

Town of Holly Springs

Town Council Meeting Agenda Form

Town Clerk's Office Use:

Agenda Item #:	8a
Attachment #:	3

Meeting Date: May 15, 2018

Agenda Placement: Public Hearings

(Special Recognitions (awards, proclamations), Requests & Communications (reports, information presentations), Public Hearings, Consent Agenda, Unfinished Business, New Business, Closed Session)

Subject Title: 18-UDO-01 Bi-Annual Unified Development Ordinance Amendments

Presenter Name(s): Melissa Sigmund

SUBJECT HIGHLIGHTS:

Twice a year, the departments of Planning & Zoning and Engineering evaluate the UDO and bring forward a series of amendments to the Town's development regulations and requirements as interpretation issues arise, new or modified regulations are suggested for development within the Town's corporate limits and Extraterritorial Jurisdiction (ETJ), or the State modifies regulations or the General Statutes that have an impact on the Town's development regulations.

See attached Draft Ordinance and Planning Board Report for specific text amendments. Please note, there has been a minor change in the draft ordinance since the presentation to the Planning Board to add an amendment to relocate a portion of text within the ordinance. The original draft ordinance included language for the addition of text to the new section, but did not include the removal of the text from its previous location within the UDO.

ADVISORY BOARD RECOMMENDATION:

Approve as submitted

The Planning Board raised the following concern at its meeting April 24:

1. A board member suggested changing the proposed amendment Part 25, Organization, Rules, Meetings, and Records, in regards to the Technical Review Committee. The suggestion was to change the Chair and Vice-Chair to permanent members of Town staff instead of specifying the staff positions.

The amendment as proposed by staff was requested by the members of the Technical Review Committee. Planning Board Recommendation: 9-0-0 Approve

STAFF REVIEW NOTE:

n/a

Number of Motions with this Item: 2

Suggested motion(s):

HOLD PUBLIC HEARING: Accept public comment on proposed UDO Text Amendment #18-UDO-01 to modify the text of the Unified Development Ordinance as submitted by the Town of Holly Springs.

Suggested Motion 1 of 2 for the Minutes: Motion to accept the following statement as being true:

"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan, specifically including the following sections:

- Executive Summary in regards to "Using the Plan to Implement the Town's Vision" and "Adopting and Implementing the Plan";

- Section 1: Future Land Use “Objectives”, “Future Land Use Plan Details”;
- Section 4: Community Character “Objectives”, “Defining the Village Streetscape”;
- Section 7: Infrastructure and Utilities “Objectives”

The proposed UDO Amendments provide the tools necessary for staff and the development community to implement the goals and objectives stated in the Plan."

Suggested Motion 1 of 2 for the PowerPoint: Motion to accept the compatibility statements listed in agenda packets to be recorded in the minutes as true.

Suggested Motion 2 of 2 for the Minutes: Motion to adopt ordinance 18-03 to approve and enact UDO Amendments #18-UDO-01 to modify the text of the Unified Development Ordinance as submitted by the Town of Holly Springs.

Suggested Motion 2 of 2 for the PowerPoint: Motion to adopt ordinance 18-03 to approve and enact UDO Amendments #18-UDO-01 to modify the text of the Unified Development Ordinance.

Funds, if applicable, are to be appropriated from account(s) / line item(s):

n/a

Staff Review Record _____

Are there exhibits for this agenda item? **Yes**

List them in order they should appear in packet: **Draft Ordinance, Staff Report to the Planning Board**

Department head initials and comments, if applicable:

Finance director initials and comments, if applicable:

Town attorney initials and comments, if applicable:

Town manager initials and / or comments:

Town clerk initials: jp



Town of Holly Springs Staff Report to the Planning Board

REQUEST FOR UDO TEXT AMENDMENT

SECTIONS 1.09, 2.08, 3.07, 4.01, 4.04, 4.05, 7.01, 7.03, 7.06, 8.01, 9.04, 9.05, & 11.02 18-UDO-01

PETITIONER(S):

Town of Holly Springs
P.O. Box 8
Holly Springs, NC 27540

ANTICIPATED REVIEW SCHEDULE:

Planning Board: April 24, 2018
Public Hearing and Town Council Action: May 15, 2018

STAFF CONTACTS:

Gina Clapp, Director of Planning & Zoning
Melissa Sigmund, Principal Planner
Sean Ryan, Planner I
Matt Beard, Planner I
Elizabeth Goodson, Plans Review Engineer

ATTACHMENTS:

Draft Ordinance Amendment

AMENDMENT OVERVIEW

The following table provides a summary of the proposed changes to the Town of Holly Springs Unified Development Ordinance (UDO) and an explanation of why the change is needed. Detailed language of the proposed amendments can be found in the attached draft Ordinance.

Typically, the departments of Planning & Zoning and Engineering evaluate the UDO twice per year. As a result, the department bring forward a series of amendments to the Town's development regulations and requirements as interpretation issues arise, new or modified regulations are suggested for development within the Town's corporate limits and Extraterritorial Jurisdiction (ETJ), or the State modifies regulations or the General Statutes that have an impact on the Town's development regulations. However, staffing limitations and other department priorities have resulted in a two year delay in presenting these administrative "housekeeping" amendments. As a result, the number of administrative clean-ups or house-keeping changes is greater than normal.

STAFF ANALYSIS

Several of the amendments, notably those related to agriculture and temporary accessory dwellings for family health care providers are proposed in order to bring the UDO into compliance with recently amendment state statutes. In addition, many of the proposed amendments are proposed to increase the clarity and ease of use of the UDO for the public and other users of these regulatory documents. This includes reorganization and grouping of related regulations. The remaining amendments generally

represent minor changes to the UDO to improve the effectiveness of existing regulations or recognize existing gaps in regulations that may result in uncertainty or result in undesirable conditions.

AMENDMENT OVERVIEW

Part	Section being Amended	Summary of Change	Reason for Change
1	Section 1.09 Provisions of Common Applicability, Jurisdiction	Adding clarification on agritourism and bona fide farms	NCGS made changes to definitions of agritourism and bona fide farms. Amending UDO for consistency (S.L. 2017-108)
2	Section 2.08 A. 1. General Regulations for Residential Districts, Permitted Accessory Uses, Buildings and Structures.	Added driveways to list of accessory uses, buildings and structures in Residential Districts	Clarification: driveway regulations are contained within Section 2.08 A. 1. but not listed
3	Section 2.08 A. 2 Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts	No accessory buildings or structures allowed above septic systems/repair areas in residential districts.	Clarification to meet existing Building and Engineering standards.
4	Section 2.08 A. 2 Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts	No accessory uses, buildings, or structures allowed in Sight Distance Triangles	Conform to Engineering standards.
5	Section 2.08 A. 3. Additional Development Standards for Accessory Uses, Buildings, or Structures in any Residential District	Control of access fences (along highway) must be ornamental.	Uphold community design expectations along highly visible roadways.
6	Section 2.08 A. 3. f. General Regulations for Residential Districts, Grade Level Improvements	Modify maximum driveway width allowed on residential lots, both front and rear access lots	Provide clarification and ease permitting process for residents. Previous requirement was based on the width of garage doors and was difficult to administer and explain to residents.
7	Section 2.08 A. 3. g. General Regulations for Residential Districts, Underground Facilities	Add specifications for placement of mechanical equipment (HVAC, etc.) on residential lots.	Previous interpretations of the UDO allowed mechanical units, like HVAC units, to be permitted on a lot without regard to minimum building setback requirements. By definition, mechanical units are technically a structure and thus must meet all building setback requirements applicable to the district. This clarification will allow mechanical units in the minimum setback to continue to be placed on a lot, with certain screening requirements in a front yard, as has been the practice.

8	Section 2.08 A. 3. General Regulations for Residential Districts, Additional Development Standards for Accessory Uses, Buildings or Structures in any Residential District	Added Private Recreation as an Accessory Use in Residential Districts	Provide clarification on how amenity sites in Residential subdivisions are to be treated. Provide guidance on architectural design of clubhouses, meeting rooms, etc. Allow for more than 75% of off-street parking to be located in a front yard, since this has been commonly treated with a Waiver.
9	Section 2.08 B. Temporary Uses, Buildings, and Structures	Added Temporary Family Health Care Structures as a Temporary Use in Residential Districts	Added to comply with NC GS § 160A-383.5
10	Section 2.08 F. 1. c. General Regulations for Residential Districts, Additional Front Setback Provisions	Allow residential double frontage lots with perimeter yards to have a minimum rear yard rather than two or more front yards	Allows for accessory structures to be placed in yards with street frontage where significant screening is provided in a perimeter yard.
11	Section 3.07 A. 2. Development Standards for Accessory Uses, Buildings or Structures in all Commercial / Mixed Use Districts	No accessory buildings or structures allowed above septic systems/repair areas in non-residential districts.	Clarification to meet existing building and engineering standards.
12	Section 3.07 A. 3. b. Additional Development Standards for Accessory Uses, Buildings or Structures in any Commercial / Mixed Use District	Relocate standard for design of fencing with other fencing standards, require control of access fencing to be ornamental	Simplify organization of UDO, uphold community design expectations along highly visible roadways.
13	Section 3.07 A. 3. g. General Regulations for Commercial / Mixed Use Districts, Drive through facilities	Update drive through requirements for multiple service land facilities; revise measurement standard to be based on minimum length rather than minimum number of vehicles.	The past several drive through facilities have requested multiple service lanes. The UDO requirement for stacking spaces has been called into question as to whether the total number of stacking spaces can be spread over multiple service lanes. This amendment will make clear how the requirements should be applied to multiple lane facilities.
14	Section 4.01 B. 2. a <i>Special Exception Uses</i>	Allow rental truck uses as a SEU in the BT District	Rental truck uses (e.g. Penske, U-Haul) are often compatible and complementary to other BT permitted uses.
15	Section 4.01B. 8. <i>Outdoor Storage and Operations</i>	Provide limitations for rental truck uses	Enhance compatibility of rental truck uses with other permitted uses in BT District.

16	Section 4.04 A. 3. a. Additional Development Standards for Accessory Uses, Buildings, or Structures in an Industrial District	Section 4.05 A. 8. General Architectural and Site Design Requirements	Uphold community design expectations along highly visible roadways.
17	Section 4.04 A. 3. f. General Regulations for Industrial Districts, Drive through facilities	Remove bail out line requirements; Update drive through requirements for multiple service land facilities; revise measurement standard to be based on minimum length rather than minimum number of vehicles.	Bail out lanes were previously removed from the UDO in commercial zoning districts. This amendment will make our requirements consistent across all zoning districts. This amendment will make clear how the requirements should be applied to multiple lane facilities.
18	Section 4.05 A. 8. General Architectural and Site Design Requirements	Relocate standard for design of fencing with other fencing standards	Simplify organization of UDO
19	Section 4.05 B. 8. Gateway Corridor Architectural and Site Design Requirements	Relocate standard for design of fencing with other fencing standards	Simplify organization of UDO
20	Section 7.01 D. 2 Landscaping Regulations, Required Landscaping of Required Front, Side and Rear Yards and Required Front, Side and Rear Bufferyards in All Districts	Add specifications for trees planted along thoroughfares to give the visual appearance of street trees, as currently required by the UDO.	The UDO contains specifications for trees planted in residential neighborhoods to meet the street tree planting standards. This amendment will mimic the residential standards and institute minimum quality standards for commercial projects.
21	Section 7.01 F. Landscaping Regulations, Street Trees for Residential Subdivisions and Development Plans	Clarifications to text; added district from corners to prevent trees in front of stop signs	Prevent street trees from being planted at intersections where sight of traffic and stop signs can be limited.
22	Section 7.04 Off-Street Parking Regulations, Table 7.04-D Required Off-Street Parking:	Remove “integrated Center” parking from the retail parking category	By definition in UDO, “integrated center” is multiple land uses in one building or project, which may be more than just retail land uses.(office, residential, flex space, industrial, etc.)
23	Section 7.03 Off-Street Parking Regulations, Table 7.04-D Required Off-Street Parking:	Add new parking category of “integrated center”	Creates a new category for integrated center, adds specifications that areas devoted to outdoor restaurant seating be included in the parking calculation, denotes additional parking required for residential uses.
24	Section 8.01 Special Regulations for Wireless Telecommunications Facilities	Add applicability for small wireless telecom facilities (small cell sites)	Recognize new technology and incorporate into regulatory process.

