



# Town of Milton

## Article V: ESTABLISHMENT OF ZONING DISTRICTS

### Section 5.1 Primary Zoning Districts Established

For the purposes of this ordinance, the zoning jurisdiction of the Town of Milton, North Carolina, is hereby divided into the following primary use districts: Zoning does not allow for Single Wide Manufactured homes of any size in any zoning district. Singlewides having been grandfathered in, once removed, replaced, or damaged must be replaced with a manufactured, modular, or traditional stick-built home conforming to the prescribed sizing.

- A. **R-1 Residential District** - to establish a district in which the primary use of land is for one- and two-family dwellings. For Specific guidance, See Article VI, Section 6.1: R-1 Residential District.
- B. **C-U-R-1 Residential District** - This District is identical to the R-1 single-family Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- C. **R-2 Residential District** - To establish a district in which the primary use of land is for one- and two-family dwellings, but which also permits Manufactured or Modular homes, on permanent foundations, subject to appearance standards and size requirements. For Specific guidance, See Article VI, Section 6.2: R-2 Residential District.
- D. **C-U-R-2 Residential District** - This District is identical to the R-2 Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- E. **O & I Office and Institutional District** - To establish a district principally for office and institutional uses. For Specific guidance, See Article VI, Section 6.4: O-1 Office and Institutional District.
- F. **C-U-O & I Office and Institutional District** - This district is identical to the O & I Office and Institutional District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- L **B-1 and C-1 Business District** - To establish a primary commercial district where businesses are concentrated in a central location.



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J. **C-U-C-1 District** - This District is identical to the C-1 Commercial District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

K. “**Mixed Use**” District (MU) – District designated for the usage of buildings in the Business District to allow both Commercial activities and Residential activities in the same structure. Commercial activities conducted in the Mix Use district are either Vertical or Horizontal in nature. Vertical MU commercial activities are to be on the first (1<sup>st</sup>) floor or level of the structures with any Residential activities on the second (2<sup>nd</sup>) or higher levels of the structure. Horizontal MU commercial activities are to be the front of the structure with residential area to the rear of the structure. For further guidance, See Article VI, Schedule of District Regulations, Section 6.9 Overlay District, 3. Mixed Use.

## Section 5.2 Conditional Use Districts

There is a Conditional Use District (referred to as CU or CUD) which corresponds to each of the primary districts authorized in this ordinance. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions.

Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional Use District is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification. NCGS 160D-102(7).

Within a CUD, only those uses authorized as permitted or conditional uses in the zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the Board of Commissioners, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other



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special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include architectural review or controls or other conditions not generally a part of land development controls. In granting a Conditional Use Permit the Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. For further guidance, See Article VI; Section 6.8: Conditional Use Districts (CUD).

## **Section 5.3 Overlay Districts**

The Primary Zoning Districts established in subsections 5.1 and 5.2 may also be zoned in one or more Overlay Districts as designated herein and as shown on the Official Zoning Map. In such case, the land is subject to not only the requirements of the underlying Primary Zoning District but also the additional requirements of the Overlay District.

### **A Flood Damage Prevention (FD)**

The Flood Damage Prevention District establishes standards to minimize public and private losses due to flood conditions in specific areas.

### **B. Historic District (HD)**

District establishes regulations which will help maintain the historic integrity of certain areas within the Town.

C. **Mixed Use Overlay - MU** has two (2) structural usages. Mixed usage is allotted for the established commercial district of Milton. This MU is requested through a variance for either Vertical or Horizontal mixed usage of commercial area.

1. **Vertical (MU-V)** usages are allotted for structures no more than forty (40) feet in height or four (4) stories. This includes new construction along with established structures. At no time shall a structure be constructed or altered to be taller than four (4) stories. Vertical MU (MU-V) is established to be first floor (1<sup>st</sup>) not including basement as the Commercial usage area. Commercial activities are held on the first floor (1<sup>st</sup>) of the structure when listed as MU-V. The remaining two (2) through four (4) floors are able to be used as either commercial or residential. At no time will



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Residential usage be utilized before any commercial usage. *Example:* first floor commercial, second floor residential, and third floor commercial is not allowed. Usage must be in order of first floor commercial, second floor commercial, and third floor residential and so forth as requested by variance.

