 illuminated as is necessary.
- 208 B. Signs required by law: Signs erected pursuant to federal, state, or local laws or
 209 ordinances.
- 210 C. Warning signs: Signs which warn of hazards to life, limb, and property such as high
 211 voltage electrical equipment, explosives and the like.
- 212 D. "No trespassing" signs: "No trespassing" signs not to exceed four square feet in surface
 213 area.

214 **12.8. - Signs permitted without a permit.**

215 The following types of signs shall be permitted in any use district without the issuance of a
 216 sign permit provided they meet the stated requirements:

- 217 A. Temporary real estate signs: Temporary real estate signs advertising a specific piece of
 218 property for sale, lease, rent, or development, located on said property, provided such
 219 signs shall not exceed eight square feet in surface area per side of sign up to a maximum
 220 of 16 square feet of aggregate surface area. Signs shall not be illuminated and shall not
 221 exceed one per parcel of land unless such land is located at an intersection of two
 222 streets; in such case, two signs shall be allowed, one facing each street.
- 223 B. Signs on window glass: Signs on window glass, regardless of size.
- 224 C. Private traffic signs: Private, unofficial traffic signs not exceeding two square feet in
 225 surface area per side of sign up to a maximum of four square feet of aggregate surface
 226 area per sign, which indicate directions, entrances, and exits. Such signs are to be
 227 located entirely on the property to which they pertain, and shall not contain any
 228 advertising message.
- 229 D. Organization signs: Any flag, badge, insignia, or design customarily displayed by any
 230 governmental agency or government, or any charitable, civic, fraternal, patriotic,
 231 religious, or similar organization.

- 232 E. Political party headquarters signs: Signs for political party headquarters shall meet the
233 requirements set forth for the district in which they are located.
- 234 F. Service station signs: Gasoline service stations or any businesses selling gasoline are
235 allowed, in addition to other provisions of this ordinance, the following signs:
- 236 1. Price and self-service signs attached to gasoline pumps: Gasoline price/self-service
237 signs located at and secured to each pump island and not exceeding nine square
238 feet per side of sign. One gasoline price/self-service sign may be freestanding and
239 located at a place other than the pump island, but must be on the business site and
240 meet all other sign regulations. If such signs are freestanding signs, they shall not
241 exceed 40 inches in height.
- 242 2. Brand name and grade signs: Each brand sign, emblem of the gasoline sold, the
243 grade of gasoline and any other related signs shall not exceed nine square feet in
244 total aggregate surface area for each pump island.
- 245 3. North Carolina inspections sign: A North Carolina inspections sign at any location
246 on the business premises as long as said sign is not placed in any right-of-way. Said
247 sign shall not exceed 40 inches in height.
- 248 G. Numbers and nameplates: House numbers and nameplates are permitted in accordance
249 with Brevard City Code, Chapter 62, Article VII, Property Addressing and Road Naming.
- 250 H. Construction signs: One construction sign per construction project not exceeding 32
251 square feet of sign area in residential districts or 64 square feet in commercial or
252 industrial districts, provided that such signs shall be erected no more than five days prior
253 to the beginning of construction for which a valid building permit has been issued, shall
254 be confined to the site of construction, and shall be removed five days after completion
255 of construction and prior to occupancy.
- 256 I. Public notice: Official notices posted by public officers or employees in the performance
257 of their duties.
- 258 J. Commemorative plaques: Commemorative plaques of recognized historic agencies or
259 identification emblems of such agencies, provided that no plaque or emblem seal
260 exceeds four square feet in area.
- 261 K. Nonprofit organization signs: Any sign erected by city personnel on behalf of a nonprofit
262 organization sponsoring a one-time or annual event.
- 263 L. Public-owned ball field fence signs: Nonprofit organizations, i.e., local ball leagues, may
264 sell advertising signage to merchants for attachment to ball field fences providing the
265 following requirements are met:
- 266 1. Sign panels must be of uniform size and weather durable material and cannot
267 exceed three feet by five feet in dimension.

- 268
269
270
- 271
272
- 273
- 274
275
- 276
277
2. Signage must be attached to the interior (ball field) of the chain link fencing, have advertising copy on only the interior (ball field) side of fencing and cannot be self-illuminated.
 3. The back (exterior) side of the sign must be a dark solid green color and be uniform in color with all the other signs. All signs must be kept clean and in good repair.
 4. Signage cannot exceed one per fence panel. Sign must be uniform in height.
 5. Signage can be erected two weeks prior to the beginning of the ball season and must be taken down within two weeks from the conclusion of the season.
 6. The city/county/state agency (owner) or tenant leasing the property will be responsible for installing and removing the signs.

278 **M. Automobile and motorized vehicle dealer signs:**

- 279
280
281
- 282
283
- 284
285
1. Automobile dealers and motorized vehicle dealers within commercial districts are allowed to attach to vehicles for sale small pennants, flags or balloons on antennas and/or twirl-ads on hoods/roofs.
 2. Said devices shall not exceed two per vehicle; devices are less than three square feet in size; and devices are maintained and secured in a proper manner.
 3. If a device is not secured or maintained to the satisfaction of the administrator such device shall be deemed a prohibited moving device and be immediately removed.

