

Section 2.08 General Regulations for Residential Districts.

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; parking areas; signs; swimming pools; hot tubs; radio sending and receiving antennas; satellite dish antennas;* and, *storage buildings*.

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*.

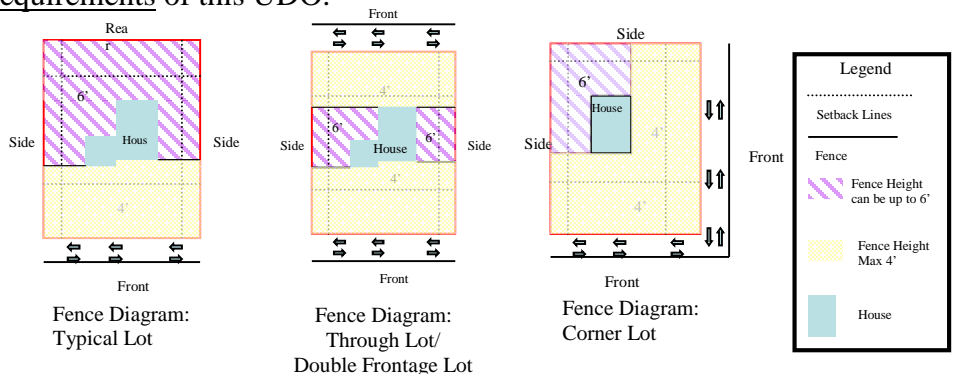
3. Additional Development Standards for Accessory Uses, Buildings or Structures in any Residential District.

Accessory uses, buildings or structures permitted in any R-30, R-20, R-15, R-10, R-8, R-MF-8 and R-MF-15 *district* shall also comply with the following additional *development standards*:

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- a. *Accessory Buildings:*
- (1) The total square foot area of all: detached *accessory buildings* on a *lot* shall not exceed fifty (50) percent of the *finished floor area* of the *primary building*; [Amended Ordinance #07-04]
 - (2) The total square foot area of: *accessory dwelling* whether detached or *accessory use* portions of a *primary use single family dwelling* shall comply with Section 2.08, J. Additional Regulations for Accessory Dwellings. [Added Ordinance #07-04, Supplement #11- corrected typographical errors]
 - (3) The total number of detached *accessory buildings* on a *lot* shall not exceed two (2) *accessory buildings*; and,
 - (4) Detached *accessory buildings* shall not be located between the established *front building line* and the *front lot line*.
- b. *Swimming Pools:* [Amended Ordinance #12-05]
- (1) A *swimming pool* shall not be located between any *front lot line* and the established *front building line*.
 - (2) A *swimming pool* shall not be located in any minimum *side yard* or minimum *rear yard*.
 - (3) All *swimming pools* shall comply with North Carolina Residential Code- Appendix G: Swimming Pools, Spas, and Hot Tubs.
 - (4) No *swimming pool* shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code and the National Electrical Code, current editions.
 - (5) Abandoned or unused *swimming pools*, situated on a premises which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.
- c. *Porches, Gazebos, Deck and Stairs.* [Amended Ordinance #14-07]
- (1) *Porches*, gazebos and *decks* shall comply with all *minimum yards* and *building setback*, and *maximum building height* regulations of the applicable zoning *district* for *primary buildings*. [Amended Ordinance #11-07, 14-07]

- (2) Stairs may encroach into the required *minimum yard* and *minimum building setback*, provided however no stairs shall be closer to the *setback* established for an *accessory building* or *structure* for the district in which the stairs are located. Uncovered stairs and steps with a maximum width of six (6) feet may extend into the *minimum front yard* as far as needed to meet minimum building code requirements. Uncovered stairs and steps shall not interfere with a required sight distance triangle, pedestrian walkways, or be a danger to the public health and safety [Added Ordinance #14-07] [Amended Ordinance #15-10]*
- d. Fences (including but not limited to chain link, solid, shadow-box, stockade, architectural screen, lattice-work or masonry). [Amended Ordinance #06-15]
- (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.



e. *Satellite Dish Antennas in Residential Districts.*

- (1) The regulations of this Section shall apply to *satellite dish antennas* in all residential *districts* which are greater than one meter (39.37") in diameter. These regulations are intended to allow *satellite dish antennas* to be located in a manner that:
 - (i) does not unreasonably delay or prevent the installation, maintenance or use of the antenna; (ii) does not unreasonably increase the cost of installation, maintenance or use of the antenna; or (iii) preclude reception of an acceptable quality signal.
- (2) The regulations of this Section are intended to accomplish the following specific and clearly defined health, safety and aesthetic objectives:
 - (a) To promote the public health and safety by providing criteria for the placement of *satellite dish antennas* greater than one meter (39.37") in diameter which ensure that all such installations are performed in a manner which limits endangerment of life and property on the site and on surrounding properties if the antennas should collapse or are felled by ice or high winds; and,
 - (b) To ensure the aesthetic harmony of residential areas by providing for a harmonious streetscape, consistent with the *Comprehensive Plan*, uncluttered by non-residential *structures*, including guy wires, poles, masts, cables or other appurtenances which can create a visual blight offensive to those who reside, work or travel in the Town of Holly Springs.
- (3) The following regulations are intended to meet the above objectives without unnecessarily burdening the Federal interests in ensuring the availability of satellite services and in promoting fair and effective competition among competing communication service providers.

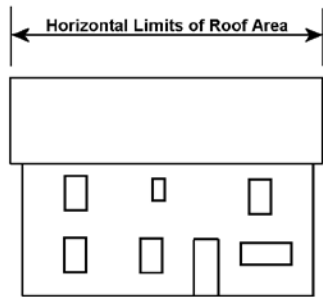
In any residential *district*, *satellite dish antennas* greater than one meter (39.37") in diameter shall be permitted as either ground mounted or roof mounted, provided that:

- (a) If ground mounted, *satellite dish antennas* shall:

- (i) not be located in any minimum front, side or rear yard, or between the established *front building line* and the *front lot line*; and,
- (ii) not exceed the *maximum building height* allowed for an *accessory structure*.

