

The Town of Holly Springs



**Unified Development Ordinance
Supplement #17
June 30, 2017**

UDO Section	Section/Appendix Title	Remove Pages	Insert New Pages
1	Provisions of Common Applicability	1-7 – 1-8	1-7 – 1-8
2.09	Development Options for Residential Districts	2.09-5 – 2.09-6	2.09-5 – 2.09-6
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3.02	LB Local Business District	3.02-1 – 3.02-2	3.02-1 – 3.02-2
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9.02	Town of Holly Springs Planning Board	Entire Section	Entire Section
11.02	Definitions	11-37 – 11-38	11-37 – 11-38

Ordinances Incorporated in this Supplement are:

#15-10, 16-11, 17-01, 17-02, 17-03

In addition, various typographical corrections were made as noted.

If you have any questions please call the Department of Planning & Zoning at 919-557-3908.

Checklist of Up-to-Date Pages Through Supplement #17

As the Unified Development Ordinance (UDO) is updated through the issuance of Supplements where pages are removed and added to the loose-leaf paper binders, it is possible that pages may be inserted or removed in error. The following is a checklist that specifies which supplement each page in the UDO Binder has been published. The following listing is a ready guide for the user to determine whether the UDO Binder properly reflects the latest printing of each page.

The first column under the Section Number is the page number for that section. The second column reflects the Supplement # of the latest printing for that page that should appear in the inside footer of the page (if no page number is specified, then the supplement # should be on all pages of that section). Those pages with "Orin" should not have a Supplement number or reference in the footer as these pages have not been modified since the Original publication of the UDO. By following this checklist and comparing it to the pages in the UDO Binder, one can verify that the pages in the binder are the correct version and are the Town's most current regulations.

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2. if the proposed use or development requires additional approvals from the *Board of Adjustment, Town Council* or *Planning Board* pursuant to the terms and conditions of this UDO (and which additional approvals were not required by the terms and conditions of Part 9, Chapter 4, Zoning of the Town of Holly Springs Town Code) such application shall be deemed amended to include only those additional approvals which are minimally required and within the jurisdiction of the *Town Council* to grant for the proposed use or site plan for the development. [Amended Ordinance #04-06]

E. Preliminary Plans, Final Plats or Resubdivisions of Land

Any application for *preliminary plan* approval, *final plat* approval, resubdivision of land which have been filed with the *Director* of the Department of Planning and Zoning, and which application is full and complete under the provisions of Part 9, Chapter 3, Subdivision Control of the Town of Holly Springs in effect prior to the effective date of this UDO, shall continue to be processed to completion pursuant to the terms and conditions of such Part 9, Chapter 3, Subdivision Control of the Town of Holly Springs, provided that such *preliminary plans, final plats* or resubdivisions shall be subject to the duration regulations contained in Section 9.05, B., of this UDO.

F. Existing Special Use Permits

In any case where a special use permit has been approved by the *Town Council* pursuant to a prior existing zoning ordinance, but the *use* or development authorized by such approval has not been commenced within eighteen (18) months after the effective date of this UDO, said special use permit shall be deemed null and void. [Amended Ordinance #04-06]

G. Existing PUD Master Plans

In any case where a PUD Master Plan has been approved by the *Town Council* pursuant to a prior existing zoning ordinance, but the *use* or development authorized by such approval has not been commenced within eighteen (18) months of the effective date of this UDO, said PUD Master Plan shall be deemed null and void. [Amended Ordinance #04-06]

1.16 UDO Amendments

In its continuing administration of the purposes set forth in Section 1.03 – Purpose above, the *Town Council* of the Town of Holly Springs may find it reasonable and necessary to propose and adopt amendments to the text of this UDO or determine changes to the Zoning Maps incorporated into this UDO. All such amendments shall be considered and adopted in compliance with General Statutes of North Carolina (Chapters 160A-364, 160A-384, 160A-385, 160A-386, and 160A-387), the provisions of this UDO, and any

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applicable rules subsequently adopted by the *Planning Board* or the *Town Council* of the Town of Holly Springs governing such procedures. [Amended Ordinance #04-06]

1.17 Compliance Required for Use and Development of Real Property

Compliance with the terms and provision of this UDO shall be a prerequisite for the use and development of real property within the Town of Holly Springs and its extra-territorial jurisdiction. Failure to comply with the terms and provisions of this UDO shall, unless otherwise provided by the General Statutes of the State of North Carolina, be deemed to a zoning violation enforceable by the Town of Holly Springs as provided for in Section 10 – Enforcement of this UDO.

1.18 Exemptions for Transportation, Communication, and Utility Lines

Service or subterranean easements, including but not limited to those providing for: roadways; railroad lines; pipelines; electric power lines, conduits or systems; telephone lines, conduits or systems; cable television lines, conduits or systems; water mains, lines valves or fire hydrants; sanitary sewer mains, lines, laterals, manhole structures or lift stations; drainage or storm sewer inlets, pipes or roof drains; similar and comparable utility services and facilities; Municipal utility facilities such as Municipal wastewater and Municipal water treatment facilities; and Municipal pump stations shall be exempt from the provisions of this UDO. [Amended Ordinance #05-01, 17-01]*

Bus stations, park and ride facilities, railway terminals, gas storage tanks, power stations, electricity relay stations, non-municipal water treatment plants, , non-municipal pumping stations, water towers, , non-municipal sewage treatment plants, wireless telecommunication facilities and other facilities which generate, create or process such transportation, communication, or utility services, shall be subject to all *use* and *development standards* regulations of this UDO. [Amended Ordinance #05-01, 17-01]*

1.19 State Land in an Overlay District

Pursuant to General Statute 160A-392, all real property owned or occupied by the State of North Carolina or any agency of the State of North Carolina shall be subject to the regulations of *use* and *development standards* set forth in this UDO, provided, however, no real property owned by the State of North Carolina, even if so indicated on the Official Zoning Map incorporated into this UDO, shall be deemed to be included in or subject to the regulations of any *Overlay District*, *Special Use District* or *Conditional Use District* established pursuant to this UDO without the approval of the Council of State. [Amended Supplement #9- corrected typographical error]

1.20 Zoning Districts and Zoning Maps

A. Establishment of *Districts*

C. Development Options in R-30, R-20, R-15, R-10 and R-8 Districts. [Amended Ordinance #06-04]

In order to accomplish the intent of this Section, the following *development options* are available for development in the R-30, R-20, R-15, R-10 and R-8 *districts*. [Amended Ordinance #06-04]

1. Waiver of Development Requirements in R-30, R-20, R-15, R-10 and R-8 Districts.

Overall *subdivisions* or *projects* in the R-30, R-20, R-15, R-10 and R-8 *Districts* which receive *development plan* approval to be developed pursuant to this Section 2.09, C., may be granted a *waiver* of the *development requirements* specified in this UDO to the extent permitted below:

a. *Permitted Uses – Permitted use* regulations may be *waived* in order to provide for:

(1) *Two Family and Multifamily Dwellings* – up to thirty-five (35) percent of the total number of *dwelling units* to be included in the overall *subdivision* or *project* or up to fifty (50) percent of the total number of *dwelling units* to be included in the overall *subdivision* or *project* in projects of less than twenty-five (25) acres may be *two family dwellings* or *multifamily dwellings*, provided that: [Corrected typographical errors: Supplement #14, Amended Ordinance #06-04, #15-11]*

(a) any *multifamily dwellings* shall be:

(i) located in a *townhouse style building* designed in compliance with the Architectural Review standards of the R-MF-15 *district*;

<u>EXAMPLE</u>	
R-10 Density / Use	
100 acres	total land area
- 6 acres	perimeter R/W
- 10 acres	Open Space
- 14 acres	floodway*
= 70 acres	land area to be developed
	70 acres
X	3.25 du/a (in R-10)
=	228 dwelling units permitted
	228 dwelling units
X	35% maximum % MF or TF
=	80 dwelling units maximum in MF or TF buildings
<u>Overall Development Potential:</u>	
70 acres residential	
148 SF <i>Dwelling Units</i>	
80 TF or MF <i>Townhouse Dwelling Units</i>	
<i>Open Space</i> based upon total project area	
MF = multifamily TF = two family	
[Corrected Typographical Error: Supplement #17]* [Amended Ordinance #06-04]	

