

**An Ordinance to Amend Section 38-42 of the Town Code entitled:  
Main Street Business District**

BE IT ORDAINED BY the Board of Commissioners of the Town of Sylva that

**Section 38-42 is written as follows:**

- (1) Permitted uses
- (2) General Standards
- (3) Setbacks
- (4) Structure height
- (5) Sign regulations
- (6) Off-street parking and loading

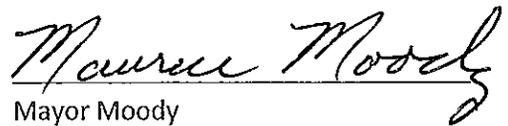
**The ordinance is now after discussion and affirmative vote amended to state the following:**

**Section 38-42 is written as follow:**

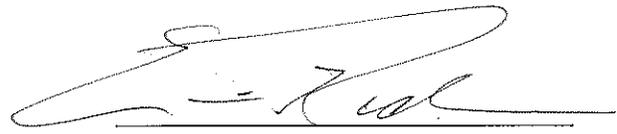
- (1) Permitted uses
  - (2) General Standards
  - (3) Setbacks
  - (4) Structure height
  - (5) Sign regulations
  - (6) Off-street parking and loading
  - (7) *Design Standards*
    - a. *Exterior Materials. Exterior Materials found in the Main Street Business (B-1) district include wood, brick, stone, cement board, and stucco. Additions and new construction shall use facing materials that are compatible in quality, color, texture, finish, and dimension to those common in the downtown area. Acceptable materials include, but may not be limited to brick, stone, wood, cement board, or stucco. Under no circumstances shall metal siding, unfinished concrete block, or vinyl siding be allowed.*
    - b. *Manufactured homes, whether for commercial use or not, are prohibited.*
    - c. *Window maintenance. Boarded or sealed window and door openings: Boarded or sealed window and door opening create a health, safety and fire hazard to adjoining property owners, tenants, customers, and emergency personnel.*
1. *After the effective date of this ordinance boarding up windows will be prohibited except as a temporary measure for no longer than thirty (30) days.*
  2. *Missing and broken windows shall be:*
    - a. *Replaced with glass to allow for safe and rapid egress in case of emergency, and shall not be boarded or sealed over except in the following:*
      - i. *There is at least one window opening for every room adjacent to the outside/exterior of the building, AND*

- ii. *The building complies with all current fire codes, AND*
  - iii. *The sealed opening is constructed of the same material and architectural look to appear as if such opening never existed (i.e. windows missing in a brick building shall be sealed with brick of similar color and style as the existing structure), AND*
  - iv. *The architectural renderings of the material proposed to be used to seal such opening are approved by the Sylva Planning Board.*  
*OR*
  - v. *The Town Board otherwise approves of the architectural and safety measures in place for such sealed opening.*
3. *Boarded or sealed windows and door openings that are boarded over at the time of enactment of this ordinance shall be brought into compliance at the rate of six (6) openings per year until completion with the following exception.*
- a. *A building owner that is unable to bring their building into full compliance with the terms and intentions of this Ordinance at the rate of six (6) openings per year may apply for an extension stating the estimated completion date that will have to be approved by the Town Manager. In the meantime the property owner shall submit bi-annual progress reports to the Town Manager advising of the progress of the repairs and the expected date of completion.*
  - b. *Failure to take reasonable steps to make the repairs or submit bi-annual progress reports to the Town Manager shall constitute a public health and safety nuisance and may be abated by the Town in accordance with the Nuisance Abatement proceedings contained within the Sylva Code of Ordinances and/or the North Carolina General Statutes. The costs incurred by the Town in the event of such abatement shall be assessed as a tax lien in accordance with the abatement process prescribed therein.*
  - c. *The Town Board, at its discretion, may otherwise approve of the architectural and safety measures in place for existing sealed openings.*

This ordinance shall be in full force and effect upon its adoption on October 2, 2014.

  
Maurice Moody

Approved as to form:

  
Town Attorney

ATTEST:

  
Town Clerk