



Agenda

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Adjustment and approval of July 19, 2022 meeting agenda

PUBLIC COMMENT PERIOD

Notes on the Public Comment Period - Each speaker may speak up to 3 minutes, and the total comment period will be 15 minutes or less. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. Although the Council is interested in hearing your concerns, speakers should not expect Council action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda. Thank you for your consideration of the Town Council, staff, and other speakers.

REQUESTS AND COMMUNICATIONS

5. Update from Dr. Dave Sehgal, Seqirus' Vice President of Manufacturing and Site Head
6. FUJIFILM Diosynth Biotechnologies Partnership Development Grant Award
7. Regional Transportation Alliance Presentation
8. Pavement Condition Survey Results

CONSENT AGENDA

9. Approve the minutes of the June 14, 2022 workshop meeting and the June 21, 2022 business meeting.
10. Green Oaks Tech Center, Voluntary Annexation A22-01

PUBLIC HEARINGS

11. UDO Technical Corrections and Development Notifications 22-UDO-02 - Legislative Hearing

NEW BUSINESS

12. Friendship Innovation Park Utilities

OTHER BUSINESS

MANAGER'S REPORT

CLOSED SESSION -

ADJOURNMENT

In accordance with ADA regulations please contact the Town Clerk's office at least 48 hours before the meeting to request an auxiliary aid or service needed to participate in this meeting:

linda.mckinney@hollyspringsnc.gov 919-557-3900



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 5.

Requests & Communications

Title: Update from Dr. Dave Sehgal, Seqirus' Vice President of Manufacturing and Site Head

Strategic Priority Area: Economic Prosperity & Diversity

Staff Resource: Irena Krstanovic, Director, Economic Development

Action(s):

No actions requested

Explanation:

- Seqirus' Vice President of Manufacturing and Site Head, Dr. Dave Sehgal, will present an update on the growth and success of the company in the past few years.

Background:

- Seqirus, formerly Novartis, announced Holly Springs as its chosen location for its next pharmaceutical manufacturing facility in 2006. This was the first major life science company to call Holly Springs home.
- Seqirus is the largest cell-based influenza vaccine producer in the world and the first in the U.S.
- Located in the Holly Springs Business Park, Seqirus has approximately 800 employees.
- On June 6, Town Council and staff participated in a ribbon cutting to celebrate the completion of a new \$156M facility expansion.

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 6.

Requests & Communications

Title: FUJIFILM Diosynth Biotechnologies Partnership Development Grant Award

Strategic Priority Area: Economic Prosperity & Diversity

Staff Resource: Irena Krstanovic, Director, Economic Development

Action(s):

No action requested

Explanation:

- Either Kenneth Bilenburg, Vice President and Site Head of FUJIFILM Diosynth Biotechnologies Holly Springs and/or Sarah Gaskill, Head of Sustainability and Environmental, Social, and Governance for FUJIFILM Diosynth Biotechnologies will present how they have chosen to use the NC Biotechnology Center's Partnership Development Grant funds to support local teachers and students in Holly Springs.

Background:

- Town Council approved two agreements on June 21, 2022 - (1) Grant Agreement between NC Biotechnology Center and Town to receive \$175,000 & (2) Performance Agreement between the Town and FUJIFILM.
- These 2 agreements were executed as of June 27, 2022.
- The Partnership Development Grant (PDG) is designed to support North Carolina communities in attracting life science jobs and investment.
- The PDG is a performance- based program created on net new job growth in North Carolina as part of a defined company expansion or relocation project.
- FUJIFILM Diosynth Biotechnologies announced Holly Springs as its chosen location in March 2021.
- FUJIFILM Diosynth Biotechnologies is currently investing in a \$2B manufacturing facility in Holly Springs that will employ at least 725 people.

Funding Source(s):

Grant funds of \$150,000 to be received from the NC Biotechnology Center.

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 7.

Requests & Communications

Title: Regional Transportation Alliance Presentation

Strategic Priority Area: Economic Prosperity & Diversity

Staff Resource: Irena Krstanovic, Director, Economic Development

Action(s):

No action requested

Explanation:

- Joe Milazzo, Executive Director of the Regional Transportation Alliance (RTA), will provide an overview of the efforts where RTA is working to advance the region's transportation interests that support business growth and mobility across our region.

Background:

- As a program of the Greater Raleigh Chamber, The Regional Transportation Alliance (RTA) is a separately funded membership group of nearly 100 companies across the Triangle (including municipalities) and 23 member chambers of commerce in central North Carolina.
- It is considered the regional business voice for transportation initiatives and policies, including strategic funding, transit, freeways, streets, air service and rail.
- Since 2002, RTA has brought together private and public sector partners to advance transportation solutions that enhance the economy and quality of life.
- Past projects the organization has gotten behind include Accelerate 540, Bus Rapid Transit (BRT), I-40 Widening, Bus on Shoulder System (BOSS).
- RTA championed the completion of 540 in western Wake County and the acceleration of 540 in southern Wake County, serving as the lead private sector lobbying organization for both segments.
- The Town is currently not a member of RTA, but this may be an area to explore as an additional strategy in the advocacy of transportation infrastructure investments in Southwest Wake County.

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 8.

Requests & Communications

Title: Pavement Condition Survey Results

Strategic Priority Area: Responsible & Balanced Growth

Safe & Friendly

Staff Resource: Michael Leonas, Utilities and Infrastructure, Dirk Siebenbrodt, Utilities and Infrastructure

Action(s):

Receive results of the 2022 Pavement Condition Survey and Asset Lifecycle Modeling, prepared by WithersRavenel.

Explanation:

- The pavement condition survey serves as a basis for the determination of the scope, prioritization and budget for future pavement repair and resurfacing programs.
- The survey employed Long Term Pavement Performance methodology to determine the Pavement Condition Index (PCI) for each street segment.
- A PCI is a numerical index between 0 and 100, which is used to indicate the general condition of a pavement section.
- PCIs along with financial cost data for various repair/resurfacing methods and predictive PCI degradation curves are used to develop an Asset Lifecycle Model (ALM) for the Town's street network.
- ALM's enable the town to develop and evaluate various capital investment planning strategies with the goal of providing consistent and sustainable PCI service levels across the street network.
- As part of the previously approved proposal cost, the first year of "managed services" for the ALM is included. These services provide for quarterly updates to the Model to incorporate current data on maintenance and repairs performed on the streets, changes in the street inventory, changes in the financial data utilized to calculate repair and maintenance costs, and changes in the predictive degradation algorithms.

Background:

- On March 1st, 2022, Town Council awarded a Contract for Professional Services for the 2022 Pavement Condition Survey and Asset Lifecycle Modeling to WithersRavenel.
- A pavement condition survey is conducted on the street network owned and maintained by the Town at approximately five (5) year intervals, while street improvement projects are implemented every 1-2 years.
- The last survey conducted in 2016 included approximately 117 centerline miles. This proposed update will include approximately 154 miles.

Funding Source(s):

FY 2021-22 Community Investment Plan (CIP)

Attachment(s):

1. Holly Springs 2022 Pavement Management Full Report
2. Town of Holly Springs PCI 2022 Map



2022 Pavement Management Report

Town of Holly Springs, NC

June 2022

WR Job Number: 02201096.00
Prepared for the Town of Holly Springs, NC

TOWN OF HOLLY SPRINGS, NC 2022 Pavement Management Report

June 2022

WITHERSRAVENEL

N.C. License # F-1479



6-24-2022

Prepared by:
Steve Lander, P.E.
Project Manager

This Page Is Intentionally Left Blank

CONTENTS

List of Tables	6
List of Figures	6
Abbreviations.....	6
I. Executive Summary.....	7
Introduction.....	7
Current Year (2022) Results:.....	7
Optimized Analysis Results (Year 2032).....	10
Municipal PCI Comparison.....	12
Summary	12
II. Report	13
Introduction.....	13
Procedures.....	13
Pavement Condition Survey.....	13
Software Analysis and Reporting.....	14
Scenario Analysis Results	17
Predictive Modeling Key Takeaways	17
Observations	19
Recommendations	21
PCS Deliverables	22
Acknowledgement	23
Conclusion	23
Roadway Assets.....	23
Other Assets.....	23
Appendices.....	25
Appendix A –Street Inventory & Pavement Distresses	25
Appendix B – Distress Definitions.....	27
Appendix C – Town Street Listings, Alphabetical and Rating (PCI) – Under Separate Cover	

LIST OF TABLES

Table 1 – Current Condition and Asset Value (Paved Streets).....	9
Table 2 – Backlog Maintenance Needs.....	9
Table 3 – Municipal PCI Comparison	12
Table 4 – Maintenance Activity Recommendations	15
Table 5 – Maintenance Activities and Unit Costs	16
Table 6 – Predictive Modeling Results – Remaining Asset Value (RAV)	17
Table 7 – Pavement Types.....	25
Table 8 – Low and High-Volume Street Breakdown.....	25
Table 9 – Pavement Distress Summary.....	26

LIST OF FIGURES

Figure 1 – PCI Comparison	10
Figure 2 – Remaining Asset Value.....	11

ABBREVIATIONS

Name / Abbreviation	Description
Backlog	Projects that are unfunded due to financial constraints
BC	Block Cracking – See Appendix B for distress definition
CL	Centerline
FC	Fatigue Cracking – See Appendix B for distress definition
FDR	Full-Depth Reclamation
FHWA	Federal Highway Administration - See https://www.fhwa.dot.gov/about/
LTPP	FHWA's Long Term Pavement Performance distress definitions
Mill and Overlay	Removing a certain depth of asphalt with a milling machine and replacing with compacted asphalt
PCI	Pavement Condition Index
PCS	Pavement Condition Survey
PP	Defective Patching and Potholes – See Appendix B for distress definition
RAV	Remaining Asset Value
RC	Reflective Cracking – See Appendix B for distress definition
RR	Rutting and Roughness – See Appendix B for distress definition
SD	Surface Defects - See Appendix B for distress definition
TC	Transverse Cracking – See Appendix B for distress definition
WF	Worst-First – Selecting projects on a worst first basis; commonly used by municipalities and is the most expensive approach

I. EXECUTIVE SUMMARY

Introduction

WithersRavenel (WR) was retained by the Town of Holly Springs (Town) to perform a pavement management study for the Town maintained asphalt pavement streets (approximately 156 centerline miles). A visual Pavement Condition Survey (PCS) of the asphalt pavement streets was conducted by WR following the Long-Term Pavement Performance (LTPP) distress definitions (recommended by FHWA).

Brightly Predictor® Software (Software) by Brightly was used to perform the analysis on the Town maintained asphalt streets. This optimization Software incorporates WR's North Carolina deterioration models, treatment decision trees, and maintenance performance rules to find the "right mix of fixes" (the right proportioning of maintenance activities) to maximize the taxpayers' dollars. The Software also demonstrates the results of multiple funding levels over time as they pertain to the Pavement Condition Index (PCI), which is a general roadway network health indicator, and the Remaining Asset Value (RAV), a pavement network economic value based on the pavement's condition relative to an unlimited funding condition. These results are provided in simplified graphics and tables throughout this report. The distress data and maintenance recommendations are provided in Appendix C – Town Street Listings, Alphabetical and Rating (PCI).

Project Goals – The goal of WR services and this report is to take the data generated from the PCS and Software analysis and produce information that tells the story of Holly Springs's roadway network in terms that are understandable for the current and future condition while generating optimized work plans that improve the roadway network in the most economical manner. A detailed explanation of the procedures, predictive modeling, observations, scenario analysis results, recommendations, and conclusion are provided in Section II – Report.

Current Condition (2022)

PCI = 80 (Good)

RAV = \$86 Million

Below is a brief summarization of the results.

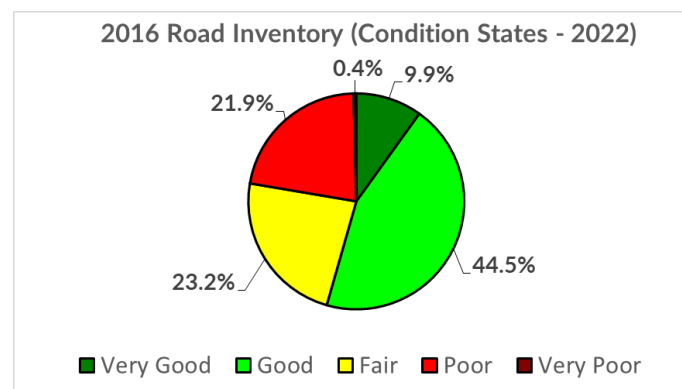
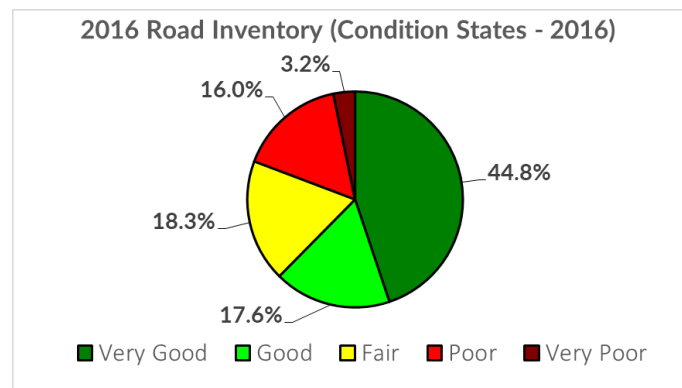
Current Year (2022) Results:

The Town's current weighted average network condition or Pavement Condition Index (PCI) is 80. The PCI in 2016 was an 81. According to the PCI Condition State to the right, which is commonly used for PCS studies in North Carolina, the Town's roadway network is on the high end of "Fair" condition. Please note that since the last PCS, approximately 40 centerline miles of new roads were added with an average PCI score of 94. When these roads are removed from the network for analysis purposes (2016 Road Inventory), the overall network PCI is 75. To further demonstrate the condition of the roadway inventory in 2016, WR compared the condition states

PCI Condition State	
VERY GOOD	91 – 100
GOOD	81 – 91
FAIR	65 – 81
POOR	26 – 65
VERY POOR	0 – 26

of the 2016 PCS data with the condition states of the 2022 PCS data. The table and pie charts of this analysis are provided below for this demonstration:

Condition State	2016 Road Inventory (Condition States - 2016)	2016 Road Inventory (Condition States - 2022)	Change (%)
Very Good	44.8%	9.9%	-34.9%
Good	17.6%	44.5%	26.9%
Fair	18.3%	23.2%	4.9%
Poor	16.0%	21.9%	5.9%
Very Poor	3.2%	0.4%	-2.8%



As can be seen from the condition states above, there has been a shift in the network condition that indicates that the Town is not keeping up with the network deterioration. This study indicates that the Town has lost 6 PCI points since the 2016 PCS for the 2016 roadway inventory. It also should be noted that newer roads will add to the overall network PCI but will also require additional maintenance costs in the future.

The current condition and asset value of the roadway network are demonstrated in Table 1 – Current Condition and Asset Value, provided below.

Table 1 – Current Condition and Asset Value (Paved Streets)

Item	Total
1. Centerline Miles	155.45
2. Lane Miles	314.17
3. Pavement Square Yards	2,181,599
4. Current PCI	80
5. Net Worth/Asset Value	\$119,987,945
6. Unlimited Funding PCI	90
7. Asset Value for Unlimited Funding	\$107,989,151
8. RAV - Current Condition	\$86,391,320

Calculations:

- Item 5 = Item 3 multiplied by the Reconstruction unit cost (\$55.00/SY)
- Item 7 = Item 5 multiplied by Item 6 divided by 100
- Item 8 = Item 7 multiplied by Item 4 divided by 100

The system backlog was determined as a means of quantifying the system condition and establishing an understanding of the workload required to maintain the rated road system. The backlog is not a set of work that would ideally be performed immediately. The current backlog of needs for the Town roadway network was determined to be \$17,901,542. If this work was all performed in year 1, the Town's PCI would increase to 90. Table 2 below shows the breakdown of the backlog maintenance needs by centerline miles and cost for each recommended maintenance activity.

Table 2 – Backlog Maintenance Needs

Maintenance Activity	Centerline Miles	Cost
Preservation – Prevent (Rejuvenators)	36.30	\$572,954
Crack Sealing	16.98	\$197,801
Patching	12.81	\$487,870
Preservation – Correct (Thin-Lift Overlay)	26.88	\$1,908,508
Rehabilitation (2" Mill and Overlay)	26.03	\$14,359,635
Reconstruction	0.52	\$374,774
Totals	119.01	\$17,901,542

Optimized Analysis Results (Year 2032)

WR ran three (3) predictive modeling budget scenarios over 10 years in the Software utilizing the current PCS data. The modeled 10-year funding scenario is primarily for comparing the relative levels of adequacy and effectiveness of varying funding levels for the current system as it moves forward. The model is not describing a funding plan for the next 10 years. The model is based on WR's North Carolina deterioration curve that applies generally across all paved roads and ultimately needs to be adjusted over time with on-going updated condition data, if it is going to specifically represent the performance of the Town's pavement. Figures 1 and 2 below demonstrate the results of each of the three (3) budget scenarios as it relates to the Average PCI and Remaining Asset Value (RAV) over time, respectively. The calculation for RAV is the same as provided in Table 1 - Current Condition and Asset Value.

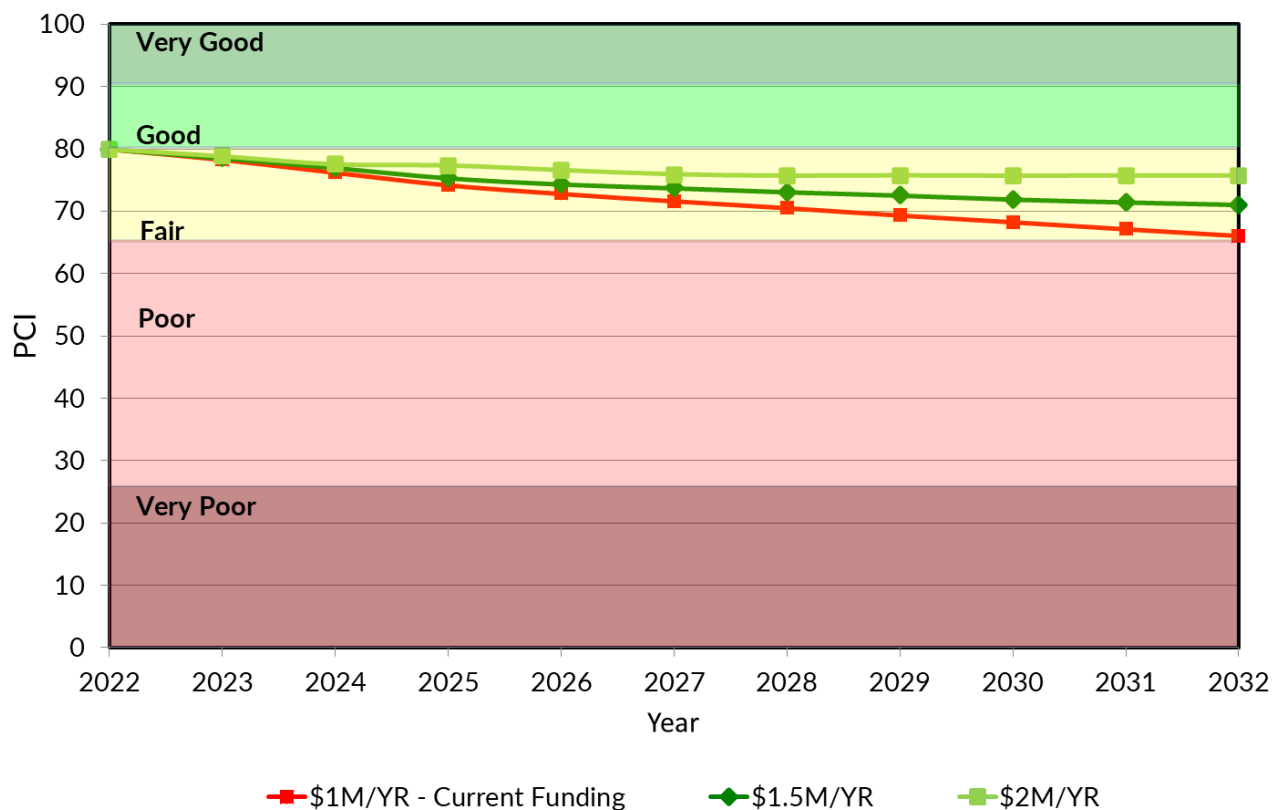


Figure 1 – PCI Comparison

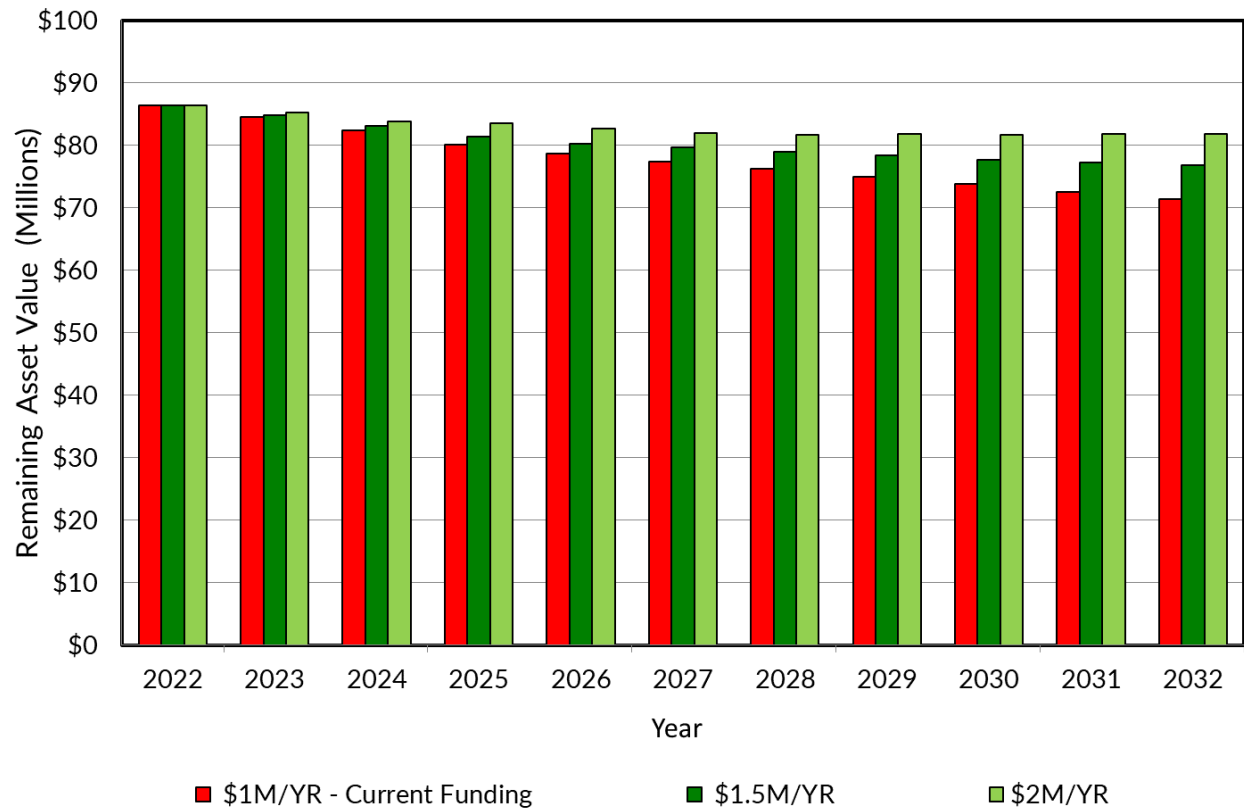


Figure 2 – Remaining Asset Value

Municipal PCI Comparison

The following table demonstrates how the Town's roadway network stacks up against other networks in North Carolina.