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Development Options for Residential Districts [Amended Ordinance #06-04]

- (ii) located in compliance with the "*Minimum Yard and Building Setbacks*" and the "*Use of Minimum Yards*" *development standards* of the *District* in which it is located except *Minimum Front Yard Setbacks* shall be as follows;

	<u>Minimum</u>	<u>Maximum</u>
<i>Freeway: NC-540 / US 1:</i>	100'	NA
<i>Freeway: NC 55 Bypass:</i>	50'	NA
<i>Thoroughfare:</i>	50'	NA
<i>Collector Street:</i>	5'	15'
<i>Local Street/Cul-de-sac Street:</i>	5'	15'

[Amended Ordinance #14-07]*

- (iii) in compliance with all other applicable *development standards* of the underlying *district*;
- (b) unless otherwise specified in Table 2.09, C. – 1: Two Family Development Standards, any *two family dwellings* shall comply with the *development standards* of the underlying *district*, provided that a *waiver* thereof may be requested; and,

	R-30	R-20	R-15	R-10	R-8
Lot Area	45,000	30,000	20,000	15,000	13,500
Lot Width	175'	150'	105'	105'	105'
Lot Frontage	110'	100'	50'	40'	40'

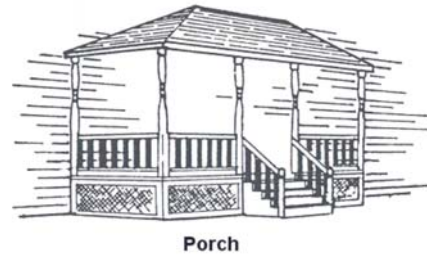
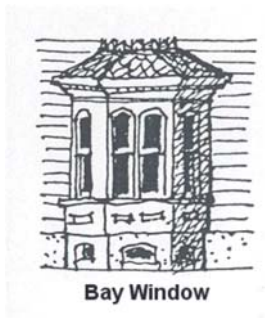
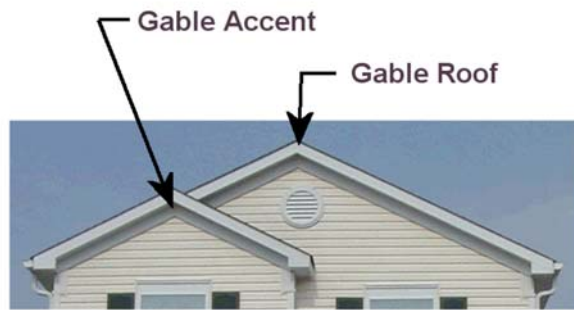
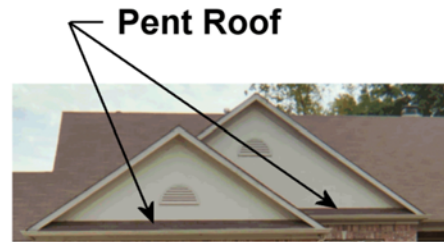
- (c) any *two family dwelling* or *multifamily dwellings* permitted by this Section shall be separated from the perimeter of the overall *subdivision* by a either: *single family lots* developed in compliance with the *minimum lot area*, *minimum lot width* and *minimum aggregate side yard development standards* of the underlying *district*; or, a *greenbelt* of not less than twenty (20) feet in dimension around that portion of the overall *subdivision* containing the *two family dwellings* or *multifamily dwellings*;
- (2) *Special Exception Uses* – approval of *special exception uses* listed in the underlying *district*, provided that:

Table 2.09, C. – 4: Residential Design Features for Front Façades			
[Amended Ordinance #17-02]*			
<p>Select a minimum of ten (10) of the following design features for the front façade, and a minimum of one (1) garage design feature, with:</p> <ul style="list-style-type: none"> - All five (5) design features from Group 1; and, - Two (2) design features from Group 2; and, - Three (3) additional design features selected from either Group 2 or Group 3; and, - One (1) garage design feature. 			
<p><u>Group 1 – Must have all five (5) of the following:</u></p> <p>Change in Elevation of Roof Ridge; or, Change in Direction of Roof Ridge; or, Roof with Dormers (minimum of two (2) dormers). Foundation Landscape Package (minimum 2 trees; 1 tree and 4 shrubs; or 8 shrubs). Façade Modulation (other than items listed herein; minimum of 12 inches in depth). Roof Overhangs (minimum 12 inches in depth on all elevations). Decorative garage door, if front loaded.</p>			
<p><u>Group 2 – Pick at least two (2) of the following:</u></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Multiple Building Materials (stone, brick, or wood siding) or Textures (shakes, board and batten, etc.) (secondary material must comprise at least 20% of front façade).*</p> <p>Covered Porch – a covered front porch occupying a minimum of forty (40) percent of the overall width of the <i>primary building</i> containing a <i>dwelling unit</i>.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Side Garage Bump-out (minimum size 3’X10’). Architectural Shingles. Window Transom or Door Sidelight(s), or Door Transom.</p> </td> </tr> </table>		<p>Multiple Building Materials (stone, brick, or wood siding) or Textures (shakes, board and batten, etc.) (secondary material must comprise at least 20% of front façade).*</p> <p>Covered Porch – a covered front porch occupying a minimum of forty (40) percent of the overall width of the <i>primary building</i> containing a <i>dwelling unit</i>.</p>	<p>Side Garage Bump-out (minimum size 3’X10’). Architectural Shingles. Window Transom or Door Sidelight(s), or Door Transom.</p>
<p>Multiple Building Materials (stone, brick, or wood siding) or Textures (shakes, board and batten, etc.) (secondary material must comprise at least 20% of front façade).*</p> <p>Covered Porch – a covered front porch occupying a minimum of forty (40) percent of the overall width of the <i>primary building</i> containing a <i>dwelling unit</i>.</p>	<p>Side Garage Bump-out (minimum size 3’X10’). Architectural Shingles. Window Transom or Door Sidelight(s), or Door Transom.</p>		
<p><u>Group 3 – Additional Items:</u></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Decorative Door Architrave. Decorative Window Architrave. Decorative Window Cornice. Decorative Trim Molding (including, at a minimum, fascia, soffit & corner trim). Decorative Front Door (min. 25% glazing).</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Shutters (front). Keystone (over all first floor, front façade windows and doors). Pent Roof or Pent Roof Return. Architectural Elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.).</p> </td> </tr> </table>		<p>Decorative Door Architrave. Decorative Window Architrave. Decorative Window Cornice. Decorative Trim Molding (including, at a minimum, fascia, soffit & corner trim). Decorative Front Door (min. 25% glazing).</p>	<p>Shutters (front). Keystone (over all first floor, front façade windows and doors). Pent Roof or Pent Roof Return. Architectural Elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.).</p>
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<p><u>Garages (attached or detached) if applicable – Choose one (1) of the following:</u></p> <p>Garage Off-Set (stepped back from front building line by at least 10’) Garage as Percent of Façade (shall not exceed 40% of linear length of ground floor) Side Loaded or Rear Loaded Garages.</p> <p>Note for designs with more than two-car garages: no more than two-car garage doors may be located on the same architectural plane. Additional garage doors must be off-set by a minimum of twelve (12) inches.</p>			
<p>* Front façade wall area shall be exclusive of window or door areas and shall include all wall areas oriented to the front of a <i>primary building</i> containing a <i>dwelling unit</i> between the two side walls of such <i>building</i>.</p>			

Examples of Residential Design Features for Front Facades



Example of: Change in Direction of Roof Ridge; Dormers and Hip Roof.
[Amended Ordinance #06-04]*



Section 3.02 LB Local Business District

Intent – The LB *Districts* are established to promote a village oriented, pedestrian friendly environment for the provision of a full range of convenience goods and services, which are necessary to meet the daily needs of nearby residential neighborhoods and to promote *dwelling units* located in the upper stories of mixed use *buildings*. *Permitted uses* within the LB *Districts* are regulated in character to assure harmonious development with the nearby residential *districts* served and are limited in size and scale to promote pedestrian access.