25	Section 9.04 Staff Agencies	Specifies the Director of Planning & Zoning as chairperson and Director of Engineering as Vice-Chair	The TRC requested that this be solidified in the UDO instead of voting annually at their first business meeting of the year.
26	Section 9.05,B.,5.,c.,(5) Platting, Project Construction Drawing Approval and Recombination Procedures-Construction Drawings	Updating status of when a project is put under warranty	To align better with current construction practices for smaller phases as well as align better for build out and warranty period.
27	Section 9.05,B.,5.,d.,(4) Platting, Project Construction Drawing Approval and Recombination Procedures-Irrevocable Letter of Credit shall	Updating status of when a project is put under warranty	To align better with current construction practices for smaller phases as well as align better for build out and warranty period.
28	Section 9.05,B.,5.,e. Platting, Project Construction Drawing Approval and Recombination Procedures-Cash Deposit	Updating status of when a project is put under warranty	To align better with current construction practices for smaller phases as well as align better for build out and warranty period.
29	Section 9.05,B.,5.,f., (5) Platting, Project Construction Drawing Approval and Recombination Procedures-Warranty	Updating status of when a project is put under warranty	To align better with current construction practices for smaller phases as well as align better for build out and warranty period.
30	Section 9.05,B.,5.,h.,(1)Platting, Project Construction Drawing Approval and Recombination Procedures- Release of Guarantee	Removing the option of a reduction of surety prior to completion of a phase	To align better with current construction practices for smaller phases
31	Section 11.02 Definitions:		
		Add and modify definitions as indicated	
		Agritourism	Coincides with Part 1: NCGS made changes to definitions of agritourism and bona fide farms. Amending UDO for consistency (S.L. 2017-108)
		Caregiver	Tied to NCGS § 160A-383.5 relating to Temporary Family Health Care Structures
		Farm, bona fide	Coincides with Part 1: NCGS made changes to definitions of agritourism and bona fide farms. Amending UDO for consistency (S.L. 2017-108)
		Lot Width	Clarify how to measure lot width for cul-de-sac lots
		Mentally or physically impaired person	Tied to NCGS § 160A-383.5 relating to Temporary Family Health Care Structures

Parking Area	Clarify that parking areas include areas of gravel and hard surfaces used for parking vehicles.
Temporary Family Health Care Structure	Tied to NCGS § 160A-383.5 relating to Temporary Family Health Care Structures as accessory uses in Residential Districts.
Small Wireless Telecommunications Facility	Reflect current technology in accordance with NCGS § 136-18 and § 160A-400
Wireless Telecommunications Facility, Small	Reflect current technology in accordance with NCGS § 136-18 and § 160A-400

STAFF RECOMMENDATION TO THE PLANNING BOARD

PLAN CONSISTENCY STATEMENT:

The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan, specifically including the following sections:

- *Executive Summary* in regards to “Using the Plan to Implement the Town’s Vision” and “Adopting and Implementing the Plan”;
- Section 1: *Future Land Use* “Objectives”, “Future Land Use Plan Details”;
- Section 4: *Community Character* “Objectives”, “Defining the Village Streetscape”;
- Section 7: *Infrastructure and Utilities* “Objectives”

The proposed UDO Amendments provide the tools necessary for staff and the development community to implement the goals and objectives stated in the Plan.

UDO AMENDMENT RECOMMENDATION:

Staff recommends that the Planning Board recommend approval of UDO Text Amendment #18-UDO-01 to modify the text of UDO Section as submitted by the Town of Holly Springs.

Agenda Item Completeness Checklist				
Staff Member	Approved for Distribution			Comments
	Yes	No	Initials	
Elizabeth Goodson				
Melissa Sigmund	X			
Gina Clapp				
John Schifano, Town Attorney				



THE TOWN OF

Holly Springs

Ordinance Number:

Date Submitted:

Date Adopted:

AN ORDINANCE TO AMEND SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA

BE IT ORDAINED by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Unified Development Ordinance of the Town is amended as follows:

Part 1

Add text as indicated in **bold** and remove text indicated in ~~striketrough~~ to Section 1.09 Provisions of Common Applicability, Jurisdiction:

Upon (i) adoption of this UDO by the Town Council of the Town of Holly Springs, and (ii) the effective date of this UDO, the Town of Holly Springs Planning Board shall be the duly authorized Planning Board for the incorporated areas of the Town of Holly Springs and its extra-territorial jurisdiction pursuant to the General Statutes of the State of North Carolina, and this UDO shall apply to all real property located within the corporate boundaries of the Town of Holly Springs and its extra-territorial jurisdiction.

However, pursuant to NCGS§ 160A-360(k), property that is located within the Town of Holly Springs extra-territorial jurisdiction and is used for *bona fide farm* purposes as described in NCGS§ 153A-340 is exempt from the regulations of this UDO. Property that is located in the Town of Holly Springs extra-territorial jurisdiction and ceases to be used for *bona fide farm* purposes shall become subject to the regulations of this UDO. *Bona fide farm* property that is exempt from the regulations of this UDO shall be subject to the Wake County floodplain ordinance or all floodplain regulation provisions of Wake County's unified development ordinance.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105 - 164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S.105-277.3. Failure to maintain the requirements of this section for a period of three (3) years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this UDO shall subject the building or structure to applicable zoning and development regulation ordinances of this UDO in effect on the date the property no longer meets the requirements of this section.

Part 2

Add text as indicated in **bold** and remove text indicated in ~~striketrough~~ to Section 2.08 A. 1. General Regulations for Residential Districts, Permitted Accessory Uses, Buildings and Structures.

A. Accessory Uses, Buildings and Structures.

1. Permitted Accessory Uses, Buildings and Structures.

Accessory uses, buildings or structures shall be permitted in all residential *districts*, provided, however, that the *primary use* which is supported by the *accessory use, building or structure* is a *permitted use* within the *district* to which a *lot* is zoned.

Accessory uses, buildings or structures shall not be permitted on a *lot* prior to the erection of the *primary building*.

By way of example only, some typical *accessory uses, buildings and structures* in Residential *Districts* are: *garages; carports; porches; decks; awnings; canopies; mini-barns; storage sheds; patios; outdoor fireplaces; bathhouses; cabanas; children's playhouses; swings; game courts, including tennis or basketball courts; fences; driveways and parking areas; signs; swimming pools; hot tubs; radio sending and receiving antennas; satellite dish antennas; and, storage buildings.*

Part 3

Add text as indicated in **bold** and remove text indicated in ~~striketrough~~ to Section 2.08 A. 2 Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts:

2. Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts.

Accessory uses, buildings or structures shall comply with all *development standards* of the applicable *district* unless an exception is specifically provided for in this Section 2.08.

Accessory uses, buildings or structures shall not encroach upon any platted or recorded easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town Easement or an access easement, authorized by the *Director of Engineering*.

Accessory buildings or structures (including fences, patios, decks, etc.) shall not be located above a septic system or septic repair area.

Part 4

Add text as indicated in **bold** and remove text indicated in ~~striketrough~~ to Section 2.08 A. 2 Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts:

2. Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts.

Accessory uses, buildings or structures shall comply with all development standards of the applicable district unless an exception is specifically provided for in this Section 2.08.

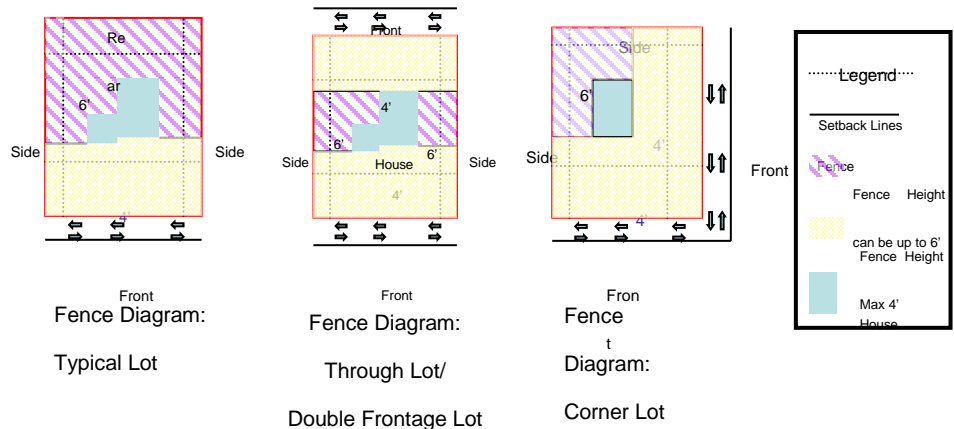
Accessory uses, buildings or structures shall not encroach upon any platted or recorded easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town Easement or an access easement, authorized by the Director of Engineering.

Accessory uses, buildings or structures shall not encroach upon any Sight Distance Triangles, as specified in the Town of Holly Springs' Engineering Design and Construction Standards.

Part 5

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 2.08 A. 3. Additional Development Standards for Accessory Uses, Buildings, or Structures in any Residential District.

- d. Fences (including but not limited to chain link, solid, shadow-box, stockade, architectural screen, lattice-work or masonry).
 - (1) Individual Lots – Shall not exceed forty-eight (48) inches in height above grade in a *minimum front yard* or if located in the *buildable area* of a lot located between the front line of the *primary building* and the *minimum front yard*;
 - (2) *Subdivision Frontage* – Fences which are located along a perimeter *street frontage* of a recorded, platted residential *subdivision* shall not exceed six (6) feet in height above *grade*.
 - (3) Shall not exceed six (6) feet in height above *grade* in a *minimum side yard* or a *minimum rear yard*;
 - (4) Shall be placed with the finished side of the fence facing out from the *lot* upon which the fence is placed;
 - (5) *Special Exception Uses* – All fencing located between a *front lot line* and the front line of the *primary building* shall be black vinyl coated chain link or ornamental; and,
 - (6) Shall comply with all regulations of Section 1.22 – Sight Distance Requirements of this UDO.



(7) Control of Access fencing- All new or replacement of control of access fencing along the *right-of-way* shall be ornamental.

Part 6

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 2.08 A. 3. f. General Regulations for Residential Districts, Grade Level Improvements:

- (1) In a *minimum front yard* - the following *grade level improvements* shall be permitted:
 - ~~(i~~**a**) stoops,
 - ~~(ii~~**b**) walkways with a maximum width of up to six (6) feet, and;
 - ~~(iii~~**c**) **driveways and parking areas**, provided that ~~driveways and parking areas~~ shall meet the following standards:
 - ~~(a)~~ shall have a maximum width of the garage doors plus ten (10) feet, or, a maximum width of twenty (20) feet if no garage door is present, **the width of the driveway or parking area shall not exceed twenty (20) feet or fifty (50) percent of the lot width, whichever is greater, but not to exceed forty-five (45) feet; and**
 - ~~(b)~~ the maximum width at the right-of-way is in accordance with the Town of Holly Springs' Engineering Design and Construction Standards; and
 - ~~(c)~~ only one (1) *driveway* shall be permitted on an individual *lot* or *sublot*.
- (2) In a *minimum side yard* the following *grade level improvements* shall be permitted:
 - ~~(i~~**a**) stoops,
 - ~~(ii~~**b**) *patios*, provided, however, that *patios* which include foundations or are located above *grade* level are regulated by Section 2.08, A., 3., c., above,
 - ~~(iii~~**c**) walkways with a maximum width of up to six (6) feet, and
 - ~~(iv~~**d**) *interior access drives*, provided, however that an *interior access drive* may only be located in one *minimum side yard* and shall not be less than eight (8) feet in width nor greater than twelve (12) feet in width and that the remainder of said minimum side yard and any other minimum side yard shall otherwise be maintained as open space free from buildings or structures.
- (3) In a *minimum rear yard* the following *grade level improvements* shall be permitted:
 - ~~(i~~**a**) stoops,
 - ~~(ii~~**b**) *patios*, provided, however, that *patios* which include foundations or are located above *grade* level are regulated by Section 2.08, A., 3., c., above,
 - ~~(iii~~**c**) walkways with a maximum width of up to six (6) feet, and
 - ~~(iv~~**d**) **driveways and parking areas** where necessary to provide access to an abutting rear *alley* provided that ~~driveways and parking areas~~ shall meet the following standards:
 - ~~(a)~~ shall have a maximum width of the garage doors plus ten (10) feet, or, a maximum width of twenty (20) feet if no garage door is present, **the width of the driveway or parking area shall not exceed twenty (20) feet or fifty (50) percent of the lot width, whichever is greater, but not to exceed forty-five (45) feet; and**
 - ~~(b)~~ the maximum width at the right-of-way is in accordance with the Town of Holly Springs' Engineering Design and Construction Standards; and
 - ~~(c)~~ only one (1) *driveway* shall be permitted on an individual *lot* or *sublot*.
 - ~~(v~~**e**) *interior access drives*, where necessary to provide access to an abutting rear *alley* with a maximum width of up to twenty (20) feet.

