

**Article XI    Schedule of District Regulations**

Within the districts as established by this Ordinance, the requirements as set forth in this Article shall be compiled within addition to any other general or specific requirements of this Ordinance.

**Section 11.1 R-20 Single-Family Residential and Agricultural District**

A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.

B. Dimension Requirements:

1. Minimum Required Lot Area for a Single-Family dwelling or any non-residential use: 20,000 (twenty thousand) square feet if there isn't public water or sewer, 15,000 (fifteen thousand) square feet if there is public water or sewer.
2. Minimum Required Lot Width: 100 (one hundred) feet. In addition, and unless otherwise provided herein, all non-cul-de-sac lots in R zones shall have a minimum lot street frontage of 60 (sixty) feet.
3. Minimum Required Front Yard: 30 (thirty) feet.
4. Minimum Required Side Yards: 15 (fifteen) feet. For corner lots, add 10 (ten) feet on the street side.
5. Minimum Required Rear Yard: 25 (twenty-five) feet.
6. Maximum Lot Coverage: 25% (twenty-five percent) of total lot area.
7. Maximum Building Height: 35 (thirty-five) feet unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height.

C. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.

D. Off-Street Parking and Loading: Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.

E. Signs: Signs shall be regulated by the provisions of Article XIV.

F. Landscape Requirements: Landscaping shall be provided in accordance with the provisions of Article XV.

**Section 11.2 R-12 Single-Family Residential District**

A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.

B. Dimension Requirements:



1. Minimum Required Lot Area for a Single-Family dwelling or any non-residential use: 12,000 (twelve thousand) square feet.
  2. Minimum Required Lot Width: 80 (eighty) feet. In addition and unless otherwise provided herein, all non-cul-de-sac lots in R zones shall have a minimum lot street frontage of 60 (sixty) feet.
  3. Minimum Required Front Yard: 30 (thirty) feet
  4. Minimum Required Side Yards: 15 (fifteen) feet. For corner lots, add 10 (ten) feet on the street side.
  5. Minimum Required Rear Yard: 25 (twenty-five) feet.
  6. Maximum Lot Coverage: 30% (thirty percent) of total lot area.
  7. Maximum Building Height: 35 (thirty-five) feet unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height.
- C. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19
- D. Off-Street Parking and Loading: Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.
- E. Signs: Signs shall be regulated by the provisions of Article XIV.
- F. Landscape Requirements: Landscaping shall be provided in accordance with the provisions of Article XV.

### **Section 11.3 R-8 Residential District**

- A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.
- B. Dimension Requirements:
1. Minimum Required Lot Area for a Single-Family dwelling, Multi-Family dwelling, or any non-residential use: 8,000 (eight thousand) square feet. 12,000 (twelve thousand) square feet for Duplex.
  2. Minimum Required Lot Width: 70 (seventy) feet for Single-Family and 80 (eighty) feet for Multi-Family or Duplex. In addition and unless otherwise provided herein, all non-cul-de-sac lots in R zones shall have a minimum lot street frontage of 60 (sixty) feet.
  3. Minimum Required Front Yard: 25 (twenty-five) feet.
  4. Minimum Required Side Yards: 10 (ten) feet. For corner lots, add 10 (ten) feet on the street side.
  5. Minimum Required Rear Yard: 25 (twenty-five) feet.

6. Maximum Lot Coverage: 40% (forty percent) of total lot area.
  7. Maximum Building Height: 35 (thirty-five) feet for Single-Family and Duplex unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height. Three stories for Multi-Family and density shall not exceed 10 units per acre or fraction thereof or 12 units with approved conditional plan.
- C. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.
- D. Off-Street Parking and Loading: Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.
- E. Signs: Signs shall be regulated by the provisions of Article XIV.
- F. Landscape Requirements: Landscaping shall be provided in accordance with the provisions of Article XV.

#### **Section 11.4 R-8SF Single-Family Residential District**

- A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.
- B. Dimension Requirements:
1. Minimum Required Lot Area for a Single-Family dwelling or any non-residential use: 8,000 (eight thousand) square feet.
  2. Minimum Required Lot Width: 70 (seventy) feet for Single-Family. In addition and unless otherwise provided herein, all non-cul-de-sac lots in R zones shall have a minimum lot street frontage of 60 (sixty) feet.
  3. Minimum Required Front Yard: 25 (twenty-five) feet.
  4. Minimum Required Side Yards: 10 (ten) feet. For corner lots, add 10 (ten) feet on the street side.
  5. Minimum Required Rear Yard: 25 (twenty-five) feet.
  6. Maximum Lot Coverage: 40% (forty percent) of total lot area.
  7. Maximum Building Height: 35 (thirty-five) feet for Single-Family unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height.
- C. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.
- D. Off-Street Parking and Loading: Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.

- E. Signs: Signs shall be regulated by the provisions of Article XIV.
- F. Landscape Requirements: Landscaping shall be provided in accordance with the provisions of Article XV.

### Section 11.5 R-8MF Multi-Family Residential District

- A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.
- B. Dimension Requirements:
  - 1. Minimum Required Lot Area for the first Multi-Family dwelling unit or any non-residential use: 8,000 (eight thousand) square feet, for each additional dwelling unit: 3,000 (three thousand) square feet, or 12,000 (twelve thousand) square feet for Duplex.
  - 2. Minimum Required Lot Width: 80 (eighty) feet. In addition and unless otherwise provided herein, all non-cul-de-sac lots in R zones shall have a minimum lot street frontage of 60 (sixty) feet.
  - 3. Minimum Required Front Yard: 25 (twenty-five) feet.
  - 4. Minimum Required Side Yards: 10 (ten) feet. For corner lots, add 10 (ten) feet on the street side.
  - 5. Minimum Required Rear Yard: 25 (twenty-five) feet.
  - 6. Maximum Lot Coverage: 40% (forty percent) of total lot area.
  - 7. Maximum Building Height: 35 (thirty-five) feet for Duplex unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height. Three stories for Multi-Family and density shall not exceed 10 units per acre or fraction thereof or 12 units with approved conditional plan.
  - 8. Residential Building Separation: 20 (twenty) feet.
- C. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.
- D. Off-Street Parking and Loading: Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.
- E. Signs: Signs shall be regulated by the provisions of Article XIV.
- F. Landscape Requirements: Landscaping shall be provided in accordance with the provisions of Article XV.