- A. Permitted Uses.** (See Section 1.20, I. – Limitation on Permitted Uses in the LB – Local Business District, for additional restrictions on *permitted uses*.)
1. *Primary Uses.*
 - a. Automotive Sales & Service: *Quick Oil Change Facility*. [Amended Ordinance #10-11]
 - b. Clothing Service: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental. [Amended Ordinance #08-13, Amended Ordinance #10-11]
 - c. Educational Uses: Kindergarten; *Child Care Center*; *Child Care Ministry*, *Private School*. [Amended Ordinance #04-13, Amended Ordinance #10-11]
 - d. Food Sales and Service: Bakery – Retail; Convenience Store; Dairy Bar – Retail; Delicatessen; Grocery; Ice Cream Store – Retail; Restaurant – Sit-down; Yogurt Store – Retail. [Amended Ordinance #10-11]
 - e. Miscellaneous: *Bed & Breakfast*; Clinic – medical, dental or optometrists; *Cottage Business / Residential*; *Cottage School*; Print Shop; *Tourist Home*. [Amended Ordinance #10-11]
 - f. Office / Professional Services: Architect; Artist; Bank Machines - Walk-up; Bank Machines (ATM's) – Free Standing; Bank / Savings & Loan / Credit Union; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Home Remodeling Companies (office only); Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; *Professional Offices*; Real Estate Office; Travel Agency. [Amended Ordinance #10-11, 11-08]*
 - g. Personal Service: Barber Shop; Beauty Shop; Health Spa or Fitness Center; Locksmith; Tanning Salon. [Amended Ordinance #10-11]

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LB Local Business District [Amended Ordinance #04-11]

- h. Public Facilities: Community Center; *Neighborhood Recycling Collection Point*; *Religious Use*. [Amended Supplement #7 corrected typographical error, Amended Ordinance #10-11]
- i. Recreation: Aerobics Studio; Arcade; Dance Studio. [Amended Ordinance #10-11]
- j. Residential: *Dwelling Unit* – upper level. [Amended Ordinance #10-11]
- k. Retail: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Automobile Parts Sales (new); Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Convenience Store; Drug Store; Fabric Store; Flower Shop; Frame Shop; Gift Shop; Hardware Store; Hobby, Toy or Game Shop; Jewelry Store; Music Store; Newsdealer; Paint Store; Pet Store; Radio, TV, Music Sales and Service; Retail Showroom; Sporting Goods; Shoe Store; Stationery and Book Store; Video Store. [Amended Ordinance #10-11]

2. *Special Exception Uses.*

- a. Automotive Sales & Service: *Automotive Repair – Minor*; Car Wash (automatic or self); Gasoline Service Station (without repair). [Amended Ordinance #08-13, Amended Ordinance #10-11]
- b. Clothing Service: Self-service Laundry. [Amended Ordinance #10-11]
- c. Communication/Utilities: *Telecommunications Tower*; Electricity Relay Station; Non-municipal Utility Substation; Non-municipal Pumping Stations; Water Towers. [Amended Ordinance #05-01, #10-11, #15-10]
- d. Food Sales and Service: *Artisan Food and Beverage Producer*; Bar; Restaurant – Drive In; Restaurant – Drive Through; *Tavern*. [Amended Ordinance #10-11, 15-10]
- e. Government Use: Fire Station; Governmental Offices; Municipal / State Road Maintenance Facility; Police Station; Post Office – with outdoor parking of delivery vehicles; Public Library. [Amended Ordinance #04-13, Amended Ordinance #10-11]
- f. Miscellaneous: *Artificial Lake*; *Hotel*; *Motel*; Mortuary/ Funeral Home /Crematory; *Tourist Home*; Veterinary Hospital. [Amended Supplement #7 corrected typographical error, Amended Ordinance #10-11]
- g. Office / Professional Services: Bank Machines (ATM's) – Drive Through. [Amended Ordinance #11-08]
- h. Residential: *Dwelling, Multifamily* – with Mixed-Use *Development*; *Multifamily Townhouse* - with Mixed Use *Development*; *Nursing Home*; *Rest Home*; *Single Family Dwelling* with Mixed Use *Development*. [Amended Ordinance #09-08, 09-13, 10-11, 16-11]*

- c. The *Town Council* may grant a one (1) year extension for a total of five (5) years if the property owner can provide evidence that a mix will be provided by the end of the additional year. The evidence may include, but is not limited to, tenant contracts, leases or other legal construction agreements with specific deadlines.
3. Development Standards.
- a. *Minimum Lot Width and Frontage* - None
 - b. *Maximum Project Gross Density* –eight (8) *dwelling units* per acre, provided, however:
 - (1) Any *project* located within a designated high density Community Growth Area or Regional Center as specified in the *Comprehensive Plan* may have a maximum *gross density* of fifteen (15) *dwelling units* per acre. [Amended Ordinance #12-05]
 - (2) For any *project* located within a designated high density Community Growth Area or Regional Center as specified in the *Comprehensive Plan* and also designated as Very-High Density Mixed-Use, maximum *gross density* may be increased to sixteen and one-half (16.5) *dwelling units* per acre if a minimum of twenty-five percent (25%) of *dwelling units* are located in a *building* containing ground floor non-residential *uses* when said *building* is part of a mixed-use option *project*. Maximum *gross density* may be increased to eighteen (18) *dwelling units* per acre if a minimum of forty percent (40%) of *dwelling units* are located in a *building* containing ground floor non-residential *uses* when said *building* is part of a mixed-use option *project*. [Added Ordinance #16-11]*
 - c. *Building Orientation:* [Amended Ordinance #12-05]
 - (1) *Buildings* are encouraged to be located as close as possible to the *building setback* line in order to achieve an urban streetscape. [Added Ordinance #12-05]
 - (2) *Primary building* facades shall be parallel to the sidewalk (*right-of-way*), except where it is desired to maintain a highly desirable *vista*. [Amended Ordinance #12-05]
 - d. *Building Setbacks and Separation:*
 - (1) All *setbacks* shall follow Section 3.02, B., 2. – Yards and Building Setbacks except as follows and elsewhere in this section:

Section 3.02

LB Local Business District [Amended Ordinance #04-11]

- (a) *Buildings* located on the periphery of the Mixed Use Option *project* directly adjacent to a residential *district* shall be located a minimum of twenty (20) feet from the *project* boundary. [Amended Ordinance #12-05]
 - (b) *Buildings* located on the periphery of the Mixed Use Option *project* directly adjacent to streets, or a commercial *district* shall be located a minimum of ten (10) feet from the *project* boundary. [Amended Ordinance #12-05]
 - (c) No *building* shall encroach upon the *right-of-way* of a proposed thoroughfare as designated on the *Comprehensive Transportation Plan*. [Amended Ordinance #12-05]
 - (d) There shall be no interior *setbacks* and separation requirements. All internal non-residential *buildings* are encouraged to be located within ten (10) feet of *street rights-of-way* to enhance the walkability of the development. *Buildings* located large distances from roads and pedestrian trails are strongly discouraged. However, all *structures* shall meet state *building* code requirements and all other requirements to protect the health, safety and welfare of occupants.
- e. *Maximum Building Height* - sixty (60) feet.
- f. *Off-Street Parking Areas* - Whenever feasible, *off-street parking* shall comply with the following criteria:
- (1) Development Standards
 - (a) *Off-Street Parking areas* shall be located where residents and businesses have easy and convenient access. The *project* shall consider dedicating a certain portion of *off-street parking* for each *use* and must submit a parking study based on the proposed breakdown. The parking study shall be based on similar projects, with similar *use* percentage breakdowns when possible, in the surrounding area. The *off-street parking area* should not be located in such a manner that it dominates the *street frontage*.
 - (b) *Off-street parking* should be oriented behind or to the side of a *building* when possible and shall not exceed a

maximum depth of sixty (60) feet (i.e. two-way aisle with parking on both sides) not counting required landscaping.