2. **Horizontal** (MU-H) usages are on structures which are no higher than one (1) story or fourteen (14) feet maximum. Usage is then determined by zoning and any requested variances. These structures may maintain a business or commercial activity in the front of the structure while the rear of the structure may be residential based on requested variance and active zoning for structure. For further guidance, See Article VI; Section 6.9(3):

Overlay Districts.

- D. Commercial District. The Town of Milton currently has zoning which splits properties between Residential and Commercial District. As requested by property owners, Commercial District property owners can request variances for Mixed Use (MU). If Variances are not requested, property will be zoned as shown on the Milton Zoning map.

## Section 5.4 District Boundaries Shown on Zoning Map

The boundaries of the districts shown on the map accompany this Ordinance and made a part hereof entitled "Official Zoning Map, Milton, North Carolina. The Zoning Map and all the notations, reference and amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map was all fully described as set out herein. The Zoning Map is posted at Milton Town Hall and is available for inspection by the public. For further guidance, See Article VI, Section 6.9.

## Section 5.5 Rules Governing Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- 1) Where district boundaries are indicated as approximately following street, alley, or highway lines, such lines shall be construed to be the boundaries.



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- 2) Where district boundaries are indicated that they approximately follow lot lines such lot lines shall be construed to be the boundaries.
- 3) Where district boundaries are indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, the district boundaries shall be construed as being parallel thereto and at the distance therefrom as indicated on the Zoning Map.
- 4) Where district boundaries are indicated as following topographic contours, drainage divides or specific measured distances such features shall be construed to be such boundaries.
- 5) Where any street or alley is hereafter officially closed, vacated or abandoned, the zoning district adjoining each side of the street or alley shall be automatically extended to the center of the street or alley, and all lands which are included in the closed portion shall thereafter be subject to the regulations of the extended districts.
- 6) If further uncertainty exists as to the location of boundaries or applicability of zoning districts, the Board of Adjustment shall interpret the intent of the Zoning Maps as to the location of such boundaries, and the applicability of such districts, and may order the **Zoning** Map corrected.

## **Section 5.6 Definition of Future Land Use Categories**

1. **Conservation** This category includes areas that are permanently protected at various levels – Federal, state, Regional or local.
2. **Rural / Agricultural** This category includes areas where agriculture is the prime use of the land. Naturally pristine areas that are not currently used as agricultural land but are not protected by any regulations, laws, or agencies also fall under this category. Large lot residential (estate) is also grouped in this category.



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3. **Suburban Residential (Low Density)** This category includes areas with low-density single family residential (1 du/ac and lower). The character of these areas will be suburban in nature with single family residential being the main use.
4. **Urban Residential (Medium to High Density)** This category includes areas of higher residential densities (1 du/ac and up). Different mix of housing types is encouraged, ranging from single family to multi-family.
5. **Commercial** This category includes commercial and retail uses ranging from highway oriented retail to center city main street retail.
6. **Office and Institutional** This category is a combination of office and institutional uses. Employment generating uses such as downtowns, central business districts, office parks and public institutions are grouped under this category.
7. **Industrial** This category includes light and heavy manufacturing, distribution and warehouse uses.
8. **Urban Mixed Use** This category includes uses mixed vertically in one or more buildings at higher densities. Uses may include, but are not limited to residential, commercial, employment and institutional.
9. **Suburban Mixed Use** This category includes uses mixed horizontally. Uses may include residential, commercial, employment and commercial.



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## **Article VI. SCHEDULE OF DISTRICT REGULATIONS**

Within the Districts as established by this ordinance, the requirements as set forth in this section shall be complied with in addition to any other general or specific requirements of this ordinance.

### **Section 6.1 R-1 Residential District**

- 1) Permitted Uses. See Article VII E n t i t l e d Table of Permitted and Conditional Uses
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the R-1 District;
  - a. Minimum Required Lot for each dwelling or any Non-Residential use - 10,000 square feet.
  - b. Minimum Required Lot Width – 50 feet
  - c. Minimum Required Front Yard - 20 feet
  - d. Minimum Required Side Yards - 8 feet except that the side yard abutting a street shall be 16 feet.
  - e. Minimum Required Rear Yard - 15 feet
  - f. Maximum Building Height - 35 feet
  - g. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.



