

REGENCY at HOLLY SPRINGS ZONING MAP CHANGE – Proposed Zoning Conditions – DATED 10/15/19

The terms and conditions contained in this instrument shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners, heirs, devisees, grantees, lessees, and licensees of the above-described real estate and other persons acquiring an interest therein. The terms of this conditional use permit may be modified or terminated by a decision of the Town of Holly Springs Town Council made at a public hearing after proper notice has been given and in connection with a petition for zoning map change. The terms and conditions contained in this instrument shall be effective upon the approval of the conditional use district on the subject real estate and the approval of this Conditional Use Permit by the Town Council pursuant to the Town of Holly Springs Unified Development Ordinance, and shall continue in effect until modified or terminated by the Town of Holly Springs Town Council. The terms and conditions of this instrument may be enforced by the Town of Holly Springs Town Council. This Conditional Use Permit shall be retained in the office of the Department of Planning & Zoning of the Town of Holly Springs, North Carolina and shall constitute additional restrictions on the use and development of the subject real estate.

- 1) The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with the Residential Project. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development.
- 2) The Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan and the approved Transportation Impact Analysis, to create conditions essential to public health, safety, and the general welfare. A rezoning may be delayed until such time as necessary transportation improvements (to include offsite improvements) may be made, unless the Town and the Developer can enter into agreements to accelerate the time for completion of these needed improvements.
- 3) All internal neighborhood streets shall feature sidewalks on both sides.
- 4) Permitted uses shall be limited to single-family dwellings.
- 5) The use of vinyl-siding shall be prohibited, except for accent elements of the façade, limited to twenty (20) percent of the total façade area.
- 6) Dwelling units containing a front-loaded garage must provide decorative or carriage style garage doors or a decorative garage opening.
- 7) The proposed subdivision shall have a maximum permitted density of 2.10 dwellings units per acre.
- 8) All private yards within the subdivision shall be maintained by the Homeowners' Association. These services include but are not limited to: mowing as well as debris blowing services.

- 9) The proposed subdivision will feature several active amenity types including: walking trails, pocket parks, as well as a sport/game court.
- 10) A minimum of 2,640 LF of private walking trails shall be built at the developer's expense. These walking trails shall be a eight (8) feet in width.
- 11) In order to create a diverse neighborhood, there will be a minimum of two housing collections offered. Housing collection 'A' shall consist of a min. of 39' dwelling width with a base house square footage range between 1,500 – 2,300 SF. At least 30% of the homes will be built from Housing Collection 'A'. Housing Collection 'B' shall consist of a minimum of 49' dwelling with a base house square footage range between 2,100 – 3,500 SF. At least 30% of the homes will be built from Housing Collection 'B'.
- 12) All dwellings shall be limited to age-restricted with associated amenities and are intended to consist of ranch style homes. A Declaration of Covenants, Conditions, and Restrictions ("Declaration") providing that at least eighty percent (80%) of all occupied units shall have as a resident at least one person age 55 or older ("age restriction") shall be recorded with the applicable Register of Deeds Office. Any recession or modification of the covenants regarding age restriction shall have approval of the town.

Prior to applying for any building permits, an opinion letter from an attorney licensed to practice in North Carolina shall be provided to the Town stating that the age restriction was drafted in a form that the attorney, in the exercise of customary professional diligence, would reasonably recognize as compliant with the Fair Housing Act 42 U.S.C Sec. 3601, et. seq., and the North Carolina State Fair Housing Act, N.C. Gen. Stat. 41A-1, et seq.

- 13) All garage doors shall be limited to a maximum of 50% of the linear length of the ground floor.
- 14) The proposed subdivision associated with this rezoning will be served by public sewer. The developer acknowledges that a pump station will be required to serve a portion of this future subdivision. The developer will be required to submit a pump station development plan which shall be designed and constructed to meet or exceed Town of Holly Springs standards. The entire cost of the design and construction of the pump station will be the responsibility of the developer of the proposed subdivision when developed.