- (c) *Off-street parking* requirements shall be governed by the provisions set forth in Section 7.04 – Off-Street Parking Regulations except as modified by this section.
- (2) Design Guidelines:
- (a) Shared Parking - Where parking demands for the various *uses* within the *project* peak during different times of the day, parking should be shared. *Off-street parking* should be developed as a combined *off-street parking area* under the provisions outlined in Section 7.04 – Off-Street Parking Regulations.
 - (i) *On-street parking* located along the *project frontage* may be counted towards the minimum number of required *off-street parking spaces* for the commercial component within the *project*. The number of *off-street parking spaces* may be reduced if a combined *off-street parking area* is approved based on the shared parking and parking study requirements set forth above.
 - (ii) However, in no case shall the combined required *off-street parking* for the mixed use *project* provide less than the minimum required *off-street parking* for the residential *use*.
 - (iii) The *Director* shall determine the required *off-street parking* for *uses* not mentioned in this section or elsewhere in the UDO, based on the requirements for similar *uses*.
 - (iv) *Staff* may authorize the use of combined *off-street parking areas* for *uses* or activities located within mixed use *projects* if it finds that the mixed use *project* is in accordance with Section 7.04, E., 4. – Reduction for Combined Off-Street Parking Areas.
 - (v) Alternate Parking Plan approval shall be subject to the following conditions and limitations:

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LB Local Business District [Amended Ordinance #04-11]



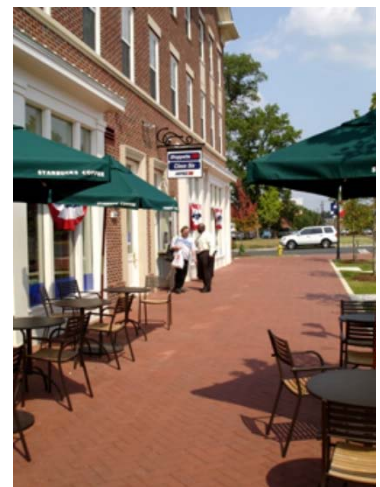
- a) No more than fifty (50) percent of the *off-street parking* required for a *building* or *use* may be supplied by *off-street parking areas* required for any other *building* or *use*.
- b) The applicant shall submit sufficient data to indicate that there is no substantial conflict in the principal operating hours of the *uses* proposing to make use of the combined *off-street parking areas*.
- c) The property owners involved in the joint use of *off-street parking areas* shall submit a legal agreement approved by the town attorney as to form and content guaranteeing that said required *off-street parking* shall be maintained so long as the *use* requiring *off-street parking* is in existence or unless the required *off-street parking* is provided elsewhere in accordance with the provisions of this Section. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner with the Wake County Register of Deeds and a copy thereof filed with the Department of Planning & Zoning.

- g. *Open Space* and Public Spaces - The purpose of *open space* is to provide areas for passive and active social interaction. Areas which are accessible to the passing public are considered public spaces and are just as important to a development as those accessible only to the residents of the *project*. *Open space* areas should be surrounded by attractively designed *building* and landscape elements as well as *uses* that effectively shape and energize the *open spaces* as necessary to create a focal point of activity. Each Mixed Use Option *project* must contain *open space*, to be comprised of an amount of one (1) percent, of the total *project* acreage/square feet.



- (1) As a whole, *open space* should satisfy the following criteria:

- (a) Provide areas for social interaction with other people; or, for passive and active *uses* as appropriate.
 - (b) Public spaces shall be accessible to residents.
 - (c) Provide a strong image and sense of place.
 - (d) Be a part of the pedestrian linkage throughout the *project* and adjacent land *uses*.
 - (e) Provide an overall theme and visual connection between spaces and *uses* within the *project*.
 - (f) Be designed or located to ensure that it is useable year-round.
 - (g) Provide areas which have awnings, wind breaks, sun shade and/or landscaping that would provide shelter from the elements.
 - (h) Create a pleasant pedestrian village-like atmosphere.
- (2) *Open space* may include, but is not limited to, outdoor areas such as *plazas*, outdoor dining areas, rooftop gardens, and landscaped areas designed for active use.
- (3) *Open space* should be located or designed in such a manner that noise or activity does not unduly impact the residents of the mixed use *project* or nearby residential *projects*.
- (4) Encouraged to be located adjacent to the retail component of the *project* that can be converted for joint use with outdoor dining and pedestrian access. However, when used in conjunction with an outdoor dining area, the area shall be designed in such a manner that pedestrian access is not being impeded or hindered. The minimum dimension for clear pedestrian access should be at least six (6) feet.



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LB Local Business District [Amended Ordinance #04-11]

(5) Where possible, larger public spaces should be located near the main pedestrian access to the *project*.

h. Commercial Design Guidelines - When positioning commercial *uses*, issues such as access and entrances, address, identity and visibility, security, marketability, and connections to other *uses* should be taken into account. Retail space should be designed with adequate access from all internal *uses*. Proximity to existing commercial *uses* located on adjacent parcels is essential because it allows for the continuation of commercial corridors. Whenever possible, the commercial areas should include *street* front retail that promotes an active pedestrian area to draw the attention of the passing public. To accommodate the conditions of the ever-changing economic trends, the commercial areas should be designed to allow easy conversion from one commercial use to another.



(1) The commercial area of the Mixed Use Option *project* shall include the following elements:

- (a) Storefront windows that provide transparency to the *building* at the pedestrian level.
- (b) Visual interest which can draw the attention of the passing public.
- (c) Whenever feasible, orientation towards the *street* and major pedestrian or plaza areas.
- (d) Locate retail commercial *uses* relying heavily on passing foot traffic such as retail *uses* at ground level, with less active *uses* (i.e., office *uses*) located above ground level.

(2) In all cases, unless stated elsewhere in this section, commercial *projects* shall be subject to the architectural and site design requirement set forth in Section 3.08 – Architectural and Site Design Requirements.

i. Residential Design Guidelines - Residential *uses* may be located in a separate *building* or in mixed configurations with commercial *uses* in the

same *structure*. Factors such as privacy, security, amenities, and views are very important. To provide adequate privacy and security, residential entrances can be placed in the quieter areas away from the main commercial portions. Access to *open space* areas, either public or private is important.



- (1) Residential *uses* may be located in a separate *building* or in mixed configuration with commercial in the same *structure*, single family detached lots and/or *multifamily townhouses* may be located in an integrated area of the Mixed Use Option *project*. When in a mixed configuration, residential *uses* should be located on the upper stories; or, on ground floors when the *structure* does not use storefront space. In no case shall residential *uses* be located on the ground floor of a *building* located on commercial *street frontage*.
- (2) In all cases, multifamily *buildings* (i.e. *apartments, condominiums*) shall be subject to the architectural and site design requirement set forth in Section 2.07, D. – Architectural and Site Design Review of this UDO.
- (3) In all cases, *single family dwellings* and/or *multifamily townhouses* shall be subject to the design features set forth in Section 2.09, C., 2., d.- Design Features of this UDO.

Section 3.02

LB Local Business District [Amended Ordinance #04-11]

D. Architectural and Site Design Review. [Amended Ordinance # 09-08]

All development located within the LB *district* shall be subject to the architectural and site design requirements set forth in Section 3.08 – Architectural and Site Design Requirements of this UDO.

- c. Duplication of Numbers Prohibited – The numbering or lettering of individual *lots* shall be consecutive and shall continue such consecutive progression through all phases or sections of a *project* or *subdivision*.

3. *Lot Dimensions.*

- a. Compliance – *Lot* dimensions, including but not limited to: *lot width*; *lot depth*; and, *lot area*, shall comply with the minimum standards of the applicable *district*, variance grant or *development plan* approval.
- b. *Lot Area* Limitation – Land reserved for any proposed *street*, drainage pond, wetland or lands subject to periodic flooding shall not be counted in satisfying any *minimum yard* or *lot area* requirements of this UDO.

No part of the minimum *lot area* required under the applicable *district*, variance grant or *development plan* approval may be satisfied by land that is under water in a pond, lake or other impoundment.