Table 3 – Municipal PCI Comparison

Municipality	Centerline Miles	PCI
City of Asheville	411	61
City of Greensboro	1,047	53
City of Hickory	240	66
City of High Point	450	66
City of Lexington	126	65
City of Sanford	134	73
Town of Apex	133	79
Town of Cary	522	82
Town of Fuquay-Varina	154	85
★ Town of Holly Springs	156	80
Town of Garner	105	76
Town of Kernersville	98	69
Town of Morrisville	60	85
Village of Clemmons	76	78

Summary

Based on the results of this report, Software analysis, and WR's experience with managing roadway networks, WR recommends that the Town consider increasing the annual level of roadway maintenance funding and expanding the pavement preservation treatment strategy toolbox to cost-effectively minimize the deterioration of the Town-wide pavement management network. It is less expensive to manage the roadway network at the high level of service than it is to wait for the network to fall into disrepair where the maintenance activities are more expensive.

II. REPORT

Introduction

WithersRavenel, Inc. (WR) is an Employee Stock Ownership Plan (ESOP) company founded in 1983 with offices in Asheville, Cary, Charlotte, Greensboro, Lumberton, Pittsboro, Raleigh, Southern Pines, and Wilmington, and has over 350 employees. WR is a multidisciplinary engineering firm with seven (7) core services: Utilities, Planning and Land Development, Geomatics (Survey | UAS | SUE), Environmental, Stormwater, Transportation, and Funding & Asset Management. The Pavement Management Group, which is part of Funding & Asset Management, has a primary focus of providing municipal clients with quality pavement condition surveys, pavement management software analysis and reporting, contract document preparation, contract administration, and full-time construction inspection. It has been WR's experience that, to have a successful pavement management program, a municipality needs to have success at each of these stages. WR's pavement management group provides the needed expertise and resources at each stage to ensure the municipality's success.

Procedures

Pavement Condition Survey

WR was retained by the Town to perform a Pavement Condition Survey (PCS) of the Town maintained street system. WR identified approximately 156 miles of Town maintained asphalt pavement roadways. A visual PCS of these streets was conducted by WR in April 2022. Following the Long-Term Pavement Performance (LTPP) distress definitions (recommended by FHWA), these pavement segments were rated by driving each street while observing seven (7) common pavement surface distresses on 100% of the pavement area. Severities and extents were collected for the following distresses:

1. Fatigue Cracking – (FC) – Also known as Alligator Cracking
2. Transverse Cracking (TC)
3. Block Cracking (BC)
4. Defective Patching and Potholes (PP)
5. Surface Defects – Includes Oxidation and Raveling (SD)
6. Rutting and Roughness (RR)
7. Reflective Cracking (RC)

The presence of curb and gutter was collected along with these distresses. This attribute does not have a bearing on the pavement condition index but proves to be useful when making repair activity decisions.

Distress definitions, which include severity and extent for all distresses, are provided in Appendix B. In this appendix, following the distress description, photographs are provided for each severity condition to help clarify the definitions.

Since obtaining accurate PCS data is a crucial first step in managing an effective pavement management program, WR is painstaking in providing the highest quality data. As part of WR's PCS services, the following are provided:

- An experienced two-person rating crew.
- Rater Communication Protocol – For each street segment, both raters weigh in as to the observed severity and extent for all distresses. If they are not in total agreement, they ride the segment again until they reach an agreement. At the end of each segment, the rater operating the computer reads back the distresses to the rater driving. Both must agree with the input before accepting and recording the data.
- An ArcGIS Field Application with GPS – The ArcGIS field application ensures accurate one-time data entry with prepopulated pulldowns, while the GPS unit ensures recording the correct data on the correct street segment.
- On-the-Fly Field Application PCI Calculation – The ArcGIS field application used for the PCS calculates the Pavement Condition Index (PCI) as distresses are recorded. By knowing the PCI on-the-fly, WR raters can gauge whether the PCI matches the true condition of the street segment. For instance, if a street has very few low severity distresses and is rated with a PCI score of 60, then it is apparent that something has been recorded incorrectly and should be corrected. Also, if there is PCI data from the last PCS, WR raters can compare the new PCI with the old as a benchmark. Knowing this information minimizes data entry mistakes which ensures the highest quality data for making the best decisions.

Software Analysis and Reporting

After post processing the PCS data from the field, a weighted average PCI by lane miles was then produced for the entire roadway network as a general health indicator. PCI is based on a zero to one hundred scale with zero being the lowest score and one hundred being the best score or a new street. Because WR is making decisions at the network level for this report, there was no need to develop other indices such as a structural index, environmental index, or functional index. Project level information is needed to accurately develop such indices. The “combined” condition index (PCI) and the collected pavement distresses were used to select the most effective maintenance activities as depicted in Table 4 – Maintenance Activity Recommendations to develop the Town's work plans and street listings. A description of each PCI Range for maintenance activity recommendations is provided below. The selection of recommended maintenance activities and the PCI ranges to which the maintenance activities are assigned are based on industry common practices and WR's experience in managing North Carolina roadway networks.

Table 4 – Maintenance Activity Recommendations

PCI Range	Recommended Maintenance Activity
81 to 100	Preservation - Prevent, Crack Sealing, or Patching
65 to 81	Preservation - Correct
26 to 65	Rehabilitation
0 to 26	Reconstruction

PCI Range Maintenance Activity Description

- **81 to 100** – For this PCI range the street segments are in “Good” or “Very Good” condition. When crack sealing or patching are not triggered, Preservation-Prevent, which are pavement rejuvenators, will be selected as the maintenance activity for streets that have a PCI score of 96 or greater. When patching is not triggered and the conditions warrant for crack sealing (high severity and medium severity Transverse Cracking and Block Cracking), crack sealing is triggered. Street segments that require crack sealing or patching may be candidates for Preservation-Prevent. This should be determined at the project level.
- **65 to 81** – For this PCI range the street segments are in “Fair” condition. Preservation-Correct, which can include micro surfacing, slurry seal, and cape seals, is the maintenance activity that will be selected. For this report, Preservation-Correct was assumed to be micro surfacing. **Crack sealing and patching should be performed prior to Preservation-Correct.**
- **26 to 65** – For this PCI range the streets segments are in “Poor” condition and the selected maintenance activity is Rehabilitation, which for this report is assumed to be milling existing asphalt to a specified depth and replacing with hot mix asphalt (HMA). **Patching should be performed prior to Rehabilitation.**
- **0 to 26** – For this PCI range the street segments are in “Very Poor” condition and require Reconstruction, which is either rebuilding the street segment with new materials or reclaiming the existing materials with Full-Depth Reclamation (FDR) and applying a new asphalt riding surface.

Maintenance Activity Unit Costs

Unit costs for the recommended maintenance activities were determined by using unit repair costs developed by WR and the Town (see Table 5 – Maintenance Activities and Unit Costs). These costs are based on local historical industry average costs. All unit costs contain costs for the maintenance activity, maintenance of traffic, administration, and, where necessary, raising valves and manholes, reconstructing existing or constructing new curb ramps, milling, curb and gutter repair, patching, and any preparation for the maintenance activity. These costs also include a 15% contingency on the identified construction costs.

Table 5 – Maintenance Activities and Unit Costs

Maintenance Activity	Unit Cost	Segment Life Extension (YR) *	\$/SY/YR*
Preservation – Prevent (Rejuvenators)	\$1.10/SY	4	\$0.28
Crack Sealing	\$0.85/SY	4	\$0.21
Patching	\$56.00/SY	15	\$3.73
Preservation – Correct (Micro Surfacing)	\$5.00/SY	5	\$1.00
Rehabilitation (2" Mill and Overlay)	\$40.00/SY	17	\$2.35
Reconstruction	\$55.00/SY	20	\$2.75
* These numbers are averages and can vary with costs and pavement performance. $\text{$/SY/YR} = \text{Unit Cost divided by Segment Life Extension (YR)}$			

For each street segment requiring maintenance, the segment area (square yards) is multiplied by the appropriate unit cost to develop a project price. This information along with the inventory and distress data is provided in Appendix C –Town Street Listings, Alphabetical and Rating (PCI); the Holly Springs 2022 PCS Database; and the GIS geodatabase. The cost for doing all the projects in this list is known as the Town's backlog. Because there is not enough money to fix everything at one time and it is generally more cost effective to perform optimized annual repairs, the use of Software is needed to pick the very best projects to maximize the taxpayers' dollars.

Software Analysis

The Brightly Predictor® Software (Software) by Brightly, as configured by WR specifically for local municipal roadway networks, was used to generate optimized yearly work plans that pick the best projects in the multiple maintenance activity categories based on benefit. The Software utilizes an optimization engine that selects the combination of treatments (street repairs) that will provide the most benefit (improved condition) for the budget over the entire network. The Software was also used to generate future projections of both PCI and RAV for the Town maintained network based on projected funding levels.

Utilizing the Software, WR ran three (3) predictive modeling budget scenario analyses over a ten-year period. Along with demonstrative graphs and pie charts, yearly work plans were generated for the following budget scenarios:

- Scenario #1 - \$1M/YR – Current Funding
- Scenario #2 – \$1.5M/YR
- Scenario #3 – \$2M/YR

Because the Software uses performance models developed by WR and optimization analysis, the Software selects the optimal set of projects for each year based on a benefit/cost ratio.

Notes:

- The PCI and RAV in this analysis were based on the unit costs as provided in this report. Future changes to unit costs should be monitored and changed in the model to accurately reflect the needs of the network.
- While WR has incorporated the best deterioration curves that reflect the way North Carolina streets deteriorate, they might not truly represent the exact deterioration rates of the Town's streets. Adjustments to these curves can be made after successive PCSs so the Town can update the models to make the best funding and project selection decisions.

Scenario Analysis Results

Changes to the Town roadway network are summarized for each scenario in Table 6 below as they relate to the overall PCI (network condition) and the RAV. For each scenario, the Change in RAV is compared to the Current Condition.

Table 6 – Predictive Modeling Results – Remaining Asset Value (RAV)

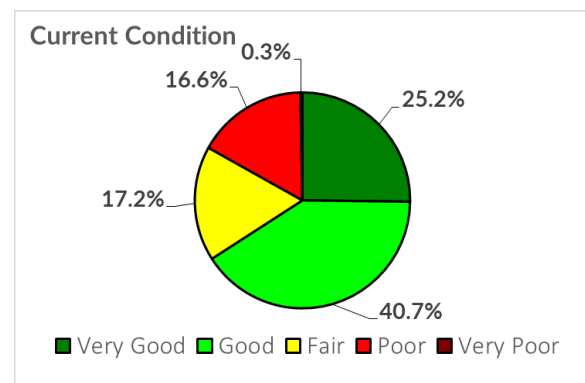
Scenario Number & Name	PCI (Year 10)	10 Year RAV	Change in RAV
Current Condition	80	\$86,391,320	N/A
#1 – \$1M/YR – Current Funding	66	\$71,384,560	\$(15,006,761)
#2 – \$1.5M/YR	71	\$76,735,331	\$(9,655,990)
#3 – \$2M/YR	76	\$81,738,514	\$(4,652,807)

Predictive Modeling Key Takeaways

Current Condition

- The Town has an average PCI of 80
- Currently the Town has a RAV of \$86,391,320

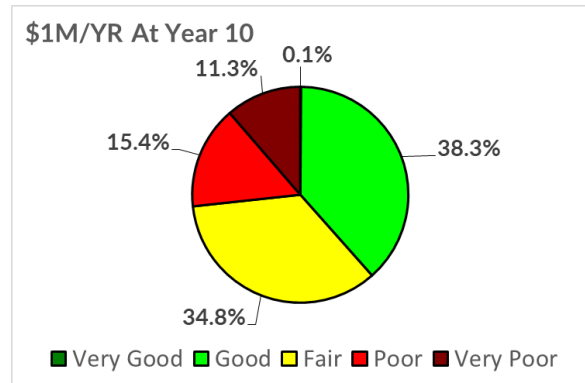
Condition State	Current Condition (%)
Very Good	25.2%
Good	40.7%
Fair	17.2%
Poor	16.6%
Very Poor	0.3%



Scenario #1 – \$1M/YR - Current Funding

- If the funding per year is \$1,000,000 for the next 10 years and an optimized project selection approach is applied:
 - The average PCI is estimated to decrease to 66 in year 10.
 - The RAV will decrease to \$71,384,560 which is a \$15,006,761 decrease from the Current Condition RAV.

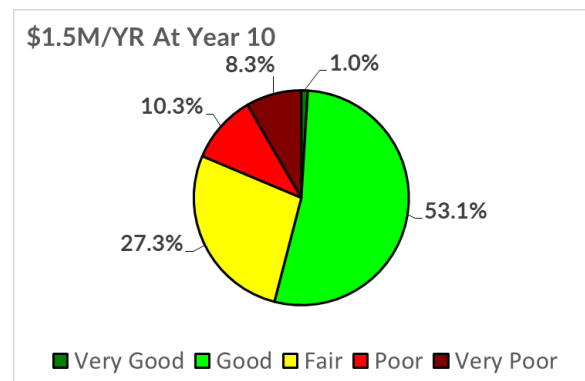
Condition State	Current Condition (%)	Scenario #1 (%)	Change (%)
Very Good	25.2%	0.1%	-25.1%
Good	40.7%	38.3%	-2.4%
Fair	17.2%	34.8%	17.6%
Poor	16.6%	15.4%	-1.2%
Very Poor	0.3%	11.3%	11.0%



Scenario #2 – \$1.5M/YR

- If the funding per year is increased to \$1,500,000 for the next 10 years and an optimized project selection approach is applied:
 - The average PCI is estimated to decrease to 71 in year 10.
 - The RAV will decrease to \$76,735,331 which is a \$9,655,990 decrease from the Current Condition RAV.
- At the funding level, the Town roadway network condition is still decreasing.

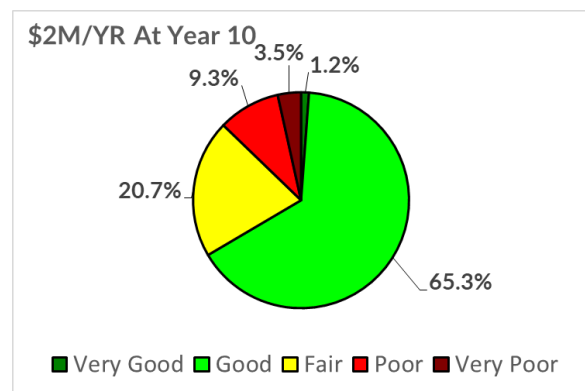
Condition State	Current Condition (%)	Scenario #2 (%)	Change (%)
Very Good	25.2%	1.0%	-24.2%
Good	40.7%	53.1%	12.4%
Fair	17.2%	27.3%	10.1%
Poor	16.6%	10.3%	-6.3%
Very Poor	0.3%	8.3%	8.0%



Scenario #3 – \$2M/YR

- If the funding per year is increased to \$2,000,000 for the next 10 years and an optimized project selection approach is applied:
 - The average PCI is estimated to decrease to 76 in year 10.
 - The RAV will decrease to \$81,738,514 which is a \$4,652,807 decrease from the Current Condition RAV.
- At the funding level, the Town roadway network condition is still decreasing.

Condition State	Current Condition (%)	Scenario #3 (%)	Change (%)
Very Good	25.2%	1.2%	-24.0%
Good	40.7%	65.3%	24.6%
Fair	17.2%	20.7%	3.5%
Poor	16.6%	9.3%	-7.3%
Very Poor	0.3%	3.5%	3.2%



Observations

The PCS provides an objective evaluation by visual observation of seven (7) types of pavement distresses and the relative amount and severity of each type of distress as mentioned above. Definitions of these distresses can be found in Appendix B – Distress Definitions. The following are some observations from the Town's survey and recommended maintenance activities for each severity listed.

Surface Defects (SD) – The most predominant distress was found to be Surface Defects (raveling and oxidation). This is the wearing away of the pavement surface in high-quality hot mix asphalt concrete, caused by the dislodging of aggregate particles and loss of asphalt binder.

Severity	% Miles	Repair Activity
Low	57.7%	Preservation-Prevent
Medium	15.8%	Preservation-Correct
High	2.0%	Rehabilitation
Total =	75.5%	

Fatigue Cracking (FC) – The most structurally damaging and costliest distress to repair is Fatigue Cracking (aka alligator cracking). FC is a structure failure and, unless corrected, it will progress to the point of requiring complete pavement reconstruction. The Town can use this data to create a full-depth patching program.

Severity	% Miles	Repair Activity
Low	36.0%	Monitor
Medium	23.5%	Patching; Rehabilitation
High	12.0%	Patching; Rehabilitation; Reconstruction
Total =	71.5%	

Transverse Cracking (TC) – Transverse Cracking (shrinkage cracking) is an environmental distress caused by the heating and cooling of the asphalt. If shrinkage cracks are not sealed with crack seal and the surface protected with a preservation-correct maintenance treatment, additional cracks will form allowing more opportunity for the surface water to enter the pavement structure which, over time, will weaken the street base and subbase.

Severity	% Miles	Repair Activity
Low	27.1%	Monitor
Medium	12.6%	Crack Sealing
High	0.3%	Crack Sealing
Total =	40.0%	

Block Cracking (BC) – Like Transverse Cracking, Block Cracking is an environmental distress caused by the same factors. The difference is that Block Cracking is progressively worse than Transverse Cracking with a much tighter crack pattern. If left untreated, it can lead to further pavement deterioration.

Severity	% Miles	Repair Activity
Low	1.8%	Monitor
Medium	29.3%	Crack Sealing; Rehabilitation
High	0.0%	Crack Sealing; Rehabilitation
Total =	31.1%	

Patching/Potholes (PP) – Patching/Potholes are defective patches and open holes on the roadway surface that need to be patched with a full-depth asphalt repair. This data can also be used to develop a full-depth patching program.