**Section 11.6 CB Central Business District**

- A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.
- B. Dimension Requirements:
1. Minimum Required Lot Area: None.
  2. Minimum Required Lot Width: None.
  3. Minimum Required Front Yard: None.
  4. Minimum Required Side Yards: None except that the side yard abutting a residential district shall be 10 (ten) feet.
  5. Minimum Required Rear Yard: None except that the rear yard abutting a residential district shall be 25 (twenty-five) feet.
  6. Maximum Lot Coverage: 100% (one hundred percent) of total lot area.
  7. Maximum Building Height: 35 (thirty-five) feet unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height provided that in no case shall such required yards exceed 10 feet. No building shall exceed 50 feet in height upon conditions set for fire safety by the Town Council.
- C. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.
- D. Architectural Requirements: See the Central Business District Master Plan and Central Business District Design Guidelines adopted as an appendix to the Stanley Zoning Ordinance.
- E. Off-Street Parking and Loading, Relationship of Building to Street: Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.
- F. Relationship of Building to Street: See Design Guidelines for outdoor space, ground level expressions, and others.
- G. Signs:
1. Signs shall be regulated by the provisions of Article XIV.
  2. Allowable wall sign area on the front of a business shall not exceed two square feet per linear foot of the building facing a public street.
  3. If a monument sign is utilized, then said monument sign shall not exceed thirty-two (32) square feet and shall not exceed six (6) feet in height.
  4. Projecting Signs may be utilized provided that there is no room for a monument sign. Projecting signs cannot be combined with another wall sign but can be combined with a canopy or awning sign.

H. Screening and Landscape Requirements: Landscaping shall be provided in accordance with the provisions of Article XV.

### Section 11.7 GB General Business District

A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.

B. Dimension Requirements:

1. Minimum Required Lot Area: None.
2. Minimum Required Lot Width: None.
3. Minimum Required Front Yard: 30 (thirty) feet.
4. Minimum Required Side Yards: 15 (fifteen) feet. For corner lots, add 10 (ten) feet on the street side.
5. Minimum Required Rear Yard: None except that the rear yard abutting a residential district shall be 25 (twenty-five) feet.
6. Maximum Lot Coverage: 50% (fifty percent) of total lot area.
7. Maximum Building Height: 35 (thirty-five) feet unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height.
8. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.

C. Architectural Requirements:

1. General Principals:
  - a. Design regulations are not intended to promote the repetition of the existing built form of Stanley, but to allow imaginative design that is respectful of its unique location.
  - b. Roof forms are to be pitch or flat.
  - c. Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.
  - d. Where any approved, new commercial construction is taking place along an adopted portion of greenway, per any adopted greenway plan, regardless of the zoning of the property or the zoning overlay district, in which the property lies, the developer/property owner must build that portion of the greenway on his or her property to City standards, which are found in the Land Development Design Standards and Detail Drawings Manual.

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- e. Required Design Submittals: Building elevations of all visible sides and samples of exterior materials and colors shall be submitted to the Planning Department for approval.
2. Configurations:
- a. All visibly exposed facades should have: A recognizable base course consisting of, but not limited to:
    - i. Thicker walls, ledges or sills
    - ii. Integrally textured materials, such as stone or other masonry materials.
    - iii. Integrally colored and patterned materials such as smooth finished stone or tile.
    - iv. Lighter or darker materials, mullions, or patterns and planters.
    - v. Cornice treatments, other than just colored stripes or bands, with integrally textured materials.
    - vi. A roof overhang with brackets.
    - vii. Stepped parapets.
    - viii. A cornice capping the top of a building wall.
  - b. No frontage wall shall remain unpierced by a window or functional general access doorway for more than thirty-two (32) feet.
  - c. Window and door openings should be proportioned so that verticals dominate horizontals. Upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
  - d. All sides of the building shall use materials consistent with those on the front if visible.
  - e. Two or more wall materials may be combined horizontally on one façade. The heavier material should be below.
  - f. Flat roofs shall incorporate parapet walls at minimum of three (3) feet to conceal the flat portions of the roof that are visible on the front and side elevations from any public street. The parapet must also conceal any HVAC or other utility equipment that may be located on the roof of a building.
3. Building Materials:
- a. Building finishes shall be in the form of Brick, Masonry, Stone, Stucco, Wood or Concrete Siding, EIFS Stucco (Exterior Insulation Finish Systems) shall only be used as trim at least eight (8) feet from the base of the building.

- b. Sloped roofs or structural canopies shall be covered with asphalt shingles, diamond tab asphalt shingles, clay tile, slate, concrete tile, standing seam metal, corrugated metal, ribbed metal material, wood shakes or shingles.
  - c. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with roof colors.
  - d. A building canopy, awning, or similar weather protection may be provided and should project 3-5 feet from the façade.
  - e. Building materials and colors shall be similar to the materials already being used in the neighborhood, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the building to relate to the rest of the neighborhood.
  - f. Façade and roof colors shall be of low reflectance earth tone, muted, subtle or neutral colors. Building trim may feature brighter colors as an accent material only, the use of fluorescent, day-glow or neon colors shall be prohibited.
  - g. Vinyl siding is discouraged but may be appropriate for some civic, commercial and detached structures only if typical of surrounding buildings. Vinyl siding shall be of thick grade (0.046) if utilized.
  - h. Exterior metal or aluminum siding on buildings shall be prohibited as a primary material.
  - i. Front and side yard fences and walls shall be brick, stucco, wrought iron, stone, or materials similar in appearance and durability. Maximum fence height shall be five (5) feet. Rear yard fences and walls shall be made of brick, stucco, wrought iron, stone, wood, or similar materials. Maximum fence height shall be eight (8) feet.
  - j. Brick façade for existing buildings shall not be painted or covered by any material.
- D. Off-Street Parking and Loading, Relationship of Building to Street:
- 1. Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.
  - 2. Relationship of Building to Street:
    - a. Building facades that front a street must extend parallel to that street. Main pedestrian access to building is from the street with secondary access from the parking areas. Entrances to retail-oriented buildings should encourage easy access from the sidewalk and therefore be built close to ground level.
    - b. The principal, functional doorway for public or direct-entry access into a building shall be from the fronting street. Corner entrances shall be provided on corner lot buildings.