- c. General – In general, *lots* shall be arranged so that:
 - (1) *Side lot lines* are at right angles to *street* lines (or radial to curving *street* lines) unless a deviation from this rule will give a better *street* or *lot* plan;
 - (2) Dimensions of *corner lots*, *through lots* or *triple frontage lots* shall be large enough to allow for the erection of *buildings* while observing the minimum required *front yard setback* applicable on each *street frontage*; and,
 - (3) Commercial or industrial *lots* shall be of adequate size and configuration to provide for *off-street parking areas*, *off-street loading areas*, *yards*, *bufferyards* and other applicable requirements of this UDO.

4. *Lot Orientation.*

The *lot line* common to the *street right-of-way* line shall be the *front lot line*. Whenever feasible, *lots* shall be arranged so that the *rear lot lines* do not abut the *side lot line* of an adjacent *lot*.

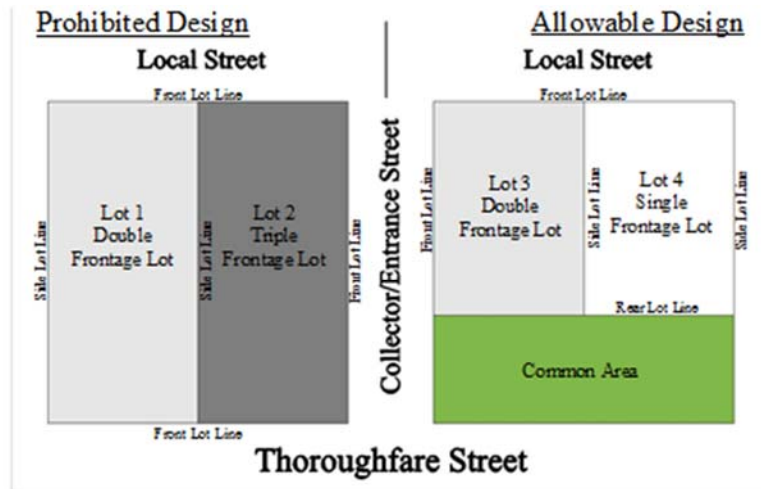
5. *Double Frontage Lots.*

Double frontage lots shall be avoided whenever practical. *Double frontage lots* may be acceptable when necessary to provide for the separation of a development and its related *access* points from the traffic on a bordering *thoroughfare street* or to overcome specific disadvantages of topography and orientation affecting the *project* or *subdivision*. [Amended Ordinance #14-07]*

Section 7.06
Lot Design and Public Place Reservation

6. *Triple Frontage Lots.*

Triple frontage lots (those lots which have *frontage* on three (3) *streets*) shall be prohibited in residential developments unless a waiver is granted by the *Town Council*. [Amended Ordinance #04-06]*



Single, Double and Triple Frontage Lots

[Image Modified Ordinance #15-10]*

7. *Lot Access.*

See Town of Holly Springs' Engineering Design and Construction Standards.

8. *Lot Drainage.*

See Town of Holly Springs' Engineering Design and Construction Standards.

9. *Debris and Waste.*

No junk, rubbish, or other waste materials of any kind resulting from the construction of public *improvements*, whether natural (i.e., cut trees, debris or rocks) or construction related (i.e., concrete, or building materials) shall be buried in any land at any time, nor shall these materials be left or deposited on any *lot* or *street* within a phase or section of the *project* or *subdivision* at the time of the release of the *performance bond* or other surety for such phase or section.

10. *Soil Preservation, Final Grading and Lawn Preparation.*

No final *Certificate of UDO Compliance* shall be issued until final grading and seeding or sodding has been completed for the entire *lot* including the area between the *street* curb and the *sidewalk* in accordance with approved *construction drawings*, except those portions of the *lot* covered by *buildings*,

determine the sufficiency of the information and may employ such experts as outside consultants to evaluate the information. In the event that the *Director* determines outside consultants are necessary, the fee for such consultant shall be fixed in advance as part of the application fee for a new wireless facility. [Added Ordinance 08-01]

Development of *wireless telecommunications facilities* shall be in accordance with the following siting alternatives hierarchy. The order of ranking, from highest to lowest, shall be from sub-Section 1., to sub-Section 2., to sub-Section 3., outlined below. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available.

1. *Co-location* – The *co-location* of *antenna* on existing *telecommunication towers* or existing light pole fixtures and associated equipment or *buildings* shall comply with the following regulations: [Amended Ordinance #17-01]*
 - a. The *co-location* or placement of new *telecommunications antennas* upon existing *telecommunications towers* are hereby declared as *permitted uses* in all designated *districts* and may be issued a *UDO permit* by the *Director* provided all *development standards* outlined in Section 8.01, D., 2. – Telecommunications Antennas Mounted on Existing Buildings or Structures below, are met and the *Director* determines that the *co-location* of antennas minimizes adverse visual effects. Pursuant to N.C.G.S. §160A-400.53, *co-location* shall be entitled to a streamline review process as set forth in Section 8.01(G). [Amended Ordinance #08-01; 15-10]
 - b. Associated equipment or *buildings*, when located within an existing compound area that is in compliance with this UDO, may be issued a *UDO permit* by the *Director* provided all *development standards* outlined in Section 8.01, D., 2. – Telecommunications Antennas Mounted on Existing Buildings or Structures below, are met and the *Director* determines the placement of the associated equipment or *building* minimizes adverse visual effects.
 - c. Should the proposed *co-location* of a new *telecommunications antenna* and the design and placement of associated equipment or *buildings* meet all *development standards* outlined in Section 8.01, D., 2. – Telecommunications Antennas Mounted on Existing Buildings or Structures below, but the *Director* determines the *co-location* of new *telecommunication antenna* does not minimize adverse visual effects; the *Director* shall forward the proposal to the *Town Council* for review and determination by the *Town Council*.



Tapering Monopole
with Co-Location
Using Slick Antenna

Section 8.01
Special Regulations for *Wireless Telecommunications Facilities*

2. Any Town-owned *Structure* or *Building* shall be given priority by the applicant for the placement of a new wireless facility. The regulations governing the utilization and placement of the facilities on a Town-owned *Structure* or *Building* according to this section shall be the same as for non-public facilities as outlined in Subsection 3 below. [Amended Ordinance #08-01]*

3. Existing *Structure* or *Building* Utilization – The utilization of existing *structures* and *buildings* for placement of antenna and associated equipment or *buildings*, including *surface-mounted* and *roof-mounted* applications of *telecommunication antennas* on existing *buildings* and *structure-mounted* applications of *telecommunication antennas* on water towers, electric-line transmission towers, or other existing *structures*, shall comply with the following regulations:



- a. The placement of new *telecommunications antennas* upon existing *structures* and *buildings* are hereby declared as *permitted uses* in all *districts* and may be issued a *UDO permit* by the *Director* provided all *development standards* outlined in Section 8.01, D., 2. – *Telecommunications Antennas Mounted on Existing Buildings or Structures*, below, are met and the *Director* determines the placement of the antennas minimizes adverse visual effects.
- b. Associated equipment or *buildings*, when located within an existing *building* or compound area that is in compliance with this UDO, may be issued a *UDO permit* by the *Director* provided all *development standards* outlined in Section 8.01, D., 2. – *Telecommunications Antennas Mounted on Existing Buildings or Structures* below, are met and the *Director* determines the placement of the associated equipment or *building* minimizes adverse visual effects.
- c. Should the proposed placement of a new *telecommunication antenna* and the design and placement of associated equipment or *buildings* meet all *development standards* outlined in Section 8.01, D., 2. – *Telecommunications Antennas Mounted on Existing Buildings or Structures* below, but the *Director* determines the placement of new *telecommunication antenna* or the design or placement of associated equipment or *buildings* does not minimize adverse visual effects, the

Antenna on an Existing Structure

Director shall forward the proposal to the *Town Council* for review and determination by the *Town Council*.