Part 7

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 2.08 A. 3. g. General Regulations for Residential Districts, Underground Facilities:

- g. **Mechanical Equipment and Underground Facilities.**
- (1) **Mechanical equipment associated with *residential uses* (including by way of example, HVAC units, swimming pool filtration systems, etc.) may encroach into any *minimum side yard* or *minimum rear yard*, provided, however, that such encroachment shall not be less than one (1) foot from the *side* or *rear property line*. For double or triple *frontage lots*, mechanical equipment may encroach into a *minimum front yard* a maximum of three (3) feet, provided, however, that the mechanical equipment shall not be permitted in the front yard along the *street* from which the *dwelling unit* is addressed. Mechanical equipment in a *minimum front yard* shall be screened from view of the *street* with landscaping, fencing, or other screening.**
 - (2) Underground facilities (including by way of example, septic tanks and finger systems, cisterns, cellars, basements, etc.) shall not be located in or under any *minimum front yard*, *minimum side yard* or *minimum rear yard*.

Part 8

Add text as indicated in **bold** to Section 2.08 A. 3. General Regulations for Residential Districts, Additional Development Standards for Accessory Uses, Buildings or Structures in any Residential District:

- k. ***Private Recreation as an Accessory Use.***
- (1) **Notwithstanding anything in this UDO to the contrary, *private recreation uses*, such as a clubhouse, swimming pool, game courts, meeting room, and the like, shall be considered a permitted *accessory use* to any residential *subdivision* or *project* when such *private recreation uses* are indicated on a *development plan*, *preliminary plan* or *master plan* and specifically approved in connection with such *development plan*, *preliminary plan* or *master plan*.**
 - (a) ***Parking***
 - (i) ***Off-street parking spaces* shall be provided in accordance with UDO Section 7.04 Off-Street Parking Regulations for each specific *land use* associated with the *private recreation use*, provided, however, *off-street parking spaces* shall not be subject to the limitation of seventy-five (75) percent of the total number of off-street parking spaces provided between the front building line and the property line as required by UDO Section 7.04 E., 4. Maximum Number of Off-Street Parking Spaces**
 - (ii) ***On-street parking* located immediately adjacent to the *private recreation use* served by such *on-street parking* may be provided in lieu of *off-street parking*, provided, however, that such adjacent *on-street parking* is approved by the agency having jurisdiction over *on-street parking* and the Director of Engineering. If *on-street parking* is provided, the amount of**

off-street parking required by this UDO shall be deemed to be reduced by the number of *on-street parking spaces* provided immediately adjacent to such *private recreation use*.

- (b) General Architectural and Site Design Requirements
 - (i) All *buildings* and *structures* associated with the *private recreation use* shall be designed to be generally consistent with the colors, *building materials* and architectural style of the residential *subdivision* or *project*,
 - (ii) Site design shall be consistent with UDO Section 7.10 Open Space.
- (c) Landscape Regulations: all *private recreation lots, buildings, structures* and *off-street parking areas* shall comply with the provisions of Section 7.01 Landscaping Regulations.
- (d) *Signs* for the *private recreation use* shall comply with the provisions of Section 7.03, D., 4. – Signs in Residential Districts and any associated *master sign plan* for the *project*.

Part 9

Add text as indicated in bold and remove text indicated in strikethrough to Section 2.08 B. Temporary Uses, Buildings, and Structures:

12. **Temporary Family Health Care Structures**

- a. **A temporary family health care structure** used by a caregiver in providing care for a *mentally or physically impaired person* on property owned or occupied by the *caregiver* as the caregiver's residence shall be considered a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings
- b. **A temporary family health care structure** used by an individual who is the named legal guardian of the *mentally or physically impaired person* shall be considered a permitted *accessory use* in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the *temporary family health care structure* is placed on the property of the residence of the individual and is used to provide care for the *mentally or physically impaired person*.
- c. **Only one (1) temporary family health care structure** shall be allowed on a lot or parcel of land. Such *temporary family health care structures* shall comply with all setback requirements that apply to the primary structure.
- d. **Annual Permit Renewal Required:** The property owner must renew such temporary family health care structure permit annually and provide evidence of compliance with this section on an annual basis as long as the *temporary family health care structure* remains on the property. The Town may request an inspection of the *temporary family health care structure* at reasonable times convenient to the *caregiver*, to confirm the use of the *structure*.
- e. **No signage, advertising, or any other promotion** of the existence of the *temporary health care structure* shall be permitted either on the exterior of the *temporary family health care structure* or anywhere on the property.
- f. **Any temporary family health care structure** installed pursuant to this section shall be removed within sixty (60) days in which the *mentally or physically impaired person* is no longer receiving or is no longer in need of

the assistance provided for in this section. If the *temporary family health care structure* is needed for another *mentally or physically impaired person*, the *temporary family health care structure* may continue to be used, or may be reinstated on the property within sixty (60) days of its removal, as applicable.

Part 10

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 2.08 F. 1. General Regulations for Residential Districts, *Additional Front Setback Provisions*:

c. ~~Limited Access Rights-of-Way~~ **Double Frontage Lots**

The front setback provisions of this UDO are subject to the following modifications:

- (1) That portion of a *double frontage lot* which abuts a **limited access** *right-of-way* shall be subject to *setback* and landscaping requirements of this UDO applicable to *minimum rear yards*.
- (2) That portion of a ***double frontage lot*** which abuts a ***street*** that is parallel to the ***street*** from which the lot receives access, and contains a **Type B Semi-Opaque *perimeter landscape yard*** or **Type C Opaque *perimeter landscape yard*** shall be subject to ***setback*** and landscaping requirements of this UDO applicable to ***minimum rear yards***.

Part 11

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 3.07 A. 2. Development Standards for Accessory Uses, Buildings or Structures in all Commercial / Mixed Use Districts:

Accessory uses, buildings or structures shall comply with all *development standards* of the applicable *district* unless an exception is specifically provided for in this Section 3.07.

Accessory uses, buildings or structures shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town Easement, authorized by the Director of Engineering.

Accessory buildings or structures (including fences, patios, decks, etc.) shall not be located above a septic system or septic repair area.

Part 12

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 3.07 A. 3. b. Additional Development Standards for Accessory Uses, Buildings or Structures in any Commercial / Mixed Use District:

- b. Fences (including chain link, solid, architectural screen, lattice-work or masonry):
 - (1) shall not exceed six (6) feet in height above *grade* in a required *front yard* or if located in the *buildable area* of a *lot* located between the front line of the principal *building* and the required *front yard*;
 - (2) Shall not exceed ten (10) feet in height above *grade* in a required *side yard* or a required *rear yard*; and

- (3) Shall comply with all Sight Distance requirements of this UDO.
- (4) **All fencing located between a *front lot line* and the front line of the primary *building* shall be ornamental fencing. All fencing located along a *side* or *rear lot line* shall be black vinyl coated chain link or ornamental fencing.**
- (5) **Control of Access fencing- All new or replacement of control of access fencing along the *right-of-way* shall be ornamental.**

Part 13

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 3.07 A. 3. g. General Regulations for Commercial / Mixed Use Districts, Drive through facilities:

- g. Drive through facilities (**single service lane or multiple service lanes**) ~~shall be so designed that:~~
 - (1) drive through lanes ~~facilities~~ **shall** not conflict with the safe and efficient flow of traffic into and out of required *parking spaces* or *loading spaces*;
 - (2) ~~the minimum drive through facility standards include:~~
 - (a) ~~drive through~~ **service lane(s) with shall have** a minimum width of ten (10) feet measured from the furthest point of projection of a drive through facility from the *building* or *structure*.; ~~and, For the purposes of Section 7.04, D., 1., c. – Separation from Buildings of this UDO (i.e., the five (5) foot minimum separation for an interior access drive from the wall of a building), a drive through service lane shall not be considered an interior access drive.~~
 - (3) **Vehicle Stacking**
 - (a) ~~provide at least a minimum of five one hundred and ten (110) feet waiting spaces~~ **shall be provided for vehicle stacking, measured from the point of entry into the drive through facility to the** ~~prior to the first~~ occurrence of any ordering, pick-up or service facility. **For multiple lane facilities, the one hundred and ten (110) feet of vehicle stacking may be divided between multiple drive through service lanes, provided that a minimum of one (1) drive through service lane contains a minimum of seventy (70) feet of vehicle stacking, measured from the point of entry into the drive through facility to the first occurrence of any ordering, pick-up or service facility; and,**
 - (b) **a minimum of twenty (20) feet shall be provided for vehicle stacking after exiting the last pick-up or service facility.**
 - (4) ~~provide sufficient room for at least one waiting space after exiting the last pick-up or service facility.~~
- ~~For the purposes of Section 7.04, D., 1., c. – Separation from Buildings of this UDO (i.e., the five (5) foot minimum separation for an interior access drive from the wall of a building), a drive through lane shall not be considered an interior access drive.~~

Part 14

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 4.01 B. 2. a *Special Exception Uses*:

- a. Automotive Sales & Service: Automobile quick oil change facility; *Automotive Repair – Minor*; *Automotive Repair – Major*; Gasoline Service Station without repair; **Truck – Rental Service**.

Part 15

Add text as indicated in bold and remove text indicated in strikethrough to Section 4.01B. 8. *Outdoor Storage and Operations*

f. **Truck – Rental Service**

- (1) **No more than six (6) vehicles for rent shall be parked on site in association with the *Truck – Rental Service*.**
- (2) **Vehicles and trailers associated with the *Truck – Rental Service* shall be parked as follows:**
 - (a) **Vehicles and trailers shall not be parked between a *front building line* and *front lot line*.**
 - (b) **Parking of vehicles and trailers shall not be permitted to be located along a façade which is parallel to or within ninety (90) degrees of being parallel to a *front lot line* or *bufferyard*. Parking of vehicles and/or trailers located along a façade which is located between ninety (90) and one-hundred and twenty (120) degrees of being parallel to a *front lot line* or *bufferyard* shall be effectively screened from such *front lot line* or *bufferyard* by either: a screening wall accompanied by *foundation landscaping*; or, screened with Type C landscape screening with a *plant unit value* of at least forty (40), for the full depth of the parking spaces.**

Part 16

Add text as indicated in bold and remove text indicated in strikethrough to Section 4.04 A. 3. a. Additional Development Standards for Accessory Uses, Buildings, or Structures in an Industrial District:

Accessory uses, buildings or structures permitted in any ~~WD, LI and GI~~ **BT, RT, and IT** district shall also comply with the following additional *development standards*:

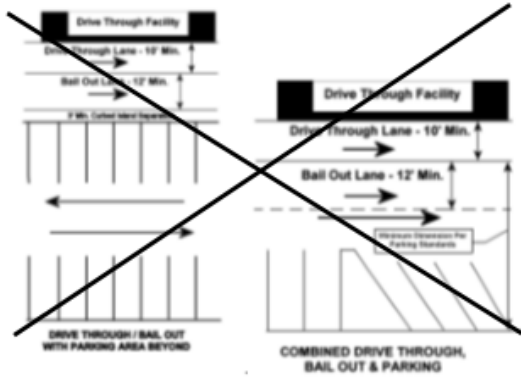
- a. Fences (including chain link, solid, architectural screen, lattice-work or masonry):
- (1) shall not exceed six (6) feet in height above *grade* in a required *front yard* or if located in the *buildable area* of a *lot* located between the front line of the principal *building* and the required *front yard*;
 - (2) Shall not exceed ten (10) feet in height above *grade* in a required *side yard* or a required *rear yard*; and,
 - (3) Shall comply with all Sight Distance requirements of this UDO.
 - (4) **All fencing located between a *front lot line* and the front line of the *primary building* shall be ornamental fencing. All fencing located along a *side* or *rear lot line* shall be black vinyl coated chain link or ornamental fencing.**
 - (5) **All fencing for control of access along the *right of way* shall be ornamental.**

Part 17

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 4.04 A. 3. f. General Regulations for Industrial Districts, Drive through facilities:

- f. Drive through facilities (**single service lane or multiple service lanes**) ~~shall be so designed that:~~
- (1) drive through lanes ~~facilities~~ **shall** not conflict with the safe and efficient flow of traffic into and out of required *parking spaces* or *loading spaces*;
 - ~~(2) drive through lanes have a "bail out" capability for all vehicles which have entered the drive through lane;~~
 - ~~(3 2) the minimum drive through facility standards include:~~
 - ~~(a) drive through~~ **service lane(s) with shall have** a minimum width of ten (10) feet measured from the furthest point of projection of a drive through facility from the *building* or *structure*.; ~~and, For the purposes of Section 7.04, D., 1., c. – Separation from Buildings of this UDO (i.e., the five (5) foot minimum separation for an interior access drive from the wall of a building), a drive through service lane shall not be considered an interior access drive.~~
 - ~~(b) a "bail out" lane with a minimum width of twelve (12) feet measured from and running parallel to the full length of the drive through lane;~~
 - ~~(4) if a "bail out" lane also serves as an interior access drive providing access to parking spaces, the "bail out" lane / interior access drive shall be limited to a one-way traffic pattern following the direction of the drive through lane;~~
 - ~~(5) if a parking area is developed beyond the "bail out" lane, the parking area shall be separated from the "bail out" lane by a curbed island having a minimum width of three (3) feet;~~
 - ~~(6 3) Vehicle Stacking~~
 - ~~(a) provide at least a minimum of five one hundred and ten (110) feet waiting spaces shall be provided for vehicle stacking, measured from the point of entry into the drive through facility to the prior to the first occurrence of any ordering, pick-up or service facility. For multiple lane facilities, the one hundred and ten (110) feet of vehicle stacking may be divided between multiple drive through service lanes, provided that a minimum of one (1) drive through service lane contains a minimum of seventy (70) feet of vehicle stacking, measured from the point of entry into the drive through facility to the first occurrence of any ordering, pick-up or service facility; and,~~
 - ~~(b) a minimum of twenty (20) feet shall be provided for vehicle stacking after exiting the last pick-up or service facility.~~
 - ~~(7) provide sufficient room for at least one waiting space after exiting the last pick-up or service facility.~~

For the purposes of Section 7.04, D., 1., c. – Separation from Buildings of this UDO (i.e., the five (5) foot minimum separation for an *interior access drive* from the wall of a *building*), a drive through lane shall not be considered an *interior access drive*.



