



# STAFF REPORT

## Town Council Meeting

08/15/2024 | 7:00 pm | Regularly-Scheduled Meeting

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**Subject:** *Consideration to approve a text amendment to Sec. 109-78, 84, and 148 regarding procedures, standards, and requirements associated with a Certificate of Appropriateness.*

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- 1. Background/History:** *The Town's process for obtaining architectural approval and review for properties within the SR-74 Quality Growth Overlay has been guided by the Certificate of Appropriateness procedures. Based on recent experiences administering this ordinance and public confusion regarding the scope of the provisions, staff has prepared modifications to the ordinance in this regard.*
- 2. Findings/Current Activity:** *It is staff's determination that the name "Certificate of Appropriateness" is needlessly confusing based on the scope of the provisions. Staff recommends revision of this nomenclature to "Architectural Approval" to provide more literal clarity on the intentions of the provision. Staff has further determined that the most appropriate body to review and approve such applications is to the Town Planning Commission to be bundled with the Conceptual Site Plan review process. This simultaneously streamlines the process while allowing review from Planning Commission who is specifically trained and chosen to administer similar provisions.*
- 3. Actions/Options/Recommendations:** *Staff recommends approval of these text amendment changes.*

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## Sec. 109-78. General requirements.

If a proposed development includes land to be subdivided, the development shall be subject to all the requirements of the zoning ordinances and shall be subject to these land development regulations and other applicable town regulations. The proposed development shall also conform to the purpose and intent of these land development regulations and the goals and objectives of the town's land use plan. For those developments within the 74 Quality Development Corridor or Town Center Overlay, the developer in addition to the procedures set out in this division, shall obtain ~~a certificate of appropriateness~~ an architectural approval for that development.

(Code 1984, § 6-7-8; Ord. No. 340, 6-3-1997)

## Sec. 109-84. ~~Certificate of appropriateness~~ Architectural Approval.

For any development located within the 74 Quality Development Corridor and Town Center Overlay, the developer must obtain ~~a certificate of appropriateness~~ an architectural approval in conjunction with their conceptual plat for review and approval by the ~~town council~~ Town's Planning Commission. The purpose of this ~~certificate approval~~ is to provide ~~town council~~ planning commission with a site and architectural concept containing sufficient information to show how the development relates to the surrounding environment, how the development ensures visual continuity with surrounding properties, and how the development will, if approved, be in compliance with the Quality Growth Development District Special Requirements and Town Center Overlay as contained in section 113-191 and section 113-134 of the zoning ordinance respectively. A submission for a ~~certificate of appropriateness~~ Architectural Approval shall include, but not be limited to, the following:

- (1) A complete application for a conceptual site plan and ~~certificate of appropriateness~~ Architectural Approval as listed by the town;
- (2) A conceptual site plan consisting of all elements outlined in section 109-116 of this article;
- (3) Conceptual color renderings of the proposed structure(s) showing:
  - a. Exterior elevations drawn to scale;
  - b. Proposed colors, materials, and textures for structures;
  - c. Location of all exterior utility facilities including rooftop units;
  - d. Proposed signs and locations including size, color, and material; and
  - e. If located within the Quality Growth District, a ~~line~~ line of sight study from State Route 74 revealing visibility of structures based on grade; and
- (4) Conceptual landscape plan showing conformity with the standards of the Quality Growth Development District ~~Section 113-191 of the zoning ordinance~~ or Town Center Overlay District.

(Code 1984, § 6-7-14; Ord. No. 340, 6-3-1997; Ord. No. 2023-14, § 1, 11-2-2023)

## Sec. 109-148. General requirements.

~~If a proposed development includes land that is zoned for other than single family residential, the development's~~ Proposed developments shall be subject to all the requirements set forth in the zoning ordinance and shall be subject to all the requirements of this chapter, other applicable town regulations, and shall conform to the goals and objectives established in the town's land use plan. The following principles and standards shall be observed:

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- (1) Proposed industrial parcels shall be suitable in size and shape to the types of industrial development anticipated.
  - (2) Street rights-of-way and pavement shall be provided in accordance with town specifications.
  - (3) The town engineer may, ~~with the approval of the town council~~, impose additional requirements regarding design and construction of streets, curbs, gutters, cart paths and sidewalks.
  - (4) Every effort shall be made to protect adjacent residential areas from a potential nuisance created by a proposed commercial or industrial development including provision of extra depth in parcels backing up to existing or potential residential development and provisions for permanently landscaped screening when necessary.
  - (5) For any structure proposed within the 74 Quality Development Corridor or Town Center Overlay, the developer must first obtain ~~a certificate of appropriateness~~Architectural Approval from the ~~town council~~Planning Commission. To obtain this ~~certificate approval~~, the following procedures must be followed:
    - a. ~~Prior to~~Concurrent with the submission of a conceptual site plan, the developer must present the project to the ~~town council~~Planning Commission for review and approval. The developer should provide sufficient information to show how this proposed development relates to its surrounding environment to ensure visual continuity and how this development will, if approved, be in compliance with the quality growth development district special requirements or Town Center Overlay as contained in the town zoning ordinance.
    - b. Once the project has obtained ~~a certificate of appropriateness~~Architectural Approval, the developer shall follow the procedure in section 109-149. ~~with the exception that the conceptual site plan will be approved by the town council.~~

(Code 1984, § 6-7-21; Ord. No. 340, 6-3-1997; Ord. No. 2021-06, § 11, 12-2-2021)