- c. Parking shall be placed to the side or rear of the building.
- d. Two rows of parking, not greater than 40% of the total amount of parking located on the parcel may be located in front of a proposed commercial building.
- e. Drive thru service windows shall be placed on the rear façade of the building. In no case shall drive thru windows be located on the front façade. If a drive thru window is to be located on a side of the building it must be located on the least visible side from the fronting street.
- f. A minimum of an eight (8) foot wide sidewalk is required with at least a six (6) foot wide landscaped buffer between sidewalk and edge of road is required for all buildings located along a major thoroughfare.
- g. A minimum of a five (5) foot wide sidewalk is required with at least a six (6) foot wide landscaped buffer between sidewalk and edge of road is required for all other buildings.

E. Signs:

1. Signs shall be regulated by the provisions of Article XIV.
2. Allowable sign area on the front of building shall not exceed two (2) square feet per linear foot of building facing a public street.
  - a. If a monument sign is utilized, then said monument sign shall not exceed forty-eight (48) square feet or eight (8) feet in height.
  - b. In the event the building has walls facing a side or rear street, then those areas are permitted to have one (1) square foot per linear foot of said building with public street facing.
3. In the event of a shopping center; the monument sign shall not exceed sixty-four (64) square feet and eight (8) feet in height.
4. In the event of a shopping center, in which the building is over 25,000 square feet, the monument sign shall not exceed 100 square feet and 12 feet in height.

F. Screening and Landscape Requirements:

1. Landscaping shall be provided in accordance with the provisions of Article XV.
2. Mechanical Screening:
  - a. Mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure or they shall be so located as not to be visible from any public view or from potential nearby building.

**Section 11.8 M-1 Manufacturing and Industrial District**

A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.

B. Dimension Requirements:

1. Minimum Required Lot Area: None.
2. Minimum Required Lot Width: 100 (one hundred) feet.
3. Minimum Required Front Yard: 50 (fifty) feet.
4. Minimum Required Side Yards: 20 (twenty) feet except that the side yard abutting a residential district shall be 25 (twenty-five) feet.
5. Minimum Required Rear Yard: 25 (twenty-five) feet.
6. Maximum Lot Coverage: 85% (eighty-five percent) of total lot area.
7. Maximum Building Height: 35 (thirty-five) feet unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height.
8. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.

C. Architectural Requirements:

1. General Principals:
  - a. Design regulations are not intended to promote the repetition of the existing built form of Stanley, but to allow imaginative design that is respectful of its unique location.
  - b. Roof forms are to be pitch or flat.
  - c. Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.
  - d. Where any approved, new industrial construction is taking place along an adopted portion of greenway, per any adopted greenway plan, regardless of the zoning of the property or the zoning overlay district, in which the property lies, the developer/property owner must build that portion of the greenway on his or her property to City standards, which are found in the Land Development Design Standards and Detail Drawings Manual.
  - e. Expansions and accessory structures may be allowed if materials are of similar appearance, including metal and aluminum siding, in the M-1L, Light Industrial and M-1H, Heavy Industrial Zoning Districts. This expansion and/or construction of an accessory structure is only allowed on the lot where the primary structure is located.

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- f. Required Design Submittals: Building elevations of all visible sides and samples of exterior materials and colors shall be submitted to the Planning Department for approval.
2. Configurations:
- a. All visibly exposed facades should have a recognizable base course consisting of, but not limited to:
    - i. Thicker walls, ledges or sills
    - ii. Integrally textured materials, such as stone or other masonry materials.
    - iii. Integrally colored and patterned materials such as smooth finished stone or tile.
    - iv. Lighter or darker materials, mullions, or patterns and planters.
    - v. Cornice treatments, other than just colored stripes or bands, with integrally textured materials.
    - vi. A roof overhang with brackets.
    - vii. Stepped parapets.
    - viii. A cornice capping the top of a building wall.
  - b. No frontage wall shall remain unpierced by a window or functional general access doorway for more than thirty-two (32) feet.
  - c. Window and door openings should be proportioned so that verticals dominate horizontals. Upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
  - d. All sides of the building shall use materials consistent with those on the front if visible from a public street or way.
  - e. Two or more wall materials may be combined horizontally on one façade. The heavier material should be below.
  - f. Flat roofs shall incorporate parapet walls at minimum of three (3) feet to conceal the flat portions of the roof that are visible on the front and side elevations from any public street. The parapet must also conceal any HVAC or other utility equipment that may be located on the roof of a building.
  - g. Skylights shall be flat (non-bubble).
3. Building Materials:
- a. Building finishes shall be in the form of Brick, Masonry, Stone, Stucco, Wood or Concrete Siding, EIFS Stucco (Exterior Insulation Finish Systems) shall only be used as trim at least eight (8) feet from the base of the building when visible from a public street.
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- b. Sloped roofs or structural canopies shall be covered with asphalt shingles, diamond tab asphalt shingles, clay tile, slate, concrete tile, standing seam metal, corrugated metal, ribbed metal material, wood shakes or shingles.
- c. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with roof colors.
- d. A building canopy, awning, or similar weather protection may be provided and should project 3-5 feet from the façade.
- e. Building materials and colors shall be similar to the materials already being used in the neighborhood, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the building to relate to the rest of the neighborhood.
- f. Façade and roof colors shall be of low reflectance earth tone, muted, subtle or neutral colors. Building trim may feature brighter colors as an accent material only, the use of fluorescent, day-glow or neon colors shall be prohibited.
- g. Exterior Metal or aluminum siding on buildings may be permitted when not visible from a public street or if utilized in a manner that combines a variety of other approved materials in an attractive manner.
- h. Front and side yard fences and walls shall be brick, stucco, wrought iron, stone, or materials similar in appearance and durability. Maximum fence height shall be five (5) feet. Rear yard fences and walls shall be made of brick, stucco, wrought iron, stone, wood, or similar materials. Maximum fence height shall be eight (8) feet. New construction of perimeter fences on industrial property may be galvanized, chain-link fencing along with barbed-wire runners if necessary for security purposes.
- i. Brick façade for existing buildings shall not be painted or covered by any material.