Severity	% Miles	Maintenance Activity
Low	4.4%	Monitor
Medium	2.0%	Patching; Rehabilitation
High	3.7%	Patching; Rehabilitation; Reconstruction
Total =	10.1%	

Notes

- For severities with two activities, the second maintenance activity is recommended for a road segment with more than 25% of that distress. In the case of High severity Fatigue Cracking, with greater than 50% of the area containing that distress, Reconstruction is recommended.
- For a more detailed breakdown of the individual distresses, please refer to Table 9 – Pavement Distress Summary in Appendix A – Street Inventory & Pavement Distresses.

Recommendations

WithersRavenel recommends the following:

Funding – The Town should consider increasing the current funding for its roadway pavements to protect one of its most costly assets. This report shows a downward trend in the overall Town roadway network condition if the current funding is maintained. The further down the deterioration curve the roadway network falls, the more expensive it will be to bring the network up to an acceptable level of service.

Regular Pavement Condition Surveys (PCS) – The Town should conduct a PCS every 2 to 3 years; this interval is recommended by FHWA and is a nationally accepted practice. Since the Town has broadened its maintenance toolbox to include Preservation treatments, having an updated survey is paramount. When a PCS study is more than 3 years old, the information becomes less reliable for choosing preservation treatments effectively. Also, this will allow the Town to check the accuracy of the Software forecast while observing the results of the funding and maintenance strategies between surveys.

Paving into Gutter – Unless the situation warrants, the Town should avoid paving into the gutter pan of the curb and gutter. With the filling of the gutter pan and the loss of curb height caused by asphalt build up, the hydraulic capacity is greatly reduced which can create drainage issues for the surrounding residences. The Town should consider milling each Rehabilitation project prior to applying the asphalt overlay.

Geotechnical Testing – As part of selecting the streets for the yearly resurfacing contracts, WR recommends that the streets be cored to determine the types and depth of material and if there is water present. From this information, better decisions can be made to select the proper depth for the rehabilitation and reconstruction projects. Geotechnical testing is a requirement if the Town wishes to pursue Full Depth Reclamation repairs.

Broadening the Preservation Toolbox – For many municipalities, for many years, using Rehabilitation has been the “go to” maintenance activity because of its familiarity. This is commonly referred to as a worst-first approach and is generally less cost effective. With the cost of asphalt going up and the amount of funding going down, municipalities are paving less, and the condition of the roadway networks are decreasing. A municipality can increase its funding so that it can get on a 20-year paving cycle or broaden its maintenance toolbox to include top of the curve pavement preservation treatments. WR knows of no clients that have reached a sustainable state unless significant amounts of money were spent to rehabilitate all roads needing repair or broaden the preservation toolbox. By continuing to use pavement Preservation, the Town will effectively flatten the deterioration curve to extend the pavement service life and maintain the network condition at the

highest level of service for the least cost. WR recommends the use of the following preservation treatments to extend the life of its roadway network.

- **Crack Sealing** – Crack seal, which is a rubberized asphalt material, is applied into TC and BC cracks that are typically greater than a quarter of an inch in width to keep surface water from getting into the base which over time can create base failures. By applying this inexpensive treatment (\$0.21/SY/YR) to the right pavements, the Town will be protecting the street base materials and prolonging the need for repairing expensive base failures caused by water intrusion.
- **Preservation-Prevent (Rejuvenators)** – The Town should consider using maltene-based penetrative rejuvenators to stretch the life of its roadway network. Rejuvenators at \$0.28/SY/YR, when applied to newly paved streets (typically 1 to 4 years old), will preserve the plasticity and durability of the asphalt which will effectively extend the life of the pavement by restoring components of the liquid asphalt. While Preservation-Prevent does not increase the PCI, it does stall the deterioration of the surface for up to 3 to 4 years.
- **Preservation-Correct (Thin Lift Treatments)** – The Town should consider expanding its pavement preservation treatment toolbox to include additional thin lift treatments such as micro surfacing, slurry seals, and cape seals. Street segments requiring Preservation-Correct typically have more pavement distresses than the segments requiring Preservation-Prevent. These are streets that do not require rehabilitation but would benefit from a thin lift treatment to protect the portions of the road that do not have cracking. The cost of Preservation-Correct is approximately \$5.00/SY and can typically last 5 years. Rehabilitation (mill and overlay) is approximately \$40.00/SY and typically will last 17 years. The cost benefit of the Preservation-Correct treatments, at \$1.00/SY/YR, provides the Town with more benefit than does Rehabilitation (\$2.35/SY/YR).
- **Construction History** – The Town should also keep detailed records of the treatments applied, allowing WR to incorporate treatment history into the model, thereby producing more confident results.
- **Use of Survey Results** – WR's PCS is an objective evaluation of the amount and severity of seven (7) types of pavement distresses. The inventory and analysis methods used for this project have been used for agencies throughout the country and have proven to be valuable aids to street repair programs. The results of the survey should never be used arbitrarily. There is no substitute for in-the-field engineering judgment and experience by Town personnel in determining the specific types of repair activities needed (Project Level Information). The street listings should be used as a guide for planning and scheduling repair activities (Network Level Information).

PCS Deliverables

Information provided to the Town by the PCS and the optimization analysis using the Software includes:

1. An electronic copy of the Pavement Management Report containing the survey findings. This report provides summary tables containing recommended maintenance activities and opinions of probable construction costs by activity based on unit maintenance costs to be supplied by the Town.

2. Graphics from the predictive modeling
3. Recommendations for broadening the maintenance toolbox
4. Alphabetical and PCI street listing
5. A PowerPoint slideshow of the PCS findings
6. A digital copy of the final GIS geodatabase in ESRI compatible format, containing pavement condition inventory data, PCIs, recommended maintenance activities, cost information for the Town's records, and the scenario work plans.

Acknowledgement

WR appreciates the Town of Holly Springs's cooperation during the pavement survey. Necessary maps, general information, and unit costs supplied by the Town were essential for the PCS and preparation of this pavement management report.

Conclusion

Roadway Assets

The roadway network is by far one of the largest assets owned by the Town. It is estimated that there are approximately 2,181,599 square yards of asphalt pavement with an estimated value of \$120 million. To be a good steward of this asset, it is imperative that preventative maintenance practices be maintained and that a sustained financial investment be made to maintain these roadway assets. "There is no more fundamental transportation capital investment than system preservation – keeping existing infrastructure in good condition. If preservation investment is deferred, costs increase dramatically, leading to the saying "pay me now or pay me more – lots more – later." - Washington Department of Transportation 2007 – 2026 Highway System Plan.

This is the first LTPP PCS and optimization analysis conducted by the Town and should be used as a data point for the overall network condition. Based on WR's observations and the results of this report, the Town will be well-served by increasing the pavement maintenance funding and broadening the pavement maintenance toolbox to maintain the roadway network. Based on the WR pavement deterioration rates, a substantial increased investment would be necessary to avoid an on-going decrease in the pavement serviceability and increased maintenance costs. The Town should utilize the recommendations in this report and WR staff to most efficiently manage a sustainable roadway network.

Other Assets

Since pavement is significantly affected by other assets such as water, wastewater, and stormwater infrastructure, WR recommends providing a condition assessment and Software analysis for these assets similar to and in conjunction with the streets. Avoiding unnecessary cuts to newly resurfaced streets and avoiding paving over older compromised assets should be a priority for the Town. Knowing the condition of these other assets and developing a repair strategy will contribute greatly to these efforts. Cross-asset coordination greatly alleviates these types of costly occurrences.

This Page Is Intentionally Left Blank

APPENDICES

APPENDIX A –STREET INVENTORY & PAVEMENT DISTRESSES

The Town has a total of 155.65 miles of Town maintained roadway that was identified by WR. This report addresses the 155.45 miles of paved asphalt roadway (Pavement Type = “P”) that were rated. Table 7 lists the breakdown of surface types for all Town maintained streets.

Table 7 – Pavement Types

Surface Type	Miles	Percent of System
Asphalt Pavement (P)	155.45	99.9%
Unpaved (U)	0.20	0.1%
Total =	155.65	100.0%

Table 8 – Low and High-Volume Street Breakdown below lists the breakdown of mileage, average rating, and cost for low (Class A) and high (Class B) volume streets.

Table 8 – Low and High-Volume Street Breakdown

Volume	% Miles	Miles	Lane Miles	Avg Rating	Cost Per Mile	Total Cost	% Cost
Low	88.6%	137.73	275.37	80	\$108,920	\$15,000,997	83.8%
High	11.4%	17.72	38.80	78	\$163,665	\$2,900,545	16.2%
Total	100.0%	155.45	314.17	80	\$115,161	\$17,901,542	100.0%

Table 9 – Pavement Distress Summary

Fatigue Cracking (FC)								
	Extent (Miles)							
Severity	0 to 5%	5 to 10%	10 to 25%	25 to 50 %	50 to 75%	75 to 100%	Total Miles	% Miles
None							44.26	28.5%
Low	37.54	9.99	6.67	0.68	0.83	0.30	56.01	36.0%
Medium	15.45	11.10	6.33	2.71	0.81	0.06	36.45	23.5%
High	4.68	6.69	3.38	3.44	0.52	0.00	18.72	12.0%
Transverse Cracking (TC)								
	Extent (Miles)							
	Low	Med	High	Extreme				
Severity	> 100'	100' to 50'	50' to 25'	< 25'	Total Miles	% Miles		
None					93.20	60.0%		
Low	22.42	10.65	7.39	1.65	42.10	27.1%		
Medium	5.14	7.21	5.28	1.99	19.62	12.6%		
High	0.20	0.10	0.21	0.02	0.53	0.3%		
Block Cracking (BC)								
	Extent (Miles)							
Severity	0 to 5%	5 to 10%	10 to 25%	25 to 50 %	50 to 75%	75 to 100%	Total Miles	% Miles
None							107.13	68.9%
Low	1.03	0.36	0.82	0.24	0.29	0.00	2.74	1.8%
Medium	10.42	11.52	9.72	7.47	4.92	1.47	45.51	29.3%
High	0.02	0.00	0.04	0.00	0.00	0.00	0.07	0.0%
Patching/Potholes (PP)								
	Extent (Miles)							
Severity	0 to 5%	5 to 10%	10 to 25%	25 to 50 %	50 to 75%	75 to 100%	Total Miles	% Miles
None							139.66	89.8%
Low	6.57	0.20	0.04	0.00	0.00	0.00	6.82	4.4%
Medium	2.99	0.19	0.00	0.00	0.00	0.00	3.19	2.0%
High	5.22	0.57	0.00	0.00	0.00	0.00	5.79	3.7%
Surface Defects (SD)								
	Extent (Miles)							
	Low	Med	High	Extreme				
Severity	0 to 25%	25 to 50%	50 to 75%	75 to 100%	Total Miles	% Miles		
None					38.16	24.6%		
Low	0.73	1.69	0.31	86.91	89.64	57.7%		
Medium	0.08	0.54	0.10	23.77	24.49	15.8%		
High	0.00	0.00	0.00	3.16	3.16	2.0%		
Rutting/Roughness (RR)								
	Extent (Miles)							
Severity	< 25%	25 to 50%	50 to 75%	75 to 100%	Total Miles	% Miles		
None					142.06	91.4%		
Low	4.98	0.74	0.21	0.00	5.93	3.8%		
Medium	4.28	0.53	0.00	0.06	4.87	3.1%		
High	2.54	0.05	0.00	0.00	2.60	1.7%		
Reflective Cracking (RC)								
	Extent (Miles)							
	Low	Med	High	Extreme				
Severity	> 100'	100' to 50'	50' to 25'	< 25'	Total Miles	% Miles		
None					155.45	100.0%		
Low	0.00	0.00	0.00	0.00	0.00	0.0%		
Medium	0.00	0.00	0.00	0.00	0.00	0.0%		
High	0.00	0.00	0.00	0.00	0.00	0.0%		

APPENDIX B – DISTRESS DEFINITIONS

The distresses identified and classified for each road segment were collected in accordance with FHWA-RD-03-031, Distress Identification Manual for the Long-Term Pavement Performance Project (June 2003). The following distresses were collected:

1. Fatigue Cracking (FC – Alligator Cracking)
2. Transverse Cracking (TC)
3. Block Cracking (BC)
4. Patching/Potholes (PP)
5. Surface Defects (SD – Oxidizing/Raveling)
6. Roughness/Rutting (RR)
7. Reflective Cracking (RC)

Each distress and its rating are explained in detail below:

1. Fatigue Cracking (FC – Alligator Cracking)

Description:

Occurs in areas subjected to repeated traffic loadings (wheel paths).

Can be a series of interconnected cracks in early stages of development. Develops into many-sided, sharp-angled pieces, usually less than 1 ft. on the longest side, characteristically with a chicken wire/alligator pattern, in later stages.

Must have a quantifiable area.

Severity:

LOW

An area of cracks with no or only a few connecting cracks; cracks are not spalled or sealed; pumping is not evident.

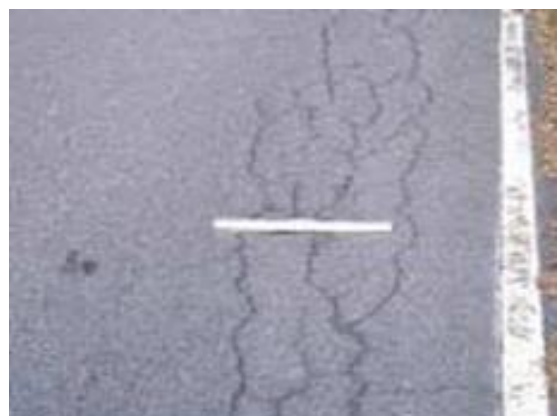
Note: If there is one straight crack in the wheel path this is not considered alligator. The key is a set of small cracks.

MEDIUM

An area of interconnected cracks forming a complete pattern; cracks may be slightly spalled; cracks may be sealed; pumping is not evident.



LOW Severity FC



MEDIUM Severity FC

HIGH

An area of medium or severely spalled interconnected cracks forming a complete pattern; pieces may move when subjected to traffic; cracks may be sealed; pumping may be evident. There can be rutting in these areas as well as debris migrating through the cracking.

Extent:

The extent is determined by the percentage of area for which the distress expands. The percent ranges within each segment determine the repair strategy for defining the decision matrix analysis result. The percent ranges are:

1. 0-5%,
2. 5-10%,
3. 10-25%,
4. 25-50%,
5. 50-75%
6. 75-100%.



HIGH Severity FC

2. Transverse Cracking (TC)

Description:

Transverse cracks run perpendicular to the roadway centerline. Transverse cracks are generally spaced at regular intervals and caused by expansion and contraction of the road surface material. Transverse cracks can also be reflective, appearing above joints and cracks in underlying pavements.



LOW Severity TC

Severity:

LOW

A crack with a mean width $\leq 1/4$ in.; or a sealed crack with sealant material in good condition and with a width that cannot be determined.

MEDIUM

Any crack with a mean width $> 1/4$ in. and $\leq 3/4$ in.; or any crack with a mean width $\leq 3/4$ in. and adjacent low severity random cracking.

HIGH

Any crack with a mean width $> 3/4$ in.; or any crack with a mean width $\leq 3/4$ in. and adjacent medium to high severity random cracking.



MEDIUM Severity TC

Note: A quarter of an inch is roughly the width of a no. 2 pencil.

Extent:

The extent is dependent on the predominant type of environmental cracking present on the road section.

Transverse Cracking extent is evaluated based on crack spacing over the road section with:

1. 100' is considered LOW
2. 50'-100' is considered MEDIUM
3. 25'-50' is considered HIGH
4. < 25' is considered EXTREME



HIGH Severity TC

3. Block Cracking (BC)

DESCRIPTION:

Block cracks are a pattern of cracks that divides the pavement into approximately rectangular pieces. Rectangular blocks range in size from approximately 1 ft² to 100 ft² (1 ft x 1 ft to 10 ft x 10 ft)

Severity:

LOW

A crack with a mean width $\leq 1/4$ in.; or a sealed crack with sealant material in good condition and with a width that cannot be determined.

MEDIUM

Any crack with a mean width $> 1/4$ in. and $\leq 3/4$ in.; or any crack with a mean width $\leq 3/4$ in) and adjacent LOW severity random cracking.

HIGH

Any crack with a mean width $> 3/4$ in.; or any crack with a mean width $\leq 3/4$ in. and adjacent medium to high severity random cracking.

Note: A quarter of an inch is roughly the width of a no. 2 pencil.

Extent:

The extent is dependent on the predominant type of environmental cracking present on the road section.



LOW Severity BC



MEDIUM Severity BC

Block Cracking extent is evaluated based on percent area affected. The percent ranges within each segment determine the repair strategy for defining the decision matrix analysis result. The percent ranges are:

1. 0-5%,
2. 5-10%,
3. 10-25%,
4. 25-50%,
5. 50-75%
6. 75-100%.

If the rectangular blocks are between 1 ft² and 10 ft² then the LOW severity cracking will be considered MEDIUM and the MEDIUM severity cracking will be considered HIGH.



HIGH Severity BC

4. Patching / Potholes (PP)

Description:

Patching refers to areas where the original pavement has been removed and subsequently replaced and the replaced pavement is showing deterioration.

Potholes are areas where portions of the road pavement have broken, and loss of pavement has resulted in a bowl-shaped depression. The diameter of this depression must be greater than 6 inches to be called a pothole.



MEDIUM Severity Patch

Severity:

LOW

Patches are present and have at most, low severity distress of any kind. Potholes do not have a LOW severity rating.

MEDIUM

Patches are present and have at most, medium severity distress of any kind. Potholes < 1" depth present.

HIGH

Patches are present and have at most, high severity distress of any kind. Potholes > 1" depth present.

Extent:

The extent is determined by the percentage of area for which the distress expands. The percent ranges within each segment determine the repair strategy for defining the decision matrix analysis result. The percent ranges are:

1. 0-5%,
2. 5-10%,



HIGH Severity Patch

3. 10-25%,
4. 25-50%,
5. 50-75%
6. 75-100%.

Note: Only patches that show deterioration are evaluated. Good patches are ignored. Frost heaves, including culverts that are protruding and rocks that are coming up through the surface, are included. Surface area, rather than depth of deterioration, is used to assess extent.



MEDIUM Severity Pothole



HIGH Severity Pothole

5. Surface Defects (SD – Oxidation/Raveling)

Description:

Wearing away of the pavement surface in high-quality hot mix asphalt concrete. Caused by the dislodging of aggregate particles and loss of asphalt binder.

Severity:

LOW

Binder has begun to wear away but has not progressed significantly with some minor “greying” of the road surface. Some loss of fine aggregate.

MEDIUM

Binder has mostly worn away and surface is somewhat rough and pitted. Significant loss of fine aggregate and some coarse aggregate. Significant “greying” of the road surface.

HIGH

Binder has completely worn away and surface is very rough and pitted. Significant loss of coarse aggregate. Extreme “greying” of the road surface. Large aggregate may be loose on the asphalt surface.

Extent:

The extent is evaluated based on percent area affected with:



SD - NONE



LOW Severity SD

1. 0-25% considered LOW
2. 25-50% considered MEDIUM
3. 50-75% considered HIGH
4. 75-100% considered EXTREME.



MEDIUM Severity SD



HIGH Severity SD

6. Rutting/Roughness (RR)

Description:

Rutting is a longitudinal surface depression in the wheel path. It may have associated transverse displacement.

Roughness refers to uneven pavement, bumps, dips, rises, and in some cases pavement failure. This is not caused by other distresses and will cause the asphalt surface to have a rough ride.

Severity:

LOW

Existing asphalt pavement can be repaired with a thin rehab.

MEDIUM

Existing asphalt pavement can be repaired with a thick rehab.

HIGH

Existing asphalt pavement can be repaired with reconstruction.

Extent:

The extent is evaluated based on percent area affected with:

1. 0-25% considered LOW
2. 25-50% considered MEDIUM
3. 50-75% considered HIGH
4. 75-100% considered EXTREME.



Rutting



Roughness

7. Reflective Cracking (RC)

Description:

Cracks in asphalt concrete overlay surfaces that occur over joints in concrete pavements.

Note: The slab dimensions beneath the AC surface must be known to identify reflection cracks at joints.

Severity:

LOW

A crack with a mean width $\leq 1/4$ in.; or a sealed crack with sealant material in good condition and with a width that cannot be determined.

MEDIUM

Any crack with a mean width $> 1/4$ in. and $\leq 3/4$ in.; or any crack with a mean width $\leq 3/4$ in) and adjacent low severity random cracking.

HIGH

Any crack with a mean width $> 3/4$ in.; or any crack with a mean width $\leq 3/4$ in. and adjacent medium to high severity random cracking.

Note: A quarter of an inch is roughly the width of a no. 2 pencil.