286 **12.9. - Signs allowed with permits.**

287 The following types of signs shall be allowed within the City of Brevard upon the issuance of
288 a sign permit for each proposed sign and subject to the regulations set forth below:

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

292 **1. Nameplate signs:**

- 293
294
- 295
296
- 297
- i. Home occupations 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.

298 **2. Ground signs at neighborhood entrances:** Distinct neighborhoods, residential
299 subdivisions, residential group developments, residential planned development
300 districts, and manufactured home parks are permitted one ground sign at each
301 entrance.

- 302
303
- i. Such communities may include those older existing communities that may not have been permitted as unified projects (e.g., "Welcome to the Rosenwald

- 304 Community", "Maple Street Community"). However, such signs shall be of a
 305 uniform design to be approved by the city. Designs and locations shall be
 306 approved by the administrator in consultation with the public works director
 307 and the community appearance commission.
- 308 ii. Signs shall be no larger than 32 square feet of surface area per side of sign up
 309 to a maximum of 64 square feet of aggregate surface area per sign.
- 310 iii. Signs shall not exceed five in height and may be indirectly illuminated in
 311 accordance with Chapter 11 of this ordinance.
- 312 iv. Such signs may be located within the center median of boulevard streets at
 313 neighborhood entrances. Such placement shall require an encroachment
 314 agreement from the North Carolina Department of Transportation or the City
 315 of Brevard, as applicable.
- 316 3. Nonresidential uses: Nonresidential uses permitted in residential districts shall be
 317 allowed one ground or wall identification sign per street fronted on by the
 318 permitted use. Said sign shall be no larger than 32 square feet of surface area per
 319 side of sign up to a maximum of 64 square feet of aggregate surface area for said
 320 sign. Signs shall not exceed five feet in height and shall not be illuminated.
- 321 B. Ground signs (non-residential): The following standards shall apply to individual
 322 businesses on individual parcels. Non-residential group developments, non-residential
 323 planned development districts, and institutional campuses shall be subject to the same
 324 dimensional requirements, but the number of allowable ground signs in such
 325 developments is set forth in Section 12.11, below.
- 326 1. One ground sign not to exceed the following surface area limitations:
- 327 i. DMX, NMX, and RMX districts: 32 square feet in surface area per side of sign,
 328 up to a maximum of 64 square feet of aggregate surface area for the entire
 329 sign;
- 330 ii. CMX districts: 85 square feet in surface area per side of sign up to a maximum
 331 of 170 square feet aggregate surface area for the entire sign;
- 332 iii. IC district: 24 square feet per side of sign up to a maximum of 48 square feet of
 333 aggregate surface area for the entire sign;
- 334 iv. GI district: 50 square feet per side of sign up to a maximum of 100 square feet
 335 of aggregate surface area for the entire sign;
- 336 v. Signs shall not exceed 25 feet in height in any district.
- 337 C. [Reader boards:] Reader boards are allowed on ground signs provided that the total area
 338 of the sign, including the reader board, does not exceed the area allowed by this
 339 subsection.
- 340 D. Electronic display signs: Electronic display signs may be permitted as ground or wall
 341 signs, subject to the following additional requirements:

- 342 1. Only one electronic display sign shall be permitted per parcel.
- 343 2. Only one electronic display sign shall be permitted within any group development,
- 344 planned development, or institutional campus.
- 345 3. Electronic display signs shall display only non-moving text and images with changes
- 346 alternating on not less than a five-second level, and shall display no scrolling,
- 347 flashing, blinking, or otherwise moving message.
- 348 4. Electronic display signs shall adhere to all other applicable wall or ground sign
- 349 requirements of this chapter, as well as the lighting standards of Chapter 11 of this
- 350 ordinance.
- 351 E. [Canopy signs:] Signs may be attached to a canopy provided that the total area of both
- 352 the ground signs and all canopy signs does not exceed the amount described in this
- 353 subsection.
- 354 F. [Sandwich board signs:] In lieu of ground signs, business establishments within DMX,
- 355 NMX, and RMX districts may instead be permitted a single sandwich board sign to be
- 356 placed on the sidewalk adjacent to the front of the individual business or on the brick
- 357 paved area providing such a location does not pose a safety hazard. A sandwich board
- 358 sign is an A-frame or inverted V-shape sign which is portable and usually double-sided.
- 359 This sign must comply with Section 46-1 of the City Code and must not exceed four feet
- 360 in height or eight square feet in area per side of sign. Business establishments located
- 361 in the Times Arcade Alley may also be permitted to collectively place one such sign near
- 362 the West Main Street alleyway entrance in the brick paved area, providing such a
- 363 location does not pose a safety hazard and providing further that the sign is removed at
- 364 the end of each day when the last business in the Times Arcade Alley closes.
- 365 G. Wall signs: Each establishment located in CMX, DMX, NMX, RMX, IC, and GI districts shall
- 366 be allowed wall signs in accordance with the following provisions:
- 367 1. Wall sign: One wall sign located on the street frontage side of the building.
- 368 2. Projection sign: One suspended or projection identification sign per business
- 369 establishment, not to exceed eight square feet per side of sign up to a maximum of
- 370 16 square feet of aggregate surface area for the entire sign. Suspended or
- 371 projection identification signs shall be located at the main entrance of the business.
- 372 3. Identification sign: Each establishment located in one of the above-mentioned
- 373 districts shall be allowed one small business identification sign not to exceed 16
- 374 square feet in surface area. That sign may be located on the rear or side of the
- 375 business.
- 376 4. Marquee signs allowed in all commercial districts: Theaters located within
- 377 commercial districts shall be allowed a marquee with one or two copy sign surfaces.
- 378 Total copy area allowance, for all sign surfaces, shall not exceed five square feet per
- 379 linear foot of canopy with a maximum total height limit of no more than five feet at

