



Town of Holly Springs

Town Council Meeting Agenda Form

Town Clerk's Office Use:

Agenda Item #:	7b
Attachment #:	4

Meeting Date: August 21, 2018

Agenda Placement: Public Hearing

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

Subject Title: 18-UDO-04 Historic Preservation Incentives

Presenter Name(s): Sean Ryan

SUBJECT HIGHLIGHTS:

The Town of Holly Springs adopted Vision Holly Springs: Town of Holly Springs Comprehensive Plan in November 2007 and updated the plan in 2009. Included in this plan is Section 4: Community Character that includes procedures and policies to protect, preserve and manage historical resources. This section was recently updated in July 2018.

The Town Council held a workshop with Planning & Zoning staff and Capital Area Preservation on the status of the town's historic preservation efforts on April 4, 2018. The Town Council expressed interest in offering incentives to property owners to encourage the preservation of historic structures. Planning & Zoning staff are proposing an amendment to the Unified Development Ordinance (UDO) that would provide certain incentives for the preservation, rehabilitation, or adaptive reuse of historic structures. A list of incentives is provided which would allow the property owner or developer to seek waivers or reductions of certain development requirements.

The Town Council, by making findings of fact, would determine whether the requested incentives were appropriate and would be able to grant or deny the requested incentives. Since the town does not have the legislative authority to require the preservation of historic structures, an incentive-based approach will allow the town to have a more active role in ensuring historic structures can be preserved for the betterment of the community.

Advisory board recommendation, if applicable:

The Planning Board discussed the following issues and concerns at its meeting July 24:

- How the incentives would be applied to each project. Staff discussed that it would depend on the incentive requested and how the applicant requested to use the incentive. The Town Council would have discretion in how the incentive is applied to a project.
- The board specifically discussed the density bonus and initially expressed concern that it may be too high when applied to a large project. It was discussed that the Town Council could provide a density bonus up to .50 units per acre. A smaller density bonus could be approved if .50 units per acre was not deemed to be appropriate based on the historic resource being preserved or the method of preservation. The board was comfortable with this incentive.
- General questions regarding the Town's role in historic preservation
- Other potential incentives were mentioned for staff to further research.

The Planning Board recommended to Approve. The Planning Board vote was: 7-0-2 |

Staff recommendation, if applicable:

Approve

Total Number of Motions: | 2

Action(s) requested or suggested motion(s):

HOLD PUBLIC HEARING: Accept public comment on proposed Unified Development Ordinance Amendment #18-UDO-04 to provide incentives for the preservation, rehabilitation, or adaptive reuse of historic structures.

Statement of Compatibility:

Motion for the Minutes 1 of 2: Motion to accept the following statements as true: *“The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan, specifically including the following sections:*

- *Section 4: Community Character, Objectives:*
 - *Objective 10: Establish procedures and policies to protect preserve and manage cultural and historical resources.*
 - *Objective 11: Ensure development proposals that are adjacent to known historic or cultural resources include measures to protect those resources from demolition, including adaptive reuse strategies by encouraging developers to utilize existing historic structures and features into the design of new developments or relocating them to appropriate locations to maintain glimpses of the Town’s past with its future.*
- *Section 4: Community Character, Preserving Town History*
- *Appendix 2.1: Village District Area Plan, Goals:*
 - *Celebrate the history and protect the assets that reflect Holly Springs’ history*

The proposed UDO Amendment provides the tools necessary for the Town of Holly Springs to protect and preserve historical resources and implement the goals and objectives stated in the Plan.’

Motion for the PowerPoint 1 of 2: Motion to accept the statements of compatibility with the Comprehensive Plan as noted in agenda packets.

Ordinance:

Motion for the Minutes 2 of 2: Motion to adopt Ordinance 18-11 approving and enacting Unified Development Ordinance text amendment 18-UDO-04 regarding historic preservations incentives.