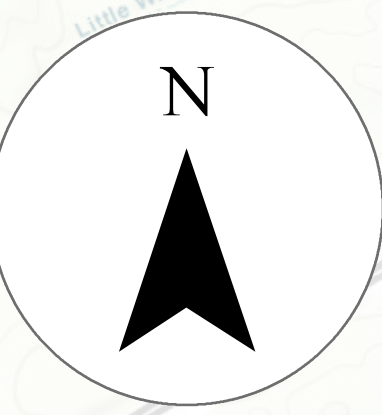
Extent:

Reflective Cracking extent is evaluated based on crack spacing over the road section with:

1. 100' considered LOW
2. 50'-100' considered MEDIUM
3. 25'-50' considered HIGH
4. < 25' considered EXTREME



Reflective Cracking



Town of Holly Springs
PCI Map 2022



WithersRavenel
Engineers | Planners | Surveyors

Our People. Your Success.

115 MacKenan Dr | Cary NC, 27511
t: 919.469.3340
www.withersravenel.com

0 600 1,200 2,400 Feet
1 inch = 1,200 feet

Legend

PCI Rating Category

- Very Good (91 - 100) = 38.83 Miles
- Good (81 - 91) = 764.82 Miles
- Fair (65 - 81) = 26.73 Miles
- Poor (26 - 65) = 26.35 Miles
- Very Poor (0-26) = .70 Miles



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 9.

Consent Agenda

Title: Approve the minutes of the June 14, 2022 workshop meeting and the June 21, 2022 business meeting.

Strategic Priority Area: Organizational Excellence

Staff Resource: Linda McKinney, Town Clerk

Action(s):

Approve the minutes of the Council's workshop meeting held June 14, 2022 and the business meeting held June 21, 2022.

Explanation:

- Minutes in draft form are attached for the Council's review.
- If there are any corrections, please notify the Town Clerk in advance of Tuesday night's meeting so that corrected versions of the draft minutes can be circulated for review before adoption of the Consent Agenda.

Background:

Funding Source(s):

N/A

Attachment(s):

1. 6.14.22 workshop minutes-DRAFT
2. 6.21.22 minutes-DRAFT

Mayor and Council Workshop

6 p.m. June 14, 2022

Holly Springs Law Enforcement Center and Zoom



MINUTES

The Holly Springs Town Council held a workshop meeting on Tuesday, June 14, 2022 at the Law Enforcement Center and via livestream. Mayor Mayefskie presided, calling the meeting to order at 6:00 p.m. A quorum was established as the Mayor and three Council members were present as the meeting opened.

Council Members Present in the room: Mayor Sean Mayefskie, Council members Aaron Wolff, Timothy Forrest, and Kristi Bennett.

Council Members present via electronic means: Shaun McGrath and MPT Dan Berry.

Staff Members Present in the room: Randy Harrington, Town Manager; Linda McKinney, Town Clerk (recording the minutes); Daniel Weeks, Assistant Town Manager; Scott Chase, Assistant Town Manager; Antwan Morrison, Finance Director; Corey Petersohn, Budget; Mathew Mutter, IT; John Schifano, Town Attorney; Cassie Hack, Director of Communications and Marketing; Chris Hills, Director of Development Services; Elizabeth Goodson, Development Services; Aaron Levitt, Utilities and Infrastructure.

Mayor Mayefskie welcomed the audience who was here to listen. He said that workshops were meant for Council to receive information from staff so that they were up to speed at the business meeting. Public Comment is held at business meetings. He said that CM McGrath and MPT Berry were attending remotely due to work.

1. Overview: Randy Harrington, Town Manager, gave an overview of the meeting agenda.

2. Non-Discrimination Ordinance Discussion

John Schifano, Town Attorney, said that several months ago Wake County passed a non-discrimination ordinance and if Council wanted it to apply to Holly Springs, they would need to adopt it. He said that some municipalities have adopted this ordinance. He said there was an interlocal agreement that outlines how it would work. He said the County would be charged with administration of the ordinance. Complaints would go to the County Manager who would refer it to the County Attorney. The pathway to success would be through mediation through a contract with Campbell School of Law. If the mediation is unsuccessful, the next step would be a civil law suit with the County obtaining an injunction against the offender. The mechanics work without cost to the Town through June 30, 2023. He doesn't know what the costs would be after that. He said Council tasked him to find where the gaps might be between the Wake County non-discrimination ordinance in comparison to State and Federal ordinances. He explained those differences. He said that, up until 2020 "sex" when referred to in discrimination law, referred only to gender. At that point the Supreme Court said that it included gender identity, so that discrimination against homosexuality was covered under Title VII. He said that employment law claims could be that largest area of claims. He discussed the *Williams v. Blue Cross* court case and how it affects municipalities' ability to regulate discriminatory practices. Council member Wolff asked if the law in that case was the ordinance that Chapel Hill passed in 2020. Mr. Schifano said it was not, it was an older ordinance, but without that ruling being overturned, the

only way to read the law is that local employment non-discrimination law is against the State constitution which says that is the state's prerogative. Mr. Schifano said that the state non-discrimination law has the biggest "hole" compared to this ordinance. State law has similar protections to federal law. The State code does not address protection in places of public accommodation.

He said the County ordinance "checks all the boxes" and is very comprehensive. He can only fault it in the employment area, as he has already said. He explained the areas that are regulated and the definition of "places of public accommodation." The County ordinance expands the definition to basically anything other than religious places and private clubs.

Mayor Mayefskie asked for questions.

Council member Wolff said that Council discussed the EEOC extensively at the last workshop where this topic was discussed. He asked if there any businesses in Holly Springs that are not covered by federal law. Mr. Schifano said that any business with fewer than 15 employees is not covered under federal law. Mr. Wolff said that currently there are only 4 classes considered public accommodations, correct? Mr. Schifano said yes. Council member Wolff asked if the town was covered by the same employment law. Mr. Schifano said it was. Council member Wolff said so the town is covered by the EEOC, but we still have non-discrimination policies. Is that to fill a gap or to protect our employees? Randy Harrington, Town Manager, said it is primarily for hiring and promotional practices. Council member Wolff asked if those practices were not covered by the EEOC or other federal law. Mr. Schifano said they are covered. Council member Wolff asked if someone had a business in Holly Springs with three employees, and they were explicit in not hiring an employee based on age, would there be any recourse for the applicant. Mr. Schifano said that state law would cover that gap. Council member Wolff asked if a transgender individual went into a nail salon and was denied service because they were trans, if any federal or state law would provide recourse. Mr. Schifano said no sir. Council member Wolff asked what would the recourse for the business under the county ordinance if this trans individual were intoxicated and belligerent and they claimed discrimination. Mr. Schifano said that person could go file a complaint with the County manager and go through the process. Council member Wolff asked what an erroneous complaint would look like on the business' end. Mr. Schifano said that on the complaint form there is a description of what happened and a response by the business. The county attorney is going to look at the merits of that complaint. There will be fact finding work done by the County attorney before they refer it to the Campbell Law group. That work, right now, is free to the Town. Going forward it would be part of an amended ILA how much that process and work would cost us. Council member Wolff said so if a claim is invalid, the Findings of Fact would stop the process right there. And if it was valid it would go to Campbell. Mr. Schifano said yes. Council member Wolff said so it is very similar to the process with the EEOC, it's just being done through the County. Mr. Schifano said pretty much. The EEOC is a little different. They can either take it up, or decide not to take it up, or give you a right to sue letter, which means they aren't going to take it to Court for you, but you can get your own lawyer. In the County ordinance, it explicitly says that there is no private right of action. So if the County doesn't act, you can't proceed. Council member Wolff asked if there was a way where the County ordinance would prevent you from taking action at the state or federal level. Mr. Schifano said no. He said that his concern is that there is already a lot of work going on at that level. Does this ordinance make it much easier for a disgruntled employee to make it difficult for you to take employment action? Council member Wolff said so on the employment side, it is an extra avenue. It doesn't prevent them from filing with the EEOC at the same time.

Council member Forrest asked if when they sign the NDO to go into the process, does that prevent them from taking it to the federal or state level. Mr. Schifano said he did not believe so. They just can't use information they got from the mediation session, but they are not giving up their right to sue. If information is otherwise discoverable, one will be able to use it. Council

member Forrest asked if things are admitted in mediation that would otherwise be difficult to discover, they couldn't use it. Mr. Schifano said there are things that come out in a mediation session that are unable to be disclosed. Assuming the employee can already make their case, they can use it. Council member Forrest asked how many actions have been filed in the 10 months that the NDO has been in place. Mr. Harrington said the County Manager said it was 10.

Council member Wolff asked if we sign on and don't like how it is going, if we could leave it. Mr. Schifano said yes, you can pass an ordinance to get out of it as easily as you can pass one to get into it. Council member Wolff said in one of our discussions you mentioned a projected cost of around \$2,000 per year. Mr. Harrington said that in some preliminary discussions that was a number that was mentioned. Since then the County has decided to fund the entire program. His understanding is that they have budgeted \$60,000 for this first year, and at the end of that time will devise some allocation method for the costs.

Council member Bennett said that last November Council had a hesitation with including natural hairstyles, because it could be a problem with grooming standards for employers. She asked if that was not a problem now. Mr. Schifano said there are a couple of ways around it. Apex exempted themselves from that part. I'm not sure how Police and Fire would get around that otherwise. Council member Bennett said at the November workshop you suggested that this NDO would be litigated at some point. Mr. Schifano said that part of his job is to predict the worst-case scenario. Depending on how excited employers get about going to Campbell Law School it could happen. Council member Bennett asked if, although the Wake County system provides the mediation, people would need to bring their own attorney. Mr. Schifano said you don't have to bring an attorney, but you could bring your own lawyer if you want. To clarify, the County attorney is not involved in the mediation. He or she would go to court if it came to looking for an injunction. Council member Bennett asked if neither side had an attorney would it be just the two. Mr. Schifano said there would also be the mediator, which would probably be a third-year law student and a supervisor. Council member Bennett asked what the penalty was for the business owner or the business. Mr. Schifano said in theory there is no penalty or fine. There would be an agreement that they would sign to say that they are no longer going to discriminate. Council member Bennett asked if you could then have the same problem over and over, because there's no penalty. Mr. Schifano said that at some point the county attorney will seek an injunction and if they violate that, they can be held in contempt or jailed or fined. Council member Bennett asked if, as far as public accommodations, the exemptions are religious, non-profit, or fraternal organizations. Mr. Schifano said yes, those that restrict their facilities to members.

Council member Wolff said, following up on religious organizations, private clubs and churches can regulate their membership. What about businesses – can they claim a religious exemption, like the Colorado Bake Shop? Mr. Schifano said that would be a discriminatory practice that the NDO would cover. But the Colorado Bake Shop claim was a First Amendment claim. So there is always an exception for 1st Amendment protection and that's what the Supreme Court found in that case. They draw the line at are you an organization expressing 1st Amendment rights, or are you just an employer. There was a case in Charlotte that tested that when a Catholic School tried to dismiss a gay teacher. There are exceptions to the NDO. Council member Wolff asked what the penalty against Orange County was after that case. Mr. Schifano said the law was revoked and they had to pay attorney fees.

Council member McGrath asked for the list of which municipalities are participating. Mr. Schifano said that Raleigh has signed; Cary has it on their agenda on June 23rd and staff is recommending adoption, minus the County language on bidding contracts; Knightdale has adopted without changes; Morrisville adopted but excluded the bidding language; Rolesville discussed the NDO at a work session but has taken no action; Fuquay-Varina has taken no action; Apex had its own ordinance and adopted the County's with the exception relating to the bidding; Wake Forest has taken no action; and Garner has taken no action, but the city attorney

in Garner said they will be possibly considering it on June 28th. Council member McGrath said you mentioned the Crown Act, on the federal side. That was passed by the House in March but hasn't been considered by the Senate. That's for hairstyles and ten to twelve states passed similar laws. He asked what the impact could be to small businesses in Holly Springs. And how would this affect employees of larger employers we have recently welcomed to town. Mr. Schifano said that to answer that question we need to find out how much of this conduct is out there that we need to address. The employment law aspect of it, you get into a relationship with your employer and they know your religious and sexual orientations. If they discriminate against you for that, I'm sure that, of the tens of thousands of cases that come before the EEOC, some of them come from Holly Springs. Right now there is no reporting mechanism for overt acts of discrimination in places of public accommodation. So there is no way of tracking it, so the County ordinance would provide a mechanism to track that data and we could find out what the impact on employers would be. Council member McGrath said someone could still have the same legal recourse to take it to civil court. And that is not afforded under the County ordinance. So if someone wanted to have an attorney represent them in court, then they would be best served in a court of law. Mr. Schifano said that outside of a breach of contract claim, there is no avenue for someone being denied accommodation in a place of public accommodation on the basis of sex. Council member McGrath said that the County ordinance did not provide teeth. Mr. Schifano said there is the exception that, if the mediation fails, there is an avenue to go to court. Council member McGrath said that there have been comments that this is a chance for free legal counsel and there is no free legal counsel. This is tax payer funded mediation. He asked what the recourse to small businesses would be in terms of reputational damage if someone filed a frivolous claim. Mr. Schifano said that civil law has protections against libel and slander, which would be the recourse for someone who was smeared publicly for that kind of behavior. Council member McGrath asked if there was any accounting of any overt discrimination in Holly Springs. Mr. Schifano said he had not had any come across his desk. Council member McGrath then asked for follow-up on the claim made last week. Mr. Harrington said that the Town takes those kinds of allegations seriously. At the end of last week's meeting the Fire Chief met with the person who spoke and, in the course of asking questions, discovered that this was second-hand information. He has been trying to find out where and when this happened, and we would love to have the information from the person who was directly affected so that we can go deeper into this investigation. Mr. Harrington said that the Chief has engaged with his department, reiterating expectations, and exploring whether this might have been a Holly Springs Firefighter, but at this point we do not have any evidence that it was.

MPT Berry asked if it was Mr. Schifano's opinion that adopting this ordinance would bring legal risk to the town due to the Williams case. Mr. Schifano said that with respect to the employment law piece, he would see some risk to a municipality, depending on how excited employers get. He does not think there is any level of risk to the public accommodation aspect of the ordinance, with the exception of a potential first amendment challenge. But he thinks that is fairly unlikely. MPT Berry said but there is some level of risk, even if it is very small. Mr. Schifano said the likelihood is very small, but there is a possible risk.

Council member Bennett asked if, aside from the County being an avenue, are their nonprofits in place that would be a direction people could go. Is that similar to the County, or is that different? Mr. Schifano said that in this area we have very good public service law. You could get free representation, but it is typically in landlord tenant disputes. Legal Aid can litigate. They are typically not going to litigate anything that you would get a monetary judgment on, like an employment law claim. Attorneys will take those cases on a contingency fee basis. You probably aren't going to find too many public services attorneys willing to take on that kind of case. There are not many public sector nonprofits that run this type of interference for people. Council member Bennett asked why the towns minus the bidding contracts. Mr. Schifano said the wording in the ordinance is specific to Wake County. Municipalities could substitute their

own name in the ordinance, but the likelihood is that they are well covered in their own bidding policies and procedures.

Mayor Mayefskie asked Council member Forrest if he had any comments. He said he would pass at this time and let someone else go first.

Council member Wolff said that he has been on Council for 2 ½ years, and he has taken Mr. Schifano's advice seriously, even when it disappoints him. He said Mr. Schifano has given Council thorough and fair advice, so he takes it very seriously. When he says that there is risk on the employment side, I take that seriously. But there seems to be pretty good coverage on employment at the state and federal level. But in the public accommodation piece, the gaps in state and federal protections are glaring. The risk is related to constitutional law, but he takes it seriously that this is a small risk. There is nothing we do that is risk free. He said he considers the financial risk to be zero. If that changes, we can leave the agreement, if it does not serve the people of Holly Springs. With little risk and zero cost, no administrative burden on our staff, no financial liability for our tax payers - County money has been budgeted and will be spent whether we sign on or not. So all we would be doing by not signing on is choosing not to protect our residents the same way they would be protected in municipalities that have signed on. It's pretty clear to me that any business that wants to come to Holly Springs is free to do so unless they want to discriminate against our residents. Yes, there can be frivolous claims. Businesses are going to get frivolous claims, whether we sign on or not. They will get them through the EEOC, and through social media. He said he has a business and would rather have an EEOC complaint than a bad Google review, because that's going to hurt his business more. So he doesn't think it will hurt employers. He doesn't think it will hurt the Town. He doesn't think the employment piece is that big of a risk, but he trusts the town attorney. So he is willing to have a discussion about adopting the public accommodation piece.

Council member Bennett said she was out of town at the last meeting so she is very glad to be present tonight. She was not a part of any prior discussion about the NDO. And she is appreciative of the breakdown the attorney gave Council. She said that the questions have been good because she takes it very seriously, to make a decision for 40,000 people. Especially decisions that will have permanent legal and financial ramifications for people's businesses and their lives. When she was reviewing this, this weekend, something that former Mayor Sears said was important to her. He said it was not the concept we are debating, it is the approach. She said she is not for discrimination or hatred. It's the wording of this particular ordinance, to make sure they are accurate for the residents of our town. She said she appreciates what Council member Wolff is saying about only signing on to one portion of it, because she takes the hesitation about the employment aspect seriously. She still takes the fact that we exclude the hairstyle part seriously because we excluded it from the Resolution of 2021. She said it is not an issue for her of wanting to be inclusive. It's an issue of making sure that Council is saying the right thing and having it be exactly what we need for the 40,000 people who live here. Having it be tailor made, not just signing on to something that already exists because it already exists.

Council member McGrath said he is not quite sure where we are with the ability to sign on to a portion of the NDO. That is another question for Mr. Schifano. He said they would need more information on how to do that and whether Wake County would accept it or not, or whether it would come back to them as a burden to take on themselves and be an outlier. He said he does not think we are an outlier. He thinks what was articulated in the Resolution back in November has continued to prove to outside employers who want to move here, and to people who want to live here. It has been proven over and over again by community surveys that we are an incredibly inclusive community and that people go out of their way to make it as such. And that is why we were chosen by some of these large corporations over other areas. It's all positive. Now, do we find some areas where we have some gaps? Those were the questions he had back in November. He appreciates the discussion about what those gaps might be so we can have further dialog about what to do about those gaps that do exist now.

MPT Berry said that as a member of Council and as a member of the Legislative Committee he spends a fair amount of his time advocating with state and federal delegations to not limit or impact the town's authority where it should exist on some of our policy-making decisions. After the discussion tonight it became pretty clear that there are gaps at the state level to cover some of these discrimination issues and public accommodation issues with existing law. He said he takes the legal risks to the municipality seriously, and thinks the town could be challenged on its authority. He believes that non-partisan public servants, such as the town council, should take action based on the merits of the individual policy. He believes that regulations on residents or businesses with no enforcement mechanisms are not regulations that need to be enacted. He said the County ordinance results in no actual ability to rectify or provide recourse to citizens who have been discriminated against or businesses subject to a complaint. If any of our residents are the subject of discrimination, in most cases he thinks federal law provides more recourse and legal remedy than a local act could. He does not think this ordinance would probably not result in recourse that residents might imagine that they are entitled to, if talking about the ordinance as-written.

Council member Forrest said he believes it is obvious that this town continues to display its ability to change and grow. He said the Town engages in strategies and policies that build and engage inclusive communities through various mechanisms. However, he said the Town has to continue to develop and grow by having difficult conversations, and to look for the hard truths wherever they may be. Our council is non-partisan and we must embrace the dialogue to have open and honest discussions for the good of the town. That is what has to be the priority in his opinion. Currently as it sits, the Wake County NDO provides a path for anyone feeling they are discriminated against, and that is a good thing. Envisioning an NDO that focuses on true protections is an even better thing. He said does not believe the Wake NDO as-written is right for Holly Springs. The wording is chosen very specifically. He does not believe it has had enough seasoning to show us the pros and cons of it. He said that we don't know the disposition of the first few cases. There is no analysis that can be done so we do not know. When I look at that, do we rush to fail, or do we rush to succeed? Or do we take our time and do it right, and do what is right for Holly Springs. He said that one thing that is not clear to him is whether it restricts a person's rights enough, or too much. Does it enable the person who files the complaint? Does it enable the business? The non-disclosure agreement bothers him because it limits. He said we could not know whether the businesses or the individuals had the best intentions or the worst intentions. Did they mean well? How do we know how to grow from whatever happened, as a town? These are things that are unknowable, and it's hard to make a decision on that today. So ultimately how do we grow closer together if we cannot listen, grow, and change over time? He said he does not believe the Wake County NDO as it is written right now is in the best interest of our residents at all. He asked if Council could have meaningful discussions, based on his colleagues' comments tonight on other ideas or other these topics. He said he was all for those discussions. He said he was open to change, inclusion, and diversity, but let's make it right for Holly Springs.

Council member Wolff said he had heard from three of his colleagues that they recognize gaps, that they are supportive of the concept of doing something to fill them, but the NDO as drafted by Wake County doesn't fit. So the Resolution we passed in last fall, said "upon finalization of an interlocal agreement between Raleigh and Wake County, staff will report back to Council about the resolution to adopt the County ordinance." which they have done "In the event Council decides not to adopt the County ordinance, Council will consider a Town non-discrimination ordinance at the next business meeting." He said that is the Wake County ordinance does not fit our town, is not right for Holly Springs, he has yet to hear which part of the ordinance is not right for Holly Springs. But if it doesn't, let's follow the Resolution and write our own. Apex did, until they decided that Wake County's was better. He said he would rather sign on to Wake County's because they are covering the cost. But we have options, if there are

more questions, this is the time to do it, while staff is here to answer them. He said he had not heard why this is not right for Holly Springs, and how could we make one better.