Part 18

Remove text indicated in strikethrough to Section 4.05 A. 8. General Architectural and Site Design Requirements:

~~8. Fencing — All fencing located between a front lot line and the front line of the primary building shall be ornamental fencing. All fencing located along a side or rear lot line shall be black vinyl coated chain link or ornamental fencing.~~

Part 19

Add text as indicated in bold and remove text indicated in strikethrough to Section 4.05 B. 8. Gateway Corridor Architectural and Site Design Requirements:

~~8. Fencing — All fencing located between a front lot line and the front line of the primary building shall be ornamental fencing. All fencing located along a side or rear lot line shall be black vinyl coated chain link or ornamental fencing.~~

Part 20

Add text as indicated in **bold** and remove text indicated in strikethrough to Section 7.01 D. 2 Landscaping Regulations, Required Landscaping of Required Front, Side and Rear Yards and Required Front, Side and Rear Bufferyards in All Districts:

D. Required Landscaping of Required Front, Side and Rear Yards and Required Front, Side and Rear Bufferyards in All Districts.

1. All required yards and all required bufferyards shall be landscaped in compliance with the requirements in Table 7.01 C – Type and Plant Unit Value of Required Landscaping.

~~2 a. Along thoroughfares, large deciduous trees shall be planted on average, forty (40) feet on center, within five (5) feet from the right-of-way line on the private property side so as to create the visual appearance of street trees.~~

~~a. Where existing overhead utilities interfere with part of the landscape area, the large tree requirement may be substituted by installing small deciduous trees.~~

~~b. Trees may be shifted to accommodate the placement of street light poles.~~

(1) Type / Size / Spacing of Trees:

a.(a) Shall be required to install large deciduous trees as specified in Section 12.01 – Preferred Landscape Materials, of the Town of Holly Springs' Development

Procedures Manual, or as further specified in the Town of Holly Springs Comprehensive Plan Thoroughfare Planting Plan. Where existing overhead utilities interfere with part of the landscape area, the large deciduous tree requirement may be substituted by installing small deciduous trees.

- (b) Minimum size at planting shall be:
 - (i) Large Deciduous Tree: two (2) inch caliper.
 - (ii) Small Deciduous Tree: one (1) inch caliper.
- (c) Spacing of trees shall be:
 - (i) Large Deciduous Trees: a minimum of forty (40) feet from center of trunk; maximum sixty (60) feet from center of trunk.
 - (ii) Small Deciduous Trees: a minimum of thirty (30) feet from center of trunk; maximum forty-five (45) feet from center of trunk.
- (d) Distance from the following site conditions shall be adhered to:
 - (i) Intersections: All trees shall be located a minimum of fifty (50) feet from the point of tangency of curb radii at street intersections and outside of site distance triangles in accordance with the Town of Holly Springs' Engineering Design & Construction Standards.
 - (ii) Street Lights: All trees shall be located a minimum of twenty-five (25) feet from the base of all street light poles.

- (2) Quality of Trees:

For the purposes of this section, trees shall be nursery grown, typical of their species or variety, freshly dug, normally shaped, heavy and well branched; with full foliage when in leaf and shall have healthy, well developed root systems. Trees must be self-supporting, with straight trunks and with leaders intact. All wounds present at the time of digging must exhibit callusing, with the bark at the edges of any such wound tight and intact. No abrasions or unhealed cuts are allowed on the trunks of trees. All trees furnished shall be free of any insect infestations and diseases.

All trees planted to meet the requirement must be well matched specimens. The developer shall provide written certification that the plant material meets this quality requirement at the time of installation.

- (3) Location of Trees
 - (a) Trees shall be located within five (5) feet from the right-of-way line on the private property side.
 - (b) Where above locations are not deemed feasible and practical; the *Director* shall have the authority to modify and approve acceptable alternatives to the requirements in accordance with sub-section 7.01, P. Alternate Landscape Plan Approval of this UDO.
- (4) Installation of Trees

- (a) **At the time of installation, the nursery tags must remain on the trees and a written statement must be submitted to the Department of Planning & Zoning to certify that the correct species of tree(s) has been installed.**
- (b) **Trees shall be installed with root guards in accordance with the Town of Holly Springs' Engineering Design & Construction Standards.**

Part 21

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 7.01 F. Landscaping Regulations, Street Trees for Residential Subdivisions and Development Plans:

F. Street Trees for Residential *Subdivisions and Development Plans*

1. Type/ Size/ Spacing of Trees

- a. *Projects utilizing less than a twenty (20) foot setback:*
 - (1) Shall be required to install small deciduous trees as specified in Section 12.01 – Preferred Landscape Materials, of the Town of Holly Springs' Development Procedures Manual.
 - (2) Minimum size at planting shall be one (1) inch caliper.
 - (3) Spacing shall be **a minimum of thirty (30) feet from center of trunk** to forty-five (45) feet **from center of trunk** of road frontage.
- b. *Projects utilizing a twenty (20) foot or greater setback:*
 - (1) Shall be required to install large deciduous trees as specified in Section 12.01 – Preferred Landscape Materials, of the Town of Holly Springs' Development Procedures Manual.
 - (2) Minimum size at planting shall be two (2) inch caliper.
 - (3) Spacing shall be **a minimum of fifty (50) feet from center of trunk** to sixty-five (65) feet **from center of trunk**.
- c. Distance from the following site conditions shall be adhered to:
 - (1) Intersections: All trees shall be located **a minimum of fifty (50) feet from the point of tangency of curb radii at street intersections and** outside of site distance triangle in accordance with the Town of Holly Springs' Engineering Design & Construction Standards.
 - (2) Street Lights: All trees shall be located a minimum of twenty-five (25) feet from the base of all street light poles.
- d. Quality of Street Trees

For the purposes of this section, trees shall be nursery grown, typical of their species or variety, freshly dug, normally shaped, heavy and well branched; with full foliage when in leaf and shall have healthy, well developed root systems. Trees must be self-supporting, with straight trunks and with leaders intact. All wounds present at the time of digging must exhibit callusing, with the bark at the edges of any such wound tight and intact. No abrasions or unhealed cuts are allowed on the trunks of trees. All trees furnished shall be free of any insect infestations **and diseases**.

All trees planted to meet the street tree requirement must be well matched specimens. The developer shall provide written certification that the plant material meets this quality requirement at the time of installation.

In order to maintain a high quality of urban streetscape, each residential street must contain at least two (2) species of trees with a similar canopy. No more than fifty (50) percent of a single species shall be used on each street.

2. Location of Street Trees
 - a. **Street trees shall be located** ~~Centered~~ in the public *right-of-way*, **centered** within the utility strip between the sidewalk and curb or centered between *right-of-way* line and curb if no sidewalk is present.
 - b. Where above locations are not deemed feasible and practical; the *Director* shall have the authority to modify and approve acceptable alternatives to street tree requirements in accordance with sub-section 7.01, P. Alternate Landscape Plan Approval of this UDO. **When moved outside of the right-of-way, a street tree maintenance easement shall be provided on the final plat.**
3. Installation of Trees
 - a. Street trees must be installed prior to the *Certificate of UDO Compliance* for the *dwelling* on the *lot* where the tree is located.
 - b. At the time of installation the nursery tags must remain on the street trees and a written statement must be submitted to the Department of Planning & Zoning to certify that the correct species of trees have been installed.
 - c. **Street trees shall be installed with root guards in accordance with the Town of Holly Springs' Engineering Design & Construction Standards.**
4. Replacement and Maintenance
Shall be in accordance with Town Policy Statement #P-039.

Part 22

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 7.04 Off-Street Parking Regulations, Table 7.04-D Required Off-Street Parking:

Remove Integrated Centers from Retail:

~~*Integrated Centers (containing multiple retail uses)*~~

~~If the total *gross leasable floor area* of an *integrated center* is less than 400,000 square feet, four (4) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area* shall be required, plus two (2) bicycle racks to be located throughout the project area, [Amended Ordinance #09-03]~~

~~If the total *gross leasable floor area* of an *integrated center* is greater than 400,000 square feet, but less than 600,000 square feet, four and one half (4.5) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area* shall be required, plus three (3) bicycle racks to be located throughout the project area, [Amended Ordinance #09-03]~~

~~If the total *gross leasable floor area* of an *integrated center* is greater than 600,000 square feet, five (5) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area* shall be required plus four (4) bicycle racks to be located throughout the project area. [Amended Ordinance #09-03]~~

~~Provided, however: in no case shall any *integrated center* provide less than five (5) *parking*~~

~~spaces: and,~~

~~Out lots with an individual use shall provide *parking spaces* as required for the individual use by this Section and such calculation shall be separate from the calculation of the *gross leasable floor area* calculation of the *integrated center*.~~

~~The following individual uses, either on an *out lot* or within the *primary building*: grocery store; hardware / paint / home improvement store; theaters; bowling alley; bar; tavern; or, night club; shall provide *parking spaces* as required for the individual use by this Section and such calculation shall be separate from the calculation of the *gross leasable floor area* calculation of the *integrated center*. [Amended Ordinance #07-10]~~

Part 23

Add text as indicated in **bold** and remove text indicated in strikethrough to Section 7.04 Off-Street Parking Regulations, Table 7.04-D Required Off-Street Parking:

Add Integrated Centers as new category

***Integrated Centers* (containing multiple commercial, industrial, or any combination of commercial / mixed use, industrial and residential uses)**

If the total *gross leasable floor area* of an *integrated center* is less than 400,000 square feet, four (4) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area*, including those areas designated for outdoor seating for restaurants, shall be required, plus two (2) bicycle racks to be located throughout the project area.

If the total *gross leasable floor area* of an *integrated center* is greater than 400,000 square feet, but less than 600,000 square feet, four and one half (4.5) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area*, including those areas designated for outdoor seating for restaurants, shall be required, plus three (3) bicycle racks to be located throughout the project area.

If the total *gross leasable floor area* of an *integrated center* is greater than 600,000 square feet, five (5) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area*, including those areas designated for outdoor seating for restaurants, shall be required plus four (4) bicycle racks to be located throughout the *project area*.

Provided, however:

in no case shall any *integrated center* provide less than five (5) *parking spaces*; and, *Out lots* with an individual use shall provide *parking spaces* as required for the individual use by this Section and such calculation shall be separate from the calculation of the *gross leasable floor area* calculation of the *integrated center*.

The following individual uses, either on an *out lot* or within the *primary building*: grocery store; hardware / paint / home improvement store; theaters; bowling alley; bar; tavern; night club; or residential; shall provide *parking spaces* as required for the individual use by this Section and such calculation shall be separate from the calculation of the *gross leasable floor area* calculation of the *integrated center*.

Part 24

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 8.01 Special Regulations for Wireless Telecommunications Facilities.:

- B. *Wireless Telecommunications Facilities* Requirements.
1. Applicability – Notwithstanding any other provision of this UDO to the contrary, *wireless telecommunications facilities*, when such are permitted by and in compliance with federal law and the laws of the State of North Carolina, shall be regulated and governed by the regulations and requirements of this Section. **The provisions set forth in Section 8.01 shall apply to all *small wireless telecommunications facilities*, with the additional provision that color, material, and location of the *small wireless telecommunications facility* are selected to sufficiently conceal the facility in plain sight.**
- C. ~~Sitting~~ **Siting** Hierarchy of Wireless Telecommunications Facilities.