Motion for the PowerPoint 2 of 2: Motion to adopt Ordinance 18-11 approving and enacting a UDO amendment regarding historic preservations incentives. |

Staff Review _____

Are there exhibits for this agenda item? **yes** |

List them in order they should appear in packet: **planning board report; ordinance** |

Department head initials and comments, if applicable: **KDP, gmc** |

Finance director initials and comments, if applicable: | |

Town attorney initials and comments, if applicable: | |

Town manager initials and / or comments: **dw by jp** |

Town clerk initials: **jp** |



Town of Holly Springs Staff Report to the Planning Board

REQUEST FOR UDO TEXT AMENDMENT HISTORIC PRESERVATION INCENTIVES 18-UDO-04

PETITIONER(S):

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

ANTICIPATED REVIEW SCHEDULE:

Planning Board: July 24, 2018
Public Hearing and Town Council Action: August 21, 2018

STAFF CONTACTS: Sean Ryan, Planner I

ATTACHMENTS:

Draft Amendment

UDO SECTION HISTORY

UDO Section 1 Provisions of Common Applicability contains general information applicable to all parcels of land within the Town of Holly Springs and Extra Territorial Jurisdiction.

STAFF ANALYSIS

AMENDMENT SUMMARY

The Town of Holly Springs adopted Vision Holly Springs: Town of Holly Springs Comprehensive Plan in November 2007 and updated the plan in 2009. Included in this plan is Section 4: Community Character that includes procedures and policies to protect, preserve and manage historical resources. This section was recently updated in July 2018.

The Town Council held a workshop with Planning & Zoning staff and Capital Area Preservation on the status of the town's historic preservation efforts on April 4, 2018. The Town Council expressed interest in offering incentives to property owners to encourage the preservation of historic structures. Planning & Zoning staff are proposing an amendment to the UDO that would provide certain incentives for the preservation, rehabilitation, or adaptive reuse of historic structures. A list of incentives is provided which would allow the property owner or developer to seek waivers or reductions of certain development requirements. The Town Council, by making findings of fact, would determine whether the requested incentives were appropriate and would be able to grant or deny the requested incentives. Since the town does not have the legislative authority to require the preservation of historic structures, an incentive-based approach will allow the town to have a more active role in ensuring historic structures can be preserved for the betterment of the community.

STAFF RECOMMENDATION TO THE PLANNING BOARD

PLAN CONSISTENCY STATEMENT:

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

- **Section 4: *Community Character, Objectives:***
 - **Objective 10: Establish procedures and policies to protect, preserve and manage cultural and historical resources.**
 - **Objective 11: Ensure development proposals that are adjacent to known historic or cultural resources include measures to protect those resources from demolition, including adaptive reuse strategies by encouraging developers to utilize existing historic structures and features into the design of new developments or relocating them to appropriate locations to maintain glimpses of the Town’s past with its future.**
- **Section 4: *Community Character, Preserving Town History***
- **Appendix 2.1: *Village District Area Plan, Goals:***
 - **Celebrate the history and protect the assets that reflect Holly Springs’ history**

The proposed UDO Amendment provides the tools necessary for the Town of Holly Springs to protect and preserve historical resources and implement the goals and objectives stated in the Plan.

SUGGETSED MOTION:

Motion that the Planning Board recommend approval of UDO Text Amendment #18-UDO-04 as submitted by the Town of Holly Springs

Agenda Item Completeness Checklist				
Staff Member	Approved for Distribution			Comments
	Yes	No	Initials	
Sean Ryan	X			
Rachel Jones				
Melissa Sigmund	X		MS	
John Schifano, Town Attorney				



THE TOWN OF

Holly Springs

Ordinance Number:
Date Submitted:
Date Adopted:

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

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

Part 1:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to Table of Contents, Section 1 Provisions of Common Applicability:

1.23 Historic Structures

Part 2:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to Section 1 Provisions of Common Applicability, Table of Contents:

1.23 Historic Structures

- A. Incentive Eligibility**
- B. Incentive Application**
- C. Incentives for the Preservation, Rehabilitation, or Adaptive Reuse of Historic Structures**

Part 3:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to Section 1 Provisions of Common Applicability:

1.23 Historic Structures

The purpose of this Section is to provide incentives for *projects* that incorporate preservation, rehabilitation, or adaptive reuse of *historic structures*. The historical heritage of the Town of Holly Springs is a valued and important asset. The Town of Holly Springs seeks to safeguard the heritage of the Town by preserving *historic structures* that contribute important elements of the culture,

history, architectural history, or pre-history of the Town; and to promote the use and conservation of such historic structures for the education, pleasure, enrichment, and general welfare of the residents of Holly Springs.