(b) If roof-mounted, *satellite dish antennas* shall:

- (i) not exceed the lesser of five (5) feet above the peak of the roof or the *maximum building height* limit allowed for a *primary building*;
- (ii) not extend beyond the horizontal limits of the roof area; and,
- (iii) be installed in accordance with plans certified by a registered engineer that the proposed installation complies with the standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the *building's support structure*, shall be furnished.



f. *Grade Level Improvements*. [Amended Ordinance 15-10]*

Grade level improvements which do not include a foundation shall be permitted as follows in the R-30, R-20, R-15, R-10, and R-8 *Districts*:

- (1) In a *minimum front yard*—the following *grade level improvements* shall be permitted:
 - (i) stoops,
 - (ii) walkways with a maximum width of up to six (6) feet, and;
 - (iii) *driveways*-, provided that *driveways* 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, and

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- (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) stoops,
 - (ii) *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) *walkways* with a maximum width of up to six (6) feet, and
 - (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) stoops,
 - (ii) *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) *walkways* with a maximum width of up to six (6) feet, and
 - (iv) *driveways* where necessary to provide access to an abutting rear *alley* provided that *driveways* 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, 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) *interior access drives*, where necessary to provide access to an abutting rear *alley* with a maximum width of up to twenty (20) feet.

g. Underground Facilities.

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*.

h. Game Courts.

Game courts shall not be located in any minimum *front yard*, minimum *side yard* or minimum *rear yard*, or between the established *front building line* and the *front lot line* provided, however, a basketball goal may be located in a *driveway* in any R-30, R-20, R-15, R-10 and R-8 *district*.

i. Trash Containers.

Any trash container exceeding thirty-six (36) cubic feet in capacity shall:

- (1) be screened on at least three sides by a *building wall* or a solid-walled enclosure, not less than six (6) feet in height nor more than ten (10) feet in height above *grade*, equipped with an opaque metal screen gate, and any solid-walled portion of the enclosure shall be provided with *foundation landscaping*; [Amended Ordinance #10-11]

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- (2) not be located between the front line of the *primary building* and the *front lot line*; and,
- (3) not be located in any *minimum front yard*, *minimum side yard* or *minimum rear yard*.



j. Cluster Mailbox Units [Amended Ordinance #14-07]

(1) Location

All cluster mailbox units shall be located:

- (a) along a *collector street*, *local street*, *cul-de-sac street*, *private street* or *off-street parking area*, provided however a cluster mailbox unit may be located along a *thoroughfare* in the case that the residential *dwelling*s served by the cluster mailbox unit only have primary *access* from the *thoroughfare* and do not have an internal *private street*, *off-street parking area*, or other suitable location for such cluster mailbox unit;
- (b) in a *common area* of the *project* or *subdivision*, outside of the *public* or *private right-of-way*, *private access easement* or *perimeter yard*, provided however any *project* or *subdivision* which received *preliminary plan* approval prior to September 16, 2014 may locate a cluster mailbox unit or combination of cluster mailbox units in a privately held *easement*; [Amended Ordinance #16-08]*
- (c) a minimum of two-hundred (200) feet from the entrance of a *project* or *subdivision* from a *thoroughfare* or *collector street* or, if the entrance to a *project* or *subdivision* contains a median divided *street*, the cluster mailbox unit shall be located at least fifty (50) feet beyond the end of such median, whichever is greater; [Amended Ordinance #16-08]*
- (d) to 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*; and

- (e) so as to not obstruct sight distance along any *street* or at a *street* intersection, *alley*, *driveway*, or *greenway*.
- (f) Subsection (b) and (c), above, shall not apply to any cluster mailbox unit located within the adopted Village District Area Plan boundary as indicated in the *Comprehensive Plan*, provided the cluster mailbox unit is located outside of the *public* or *private right-of-way* in a *common area* of the *project* or *subdivision*. [Added Ordinance #16-08]*

(2) Appearance

- (a) An individual cluster mailbox unit or combination of cluster mailbox units located within the same *common area* or easement containing nineteen (19) or less mail receptacles shall be subject to the follow appearances standards:



- (i) Shall provide a decorative base or pedestal cover; and
- (ii) Shall provide a finial, crown, or other similar decorative cap.

- (b) An individual cluster mailbox unit or combination of cluster mailbox units located within the same *common area* or easement containing twenty (20) or more mail receptacles shall



be located within the same *structure* and shall be subject to the follow appearances standards:

- (i) The *structure* shall be built into a wall as part of a *building* façade; or

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- (ii) The *structure* shall be freestanding and shall be constructed with the following design and appearance requirements:
 - a. primary *building material* is consistent with the style of the *development* or *project*;
 - b. sets on a decorative pedestal or is fixed to two decorative posts;
 - c. designed as an architectural feature to create identity of the *project* or *subdivision*; and
 - d. provides *foundation landscaping* around the base of the *structure* with a minimum *plant unit value* of twenty (20) points for each one-hundred (100) linear feet of foundation.
- (c) All cluster mailbox units shall remain free and clear of *signs*, except for any *sign* required by any local law, state or federal governmental agency.