Part 25

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 9.04 Staff Agencies:

4. Organization, Rules, Meetings and Records – The **Chairman of the** Technical Review Committee shall ~~elect a chairman~~ **be the Director of Planning & Zoning and the Vice-Chairman shall be the Director of Engineering. The Technical Review Committee** and may create and fill such other offices as it may deem necessary. The term of officers shall be one (1) year or until successors shall have been elected and installed, with eligibility for reelection. Vacancies in officers' positions prior to expiration of terms shall be filled for the period of the unexpired term by the Technical Review Committee. The Technical Review Committee shall keep a record of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Technical Review Committee shall hold at least one (1) meeting monthly unless there is no business to be discussed or acted upon, and all of its meetings shall be in accordance with G.S. §143 – 318.9 through G.S. §143 – 318.18. A quorum shall consist of a majority of the regular members for the purpose of taking any official action required by this UDO. All members, including alternate members, shall have the authority to participate in discussions of the Technical Review Committee. All regular members (alternate members, when acting as a regular member) of the Technical Review Committee shall have voting power on all matters of business. However, any member who is a party at interest to matters under consideration by the Technical Review Committee shall declare such interest prior to a vote of the Technical Review Committee on the question, and shall abstain from voting on the question. Any and all discussion, comment, or opinion presented at a Technical Review Committee meeting regarding proposed applications or petitions are not to be construed as a recommendation of Staff, Planning Board, or Town Council to approve or deny any proposed project at time of official determination.

Part 26

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 9.05, B., 5., c., (5) Platting, Project Construction Drawing Approval and Recombination Procedures-Construction Drawings:

Specify that all improvements and installations shall be completed in accordance with the requirements and specifications of this UDO, the Town of Holly Springs' Engineering Design and Construction Standards, and the approved construction drawings:

(a) for single family or two family subdivisions, prior to the ~~time that building permits are issued for single family dwellings or two family dwellings upon twenty-five (25) percent of the lots shown upon the final plat or within one (1) year after the date on which the final plat is recorded, whichever occurs first, or no additional building permits shall be issued~~ **plat being recorded all items must be completed from punch list that was generated by the Town and ready to be placed under one year warranty;** or,

Part 27

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 9.05,B.,5.,d. Platting, Project Construction Drawing Approval and Recombination Procedures-Irrevocable Letter of Credit shall:

- (4) Be in effect until:
- (a) the execution of a written Release of Irrevocable Letter of Credit by the Director of Engineering or the Director of the Department of Planning and Zoning, as appropriate;
 - (b) compliance with the terms and provisions of this UDO;
 - (c) all improvements and installations have been completed in accordance with the requirements and specifications of this UDO:
 - (i) for single family or two family *subdivisions*, prior to the ~~time that building permits are issued for single family dwellings or two family dwellings upon twenty-five (25) percent of the lots shown upon the final plat or within one (1) year after the date on which the final plat is recorded, whichever occurs first, or no additional building permits shall be issued~~ **plat being recorded all items must be completed from punch list that was generated by the Town and ready to be placed under one year warranty;** or

Part 28

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 9.05,B.,5.,e. Platting, Project Construction Drawing Approval and Recombination Procedures-Cash Deposit:

A cash deposit or other instrument readily convertible to cash at face value shall be held by the Town of Holly Springs in a separate account for such purposes. The cash deposit or other instrument readily convertible to cash at face value shall:

- (1) Be in effect until:
- (a) the execution of a written Release of Cash Deposit by the Director of Engineering or the Director of the Department of Planning and Zoning, as appropriate;
 - (b) compliance with the terms and provisions of this UDO;
 - (c) all improvements and installations (including street trees in the right-of-way) have been completed in accordance with the requirements and specifications of this UDO:
 - (i) for single family or two family subdivisions, prior to the ~~time that building permits are issued for single family dwellings or two family dwellings upon twenty-five (25) percent of the lots shown upon the final plat or within one (1) year after the date on which the final plat is recorded, whichever occurs first, or no additional building~~

~~permits shall be issued~~ **plat being recorded all items must be completed from punch list that was generated by the Town and ready to be placed under one year warranty;** or,

Part 29

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 9.05,B.,5.,f. Platting, Project Construction Drawing Approval and Recombination Procedures-Warranty:

(5) Provided that for the period of time specified below after formal acceptance, the developer or subdivider shall, at the developer's or subdivider's expense, make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, including any damage resulting from work done by utility companies or other sub-contractors performing services on behalf of the developer or subdivider:

- (a) For non-residential *projects*, one year.
- (b) For residential projects, one year or the time in which ~~seventy-five~~ **ninety (75-90)** percent of the residential dwelling units have been issued a building permit, whichever is later. If at such time in the opinion of the Director of Engineering, the improvements cannot be installed appropriately because of temperature, weather conditions, etc., the Director of Engineering may delay completion and acceptance.

Part 30

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 9.05,B.,5.,h.,(1)Platting, Project Construction Drawing Approval and Recombination Procedures- Release of Guarantee:

Release of Performance Guarantee:~~(a) Partial Release — The Director of Engineering or the Director of the Department of Planning and Zoning, as appropriate, may release a portion of any performance guarantee as improvements are completed.~~

Part 31

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 11.02 Definitions:

Agritourism: An accessory use carried out on a *bona fide farm* or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including *farming*, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A *building* or *structure* used in *agritourism* includes any *building* or *structure* used for public or private events that are held out for rental to the general public, including but not limited to, weddings, receptions, meetings, demonstrations of *farm* activities, meals, and other events that are taking place on a *farm* because of its *farm* or rural setting.

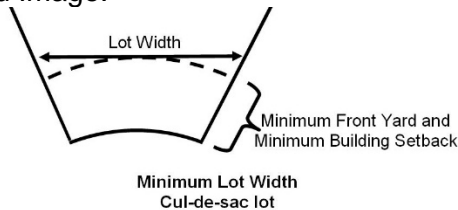
Caregiver: As defined by GS § 160A-383.5.

Farm, bona fide: Any production or activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of *agricultural use*, as defined in G.S. 106-581.1. For purposes of determining whether a property is being used for *bona fide farm* purposes, any of the following shall constitute sufficient evidence that the property is being used for *bona fide farm* purposes:

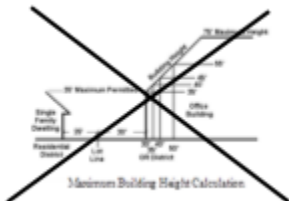
- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d. A forest management plan.

Lot Width: The full width of a lot measured **from the midpoint of the front lot line** along to the **midpoint of the** minimum front yard and minimum building setback line required by this UDO.

Add Image:



Maximum Building Height: Remove Image



Mentally or physically impaired person: As defined by GS § 160A-383.5.

Parking Area: Any area other than an open exhibition or display area (not inclusive of *interior access drives, driveways, interior access driveways* and *access drives*) intended for the temporary storage of automotive vehicles including *parking spaces* and the area allocated to the egress/ingress of automotive vehicles to and from the actual *parking space*. **For residential uses, parking areas include gravel, or other non-erodible surfaces such as asphalt, concrete, or pavers on which operable motor vehicles are temporarily placed.**

Small Wireless Telecommunications Facility: see Wireless Telecommunications Facility, Small

Temporary Family Health Care Structure: As defined by GS § 160A-383.5.

Wireless Telecommunications Facility, Small: a *wireless telecommunications facility* that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (2) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. (Reference: NCGS § 160.400.51)

Part 33: REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of the UDO of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Part 34: SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Part 35: INCLUSION IN CODE

It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Unified Development Ordinance of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

Part 36: EFFECTIVE DATE

The provisions of this ordinance shall become effective MONTH XX, 20XX in accordance with the laws of the State of North Carolina.

Adopted this, the XXth day of MONTH 20XX.

Attested to:

Dick Sears, Mayor

Joni Powell, MMC, Town Clerk





THE TOWN OF

Holly Springs

Ordinance Number: 18-03
Date Submitted: May 1, 2018
Date Adopted: May 1, 2018

AN ORDINANCE TO AMEND SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA

BE IT ORDAINED by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Unified Development Ordinance of the Town is amended as follows:

Part 1

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 1.09 Provisions of Common Applicability, Jurisdiction:

Upon (i) adoption of this UDO by the Town Council of the Town of Holly Springs, and (ii) the effective date of this UDO, the Town of Holly Springs Planning Board shall be the duly authorized Planning Board for the incorporated areas of the Town of Holly Springs and its extra-territorial jurisdiction pursuant to the General Statutes of the State of North Carolina, and this UDO shall apply to all real property located within the corporate boundaries of the Town of Holly Springs and its extra-territorial jurisdiction.

However, pursuant to NCGS§ 160A-360(k), property that is located within the Town of Holly Springs extra-territorial jurisdiction and is used for *bona fide farm* purposes as described in NCGS§ 153A-340 is exempt from the regulations of this UDO. Property that is located in the Town of Holly Springs extra-territorial jurisdiction and ceases to be used for *bona fide farm* purposes shall become subject to the regulations of this UDO. *Bona fide farm* property that is exempt from the regulations of this UDO shall be subject to the Wake County floodplain ordinance or all floodplain regulation provisions of Wake County's unified development ordinance.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105 - 164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S.105-277.3. Failure to maintain the requirements of this section for a period of three (3) years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this UDO shall subject the building or structure

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to applicable zoning and development regulation ordinances of this UDO in effect on the date the property no longer meets the requirements of this section.

Part 2

Add text as indicated in **bold** and remove text indicated in ~~striketrough~~ to Section 2.08 A. 1. General Regulations for Residential Districts, Permitted Accessory Uses, Buildings and Structures.

A. Accessory Uses, Buildings and Structures.

1. Permitted Accessory Uses, Buildings and Structures.

Accessory uses, buildings or structures shall be permitted in all residential *districts*, provided, however, that the *primary use* which is supported by the *accessory use, building or structure* is a *permitted use* within the *district* to which a *lot* is zoned.

Accessory uses, buildings or structures shall not be permitted on a *lot* prior to the erection of the *primary building*.

By way of example only, some typical *accessory uses, buildings and structures* in Residential *Districts* are: *garages; carports; porches; decks; awnings; canopies; mini-barns; storage sheds; patios; outdoor fireplaces; bathhouses; cabanas; children's playhouses; swings; game courts*, including tennis or basketball courts; fences; ***driveways and parking areas; signs***; swimming pools; hot tubs; radio sending and receiving antennas; *satellite dish antennas*; and, storage *buildings*.

Part 3

Add text as indicated in **bold** and remove text indicated in ~~striketrough~~ to Section 2.08 A. 2 Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts:

2. Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts.

Accessory uses, buildings or structures shall comply with all *development standards* of the applicable *district* unless an exception is specifically provided for in this Section 2.08.

Accessory uses, buildings or structures shall not encroach upon any platted or recorded easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town Easement or an access easement, authorized by the *Director of Engineering*.

Accessory buildings or structures (including fences, patios, decks, etc.) shall not be located above a septic system or septic repair area.

Part 4

Add text as indicated in **bold** and remove text indicated in ~~striketrough~~ to Section 2.08 A. 2 Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts:

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2. Development Standards for Accessory Uses, Buildings or Structures in All Residential Districts.

Accessory uses, buildings or structures shall comply with all development standards of the applicable district unless an exception is specifically provided for in this Section 2.08.

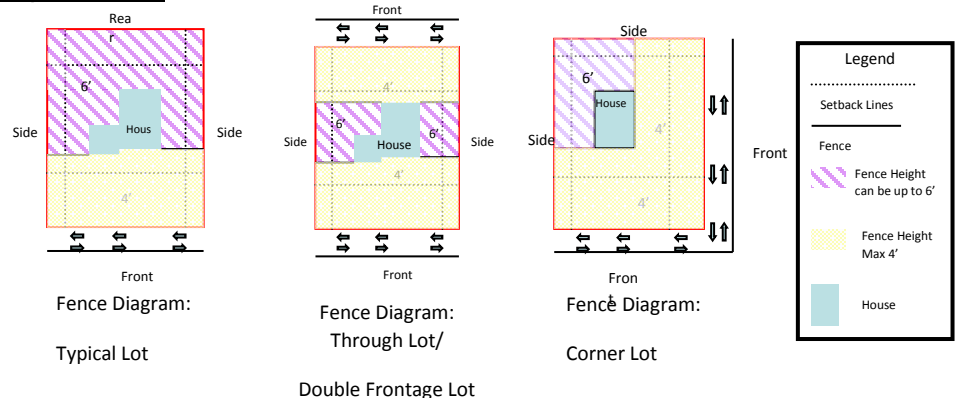
Accessory uses, buildings or structures shall not encroach upon any platted or recorded easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town Easement or an access easement, authorized by the Director of Engineering.

Accessory uses, buildings or structures shall not encroach upon any Sight Distance Triangles, as specified in the Town of Holly Springs' Engineering Design and Construction Standards.

Part 5

Add text as indicated in bold and remove text indicated in ~~strike through~~ to Section 2.08 A. 3. Additional Development Standards for Accessory Uses, Buildings, or Structures in any Residential District.