4. Construction of new wireless support structures or substantial modifications of wireless support structures - Construction of new wireless support structures or substantial modifications of wireless support structures and associated equipment or *buildings* shall comply with the following regulations:
 - a. *Wireless telecommunications facilities* requiring the construction or substantial modification of a *telecommunications tower, building, or structure* are hereby declared as *special exception uses* in all *districts* and requiring the approval of a *special exception* prior to the issuance of a *UDO permit* by the *Director*.
 - b. The applicant for a *wireless telecommunications facility special exception* shall demonstrate that they have exhausted all efforts to locate the proposed *telecommunications antennas* upon existing *telecommunications towers, buildings or structures* in the geographical area of the proposed *telecommunications antennas*.

In the event of dispute between wireless communications providers regarding the fair market value of rental for a *co-location* on an existing *telecommunications tower* which is subject to a requirement to provide *co-location* at a reasonable and non-discriminatory basis and at a cost not exceeding fair market value, the applicant shall select an independent appraiser to determine fair market value of such rental. In the event of a dispute over the appraisal results, the Town of Holly Springs shall select a new appraiser. The new appraisals shall be performed at the expense of the wireless communication providers involved in the dispute. This expense shall be equally shared between the wireless communication providers and the results shall be conclusive.

- c. *Additional Special Exception Filing Requirements* – In addition to the requirements specified in Section 9.10 – Special Exception Uses of this UDO and the Town of Holly Springs Development Procedures Manual, all applications for a *special exception* for a new *telecommunications tower* location shall include the following:
 - (1) A map of the Town of Holly Springs and its extra-territorial jurisdiction identifying the following:
 - (a) all existing telecommunications towers; and,
 - (b) all *structures* or *buildings* within a one (1) mile radius of the proposed site that have a height equal to or greater than the

Section 8.01
Special Regulations for *Wireless Telecommunications Facilities*

height of the proposed *telecommunications tower* minus thirty (30) feet.

In the event that a *telecommunications tower* is proposed within one (1) mile of the boundary of the Town of Holly Springs and its extra-territorial jurisdiction, such map shall include the information required above for all areas within one (1) mile of the proposed *telecommunications tower*. [Amended Ordinance #08-01]*

- (2) A certification, in a manner acceptable to the Town, from the owner of the *telecommunications tower* or the property on which the *telecommunications tower* is located, that the *telecommunications tower* is available for use by another wireless *telecommunications* provider on a reasonable and non-discriminatory basis and at a cost not exceeding the Fair Market Value for the use of the facilities.
- (3) A designation by the owner of the *telecommunications tower* or the property on which such *telecommunications tower* is located of an area which is set aside for the equipment of future users of the *telecommunications tower* and is located:
 - (a) within the proposed compound area; or,
 - (b) within a separate compound area located on the same *lot* and located no further from the *telecommunications tower* than the distance from the *telecommunications tower* to the proposed compound area plus fifty (50) feet.
- (4) Color photo simulations showing the site of the proposed *telecommunications tower* with a photo-realistic representation of the proposed *telecommunications tower* as it would appear viewed from the closest residential *district* and from adjacent *public right-of-way*, and photographs of the same views as in the photo simulations showing the current appearance of the site without the proposed *telecommunications tower*.

D. Development Standards.

In addition to complying with the requirements for a *special exception use* for the *district* in which the *lot* is located, all *wireless telecommunications facilities* shall comply with the following additional *development standards*:

1. *Telecommunication Tower and Antenna Array*: [Subsections Renumbered Ordinance #15-10]
 - a. Height – The maximum height of a *telecommunications tower*, including *antenna array*, shall be less than two-hundred (200) feet above *grade* or thirty (30) feet above *grade* if located within a *public street right-of-way*. [Amended Ordinance #17-01]*
 - b. Location – The *telecommunications tower* shall not be located within a gateway corridor except for *telecommunication towers* with a *maximum building height* above *grade* of thirty (30) feet within a *public street right-of-way*. [Added Ordinance #15-10, Amended Ordinance #17-01]*
 - c. Separation – New *telecommunications towers* shall have the following minimum separation radius from another *telecommunications tower*, measured from the base of the *telecommunications tower* to the base of the *telecommunications tower*:
 - (1) one quarter (1/4) mile radius for proposed *telecommunications towers* less than eighty (80) feet in height;
 - (2) one half (1/2) mile radius for proposed *telecommunications towers* of eighty (80) feet in height or greater but less than one hundred twenty (120) feet in height; or
 - (3) a one (1) mile radius for proposed *telecommunications towers* one hundred twenty (120) feet in height or greater.

In determining the required separation between telecommunication towers of different heights, the required separation for the taller tower shall apply.

- d. *Telecommunications Tower Type* – All new *telecommunications towers* shall be of a tapering monopole construction unless a determination is made in connection with a *special exception* request, that an alternative design would better blend into the surrounding environment and is approved as a *waiver of development standards* as provided for in Section 9.10, A., 1., d., and regulated in Section 9.03, C., 4., b., of this UDO.
- e. Guys and Guy Anchors – If a guyed *telecommunication tower* is approved, all guys and guy anchors shall be located within the buildable area of the *lot* and shall not be located within any required *yard* or required *bufferyard*, provided, however, notwithstanding anything in this UDO to

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Special Regulations for *Wireless Telecommunications Facilities*

the contrary, no guy or guy anchor shall be eligible to utilize any *setback* reduction option contained in any *district*.

- f. Security Fencing – The base of a *telecommunications tower* and all guy anchors shall be enclosed by security fencing. This fencing shall conform with the requirements detailed in Section 8.01. D., 3., a, below.
- g. Structural Design – A *telecommunications tower* shall be designed and built so as to:
 - (1) be capable of use by at least two wireless communications providers for a *telecommunications tower* less than eighty (80) feet in height;
 - (2) be capable of use by three or more wireless communications providers for a *telecommunications tower* of eighty (80) feet in height or greater;
 - (3) accommodate *antenna arrays* consisting of nine (9) to twelve (12) *antennas* for each *antenna array*, provided, however, this regulation shall not apply to *slick antenna* applications;
 - (4) locate such *antenna arrays* within fifteen (15) vertical feet of each other;
 - (5) have no more than three (3) degrees of twist and sway at the top elevation; and,
 - (6) provide internal cable routing for all tapering monopole *telecommunication towers*.
- h. *Antenna Arrays* and Types – To minimize adverse visual impacts, the *antenna* type used shall be in accordance with the following alternatives hierarchy. The order of ranking, from highest to lowest, shall be (1), (2), (3), (4), and (5) outlined below. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available.
 - (1) *Flagpole antenna* (with or without a flag, as appropriate to the setting).
 - (2) *Slick antennas* or *stealth antennas* other than *flagpole antennas*.
 - (3) *Panel antennas*, also known as directional or sectored *antennas*.
 - (4) *Whip antennas*.

(5) *Dish antennas.*



Stealth or "Slick"
Antenna



Tree Stealth Antenna



Panel Antenna

[Added Ordinance #08-01]

- i. *Signs* – No lettering, symbols, images, trademarks, *signs*, or advertising shall be placed on or affixed to any part of a *telecommunications tower*, *antenna array* or *antenna*, other than as required by Federal Communications Commission regulations regarding *telecommunications tower* registration or other applicable law.
- j. *Safety* – *Telecommunications towers* shall be constructed to minimize potential safety hazards. *Telecommunications towers* shall be constructed so as to meet or exceed the most recent *EIA-222* standards, and prior to issuance of a *UDO permit*, the *Director* shall be provided with an engineer's certification that the *telecommunications tower's* design meets or exceeds such *EIA-222* standards. *Guyed telecommunications towers* shall be located in such a manner that if the *telecommunications tower* should fall along its longest dimension, the *telecommunications tower* will remain within the *lot lines* and avoid *dwelling units*, *habitable structures*, *public street rights-of-way*, utility lines and other *telecommunications towers*.
- k. *Lights* – No signals, lights or other illumination shall be permitted on *telecommunications towers* unless required by the Federal Communications Commission, the Federal Aviation Administration, or the Town of Holly Springs. When incorporated into the approved design of the *telecommunications tower*, *outdoor light fixtures* used to illuminate ball fields, *parking areas*, or similar areas, in compliance with the requirements of Section 7.02 – Lighting Standards of this *UDO*, may be attached to the *telecommunications tower*.