- 380 any point. A marquee shall not extend more than ten feet from the building nor be
381 less than nine feet above the ground or sidewalk at the lowest point.
- 382 5. Menu reader board: Each drive-through restaurant establishment shall be allowed
383 one menu reader board. Menu reader boards shall not be greater than 32 square
384 feet in area or seven feet in height.
- 385 6. [Aggregate of wall signs:] The aggregate of all wall signs, including building
386 identification signs, business identification signs, suspended signs, projection signs,
387 marquee signs, and product information signs, shall not exceed 25 percent of the
388 total surface area of the front wall space of the building (surface area of said wall
389 shall be computed excluding windows and doors).
- 390 H. Building identification signs:
- 391 1. Each building located in non-residential districts shall be permitted one building
392 identification sign in lieu of allowable ground sign attached to the front of said
393 building, or to the side of the building if the side faces on a street, alley, or other
394 public right-of-way.
- 395 2. Such building identification signs shall not exceed 32 square feet of aggregate
396 surface area.
- 397 I. Temporary banners or A-frame signs:
- 398 1. Temporary banners or A-frame signs may be allowed in CMX, DMX, NMX, RMX, GI,
399 and IC districts, subject to the following requirements:
- 400 i. Temporary banners or A-frame signs advertising the initial openings of business
401 establishments, special events, or special sales may be permitted provided the
402 location of such signs is approved by the administrator and meets all other
403 requirements.
- 404 ii. Banners shall be attached to any part of the building wall.
- 405 iii. Said signs shall not exceed 32 square feet of total aggregate surface area; A-
406 frame signs shall not exceed 16 square feet per side of sign.
- 407 iv. Said signs may be installed ten days prior to the initial opening, special event,
408 or special sale and may remain ten days after completion of the promotion.
- 409 v. Permits for these on-premises signs shall be obtained on an annual basis.
- 410 J. Decorative flags, banners and other moving devices: Decorative flags, banners,
411 pennants, and other moving devices (balloons, windsocks, etc.) may be allowed in all
412 districts except GR, subject to the following requirements
- 413 1. A plan for all banners, flags, pennants, and devices indicating locations must be
414 submitted to the administrator. An annual permit is required showing location, size,
415 style, copy, and manner of installation of said banners, flags, pennants, and devices.
- 416 2. Manner of installation must be based on established safety standards.

- 417 3. No banner, flag, pennant, or moving device shall obstruct any fire escape, window,
 418 or door, or be placed in such a manner so as to interfere with any openings required
 419 for ventilation, nor offer hindrance to fire department equipment or personnel.
- 420 4. All banners, flags, pennants, or moving devices shall be constructed of a fire-
 421 retardant material or be treated to be fire retardant.
- 422 5. All banner, flag, pennant, or moving devices must be well-maintained; frayed,
 423 faded, or worn banners constitute illegal moving devices.
- 424 6. No advertising message from any off-premise business may be contained on the
 425 face of any banner, flag, pennant, or moving device.
- 426 7. No banner, flag, pennant, or moving device may overhang any portion of a vehicular
 427 travelway, except as otherwise allowed by this ordinance.
- 428 8. No illuminated, electric, or motor-powered devices may be allowed; glare cannot
 429 pose a problem to passing motorists.
- 430 9. No banner, flag, pennant, or moving device shall be secured to the wall in such a
 431 manner that the bottom portion is at least seven feet from the sidewalk or does not
 432 interfere in any manner with pedestrian traffic.,
- 433 10. Banners or flags cannot exceed a width of four feet and a length of six feet.
- 434 11. Banners, flags and other devices cannot exceed one per every 20 linear feet of
 435 storefront.
- 436 12. If, in the opinion of the administrator, said devices cause a nuisance or safety
 437 problem, the owner of said devices must relocate or remove them to the
 438 satisfaction of the code [enforcement] officer.
- 439 13. Banners, flags or pennants must be properly designed and engineered to withstand
 440 the average prevailing winds and to meet the minimum wind load requirement of
 441 the North Carolina Building Code.
- 442 14. This provision is subject to annual review by the planning board.
- 443 K. Political signs:
- 444 1. No political sign shall be permitted in the corporate limits or one-mile
 445 extraterritorial boundary of the City of Brevard unless a candidate for a political
 446 office, or the candidate's designee, first deposits \$500.00 to insure the removal of
 447 such signs.
- 448 2. Ten days after the election, the \$500.00 deposit will be refunded to the candidate
 449 or candidate's designee if all the candidate's political signs have been removed.
- 450 3. If the signs have not been removed, the \$500.00 deposit will be forfeited to the city.
- 451 4. Candidates who have made a deposit and are nominated in a primary election may
 452 keep their political signs up until ten days after the general election.