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## Section 6.2 R-2 Residential District

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the R-2 District;
  - a) Minimum Required Lot Area for each dwelling or any non-Residential use - 10,000 square feet.
  - b) Minimum Required Lot Width - 50 feet
  - c) Minimum Required Front Yard - 20 feet
  - d) Minimum Required Side Yards - 8 feet except that the side yard abutting a street shall be 16 feet
  - e) Minimum Required Rear Yard - 15 feet
  - f) Maximum Building Height - 35 feet
  - g) Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.

## Section 6.3 R-3 Residential District

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the R-3 District.
  - a. Minimum Required Lot Area for the first dwelling unit or any on-Residential use - 10,000 square feet; 5,000 square feet for each additional dwelling unit
  - b. Minimum Required Lot Width - 50 feet
  - c. Minimum Required Front Yard - 20 feet





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- d. Minimum Required Side Yards - 8 feet except that the side yard abutting a street shall be 16 feet.
  - e. Minimum Required Rear Yard - 20 feet
  - f. Maximum Building Height - 35 feet
  - g. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.

## **Section 6.4 0-1 Office and Institutional District**

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the O-I District:
  - a. Minimum Required Lot Area for the first dwelling - 10,000 square feet; 5,000 for each additional dwelling unit. Non-residential uses have no minimum lot area requirement.
  - b. Minimum Required LotWidth - 50 feet (for residential only)
  - c. Minimum Required Front Yard - 20 feet
  - d. Minimum Required Side Yards - 8 feet except that the side yard abutting a street shall be 16 feet.
  - e. Minimum Required Rear Yard - 15 feet



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- f. Maximum Building Height - 40 feet
- g. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.
- 5) Landscape. Landscaping shall be provided in accordance with the requirements of Article XI.

## **Section 6.5 B-1 or C-1 Central Business District**

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses.
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the B-1 or C-1 District:
  - a) Minimum Required Lot Area - None; no residential density limitation
  - b) Minimum Required Lot Width - None
  - c) Minimum Required Front Yard – None
  - d) Minimum Required Side Yards - none required except where adjoining residential district shall be 8 feet and otherwise where provided the side yard shall be a minimum of 4 feet.
  - e) Minimum Required Side Yards – none required except where adjoining a residential district shall be 8 feet and otherwise where provided the rear yard shall be a minimum of 4 feet.



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- f) Maximum Building Height - 40 feet
  - g) Location of Accessory *Buildings* and Structures - Accessory buildings and structures shall be placed in accordance **with the** provisions of Section 4.11.
1. Off-Street Parking and Loading. None
  2. Signs. Signs shall be regulated by the requirements of Article X.
  3. Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

## **Section 6.6 C-2 Neighborhood Business District**

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses.
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the C-2 District.
  - a. Minimum Required Lot Area – None
  - b. Minimum Required Lot Width – None
  - c. Minimum Required Front Yard - 20 feet
  - d. Minimum Required Side Yard - 8 feet
  - e. Minimum Required Rear Yard - 15 feet
  - f. Maximum Building Height - 35 feet
  - g. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.



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- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.
- 5) Landscape. Landscaping shall be provided in accordance *with* the requirements of Article XI.

## **Section 6.7 C-3 General Business District**

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses.
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the C-3 District:
  - a) Minimum Required Lot Area - None
  - b) Minimum Required Lot Width- None
  - c) Minimum Required Front Yard - 20 feet
  - d) Minimum Required Side Yards - 8 feet
  - e) Minimum Required Rear Yard - 15 feet
  - f) Maximum Building Height - 40 feet
  - g) Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.