(3) Parking

- (a) An individual cluster mailbox unit or combination of cluster mailbox units located within the same common area or easement containing nineteen (19) or less mail receptacles shall not be required to provide *off-street parking* unless *off-street parking* is needed to satisfy the accessibility requirements of the North Carolina Building Code. When located within the adopted Village District Area Plan boundary, as indicated in the *Comprehensive Plan*, and located adjacent to a *street* having a cross-section which allows for *on-street parking*, the *Director of Engineering* may authorize *on-street parking* to satisfy this requirement. [Amended Ordinance #16-08]*
- (b) An individual cluster mailbox unit or combination of cluster mailbox units located within the same common area or easement containing twenty (20) or more mail receptacles shall provide a minimum of two (2) off-street parking spaces, provided however this requirement shall not apply to any project which received preliminary plan approval prior to September 16, 2014 unless *off-street*

parking is needed to satisfy the accessibility requirements of the North Carolina Building Code. [Amended Ordinance #16-08]*

- (4) **Accessibility** [Added Ordinance #16-08]*
 - (a) All Cluster Mailbox Units shall meet the accessibility requirements of the North Carolina Building Code as determined by the current North Carolina Building Code in effect at the time of the *building permit* application.

- (5) **Maintenance** [Amended Ordinance #16-08]*
 - (a) The owner of the *common area* or private easement in which the cluster mail box unit or combination of cluster mail box units is located shall be responsible for maintenance of such unit(s).

B. Temporary Uses, Buildings and Structures

1. Permits Required.

A *temporary use, building or structure* which is in compliance with the provisions of this Section, shall be allowed in any residential *district*. A *temporary use, structure or building* which will be converted into a permanent *primary or accessory use* after the cessation of the *temporary use* shall be required to obtain a *UDO permit* prior the establishment of the use or the construction of any *structure or building*. A *temporary use, structure or building* which will be removed from the site upon cessation of the *temporary use* shall comply with the regulations contained in this Section, but shall obtain a *UDO permit*.

2. Permitted Temporary Uses, Buildings and Structures.

By way of example only, permitted *temporary uses, buildings and structures* include: construction trailers, *temporary real estate office* (either freestanding or in portions of model homes) and *garage sales*. [Amended Ordinance #09-20]

3. Duration.

Except as specifically provided otherwise in this Section 2.08, a *temporary use, building or structure* shall be permitted for a period not to exceed one (1) year. Except as specifically provided otherwise in this Section 2.08, the *UDO permit*, if required, may be renewed one (1) or more times by the *Director*, for good cause shown. This period may be renewed for additional one (1) year increments at a time, and shall be reviewed on a case by case basis. [Amended Ordinance #11-07, corrected typographical error]

4. Compliance with Development Standards.

Any *temporary use, building or structure* shall comply with all applicable *development standards* and *setback* requirements in the *district* in which the *temporary use, building or structure* is located.

5. Additional Development Standards for Temporary Construction Trailers.

- a. under-skirting shall be installed around the entire perimeter of the *building or structure*;
- b. any *fence* shall be in compliance with Section 2.08 3 d., Fences, except that a *fence* shall not exceed six (6) feet 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, and that such *fence* shall be removed at the time the *Temporary Construction Trailer* is removed from the *lot*; [Added Ordinance #14-07]

- c. shall be located on an approved *lot*, as shown on both the *preliminary plan* and *final plat*, except that the *Director of Engineering* may approve a *Temporary Construction Trailer* on an approved *lot* shown on the *preliminary plan* which has not received *final plat* approval; [Amended Ordinance #14-07]
- d. shall serve only *lots* depicted within the *preliminary plan*;
- e. shall provide off-street parking spaces in an amount required for *office uses* based upon the square footage of the building, provided, however: [Corrected typographical error: Supplement #14], [Amended Ordinance #07-04]
 - (1) temporary construction trailers and other *temporary uses* which shall not be converted into a permanent *primary* or *accessory use*, shall be exempt from the requirement to provide a hard surfaced *parking areas*; [Amended Ordinance #06-15] and,
 - (2) an improved apron, in conformance with the Town of Holly Springs' Engineering Design and Construction Standards shall be required.
- f. shall not be used for any purpose other than *office use*. [Added Ordinance #13-09]

6. Additional development standards for Sales Offices: [Added Ordinance #06-15]

- a. Shall be located on an approved lot, as shown on both the *preliminary plan* and final plat;
- b. Shall serve only lots depicted within the *preliminary plan*;
- c. Shall provide off-street parking spaces in an amount required for office *use* based upon the square footage of the *building* provided, however; [Corrected Typographical Error Ordinance #09-20]
 - (1) freestanding *temporary real estate office*, and other *temporary uses* which shall not be converted into a permanent *primary* or *accessory use*, shall be exempt from the requirement to provide a hard surfaced *parking areas*; however required parking for the Disabled shall be in compliance with the North Carolina Accessibility Code, Chapter 4 and; [Amended Ordinance #09-20]

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- (2) An improved apron, in conformance with the Town of Holly Springs' Engineering Design and Construction Standards shall be required.
- d. *Sales Offices* when located in a sales trailer shall also comply with the provisions of Section 2.08, I. Appearance and Dimensional Criteria for Manufactured Homes.
- e. Within six (6) months of the last sales or rental transaction of the lots within the *preliminary plan* or the closing of the *sales office*, whichever occurs first, the following must be completed: [Added Ordinance #11-07]
 - (1) The *off-street parking spaces* required in accordance with the *sales offices* must be removed and a driveway shall be installed in accordance with regulations in the applicable *district* as specified in this UDO and the Town of Holly Springs' Engineering Design and Construction Standards. [Added Ordinance #11-07]
 - (2) If the *sales office* is located in a sales trailer, the trailer shall be removed from the lot. [Added Ordinance #11-07]
 - (3) If the *sales office* is contained within a *dwelling unit*, the *sales office* shall be removed from the site and the *dwelling* shall revert back to a *residential use*. [Added Ordinance #11-07]

7. Cessation of Use.

All *buildings, structures* or debris associated with the *temporary use* shall be removed from the site immediately upon completion or cessation of the *temporary use* or expiration of the time period set forth above.