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1. Modifications - If any additions, changes or modifications are to be made to a *telecommunications tower*, the *Director* shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the Town of Holly Springs.
2. *Telecommunications Antennas Mounted on Existing Buildings or Structures.*
 - a. *Roof-Mount* - *Roof-mounted telecommunications antennas* are permitted on *buildings* and *structures* in all *districts*, except for *single family dwellings* or *two family dwellings*, without further *special exception* proceedings, provided:



Clock Towers and Church Steeples

[Added Ordinance #08-01]*

- (1) a *non-whip antenna*:
 - (a) does not exceed the height of the *building* by more than ten (10) feet; and,
 - (b) shall be no closer than ten (10) feet to the perimeter of the *building*.
- (2) a *whip antenna*:
 - (a) does not exceed the height of the *building* by more than fifteen (15) feet; and,
 - (b) shall be no closer than fifteen (15) feet to the perimeter of the *building*.
- (3) *Roof-mounted telecommunications antenna* and associated equipment located on *buildings* within a *gateway corridor* shall:
 - (a) be screened in elevation view with enclosures or facades having an appearance that blends with the *building* on which they are located; and,

Section 9.02 Town of Holly Springs Planning Board

A. **Establishment.**

The Town of Holly Springs *Planning Board* is hereby re-established in accordance with GS § 160A-361.

B. **Membership, Term and Vacancies.**

The *Planning Board* shall consist of nine (9) members, eight (8) of whom shall be citizens living within the corporate limits of the Town of Holly Springs and one (1) whom shall be a citizen not living with the Town's corporate limit, but living within the Town's extraterritorial jurisdiction. [Amended Ordinance #17-03]*

The members from within the corporate limits shall be appointed by the *Town Council* of the Town of Holly Springs to three-year staggered terms. The adoption of this UDO shall not nullify the previous appointments of members from within the corporate limits and the terms of such members from within the corporate limits shall continue unabated until their normal expiration dates. [Corrected Typographical Error: Supplement #15] [Amended Ordinance #04-06]

The initial appointments of members from within the corporate limits were made according to the following terms:

- Two (2) members appointed for a term of one (1) year.
- Two (2) members appointed for a term of two (2) years.
- Three (3) members appointed for a term of three (3) years.
- Upon the effective date of this ordinance (February 2017), one (1) additional member shall be appointed for an initial term of two (2) years. [Added Ordinance #17-03]*
- Successors were appointed for terms of three (3) years.

The extraterritorial member shall be appointed by the Wake County Board of Commissioners in accordance with North Carolina General Statutes 160A-362. If the Wake County Board of Commissioners fails to appoint the extra-territorial members within ninety (90) days after receiving a resolution from the Town of Holly Springs *Town Council* requesting that the appointments from the extra-territorial jurisdiction be made, the Town of Holly Springs *Town Council* may make such appointments. [Corrected Typographical Error: Supplement #15] [Amended Ordinance #04-06]

Terms for members from within the corporate limits and extraterritorial members shall expire on the last day of February. All members shall serve until the expiration of their terms or until their successors have been appointed. [Amended Ordinance #14-08]

Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the *Town Council* of the Town of Holly Springs for members from within the corporate limits and by the Wake County Board of

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Commissioners for the extraterritorial members. [Corrected Typographical Error: Supplement #15] [Amended Ordinance #04-06]

Faithful attendance at the meetings of the *Planning Board* is a condition for continued membership on the *Planning Board* in order to maintain continuity and cohesion in the deliberation and recommendations of the board. This attendance policy is intended to encourage regular attendance of its members. A member with a pattern of absenteeism or partial participation in regular or special meetings of the *Planning Board* may be removed from the *Planning Board* by the *Town Council*. In the event that a member is terminated from the *Planning Board*, the *Town Council* shall promptly appoint a new member to fill the remainder of the vacated term. [Amended Ordinance #10-05, 17-03]*

Members of the *Planning Board* shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. [Added Ordinance #06-07]

C. Duties and Powers.

It shall be the function and duty of the *Planning Board* to make comprehensive surveys and studies of existing conditions and probable future developments and prepare such plans for physical, social and economic development as will best promote the public health, safety, morals, conveniences or the general welfare as well as efficiency and economy in the development of the Town of Holly Springs. The *Planning Board* is hereby vested with the duties and powers imposed upon and granted to a planning agency pursuant to GS § 160A-388 and GS § 160A-361, including, without limitation, the powers and duties listed below. To effectuate the purposes of this UDO, the *Planning Board* may, to the fullest extent permitted by Section 9.09 – Decision Matrix of this UDO, other provisions of this UDO, and applicable laws:

1. Review and make recommendations to *Town Council* of Studies and plans; [Amended Ordinance #04-14]
2. Review and make recommendations to *Town Council* on objectives to be sought in the development of study areas; [Amended Ordinance #04-14]
3. Recommend, review, and make recommendations to *Town Council* regarding policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner: [Amended Ordinance #04-14]
4. Perform any other related duties that the *Town Council* of the Town of Holly Springs may direct; [Corrected Typographical Error: Supplement #15] [Amended Ordinance #04-14, 04-06]
5. Conduct or attend such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of a comprehensive plan for the Town of Holly Springs; [Amended Ordinance #04-14]

6. Promote public interest in and an understanding of its recommendations, and to that end, the *Planning Board* may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may deem necessary. [Corrected typographical Error: paragraph numbering Supplement #17]*
[Amended Ordinance #04-14]
7. The *Planning Board* shall have no power to incur any debt or obligation of the Town of Holly Springs nor shall the *Planning Board* have any power to make any expenditure of funds of the Town of Holly Springs unless such funds are specifically provided for in the budget of the Town of Holly Springs and appropriation made for such purposes by the *Town Council* of the Town of Holly Springs or unless the incurring of such other obligation is otherwise approved by the *Town Council* of the Town of Holly Springs. [Amended Ordinance #04-14]
8. Make recommendations to the *Town Council* or render decisions concerning *preliminary plans* or *master plans* to the extent permitted by Section 9.09 – Decision Matrix of this UDO. [Amended Ordinance #04-14]
9. Make recommendations to the *Town Council* or render decisions concerning *development plans* for Architectural and Site Design, *development options*, or *infill development options* and amendments to such *development plans* to the extent permitted by Section 9.09 – Decision Matrix of this UDO. [Amended Ordinance #04-14, 10-11, 15-11]
10. Make recommendations to the *Town Council* or render decisions concerning *waivers* requested in connection with *development plans* for Architectural and Site Design, *development options*, or *infill development options* and amendments to such *development plans* to the extent permitted by Section 9.09 – Decision Matrix of this UDO. [Amended Ordinance #04-14, 10-11, 15-11]
11. Make recommendations to the *Town Council* or render decisions concerning *special exception uses* by a concurring vote equal to not less than a majority of the members of the *Planning Board* when sitting as a *Board of Adjustment*, requested in connection with a *development plan* for *development options* or *infill development options* pursuant to this UDO to the extent permitted by Section 9.09 – Decision Matrix of this UDO. Pursuant to NCGS §160A-388(c), vacant positions on the *Planning Board* and members who are disqualified from voting on a quasi-judicial matter shall not be considered ‘members of the board’ for calculation of the requisite majority. [Amended Ordinance #06-07, 15-11]
12. Make recommendations to the *Town Council* concerning zone map change petitions. Pursuant to NCGS §160A-383 the *Planning Board* shall advise and comment on whether the proposed amendment is consistent with the *Comprehensive Plan* or any other officially adopted plans that is applicable. The *Planning Board* shall provide a written recommendation to the *Town Council* that addresses plan consistency and other matters deemed appropriate by the *Planning*

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Board, but a comment by the *Planning Board* that a proposed amendment is inconsistent with the *Comprehensive Plan* shall not preclude consideration or approval of the proposed amendment by the *Town Council*. [Added Ordinance #06-07]