- 453 5. Any political signs of candidates who have not complied with this section shall be
454 removed subject to the terms of this article.
- 455 6. All political signs must comply with the following standards:
- 456 i. Ground signs may not exceed 16 square feet per side of sign. Maximum height
457 of sign from grade to top of sign shall be six feet.
- 458 ii. Political signs may not be posted more than 90 days prior to an election or
459 primary.
- 460 iii. Candidates must remove their signs within ten days after the election or
461 primary, in compliance with Section 12.9(K).
- 462 iv. Location. All signs must comply with Section 12.6.
- 463 L. Festivals and special events sponsored by government, educational, religious,
464 charitable, civic, fraternal, or political organizations and institutions: Signs, banners,
465 balloons, decorative flags and windsocks (hereafter, "special event signage") may be
466 displayed during festivals and special events by permit during the day(s) of the event,
467 subject to the following requirements:
- 468 1. Special event signage shall comply with all provisions of Section 12.9(J) except
469 where modified herein.
- 470 2. Special event signage shall be approved by the administrator before being
471 displayed. A plan showing the location, type and amount of all decorative signage
472 and devices, along with the duration of the event, must be submitted to the
473 administrator for review and approval.
- 474 3. A \$200.00 deposit, per event, must be given to the city insuring removal of all
475 special event signage.
- 476 4. If the special event signage has not been removed, the \$200.00 deposit will be
477 forfeited to the City of Brevard.
- 478 5. Any signs or other devices which have not complied with this section shall be
479 removed subject to the terms of Section 12.2(C).
- 480 6. All special event signage must be firmly secured and well maintained.
- 481 7. No special event signage shall create a traffic hazard or obstruction to motorists or
482 pedestrians.
- 483 8. The size of the overall special event signage shall not exceed 32 square feet of total
484 aggregate surface area. However, if said special event signage is located in the DMX
485 District, the width cannot exceed four feet and the length cannot exceed six feet.
- 486 9. With single sponsorship, the proportion of a sponsor's logo or name shall not
487 exceed 25 percent of the overall area for any face of special event signage.

- 488 10. No more than three sponsor logos or names may be listed on special event signage.
 489 Sponsors logos or names shall not exceed when added together, 30 percent of the
 490 overall area for any face of special event signage.
- 491 11. Special event signage may not be illuminated, moving, or otherwise constitute a
 492 vehicular or pedestrian safety hazard.
- 493 12. Special event banners may be placed in or along the right-of-way of public streets
 494 in any district subject to the following requirements:
- 495 i. All other provisions of Section 12.9(J) are met; and
- 496 ii. A letter of permission from the proper utility company and/or property owner,
 497 holding the city harmless, must be submitted if a banner, flag or pennant is to
 498 be attached to or erected from any pole owned by the utility company.
- 499 iii. Banners shall contain no commercial advertisement copy or business logos.
- 500 iv. The size of an overhead banner crossing the road shall not exceed 30 feet in
 501 length and four feet in height. All overhead banners crossing the road will be
 502 composed of no more than two dimensions.
- 503 v. Overhead street banners and other banners within a right-of-way may not be
 504 displayed earlier than ten days prior to the event and must be removed within
 505 ten days after the event.
- 506 vi. Fees for the installation of overhead street banners shall be established by city
 507 council.

508

509

510 **12.10. - Off-premises directional signs.**

- 511 A. Ground signs in nonresidential districts. For single establishments in all nonresidential
 512 districts except the DMX district, small self-illuminated ground signs are allowed to indicate
 513 directions to said establishments providing all of the following conditions are met:
- 514 1. Establishments with street frontage on US #64, US #276, and NC #280 cannot qualify for
 515 this type of signage.
- 516 2. Signs cannot exceed eight square feet per side of sign and cannot exceed eight feet in
 517 height.
- 518 3. No more than one directional sign may be allowed for each establishment.
- 519 4. A copy of the property owner's written permission allowing the posting of the sign must
 520 be submitted to the planning department along with a diagram showing location.