8. Additional Regulations for Garage Sales / Yard Sales.

Notwithstanding any regulations above to the contrary, a *garage sale* may be conducted only on a premises located within an R-30, R-20, R-15, R-10, R-8, R-MF-8 and R-MF-15 *District* or in a residential section of a PUD *District*, and shall be subject to the following additional regulations:

- a. A *garage sale* may be conducted two (2) times each calendar year per *lot* and shall not exceed three (3) consecutive days in duration;
- b. A *garage sale* shall only be conducted during the hours from sunrise to sunset;

- c. All personal property exhibited outdoors during a *garage sale* shall be placed within a *building* or *structure* or otherwise removed from the premises immediately following the end of the *garage sale*;
- d. *Garage sale signs* shall comply with the applicable provisions of Section 7.03, D. – Signs in Residential Districts.
- e. Nothing in this Section shall be construed to prohibit one (1) or more owners from conducting a combined *garage sale* on one (1) of the *lots* owned by the participants, provided that all other provisions of this Section are complied with.

9. Additional Regulations for Temporary Seasonal Retail Sales Uses.

Temporary seasonal retail sales shall be permitted in the R-30 *district* for the sale of agricultural products produced on the premises. Any temporary *seasonal retail sales* use, *structure* or *building* shall also comply with the following regulations:
[Amended Ordinance #15-10]

- a. The use or *structure* shall comply with all *setback* requirements for a *primary building* on the site;
- b. A minimum of three (3) *off-street parking spaces* shall be provided on-site for the temporary *seasonal retail sales* use, which shall not interfere with traffic movement on adjacent streets. Notwithstanding the provisions of Section 7.04 – Parking Regulations of this UDO to the contrary, such temporary *off-street parking spaces* shall not be required to be hardsurfaced.
- c. Temporary seasonal retail sales shall not utilize any outdoor public address system, flood lighting or any other noise or light producing device detrimental to the quiet use and enjoyment of area residential properties;
- d. Signs for the temporary *seasonal retail sales* shall comply with the provisions of the Section 7.03, D., 4. – Signs in Residential Districts, for all *freestanding signs*; and,
- e. Notwithstanding the provisions above to the contrary, *seasonal retail sales uses*, and associated *signs*, shall not exceed one-hundred and eighty (180) days. [Amended Ordinance #15-10]

10. Mobile Classrooms.

Mobile classrooms shall only be permitted as a *temporary use* in compliance with the following requirements:

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- a. Mobile classrooms shall be for use by a *religious use* or school;
- b. Mobile classrooms shall be permitted only by the grant of a *special exception use* pursuant to Section 9.09 – Decision Matrix;
- c. Applicants for a mobile classroom *special exception use* shall submit a site plan which indicates a proposed permanent development of the site at the time of filing a petition for a mobile classroom *special exception use*; and,
- d. A mobile classroom *special exception use* shall be conditioned upon the Applicant making progress towards accomplishing the goals of development indicated the site plan within a reasonable period of time as established in the grant of the *special exception use*.

11. *Vendors, Charitable Fundraising.* [Added Ordinance #06-15]

Vendors shall only be permitted as a temporary use in compliance with the following requirements:

- a. The vendor shall not be for commercial purposes, only for charitable and fundraising organizations;
- b. *Vendors* shall provide documentation from the *Home Owners Association* or Owner of the property stating the dates in which the vendor will be present;
- c. Temporary food vendors for charity or fundraising purposes may be conducted by a group or individual twice a calendar year within the common open space of a recorded, platted residential subdivision containing a parking lot and shall not exceed three consecutive days in duration;
- d. The Temporary food vendors for charity or fundraising purposes shall only be conducted during the hours from sunrise to sunset.

C. Home Occupations.

Intent: This Section provides standards to insure compatibility of *home occupations* with other *permitted uses* and with the residential character of the *district* and neighborhood in which the *home occupation* is located as well as clearly establishing the secondary or incidental status of *home occupations* in relation to the *primary use* of the *lot* for *dwelling* purposes.

1. Required Conditions

Home occupations shall be permitted in all residential *districts* subject to the following conditions:

- a. *Home occupations* shall be limited to: (i) *family* members residing within the *dwelling* and who make the *dwelling* their primary place of residence; (ii) a maximum of one non-resident employee; and (iii) a maximum of one customer, client or patron in the *dwelling* at any one time. [Amended Ordinance #13-09]
- b. The use of the *dwelling unit* for the *home occupation* shall be incidental and subordinate to the use for residential purposes by the occupants. No more than twenty (20) percent of the *gross floor area* of the *dwelling unit* shall be used in the conduct of the *home occupations*.
- c. There shall be no structural alterations to the interior of the *dwelling* to accommodate a *home occupation* which would render the *dwelling* undesirable for residential use.
- d. There shall be no structural additions, enlargements or exterior alterations changing the residential appearance of the *dwelling* or the *lot* or other visible indications of the conduct of the *home occupation*.
- e. There shall be no additional or separate entrance to the *dwelling* for the purpose of conducting the *home occupation*.
- f. There shall be no internal or external alterations, construction features, or use of electrical or mechanical equipment which would change the fire rating of the *structure*.
- g. There shall be no *outdoor storage* of any kind related to the *home occupation*.
- h. All aspects of the *home occupation* shall be conducted within the *dwelling structure* in which the occupant makes his/her residence. No *home occupation* shall be conducted in any detached *accessory building*.