D. Off-Street Parking and Loading, Relationship of Building to Street:

1. Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.
2. Relationship of Building to Street:
  - a. Building facades that front a street must extend parallel to that street. Main pedestrian access to building is from the street with secondary access from the parking areas.
  - b. The principal, functional doorway for public or direct-entry access into a building shall be from the fronting street.
  - c. Parking shall be placed to the side or rear of the building.

- d. Loading docks and material delivery locations shall not be visible from a public street or residential zoning district.
- e. A minimum of an eight (8) foot wide sidewalk is required with at least a six (6) foot wide landscaped buffer between sidewalk and edge of road is required for all buildings located along a major thoroughfare.
- f. A minimum of a five (5) foot wide sidewalk is required with at least a six (6) foot wide landscaped buffer between sidewalk and edge of road is required for all other buildings.

E. Signs:

1. Signs shall be regulated by the provisions of Article XIV.
2. Allowable sign area on the front of building shall not exceed two (2) square feet per linear foot of building facing a public street.
3. If a monument sign is utilized, then said monument sign shall not exceed forty-eight (48) square feet or eight (8) feet in height.
4. In the event the building has walls facing a side or rear street, then those areas are permitted to have one (1) square foot per linear foot of said building with public street facing. In addition, required on premises directional signage is permitted, (i.e.; freight delivery entrance, etc.).

F. Screening and Landscape Requirements:

1. Landscaping shall be provided in accordance with the provisions of Article XV.
2. Mechanical Screening:
  - a. Mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure or they shall be so located as not to be visible from any public view or from potential nearby building.

### Section 11.9 M-1L Light Industrial District

A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.

B. Dimension Requirements:

1. Minimum Required Lot Area: None.
2. Minimum Required Lot Width: 100 (one hundred) feet.
3. Minimum Required Front Yard: 50 (fifty) feet.

4. Minimum Required Side Yards: 20 (twenty) feet except that the side yard abutting a residential district shall be 25 (twenty-five) feet
5. Minimum Required Rear Yard: 25 (twenty-five) feet.
6. Maximum Lot Coverage: 85% (eighty-five percent) of total lot area.
7. Maximum Building Height: 35 (thirty-five) feet unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height.
8. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.

C. Architectural Requirements:

1. General Principals:

- a. Design regulations are not intended to promote the repetition of the existing built form of Stanley, but to allow imaginative design that is respectful of its unique location.
- b. Roof forms are to be pitch or flat.
- c. Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.
- d. Where any approved, new industrial construction is taking place along an adopted portion of greenway, per any adopted greenway plan, regardless of the zoning of the property or the zoning overlay district, in which the property lies, the developer/property owner must build that portion of the greenway on his or her property to City standards, which are found in the Land Development Design Standards and Detail Drawings Manual.
- e. Expansions and accessory structures may be allowed if materials are of similar appearance, including metal and aluminum siding, in the M-1L, Light Industrial and M-1H, Heavy Industrial Zoning Districts. This expansion and/or construction of an accessory structure is only allowed on the lot where the primary structure is located.
- f. Required Design Submittals: Building elevations of all visible sides and samples of exterior materials and colors shall be submitted to the Planning Department for approval.

2. Configurations:

- a. All visibly exposed facades should have: A recognizable base course consisting of, but not limited to:
  - i. Thicker walls, ledges or sills
  - ii. Integrally textured materials, such as stone or other masonry materials.

- iii. Integrally colored and patterned materials such as smooth finished stone or tile.
  - iv. Lighter or darker materials, mullions, or patterns and planters.
  - v. Cornice treatments, other than just colored stripes or bands, with integrally textured materials.
  - vi. A roof overhang with brackets.
  - vii. Stepped parapets.
  - viii. A cornice capping the top of a building wall.
- b. No frontage wall shall remain unpierced by a window or functional general access doorway for more than thirty-two (32) feet.
  - c. Window and door openings should be proportioned so that verticals dominate horizontals. Upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
  - d. All sides of the building shall use materials consistent with those on the front if visible from a public street or way.
  - e. Two or more wall materials may be combined horizontally on one façade. The heavier material should be below.
  - f. Flat roofs shall incorporate parapet walls at minimum of three (3) feet to conceal the flat portions of the roof that are visible on the front and side elevations from any public street. The parapet must also conceal any HVAC or other utility equipment that may be located on the roof of a building.
  - g. Skylights shall be flat (non-bubble).
3. Building Materials:
- a. Building finishes shall be in the form of Brick, Masonry, Stone, Stucco, Wood or Concrete Siding, EIFS Stucco (Exterior Insulation Finish Systems) shall only be used as trim at least eight (8) feet from the base of the building when visible from a public street.
  - b. Sloped roofs or structural canopies shall be covered with asphalt shingles, diamond tab asphalt shingles, clay tile, slate, concrete tile, standing seam metal, corrugated metal, ribbed metal material, wood shakes or shingles.
  - c. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with roof colors.
  - d. A building canopy, awning, or similar weather protection may be provided and should project 3-5 feet from the façade.

- e. Building materials and colors shall be similar to the materials already being used in the neighborhood, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the building to relate to the rest of the neighborhood.
- f. Façade and roof colors shall be of low reflectance earth tone, muted, subtle or neutral colors. Building trim may feature brighter colors as an accent material only, the use of fluorescent, day-glow or neon colors shall be prohibited.
- g. Exterior Metal or aluminum siding on buildings may be permitted when not visible from a public street or if utilized in a manner that combines a variety of other approved materials in an attractive manner.
- h. Front and side yard fences and walls shall be brick, stucco, wrought iron, stone, or materials similar in appearance and durability. Maximum fence height shall be five (5) feet. Rear yard fences and walls shall be made of brick, stucco, wrought iron, stone, wood, or similar materials. Maximum fence height shall be eight (8) feet. New construction of perimeter fences on industrial property may be galvanized, chain-link fencing along with barbed-wire runners if necessary for security purposes.
- i. Brick façade for existing buildings shall not be painted or covered by any material.