MPT Berry said there are gaps at the state level but that's not something this body could address outside of legislative advocacy. Council member McGrath said that he was referring to the same gaps that were not covered by state law, and that puts us at jeopardy of not being able to support our residents. He said he was not in support of giving residents false hope and adding risk to the Town. Council member Forrest said he saw the gaps. But, he said, he was new to the discussion of the NDO. He thinks he has more of his own research to do. He spent the last seven days studying NDOs and he still doesn't understand them. He would rather take time and continue studying so that we don't rush to fail. Council member Wolff said he understands that it is complicated, which is why we have the Town attorney. He said he asked for this to be added at the April workshop, after the ILA was finished. If this is something that we need staff to prepare something for, this is why we are here. We can ask staff to craft an ordinance to cover those gaps that we want covered. Council member Forrest said he would like to have had a conversation about this prior to this meeting. Council member Wolff said it wasn't appropriate to discuss conversations between council members one on one. He said if members had questions about an NDO, now is the time to ask them. Our options are to sign on to this, to craft our own, or to do nothing. There are obvious gaps in the law. And there are obvious gaps also in the feelings of our community. He said it has become painfully obvious that there are significant number of people in the community who saw the Resolution and have said that it was not enough. This is a great town, but there is always room to improve. Not only in our coverage of the law, but in how our residents feel welcome, safe, and protected in this community. It might not feel urgent to us sitting up here, but to the folks of this community, it is. He said Council had a conversation in October, he asked for this to be brought up in April, it is now June. He said if Council needs to push this to the July workshop and craft our own ordinance, he would gladly take that over nothing. But he would rather sign on to this NDO that does not add cost to the town.

Mayor Mayefskie said that we have the Resolution on the books from November. He asked Town Manager Randy Harrington if he heard that Council were asking staff to provide direction. Mr. Harrington said that at this point he had not heard any direction, but if there is none, any prior action that Council had taken would stand, including that Resolution. But right now he was not hearing a majority to direct staff in any direction. Council member Wolff said that according to that Resolution Council should take this up at the next business meeting, but his understanding was that resolutions are non-enforceable value statements. Mr. Harrington said that because it crossed Councils, it could not bind this Council into taking up a subject. Mr. Schifano said that there is a proposed agenda at each business meeting and you make a motion to approve that agenda. If there is something that is not on that agenda that you want to take up, a member may make a motion to add an item to the agenda and it would need a second and a majority to add it to the agenda.

Mayor Mayefskie called a five-minute recess.

Randy Harrington said that, if it was the will of the Council, if they covered items a and b, c could go to a future workshop, and d could become a Friday briefing. Council was willing to drop the last two items.

3. Development Services Updates

a. Housing Affordability

Chris Hills, Development Services, introduced Christina Whitcomb from HR&A Advisors. Ms. Whitcomb asked Council to consider if they were in agreement with these goals, what strategies and tools were priorities for further research, and what questions need to be answered before moving forward. Ms. Whitcomb showed where they were in the process, and outlined the key housing challenges in Holly Springs: Limited Housing supply; access to homeownership; and displacement pressure. She said Council's feedback from the last meeting has been guiding their analysis. She discussed how recently completed housing projects have affected the percentage of housing stock by unit, so that Holly Springs is now closer to having 89% single-family housing. She discussed how potential tools are evaluated based on feasibility, alignment with Town goals, and potential level of impact.

Ms. Whitcomb said that Holly Springs can best impact housing affordability through the development process, land use, and local funding. She said that these were the aspects of housing cost that the town had control over. She outlined the similarities Holly Springs shares with other municipalities in the region, and the key differences, including the recruitment of larger businesses, lack of multifamily housing, high inventory of single-family homes, limited public land available for affordable housing, and very limited "by-right" development.

Ms. Whitcomb suggested reducing the length and uncertainty of the development approvals process by increasing administrative approvals and allowing some processes to take place simultaneously. Other tools could be administrative approval for by-right development, offering incentive zoning, providing a standardized development agreement strategy, and reducing or deferring fees.

Mayor Mayefskie asked if there were areas in town that have been targeted for administrative approval. Ms. Whitcomb said that the process of determining which areas would be zoned for administrative approval would go through a public planning process. Town Council could decide that some existing zoned areas could be approved through administrative approval, but the consultant will not select parcels.

Council member Forrest asked if there was a way to collapse the timeline to lower financing costs under the umbrella of affordable housing and still be thorough. Chris Hills said yes, there is. He said that compared to others in our area, our process is usually a two-step plan. The new UDO addressed some of that, but it could be set so that zoning is addressed by Council, but the plan is approved administratively, and it would only require one trip to Council. Staff is going through our processes now and seeing how they can be collapsed to streamline the process. It's not a heavy lift, but we need to make sure our ordinances are strong enough that there are no unintended consequences. Councilmember Forrest asked if this would be coming before Council at their next meeting. Mr. Hills said this will take more time than that, because staff has to workshop all the impacts and make sure nothing falls through the cracks. But he hopes to bring it to Council before the end of the year.

MPT Berry said some of these recommendations make it easier for the development community, but what guarantees are there that they will build affordable units. Council always gets these comments, but developers still come and build here, and none of these units are what we would deem affordable. He said he gets a little hesitant when we try to make it faster and minimize Council involvement. Often what is brought to Council as a rezoning and what is brought at the development plan stage is different. He said he was concerned that we aren't looking at it from a lens of protecting residents.

Council member Wolff said this was talked about in the meeting and he had the same questions. But the standardized development agreement strategy could encompass a lot of these things the Town gets from developers. He said we have standardized our economic incentive process. We know that it is not guaranteed, but we think this a way forward.

Ms. Whitcomb said that this is why we have Incentive Zoning and Standardized Development Agreement in the tool box. You can design exchanges for affordability through these two tools. One thing to point out is that this process negatively affects affordable housing developers, who already have trouble buying land because of high land costs. There is also a lot of competition between market-rate developers so they are putting things on the market at the lowest possible rate.

Council member McGrath asked for examples, because he wants to make sure we don't have yet another hour-glass road or another break in our sidewalks or other connectivity. He asked how this gets the wholistic buildout, and doesn't just deliver affordable housing at the expense of infrastructure. Ms. Whitcomb said you don't want to ignore needed infrastructure, but you can use incentive zoning and standardized development agreements. It's about what is important to the Town. You have to balance all of those different needs. Increased density, accelerated approval, and reduced fees are different levers that can be used. Chris Hills said that the Council would have to adopt any of these that we implement, so it could be offered for affordable housing but not for all development. Ms. Whitcomb said that is what the incentive program would do – offer these benefits in exchange for affordability. The incentive has to be inciting enough that the developer will actually take it and won't build the affordable housing. So it's important to get that balance right. Some towns have struggled to find incentives valuable enough that developers will take them.

Mayor Mayefskie asked if deed restrictions had been talked about, so that the homes are not bought up by investors and resold at higher rates. Ms. Whitcomb said that deed restrictions are generally put in place at the parcel level by the owner of the property. It's not something we recommend because it is permanent and lacks flexibility if the situation changes. Mr. Schifano said the Mayor might be referring to a slightly different tool. In the early 2000s the town had two different housing projects where the Town took a Purchase Money Deed of Trust 2nd mortgage on homes that had a declining balance and disappeared after ten or eleven years. The town took its fees so that these \$120,000 houses could be sold for \$90,000. Ms. Whitcomb said that is a slightly different issue, but an important distinction. If the town were to invest town money into a project, the Town could require a deed restriction for specific household income levels. That is a very powerful tool to use if you are offering a subsidy or public land for affordable housing. Council member Forrest said that "hero homes" have a deed restriction based on the nonprofit that buys the home, that requires the owner to stay for five years. Ms. Whitcomb said that is what happens with truly affordable housing that is subsidized. You can determine what income level is allowed. Mayor Mayefskie said that was the intent, to make housing affordable for families to move in, and to maintain that intent. Ms. Whitcomb that takes staff involvement to make sure that the unit stays affordable, either asking for rent rolls or income levels. Council member Forrest asked about if the final report would include staffing needs, and Ms. Whitcomb said that would be part of the final report under implementation strategies.

Ms. Whitcomb said that land use regulations could be modified to allow for attached or multifamily housing by-right. She said the Town could support a demonstration program for accessory dwelling units (ADU) to increase affordability for both homeowners and renters; minimum lot sizes could be reduced; and design requirements could be altered to lower building costs.

Council member McGrath said that several municipalities are facing significant challenges with ADUs turning into B&B's. So it's not increasing the availability of affordable housing. He said he thinks reduced design requirements go against what Holly Springs is trying to do. Ms. Whitcomb said it is a very real trend for single-family homes to be converted to rentals, or for parts to be used for extra income. But that can still be a tool for preserving home ownership as it allows someone to stay in a home when they are on a fixed income and the taxes are going up. But requirements can be added to the ADU if a subsidy is being offered, that would allow you to restrict the ADU to affordable housing. It's another incentive project.

Mr. Hills asked if there was agreement that reduced design requirements is not a tool Council wants. Consensus was that reduced design should remain as a tool in development agreements.

Council discussed Wake County's investment in affordable housing and how any town subsidization would need to have a clear return on investment, and that any town money invested needs to be leveraged against the county's investment. It was clarified that the consultants would provide a list of possible suggestions with their report and that Council would need to discuss them then and make decisions. Ms. Whitcomb added that Holly Springs does not have a significant amount of public land to make available for public housing, and because land here is expensive the County is pushing for municipalities to contribute land.

Council member McGrath said that we just rewrote the UDO and the Comprehensive Land Use, and part of that was that previous Councils looked at the Southwest area of town for reduced density. The reason that decision was made was the lack of infrastructure. You need increased density but it comes with a cost because we don't have the infrastructure. We're running out of prime property for that increased density, but the areas we do have we have chosen reduced density because of the transportation challenge.

Council member Wolff said the developer can choose that increased density, but it will come back to Council to decide whether that is appropriate for those areas. Council member Forrest said he agrees that areas are being built out rapidly and as we continue to grow those areas we should find a strategic partner who can help us with land grants or other things.

MPT Berry asked how this would work. These are things we are already doing in development agreements. Is this a formal policy, is this in our UDO? What does this look like? Mr. Hills said that one of the things we are looking at right now are some metrics for what constitutes a healthy balance of housing. That might become the basis of a policy that Council could consider, the way they did the tax balance question. This is policy driven and could land in a Council policy. A solution through the UDO could be difficult because of inclusionary zoning, but having it as a policy could allow us to let developers know as they come in what Council's priorities are. Council member Wolff asked if there was a pathway through the UDO, such as "if you give this much density, you get this process" or something like that. Ms. Whitcomb said voluntary plans are better done through ordinance or policy, rather than through the UDO. The tools mentioned first can be done through the process, other things have to go through land use procedures. Mr. Schifano said you can do a lot through contracting that you can't do any other way. He said he had tried for years to get a standard development agreement, but each situation is unique and we have to work the agreement around that. You are asking for things on two sides – quicker approval, and getting what you want out of development. You have a good process and get good results, but there may be some developers who will look at your process and go somewhere else. Ms. Whitcomb said that most towns are zoned already, with a mix of uses that they want. It's pretty atypical to have a lot of land that isn't already zoned. If the community has already decided what they want the area to look like, why should it be swayed by a few people who object. There are processes that are less about the underlying land use. Council member Wolff said that, to MPT Berry's point, we have used this plan successfully for previous projects, but it took months of back and forth. Having a standardized process would help that.

Ms. Whitcomb said that even if these areas are addressed, there will be some households unable to afford housing in Holly Springs due to low incomes. Some subsidy tools could include Gap Funding, Waiving or Reducing Development Fees; owner occupied rehab; down payment assistance; funding for legal services for those facing eviction; and a community land trust. These tools require designated revenue. Some towns dedicate a half cent of property tax to this and then decide what they want to do with that. It does cost so it is about balancing public priorities.

Council member Wolff said there has been a little conversation about the effectiveness of the Community Land Trust, and asked her to address that. Ms. Whitcomb said that Community Land Trusts are very effective as controlling resale value, but they don't address wealth building, because equity increases are mostly based on land values. In contrast to that, down payment assistance programs do provide wealth building. Down payment assistance houses eventually become market rate, but those homeowners build wealth and move up.

Council member McGrath asked for a list of the County properties close to or within Holly Springs. Ms. Goodson said staff could collect that information for Council.

Council member Forrest said Council needs to discuss how we can partner with others regionally to meet these goals. We have to do something to assist, and that's what this report is about. Ms. Whitcomb said that employer incentives are something else they could investigate. Whether it's donation of land or assistance with employees' housing costs, that is something we can look into.

Ms. Whitcomb said that some draft goals had been prepared based on identified housing needs, public survey responses, and discussions with the advisory committee. These include meeting growing demand for a range of housing types; preserving and expanding access to homeownership; and retaining existing residents. She offered tools to meet those goals, and ranked the funding required and the level of impact for each tool.

Council member Wolff asked about the community meetings by the Advisory Committee. Ms. Whitcomb said that they have made a recording that can be shared at these meetings without a committee member having to present. There will be an email about this sent to them soon. Council member Wolff asked if there was interest in a Town meeting that he and Council member Forrest would put together. Council and staff said that was doable.

Council member Bennet asked if there was information about partnering with non-profits that Ms. Whitcomb could share. Ms. Whitcomb said it is not in this presentation because that is part of implementation. For example, if you decided to use down payment assistance, that would be run by a partner nonprofit, because they have the staff and experience to run it. That will be part of the implementation part of the report.

b. Northeast Gateway Master Plan

Chris Hills, Director of Development Services, said the purpose of this item was to provide a project status update, articulate some community outreach takeaways, provide Council with an overview of the draft Northeast Gateway Master Plan, and outline next steps. He said that the plan included building off previous planning efforts such as the Land Use and Character Plan, the Comprehensive Transportation Plan and Parks, Recreation, and Greenways Master Plan. He outlined the steps that have been taken thus far. Community feedback included the need for a broader definition of commercial land use, density directed towards the NC 540 interchange, maintaining natural features, supporting traffic calming elements in residential areas, making sure building heights step down to transition to existing neighborhoods, pedestrian connectivity, more public spaces, and adequate buffers between high and low density uses.

Mr. Hills said the plan contained an improvements framework for roadway improvements and placemaking and urban design improvements. This is a rather large area for this type of plan. He said to address this, the area was divided into Functional Subareas (FS) each of which has a distinct character, mix of uses, and development pattern. This gives necessary guidance for future growth and development, while providing flexibility for Town Council and Planning Board to consider context sensitivity when reviewing zoning and development proposals. He walked through the Functional Subareas and what had changed since Council saw them last. He said that placemaking and urban design improvements could include gateway and wayfinding aids, street furniture and street trees, and building interaction with the street, and showed examples of each.

For the Northern Gateway area FS1, the key takeaways were to protect existing neighborhoods, buffer NC 540, and maintain natural buffers. Council member McGrath said that between these two presentations, this and affordable housing, this points out what our residents want and what they think they want. Where this might be an area for higher density, yet we're talking about preserving trees and open space. This is a challenge he has with the Northeast Gateway at a macro level. There was discussion about this being close to the Tuscany neighborhood and that their concerns are being listened to.

For the Live-Work Center, FS2, the key takeaways were to protect existing neighborhoods, buffer NC 540, maintain natural buffers, and increase pedestrian access and a commercial center use was added. Council asked why it was added and Mr. Hills said that there was thought that it would be a logical place for commercial and people asked why it wasn't there. But there is flexibility in where it is located.

Mr. Hills said that for the Gateway Core area FS3, key takeaways were to install wayfinding and gateway signage at key locations, increase pedestrian access, buffer NC 540, and promote a key opportunity site near the future interchange. Having a protected pedestrian crossing of 540 was important because it needs to be on a plan in order to get funding for it. There are options for higher density, higher impact buildings in this area. Because it is allowed does not mean that there will be nothing but that type of building. He showed examples of areas that we could emulate. North Hills in Raleigh shows how stepping down building heights can make the area work. Glenwood South in Raleigh, or Fenton in Cary are other examples of how this has been successful. Key questions that they have asked the consultant to dig into more deeply are ideal percentage of land use types in the area. He requested Council feedback on this.

Council member Wolff said we need to be really sensitive to the existing neighborhoods. The step back and heavy buffering makes sense. He asked if there was a way to have buffer requirements while there is existing residential, and then reduce it when an area becomes more commercial. Mr. Hills said yes, that was possible. Mayor Mayefskie asked if there was any data that showed what this does to the value of homes. Mr. Hills said that in the North Hills area homes have increased in value since that, but that is anecdotal data and he can try to get more accurate data for Council. He said Council doesn't have to decide on the percentage tonight and staff can come up with a recommendation and it could be adjusted when the report is ready. Council member Bennett said having a recommendation could be helpful as a jumping off point for conversation. Mr. Harrington asked if the consultant has suggested anything. Mr. Hills said not yet. He is asking if Council is comfortable with them putting something in there that can be adjusted as we move forward. We are seeing a strong push to develop without a mix of uses that we heard from the community that we would like to have. Council member Wolff said that North Hills is a great example. We don't want to throw a lot of commercial without things for the people who live there already. This is a great spot for mixed use that can add value to the people who are already there. Council member McGrath said he would like to know what the current development market research is. What is the development world looking at this area as, so we strike a balance. Council member Bennett asked if the pedestrian crossing of 540 was a tunnel. Mr. Hills said we would look to partner with CAMPO or the State to have funding for the crossing in the future. It would be difficult for the town to undertake that by itself, but one of the key aspects of getting funding for it is to have it on a plan to be incorporated later. Council member Bennett asked if it would be easier to try to get it done while 540 is under construction. Mr. Harrington said that NCDOT has already designed the roadway and they have cost pressures just like the Town does. Council member Wolff said also there is nothing for it to connect to at this point.

Mr. Hills said for the Commercial Center, FS4, key takeaways include installing wayfinding and gateway signage at key locations, increasing pedestrian access, maintaining natural buffers, and creating a loop road around Sunset Lake Rd. and Holly Springs. Two commercial building types

have been added: mixed-use and commercial. Also a greenway connection was added. Key questions for this area are the same as for FS3. Land uses here are more established. We are also working with the consultant to get some small area conceptual designs and will bring those to Council at a later date.

He said that for Neighborhood Core, FS5 key takeaways are to increase pedestrian access, maintain natural buffers, buffer NC 540, and consider traffic calming elements for residential connecting roads. A mid-rise apartment land use was added to this area due to feedback from a landowner in the area. Mayor Mayefskie asked if he could get these changes to take to the meeting he has with residents in this area. Mr. Hills said of course.

Mr. Hills said for Neighborhood Edge, FS6, key takeaways include increasing pedestrian access, maintaining natural buffers, buffer NC 540, and consider traffic calming elements for residential connecting roads. This is also a key opportunity site near future NC 540.

For Eastern Gateway FS7, he said the key takeaways are to increase pedestrian access, maintain natural buffers, buffer NC 540, consider traffic calming elements for residential connecting roads, and installing wayfinding and gateway signage. There were no changes in building types.

He then outlined next steps. He said in late summer the plan would come to Council for a public hearing and adoption, but staff would touch base with Council to address some of the feedback that was given.

MPT Berry said he was happy to see these changes at the recommendation of the steering committee. He thinks getting the mix right in that key site will be important for us to guide the development community.

c. Unified Development Ordinance Amendments – deferred to a future meeting

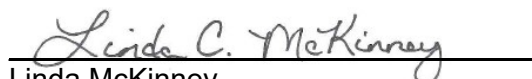
d. Village District Area Plan Update – deferred to a Council briefing

4. Open Discussion

Mayor Mayefskie thanked Chief Liquorie for making the area available for a larger audience, the Clerk's office for helping set this up to accommodate residents and the Communications Department for the QR code on the posters. He said he spoke at the graduation ceremony for the Fire Academy and he welcomed the new fire fighters. He was also at the Holly Springs High School graduation. He thanked Council and staff for staying for a long meeting and thanked the Town Attorney for all the information he provided.

5. Adjournment: There being no further business for the evening, motion to adjourn was made by Council member Wolff, second by Council member Forrest and passed with a unanimous vote. The June 14, 2022 meeting of the Holly Springs Town Council was adjourned at 9:26 pm.

Respectfully Submitted on Tuesday, July 19, 2022.


Linda McKinney
Town Clerk



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 21, 2022. Mayor Mayefskie presided, calling the meeting to order at 7 p.m. A quorum was established as the Mayor and four Council members were present in the Chamber as the meeting opened.