A. Incentive Eligibility

1. In order to be eligible for incentives, the *historic structure* must remain on the original property or be relocated to another property within the Town of Holly Springs town limits or extraterritorial jurisdiction that is compatible in character with its original setting. The *structure's* existing and proposed *building setback* orientation shall be considered when determining the compatibility of the proposed site. The *structure* shall be sited no greater than twice the *minimum front yard* and *building setback* required by the zoning *district* of the property on which the *structure* is proposed to be located.

B. Incentive Application

1. Review for compliance and granting of requests for incentives in accordance with this section shall occur in conjunction with the following project types:
 - a. *Development Plan*
 - b. *Special Exception Use*
 - c. *Planned Unit Development*
 - d. *Preliminary Plan*
 - e. *Master Plan*
2. A *project* seeking to use incentives shall demonstrate how preservation, rehabilitation, or adaptive reuse of *historic structures* will be achieved. Such request for incentives shall be filed in accordance with the requirements of Section 9.09 – Decision Matrix of this UDO, provided that the determination of the request for incentives shall only be granted only upon making the following findings:
 - a. The requested incentives will significantly preserve the historic materials, features, and/or spatial relationships that characterize the *historic structure*; and,
 - b. The requested incentives are the appropriate methods to ensure the long-term preservation of the *historic structure*; and,

- c. The preservation, rehabilitation, or adaptive reuse of the *historic structure* is consistent with the intent of the Comprehensive Plan; and,
- d. The preservation, rehabilitation, or adaptive reuse of the *historic structure* is consistent with the intent and purpose of this UDO.

All findings specified above for the granting of incentives for the preservation, rehabilitation, or adaptive reuse of *historic structures* shall be reduced to writing and signed by the *Director* and retained as a part of the permanent record of the determination.

- 3. The *Town Council* may choose to deny a request for incentives if the *historic structure* has been modified or altered in a manner that has destroyed historic materials, features, and/or spatial relationships that characterize the *historic structure* within the immediately preceding forty-eight (48) months, measured from the date of the Town’s final inspection of such activities pursuant to the North Carolina State Building Code.
- 4. Prior to the issuance of a *Certificate of Occupancy* for the *project*, a historic preservation easement and a rehabilitation agreement shall be granted to a qualified holder of historic preservation agreements as defined by NCGS Chapter 121, Article 4. Said easements shall be drafted, regulated, and enforced consistent with NCGS Chapter 121, Article 4 and shall be submitted to the *Director* for review prior to being recorded by the applicant.

C. Incentives for the Preservation, Rehabilitation, or Adaptive Reuse of Historic Structures

- 1. To encourage the preservation, rehabilitation, or adaptive reuse of *historic structures*, the exceptions or incentives contained in Table 1.23-A may be granted by the *Town Council*. The *Town Council* may grant a maximum of two (2) incentives appropriate for the *project*.

Table 1.23-A Incentives for the Preservation, Conservation or Adaptive Reuse of <i>Historic Structures</i>	
Incentive	Additional Information
<i>A gross density bonus of up to one-half (.50) additional dwelling units per acre beyond the maximum allowed gross density in the base zoning district.</i>	
<i>A reduction in the minimum developed open space requirement by an area equal to the lot area on which the historic structure is preserved.</i>	