D. Off-Street Parking and Loading, Relationship of Building to Street:

1. Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.
2. Relationship of Building to Street:
  - a. Building facades that front a street must extend parallel to that street. Main pedestrian access to building is from the street with secondary access from the parking areas.
  - b. The principal, functional doorway for public or direct-entry access into a building shall be from the fronting street.
  - c. Parking shall be placed to the side or rear of the building.
  - d. Loading docks and material delivery locations shall not be visible from a public street or residential zoning district.
  - e. A minimum of an eight (8) foot wide sidewalk is required with at least a six (6) foot wide landscaped buffer between sidewalk and edge of road is required for all buildings located along a major thoroughfare.
  - f. A minimum of a five (5) foot wide sidewalk is required with at least a six (6) foot wide landscaped buffer between sidewalk and edge of road is required for all other buildings.



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**E. Signs:**

1. Signs shall be regulated by the provisions of Article XIV.
2. Allowable sign area on the front of building shall not exceed two (2) square feet per linear foot of building facing a public street.
3. If a monument sign is utilized, then said monument sign shall not exceed forty-eight (48) square feet or eight (8) feet in height.
4. In the event the building has walls facing a side or rear street, then those areas are permitted to have one (1) square foot per linear foot of said building with public street facing. In addition, required on premises directional signage is permitted, (i.e.; freight delivery entrance, etc.).

**F. Screening and Landscape Requirements:**

1. Landscaping shall be provided in accordance with the provisions of Article XV.
2. Mechanical Screening:
  - a. Mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure or they shall be so located as not to be visible from any public view or from potential nearby building.

**Section 11.10 M-1H Heavy Industrial District**

A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.

**B. Dimension Requirements:**

1. Minimum Required Lot Area: 1 (one) acre.
2. Minimum Required Lot Width: 100 (one hundred) feet.
3. Minimum Required Front Yard: 50 (fifty) feet.
4. Minimum Required Side Yards: 20 (twenty) feet except that the side yard abutting a residential district shall be 25 (twenty-five) feet.
5. Minimum Required Rear Yard: 25 (twenty-five) feet.
6. Maximum Lot Coverage: 85% (eighty-five percent) of total lot area.
7. Maximum Building Height: 35 (thirty-five) feet unless the minimum required front and side yards are increased 1 (one) foot for each additional 2 (two) feet in height.
8. Location of Accessory Buildings and Structures: Accessory buildings and structures shall be placed in accordance with the provisions of Section 9.19.

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C. Architectural Requirements:

1. General Principals:

- a. Design regulations are not intended to promote the repetition of the existing built form of Stanley, but to allow imaginative design that is respectful of its unique location.
- b. Roof forms are to be pitch or flat.
- c. Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.
- d. Where any approved, new industrial construction is taking place along an adopted portion of greenway, per any adopted greenway plan, regardless of the zoning of the property or the zoning overlay district, in which the property lies, the developer/property owner must build that portion of the greenway on his or her property to City standards, which are found in the Land Development Design Standards and Detail Drawings Manual.
- e. Expansions and accessory structures may be allowed if materials are of similar appearance, including metal and aluminum siding, in the M-1L, Light Industrial and M-1H, Heavy Industrial Zoning Districts. This expansion and/or construction of an accessory structure is only allowed on the lot where the primary structure is located.
- f. Required Design Submittals: Building elevations of all visible sides and samples of exterior materials and colors shall be submitted to the Planning Department for approval.

2. Configurations:

- a. All visibly exposed facades should have: A recognizable base course consisting of, but not limited to:
  - i. Thicker walls, ledges or sills
  - ii. Integrally textured materials, such as stone or other masonry materials.
  - iii. Integrally colored and patterned materials such as smooth finished stone or tile.
  - iv. Lighter or darker materials, mullions, or patterns and planters.
  - v. Cornice treatments, other than just colored stripes or bands, with integrally textured materials.
  - vi. A roof overhang with brackets.
  - vii. Stepped parapets.
  - viii. A cornice capping the top of a building wall.
- b. No frontage wall shall remain unpierced by a window or functional general access doorway for more than thirty-two (32) feet.

- c. Window and door openings should be proportioned so that verticals dominate horizontals. Upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
  - d. All sides of the building shall use materials consistent with those on the front if visible from a public street or way.
  - e. Two or more wall materials may be combined horizontally on one façade. The heavier material should be below.
  - f. Flat roofs shall incorporate parapet walls at minimum of three (3) feet to conceal the flat portions of the roof that are visible on the front and side elevations from any public street. The parapet must also conceal any HVAC or other utility equipment that may be located on the roof of a building.
  - g. Skylights shall be flat (non-bubble).
3. Building Materials:
- a. Building finishes shall be in the form of Brick, Masonry, Stone, Stucco, Wood or Concrete Siding, EIFS Stucco (Exterior Insulation Finish Systems) shall only be used as trim at least eight (8) feet from the base of the building when visible from a public street.
  - b. Sloped roofs or structural canopies shall be covered with asphalt shingles, diamond tab asphalt shingles, clay tile, slate, concrete tile, standing seam metal, corrugated metal, ribbed metal material, wood shakes or shingles.
  - c. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with roof colors.
  - d. A building canopy, awning, or similar weather protection may be provided and should project 3-5 feet from the façade.
  - e. Building materials and colors shall be similar to the materials already being used in the neighborhood, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the building to relate to the rest of the neighborhood.
  - f. Façade and roof colors shall be of low reflectance earth tone, muted, subtle or neutral colors. Building trim may feature brighter colors as an accent material only, the use of fluorescent, day-glow or neon colors shall be prohibited.
  - g. Exterior Metal or aluminum siding on buildings may be permitted when not visible from a public street or if utilized in a manner that combines a variety of other approved materials in an attractive manner.
  - h. Front and side yard fences and walls shall be brick, stucco, wrought iron, stone, or materials similar in appearance and durability. Maximum fence height shall be five (5) feet. Rear yard fences and walls shall be made of brick, stucco, wrought iron, stone,

wood, or similar materials. Maximum fence height shall be eight (8) feet. New construction of perimeter fences on industrial property may be galvanized, chain-link fencing along with barbed-wire runners if necessary, for security purposes.