Council Members Present: Mayor Mayefskie, Mayor Pro Tem Dan Berry, Council members Aaron Wolff, Kristi Bennett, and Timothy Forrest.

Council Members Present by Electronic Means: Council member Shaun McGrath.

Staff Members Present in Chambers: Randy Harrington, *Town Manager*; Scott Chase, *Assistant Town Manager*; Daniel Weeks, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Mathew Mutter, *IT*; Chris Hills, *Director, Development Services*; Bronwyn Redus, *Development Services*; Rachel Jones, *Development Services*; Kendra Parrish, *Director, Utilities and Infrastructure*; Irena Krstanovic, *Director, Economic Development*; Corey Petersohn, *Administration*; Cassie Hack, *Director, Communications*; Paige Scott, *Director, Public Works*; LeRoy Smith, *Fire Chief*; Kathy White, *Deputy Clerk*; Anna Johnston, *Economic Development*; Michael Leonas, *Utilities and Infrastructure*; Sean Ryan, *Development Services*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Sandy Byrne of Oasis Church.

4. Agenda Adjustment: The June 21, 2022 meeting agenda was adopted with changes, if any, as listed: none.

Motion: Berry
Second: Forrest
Vote: Unanimous

Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council, and the Clerk was asked for any written comments received prior to the meeting.

Mayor Mayefskie asked Council for a motion reducing the time for public comment to 2 minutes per person for this meeting. Council member Wolff moved to allow 2 minutes per public comment for this meeting. The motion was seconded by MPT Berry and passed with a unanimous vote.

Mayor Mayefskie asked the Clerk for a summary of written comments. The following written comments were received: 1 comment that internet access should be a right; 1 comment thanking the Council for their leadership; 1 comment opposed to Pride Month.

The following comments were received in person:

Ginny Suever said that the non-discrimination order (NDO) was more about politics than about the town. She said an NDO would have negative financial and constitutional ramifications. She spoke about how safe Holly Springs is. She thanked Council for their actions.

Michael Hale read verses from the Christian Bible. He told Council that they were responsible before God and said that everyone should be held to the same standards and not worry about protecting feelings.

Kevin Boland said he understands people present feel passionate about this issue. But he said he spoke for those who weren't there. He said he contributed to the campaigns of many of the Council members and knocked on doors for them. He said residents of Holly Springs don't care. And he said this was a positive thing because they don't see race, color, ethnicity or sexual orientation. He said most businesses don't discriminate and an NDO would hurt people by arousing suspicion among employees and employers.

Jolene Ehlers said at the last meeting someone spoke about bullying, especially in High Schools. Bullying, especially cyber bullying is becoming worse. She asked what is influencing this rise in disrespectful behavior. She said that over the last few weeks she has seen adults from both sides of the political aisle practicing bullying on other adults. She said that righteous causes do not excuse hateful behavior. And we feel free to practice this if we think the other one started this. We aren't agreeing to disagree. No wonder our kids are behaving this way. She asked everyone to look around and see that we are people who belong to the same town.

Robert Ehlers said that kindness is being preached as more important than discussion of opposing views. He said it seems the highest priority is not being hurtful, rather than discussing the facts. He said government shouldn't hold one opinion over another. He said the government was founded on free speech and freedom of religion and said that a group that does not represent everyone thinks they should be protected above other views. He said that government should not be allowed to push an ideology. He said he was speaking for those who are not here.

Duane Hansen said according to ancient and modern scriptures, marriage between a man and a woman is ordained of God. He said each human is a spirit child of heavenly parents. He said the first command given to Adam and Eve was to multiply and replenish the earth, and that remains in force today. Children are entitled to be reared by a man and a woman. He gave his opinion of the ingredients for a successful marriage and said the roles in the family of men were to provide and protect, and of women were to nurture children, and said that those who do not fulfill these responsibilities will be accountable to God. He called upon citizens and government officials to promote these measures.

Darleen Agle said she knows Council received a lot of criticism lately, but as someone with pride in the town and respect for personal autonomy, she expressed thanks to the Council for rejecting Pride month. She said Pride was a package deal that included more than respecting someone's dignity, and that it is a false dichotomy that you have to reject or accept all of it. She asked that Council not adopt the NDO. She thinks that it is overreaching and non-transparent, and it exposes the Town to legal issues. She said those who ran for office and were not elected embraced these topics.

Lis D'Alessio said as a result on attacks on the Holly Springs community as being unsafe and unwelcoming, she wants to highlight why so many people and businesses are flocking to Holly Springs. She said the focus of the town leaders has always been on maintaining a small town feel and maintaining the safety of all residents. Leaders continue to find new ways to engage with the community. She spoke in favor of PCAG and implementation of body-worn cameras. She said the only time she felt unsafe in Holly Springs was after the last council meeting for having supported someone who spoke against what others were speaking for. She said we must respect all our neighbors' opinions.

Lesslie Corner said she was here to speak in favor of the NDO. She said as a retired teacher she is acutely aware of the effect of homophobia on students. Research shows that LGBTQ students are

more likely to attempt suicide if they do not have at least one place where they are affirmed. Passing an NDO tells students that they will receive protection from discrimination, at least in school. It tells students that they are valued and protected. She said efforts are underway nationwide to strip protections from LGBTQ people. She said the NDO also protects more than the LGBTQ community against discrimination, it protects against discrimination based on race, veterans or National Guard status, pregnancy, national origin, marital status, religious belief, age, and disability. She said that while she believes most businesses in the community are making a good-faith effort to avoid discrimination, there are gaps in the state laws that leave many spaces unprotected. She said it was disappointing that the Town Council refuses to pass the NDO. It appears the Council wishes to reserve the right to discriminate.

Brian Norman said he realized that there are many people who feel one way or the other. He said he was here to talk about one side or the other, he was her to talk about truth. Feelings should not be allowed to impact what is right and what is wrong. He said the NDO was wrong because it was discriminatory against people like him. He said he doesn't have a problem with people who have a different lifestyle or believe differently from him. He said an NDO creates divisiveness. He recommended that the Council stand their ground and not go down the road to create more diversity and divisiveness. Let's all get along.

Chanel Wilkins said that at the previous meeting her understanding of the NDO was that it would cover public spaces, but exclude religious facilities. She said she was born into an evangelical Christian family and understands Biblical connotations and how we have been taught. But she said she was asking the Town Council to sign on to the NDO and re-evaluate it at the end of the "free trial" in June of 2023. She has heard that members of Town Council are not aware of incidents of discrimination or prejudice. She said that Councilmember Wolff said that until the discussion of Pride he had no reason to think his kids wouldn't be safe. She has never known that feeling, of thinking her kids were automatically safe. She has never had a day that she wasn't afraid for her children.

Rob Nester said that he was a nerd and loved data. Answering those who say Holly Springs is a safe community, he said that it is true for some people. The Safest City designation doesn't include statistics on discrimination or harassment, just FBI crime data. The NDO is 4 pages long. He hopes all have read it. Three pages are definitions, lists of things are not in play, and the signature page. There's one page that talks about what it covers, and it is actually really simple. It says, if you have employees, regardless of the number, these are the things that you cannot discriminate against. It covers not just LGBTQ, which seems to be the sticking point. It covers pregnancy, natural hair, and other things. He said he is not affected by any of these things, but he cares about everyone who is. Even if we don't sign on to it, the fact that the town attorney has suggested it is something to be reviewed, means Council should.

Donna Friend said she had prepared different comments, but wanted to respond instead to the comments given. She said that what seems to be the real issue is that the sticking point on the NDO isn't about race, it's about homophobia. Everyone who talked about the Bible and God makes us look like a homophobic town. If that's the reputation you want, don't sign the NDO. Aaron Wolff himself asked a couple of weeks ago, what groups do we not want to protect, who do we want to leave out? I think it's pretty clear who we want to leave out.

Jackie Turnwald said they were a trans non-binary resident whose pronouns are they/them. They said they were disappointed that the Council continues to choose inaction over hearing the residents who are expressing how important this is to them. Recently they and their partner learned that neighborhood children harassed their children and told them that their dad hates gay people. They have had pinecones thrown at their windows, and last fall a teenage boy in town threatened to fist fight them and their partner, a brown queer woman, simply because they showed up to a Town sporting event. Across the US, people like them experience disproportionate rates of violence and

murder. The year 2021 was one of the most fatal years on record for LGBTQ people. When they enter a new space they have to mindfully scan for verbal and nonverbal cues to assess who is safe. And a few days ago they learned that someone who isn't safe for their family sits on Council, someone who ran on a Family First platform, but was recruiting people online to speak against an NDO that would make their family safer. When they hear that this is "not for Holly Springs" they have to ask, how has our town found itself exempt from institutional racism, ableism, transphobia, and misogyny? The truth is, it hasn't.

Mike Kondratick said that he was here to speak in favor of the town signing on to the NDO. He said he is not a member of the LGBTQAI+ community but was here to speak on their behalf. He takes issue with the Council, upon being asked reasonable questions by that community about their safety, essentially being told that their safety is going to come down to a cost. The Town will provide for their safety, essentially, if the price is right. He said that was offensive to him, and he is left to wonder if at some point in the future his safety and that of his family will come down to the same financial equation. He asked Council to take human costs and make that the center of the debate moving forward.

Diane Wetzle passed.

Oksana Sharapora said she wanted to thank Council for not proclaiming June as Pride month because that would be discriminatory against people of faith and traditional families. She asked those who disagree to think what they would think if a month was declared Traditional Family Month. She said Holly Springs is a family-friendly town, and they want to make sure town events are family friendly and that they are not discussing sexual preferences or talking about different orientations in front of kids. She said it was not age-appropriate. She asked that they stand united and not divided and not push their beliefs on others.

Amanda Lunn said she lives in Holly Springs and has a business here. She said that as she was standing in line at Bush Gardens a little black girl said she was not afraid of the roller coaster. But she was afraid of getting her hair wet because it took her five hours to straighten it. She said she was speaking in favor of the NDO and Pride Month. Because we are all human; we are all worthy of love, acceptance, and safety in our towns. We are all the same inside, bones, muscle, skin, with a heart. She asked Council to look into themselves, just because they don't see a need for an NDO or Pride Month. She asked them to let marginalized voices lead the discussion. She asked them to check their biases and love their neighbors. She said their actions do speak louder than words, and the actions or lack of actions she has seen give way to increased incidents violence and bullying, especially to the LGBTQ community.

RECOGNITIONS

5. Irena Krstanovic, 2022 NC Economic Developer of the Year

Randy Harrington said that at the NC Economic Developers Association annual conference last week, Irena Krstanovic, Director of Economic Development, was named NC Economic Developer of the Year for 2022. He said this is a great honor for Irena, and he outlined some of the many accomplishments in her tenure with Holly Springs. He outlined the criteria for the award and said that she was voted by her peers to this honor.

Irena Krstanovic said a few words about the Town and the support she has had from the Manager and Council.

6. Park and Recreation Month Proclamation

LeeAnn Plumer, Director of Parks and Recreation, said that July is celebrated as Park and Recreation month nationally. She introduced future leaders of the community to join her in receiving this Proclamation. She spoke about the importance of parks and recreation, and the benefits the programs have brought to Holly Springs.

Kaia Davidson, 6 years old, spoke about Bass Lake and the classes there. She said she liked seeing all the animals and nature. Tembo Daniel said he has lived here for 13 years and participated in the Parks & Recreation each of those years. He read the “ABCs of Parks and Rec.” naming one program for each letter of the alphabet that he had participated in, or hope to participate in the future.

Mayor Mayefskie proclaimed July as Park and Recreation Month in the Town of Holly Springs.

REQUESTS AND COMMUNICATIONS

7. Unified Development Ordinance (UDO) Amendments Update

Sean Ryan, Development Services, said the purpose of this item was to provide Council with an overview of proposed amendments to the UDO. He said they were looking for guidance so that they could prepare for the July public hearing. He reminded the public that the new UDO was adopted in October of 2021 and went into effect in March of 2022. The first amendment was made in March to separate the Planning Board and the Board of Adjustment. These proposed amendments are mostly clarifications or corrections. There are a few that are for legal compliance, some minor changes and one major change around notification. He then counted down the top ten changes (in no particular order).

10. The decision matrix and notification added new Type 7 Review for Town-wide policy actions; added a neighborhood meeting requirement; and expanded the notice requirements for development applications from 300 feet to 500 feet.

9. Neighborhood meetings can be no more than 12 weeks before the application, with notice mailed to renters and prior notification to Town staff. Any in-person meetings need to be held near the site location.

8. Open space and landscaping requirements would clarify that nonresidential uses in Residential Districts are to follow Commercial & Mixed-Use District standards. Examples would be childcare centers in Residential use Districts following Neighborhood Mixed-Use standards for open space and landscaping.

7. Accessory Structures in Rural Residential (RR) District would be changed to allow additional area, not to exceed the size of the dwelling, when the property is zoned RR and is greater than 2 acres.

6. Adding design standards for manufactured dwellings regarding roof pitch and materials, siding material, removal of hitch, and enclosure with landscaping. These were accidentally left out of the new UDO.

5. Updating definitions to divide “Religious/Assembly” use into two distinct uses where Assembly Uses include banquet facilities, event centers, etc., and Religious Uses include facilities such as a church, temple, monastery, synagogue, or mosque used for worship by a non-profit organization.

4. Tobacco Stores, defined as a retail use where the sale of tobacco products, tobacco-derived products, or vapor products exceeds 30% of total gross sales, would be removed as a permitted use in Downtown Mixed-Use, Regional Mixed-Use, and Innovation Village Mixed-Use districts. The use will remain permitted in Community Business.

3. Parking location flexibility was outlined in Chapter 2 with the intent of allowing for parking location flexibility in Conditional Zoning Districts. Changes would be to Table 6.3 to allow for flexibility to be considered with a Conditional Zoning request.

2. Apartment Dwellings would be allowed in Community Business District (CB) with Additional Standards (PS) consistent with other Commercial and Mixed-Use districts. This would be consistent with density standards in Chapter 2. Additional Standards would limit the use to upper

level apartments only, or with flexible standards by Conditional District. This is a consistency correction.

1. All Residential Use districts were intended to allow 50' building height with a Conditional Zoning District. The Suburban Residential district was mistakenly not included. This change would correct that.

MPT Berry asked if the amended notifications applied to development petitions as well as rezoning. Mr. Ryan said it would apply to all public hearings. The neighborhood meeting would be what would notify residents of a development petition not covered under the public hearing process. MPT Berry asked if the building height change addressed the CB district and whether any thought was given to making that height requirement more permissive. Mr. Ryan said there is a process for asking for a lower height either through a variance or asking for a rezoning. MPT Berry asked if any thought was given to having Special Exception Uses go before Council instead of the Board of Adjustment. Mr. Ryan said staff was not looking at the list of SU Permits for this round of amendments, but it could be looked at for future amendments. The way the uses were separated out were those with larger, community impact, were to go to Council. Other uses have more neighborhood specific impact and were given to the Board of Adjustment. But these can be moved around by moving them to the Conditional Use process if there are specific uses Council is concerned about.

Council member McGrath said that he agreed with MPT Berry about special use categories. He would like to expand that. He asked for a clarification of who is responsible for sending the notification out. Mr. Ryan said that for neighborhood meetings it is the developer; for public hearings it is the responsibility of the Town staff. Council member McGrath said that the increased notifications would require a budget increase. Mr. Ryan said staff will be sending more letters.

Mayor Mayefskie asked how staff would manage renter notification. Mr. Ryan said that the Wake County tax website lists two addresses – the property address and the owner's address – and staff can use that to mail notice to renters as well as owners.

Council member Wolff said he thought tobacco shops would be moved to industrial only, not CB. Mr. Ryan said staff could do that, and allow them in RT: Research and Tech or HI: Heavy Industrial, or both. Council member Wolff asked if RT allowed for commercial use. Mr. Ryan said it allowed limited commercial use, mostly business service. Council discussed that allowing tobacco shops as a conditional use in BRT would require it to go before Council and consensus was that was where Council would like it to be.

Council member Bennett asked if there were any virtual requirements for notification or was it all mail. Mr. Ryan said for public hearings, staff mails letters, posts signs, and posts information on the web site. For neighborhood meetings there are 2 options – a meeting organized by the developer near the location or they can offer a virtual option.

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda. The motion carried following a motion by Mayor Pro Tem Berry, a second by Council member Forrest and a unanimous vote. The following actions were affected:

8. Minutes – Council approved the minutes of the May 24, 2022 workshop and the June 7, 2022 business meeting.

9. End of Fiscal Year 2021-2022 Budget Amendment – The Council approved the end of the fiscal year budget amendment for Fiscal Year 2021-2022 and adopted PAYGO Capital Project Ordinance 22-28.

Copies of the budget amendment and Ordinance 22-28 are attached to these minutes.

10. Flood Damage Prevention Ordinance – The Council adopted Ordinance 22-26 amending the Flood Damage Prevention Ordinance.

A copy of Ordinance 22-26 is attached to these minutes.

11. Tax Collection Order for Fiscal Year 2022-23 – The Council adopted Order 22-01 authorizing Wake County Tax Administrator to levy and collect property taxes for FY 2022-23 for the Town of Holly Springs.

A copy of Order 22-01 is attached to these minutes.

12. Operations Campus Design Services Contract & Reimbursement Resolution for Funding – The Council awarded a contract to ADW Architects in the amount of \$564,500 for the Operations Campus Phase-1 schematic design, program verification, early site package, and project contingency funding in the amount of \$50,000 for a total of \$614,500, and authorized the Town Manager to execute the design contract. The Council approved Resolution 22-25 authorizing a later issuance of public funding to pay for these prior expenditures.

13. Friendship Utilities – Procurement of Construction Materials – The Council approved \$2,000,000 for material procurement for use on the Friendship Utilities Project.

14. NC Biotechnology Center Partnership Development Grant – FUJIFILM Diosynth Biotechnologies – The Council accepted NC Biotechnology Center's Partnership Development Grant for \$175,000 for the benefit of middle and high schools serving Holly Springs, approved a grant agreement with NC Biotechnology Center to receive \$175,000 and a performance agreement with FUJIFILM Diosynth Biotechnologies. The Council adopted Grants and Special Project Ordinance 22-27 to appropriate the \$175,000, and authorized the Town Manager, Attorney, and Finance Director to sign and execute the agreements.

PUBLIC HEARINGS

15. Voluntary Annexation A2203, Utley Creek Substation

Bronwyn Redus said the town received an application for annexation of 69 +/- acres north of Dexter Ridge Dr. and Holly Thorn Tr. for the future development of the Utley Creek Substation. She said that tonight's hearing was specifically for the annexation, to bring these properties into the Town Limits, and they would be going to the Board of Adjustment for a Special Use Permit, which would be a quasi-judicial hearing on July 6th. She said that public notice has gone out for that hearing. She showed where the property is located on the map and explained that the part not currently in the ETJ is in the Urban Service Area, because it belongs to Duke Progress Energy. She showed approximately where the substation would be. She showed an aerial view showing the future access for the development on an existing access road off of Avent Ferry Road, not through the subdivision. She said the substation is a minimum of 1000 feet from existing homes.

A member of the audience asked what a substation was and Ms. Redus explained.

Mayor Mayefskie opened the public hearing.

Kevin Chesney, 1500 Dexter Ridge Dr. said that there was already construction at the site. They drove up and down the entrance road by his property today. He said multiple trucks have been in the neighborhood. He said if the hearing for the use isn't until July, why are they already doing work?

Travis Bash, said he came prepared with different comments. But he wanted to point out that he is on the very end of Dexter Ridge, and the future plans for the Town in that corner of Town show possible road construction from the industrial park to Avent Ferry, possible greenways in that location, and now this substation. There are competing interests in that part of town. He asked for clarity moving forward on what that area of town is going to look like. He knows that the additional electrical service is required, but he asked for a good working relationship with Duke Energy and the town on this product.

Mayor Mayefskie said if they would email him he would pass their interests on to Duke Progress Energy.

Toby Coleman, Smith Anderson, counsel for Duke Progress Energy. He said that they appreciate the people who came out. There are people from Duke Progress Energy here tonight who will be happy to talk to them after the meeting to address questions or follow up with them. Duke has sent letters to residents and has met with the Braxton Village and Holly Glen HOAs. He said the work that was done today was soil testing, not construction, and they would not be doing any construction until after the hearing.

A member of the audience said that soil testing was directly related to the construction process.

There being no further input, Mayor Mayefskie closed the public hearing.

MPT Berry said given the concerns expressed, he wanted staff to check that all the proper permits were in place. Council member Wolff asked Chris Hills, Director of Development, to reach out to the HOAs and give them a point of contact for this project.

Action: Motion to adopt Annexation Ordinance A22-03 to annex properties at 1520 Dexter Ridge Rd. and a portion of the property located a 0 Avent Ferry Rd.

Motion by: Wolff

Second by: Forrest

Vote: unanimous

A copy of Annexation Ordinance A22-03 is attached to these minutes.

