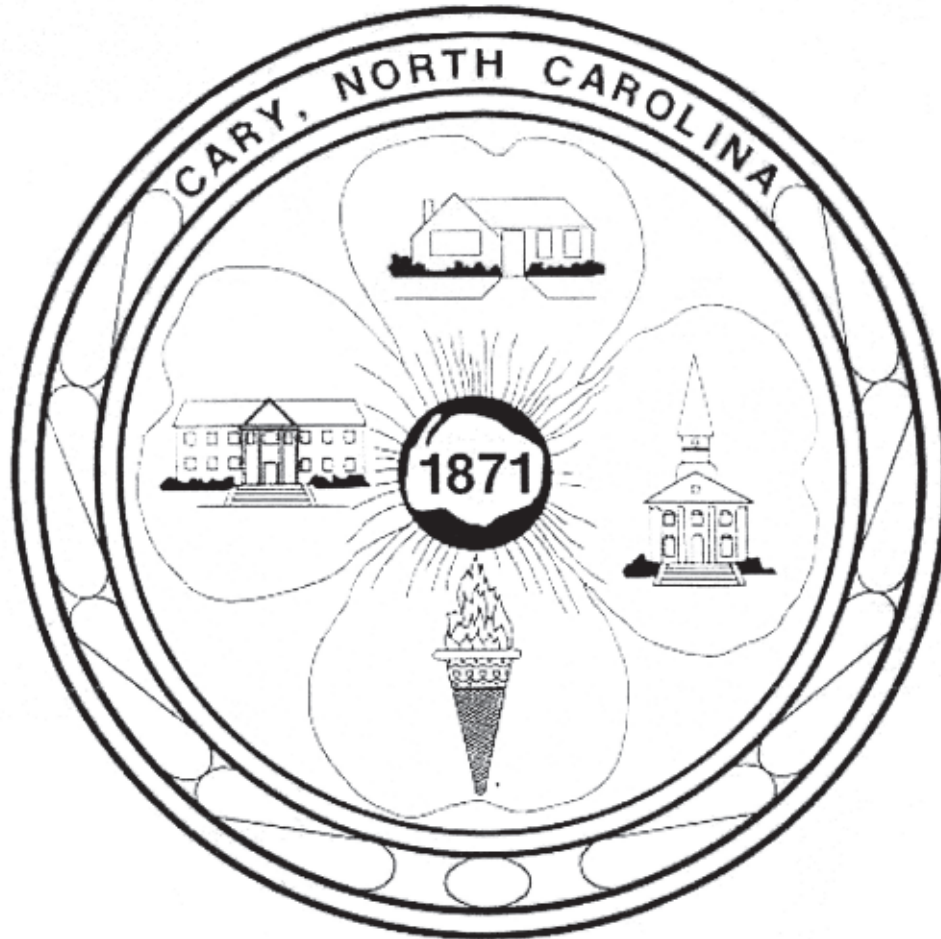


Town of Cary, North Carolina

# Community Appearance Manual

Landscape, Lighting, and Statement of Architectural Compatibility



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### **Purpose**

The Town of Cary has long embraced a commitment to encourage and provide for the highest possible standard of development and quality of life for its citizens. The general appearance, style, and design of streetscapes and developments are of prime importance to the Town of Cary and its citizens.

In January 1999, the Town of Cary revised its Appearance Ordinance section of the Unified Development Ordinance (UDO). This revision led to the development of this document, an updated version of the Community Appearance Manual (CAM). This updated Manual will complement the updated UDO during the design of a project. (The first Standard Appearance Specifications Manual was adopted March 23, 1988. Serving as a supplement to the Unified Development Ordinance [now referred to as the Land Development Ordinance, LDO], the original Manual was established as an expression of Town policy, to be revised to reflect changes in conditions and accepted practices.)

The Community Appearance Manual will provide developers, builders, engineers, architects, landscape architects, other designers, elected and appointed officials and town staff a clear understanding of what is expected by the Town of Cary. Many of the special terms used in these codes are explained through illustrations and are found in the appropriate sections of this Manual. This Manual will be used by Town staff as a basis for reviewing development projects and for ensuring compliance with installation guidelines. Additional guidance is provided in the Cary Design Guidelines, August 2001.

The Community Appearance Manual is a supplement of the Town of Cary Land Development Ordinance, Community Appearance and Environmental Protection Standards section. As such, should a conflict occur between the LDO and the Community Appearance Manual, the LDO has the ultimate authority. The Community Appearance Manual also serves as a companion document to the Town of Cary Standard Specifications and Details, published through the Engineering Department. The LDO contains all of the legal requirements, while this Manual is an expression of Town policy and contains guidelines, examples, and details, including examples of required plan components, recommended plant species, and illustrated examples of what the Town of Cary considers to constitute good design.