- 521 5. Signs cannot carry advertising messages but simply contain the name of the
522 establishment or the generic type of business with directions or arrows indicating
523 location.
- 524 6. Signs can only be posted within 50 feet of a street intersection with no more than two
525 such signs at said intersection.
- 526 7. Signs cannot be posted in residential districts.
- 527 8. Signs shall meet all applicable setback requirements, shall not be located within any
528 sight triangle, shall not be located in any public right-of-way, and cannot cause traffic
529 visibility problems.

530 B. Off-premises emergency room directional signs. Hospitals providing emergency care services
531 are allowed small self-illuminated ground signs to indicate directions to said establishments,
532 providing all of the following conditions are met:

- 533 1. Signs cannot exceed 24 square feet per side of sign and cannot exceed four feet in
534 height.
- 535 2. A copy of the property owner's written permission allowing the posting of the sign must
536 be submitted to the planning department along with a diagram showing location.
- 537 3. Signs cannot carry advertising messages but simply contain the name of the
538 establishment with directions or arrows indicating location.
- 539 4. Signs can only be posted within 200 feet of a street intersection with no more than two
540 such signs at said intersection; signs cannot cause traffic visibility problems.
- 541 5. All other applicable regulations in the [zoning] ordinance must be met, including sign
542 setback requirements and prohibition of signs in rights-of-way.

543 C. Off-premises parking identification signs. In addition to small traffic directional signs (see
544 Section 12.8(C)), owners of off-premise parking lots may have one additional ground sign
545 located on the parking lot property provided the following conditions are met:

- 546 1. The ground sign maximum surface area is six square feet per side of sign, up to a
547 maximum of 12 square feet of aggregate surface area for the entire sign;
- 548 2. Maximum sign height (from ground to top of sign) is six feet;
- 549 3. A sign permit must be obtained indicating said sign complies with relevant sign setback
550 requirements applicable to the district in which the sign is to be located.

551 **12.11. - Additional standards for planned development districts, group developments,
552 institutional campuses, and other similar projects.**

553 A. Ground signs visible from a public street. One ground sign may be permitted at each
554 development entrance provided that:

- 555 1. No part of any ground sign shall be closer than 500 feet to any part of another ground
556 sign within the same development along the same street frontage.

- 557 2. No part of any ground sign shall be closer 250 feet to any part of any other ground sign
558 within the same development.
- 559 3. A ground sign may be situated at the convergence of two public streets upon which the
560 development fronts but where no entrance is located. However, signs permitted under
561 this provision shall be considered as situated upon both converging streets and shall be
562 separated from all other ground signs within the same development in accordance with
563 12.11.A.1 and 2., above.
- 564 4. Developments that are divided by a public street shall be considered as separate
565 developments for the purposes of this subsection.
- 566 5. No other ground signs will be permitted except in accordance with Section 12.11, below.
- 567 6. These requirements shall apply regardless of whether such developments are
568 subdivided into individual parcels.
- 569 7. All other requirements of this Chapter shall apply to such ground signs. Ground sign size
570 and height requirements shall be the same as the base district within which the
571 development is located.
- 572 8. Out-parcels as defined in Chapter 19 of this ordinance shall be allowed one ground sign
573 in accordance with Section 12.9(B).
- 574 B. Wall signs visible from a public street. Individual businesses and buildings located within
575 planned development districts, group developments, institutional campuses, and other
576 similar projects may have the following:
- 577 1. One wall sign which shall not to exceed 50 square feet or 50 percent of the surface area
578 of the wall upon which the sign is located, whichever is the lesser.
- 579 2. For buildings having frontage on more than one public right-of-way, signs may be placed
580 on both walls fronting the public right-of-way.
- 581 3. One identification sign not to exceed 16 square feet. That sign may be located on the
582 rear or side of the business.
- 583 4. One menu reader board for each drive-through restaurant establishment. Menu reader
584 boards shall not be greater than 32 square feet in area or seven feet in height.
- 585 5. One suspended or projection identification sign per business establishment, not to
586 exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate
587 surface area for the entire sign. Suspended or projected identification signs shall be
588 located at the main entrance of the business.
- 589 6. The aggregate area of all wall signs, including building identification signs, business
590 identification signs, identification signs, suspended signs, projection signs, menu reader
591 boards, and product information signs, shall not exceed 50 percent of the total surface
592 area of the front wall space of the business (surface area of said wall shall be computed
593 excluding windows and doors).

594 C. Internal development signage.

595 1. There shall be no limit to the number signs posted within an Institutional Campus, group
596 development, planned development district, or other similar developments, when such
597 signs are in no way visible from any public street or right-of-way, or any adjacent
598 property.

599 2. Ground signs permitted under this provision shall comply with Section 12.11.A.1 and 2.,
600 above.

601 3. Ground signs permitted under this provision shall be no larger than 32 square feet of
602 surface area per side of sign up to a maximum of 64 square feet of aggregate surface
603 area per sign, and shall not exceed five [feet] in height.