NEW BUSINESS

16. Downtown Village District Area Plan Consultant Selection

Sean Ryan, Development Services, said that this item was to consider a consultant contract for developing a Downtown Village District Area Plan. He said that original plan was adopted in 2006 and guided decision making and investments in the downtown area, including decorative streetscapes, public parking lots and signage, and private development. Updating the plan will help guide development and redevelopment activities and adapt to a rapidly changing and dynamic environment, incentivize new opportunities, and continue to develop a sense of place in the community. He said the new plan would provide design characteristics, recommendations for land uses including distribution of parks and open spaces, special areas that will create energy and identity, economic development tools, and priorities, timelines, and strategies to achieve these goals. He outlined the process for consultant selection and said that Design Workshop was recommended because of their community-based approach, design-based strategies, experience in streetscapes, urban design, and placemaking, and their action-ready plans.

Mr. Hills introduced Benjamin Boyd from Design Workshop. Mr. Boyd introduced the team that would be working on Holly Springs' plan. He outlined the steps they take to make an authentic design plan, and things they would consider for a performance-based design for Holly Springs. He then outlined why Design Workshop was unique and the right choice for Holly Springs.

Mr. Ryan gave a timeline for the project with the kickoff in late summer and adoption in the Fall of 2023. He said next steps are the kickoff and consultant tour, followed by data gathering and public outreach.

Action: Motion to authorize the Town Manager to negotiate and execute the contract for the Downtown Village District Area Plan with consultant firm Design Workshop, for a total not to exceed \$150,000.

Motion by: Forrest

Second by: Bennett

Vote: unanimous

OTHER BUSINESS

Mayor Mayefskie said that Triangle J COG was asking for letters to advocate for federal funds for the renovation of RDU airport's primary runway. He said a letter was drafted and said Council would get a copy of the letter when it was sent out.

Council member Forrest said funding for the airport was a good thing. He said he had heard concerns about, the new design model of the traffic signal coming out of South Park Village onto Avent Ferry Rd. He said residents of Trotter Bluff and Morgan Park have contacted him because of the free-flowing traffic in the right lane which makes it difficult for them to move right. He said watched traffic this week and saw many near accidents. He was told that NCDOT would be watching the intersection, but he hasn't seen any mechanism for that. He is concerned about that intersection. He knows it's a DOT intersection, but he would like staff to engage with DOT about that intersection. Randy Harrington, Town Manager, said that Michael Leonas, Utilities and Infrastructure, was present and could answer questions. Mr. Leonas said that staff has the same concerns and have been in conversation with residents and have also asked DOT for additional signage. It is under their jurisdiction so whatever we do, we have to coordinate with them, but staff is asking for more education on this. He also said that there is a new hybrid pedestrian signal that will be installed soon, and staff is working with Communications to get the word out on how those pedestrian beacons will work. Council member Forrest asked when the cross-walk signals at Ralph Stevens / Avent Ferry and also this intersection would come online. Mr. Leonas said next week is the hope. The intent is to get everything operational by the end of June, but it may fall over into the first of July.

Council member McGrath thanked all the residents who have continued to come out and provide their thoughts on what is going on in Town.

Council member Wolff thanked everyone for coming out. He said he knows this is not an easy thing to speak about and he knows that this is the first time for some, and he thanked them for that. He said when Council first started talking about this it was said that it was a "solution without a problem." If nothing else, this outreach should have cleared that up. He said he spoke with a resident who gave him permission to share her thoughts, omitting her personal information. He read an email from a resident who lives here with her wife and newborn son. They moved to Holly Springs thinking it was heading in a direction that was promising for families like theirs. But they are worried that they are wrong and are considering selling and moving elsewhere. She and her wife both work for large tech companies in the area but work remotely, so they can live anywhere. Without protections, they don't feel safe shopping in town and drive to Cary and Apex to do most of their shopping. She said the lack of protections for LGBTQ community hurts the entire community. They participate in Pride groups at their respective employers and have shared their concerns with them. She asked what she could do to advocate for families like theirs, and Council member Wolff said he told them that was his job and she needed to focus her energy on her newborn.

After reading this, he asked Council if that sounded political. Do people uproot their families to make a political statement? He said that last week Council left after a long discussion, with no action items. After thinking about his colleagues' concerns, questions, and feedback, he came up with some action items that reflected those concerns.

1. Amend legislative agenda for 2022 to advocate with state and federal to explore ways to close the loopholes.
2. Add this for consideration to the September workshop, which gives plenty of time to review the ordinance, and for the Town Manager and Attorney to reach out to the County

to see how much amendment might be accepted by the County. Three months would also be adequate time for our Communications Department to create an education plan for residents and businesses. This would be to discuss the accommodations piece of the NDO, which Council recognized as a gap in existing law.

He asked for feedback on those suggestions. There was none.

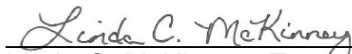
MANAGER'S REPORT

Randy Harrington, Town Manager, said he had two items. First, there is no meeting on July 5th due to the Independence Day holiday. The next meeting will be the July Workshop. Second, he is excited for the July 5th Fireworks celebration at Sugg Farm Park. Activities begin at 6 pm, with fireworks around 9:15.

CLOSED SESSION: none

Adjournment: MPT Berry made a motion to adjourn at 8:47 pm. It was seconded by Council member Forrest and passed with a unanimous vote.

Respectfully Submitted on Tuesday, July 19, 2022.



Linda C. McKinney, Town Clerk

Addenda pages as referenced in these minutes follow and are a part of the official record.



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 10.

Consent Agenda

Title: Green Oaks Tech Center, Voluntary Annexation A22-01

Strategic Priority Area: Responsible & Balanced Growth

Staff Resource: Bronwyn Bishop, Development Services

Action(s):

Adopt Resolution 22-26 directing the Town Clerk to investigate the sufficiency of annexation petition A22-01 and setting the public hearing for August 16, 2022.

Explanation:

- The Town has received a petition for voluntary annexation of 120.76 +/- acres located at the intersections of Green Oaks Pkwy, Holly Springs New Hill Rd, and Thomas Mill Rd for the development of the Green Oaks Tech Center Planned Unit Development (PUD). The Green Oaks Tech Center project is also being referred to as Yield 2.0 by the applicant.
- The owner of the properties is CC TGA The Yield LLC.
- Staff has requested feedback from all departments and there were no issues with this annexation.
- The requested action is to set the public hearing, and to verify that the petition meets the statutory requirements for annexation.

Background:

- Pursuant to NCGS 160A-31(c) Council is required, upon receiving a petition for annexation, "to cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of the investigation: and to fix a date for a public hearing on the question of annexation."

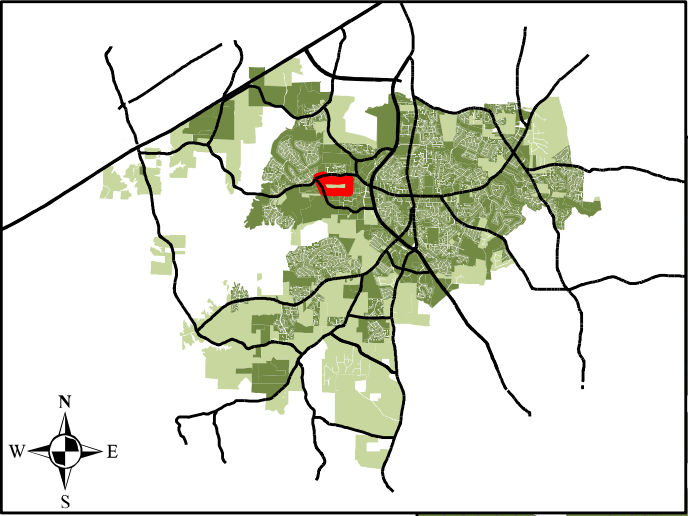
Funding Source(s):

N/A

Attachment(s):

1. A22-01 map
2. A22-01 - Green Oaks Tech - Resolution of Sufficiency

A 22-1 | Green Oaks Tech Center | 123.82 ac



- Legend**
- Annexation
 - Property Site
 - Subdivisions
 - Lakes
 - Town Limits
 - ETJ
 - Short Range Urban Service Area



Resolution No. 22-26

Date Adopted: July 19, 2022

Annexation No.: A22-01

**RESOLUTION OF THE HOLLY SPRINGS TOWN COUNCIL DIRECTING THE TOWN CLERK
TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND FIXING THE DATE
OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION**

WHEREAS, a petition requesting annexation of an area described in said petition was received by the Town of Holly Springs; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Holly Springs deems it advisable to proceed in response to this request for annexation, subject to the Clerk's satisfactory investigation of the sufficiency of the petition; and

WHEREAS, the area proposed for annexation is described as follows:

Lying and being in Holly Springs Township, Wake County, North Carolina, and more particularly described as follows:

COMMENCING on Town of Holly Springs Geodetic Monument "Alford 33", having published North Carolina State Plane Coordinates [NAD83(2011)] of N: 693,650.75' and E: 2,041,575.85' and observed coordinates of N: 693,650.52' and E: 2,041,575.94' and run thence North 88°38'48" East 1,067.79 feet to a 5/8" capped iron rebar set in the northern margin of the 60' wide public right-of-way of Thomas Mill Road, having North Carolina State Plane Coordinates [NAD83(2011)] of N: 693,675.74' and E: 2,042,643.43', in the western boundary of the land conveyed to Justin Stanley [Wake County Tax Parcel Number ("TPN") 0649238617] by instrument recorded in Book 17473, Page 2663 and shown on map recorded in Book of Maps 1996, Page 959, and marking the point and place of **BEGINNING**; and running thence from the point of **BEGINNING** with the northern margin of the right-of-way of Thomas Mill Road the following three (3) courses and distances:

(1) along an arc of a curve to the left, having a radius of 20,030.00 feet, an arc length of 3,302.29 feet, and subtended by a chord bearing and distance of North 88°28'49" West 282.73 feet to a found nail;

(2) North 88°48'51" West 1,015.21 feet to a 5/8" capped iron rebar set; and

(3) along an arc of a curve to the left, having a radius of 1,175.92 feet, an arc length of 3,302.29 feet, and subtended by a chord bearing and distance of South 84°11'15" West 286.68 feet to a 5/8" capped iron rebar set

thence leaving the northern margin of the right-of-way of Thomas Mill Road North 88°11'13" West 7.89 feet to a 1" iron pipe in the northeastern boundary of the land conveyed to the Town of Holly Springs [TPN 0649039606] by instrument recorded in Book 12469, Page 1755, and shown on maps recorded in Book of Maps 1988, Page 1549 and in Book of Maps 2006, Page 2524;

thence with the northern boundary of the Town of Holly Springs [TPN 0649039606] land (now or formerly) and the northern boundary of the land conveyed to Seqirus Inc. [TPN 0649034509] by instrument recorded in Book 16104, Page 1384, as shown on maps recorded in Book of Maps 2006, Page 1666 and in Book of Maps 2007, Page 807, North 88°11'13" West 974.46 feet to a 1/2" iron rod found on the eastern margin of the 100' wide public right-of-way of Green Oaks Parkway and shown on map recorded in Book of Maps 2007, Page 823;

thence with the eastern margin of the right-of-way of Green Oaks Parkway two (2) courses and distances as follows:

- (1) North 18°23'58" West 138.21 feet to a 5/8" capped rebar set and
- (2) with the arc of a circular curve to the left, having a radius of 2801.25 feet, an arc length of 796.66 feet, and a chord bearing and distance of North 26°32'03" West 793.97 feet to a 1/2" iron pipe found in the southeastern corner of the land conveyed to Helix Ventures, LLC [TPN 0639945880] by instrument recorded in Book 18131, Page 1303, and shown on map recorded in Book of Maps 2019, Page 2148;

thence leaving the eastern margin of the right-of-way of Green Oaks Parkway and with the eastern boundary of the Helix Ventures, LLC land (now or formerly) North 02°27'53" East 371.78 feet to a 1 1/2" iron pipe found in the northeastern corner of the Helix Ventures, LLC land (now or formerly) and in the southern boundary of the land conveyed to Garland Johnson, Jr. [TPN 0639955037] by instrument recorded in Book 8389, Page 1882, and shown on map recorded in Book of Maps 1996, Page 1251; thence with the southern and western boundaries of the Garland Johnson, Jr. land (now or formerly) two (2) courses and distances as follows:

- (1) North 87°38'36" West 325.29 feet to a 1/2" iron pipe found having North Carolina State Plane Coordinates [NAD83(2011)] of N: 694,932.59' and E: 2,039,371.39' in the southeastern corner of the land conveyed to the Town of Holly Springs [TPN 0639953025] by instrument recorded in Book 14910, Page 1064, and shown on map recorded in Book of Maps 2006, Page 2291 and
- (2) with the eastern boundary of the Town of Holly Springs [TPN 0639953025] land North 00°39'52" East 227.71 feet to a 5/8" capped iron rebar set in the northwestern corner of the Johnson land (now or formerly) and in the southern margin of the variable width public right-of-way of Holly Springs New Hill Road (SR 1152) and shown on map recorded in Book of Maps 2015, Page 2042;

thence with the southern margin of the right-of-way line of Holly Springs New Hill Road (SR 1152) twenty-four (24) courses and distances as follows:

- (1) with the arc of a circular curve to the right, having a radius of 773.33 feet, an arc length of 124.90 feet, and subtended by a chord bearing and distance of North 66°38'06" East 124.77 feet to a point;
- (2) with the arc of a circular curve to the right, having a radius of 773.33 feet, an arc length of 16.62 feet and subtended by a chord bearing and distance of North 71°52'40" East 16.62 feet to a point;
- (3) North 73°12'27" East 132.69 feet to a 1/2" iron pipe found;
- (4) North 73°04'14" East 59.45 feet to a point;
- (5) North 73°03'31" East 131.22 feet to a 5/8" capped iron rebar set;
- (6) North 73°55'43" East 188.83 feet to a 5/8" capped iron rebar set;
- (7) North 73°52'07" East 17.96 feet to a point;
- (8) with the arc of a circular curve to the right, having a radius of 2,266.40 feet, an arc length of 224.67 feet, and subtended by a chord bearing and distance of North 76°49'46" East 224.58 feet to a point;
- (9) North 79°40'51" East 176.77 feet to a point;
- (10) with the arc of a circular curve to the right, having a radius of 6,846.07 feet, an arc length of 296.39 feet, and subtended by a chord bearing and distance of North 80°55'18" East 296.37 feet to a point;
- (11) North 82°09'42" East 94.51 feet to a point;
- (12) with the arc of a circular curve to the right, having a radius of 1,158.19 feet, an arc length of 383.88 feet, and subtended by a chord bearing and distance of South 88°02'31" East 382.13 feet to a

point;

(13) South 78°46'18" East 273.79 feet to a point;

(14) South 78°21'23" East 83.98 feet to a 5/8" capped iron rebar set;

(15) with the arc of a circular curve to the left, having a radius of 1,003.15 feet, an arc length of 115.92 feet, and subtended by a chord bearing and distance of South 84°09'58" East 115.86 feet to a point;

(16) with the arc of a circular curve to the left, having a radius of 1,030.15 feet, an arc length of 20.00 feet, and subtended by a chord bearing and distance of South 87°59'22" East 20.00 feet to a point;

(17) with the arc of a circular curve to the left, having a radius of 1,154.78 feet, an arc length of 196.85 feet, and subtended by a chord bearing and distance of North 86°16'50" East 196.61 feet to a point;

(18) North 80°34'13" East 61.09 feet to a point;

(19) North 78°58'48" East 147.16 feet to a point;

(20) North 78°57'11" East 168.97 feet to a 5/8" capped iron rebar set;

(21) North 04°28'40" East 10.91 feet to a 5/8" capped iron rebar set;

(22) with the arc of a circular curve to the right, having a radius of 1981.74 feet, an arc length of 185.39 feet, and subtended by a chord bearing and distance of North 85°07'22" East 185.32 feet to a 1/2" iron pipe;

(23) with the arc of a circular curve to the right, having a radius of 1,121.22 feet, an arc length of 183.65 feet, and subtended by a chord bearing and distance of South 87°30'18" East 183.45 feet to a point; and

(24) South 82°48'45" East 148.70 feet to an axle in the northwestern corner of the land conveyed to Lisa Leslie and husband, Calvin Leslie [TPN 0649257396] by instrument recorded in Book 15009, Page 1599;

thence leaving the southern margin of the right-of-way of Holly Springs New Hill Road (SR 1152) and with the western boundary of the Leslie land (now or formerly) South 02°34'21" West 474.43 feet to a 3/4" iron pipe found in the northwestern corner of the land conveyed to Delores B. Wilson [TPN 0649248247] by instrument recorded in Book 1903, Page 506; and

thence with the western boundary of the Delores B. Wilson land (now or formerly) two (2) courses and distances as follows:

(1) South 02°54'48" West 614.06 feet to a 3/4" iron pipe found and

(2) South 03°37'31" West 681.36 feet to a 1/2" iron pipe found in the southwestern corner of the Delores B. Wilson land (now or formerly) and the northwestern corner of the Justin Stanley land (now or formerly); and

thence with the western boundary of the Justin Stanley land (now or formerly) South 03°37'31" West 53.24 feet to the point and place of **BEGINNING**, containing 119.394 acres, more or less, as shown on ALTA/NSPS Land Title Survey prepared by Terry L. Westendorf, North Carolina Professional Land Surveyor L-3232 of Timmons Group (North Carolina License Number C-1652), dated June 17, 2021, and designated as Job Number 47690.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Holly Springs, North Carolina, that:

Section 1. The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Holly Springs Town Council the result of her investigation.

Section 2. Subject to the Town Clerk's satisfactory result of her investigation, a public hearing on the question of annexation of the area described herein will be held at the Town Hall Council

Chambers, located at 128 S. Main Street, at 7 p.m. (or as soon thereafter as is practicable) on Tuesday, August 16, 2022.

Section 3. Notice of the public hearing shall be published in the Raleigh News & Observer, newspapers having general circulation in the Town of Holly Springs, at least ten (10) days prior to the date of the public hearing.

Adopted this, the 19th day of July, 2022.

ATTEST:

Sean Mayefskie, Mayor

Linda McKinney, Town Clerk





Holly Springs Planning Board

Planning Board Meeting Agenda Cover Sheet

Agenda Item#: 11.

Public Hearings

Title: UDO Technical Corrections and Development Notifications 22-UDO-02 - Legislative Hearing

Strategic Priority Area: Economic Prosperity & Diversity
Responsible & Balanced Growth

Staff Resource: Sean Ryan, Development Services

Action(s):

- Conduct Legislative Public Hearing
- Adopt Ordinance 22-29 to adopt the statement of compatibility and approve UDO Text Amendments

Explanation:

- When a new Unified Development Ordinance (UDO) is adopted, it is customary for staff to identify areas of the document that can be improved or clarified as applied to development reviews.
- The Development Services Team has cataloged the changes that are necessary to ensure that the UDO is a user-friendly document and that the spirit and intent of all ordinance requirements can be applied correctly.
- There are 108 total text changes that will be proposed through this text amendment, with the overwhelming majority of those being minor technical edits.
- While most of the proposed text amendments are technical in nature, there are several minor modifications being proposed that will be discussed, as well as larger changes to the development notification and decision-making sections in Chapter 11 of the UDO.
- Staff provided an overview of the amendments to the Town Council on June 7th. Following the discussion, staff updated the ordinance in part 26 regarding zoning districts for tobacco stores (allowed by Conditional Zoning District in the BRT District only). Other topics discussed by the Council have been added to the study list for consideration with future amendments.

Planning Board Recommendation:

The Planning Board discussed the following issues and concerns on 6/28/2022:

- The Board asked general questions about the following amendments but had no additional concerns:
 - the changes to accessory structures in the RR district
 - how existing churches would be impacted by separating out assembly uses
 - changes to the traffic impact analysis section to reflect the new traffic study

Planning Board Meeting
July 19, 2022

- policy
 - o clarity on utility structure screening
 - o dig once policy
 - o balcony overhangs
- The Board discussed ordinance part 86 regarding pedestrian connection and requested a modification to insert " existing and planned" to the text, which would make clear a connection to both current and future sidepaths and greenways would be required. This change was made in the final ordinance.
- The Board discussed ordinance part 44 regarding riparian buffers in the Cape Fear basin and whether the buffer should be greater than 30 feet. This ordinance change is being made to correct an error and bring the UDO into compliance with the Town's adopted buffers but does not propose further modification.

Planning Board Recommendation:

The Planning Board recommended approval (8-0-1)

The Planning Board approved an additional motion (8-0-1), as follows:

- Motion to request Town Council research and understand the rationale for Holly Springs having a 30' riparian buffer in the Cape Fear basin when the State ordinance for the Nuese River basin is 100 feet, Jordan Lake is 50', and Bass Lake is 100'.

Note: The following changes were made to the ordinance following Planning Board review:

- Part 86 to insert " existing and planned" into the text as reflected by Planning Board comments.
- Part 53 to insert "(N2)" into the parking location table to correct an omission for non-residential uses when located in residential zoning districts.

