



THE TOWN OF

Holly Springs

Ordinance Number: XX-XX

Date Submitted:

Date Adopted:

**AN ORDINANCE TO AMEND SECTIONS OF THE CODE OF ORDINANCES,
APPENDIX A: 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 Code of Ordinances Appendix A: Unified Development Ordinance of the Town is amended as follows:

Part 1: Amending Section 7.06 F. 5. b.: Lot Design and Public Place Reservation; Recreational Facilities and Open Space; Computation of Size of Area Required for Dedication.:

Remove text as indicated in ~~strike through~~ to Section 7.06 F. 5. b: Computation of Size of Area Required for Dedication as follows:

5. Computation of Size of Area Required for Dedication.

The amount of land required to be dedicated is to be computed on the basis of the following formula:

- a. The area (in acres) of land to be dedicated shall not be less than one thirty fifth (1/35) of an acre times the number of *dwelling units* or *lots*, whichever is greater, provided that for any land so dedicated which also:
 - (1) lies within an area within the one hundred year floodplain;
 - (2) has slopes greater than fifteen (15) percent; or,
 - (3) is included within overhead utility easements, shall be dedicated at a rate of one twentieth (1/20) of an acre.
- b. Where a fee-in-lieu is paid instead of dedication, the amount of such fee for the *subdivision* shall be determined in accordance with the provisions of the Town of Holly Springs Fee Schedule. ~~Each July 1st, starting on July 1, 2013, the fee schedule shall be adjusted in correlation with the inflation rate in the previous~~

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~~calendar year as reported by the United States Department of Commerce Consumer Price Index.~~

- c. Notwithstanding any other provision in the Town of Holly Springs' Town Code, the total fee-in-lieu of dedication charged for a *subdivision* shall not exceed the fair market value of the land area that would have otherwise been required to be dedicated by the *subdivision*. For the purpose of this Section, fair market value is to be determined with respect to a *subdivision*, at the time the initial application submittal is made to the Town of Holly Springs. Fair market value shall be determined by the *Director*. In the event of a disagreement about fair market value, such value shall be determined by the procedure provided in Section 7.06, F., 7., b., below.

Part 2: 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 3: 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 4: 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 5: EFFECTIVE DATE

The provisions of this ordinance shall become effective June 4th, 2019 in accordance with the laws of the State of North Carolina.

Adopted this, the 4th day of June 2019.

Attested to:



Dick Sears, Mayor

Linda McKinney, Town Clerk

Office of the Mayor

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