13. Pursuant to GS § 160A-388 and GS § 160A-361, the *Planning Board* is hereby designated as a planning agency for the Town of Holly Springs and its extra-territorial jurisdiction which shall have the authority of the *Board of Adjustment* to:
 - a. Recommend, grant, grant with conditions, or deny *waivers* of any Architectural and Site Design Requirements of Section 2.06, C. – Architectural and Site Design Review in the R-MF-8 *District*, Section 2.07, D. – Architectural and Site Design Review in the R-MF-15 *District*, 3.03, D. – Alternate Compliance with Architectural and Site Design Requirements, Section 3.08 – Architectural and Site Design Requirements for Commercial / Mixed Use Districts and Section 4.05 – Architectural and Site Design Requirements for Industrial Districts of this UDO, in compliance with the guidelines contained within each referenced Section, in connection with the review and determination of any *development plan* for Architectural and Site Design Review to the extent permitted by Section 9.09 – Decision Matrix of this UDO; [Amended Ordinance #15-01]
 - b. Recommend, grant, grant with conditions, or deny *waivers* of any *development requirement* of Section 2.09 – Development Options for Residential Districts or Section 2.10 – Infill Development Options for Residential Districts of this UDO, in compliance with the guidelines contained within such Section, in connection with the review and determination of any *development plan* for *development options* to the extent permitted by Section 9.09 – Decision Matrix of this UDO; [Amended Ordinance #10-11, 15-11]
 - c. Recommend, grant, grant with conditions, or deny *waivers* of any of the regulations contained in Section 7.03 – Sign Regulations of this UDO, in compliance with the guidelines contained within such Section, in connection with the review and determination of any *Master Sign Plan* filled as part of any *development plan* for Architectural and Site Design Review to the extent permitted by Section 9.09 – Decision Matrix of this UDO; and,
 - d. Recommend, grant, grant with conditions, or deny *waivers* of any of the regulations contained in Section 7.04 – Off-Street Parking Regulations and 7.05 – Off-Street Loading Regulations of this UDO, in compliance with the guidelines contained within such Section, in connection with the review and determination of any any *Master Plan*, *preliminary plan* or *development plan* to the extent permitted by Section 9.09 – Decision Matrix of this UDO; and [Added Ordinance #15-01]

- e. Recommend, grant, grant with conditions, or deny *waivers* of any additional *development standards* of Section 6 – Additional General Use Districts & Overlay Districts of this UDO, in compliance with the guidelines contained within such Section, in connection with the review and determination of any *development petition* otherwise required for development to the extent permitted by Section 9.09 – Decision Matrix of this UDO; and,
14. Exercise all powers conferred on it by North Carolina law, local ordinance, or rule in the manner so prescribed.

This Section shall not be construed as a limitation on the powers enumerated herein or in GS § 160A-361.

D. Organization, Rules, Meetings and Records.

The *Planning Board* shall elect a chairman 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 *Planning Board*. The *Planning Board* shall adopt rules of transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The *Planning Board* 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 entire membership for the purpose of taking any official action required by this UDO. All members of entire *Planning Board* shall have voting power on all matters of business. However, any member who is a party at interest to matters under consideration by the *Planning Board* shall declare such interest prior to a vote of the *Planning Board* on the question, and shall abstain from voting on the question. This provision shall not prohibit such members from participation in discussions of the *Planning Board* on such matters prior to a vote. Unless otherwise specified in Section 9.02, C., above, any action of the *Planning Board* is not official, unless authorized by a majority vote of the entire membership of the *Planning Board*.

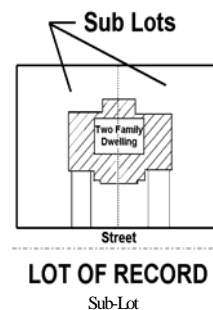
E. Compensation.

All members of the *Planning Board* shall serve as such without compensation. Members of the *Planning Board* may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation with reasonable traveling expenses incidental to such attendance paid from the Department of Planning and Zoning's budget and with concurrence of the *Town Council* of the Town of Holly Springs. [Corrected Typographical Error: Supplement #15]* [Amended Ordinance #04-06]

[Amended Ordinance #10-05]

which is submitted for *master plan*, *preliminary plan* and *final plat* approval through the *incremental plat* approval process.

Sub-Lots: Portions of a *lot of record* created in connection with the transfer of ownership of individual *dwelling units* in a *two family dwelling building* or *multifamily dwelling building*.



Surface-Mount: The placement of an *antenna* or *antenna array* on the existing or proposed surface of a *building* or *structure*.

Swimming Pool: Any *structure* intended for swimming, recreational bathing, or wading that contains water, including but not limited to *structures* generally referred to as ‘hot tubs’. [Added Ordinance # 09-17]

Taproom: A use associated with and on the same premises as a brewery, at which guests may sample/purchase the manufacturer’s products, which may be no more than 25 (twenty-five) percent of the gross floor area. [Added Ordinance # 13-01]

Tavern: See *Bar*.

Technical Review Committee (TRC): A committee of technical consultants established to provide the *Director* with technical assistance in the review of plans for compliance the provisions of this UDO and other applicable rules and regulations of federal, state or local agencies.

Telecommunications: The transmission between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Antenna: See *Antenna*, *Telecommunications*.

Telecommunications Service: The offering of *telecommunications* for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Telecommunications Tower: A *structure* more than ten (10) feet tall, built or used to support one or more *telecommunications antennas*. [Amended Ordinance #17-01]*

Temporary Construction Trailer: A mobile structure used as an office in conjunction with a construction project. The mobile structure (construction trailer) is used as a temporary office to meet a short-term need while the permanent facility/facilities are being constructed. [Added Ordinance 06-05]

Temporary Real Estate Office: The temporary use of a dwelling unit or trailer within a residential development project as a sales or rental office for the units on the same site. [Added Ordinance #06-15]

Temporary Seasonal Retail Sales: A *temporary use* established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, pumpkins, and live plants. A *temporary seasonal retail sales use* may or may not involve the construction or alteration of any permanent *building* or *structure*.

Section 11
Definitions

Temporary Use: A land *use* established for a limited and fixed period of time with the intent to discontinue such *use* upon the expiration of the time period.

Top of Bank: The landward edge of the stream channel during high water or bankfull conditions at the point where the water begins to overflow onto the floodplain. [Amended Ordinance #03-03]

Tourist Home: See *Bed and Breakfast*.

Town Council: The Town Council as defined by the Charter as amended. [Amended Ordinance #04-14]

Townhouse: A *multifamily dwelling* with: (a) all *dwelling units* constructed in a row; (b) with each *dwelling unit* having an individual front and rear ingress and egress; and, (c) no *dwelling unit* located over another *dwelling unit*.

Town Projects: A *project* to be constructed by the Town of Holly Springs or for the Town of Holly Springs under contract with the *Town Council*, and listed under the following *special exception use* headings: Communications / Utilities, Government Use, or Public Facilities. [Amended Ordinance #06-15]

Transfer Station: A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. The term does not include the following:

- (a) a facility where the solid waste that is transferred has been generated by the facility; or,
- (b) a *recycling facility*.

UDO Permit: A permit stating that the proposed erection, construction, enlargement or moving of a *building* or *structure*, and *uses* thereof, complies with the provisions of this UDO.

Underground Facilities: An *accessory structure* which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or as a temporary shelter for people, such as a storm cellar or fallout shelter.

Use: The purpose or activity for which land, *buildings* or *structures* are designed, arranged, or intended or which land, *buildings* or *structures* are occupied or maintained.

Use, Permitted: See *Permitted Use*.

Variance: Permission granted by the *Board of Adjustment* to depart from the literal requirements of this UDO.

Vehicle, Business Non-Passenger: A vehicle of any Gross Vehicle Weight that is used in a business and not primarily designed for the transport of passengers. Examples include but are not limited to delivery trucks, vehicles used in construction activities, street sweepers, mail trucks, etc. [Added Ordinance #11-03]

Vehicle, Business Passenger: A vehicle with a Gross Vehicle Weight of less than 8,500 lbs which is used in a business, other than a customer's or employee's personal vehicle, that is used for business purposes designed primarily for the transport of passengers. An employee's personal vehicle which is used for business purposes and utilizes exterior