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- i. There shall be no traffic generated by a *home occupation* which is greater in volume than that which would be normally expected in the residential area in which the *home occupation* is located.
- j. There shall be no equipment or process used in the *home occupation* which creates noise, vibration, glare, smoke, fumes, odors, or electrical interference detectable to the normal senses at any point beyond the *lot line* in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties, or which creates water usage or the production of sewage other than domestic in nature.
- k. There shall be no electrical or mechanical equipment utilized in the *home occupation* which will create any visual or audible interference with radio or television reception or which will cause fluctuations in line voltage off the premises.
- l. The *home occupation* shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with residential home delivery (i.e., postal or united parcel vehicles).
- m. The *dwelling* shall not be altered in its appearance and the *home occupation* shall not be conducted in such a manner as to differentiate the *dwelling* from the residential character of the area by either use of colors, materials, construction, separate entrances, lighting, *signs* or other means.

2. Prohibited Home Occupations

The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for *home occupations* and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the uses specified below shall not be permitted as *home occupations*:

- a. Antique, Thrift, Book or Gift Shop. [Amended Ordinance #13-09]
- b. Appliance Repair, large or small.
- c. Auto/Vehicle Repairs, major or minor.
- d. Bicycle Repair or Service. [Amended Ordinance #06-15]
- e. Catering. [Added Ordinance #06-15]
- f. Commercial Bakery Facility. [Added Ordinance #06-15]
- g. Dance Studio.
- h. Dental Office or Clinic.
- i. Freight, Trucking or Shipping.
- j. Lawn Mower Repair or Service. [Amended Supplement #7 corrected typographical error]
- k. Medical Office or Clinic.
- l. Painting of Vehicles, Trailers, Boats, etc.
- m. Photo Developing.
- n. Private Schools with Organized Classes.
- o. Restaurants, Eating or Drinking Establishments.
- p. Upholstering.
- q. Television or Radio Repair.
- r. Tool or Equipment Rental.
- s. Tooling, Welding or Machine Shop.
- t. Veterinary Clinic, Kennel, or Stable.
- u. Any use not in compliance with the intent and conditions set forth in this Section.

3. Permitted Home Occupations

By way of example, the following uses, when conducted in compliance with the conditions set forth above, qualify as permitted *home occupations*:

- a. Artist's, Musician's or Writer's Studio.
- b. Barber / Beauty Shop (limited to no more than one (1) client at a time).
- c. Cake Making or Decorating (not a catering or commercial bakery facility).
- d. Dressmaking, Millinery, Sewing or Tailoring.
- e. Home School, including Cottage Schools.
- f. Personal Chef. [Added Ordinance #06-15]
- g. Personal Office for a(n):
 - Accountant;
 - Architect;
 - Broker;
 - Consultant;
 - E-Commerce Business Office. [Added Ordinance #06-15]
 - Engineer;
 - Insurance Agent;
 - Lawyer;
 - Notary Public;
 - Planner,
 - Real Estate Agent;
 - Sales Representative.
- h. Photography Studio (limited to not more than one (1) client at a time).
[Amended Ordinance #06-15]
- i. Teaching or Tutoring, including musical instruments or dance, when limited to one pupil at a time.
- j. Other uses that comply with the intent and conditions set forth above in this Section.

4. Registration of Home Occupations

a. Registration Required.

All persons conducting a *home occupation* shall register the *home occupation* with the Town of Holly Springs on forms provided by the Department of Planning and Zoning.

All persons wishing to establish a *home occupation*: after the effective date of this UDO; after annexation into the corporate limits of the Town of Holly Springs; or, after the expansion of the extra-territorial planning jurisdiction of the Town of Holly Springs, shall register the *home occupation* with the Town of Holly Springs prior to the establishment of the *home occupation*.

All persons conducting an existing *home occupation* on the effective date of this UDO shall register the *home occupation* with the Town of Holly Springs within ninety (90) days of the effective date of this UDO.

All persons conducting an existing *home occupation* which is annexed into the planning jurisdiction of the Town of Holly Springs after the effective date of this UDO shall register such *home occupation* with the Town of Holly Springs within ninety (90) days of such annexation.

b. Nonconforming Home Occupations.

Any *home occupation* which: (i) is in existence on the effective date of this UDO or which is annexed into the planning jurisdiction of the Town of Holly Springs; (ii) registers with the Town of Holly Springs; and, (iii) which fails to conform to the requirements of this Section, may continue in compliance with the provisions for *nonconforming uses* contained in Section 1.21 – Nonconforming Lots, Uses, Buildings, Structures or Signs of this UDO.

c. Failure to Register Nonconforming Home Occupations.

Any existing *home occupation* which fails to register with the Town of Holly Springs within ninety (90) days of the effective date of this UDO or within ninety (90) days of annexation into the planning jurisdiction of the Town of Holly Springs, and which does not demonstrate compliance with all the provisions of this Section, shall either: (i) cease operation; (ii) be brought into compliance with the provisions of this Section within one (1) year of the effective date of this UDO; or, (iii) obtain a *variance* for the continued operation of the *home occupation*.

D. Performance Standards.

All new nonresidential uses established in a R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 *district* after the effective date of this UDO shall comply with the following performance standards. Any nonresidential use in a R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 *district* in existence prior to the effective date of this UDO shall not be altered or modified so as to conflict with the following performance standards.

1. Vibration

No *primary use* or *accessory use* or activity shall cause earth vibration or concussions that are detectable beyond the *lot lines* without the aid of instruments.

2. Pollutants or Contaminants

No *primary use* or *accessory use* shall discharge across *lot lines*, in the land, water or air, any noxious, toxic or corrosive matter, fumes or gases, or any other pollutants or contaminants that tend to be injurious to human health or welfare, to animal or plant life or to property, or interfering or tending to interfere with the enjoyment of life or property.

3. Odor

No *primary use* or *accessory use* shall emit across *lot lines* odors in such quantities as to be readily detectable at any point along the *lot lines*.