<p>Off-street parking areas directly serving the <i>historic structure</i> exempted from the hard surface <i>off-street parking</i> requirement.</p>	<p>Refer to <u>UDO Section 7.04 D., 2: Surface of Parking Areas.</u> <i>Parking areas</i> subject to this incentive shall be determined based on the minimum (or maximum) number of <i>off-street parking spaces</i> required for the <i>structure</i> based on <u>Table 7.04-D Required Off-Street Parking.</u></p>
<p>An overall reduction from the minimum <i>off-street parking space</i> requirements by fifteen (15) percent, or an increase to the maximum allowable number of <i>off-street parking spaces</i> provided by fifteen (15) percent.</p>	<p><i>Parking areas</i> subject to this incentive shall be determined based on the minimum (or maximum) number of <i>off-street parking spaces</i> required for the <i>structure</i> based on <u>Table 7.04-D Required Off-Street Parking.</u></p>
<p>Exterior <i>building</i> façade modifications and additions exempted from the <i>Building Material, Colors, Textures, Architecture, Roof Treatment, and Façade Modulation</i> requirements.</p>	<p>Refer to <u>UDO Section 3.03 C. TV Town Village District; 3.08 Commercial/Mixed Use Districts; and Section 4.05 Industrial Districts.</u> Any exterior <i>building</i> modification shall not destroy historic materials, features, and/ or spatial relationships that characterize the <i>structure</i>. Any additions shall be constructed to be compatible with the historic <i>building material, features, size, scale, proportion, and massing</i> to protect the historical integrity of the historic <i>structure</i>, as recommended by the <i>Director</i>.</p>
<p>An increase in the maximum allowable <i>building height</i> by up to one (1) story or fourteen (14) feet beyond the maximum allowed <i>building height</i> in the base zoning <i>district</i>.</p>	

Part 4:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to Section 9.09 B.

Decision Matrix:

	Development Petition	Director	Technical Review Committee	Planning Board	Board of Adjustment	Town Council
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(54)	Waiver of Pedestrian Circulation and Vehicular Area Design in the LB, TV, OR, CB, GB, BT, RT, & IT District associated with a Development Plan with a Gross Floor Area =/ < 20,000 sq. ft. [Added ordinance #09-21; Amended Ordinance #11-03]*	C, D	—	—	—	A, M
(55)	Incentives for the Preservation, Rehabilitation, or Adaptive Reuse of Historic Structures	C, R	—	R, M	—	D, M
(57) (56)	UDO Permits	D	—	—	A, H	—

A = Appeal C = Comment D = Determination H = Public Hearing
M = Public Meeting R = Recommendation
J = Joint Public Hearing with *Town Council*

Part 5:

Add text as indicated in **bold** and remove text as indicated in ~~striketrough~~ to Section 11

Definitions:

Historic Structure: Any *structure* that is designated a local, State, or national landmark; or, any *structure* that is individually listed in the National Register of Historic Places; individually identified as a contributing *structure* in a historic district listed in the National Register of Historic Places; certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed in the State inventory of historic places; individually listed in the county inventory of historic places; or, individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program (including certified local governments) as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Part 6: REPEAL OF CONFLICTING ORDINANCES

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

Part 7: SEVERABILITY

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

Part 8: INCLUSION IN CODE

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

Part 9: EFFECTIVE DATE

The provisions of this ordinance shall become effective August 24, 2018 in accordance with the laws of the State of North Carolina.

Adopted this, the 28th day of August 2018.

Attested to:

Dick Sears, Mayor

Joni Powell, MMC, Town Clerk





THE TOWN OF

Holly Springs

Ordinance Number: 18-11

Date Submitted: Aug. 21, 2018

Date Adopted: Aug. 21, 2018

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Email: dick.sears@hollyspringsnc.us

- A. **Incentive Eligibility**
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 - b. The requested incentives are the appropriate methods to ensure the long-term preservation of the *historic structure*; and,
 - c. The preservation, rehabilitation, or adaptive reuse of the *historic structure* is consistent with the intent of the Comprehensive Plan; and,
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 3. The *Town Council* may choose to deny a request for incentives if the *historic structure* has been modified or altered in a manner that has destroyed historic materials, features, and/or spatial relationships that characterize the *historic structure* within the immediately preceding forty-eight (48) months, measured from the date of the

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Town's final inspection of such activities pursuant to the North Carolina State Building Code.