- i. Brick façade for existing buildings shall not be painted or covered by any material.

D. Off-Street Parking and Loading, Relationship of Building to Street:

1. Off-street parking and loading shall be provided in accordance with the provisions of Article XIII.
2. Relationship of Building to Street:
  - a. Building facades that front a street must extend parallel to that street. Main pedestrian access to building is from the street with secondary access from the parking areas.
  - b. The principal, functional doorway for public or direct-entry access into a building shall be from the fronting street.
  - c. Parking shall be placed to the side or rear of the building.
  - d. Loading docks and material delivery locations shall not be visible from a public street or residential zoning district.
  - e. A minimum of an eight (8) foot wide sidewalk is required with at least a six (6) foot wide landscaped buffer between sidewalk and edge of road is required for all buildings located along a major thoroughfare.
  - f. A minimum of a five (5) foot wide sidewalk is required with at least a six (6) foot wide landscaped buffer between sidewalk and edge of road is required for all other buildings.

E. Signs:

1. Signs shall be regulated by the provisions of Article XIV.
2. Allowable sign area on the front of building shall not exceed two (2) square feet per linear foot of building facing a public street.
3. If a monument sign is utilized, then said monument sign shall not exceed forty-eight (48) square feet or eight (8) feet in height.
4. In the event the building has walls facing a side or rear street, then those areas are permitted to have one (1) square foot per linear foot of said building with public street facing. In addition, required on premises directional signage is permitted, (i.e.; freight delivery entrance, etc.).

F. Screening and Landscape Requirements:

1. Landscaping shall be provided in accordance with the provisions of Article XV.
2. Mechanical Screening:



- a. Mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure or they shall be so located as not to be visible from any public view or from potential nearby building.

### Section 11.11 MU Mixed Use District

A. Permitted and Special Uses: See Article XII Table of Permitted and Conditional Uses.

B. Dimension Requirements:

1. Minimum Required Lot Area: None.
2. Minimum Required Lot Width: None.
3. Minimum Required Front Yard: 25 (twenty-five) feet and up to a ten (10) foot wide sidewalk; Interior buildings must be built up to the sidewalk.
4. Minimum Required Side Yards: To be established through the project design and review process.
5. Minimum Required Rear Yard: None except that the rear yard abutting a residential district must provide a visual buffer of four (4) feet and a six (6) foot wide sidewalk.
6. Maximum Lot Coverage: 100% (one hundred percent) of total lot area, subject to watershed regulations.
7. Maximum Building Height: Four (4) stories
8. Location of Accessory Buildings and Structures: To be established through the project design and review process.

C. Off-Street Parking and Loading: Off-Street parking and loading shall be located to the rear of buildings and not visible from frontage streets. Parking lots shall provide vehicle connection to adjacent developed and un-developed parcels. Visual screening shall be in conformance to Article XV.

D. Signs: Signs shall be regulated by the provisions of Article XIV.

E. Landscape Requirements: Landscaping shall be provided in accordance with the provisions of Article XV.

F. Permitted Building Types:

1. Commercial Buildings
2. Attached Residential

3. Civic Buildings Civic uses include churches, schools, and City and County government uses. Public, charter, and private schools must include soccer and softball or baseball play fields: joint public use required for play fields, school library and auditorium.

G. Design Standards/ Architectural Requirements:

1. General Principals:

- a. Design regulations are not intended to promote the repetition of the existing built form of Stanley, but to allow imaginative design that is respectful of its unique location.
- b. Roof forms are to be pitch or flat.
- c. Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.
- d. Required Design Submittals: Building elevations of all visible sides and samples of exterior materials and colors shall be submitted to the Planning Department for approval.

2. Configurations:

- a. All visibly exposed facades should have: A recognizable base course consisting of, but not limited to:
  - i. Thicker walls, ledges or sills
  - ii. Integrally textured materials, such as stone or other masonry materials.
  - iii. Integrally colored and patterned materials such as smooth finished stone or tile.
  - iv. Lighter or darker materials, mullions, or patterns and planters.
  - v. Cornice treatments, other than just colored stripes or bands, with integrally textured materials.
  - vi. A roof overhang with brackets.
  - vii. Stepped parapets.
  - viii. A cornice capping the top of a building wall.
- b. No frontage wall shall remain unpierced by a window or functional general access doorway for more than thirty-two (32) feet.
- c. Window and door openings should be proportioned so that verticals dominate horizontals. Upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
- d. All sides of the building shall use materials consistent with those on the front if visible from a public street or way.

- e. Two or more wall materials may be combined horizontally on one façade. The heavier material should be below.
- f. Flat roofs shall incorporate parapet walls at minimum of three (3) feet to conceal the flat portions of the roof that are visible on the front and side elevations from any public street. The parapet must also conceal any HVAC or other utility equipment that may be located on the roof of a building.

3. Building Materials:

- a. Building finishes shall be in the form of Brick, Masonry, Stone, Stucco, Wood or Concrete Siding, EIFS Stucco (Exterior Insulation Finish Systems) shall only be used as trim at least eight (8) feet from the base of the building.
- b. Sloped roofs or structural canopies shall be covered with asphalt shingles, diamond tab asphalt shingles, clay tile, slate, concrete tile, standing seam metal, corrugated metal, ribbed metal material, wood shakes or shingles.
- c. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with roof colors.
- d. A building canopy, awning, or similar weather protection may be provided and should project 3-5 feet from the façade.
- e. Building materials and colors shall be similar to the materials already being used in the neighborhood, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the building to relate to the rest of the neighborhood.
- f. Façade and roof colors shall be of low reflectance earth tone, muted, subtle or neutral colors. Building trim may feature brighter colors as an accent material only, the use of fluorescent, day-glow or neon colors shall be prohibited.
- g. Vinyl siding is discouraged but may be appropriate for some civic, commercial and detached structures only if typical of surrounding buildings. Vinyl siding shall be of thick grade (0.046) if utilized.
- h. Exterior Metal or aluminum siding on buildings shall be prohibited as a primary material.
- i. Front and side yard fences and walls shall be brick, stucco, wrought iron, stone, or materials similar in appearance and durability. Maximum fence height shall be five (5) feet. Rear yard fences and walls shall be made of brick, stucco, wrought iron, stone, wood, or similar materials. Maximum fence height shall be eight (8) feet.
- j. Brick façade for existing buildings shall not be painted or covered by any material.

