



SECTION 4.05

Development Plan Amendment

DEVELOPMENT PLAN AMENDMENT PROCEDURES

What you will need to file a Petition for an Amendment to a Development Plan:

- Development Plan Application Packet
- Town of Holly Springs Unified Development Ordinance
- Copy of Approved Development Plan

UNACCEPTABLE AMENDMENT PROCEDURES

Unacceptable Amendments as described in UDO Section 9.05, D., 5., c., (2.) include modifications to previously approved plans that adversely impact the purpose and intent of the overall development. Any such amendment is required to file a new petition for the appropriate review process.

MINOR AMENDMENT PROCEDURES

Minor Amendments as described in UDO Section 9.05, D., 5., c., (1.), do not involve the following: (a) expansion of building footprint area by more than twenty-five (25) percent; (b) increase in building height by more than fifteen (15) percent; (c) expansion or reduction in the amount of off-street parking areas by more than ten (10) percent (expansion above 110% of the minimum requires a Town Council approved waiver if the building footprint is greater than 20,000 sq. ft.); (d) increase in the total number of lots/units within the overall original development plan approval by more than ten (10) percent, or ten (10) lots/units, whichever is less; (e) reduction of open space within the overall project or subdivision by more than ten (10) percent; (f) increase in project acreage by more than ten (10) percent or five (5) acres whichever is less (except for PUDs); (g) the designation of additional land uses; (h) the reduction in perimeter yards; (i) the addition of driveways or access points; (j) a substantial change in building design, building material selection, or percentage of various building materials utilized; (k) an increase in the total number of freestanding signs, an increase in the total sign surface area for any type of sign (building sign or freestanding sign) or the height of a freestanding sign that requires a waiver of sign regulations in accordance with provisions of Section 7.03, H. Waiver of Sign Regulations; or (l) a modification that would conflict with specific conditions of approval of the original development plan or findings of fact made in conjunction for a Special Exception Use in the project. Minor amendments may be approved at an administrative level using the procedures in this section. [Amended Resolution #15-26]*

AMENDMENT SUBMITTAL & REVIEW REQUIREMENTS

- Submit plan coversheet including the description of amendment(s) requested and date.
- Only submit the cover sheet and any sheets that may change as a result of the amendment. Full plan set is not required if each sheet is not affected.
- All amendments are to be clouded and noted with a delta.
- Only noted amendments on the sheet will be approved by staff.

- Amendments not clouded and noted will not be approved and will be required to refer to the original approved plans.

[Amended Resolution #05-33]

Prior to Filing Petition:

1. Schedule a Concept Plan Review Meeting through the Department of Planning & Zoning. This meeting must be held a minimum of five (5) business days prior to the submittal of the Minor Amendment Petition, however, it is recommended that you have this meeting at least two (2) weeks prior to filing. This meeting must not be held more than eight (8) weeks prior to filing the petition. See Section 1.01 Concept Plan Review for more information regarding this required meeting.

Petition Filing:

1. Submit Petitions for Minor Development Plan Amendment along with any supporting documentation by the posted deadline time to the Department of Planning & Zoning on Monday. The Development Plan Packet provides a detailed list of all application submittal requirements. Petitions received after Monday will be placed in the next week's review cycle.
2. The Department of Planning & Zoning will notify Petitioner of an incomplete petition or any missing information within two (2) business days after the submittal deadline date. This information must be completed and submitted within one (1) business day, or the petition will be placed in the next available review cycle after the information is submitted and the petition is deemed complete. However, if information specified on the "Required Submittal Items List" or the "Plan Requirement & Data Checklist" is not included, the Petitioner will be notified of the missing information and will be not be included in the current review cycle. The information must be completed and submitted by the posted deadline date for the next available review cycle to deem the petition complete to be included in that review cycle. [Amended Resolution #08-10]

Petition Review Process:

1. The Department of Planning & Zoning will forward a copy of the completed petition to all Staff in the specific review process.
2. Staff will review the submitted petition and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition within fifteen (15) business days after the submittal date.
3. Revised plans and any requested information must be submitted for staff review in accordance with the submittal requirements as stated above to remain in the review cycle. If plans are submitted after the deadline date or do not include all items requested in the Staff Review Comments, the Petitioner will be notified of the missing information and the Petition will be not be continued in the current review cycle. The information must be completed and submitted by the posted deadline date for the next available 2nd (or 3rd) review cycle to deem the Petition complete to be included in that review cycle. [Amended Resolution #08-10]
4. Staff will review the revised plans and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition.

Note: If at any time during the Amendment Review process, there is no written correspondence to the Department of Planning & Zoning for a period exceeding thirty (30) days, the Petition will be deemed withdrawn and a new Petition and review process will be required to consider the request.

Determination of Official Action:

1. The third and final set of revised drawings (if needed) for determination of official action must be submitted in accordance with the staff review comments.
2. Plans for Official Action and any requested information must be submitted in accordance with the submittal requirements as stated above to remain in the review cycle. If plans are submitted after the deadline date or do not include all items requested in the Staff Review Comments, the Petitioner will be notified of the missing information and the Petition will be not be continued in the current review cycle. The information must be completed and submitted by the posted deadline date for the next available Official Action review cycle to deem the Petition complete to be included in that review cycle. [Added Resolution #08-10]
3. Within five (5) business days after the submittal deadline date, the Director, shall make a final determination to either: approve, approve with conditions, or deny the petition request based upon confirmation form the other Department Directors in the review process.
4. The Department of Planning & Zoning will notify all persons named on the Development Plan Amendment Petition regarding the Director's decision within ten (10) days of their action. [Amended Resolution #09-16]