- d. Fences (including but not limited to chain link, solid, shadow-box, stockade, architectural screen, lattice-work or masonry).
 - (1) Individual Lots – Shall not exceed forty-eight (48) inches in height above grade in a *minimum front yard* or if located in the *buildable area* of a lot located between the front line of the *primary building* and the *minimum front yard*;
 - (2) *Subdivision Frontage* – Fences which are located along a perimeter *street frontage* of a recorded, platted residential *subdivision* shall not exceed six (6) feet in height above *grade*.
 - (3) Shall not exceed six (6) feet in height above *grade* in a *minimum side yard* or a *minimum rear yard*;
 - (4) Shall be placed with the finished side of the fence facing out from the lot upon which the fence is placed;
 - (5) *Special Exception Uses* – All fencing located between a *front lot line* and the front line of the *primary building* shall be black vinyl coated chain link or ornamental; and,
 - (6) Shall comply with all regulations of Section 1.22 – Sight Distance Requirements of this UDO.



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(7) Control of Access fencing- All new or replacement of control of access fencing along the *right-of-way* shall be ornamental. _

Part 6

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 2.08 A. 3. f. General Regulations for Residential Districts, Grade Level Improvements:

- (1) In a *minimum front yard* - the following *grade level improvements* shall be permitted:
 - (i**a**) stoops,
 - (i**b**) walkways with a maximum width of up to six (6) feet, and;
 - (i**iii**) **driveways and parking areas**, provided that *driveways and parking areas* shall meet the following standards:
 - (a**i**) ~~shall have a maximum width of the garage doors plus ten (10) feet, or, a maximum width of twenty (20) feet if no garage door is present,~~ **the width of the driveway or parking area shall not exceed twenty (20) feet or fifty (50) percent of the lot width, whichever is greater, but not to exceed forty-five (45) feet; and**
 - (b**ii**) the maximum width at the right-of-way is in accordance with the Town of Holly Springs' Engineering Design and Construction Standards; and
 - (c**iii**) only one (1) *driveway* shall be permitted on an individual *lot* or *sublot*.
- (2) In a *minimum side yard* the following *grade level improvements* shall be permitted:
 - (i**a**) stoops,
 - (i**b**) *patios*, provided, however, that *patios* which include foundations or are located above *grade* level are regulated by Section 2.08, A., 3., c., above,
 - (i**iii**) walkways with a maximum width of up to six (6) feet, and
 - (i**iv**) *interior access drives*, provided, however that an *interior access drive* may only be located in one *minimum side yard* and shall not be less than eight (8) feet in width nor greater than twelve (12) feet in width and that the remainder of said minimum side yard and any other minimum side yard shall otherwise be maintained as open space free from buildings or structures.
- (3) In a *minimum rear yard* the following *grade level improvements* shall be permitted:
 - (i**a**) stoops,
 - (i**b**) *patios*, provided, however, that *patios* which include foundations or are located above *grade* level are regulated by Section 2.08, A., 3., c., above,
 - (i**iii**-c) walkways with a maximum width of up to six (6) feet, and
 - (i**iv**-d) **driveways and parking areas** where necessary to provide access to an abutting rear *alley* provided that *driveways and parking areas* shall meet the following standards:
 - (a**i**) ~~shall have a maximum width of the garage doors plus ten (10) feet, or, a maximum width of twenty (20) feet if no garage door is present,~~ **the width of the driveway or parking area shall not exceed twenty (20) feet or fifty (50) percent of the lot width, whichever is greater, but not to exceed forty-five (45) feet; and**
 - (b**ii**) the maximum width at the right-of-way is in accordance with the Town of Holly Springs' Engineering Design and Construction Standards; and
 - (c**iii**) only one (1) *driveway* shall be permitted on an individual *lot* or *sublot*.
 - (v**e**) *interior access drives*, where necessary to provide access to an abutting rear *alley* with a maximum width of up to twenty (20) feet.

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Part 7

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 2.08 A. 3. g. General Regulations for Residential Districts, Underground Facilities:

- g. **Mechanical Equipment and Underground Facilities.**
- (1) **Mechanical equipment associated with *residential uses* (including by way of example, HVAC units, swimming pool filtration systems, etc.) may encroach into any *minimum side yard* or *minimum rear yard*, provided, however, that such encroachment shall not be less than one (1) foot from the *side* or *rear property line*. For double or triple *frontage lots*, mechanical equipment may encroach into a *minimum front yard* a maximum of three (3) feet, provided, however, that the mechanical equipment shall not be permitted in the front yard along the *street* from which the *dwelling unit* is addressed. Mechanical equipment in a *minimum front yard* shall be screened from view of the *street* with landscaping, fencing, or other screening.**
 - (2) Underground facilities (including by way of example, septic tanks and finger systems, cisterns, cellars, basements, etc.) shall not be located in or under any *minimum front yard*, *minimum side yard* or *minimum rear yard*.

Part 8

Add text as indicated in **bold** to Section 2.08 A. 3. General Regulations for Residential Districts, Additional Development Standards for Accessory Uses, Buildings or Structures in any Residential District:

- k. ***Private Recreation as an Accessory Use.***
- (1) **Notwithstanding anything in this UDO to the contrary, *private recreation uses*, such as a clubhouse, swimming pool, game courts, meeting room, and the like, shall be considered a permitted *accessory use* to any residential *subdivision* or *project* when such *private recreation uses* are indicated on a *development plan*, *preliminary plan* or *master plan* and specifically approved in connection with such *development plan*, *preliminary plan* or *master plan*.**
 - (a) ***Parking***
 - (i) ***Off-street parking spaces* shall be provided in accordance with UDO Section 7.04 Off-Street Parking Regulations for each specific *land use* associated with the *private recreation use*, provided, however, *off-street parking spaces* shall not be subject to the limitation of seventy-five (75) percent of the total number of off-street parking spaces provided between the front building line and the property line as required by UDO Section 7.04 E., 4. Maximum Number of Off-Street Parking Spaces**
 - (ii) ***On-street parking* located immediately adjacent to the *private recreation use* served by such *on-street parking* may be provided in lieu of *off-street parking*, provided, however, that such adjacent *on-street parking* is approved by the agency**

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having jurisdiction over *on-street parking* and the Director of Engineering. If *on-street parking* is provided, the amount of *off-street parking* required by this UDO shall be deemed to be reduced by the number of *on-street parking spaces* provided immediately adjacent to such *private recreation use*.

- (b) **General Architectural and Site Design Requirements**
 - (i) All *buildings* and *structures* associated with the *private recreation use* shall be designed to be generally consistent with the colors, *building materials* and architectural style of the residential *subdivision* or *project*,
 - (ii) Site design shall be consistent with UDO Section 7.10 Open Space.
- (c) **Landscape Regulations:** all *private recreation lots, buildings, structures* and *off-street parking areas* shall comply with the provisions of Section 7.01 Landscaping Regulations.
- (d) *Signs* for the *private recreation use* shall comply with the provisions of Section 7.03, D., 4. – Signs in Residential Districts and any associated *master sign plan* for the *project*.

Part 9

Add text as indicated in bold and remove text indicated in strikethrough to Section 2.08 B. Temporary Uses, Buildings, and Structures:

12. Temporary Family Health Care Structures

- a. **A temporary family health care structure** used by a caregiver in providing care for a *mentally or physically impaired person* on property owned or occupied by the *caregiver* as the caregiver's residence shall be considered a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings
- b. **A temporary family health care structure** used by an individual who is the named legal guardian of the *mentally or physically impaired person* shall be considered a permitted *accessory use* in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the *temporary family health care structure* is placed on the property of the residence of the individual and is used to provide care for the *mentally or physically impaired person*.
- c. **Only one (1) temporary family health care structure** shall be allowed on a lot or parcel of land. Such *temporary family health care structures* shall comply with all setback requirements that apply to the primary structure.
- d. **Annual Permit Renewal Required:** The property owner must renew such temporary family health care structure permit annually and provide evidence of compliance with this section on an annual basis as long as the *temporary family health care structure* remains on the property. The Town may request an inspection of the *temporary family health care structure* at reasonable times convenient to the *caregiver*, to confirm the use of the *structure*.
- e. **No signage, advertising, or any other promotion** of the existence of the *temporary health care structure* shall be permitted either on the exterior of the *temporary family health care structure* or anywhere on the property.

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- f. **Any temporary family health care structure installed pursuant to this section shall be removed within sixty (60) days in which the *mentally or physically impaired person* is no longer receiving or is no longer in need of the assistance provided for in this section. If the *temporary family health care structure* is needed for another *mentally or physically impaired person*, the *temporary family health care structure* may continue to be used, or may be reinstated on the property within sixty (60) days of its removal, as applicable.**

Part 10

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 2.08 F. 1. General Regulations for Residential Districts, *Additional Front Setback Provisions*:

c. ~~Limited Access Rights-of-Way~~ **Double Frontage Lots**

The front setback provisions of this UDO are subject to the following modifications:

- (1) That portion of a *double frontage lot* which abuts a **limited access** *right-of-way* shall be subject to *setback* and landscaping requirements of this UDO applicable to *minimum rear yards*.
- (2) That portion of a *double frontage lot* which abuts a **street that is parallel to the street from which the lot receives access, and contains a Type B Semi-Opaque perimeter landscape yard or Type C Opaque perimeter landscape yard** shall be subject to *setback* and landscaping requirements of this UDO applicable to *minimum rear yards*.

Part 11

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 3.07 A. 2. Development Standards for Accessory Uses, Buildings or Structures in all Commercial / Mixed Use Districts:

Accessory uses, buildings or structures shall comply with all *development standards* of the applicable *district* unless an exception is specifically provided for in this Section 3.07.

Accessory uses, buildings or structures shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town Easement, authorized by the Director of Engineering.

Accessory buildings or structures (including fences, patios, decks, etc.) shall not be located above a septic system or septic repair area.

Part 12

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 3.07 A. 3. b. Additional Development Standards for Accessory Uses, Buildings or Structures in any Commercial / Mixed Use District:

- b. Fences (including chain link, solid, architectural screen, lattice-work or masonry):
- (1) shall not exceed six (6) feet in height above *grade* in a required *front yard* or if located in the *buildable area* of a *lot* located between the front line of the principal

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- building* and the required *front yard*;
- (2) Shall not exceed ten (10) feet in height above *grade* in a required *side yard* or a required *rear yard*; and
- (3) Shall comply with all Sight Distance requirements of this UDO.
- (4) **All fencing located between a *front lot line* and the front line of the primary *building* shall be ornamental fencing. All fencing located along a *side* or *rear lot line* shall be black vinyl coated chain link or ornamental fencing.**
- (5) **Control of Access fencing- All new or replacement of control of access fencing along the *right-of-way* shall be ornamental.**

Part 13

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 3.07 A. 3. g. General Regulations for Commercial / Mixed Use Districts, Drive through facilities:

- g. Drive through facilities (**single service lane or multiple service lanes**) ~~shall be so designed that:~~
 - (1) drive through lanes **facilities do shall** not conflict with the safe and efficient flow of traffic into and out of required *parking spaces* or *loading spaces*;
 - (2) ~~the minimum drive through facility standards include:~~
 - (a) ~~drive through~~ **service lane(s) with shall have** a minimum width of ten (10) feet measured from the furthest point of projection of a drive through facility from the *building* or *structure*; ~~and, For the purposes of Section 7.04, D., 1., c. – Separation from Buildings of this UDO (i.e., the five (5) foot minimum separation for an interior access drive from the wall of a building), a drive through service lane shall not be considered an interior access drive.~~
 - (3) **Vehicle Stacking**
 - (a) ~~provide at least a minimum of five~~ **one hundred and ten (110) feet waiting spaces shall be provided for vehicle stacking, measured from the point of entry into the drive through facility to the prior to the first occurrence of any ordering, pick-up or service facility. For multiple lane facilities, the one hundred and ten (110) feet of vehicle stacking may be divided between multiple drive through service lanes, provided that a minimum of one (1) drive through service lane contains a minimum of seventy (70) feet of vehicle stacking, measured from the point of entry into the drive through facility to the first occurrence of any ordering, pick-up or service facility; and,**
 - (b) **a minimum of twenty (20) feet shall be provided for vehicle stacking after exiting the last pick-up or service facility.**
 - (4) ~~provide sufficient room for at least one waiting space after exiting the last pick-up or service facility.~~

~~For the purposes of Section 7.04, D., 1., c. – Separation from Buildings of this UDO (i.e., the five (5) foot minimum separation for an interior access drive from the wall of a building), a drive through lane shall not be considered an interior access drive.~~

Part 14

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 4.01 B. 2. a *Special Exception Uses*:

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- a. Automotive Sales & Service: Automobile quick oil change facility; *Automotive Repair – Minor*; *Automotive Repair – Major*; Gasoline Service Station without repair; **Truck – Rental Service**.