- H. Streets: Shall be built to NC-DOT “Traditional Neighborhood Development” Street Design Guidelines, or as approved by the Project Review Committee. Streets must stub to adjacent properties for future connectivity. Street Pattern: Follow general grid pattern with maximum 20 MPH speed limit Block Lengths: Not greater than 650 feet in length.
- I. Greenways: Parcels which include a portion of greenway included in any greenway plan adopted by the Town, upon development, must build that section to Town standards and dedicate the easement to the Town of Stanley.

## Section 11.12 MH Manufactured Home Overlay District

### MHA Manufactured Home Overlay District

#### A. Permitted and Special Uses

1. All Permitted and Special Uses as regulated in the underlying Residential District.
2. Class-A Multi-Sectional Manufactured Homes meeting the appearance criteria set forth as follows:
  - a. Length-width ratio: The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least twenty (20) feet.
  - b. Eaves: The roof shall have an overhang (eaves) extending at least six (6) inches from each vertical exterior wall, excluding any guttering.
  - c. Exterior finish: The exterior materials shall consist of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance and durability to site built houses in the vicinity. In no case shall the degree of reflectivity exceed that of gloss white paint.
  - d. Foundation: A continuous permanent masonry foundation (consisting of brick, concrete block with stucco or fieldstone) un-pierced except for required ventilation and access shall be installed upon a poured concrete footer after placement on the lot and within one month after occupancy.
  - e. Hitch removal: The hitch, axle and transporting lights shall be removed within one month after occupancy.
  - f. Orientation: The manufactured home shall be oriented on the site in such a manner that the side having the main entrance and by design is intended to be the front of the home, is parallel to the street abutting the site.

#### B. Other Requirements



1. The Dimensional and other provisions of the underlying Residential District shall be observed.

### **MHP Manufactured Home Park Overlay District**

#### **A. Permitted Uses**

1. All Permitted and Special Uses as regulated in the underlying Residential District.
2. Class-A and Class-B Manufactured Homes in Manufactured Home Parks.

#### **B. Other Requirements**

For uses other than Manufactured Home Parks, the Dimensional, Off-Street Parking and Loading, and Signs, provisions of the underlying Residential District shall be observed. Manufactured Home Parks shall be developed and maintained in accordance with the following standards. No development permits shall be issued except in accordance with a site plan approved by the Planning Board.

1. Minimum Mobile Home Park site size: 5 (five) acres.
2. Minimum Number of Spaces: 6 (six).
3. Minimum frontage on a Public Street for site: 100 (one hundred) feet.
4. Minimum lot area for each mobile home space: 4,000 (four thousand) square feet.
5. Maximum density: 7 (seven) Manufactured Homes per acre.
6. Minimum Mobile Home Space Width: 50 (fifty) feet.
7. Minimum number of parking spaces per mobile home space (located on the space): 2 (two) which may be stacked.
8. Hard surface walk width required to connect each mobile home to parking spaces: 2 (two) feet.
9. Minimum required paved, private, two-way width, street: 21 (twenty-one) feet.
10. Maximum number of mobile home space driveways connected to public streets: 0 (zero).
11. Maximum number of private street connections to public streets per park: 3 (three).
12. Minimum distance between private street connections to public streets: 150 (one hundred fifty) feet.
13. Maximum length of dead end or cul-de-sac private street: 800 (eight hundred) feet.
14. Minimum diameter of private turn-around at end of cul-de-sac for private street: 70 (seventy) feet.

15. Street lights required at all private street intersections or minimum intervals of 300 (three hundred) feet: yes.
16. Approved water supply and sewage disposal plan required: yes.
17. Minimum open space per mobile home space: 200 (two hundred) square feet.
18. Screening device required: yes (See Article XV).
19. Minimum setback of mobile home to exterior property line: 25 (twenty-five) feet.
20. Minimum interior distance between mobile homes: 20 (twenty) feet.
21. Minimum distance of mobile home to private street: 15 (fifteen) feet.
22. Approved private street name signs required: yes.
23. Garbage collection and disposal plan required: yes.
24. Underground Utilities: yes.
25. Concrete patio size: 180 (one hundred eighty) square feet for each space.
26. Sign Plan Required: yes, in accordance with Article XIV.

### **Section 11.13 AOB Adult Oriented Business Overlay District**

#### **A. Permitted and Special Uses**

1. All Permitted and Special Uses as regulated by the underlying M-1H Heavy Industrial District.
2. Adult Oriented Businesses

#### **B. Special Additional Requirements for Adult Oriented Businesses**

1. No such business shall locate within two thousand (2,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
2. No Adult Oriented Business shall be located within two thousand (2,000) feet of a church, public or private elementary or secondary school, child day care or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
3. The gross floor area of an Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business-related activity shall be conducted in a building.
4. Except for an adult motel, no Adult Oriented Business may have sleeping quarters.

5. There shall not be more than one Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
6. Except for signs as may be permitted by Article XIV of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.
7. No enclosed or underground parking shall be permitted.

### Section 11.14 HD Historic Overlay District

- A. Purpose: The HD district establishes regulations which will help maintain the historic integrity of certain areas within the town.
- B. Designation Procedure: Historic districts, as provided for in the subsection, may be designated, amended or repealed through the following procedure:
  1. An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district shall be prepared by the Historic Preservation Commission and a recommendation thereon made to the Planning Board.
  2. The North Carolina Department of Cultural Resources, acting through the State Preservation Officer or his designee, shall make an analysis of and recommendations concerning such report and the description of proposed boundaries. Failure of the Department of Cultural Resources to submit its written analysis and recommendation to the Town within thirty (30) calendar days after a written request for such analysis has been received shall relieve the Town of any responsibility for awaiting such analysis. The Town may at any time thereafter take any necessary action to adopt or amend this Ordinance with regard to historic districts.
  3. The Town Council may also refer the report and proposed boundaries to any local Preservation Commission or other interested body for its recommendations prior to taking action.
  4. Changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the Town, shall require the preparation of investigative studies by the Historic Preservation Commission; and they shall be referred to the Department of Cultural Resources for its review and comment according to the procedures set forth in this subsection. Changes in the boundaries of a district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of this Section.