604 D. [Compliance:] Otherwise, signs permitted the development under this section shall comply
605 with all other requirements of this chapter, and other forms of signage within the
606 development shall comply with all requirements of this chapter.

1 **Sign Definitions**

2 *Signs listed without definitions are signs that appear in the sign regulations but are not defined.*

3 *Advertising sign:* A sign which directs attention to a business, commodity, service or
4 entertainment conducted, sold, manufactured, or offered. Such signs are further classified
5 according to location, as follows:

6 (a) On the same premises as the business, commodity, service, or entertainment
7 advertised by the sign;

8 (b) Remote from the business, commodity, service, or entertainment advertised by the
9 sign (see Billboard). (19)

10 *A-frame signs:*

11 *Automobile and motorized vehicle dealer signs:*

12 *Awning signs:* A sign constructed of a fabric-like non-rigid material which is part of a fabric or
13 plastic awning. Awning signs constructed of a flammable substance are prohibited in the fire
14 district. (19)

15 *Banner:* Any sign made of flexible fabric-like material except an awning sign. (19)

16 *Billboard:* An advertising sign used as an outdoor display for the purpose of directing attention
17 to a business, commodity, service, or entertainment conducted, sold, manufactured, or offered
18 at a location other than the location of said sign. (19)

19 *Building identification signs:*

20 *Canopy signs:*

21 *Commemorative plaques:* Commemorative plaques of recognized historic agencies or
22 identification emblems of such agencies. (12)

23 *Construction signs:*

24 *Decorative flags, banners and other moving devices:*

25 *Directional sign:* A sign which carries no advertising message or information, but simply the
26 name or the logo of an establishment and information directing persons to the location of said
27 establishment. (19)

28 *Electronic display signs:*

29 *Freestanding sign:* A sign that is not attached to any building structure. Such signs shall include,
30 but not be limited to, signs mounted on poles and A-frame signs. (19)

31 **Governmental agency signs:** Signs erected by a governmental agency to regulate, control or
 32 direct traffic including signs indicating bus stops, taxi stands, and similar transportation
 33 facilities. (12)

34 **Ground signs:**

35 **Ground signs at neighborhood entrances:**

36 **Illuminated sign:** A sign that is illuminated by electric or other devices mainly for clear visibility
 37 at night. (19)

38 **Incidental sign:** A sign which carries no advertising message, and is clearly incidental to other
 39 major advertising signs on-site, and which is used to do one or more of the following:

- 40 1. Direct traffic flow, either vehicular or pedestrian;
- 41 2. Indicates clearly the location of ingress or egress points;
- 42 3. Direct certain activities to certain areas (i.e., parking, waiting, etc.);
- 43 4. Provide other incidental information. (19)

44 **Mural:** Any image painted, applied, or affixed directly on to a privately owned, non-residential
 45 building wall, retaining and screening wall, or other large existing outdoor surface in non-
 46 residential zoning districts for artistic and/or aesthetic purposes. A distinguishing characteristic
 47 of a mural is that the architectural elements of the given surface are often harmoniously
 48 incorporated into the depicted image. (12)

49 **Nameplate signs (home occupations):** A sign identifying only the name and occupation or
 50 profession of the occupant of the premises on which the sign is located. When nameplates are
 51 used to identify more than one occupant, each nameplate shall be attached to one freestanding
 52 master identification sign. (19)

53 **"No trespassing" signs:**

54 **Nonprofit organization signs:** Any sign erected by city personnel on behalf of a nonprofit
 55 organization sponsoring a one-time or annual event. (12)

56 **Numbers and nameplates:** House numbers and nameplates are permitted in accordance with
 57 Brevard City Code, Chapter 62, Article VII, Property Addressing and Road Naming. (12)

58 **Off-premises directional signs:**

59 **Off-premises sign:** A sign that advertises goods, products, services, or facilities, or directs
 60 persons to a different location from where the sign is installed. (19)

61 **Organization signs:** Any flag, badge, insignia, or design customarily displayed by any
 62 governmental agency or government, or any charitable, civic, fraternal, patriotic, religious, or
 63 similar organization. (12)