4. Noise

No *primary use* or *accessory use* shall produce noise in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties. Operational or production noise shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.

5. Heat

No *primary use* or *accessory use* shall produce heat perceptible from any point beyond the *lot lines*.

6. Glare

No *primary use* or *accessory use* shall produce *glare* perceptible from any point beyond the *lot lines*.

7. Waste

No *primary use* or *accessory use* shall accumulate within the *lot* or discharge beyond the *lot lines* any waste matter, whether liquid or solid, in such a manner as to be detectable from any point beyond the *lot lines*.

E. Zoning Violations in Residential Districts.

1. The conduct of any activity in a Residential district that is not specifically enumerated as a permitted *primary use* or *accessory use* in that *district*, and which activity has not been legally established by a currently valid *variance*, *special exception* or other approval grant.
2. Failure to comply with *district development standards*, including but not limited to landscaping, paving of *parking areas*, minimum *parking space* requirements, trash dumpster enclosure, fencing or screening requirements.
3. The failure to comply with the terms, provisions or conditions of: a grant of *variance* or *special exception*; an approval of a *development plan*; an approval of a *conditional use district*; or, other approval grant authorized by this UDO.
4. Dismantling, Repairing, or Restoring, or Performing any Work on Any Motor Vehicle, Machine, Motor, or Similar Device in the R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 Districts.

Notwithstanding any provision in this UDO to the contrary, no person shall dismantle, repair, restore or otherwise perform any work on any motor vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any real estate zoned to any R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 *district*. In addition, any work performed shall be:

- a. *incidental* to a *permitted use*; and,
 - b. completely within an *accessory building* or *garage*; or,
 - c. completely within an area wholly enclosed from the view of surrounding *lots* and *rights-of-way* by a solid structural barrier (either a wall or fence of ornamental stone, brick, wood or a combination thereof), with a maximum height above *grade* of not less than six (6) feet, nor greater than ten (10) feet.
5. Storing, Maintaining or Keeping of an Inoperable Motor Vehicle, Machine, Motor, or Similar Device in the R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 Districts.

Notwithstanding any provision in this UDO to the contrary, no motor vehicle, machine, motor, or similar device from which any part material to the operation of the vehicle has been removed, or which is inoperable for any reason, shall be stored, maintained or kept on any property in any R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 *district* unless such device is:

- a. owned or leased by the resident of the property on which the device is stored or by a member of that person's family; and,
 - b. completely within an *accessory building* or *garage*; or,
 - c. covered by a tarp; or,
 - d. completely within an area wholly enclosed from the view of surrounding *lots* and *rights-of-way* by a solid structural barrier (either a wall or fence of ornamental stone, brick, wood or a combination thereof), with a maximum height above *grade* of not less than six (6) feet, nor greater than ten (10) feet.
6. Parking, Storing, Maintaining or Keeping a Commercial Motor Vehicle or Trailer in the R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 Districts.

Notwithstanding any provision in this UDO to the contrary, no commercial motor vehicle or commercial trailer shall be parked, stored, maintained or kept on any property in any R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 *district* unless the commercial motor vehicle or commercial trailer:

- a. has a maximum load capacity of three-quarters (3/4) of a ton or less;
- b. (this paragraph applies to commercial motor vehicles only) serves as the sole vehicular transportation of a resident of the property upon which the motor vehicle is parked, stored, maintained or kept; and,
- c. is stored within an *accessory building* or *garage* which complies with all the standards and regulations of this UDO.

Commercial motor vehicles or commercial trailers that are in the course of making normal and reasonable service calls are exempt from this provision.

7. Parking, Storing, Maintaining or Keeping of Any Recreational Vehicle or Recreational Trailer in the R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 Districts.

Notwithstanding any provision in this UDO to the contrary, no recreational vehicle or recreational trailer shall be parked, stored, maintained or kept on any property in any R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 *district* unless in compliance with the following:

- a. recreational vehicles or recreational trailers may be parked or stored:
 - (1) inside an *accessory building* or *garage*; or

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- (2) outside in such a manner that no part of any such recreational vehicle shall project into any minimum *side* or minimum *rear yard* or in the minimum *front yard* of the *lot* other than on the hardsurfaced area of the *driveway* or *interior access drive*.
- b. Not more than a total of two (2) recreational vehicles / recreational trailers shall be permitted to be parked or stored in the open on the same *lot* at any one time.
- c. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes in any R-30, R-20, R-15, R-10, R-8, R-MF-8 or R-MF-15 *district*.

F. Additional Development Standards.

1. Additional Front Setback Provisions.

a. *Public Streets*

- (1) In the case where the *Comprehensive Transportation Plan* does not include a *proposed right-of-way*, or where the *existing right-of-way* is greater than the *proposed right-of-way*, the *existing right-of-way* line shall be used for *setback* measurement. [Amended Ordinance #12-05]
- (2) The *setback* provisions of this UDO are subject to the following modification:

In any *block* in any residential *district* contained in this UDO in which an existing *front yard setback* is established by existing, legally established *buildings* or *structures* on more than sixty percent (60%) of the total number of *lots* within the same *block face* fronting on the same *public street*, the minimum *front yard setback* for any new *building*, *structure* or addition along such *block face* shall be the average of such established *front yards* if such dimension is less than the minimum *front yard setback* established by this UDO.
- (3) Any development permitted within a minimum *front yard* shall be those specified in the "Use of Minimum *Yards*" sections of the applicable residential *district*.

b. *Private Streets*

The minimum *front yard* and minimum *building setback* from the *right-of-way* line of a *private street* shall be the same as for a *local public street* in the applicable residential *district*.