Part 15

Add text as indicated in bold and remove text indicated in strikethrough to Section 4.01B. 8. *Outdoor Storage and Operations*

- f. **Truck – Rental Service**
- (1) **No more than six (6) vehicles for rent shall be parked on site in association with the *Truck – Rental Service*.**
 - (2) **Vehicles and trailers associated with the *Truck – Rental Service* shall be parked as follows:**
 - (a) **Vehicles and trailers shall not be parked between a *front building line* and *front lot line*.**
 - (b) **Parking of vehicles and trailers shall not be permitted to be located along a façade which is parallel to or within ninety (90) degrees of being parallel to a *front lot line* or *bufferyard*. Parking of vehicles and/or trailers located along a façade which is located between ninety (90) and one-hundred and twenty (120) degrees of being parallel to a *front lot line* or *bufferyard* shall be effectively screened from such *front lot line* or *bufferyard* by either: a screening wall accompanied by *foundation landscaping*; or, screened with Type C landscape screening with a *plant unit value* of at least forty (40), for the full depth of the parking spaces.**

Part 16

Add text as indicated in bold and remove text indicated in strikethrough to Section 4.04 A. 3. a. Additional Development Standards for Accessory Uses, Buildings, or Structures in an Industrial District:

Accessory uses, buildings or structures permitted in any ~~WD, LI and GI~~ **BT, RT, and IT** district shall also comply with the following additional *development standards*:

- a. Fences (including chain link, solid, architectural screen, lattice-work or masonry):
- (1) shall not exceed six (6) feet in height above *grade* in a required *front yard* or if located in the *buildable area* of a *lot* located between the front line of the principal *building* and the required *front yard*;
 - (2) Shall not exceed ten (10) feet in height above *grade* in a required *side yard* or a required *rear yard*; and,
 - (3) Shall comply with all Sight Distance requirements of this UDO.
 - (4) **All fencing located between a *front lot line* and the front line of the *primary building* shall be ornamental fencing. All fencing located along a *side* or *rear lot line* shall be black vinyl coated chain link or ornamental fencing.**
 - (5) **All fencing for control of access along the *right of way* shall be ornamental.**

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Part 17

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 4.04 A. 3. f. General Regulations for Industrial Districts, Drive through facilities:

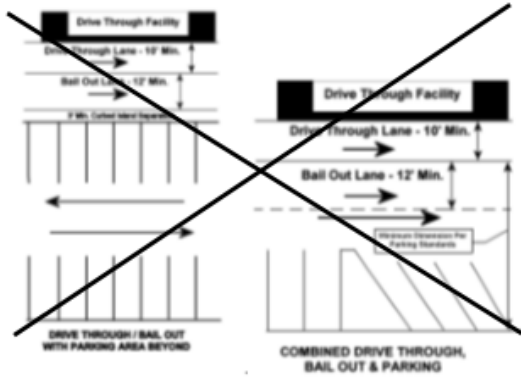
- f. Drive through facilities (**single service lane or multiple service lanes**) ~~shall be so designed that:~~
- (1) drive through lanes ~~facilities do~~ **shall** not conflict with the safe and efficient flow of traffic into and out of required *parking spaces* or *loading spaces*;
 - ~~(2) drive through lanes have a "bail out" capability for all vehicles which have entered the drive through lane;~~
 - ~~(3 2) the minimum drive through facility standards include:~~
 - (a) ~~drive through~~ **service lane(s) with shall have** a minimum width of ten (10) feet measured from the furthest point of projection of a drive through facility from the *building* or *structure*; ~~and, For the purposes of Section 7.04, D., 1., c. – Separation from Buildings of this UDO (i.e., the five (5) foot minimum separation for an interior access drive from the wall of a building), a drive through service lane shall not be considered an interior access drive.~~
 - (b) ~~a "bail out" lane with a minimum width of twelve (12) feet measured from and running parallel to the full length of the drive through lane;~~
 - ~~(4) if a "bail out" lane also serves as an interior access drive providing access to parking spaces, the "bail out" lane / interior access drive shall be limited to a one-way traffic pattern following the direction of the drive through lane;~~
 - ~~(5) if a parking area is developed beyond the "bail out" lane, the parking area shall be separated from the "bail out" lane by a curbed island having a minimum width of three (3) feet;~~
 - ~~(6 3) Vehicle Stacking~~
 - (a) **provide at least a minimum of five one hundred and ten (110) feet waiting spaces shall be provided for vehicle stacking, measured from the point of entry into the drive through facility to the prior to the first occurrence of any ordering, pick-up or service facility. For multiple lane facilities, the one hundred and ten (110) feet of vehicle stacking may be divided between multiple drive through service lanes, provided that a minimum of one (1) drive through service lane contains a minimum of seventy (70) feet of vehicle stacking, measured from the point of entry into the drive through facility to the first occurrence of any ordering, pick-up or service facility; and,**
 - (b) **a minimum of twenty (20) feet shall be provided for vehicle stacking after exiting the last pick-up or service facility.**
 - ~~(7) provide sufficient room for at least one waiting space after exiting the last pick-up or service facility.~~

~~For the purposes of Section 7.04, D., 1., c. – Separation from Buildings of this UDO (i.e., the five (5) foot minimum separation for an interior access drive from the wall of a building), a drive through lane shall not be considered an interior access drive.~~

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Part 18

Remove text indicated in strikethrough to Section 4.05 A. 8. General Architectural and Site Design Requirements:

~~8. Fencing All fencing located between a front lot line and the front line of the primary building shall be ornamental fencing. All fencing located along a side or rear lot line shall be black vinyl coated chain link or ornamental fencing.~~

Part 19

Add text as indicated in bold and remove text indicated in strikethrough to Section 4.05 B. 8. Gateway Corridor Architectural and Site Design Requirements:

~~8. Fencing All fencing located between a front lot line and the front line of the primary building shall be ornamental fencing. All fencing located along a side or rear lot line shall be black vinyl coated chain link or ornamental fencing.~~

Part 20

Add text as indicated in **bold** and remove text indicated in strikethrough to Section 7.01 D. 2 Landscaping Regulations, Required Landscaping of Required Front, Side and Rear Yards and Required Front, Side and Rear Bufferyards in All Districts:

D. Required Landscaping of Required Front, Side and Rear Yards and Required Front, Side and Rear Bufferyards in All Districts.

1. All required yards and all required bufferyards shall be landscaped in compliance with the requirements in Table 7.01 C – Type and Plant Unit Value of Required Landscaping.

~~2 a. Along thoroughfares, large deciduous trees shall be planted on average, forty (40) feet on center, within five (5) feet from the right-of-way line on the private property side so as to create the visual appearance of street trees.~~

~~a. Where existing overhead utilities interfere with part of the landscape area, the large tree requirement may be substituted by installing small deciduous trees.~~

~~b. Trees may be shifted to accommodate the placement of street light poles.~~

(1) Type / Size / Spacing of Trees:

a.(a) Shall be required to install large deciduous trees as specified in Section 12.01 – Preferred Landscape Materials, of the Town of Holly Springs' Development

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Procedures Manual, or as further specified in the Town of Holly Springs Comprehensive Plan Thoroughfare Planting Plan. Where existing overhead utilities interfere with part of the landscape area, the large deciduous tree requirement may be substituted by installing small deciduous trees.

- (b) Minimum size at planting shall be:
 - (i) Large Deciduous Tree: two (2) inch caliper.
 - (ii) Small Deciduous Tree: one (1) inch caliper.
- (c) Spacing of trees shall be:
 - (i) Large Deciduous Trees: a minimum of forty (40) feet from center of trunk; maximum sixty (60) feet from center of trunk.
 - (ii) Small Deciduous Trees: a minimum of thirty (30) feet from center of trunk; maximum forty-five (45) feet from center of trunk.
- (d) Distance from the following site conditions shall be adhered to:
 - (i) Intersections: All trees shall be located a minimum of fifty (50) feet from the point of tangency of curb radii at street intersections and outside of site distance triangles in accordance with the Town of Holly Springs' Engineering Design & Construction Standards.
 - (ii) Street Lights: All trees shall be located a minimum of twenty-five (25) feet from the base of all street light poles.

(2) **Quality of Trees:**

For the purposes of this section, trees shall be nursery grown, typical of their species or variety, freshly dug, normally shaped, heavy and well branched; with full foliage when in leaf and shall have healthy, well developed root systems. Trees must be self-supporting, with straight trunks and with leaders intact. All wounds present at the time of digging must exhibit callusing, with the bark at the edges of any such wound tight and intact. No abrasions or unhealed cuts are allowed on the trunks of trees. All trees furnished shall be free of any insect infestations and diseases.

All trees planted to meet the requirement must be well matched specimens. The developer shall provide written certification that the plant material meets this quality requirement at the time of installation.

(3) **Location of Trees**

- (a) Trees shall be located within five (5) feet from the right-of-way line on the private property side.
- (b) Where above locations are not deemed feasible and practical; the *Director* shall have the authority to modify and approve acceptable alternatives to the requirements in accordance with sub-section 7.01, P. Alternate Landscape Plan Approval of this UDO.

(4) **Installation of Trees**

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- (a) **At the time of installation, the nursery tags must remain on the trees and a written statement must be submitted to the Department of Planning & Zoning to certify that the correct species of tree(s) has been installed.**
- (b) **Trees shall be installed with root guards in accordance with the Town of Holly Springs' Engineering Design & Construction Standards.**

Part 21

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 7.01 F. Landscaping Regulations, Street Trees for Residential Subdivisions and Development Plans:

F. Street Trees for Residential *Subdivisions and Development Plans*

1. Type/ Size/ Spacing of Trees

- a. *Projects utilizing less than a twenty (20) foot setback:*
 - (1) Shall be required to install small deciduous trees as specified in Section 12.01 – Preferred Landscape Materials, of the Town of Holly Springs' Development Procedures Manual.
 - (2) Minimum size at planting shall be one (1) inch caliper.
 - (3) Spacing shall be ~~every~~ **a minimum of thirty (30) feet from center of trunk** to forty-five (45) feet ~~from center of trunk of road-~~ **frontage**.
- b. *Projects utilizing a twenty (20) foot or greater setback:*
 - (1) Shall be required to install large deciduous trees as specified in Section 12.01 – Preferred Landscape Materials, of the Town of Holly Springs' Development Procedures Manual.
 - (2) Minimum size at planting shall be two (2) inch caliper.
 - (3) Spacing shall be ~~every~~ **a minimum of fifty (50) feet from center of trunk** to sixty-five (65) feet **from center of trunk**.
- c. Distance from the following site conditions shall be adhered to:
 - (1) Intersections: All trees shall be located **a minimum of fifty (50) feet from the point of tangency of curb radii at street intersections and** outside of site distance triangle in accordance with the Town of Holly Springs' Engineering Design & Construction Standards.
 - (2) Street Lights: All trees shall be located a minimum of twenty-five (25) feet from the base of all street light poles.
- d. Quality of Street Trees
 For the purposes of this section, trees shall be nursery grown, typical of their species or variety, freshly dug, normally shaped, heavy and well branched; with full foliage when in leaf and shall have healthy, well developed root systems. Trees must be self-supporting, with straight trunks and with leaders intact. All wounds present at the time of digging must exhibit callusing, with the bark at the edges of any such wound tight and intact. No abrasions or unhealed cuts are allowed on the trunks of trees. All trees furnished shall be free of any insect infestations **and diseases**.

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All trees planted to meet the street tree requirement must be well matched specimens. The developer shall provide written certification that the plant material meets this quality requirement at the time of installation.

In order to maintain a high quality of urban streetscape, each residential street must contain at least two (2) species of trees with a similar canopy. No more than fifty (50) percent of a single species shall be used on each street.

2. Location of Street Trees
 - a. **Street trees shall be located** ~~Centered~~ in the public *right-of-way*, **centered** within the utility strip between the sidewalk and curb or centered between *right-of-way* line and curb if no sidewalk is present.
 - b. Where above locations are not deemed feasible and practical; the *Director* shall have the authority to modify and approve acceptable alternatives to street tree requirements in accordance with sub-section 7.01, P. Alternate Landscape Plan Approval of this UDO. **When moved outside of the right-of-way, a street tree maintenance easement shall be provided on the final plat.**
3. Installation of Trees
 - a. Street trees must be installed prior to the *Certificate of UDO Compliance* for the *dwelling* on the *lot* where the tree is located.
 - b. At the time of installation the nursery tags must remain on the street trees and a written statement must be submitted to the Department of Planning & Zoning to certify that the correct species of trees have been installed.
 - c. **Street trees shall be installed with root guards in accordance with the Town of Holly Springs' Engineering Design & Construction Standards.**
4. Replacement and Maintenance
Shall be in accordance with Town Policy Statement #P-039.