5. The Planning Board shall review the recommendations and shall process the historic district overlay as a zoning map amendment in the same manner set forth in Article XVII.
- C. Dimensional Regulations and Exceptions: Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:
1. Residential structures erected in a historic district may use the prevailing setback of structures on the same side of the street in accordance with Section 9.14.
  2. All street setback (except as provided in the subsection (C.1. above), interior setback, building coverage, and height requirements shall comply with applicable zoning regulations unless a special exception is approved by the Board of Adjustment. The special exception shall be granted only if it complies with the intent of the architectural and historic guidelines of the historic district and if first recommended by the Historic Preservation Commission.
  3. Where the Historic Preservation Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces and/or design standards for parking lots specified by this Ordinance would render the site incompatible with the historic district design guidelines and the historic aspects of the district, it may recommend to the Board of Adjustment a special exception to the provisions of the off-street parking requirements and/or design standards. The Board of Adjustment may authorize as a special exception a reduced standard concerning off-street parking provided it finds:
    - a. that the lesser standard will not create problems due to increased on-street parking; and
    - b. that the lesser standard will not create a threat to the public safety.
- D. Certain Changes Not Prohibited:
- Nothing in this subsection shall be construed to prevent the following:
1. The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof.
  2. The construction, reconstruction, alteration, restoration, moving or demolition of any such feature if the building inspector or Zoning Enforcement Officer has certified in writing to the Historic Preservation Commission that such action is required to protect the public safety because of unsafe or dangerous conditions.
  3. The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs, and/or replacement of street light fixtures in the event of equipment failure, accidental damage, or natural occurrences such as electrical storms, tornadoes, ice storms, and the like.
- E. Certificate of Appropriateness Required:

1. A Certificate of Appropriateness shall be required for all activities specified in this subsection whether a building permit is required or not.
2. After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted and approved by the Historic Preservation Commission.
3. For the purposes of this Section, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material; the size and scale of the building; and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features," shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" may include historic signs, color and significant landscape, archaeological, and natural features of the area.
4. The Historic Preservation Commission may impose standards as may be set forth elsewhere in this subsection or adopted by the Commission. Any building permit not issued in conformity with this subsection shall be invalid.
5. The discontinuance of work or the lack of progress toward achieving compliance with the Certificate of Appropriateness for a period of one (1) year shall render the Certificate null and void and of no effect and application shall be made for a new Certificate. However, in the event the issuance of a Certificate is appealed, the one (1) year period shall not commence until a final decision is reached regarding the matter.
6. The Commission may, after adoption of architectural and historic guidelines allow the Planning Director or his designee to review and approve minor work provided, however, that no application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.
7. The Town and all public utilities, except as provided under subsection (D) above (Certain Changes Not Prohibited), shall be required to obtain a Certificate of Appropriateness prior to initiating in a historic district any changes in the character of street paving, street width, utility installations or removals, lighting, street trees, walls, fences, sidewalks, or exterior of buildings or structures on property or streets in which they have a fee or other interest.

F. Application Procedures:

1. Application for a Certificate of Appropriateness shall be made to the Planning Department on forms provided. The application shall be filed no later than fourteen (14)



days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, new construction, or demolition.

2. The Planning Department staff shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a Certificate of Appropriateness. The Planning Department shall transmit the application, together with the supporting information and material, to the Historic Preservation Commission for consideration. The Commission shall act upon the application within sixty (60) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a Certificate of Appropriateness shall prohibit an extension of time where mutual agreement has been reached between the Commission and the applicant.
3. Prior to issuance or denial of a Certificate of Appropriateness, the Historic Preservation Commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where the Commission deems necessary, it may hold a public hearing concerning the application and seek the advice of the North Carolina Department of Cultural Resources or other expert advice.
4. The Commission shall not refuse to issue a Certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures appurtenant features, or signs in the historic district which would be incompatible with the architectural and historic guidelines.
5. An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any certificate. The appeal:
  - a. May be taken by any aggrieved party;
  - b. Shall be taken within fifteen (15) days after the decision of the Commission;
  - c. Shall be in the nature of certiorari.
6. Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the County.

G. Review Criteria:

1. In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.
2. The Commission shall not consider interior arrangement.

3. The provisions of this subsection shall not become effective for a historic district until after the Commission has adopted detailed architectural and historic guidelines applicable to proposals within the historic district. These criteria shall take into account the historic, architectural and visual elements of the district and shall be reviewed a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:
- a. **Historic Significance or Quality:** The quality or significance in history, architecture, archeology, or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting, materials, workmanship, and feeling and association:
    - i. that are associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or that are associated with the lives of persons significant in the past; or
    - ii. that embody the distinctive characteristics of a type, period, or method of construction; or
    - iii. that represent the work of a master or that possess high artistic values; or
    - iv. that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, State or national history; and
  - b. **Exterior Form and Appearance:** In considering exterior form and appearance, the Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:
    - i. Exterior features as described in subsection e. above (Certificate of Appropriateness Required);
    - ii. Height of the building or structure;
    - iii. Setback and placement on lot of the building or structure, including lot coverage and orientation;
    - iv. Exterior construction materials, including textures, patterns and colors;
    - v. Architectural detailing, such as lintels, cornices, brick bond, foundation materials and decorative wooden features;
    - vi. Roof shapes, forms and materials;
    - vii. Proportions, shapes, positioning and locations, patterns, and sizes of any elements of fenestration;
    - viii. General form and proportions of buildings and structures;

- ix. Appurtenant fixtures and other features such as lighting;
- x. Structural condition and soundness;
- xi. Use of local or regional architectural traditions; and,
- xii. Effect of trees and other landscaping elements.

#### H. Delay in Demolition of Landmarks and Buildings:

1. An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the district may not be denied except as provided in this Section. However, the effective date of such a Certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this subsection shall be reduced by the Historic Preservation Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.
2. If the Historic Preservation Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, final designation has not been made by the Town Council, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to one hundred eighty (180) days or until the City Council takes final action on the designation, whichever occurs first.
3. The Town Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.
4. An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.