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- 5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

## **Section 6.8 Conditional Use Districts (CUD)**

1. Purpose. The purpose of the CU Districts is to provide a procedure for considering the rezoning of property based upon the recognition that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. For example, it may be that a certain lot zoned R-2 adjoining a C-3 area should not reasonably be expected to remain classified as R-2 but rezoning the lot to C-3 (with all legal uses permitted and minimum requirements applicable) would only aggravate and extend a land use relationship problem. It is possible, however, that if the owner of the R-2 property applied for rezoning to CU-C-3 and agreed to certain development conditions and use limitations (stricter requirements and fewer uses than permitted in the C-3 District) the rezoning could not only offer a reasonable use for the property but help solve a land relationship problem.
2. Requirements within a Conditional Use District. Only those uses authorized as permitted in the zoning district with the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the Board of Commissioners, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include architectural review or controls or other conditions not generally a part of land development controls. In granting a Conditional Use Permit the Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured, and substantial justice done.



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## Section 6.9 Overlay Districts

### 1. Flood Damage Prevention District

A) Purpose. The Flood Damage Prevention District establishes standards to minimize public and private losses due to flood conditions in specific areas.

#### B) General Development Standards

- 1) The Caswell County Flood Damage Prevention Ordinance as it applies within the jurisdiction of the Town of Milton is hereby adopted and incorporated by reference as the Flood Damage Prevention Overlay District for the Zoning Ordinance and the development standards of the Flood Damage Prevention Ordinance shall apply as appropriate.



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TABLE OF PERMITTED & CONDITIONAL USES								
USE TYPES	R-1	R-2	R-3	O-1 C-1		C-2 C-3		SR
<b>Educational &amp; Institutional Uses (continued)</b>							X	
correctional institutions 9223								
day care centers, 8322  (6 or more)		C	X	X	X	X	X	
governmental offices & facilities 0000	X	X	X	X	X	X	X	
hospitals, public & private 8026				X	X	X	X	
libraries 8231				X	X	X	X	
museums or art galleries 8412				X	X	X	X	
nursing & convalescent homes 8050  congregate & group care		C	X	X	X	X	X	11
orphanages 8361				X	X	X	X	
philanthropic institutions 8399				X	X	X	X	
post offices 0000				X	X	X	X	
retreat centers 0000				X	X	X	X	
8210 <i>schools, including public schools &amp; private schools, having a curriculum similar to those given in public schools</i>	X	X	X	X	X	X	X	
8240 <i>schools, specialty training, such as cosmetology, vocation or trade services, not elsewhere classified</i>				X	X	X	X	

<b><u>Business, Professional &amp; Personal Services</u></b>				X	X	X	X	
accounting, auditing, or bookkeeping 8721 July 2024								
administrative or management services 8740				X	X	X	X	

adult oriented businesses



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### 2. Historic District (HD) N.C.G.S. 160D, Article 9, Part 4

A. Purpose. The Historic District establishes regulations which will help maintain the historic integrity of certain areas within the Town.

B. Designation Procedure. Historic districts, as provided for herein 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 Board of Commissioners 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

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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 subsection.

- 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 this Ordinance.

1. Dimensional Regulations and Exceptions. Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:

- All street setbacks, interior setback, building coverage, and height requirements shall comply with applicable zoning regulations unless a variance is approved by the Board of Adjustment. The variance shall be granted only if it complies with the intent of the architectural and historic guidelines of the historic district.

2. 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 variance to the provisions of the off-street parking requirements and/or design standards. The Board of Adjustment may authorize as a variance a reduced standard concerning off-street parking provided it finds:

- a) that the lesser standard will not create problems due to increase on-street parking; and
- b) that the lesser standard will not create a threat to public safety.

2. Certain Changes Not Prohibited. Nothing in this section shall be construed to prevent the following:

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- 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.
- 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.
- 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.

### 3. Certificate of Appropriateness Required:

- 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.
- "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.

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- 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.
- 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.
- The Commission may, after adoption of architectural and historic guidelines, allow the Zoning Administrator 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.
- The Town and all public utilities, except as provided under subsection (4) 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.

#### 4. Application Procedures:

- Application for a Certificate of Appropriateness shall be made to the Historic Preservation Commission 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.