Part 22

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 7.04 Off-Street Parking Regulations, Table 7.04-D Required Off-Street Parking:

Remove Integrated Centers from Retail:

~~*Integrated Centers (containing multiple retail uses)*~~

~~If the total *gross leasable floor area* of an *integrated center* is less than 400,000 square feet, four (4) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area* shall be required, plus two (2) bicycle racks to be located throughout the project area, [Amended Ordinance #09-03]~~

~~If the total *gross leasable floor area* of an *integrated center* is greater than 400,000 square feet, but less than 600,000 square feet, four and one half (4.5) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area* shall be required, plus three (3) bicycle racks to be located throughout the project area, [Amended Ordinance #09-03]~~

~~If the total *gross leasable floor area* of an *integrated center* is greater than 600,000 square feet, five (5) *parking spaces* per one thousand (1,000) square feet of *gross leasable floor area* shall be required plus four (4) bicycle racks to be located throughout the project area. [Amended Ordinance #09-03]~~

~~Provided, however: in no case shall any *integrated center* provide less than five (5) *parking*~~

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~~spaces: and,~~

~~Out lots with an individual use shall provide parking spaces as required for the individual use by this Section and such calculation shall be separate from the calculation of the gross leasable floor area calculation of the integrated center.~~

~~The following individual uses, either on an out lot or within the primary building: grocery store; hardware / paint / home improvement store; theaters; bowling alley; bar; tavern; or, night club; shall provide parking spaces as required for the individual use by this Section and such calculation shall be separate from the calculation of the gross leasable floor area calculation of the integrated center. [Amended Ordinance #07-10]~~

Part 23

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 7.04 Off-Street Parking Regulations, Table 7.04-D Required Off-Street Parking:

Add Integrated Centers as new category

***Integrated Centers* (containing multiple commercial, industrial, or any combination of commercial / mixed use, industrial and residential uses)**

If the total gross leasable floor area of an integrated center is less than 400,000 square feet, four (4) parking spaces per one thousand (1,000) square feet of gross leasable floor area, including those areas designated for outdoor seating for restaurants, shall be required, plus two (2) bicycle racks to be located throughout the project area.

If the total gross leasable floor area of an integrated center is greater than 400,000 square feet, but less than 600,000 square feet, four and one half (4.5) parking spaces per one thousand (1,000) square feet of gross leasable floor area, including those areas designated for outdoor seating for restaurants, shall be required, plus three (3) bicycle racks to be located throughout the project area.

If the total gross leasable floor area of an integrated center is greater than 600,000 square feet, five (5) parking spaces per one thousand (1,000) square feet of gross leasable floor area, including those areas designated for outdoor seating for restaurants, shall be required plus four (4) bicycle racks to be located throughout the project area.

Provided, however:

in no case shall any integrated center provide less than five (5) parking spaces; and, Out lots with an individual use shall provide parking spaces as required for the individual use by this Section and such calculation shall be separate from the calculation of the gross leasable floor area calculation of the integrated center.

The following individual uses, either on an out lot or within the primary building: grocery store; hardware / paint / home improvement store; theaters; bowling alley; bar; tavern; night club; or residential; shall provide parking spaces as required for the individual use by this Section and such calculation shall be separate from the calculation of the gross leasable floor area calculation of the integrated center.

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Part 24

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 8.01 Special Regulations for Wireless Telecommunications Facilities.:

B. *Wireless Telecommunications Facilities* Requirements.

1. Applicability – Notwithstanding any other provision of this UDO to the contrary, *wireless telecommunications facilities*, when such are permitted by and in compliance with federal law and the laws of the State of North Carolina, shall be regulated and governed by the regulations and requirements of this Section. **The provisions set forth in Section 8.01 shall apply to all small wireless telecommunications facilities, with the additional provision that color, material, and location of the small wireless telecommunications facility are selected to sufficiently conceal the facility in plain sight.**

C. ~~Sitting~~ **Siting** Hierarchy of Wireless Telecommunications Facilities.

Part 25

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 9.04 Staff Agencies:

4. Organization, Rules, Meetings and Records – The **Chairman of the** Technical Review Committee shall ~~elect a chairman~~ **be the Director of Planning & Zoning and the Vice-Chairman shall be the Director of Engineering. The Technical Review Committee** and may create and fill such other offices as it may deem necessary. The term of officers shall be one (1) year or until successors shall have been elected and installed, with eligibility for reelection. Vacancies in officers' positions prior to expiration of terms shall be filled for the period of the unexpired term by the Technical Review Committee. The Technical Review Committee shall keep a record of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Technical Review Committee shall hold at least one (1) meeting monthly unless there is no business to be discussed or acted upon, and all of its meetings shall be in accordance with G.S. §143 – 318.9 through G.S. §143 – 318.18. A quorum shall consist of a majority of the regular members for the purpose of taking any official action required by this UDO. All members, including alternate members, shall have the authority to participate in discussions of the Technical Review Committee. All regular members (alternate members, when acting as a regular member) of the Technical Review Committee shall have voting power on all matters of business. However, any member who is a party at interest to matters under consideration by the Technical Review Committee shall declare such interest prior to a vote of the Technical Review Committee on the question, and shall abstain from voting on the question. Any and all discussion, comment, or opinion presented at a Technical Review Committee meeting regarding proposed applications or petitions are not to be construed as a recommendation of Staff, Planning Board, or Town Council to approve or deny any proposed project at time of official determination.

Part 26

Add text as indicated in **bold** and remove text indicated in ~~strike through~~ to Section 9.05, B., 5., c., (5) Platting, Project Construction Drawing Approval and Recombination Procedures-Construction Drawings:

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Specify that all improvements and installations shall be completed in accordance with the requirements and specifications of this UDO, the Town of Holly Springs' Engineering Design and Construction Standards, and the approved construction drawings:

(a) for single family or two family subdivisions, prior to the ~~time that building permits are issued for single family dwellings or two family dwellings upon twenty-five (25) percent of the lots shown upon the final plat or within one (1) year after the date on which the final plat is recorded, whichever occurs first, or no additional building permits shall be issued~~ **plat being recorded all items must be completed from punch list that was generated by the Town and ready to be placed under one year warranty;** or,

Part 27

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 9.05,B.,5.,d. Platting, Project Construction Drawing Approval and Recombination Procedures-Irrevocable Letter of Credit shall:

- (4) Be in effect until:
- (a) the execution of a written Release of Irrevocable Letter of Credit by the Director of Engineering or the Director of the Department of Planning and Zoning, as appropriate;
 - (b) compliance with the terms and provisions of this UDO;
 - (c) all improvements and installations have been completed in accordance with the requirements and specifications of this UDO:
 - (i) for single family or two family *subdivisions*, prior to the ~~time that building permits are issued for single family dwellings or two family dwellings upon twenty-five (25) percent of the lots shown upon the final plat or within one (1) year after the date on which the final plat is recorded, whichever occurs first, or no additional building permits shall be issued~~ **plat being recorded all items must be completed from punch list that was generated by the Town and ready to be placed under one year warranty;** or

Part 28

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 9.05,B.,5.,e. Platting, Project Construction Drawing Approval and Recombination Procedures-Cash Deposit:

A cash deposit or other instrument readily convertible to cash at face value shall be held by the Town of Holly Springs in a separate account for such purposes. The cash deposit or other instrument readily convertible to cash at face value shall:

- (1) Be in effect until:
- (a) the execution of a written Release of Cash Deposit by the Director of Engineering or the Director of the Department of Planning and Zoning, as appropriate;
 - (b) compliance with the terms and provisions of this UDO;
 - (c) all improvements and installations (including street trees in the right-of-way) have been completed in accordance with the requirements and specifications of this UDO:
 - (i) for single family or two family subdivisions, prior to the ~~time that building permits are issued for single family dwellings or two family dwellings upon twenty-five (25) percent of the lots shown upon the final plat or within one (1) year after the date on which the final plat is recorded, whichever occurs first, or no additional building~~

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~~permits shall be issued~~ **plat being recorded all items must be completed from punch list that was generated by the Town and ready to be placed under one year warranty;** or,

Part 29

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 9.05,B.,5.,f. Platting, Project Construction Drawing Approval and Recombination Procedures-Warranty:

(5) Provided that for the period of time specified below after formal acceptance, the developer or subdivider shall, at the developer's or subdivider's expense, make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, including any damage resulting from work done by utility companies or other sub-contractors performing services on behalf of the developer or subdivider:

- (a) For non-residential *projects*, one year.
- (b) For residential projects, one year or the time in which ~~seventy-five~~ **ninety (75-90)** percent of the residential dwelling units have been issued a building permit, whichever is later. If at such time in the opinion of the Director of Engineering, the improvements cannot be installed appropriately because of temperature, weather conditions, etc., the Director of Engineering may delay completion and acceptance.

Part 30

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 9.05,B.,5.,h.,(1)Platting, Project Construction Drawing Approval and Recombination Procedures- Release of Guarantee:

Release of Performance Guarantee:~~(a) Partial Release – The Director of Engineering or the Director of the Department of Planning and Zoning, as appropriate, may release a portion of any performance guarantee as improvements are completed.~~

Part 31

Add text as indicated in **bold** and remove text indicated in ~~strikethrough~~ to Section 11.02 Definitions:

Agritourism: An accessory use carried out on a *bona fide farm* or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including *farming*, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A *building* or *structure* used in *agritourism* includes any *building* or *structure* used for public or private events that are held out for rental to the general public, including but not limited to, weddings, receptions, meetings, demonstrations of *farm* activities, meals, and other events that are taking place on a *farm* because of its *farm* or rural setting.

Caregiver: As defined by GS § 160A-383.5.

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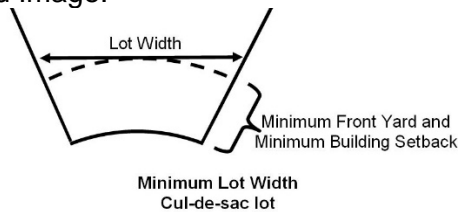
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Farm, bona fide: Any production or activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of *agricultural use*, as defined in G.S. 106-581.1. For purposes of determining whether a property is being used for *bona fide farm* purposes, any of the following shall constitute sufficient evidence that the property is being used for *bona fide farm* purposes:

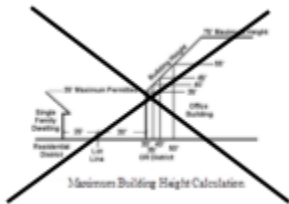
- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d. A forest management plan.

Lot Width: The full width of a lot measured **from the midpoint of the front lot line** along to the **midpoint of the** minimum front yard and minimum building setback line required by this UDO.

Add Image:



Maximum Building Height: Remove Image



Mentally or physically impaired person: As defined by GS § 160A-383.5.

Parking Area: Any area other than an open exhibition or display area (not inclusive of *interior access drives, driveways, interior access driveways* and *access drives*) intended for the temporary storage of automotive vehicles including *parking spaces* and the area allocated to the egress/ingress of automotive vehicles to and from the actual *parking space*. **For residential uses, parking areas include gravel, or other non-erodible surfaces such as asphalt, concrete, or pavers on which operable motor vehicles are temporarily placed.**

Small Wireless Telecommunications Facility: see Wireless Telecommunications Facility, Small

Temporary Family Health Care Structure: As defined by GS § 160A-383.5.

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Wireless Telecommunications Facility, Small: a *wireless telecommunications facility* that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (2) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. (Reference: NCGS § 160.400.51)

Part 33: Remove text indicated in ~~strikethrough~~ to Section 7.06 F. 9. Clubhouse as Accessory Use

~~9. Clubhouse as an Accessory Use.~~

~~Notwithstanding anything in this UDO to the contrary, a clubhouse, which may or may not be accompanied by such ancillary amenities as a swimming pool, game courts, meeting room, and the like, shall be considered a permitted accessory use to any residential subdivision or project when such clubhouse and ancillary amenities are indicated on a preliminary plan or Master Plan and specifically approved in connection with such preliminary plan or Master Plan.~~

Part 34: **REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of the UDO of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Part 35: **SEVERABILITY**

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Part 36: **INCLUSION IN CODE**

It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Unified Development Ordinance of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

Part 37: **EFFECTIVE DATE**

The provisions of this ordinance shall become effective May 15, 2018 in accordance with the laws of the State of North Carolina.

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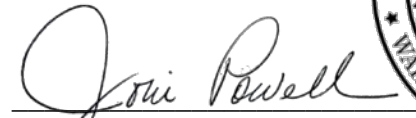
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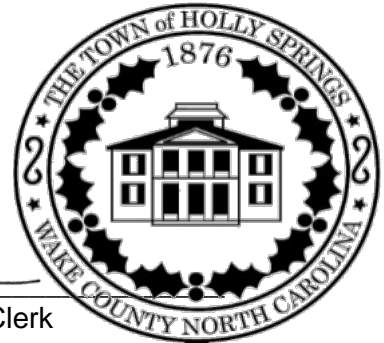
Email: dick.sears@hollyspringsnc.us

Adopted this, the 15th day of May, 2018

Attested to:


Dick Sears, Mayor


Joni Powell, MMC, Town Clerk



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