Provided, however:

- (1) The *setback* provisions of this UDO are subject to the following modification:

In any *block* in any residential *district* contained in this UDO in which an existing *front yard setback* is established by existing, legally established *buildings* or *structures* on more than sixty percent (60%) of the total number of *lots* within the same *block face* fronting on the same *private street*, the minimum *front yard setback* for any new *building*, *structure* or addition along such

block face shall be the average of such established *front yards* if such dimension is less than the minimum *front yard setback* established by this UDO.

- (2) Any development permitted within a minimum *front yard* shall be those specified in the "Use of Minimum Yards" sections of the applicable residential *district*.

c. *Limited Access Rights-of-Way.*

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. Side and Rear Yard Setback for Legally Established Nonconforming Buildings or Structures.

Notwithstanding any *setback* regulations of this UDO to the contrary, the minimum *side yard setback* and minimum *rear yard setback* requirements for a *lot* containing a *single family* or *two family dwelling* in a residential *district* shall be subject to the following provision:

A legally established nonconforming, detached, accessory garage may be reconstructed on an existing foundation even though such reconstruction would not comply with minimum *side yard* or minimum *rear yard*, provided such reconstruction does not interfere with a Sight Distance requirement or encroach into any *right-of-way*.

3. Setback Regulations for Laterally-Supported Extensions.

Notwithstanding any *setback* regulations of this UDO to the contrary, laterally-supported extensions, such as canopies, eaves, cornices, bay windows, or roof overhangs, may extend a maximum of three (3) feet into any minimum *front yard*, minimum *side yard* or minimum *rear yard*.

4. Lot Area and Lot Width Regulations for Legally Established Nonconforming Lots of Record.

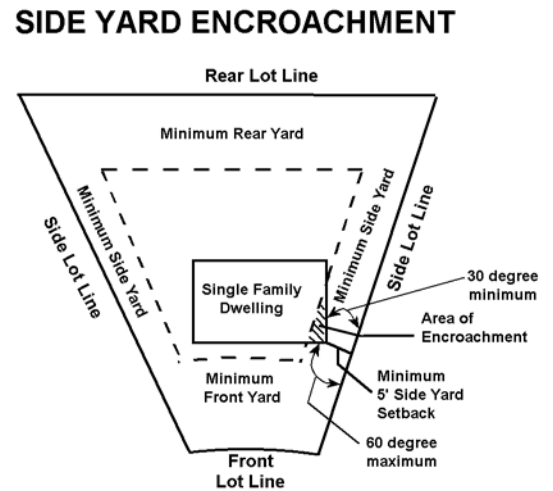
See Section 1.21, D. – Legally Established Nonconforming Lots of Record.

5. Minimum Dimensional Regulations for all Single Family Dwelling Units, Two Family Dwelling Units and Manufactured Dwelling Units.

All *dwelling units* located or constructed within the Town of Holly Springs and its extraterritorial planning jurisdiction shall have a minimum dimension in excess of eighteen (18) feet over at least sixty (60) percent of the overall length of the *dwelling unit*, provided, however, this provision shall not apply to the replacement or reconstruction of a *legally established nonconforming dwelling unit* located on a *lot*, provided further that the width of the replacement or reconstruction *dwelling unit* shall be of equal or greater width than that of the *dwelling unit* which is being replaced or reconstructed.

6. Side Yard Encroachment for a Single Family Dwelling

Notwithstanding anything in the individual residential *districts* to the contrary, a *single family dwelling* located on a *lot* may encroach into one (1) minimum *side yard* provided that the walls of the *dwelling* are more than thirty (30) degrees but less than sixty (60) degrees of being parallel to the *side lot line*. In no case, however, shall any portion of the *dwelling* be located closer than five (5) feet to a *side lot line*.



7. Gateway Feature Construction Requirements [Added Ordinance #10-11]

If a *major residential subdivision or multi-family project* is located at an intersection which is designated as a gateway in the *Comprehensive Plan*, that portion of such gateway feature which is on the *major residential subdivision or multi-family project*, or which is located in a *right-of-way* which abuts the *major residential subdivision or multi-family project*, shall be developed in connection with the development of the *major residential subdivision or multi-family project*. Notwithstanding any provisions of Section 7.01 – Landscape Regulations to the contrary, any wall, fence, berm or landscaping required to be installed as part of a gateway feature design shall qualify for a pro-rated, proportional reduction credit against required landscaping for each *front yard* affected by the gateway feature design.

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G. Requirements and Services for Private Streets, Private Alleys, Interior Access Driveways and Interior Access Drives.

See Section 7.07, B., 22. – Private Streets, Private Alleys, Interior Access Driveways and Interior Access Drives.

H. Maintenance of Buffer Areas.

Notwithstanding anything in this UDO to the contrary, if any portion of a residential *lot* is required by Section 7.01 – Landscape Regulations of this UDO to be a *buffer area*, the following additional regulations shall apply:

1. Any *buffer area* or landscape easement located on a *lot* adjacent to a *perimeter street* or a boundary of a *subdivision* as established by the *preliminary plan* for the *subdivision* pursuant to the requirements of Section 7.06, D. – Buffer Areas, of this UDO, shall be maintained by the owner of the *lot* at all times in compliance with the requirements established by the *preliminary plan* or Section 7.01 – Landscape Regulations of this UDO, whichever requires the greater *plant unit value*. Dead or diseased trees or shrubs located in such *buffer area* or landscape easement shall be removed and replaced with appropriate replacement trees or shrubs, subject to the approval of the *Director*. Any removal, relocation, replacement or other alteration to the plant materials located in such *buffer area* or landscape easement shall be approved, in writing, by the applicable homeowners association, if any, and the Town of Holly Springs prior to such removal, relocation, replacement or other alteration to the plant materials in the *buffer area*.
2. No fence, pool, hot tub, *patio*, *porch*, gazebo, *deck*, shed, *garage* or other *accessory building* or *accessory structure* of any kind shall be permitted in any *buffer area*.