- 64 *Outdoor advertising device:* A device consisting of twirling's, balloons, flags, flashing lights and
65 other similar materials used to attract attention. (19)
- 66 *Political party headquarter signs:*
- 67 *Political signs:* A sign attracting attention to political candidates or issues. (19)
- 68 *Portable sign:* A sign which rests on the ground or other surface, and is not directly attached to
69 such surface, and which is designed and/or constructed to be mobile or movable. (19)
- 70 *Poster:* Any sign made of a rigid or semi rigid, nondurable material, such as paper or cardboard,
71 other than advertising copy applied to a permanent sign structure. (19)
- 72 *Private traffic signs:* Private, unofficial traffic signs not exceeding two square feet in surface
73 area per side of sign up to a maximum of four square feet of aggregate surface area per sign,
74 which indicate directions, entrances, and exits. (12)
- 75 *Product information sign:* An on-premises, advertising sign which denotes a particular
76 commodity, service, or entertainment offered by said establishment. Identification signs and
77 reader boards shall not be construed as product information signs. (19)
- 78 *Public notice:* Official notices posted by public officers or employees in the performance of their
79 duties. (12)
- 80 *Public-owned ball field fence signs:* Nonprofit organizations, i.e., local ball leagues, may sell
81 advertising signage to merchants for attachment to ball field fences. (12)
- 82 *Reader boards:* A permanent sign, affixed either to the wall of a structure or to an existing
83 freestanding identification sign, which is comprised of a surface to which letters may be
84 attached on a temporary basis thereby forming messages advertising special sales or services
85 offered. Reader boards may not serve in substitution for identification signs. (19)
- 86 *Real estate sign:* Any sign pertaining to the sale, lease, or rental of land or buildings. (19)
- 87 *Roof sign:* A sign erected, constructed, or maintained upon the roof of the building. (19)
- 88 *Sandwich board signs:*
- 89 *Service station signs:*
- 90 *Price and self-service signs attached to gasoline pumps:*
- 91 *Brand name and grade signs:*
- 92 *North Carolina inspections sign:*
- 93 *Sign:* Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences,
94 emblems, devices, designs, graphic depiction of a product and/or process, trade names or
95 trademarks by which anything is known, including any surface fabric or other material or

96 structure designed to carry such devices, such as are used to designate or attract attention to
 97 an individual, a firm, an association, a corporation, a profession, a business, or a commodity or
 98 product, which are exposed to public view, and used to attract attention. This definition shall
 99 not include the flag, badge, or insignia of any governmental unit. (19)

100 *Signs required by law:* Signs erected pursuant to federal, state, or local laws or ordinances. (12)

101 *Suspended sign:* A sign which is suspended from the underside of a horizontal plane surface,
 102 such as a canopy or marquee, and is supported by such surface. (19)

103 *Temporary banners:*

104 *Temporary real estate signs:* Temporary real estate signs advertising a specific piece of property
 105 for sale, lease, rent, or development, located on said property. (12)

106 *Temporary sign:* A banner or A-frame sign used for advertising purposes as set forth in Section
 107 1105.6 of this ordinance. (19)

108 *Traffic sign:* A sign indicating federal, state, or city regulations for automobile, truck, bicycle,
 109 and pedestrian traffic. (19)

110 *Vintage sign:* Any logo, photo, text, or image that is the copyrighted advertising for a business,
 111 whether active, or closed, that is no longer used by the business for marketing purposes. (12)

112 *Wall signs:* A sign affixed to the surface of, and whose plane is parallel to, the exterior wall of a
 113 building, or which forms an angle of less than 30 degrees with said wall and does not project
 114 out from the wall more than 24 inches from said wall. No wall sign shall extend above the
 115 roofline of the building upon which it is located. In cases of flat roofs, no sign shall extend above
 116 the parapets. Mansard roofs with an angle of 60 degrees or more from horizontal shall be
 117 considered as wall space for the placement of signs. (19)

118 *Projection sign:* A sign projecting out from and attached to the exterior wall of any
 119 building, and forming an angle of 30 degrees or more to said wall. (19)

120 *Identification sign:* A sign which carries no advertising message and is used to identify
 121 only the following:

- 122 1. The name of an institutional use or organization occupying the premises on
 123 which the sign is located;
- 124 2. The name, title and/or occupation or profession of the occupant of the
 125 premises on which the sign is located;
- 126 3. The name and the type of nonretail business occupying the premises on which
 127 the sign is located; or
- 128 4. The name of the building on which the sign is located, including names and
 129 types of firms occupying the building. (19)

130 **Marquee signs:** A sign affixed to a hood, canopy, or projecting roof structure over the
131 entrance to a building, store, or place of public assembly. (19)

132 **Menu reader board:**

133 **Warning signs:** Warning signs: Signs which warn of hazards to life, limb, and property such as
134 high voltage electrical equipment, explosives and the like. (12)

135 **Window sign:** Any sign oriented toward and visible from the exterior of a building which is
136 placed directly on a glass window. (19)



The City of *Brevard* North Carolina

OLD BUSINESS STAFF REPORT

February 16, 2016

TITLE: Short-Term Rentals
SPEAKER: Daniel P. Cobb AICP, Planning Director
PREPARED BY: Daniel P. Cobb AICP, Planning Director

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, included as attachment A.

BACKGROUND: At the Board's meeting on January 26, 2016 Staff presented draft ordinance language for the Board's consideration. Several questions and concerns were raised by the Board regarding density, signage, and the Special Use Permit (SUP) application and review process. Staff will present maps demonstrating separation requirements and the effects on existing STR's, additional information on sign requirements, and a more detailed review of the SUP process at the meeting.