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- The Historic Preservation Commission shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application or a Certificate of Appropriateness. The Commission shall act upon the application ninety (90) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time when agreement has been reached between the Commission and the applicant.
  - 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.
  - 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 adopted by the Commission.
  - 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 may be taken by any aggrieved party; shall be taken within fifteen (15) days after the decision of the Commission; and 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.

### 5. Review Criteria:

- 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.

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• The Commission shall not consider interior arrangement. • 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:

1. 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
2. that embody the distinctive characteristics of a type, period, or method of
3. construction; or
4. that represent the work of a master or that possess high artistic values; or
5. 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:

1. Exterior features as described in subsection 5. above  
(Certificate of Appropriateness Required);
2. Height of the building or structure;

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3. Setback and placement on lot of the building or structure, including lot coverage and orientation
4. Exterior construction materials, including textures, patterns colors.;
5. Architectural detailing, such as lintels, cornices, brick bond, foundation materials and decorative wooden features;
6. Roof shapes, forms and materials;
7. Proportions, shapes, positionings and locations, patterns, and sizes of any elements of fenestration;
8. General form and proportions of buildings and structures;
9. Appurtenant fixtures and other features such as lighting;
10. Structural condition and soundness;
11. Use of local or regional architectural traditions; and
12. Effect of trees and other landscaping elements.

### 6. Delay in Demolition of Landmarks and Buildings;

- 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



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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.

- If the Historic Preservation Commission has recommended designation of a property as a landmark or designation of an area as a district, final designation has not been made by the Board of Commissioners, 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 Board of Commissioners takes final action on the designation, whichever occurs first.
- The Board of Commissioners 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.
- 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.

### 3. Mixed Use District.

#### a. Mixed Use District (MU)

- i. Purpose. The Mixed-Use District (MU) establishes standards to maximize usage of buildings and structures in the Commercial District for use other than strictly Commercial activities. MU includes usage of buildings and structures for both Commercial and Residential usage of the same building or structure. Structures in the Commercial District are as Commercial District unless otherwise requested by owner(s) variance through the Milton Planning Board and Milton Town Commissioners.





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ii. General Development Standards. MU has two (2) structural usages. Either Vertical or Horizontal. “**Mixed Use**” District (MU) – District designated for the usage of buildings in the Business District to allow both Commercial activities and Residential activities in the same structure. Commercial activities conducted in the Mix Use district are either Vertical or Horizontal in nature. Vertical MU commercial activities are to be on the first (1<sup>st</sup>) floor or level of the structures with any Residential activities on the second (2<sup>nd</sup>) or higher levels of the structure. Horizontal MU commercial activities are to be the front of the structure with residential area to the rear of the structure.

1. **Vertical** (MU-V) usages are allotted for structures no more than forty (40) feet in height or four (4) stories. This includes new construction along with established structures. At no time shall a structure be constructed or altered to be taller than four (4) stories. Vertical MU (MU-V) is established to be first floor (1<sup>st</sup>) not including basement as the Commercial usage area. Commercial activities are held on the first floor (1<sup>st</sup>) of the structure when listed as MU-V. The remaining two (2) through four (4) floors are able to be used as either commercial or residential. At no time will Residential usage be utilized before any commercial usage.

*Example:* first floor commercial, second floor residential, and third floor commercial is not allowed. Usage must be in order of first floor commercial, second floor commercial, and third floor residential and so forth as requested by variance.

2. **Horizontal** (MU-H) usages are on structures which are no higher than one (1) story or fourteen (14) feet maximum. Usage is then determined by zoning and any requested variances. These structures may maintain a business or commercial activity in the front of the structure while the rear of the structure may be residential based on requested variance and active zoning for structure.

iii. Codes for MU Usage

1. The following codes are to be used within the requests of variances for structures within any zoned Commercial District where the





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owner wishes to change structure usage. Regardless of request, The Town of Milton limits established structures and new construction to four (4) stories only maximum.

- a. Residential MU – RX
- b. Office MU – OX
- c. Neighborhood MU – NX
- d. Commercial MU – CX
- e. Downtown MU – DX
- f. Industrial MU – IX

2. The Town of Milton has established zoning areas. Mixed Use (MU) is established for the commercial zoned areas to assist residents and businesses to expand and grow within the Town of Milton City Limits.