I. Appearance and Dimensional Criteria for Manufactured Homes.

Intent - It is the intent of this UDO to implement the recommendations of the *Comprehensive Plan* to provide adequate opportunities within the Town of Holly Springs and its extra-territorial jurisdiction for the provision of affordable housing. It is also the intent of these criteria to balance the opportunities for affordable housing with the need to: protect property values; preserve the character and integrity of the Town of Holly Springs and its extra-territorial jurisdiction; preserve the character and integrity of individual neighborhoods within the Town of Holly Springs and its extra-territorial jurisdiction; and, promote the health, safety and welfare of area residents. To this end, *manufactured homes* shall be subject to the following appearance and dimensional criteria.

1. Appearance Criteria.

All *manufactured homes* located or relocated in any Residential *district* after the effective date of this UDO shall comply with the following appearance criteria:

a. Roof:

(1) Minimum Roof Pitch:

- (a) if the *manufactured home* is to be located on a platted *lot* in a recorded *subdivision* in which one or more *single family dwellings* have been constructed, the minimum roof pitch shall be not less than the minimum roof pitch on any existing *single family dwelling* located in the same recorded *subdivision*; or
- (b) if the *manufactured home* is the first *single family dwelling* to be located in a recorded *subdivision*, or if the *manufactured home* is to be located on a metes and bounds *lot of record*, the minimum roof pitch shall not be less than a three (3) foot vertical rise for each twelve (12) foot horizontal run.

(2) Roofing Material and Design.

- (a) The roof shall be covered with shingles, standing seam metal, shakes, or tile; and,
- (b) Eaves from the roof shall extend at least one (1) foot from the intersection of the roof and the exterior walls.

b. Siding Material.

All *manufactured homes* shall utilize one of the following exterior siding over at least sixty (60) percent of each façade, exclusive of windows or doors: brick; vinyl horizontal lap siding; aluminum horizontal lap siding; wood siding; or, hardboard siding.

c. Foundation.

All *manufactured homes* shall be set on an permanent foundation. A continuous, permanent perimeter enclosure shall be installed to enclose the area under the *manufactured home*. The permanent perimeter enclosure shall be unpierced except for air vents and one (1) entry. The permanent perimeter enclosure shall consist of brick, concrete block, treated wood, vinyl or metal specifically fabricated for foundation use. The area around the permanent perimeter enclosure shall be back-filled so that the *manufactured home* sits no more than twelve (12) inches above *grade*.

Foundation plantings, consisting of a *plant unit value* of ten (10) or more, shall be required along the front façade of each *manufactured home*.

d. Entry.

The entry to each *manufactured home* shall be accompanied by a deck or stoop located adjacent to the front door and placed at substantially the same elevation as the front door threshold. The deck or stoop shall be made of treated wood or masonry materials. The deck or stoop, along with any stairs, shall include handrails.

An improved walkway surface (i.e., concrete, asphalt, treated wood, bark or gravel) shall be provided from the *driveway* or *interior access drive* to the deck or stoop located adjacent to the front door. If bark or gravel is used, the walkway shall include a border capable of containing the bark or gravel.

e. Hauling Mechanisms.

The transportation mechanisms including the wheels, tongue, axles, hitch or other towing apparatus, and transportation lights shall be removed prior to the issuance of a *Certificate of UDO Compliance*.

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2. Dimensional Criteria.

All *manufactured homes* shall comply with all the *development standards*, including but not limited to the minimum *front, side* and *rear yard*, and *building setback* requirements, of the *district* in which they are located.

3. Additions.

On-site additions, such as *garages*, decks and porches, shall, in addition to the requirements of this UDO, be built in compliance with the Town of Holly Springs Building Code and all applicable State of North Carolina building codes.

J. Additional Regulations for Accessory Dwellings.

Intent: This Section provides standards to insure compatibility of *accessory dwellings* with other *permitted uses* and with the *single family* residential character of the *district* and neighborhood in which the *accessory dwellings* are located as well as clearly establishing the secondary or incidental status of *accessory dwelling* in relation to the *primary use* of the *lot* for *single family dwelling* purposes.

1. An *accessory dwelling unit* may be located either: (i) within the *building* containing the *primary use single family dwelling*; or, (ii) within a detached *accessory building* which is also used for storage, *garage* or other *accessory use* purposes incidental to the *primary use* of the *lot* for a *single family dwelling*.
2. An *accessory dwelling unit* shall not be located in a free-standing, independent *building* or *structure*.
3. An *accessory dwelling* shall contain no more than two (2) bedrooms.
4. The *gross floor area* of an *accessory dwelling* shall be no greater than 50% of the *finished floor area* of the *primary use single family dwelling* located on the *lot* or 1,000 square feet, whichever is less. [Amended Ordinance #07-04]
5. An *accessory dwelling* shall comply with all *minimum front yard* and *minimum side yard* and *aggregate side yard* requirements of the *district* in which it is located.
6. If an *accessory dwelling* is located in a detached *accessory building*, the detached *accessory building* containing the *accessory dwelling* shall not be located between the established *front building line* and the *front lot line*.
7. Two (2) *off-street parking spaces* shall be provided for the *accessory dwelling* in addition to the *off-street parking spaces* required for the *primary use single family dwelling* located on the *lot*.
8. The *building materials* and architectural style of the *accessory dwelling* shall be compatible with the *building materials* and architectural style of the *primary use single family dwelling*.
9. An *accessory dwelling* shall only be permitted on a *lot* upon the grant of a *Special Exception* pursuant to Section 9.09 – Decision Matrix.
10. An *accessory dwelling* on a *lot* shall not be a *manufactured home* unless the *primary dwelling* on the *lot* is a *manufactured home*.