While not including as proposed changes Staff raised several other items for the Board's consideration; below are those items the Board requested additional information:

- Can a separation requirement be utilized to limit density?
 - Yes. State law enables local jurisdictions to regulate land uses distance from one another. Currently bed & breakfast establishments in Brevard must be at least 500 feet from one another.
- Will form-based codes effect which zoning districts allow these types of uses?
 - Yes. As the codes are developed any changes made regarding STR's will be incorporated into those regulations.
- Who would be required to notify neighbors of a SUP?
 - Staff currently notifies all neighbors within 200' when applications are received.
- Can the City cap the total number of units?
 - Potentially. The City likely has the legal authority to impose such a cap but again, a public need or protection must be addressed by such a requirement. This could create a kind of monopoly for those who secure permits under the cap limit.
- Can the City require proof of additional insurance?
 - Unlikely. In order to require such evidence a clear public need or protection must be addressed.
- Can part of the application fee go towards an affordable housing fund?
 - No. Application fees are designed to recoup the cost of reviewing a permit.

DISCUSSION: Included with this report, as Attachment B, is a table explaining the proposed regulation and why it was included. The intent with this table is to provide additional background information and demonstrate the rationale for each piece of new ordinance language.

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. Table of Regulation

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/ <u>Short-Term Rental/Homestays</u>	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.

REGULATION PIECE	INTENT	RATIONALE
Two different categories (Host-Absent or Host-Present)	Differentiate between the two key types of rentals.	<ul style="list-style-type: none"> In a host-present rental the host acts as a site manager as they are living on-site and have a vested interest in the guests acting in a calm, neighborly manner (i.e. no noise late at night) Vast majority of other cities split STRs into at least these two categories
Permitted with standards in most cases (PS in table of uses)	Impose baseline requirements to ensure compatibility with residential neighborhoods.	<ul style="list-style-type: none"> Permitted with standards allows for specific ordinance requirements to be imposed on these specific uses Most hosts are good neighbors but minimum standards required by ordinance helps ensure all hosts will be Vast majority of other cities have additional requirements specific to STRs
Special use permit required for host-absent in residential zoning districts (SUP in table of uses)	Ensure compatibility with residential neighbors.	<ul style="list-style-type: none"> BOA is only vehicle that can consider unique details on a case-by-case basis BOA can impose additional conditions as is fit depending on a property's unique circumstances Staff-level review cannot consider unique aspects, if minimum standards are met approval must be granted
Occupancy limit (# of rooms X 2) + 2	Limit max occupancy in proportion with the size of the rental unit.	<ul style="list-style-type: none"> Formula scales with the size of the unit The "plus 2" allows for flexibility (e.g. sleeper sofa) Similar formulas in other cities One limit across the board could allow an unsafe number of people in a small space
Single 4sqft sign attached to building	Allow for sign with name of rental if desired.	<ul style="list-style-type: none"> Used existing signage for home occupations that is currently allowed in residential districts Help visitors find rental without driving up and down unfamiliar streets
Off-street, improved parking required	Avoid congested residential streets to ensure service and emergency vehicles have adequate room to maneuver.	<ul style="list-style-type: none"> Not all City streets are designated either parking allowed or not allowed, so many rentals will be situated upon roads that do not specifically allow for on-street parking Visitors may assume on-street parking is allowed and leave cars in unsafe positions that block access for large service or emergency vehicles such as trash trucks and fire engines

		<ul style="list-style-type: none"> • Similar requirements in other cities • Improved parking ensures that vehicles have a proper location to park and guests will not resort to parking in lawns • Applies existing standard for lodging uses to STR categories
One parking space per room	Ensure proper number of parking spaces.	
Parking can be in front	Reduce "commercial" feel of STRs in neighborhoods.	<ul style="list-style-type: none"> • Allows houses being used for STRs to have same exemption that single-family homes currently have • Requiring parking in rear will alter the look of residential buildings and lots, as most houses have parking in front • Houses may convert back to non-STRs
Local, primary contact required	Ensure there is a responsible party available to respond to complains/issues.	<ul style="list-style-type: none"> • Some rental owners do not live locally • Similar requirements in other cities • Readily available contact for Police and Fire
Annual renewal of permit	Allow for review of compliance and good neighborly behavior.	<ul style="list-style-type: none"> • Generation of detrimental effects can be remedied by not renewing the permit of a rental that has a demonstrated history of noncompliance or substantiated complaints • Maintain up-to-date contact information • Same rules as Home Occupations • Most cities require annual renewal of permit/license
Exemption for < 14 nights per year	Allow for incidental rentals where house is only a primary residence only	<ul style="list-style-type: none"> • State statutes require collection of occupancy taxes at 15 days • Allows for homeowners to hire house-sitters or rent house while on vacation
B&B definition to include provision of the breakfast meal	Provide clarity between similar land use categories	<ul style="list-style-type: none"> • Want to be clear that a distinguishing characteristics between B&Bs and STRs is that B&Bs serve breakfast as a part of the service included in the price, but STRs do not (only provide a place to sleep, no meal preparation) • Similar requirements in other cities