4. Prior to the issuance of a *Certificate of Occupancy* for the *project*, a historic preservation easement and a rehabilitation agreement shall be granted to a qualified holder of historic preservation agreements as defined by NCGS Chapter 121, Article 4. Said easements shall be drafted, regulated, and enforced consistent with NCGS Chapter 121, Article 4 and shall be submitted to the *Director* for review prior to being recorded by the applicant.

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Table 1.23-A Incentives for the Preservation, Conservation or Adaptive Reuse of <i>Historic Structures</i>	
Incentive	Additional Information
A <i>gross density</i> bonus of up to one-half (.50) additional <i>dwelling units</i> per acre beyond the maximum allowed <i>gross density</i> in the base zoning <i>district</i> .	
A reduction in the minimum <i>developed open space</i> requirement by an area equal to the <i>lot area</i> on which the <i>historic structure</i> is preserved.	
<i>Off-street parking areas</i> directly serving the <i>historic structure</i> exempted from the hard surface <i>off-street parking</i> requirement.	Refer to <u>UDO Section 7.04 D., 2: Surface of Parking Areas</u> . <i>Parking areas</i> subject to this incentive shall be determined based on the minimum (or maximum) number of <i>off-street parking spaces</i> required for the <i>structure</i> based on <u>Table 7.04-D Required Off-Street Parking</u> .
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Exterior <i>building</i> façade modifications and additions exempted from the <i>Building Material, Colors, Textures, Architecture, Roof Treatment, and Façade Modulation</i> requirements.	Refer to <u>UDO Section 3.03 C. TV Town Village District; 3.08 Commercial/Mixed Use Districts; and Section 4.05 Industrial Districts</u> . Any exterior <i>building</i> modification shall not destroy historic materials, features, and/ or spatial relationships that characterize the <i>structure</i> . Any additions shall be constructed to be

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	compatible with the historic <i>building material</i>, features, size, scale, proportion, and massing to protect the historical integrity of the historic <i>structure</i>, as recommended by the <i>Director</i>.
An increase in the maximum allowable <i>building height</i> by up to one (1) story or fourteen (14) feet beyond the maximum allowed <i>building height</i> in the base zoning <i>district</i>.	

Part 4:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to Section 9.09 B. Decision Matrix:

	Development Petition	Director	Technical Review Committee	Planning Board	Board of Adjustment	Town Council
(54)	Waiver of Pedestrian Circulation and Vehicular Area Design in the LB, TV, OR, CB, GB, BT, RT, & IT District associated with a Development Plan with a Gross Floor Area =/ < 20,000 sq. ft. [Added ordinance #09-21; Amended Ordinance #11-03]*	C, D	—	—	—	A, M
(55)	Incentives for the Preservation, Rehabilitation, or Adaptive Reuse of Historic Structures	C, R	—	R, M	—	D, M
(57) (56)	UDO Permits	D	—	—	A, H	—

A = Appeal C = Comment D = Determination H = Public Hearing
M = Public Meeting R = Recommendation
J = Joint Public Hearing with *Town Council*

Part 5:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to Section 11 Definitions:

Historic Structure: Any *structure* that is designated a local, State, or national landmark; or, any *structure* that is individually listed in the National Register of Historic Places; individually identified as a contributing *structure* in a historic district

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listed in the National Register of Historic Places; certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed in the State inventory of historic places; individually listed in the county inventory of historic places; or, individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program (including certified local governments) as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Part 6: REPEAL OF CONFLICTING ORDINANCES

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

Part 7: SEVERABILITY

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

Part 8: INCLUSION IN CODE

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

Part 9: EFFECTIVE DATE

The provisions of this ordinance shall become effective August 21, 2018 in accordance with the laws of the State of North Carolina.

Adopted this, the 21st day of August 2018.

Attested to:



Dick Sears, Mayor

Joni Powell, NCCMC, Town Clerk

Office of the Mayor

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