### **Organization**

There are three sections of the Manual in addition to the Introduction. Each section is designed to assist the user in meeting the provisions of the Community Appearance ordinance. The sections are:

- 1. Landscape**
- 2. Lighting**
- 3. Statement of Architectural Compatibility (SAC)**

### **‘Living Document’ - Updates Will be Ongoing**

As a policy statement, this Manual can be easily revised to reflect changes in conditions and accepted practices and will be reviewed throughout their incorporation by the Planning Director. The Planning Director may make minor revisions and implement them without formal adoption by the Town Council when necessary. These minor revisions include such things as adding illustrations that aid in clarifying the guidelines/standards within this document. These revisions, however, will be reviewed and duly adopted by

the Town Council periodically. The Town of Cary's Planning Department will have the authority to approve modifications or allowable deviations to the document and shall hold the final departmental authority for approval or disapproval.

The Planning Department shall make note of all revisions and periodic updates on the Department's web page. Upon adoption by the Town Council, the revisions will be properly edited and made available for downloading from the Department's web page, or available for purchase in the Town offices. It is the responsibility of the holder of this volume to maintain it in an up-to-date manner.

### **Applicability of the Community Appearance Manual**

This Manual is applicable to projects and sites within the Town Limits and the E.T.J. upon submittal of a new or revision to an already approved development plan standards and details included in the Manual apply to both residential and nonresidential uses unless indicated otherwise. Specific sites may be excluded with express permission granted from the Planning Director. The Downtown Design Guidelines are contained in a separate document that addresses some of the items contained in this Manual. Therefore, where there is a conflict with this Manual, the Downtown Design Guidelines rule for development within the Town Center Area.

Any changes to plans previously approved but not installed must be resubmitted for approval to the Town of Cary Planning Department prior to installation.

### **Administration Procedures, Deviations, Revisions, and Appeals**

The Planning Director may approve plans that deviate from the specific requirements of the Community Appearance Manual under circumstances set forth in the LDO. However, this action may be authorized only after finding that the specific code requirement, for all practical purposes, cannot be met or will not do what was intended; and further, that the proposed alternative is both appropriate and will meet or exceed the spirit and intent of the code. After such finding, the Director may grant the requested alternative that may be subject to such conditions as may be reasonable and necessary to assure that the spirit and intent of the ordinance is met.

To qualify for consideration for deviations that are allowed in the LDO, the applicant must file a written request with the Director of Planning. Such request must provide evidence and justification as may be necessary and appropriate.

- Identify the specific ordinance requirements from which relief is requested
- Clearly delineate and/or specify using such graphic exhibits and/or written text necessary to clearly identify, explain, justify and document the circumstances and conditions that the applicant believes make the requirement inappropriate, impracticable, ineffective or would create an unnecessary and unreasonable hardship
- Clearly delineate and/or specify using such graphic exhibits and/or written text necessary to clearly identify, justify, and document why and how the proposed alternative resolves the conditions or problems identified above and would more closely satisfy the purpose and intent of the LDO

Upon receipt of a complete request, the Planning Director shall act upon the request and respond to the applicant within thirty (30) days unless the applicant agrees to an extension of time or if the delay is caused by the applicant.

The Planning Director shall consider and be guided by the following criteria to determine appropriate action on the request.

- All applicable ordinance requirements, including the intent and purpose of the requirement
- Zoning conditions that exist on the property
- The applicant's analysis of the nature and extent of the adverse impacts of the requirement(s) for which relief from or an alternative to is being requested
- The applicant's analysis of the nature and extent of potential adverse impacts of the alternative being proposed as requested
- Other alternatives that may be feasible and appropriate
- The public records of hearings, meetings and/or other actions that may have bearing on the existing situation and/or the proposed alternative being considered
- Such conditions of approval as may be reasonable, appropriate and necessary to assure that potential adverse effects of the alternative are mitigated to the greatest possible extent and that the 'intent and spirit' of the LDO is furthered

The Planning Director may deny or approve the request in whole or in part as may be deemed appropriate. If the request is denied, the reason(s) for denial must be communicated to the applicant in writing. The Planning Director may attach such conditions to an approval as may be necessary and appropriate to assure that the intent and spirit of the LDO are met. Denials may be appealed to the Town Council.