Background:

- In October 2021, the Town Council adopted the 2022 UDO with an effective date of March 1, 2022.
- Amendment #1 of the UDO occurred in March 2022, unmerging the Planning Board and Board of Adjustment.
- Staff provided an overview of the proposed amendments to the Town Council on June 7, 2022.

Funding Source(s):

N/A

Attachment(s):

1. 22UDO02_TextAmendmentReport_PB06282022
2. 22-29 22UDO02_UDO Text Amendments



Town of Holly Springs Staff Report to the Planning Board

REQUEST FOR UDO TEXT AMENDMENT 2022 Unified Development Ordinance Technical Corrections & Development Notification Amendments 22-UDO-02

PETITIONER(S):

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

ANTICIPATED REVIEW SCHEDULE:

Planning Board: June 28, 2022
Public Hearing and Town Council Action: July 19, 2022

STAFF CONTACTS: Sean Ryan, Planning Manager

ATTACHMENTS:

Draft UDO Ordinance

STAFF ANALYSIS

AMENDMENT OVERVIEW

The proposed amendments table below provides a summary of the proposed changes to the Town of Holly Springs Unified Development Ordinance (UDO) and an explanation of why the change is needed. Detailed language of the proposed amendment can be found in the attached draft ordinance.

In October 2021, the Town Council adopted the 2022 UDO with an effective date of March 1, 2022. Following adoption, staff has been working with residents, businesses, and the development community to implement the ordinance and has determined a list of amendments needed to make technical corrections and minor modifications. This amendment also proposes some changes to the notification requirements for development applications.

Purpose of Amendment

Purpose of Amendment Key	
Legal Compliance	Change made to comply with North Carolina General Statutes or other legal change.
Clarification or Correction	Change made to provide clarification on UDO intent, prevent misinterpretations, or correct grammatical errors.
Minor Change	Minor changes made to further achieve goals and policies outlined in the Comprehensive Plan or changes made to better implement the established policy based on resident, business, and development community feedback.
Major Change	Major changes to support a specific town policy or substantially change current UDO regulations.

List of Amendments		
Ordinance Part	Purpose of Amendment	Amendment Summary
1 & 57	Legal Compliance	Subdivision authority relocated from Chapter 7.
2	Clarification or Correction	Clarify UDO exemptions.
3, 7, 8, 9, 10, 11, 13, 23, 29, 30, 32, 34, 35, 38, 40, 41, 42, 43, 45, 46, 47, 48, 50, 55, 56, 60, 61, 63, 64, 70, 88, 89, 90, 91, 92, 93, 94, 104, 105	Clarification or Correction	Correct typographical, terminology, or spelling error.
4	Clarification or Correction	Clarify procedures and identify applicable development standards for existing Development Options (DO) and PUDs established before the effective date of the UDO. This is needed to provide guidance on how to regulate uses and development standards established by these previous approvals.
5, 24	Clarification or Correction	Information on previous Conditional Use districts is being relocated to Chapter 1 from Chapter 2 so that all information on pre-existing development approvals is located in Chapter 1.
6	Clarification or Correction	Clarifies role of Administrator in maintaining Zoning Map.
12	Clarification or Correction	Corrects the placement of a note in Residential Use Development Standards.
14	Clarification or Correction	Side setbacks are presented as an aggregate setback of 0'/10', with additional information that one side may have a 0' setback and that end units may have a 5' setback. For a detached structure, this implies the side setback is 5' on each side. The proposed change removes the aggregate setback and replaces it with clear standard.
15	Minor Change	All Residential Use districts were intended to allow 50' building height with a CD (Conditional Zoning District). The SR district was mistakenly not included.
16, 19, 20	Clarification or Correction	Clarifies the Minimum Frontage at the Right-of-Way for a Driveway requirement. The flexible standards were intended to provide options for lots existing prior to the UDO effective date. New lots may provide flexible standards through the CD (Conditional Zoning District) process.
17	Clarification or Correction	Corrects the placement of a note in Commercial & Mixed-Use Development Standards.
18	Clarification or Correction	Corrects the order of Development Standards in the table to be consistent with other Use District tables. Changes the Side-

		Corner Setback to be consistent with the Front Setback which is consistent with other Use District tables.
21	Minor Change	Provides flexibility in parking location standards (Chapter 6) with CD (Conditional Zoning District).
22	Clarification or Correction	Corrects a section reference.
25	Minor Change	Allows apartment dwellings in CB district with Additional Standards (PS), consistent with other Commercial & Mixed-Use districts. Density standards in Chapter 2 indicate residential uses were intended to be permitted in CB.
26	Minor Change	Removes tobacco stores as permitted use in DMX, RMX, CB, and IVMX districts. The use will remain permitted in BRT by CD (Conditional Zoning District) only.
27	Minor Change	Divides “Religious/Assembly” use into 2 distinct uses – “Religious Use” and “Assembly Use.” Assembly uses would include banquet facilities, event centers, and similar uses. Since these uses may have different impacts than religious uses, it is necessary to create a new use category.
28, 67	Minor Change	Adds design standards for Manufactured Dwellings. The UDO includes a reference that Manufactured Dwellings have design standards but no standards were included. Standards from the 2002 UDO were used to draft the standards included in this part.
31	Minor Change	Modifies a requirement that utility uses be surrounded by a wall structure. This requirement is not practical for all utility uses. The modification allows for fencing and opaque landscaping.
33, 52, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 95, 103	Clarification or Correction	Modifies sequencing (1, 2, 3 or a, b, c) of section.
36	Clarification or Correction	Provides missing text in sentence.
37	Minor Change	Modifies Residential Use District Accessory Structure limitations. Based on resident feedback during the Zoning Reassignment public engagement, several residents being reassigned to the RR district indicated concern that the size of residential accessory structures was too limiting for 2 acre properties. This change would allow additional area, not to exceed the size of the dwelling, when the property is zoned RR and is greater than 2 acres.
39	Minor Change	Modifies the Open Space requirements to require nonresidential uses, when located in Residential Use Districts, to follow the open space requirements for Commercial & Mixed-Use Districts. This is consistent with the practice followed in the 2002 UDO. Also removes the requirement that Infrastructure Uses provide Urban Civic Space.
44	Clarification or Correction	Corrects Cape Fear River Basin riparian buffer width consistent with Town’s stormwater ordinance.
49	Clarification or Correction	Removes duplicative text.

51	Minor Change	Modifies the landscape requirements to require nonresidential uses, when located in Residential Use Districts, to follow the landscape requirements for Commercial & Mixed-Use Districts. This provides better buffering between residential and nonresidential uses and is consistent with the practice followed in the 2002 UDO.
53	Clarification or Correction	Clarifies permitted parking locations.
54	Clarification or Correction	Clarifies parking requirements, including when bike parking applies. Also corrects Note 1 which conflicted with parking maximums.
58	Clarification or Correction	Clarifies exceptions may be granted as permitted by the Engineering Design and Construction Standards and modifies section references.
59	Clarification or Correction	Clarifies that decision to collect fee in lieu may be determined by decision making body for the project.
62	Clarification or Correction	Modifies Traffic Impact Analysis section to reflect updates made with the adoption of the Traffic Study Policy.
65	Clarification or Correction	Clarifies text to reduce duplication with information found in Chapter 11.
66	Clarification or Correction	Clarifies that standards apply generally and not to specific review types. This helps prevent future inconsistencies when amendments are made.
68	Clarification or Correction	Clarifies building size ranges for implementing building design requirements.
69	Clarification or Correction	Modifies and clarify standards for balconies.
86	Clarification or Correction	Clarifies street, sidewalk, sidepath, and greenway site design requirements for all development and those specific to nonresidential development. The change also reduces duplicative standards that can lead to inconsistent implementation.
87	Clarification or Correction	Clarifies the intent of loading area location on the side of a building.
96, 97	Clarification or Correction	Relocates the allowed Waiver of Sign regulations from the "prohibited sign" section to the "applicability" section for clarity.
98	Clarification or Correction	Modifies text inconsistent with section title.
99	Minor Change	Expands the membership of the Development review Committee and clarifies DRC role in sketch plan review.
100, 101	Major Change	Clarifies Decision-Making Bodies for Development Plans involving Special Use Permits. Modifies order of table columns to align with steps in development process. Adds Type 7 Reviews and moves project types from Type 6 to Type 7. Type 6 Reviews will remain for Zone Map Changes which have different notice requirements than other reviews being moved into Type 7. Various Technical Corrections.

		Expanded notice of development applications. • Requires a neighborhood meeting for DRC Development Plan applications • Requires a neighborhood meeting for BOA Special Use Permit applications • Increases mailed notice requirement for the neighborhood meeting from 300 feet to 500 feet • Increases mailed notice requirements for the public hearing notice from 300 feet to 500 feet • Clarifies public hearing notice may follow NCGS for expanded published notice
102	Minor Change	Modifies Neighborhood Meeting requirements • Meeting can be no more than 12 weeks before application is made • Mailed notice must be sent to owner on tax record. When tax record owner address does not match parcel address, notice must be sent to parcel address. This helps ensure notice is sent to current resident. • Requires applicant to notify town prior to scheduling the meeting. • Requires in-person meetings be held in close proximity to subject property.
106	Minor Change	Review and Application Procedures for Administrator's Interpretation are missing from the section but were included in initial UDO drafts. This change provides the missing information.
107	Minor Change	Adds definition for Assembly Use, deletes duplicative term for Religious Use, and clarifies Structure.
108	Clarification or Correction	Provides for consistent term use throughout UDO.

SUGGESTED MOTION

PLAN CONSISTENCY STATEMENT:

The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan:

The proposed Unified Development Ordinance (UDO) Text Amendments provide the Town of Holly Springs the necessary tools, policies, and development standards to implement Vision Holly Springs. Specifically, the proposed UDO Text Amendments provide technical corrections or minor modifications that further implement the character-based land use approaches outlined in the Land Use & Character Plan (Section 1), the goals and policies of Section 2: Comprehensive Transportation Plan, and the standards to implements the Town's Parks and Recreation needs identified in Section 3: Parks, Recreation and Greenways Master Plan. In addition, it is in the publics' interest to expand public notice requirements to provide additional opportunities for resident engagement and participation in the planning process.

UDO AMENDMENT RECOMMENDATION:

Motion that the Planning Board recommend approval of UDO Text Amendment #22-UDO-02 to modify the Unified Development Ordinance as submitted by the Town of Holly Springs.

Agenda Item Completeness Checklist				
Staff Member	Approved for Distribution			Comments
	Yes	No	Initials	



Ordinance No. 22-29

Date Submitted: July 19, 2022

Date Adopted: July 19, 2022

**AN ORDINANCE TO AMEND SECTIONS OF THE CODE OF ORDINANCES
TO MODIFY APPENDIX A: UNIFIED DEVELOPMENT ORDINANCE
AND ADOPT THE COMPATIBILITY STATEMENT REQUIRED BY
NORTH CAROLINA GENERAL STATUTES 160D-605**

WHEREAS, the Town of Holly Springs Town Council adopted *Vision Holly Springs: Town of Holly Springs Comprehensive Plan* in November 2007; and

WHEREAS, the Town of Holly Springs Town Council has maintained and updated *Vision Holly Springs: Town of Holly Springs Comprehensive Plan* by adopting *Section 1: Land Use & Character Plan* in 2019; *Section 3 Parks, Recreation and Greenways Master Plan* in 2021; and is currently updating *Section 2: Comprehensive Transportation Plan*; and

WHEREAS, Town of Holly Springs desires to amend the Unified Development Ordinance in accordance with the goals and policies contained within *Vision Holly Springs: Town of Holly Springs Comprehensive Plan*; and

WHEREAS, the Town Holly Springs Planning Board has reviewed this request at a Public Meeting and recommended approval; and

WHEREAS, an opportunity for public input into the suggested amendments has been offered in a public hearing before the Town Council; and

WHEREAS, the Holly Springs Town Council finds that the proposed UDO text amendment is consistent with the *Vision Holly Springs: Town of Holly Springs Comprehensive Plan* as follows: The proposed Unified Development Ordinance (UDO) Text Amendments provide the Town of Holly Springs the necessary tools, policies, and development standards to implement Vision Holly Springs. Specifically, the proposed UDO Text Amendments provide technical corrections or minor modifications that further implement the character-based land use approaches outlined in the Land Use & Character Plan (Section 1), the goals and policies of Section 2: Comprehensive Transportation Plan, and the standards to implements the Town's Parks and Recreation needs identified in Section 3: Parks, Recreation and Greenways Master Plan. In addition, it is in the publics' interest to expand public notice requirements to provide additional opportunities for resident engagement and participation in the planning process; and

THEREFORE, 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: Chapter 1 Purpose and Applicability; Section 1.2.1 Authority:

Add text as indicated in **bold** to add authority for subdivision regulations, relocated from Chapter 7 (part 57) as follows:

1.2.1 AUTHORITY

A. This UDO is adopted pursuant to the authority contained in the General Statutes of North Carolina, Chapter 160D and Chapter 160A, Article 8.

B. Whenever any provision of this UDO refers to or cites a section of the General Statutes and that section of the General Statutes is later amended or superseded, this UDO shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

C. According to the provisions of GS §160D-801 et. seq., the Town has the authority to regulate the subdivision of land within its corporate limits and Extraterritorial Jurisdiction.

Part 2: Chapter 1 Purpose and Applicability; Section 1.2.6 Exemptions:

Add text as indicated in **bold** to clarify exemptions as follows:

1.2.6 Exemptions

A. Utilities and Infrastructure.

Service or subterranean easements, including but not limited to those providing for: roadways; railroad lines; pipelines; electric power lines, conduits or systems; telephone lines, conduits or systems; cable television lines, conduits or systems; water mains, lines valves or fire hydrants; sanitary sewer mains, lines, laterals, manhole structures or lift stations; drainage or storm sewer inlets, pipes or roof drains; municipal utility facilities such as municipal wastewater and municipal water treatment facilities; and municipal pump stations shall be exempt from the provisions of this UDO.

Bus stations, park and ride facilities, railway terminals, gas storage tanks, power stations, electricity relay stations, non-municipal water treatment plants, non-municipal pumping stations, water towers, non-municipal sewage treatment plants, wireless telecommunication facilities and other facilities which generate, create or process such transportation, communication, or utility services, shall be subject to all use and development standards regulations of this UDO.

B. Bona Fide Farms and Agritourism.

Pursuant to NCGS§ 160D-903, property that is located within the Town's Extraterritorial Jurisdiction and is used for bona fide farm purposes as described in NCGS§ 160D-702 is exempt from the regulations of this UDO. Property that is located in the Town Extraterritorial Jurisdiction and ceases to be used for bona fide farm purposes shall become subject to the regulations of this UDO. Bona fide farm property that is exempt from the regulations of this UDO shall be subject to the Wake County floodplain ordinance or all floodplain regulation provisions of Wake County's unified development

ordinance.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105 - 164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S.105-277.3. Failure to maintain the requirements of this section for a period of 3 years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this UDO shall subject the building or structure to applicable zoning and development regulation ordinances of this UDO in effect on the date the property no longer meets the requirements of this section.

A. C. Subdivision Statutory Exemptions.

The following are not included within the definition of subdivision and are exempt from the subdivision standards of this UDO.

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this UDO.
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards this UDO.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Part 3: Chapter 1 Purpose and Applicability; Section 1.6.1.B. Transitional Provisions, Zoning Map Amendments:

Remove text as indicated in ~~strike through~~ to correct typographical error as follows:

B. Zoning Map Amendments.

Any application for zoning map amendment which has been filed with the Development Services Department and which application is full and complete prior to the effective date of this UDO shall be allowed to continue to be processed to completion pursuant to the terms and conditions of the this UDO, provided, however, if the proposed use would no longer be permitted in the proposed district as a result of changes to that district resulting from the adoption of this UDO, such application shall be deemed amended to request the least intense district of this UDO in which the proposed use is permitted.

Part 4: Chapter 1 Purpose and Applicability; Section 1.6.1.H. Legacy Development Options

Projects (DO) and Planned Unit Developments (PUD):

Add text as indicated in **bold** and remove text as indicated in ~~striketrough~~ to clarify procedures and identify applicable development standards for existing DO and PUDs as follows:

H. Legacy Development Options Projects (DO) and Planned Unit Developments (PUD).

1. Previous Development Options (DO) Process. Previous versions of the UDO allowed projects to be approved with design flexibility subject to the Development Options (DO) review procedures (a Quasi-Judicial process approved by the Town Council that allowed for modifications of the land use and development standards of the district in exchange for creative development projects). This UDO does not allow for new projects to be established with DO allowances, but the Town recognizes past projects that were approved under those provisions.

a. Permitted Uses. Permitted uses in the Development Options (DO) project shall be any use or range of uses specified in the Development Options (DO) Development Plan. Accessory Uses, Home Occupations, or Temporary Uses, unless otherwise specified in the Development Options (DO) Development Plan, shall follow the regulations applicable to the Residential Use, Commercial & Mixed-Use, or Employment/Campus Use District where the permitted use is first permitted according to the intensity of base districts listed in Section 2.1 Base Districts of this UDO.

Residential accessory structures, unless specified in the Development Options (DO) Development Plan, shall follow the Accessory Building or Structure Development Standards for the SR Suburban Residential District.

b. Development Standards. Development Standards applicable to a Development Options (DO) Development Plan shall be either:

i. The Development Standards specified in the Development Options (DO) Development Plan; or,

ii. If a Development Standard has not been specified in the Development Options (DO) Development Plan, the applicable Development Standard shall follow the regulations applicable to the Residential Use, Commercial & Mixed-Use, or Employment/Campus Use District where the permitted use is first permitted according to the intensity of base districts listed in Section 2.1 Base Districts of this UDO.

2. Previous Planned Unit Development (PUD) Process. ~~The Town~~ **This** UDO does not allow for the establishment of new Planned Unit Development projects. However, the Town recognizes past projects that were approved under this land use process whether through the Town or through Wake County and later annexed into the corporate limits (e.g., Subdivisions approved under the County's PD, Planned Development District process), **subject to the following:**

a. Permitted Uses. Permitted uses in the PUD District shall be any use or range of uses specified in the PUD Master Plan. Accessory Uses, Home Occupations, or Temporary Uses, unless otherwise specified in the PUD Master Plan, shall follow the regulations applicable to the Residential Use, Commercial & Mixed-Use, or Employment/Campus Use District where the permitted use is first permitted according to the intensity of base districts listed in Section 2.1 Base Districts of this UDO.

Residential accessory structures, unless specified in the PUD Master Plan, shall follow the Accessory Building or Structure Development Standards for the SR Suburban Residential District.

b. Development Standards. Development Standards applicable to a PUD shall be either:

i. The Development Standards specified in the PUD Master Plan; or,

ii. If a Development Standard has not been specified in the PUD Master Plan, the applicable Development Standard shall follow the regulations applicable to the Residential Use, Commercial & Mixed-Use, or Employment/Campus Use District where the permitted use is first permitted according to the intensity of base districts listed in Section 2.1 Base Districts of this UDO.

3. Continuation and Approvals Granted. Project development may continue pursuant to the project's prior approval provisions/conditions and associated permits. Said projects may include unique land use and development standards for those projects and internal development may occur in accordance with said approvals.

4. ~~Amendments and Rezones Related to DO and PUD Approvals.~~ Amendments to DO and PUD (and PDs under Wake County) Approvals. Applicants may request amendments to previously approved DO **projects** as either a Minor **Amendment** or **by application for a new Conditional Zoning District (CD)**. Applicants may request amendments to previously approved PUDs (and PDs under Wake County that were annexed into the municipal limits) as either a Minor **Amendment**, or Major Amendment, **or by application for a new Conditional Zoning District (CD)**. The following allowances/limitations apply:-

a. Minor Amendments. Applicants may request minor amendments/modifications pursuant to the following.

i. Reviewing Body and Process. The Administrator may take action on minor amendment requests **as a Type 1 review**. Applications will be reviewed pursuant to the Town's UDO permit and platting process.

ii. Eligible Minor Amendments. Minor amendments include internal changes that do NOT involve any of the following situations:-

(ia) An increase in the maximum allowed density or building square footage in addition to the project's original approval or modifications thereto.

(**ib**) Reductions in the minimum lot sizes and setbacks for lots and parcels within the project limits that are less than what was originally approved.

(**ic**) Increases in the maximum height for buildings within the project limits that are more than what was originally approved or major modifications thereof.

(**id**) A net reduction in the size of common open space and preservation areas.

(**ie**) A change in the location and/or alignment of an internal thoroughfare, collector, or equivalent street classification.

(**if**) A platted portion of the development where said lots have been sold to third-party buyers AND said owners are not a part of the application.

(**ig**) A change in land use that is inconsistent with the Comprehensive Plan or Future Land Use Map.

(**ih**) A change that is in conflict with any condition of approval or development limitation provision from the original approval or major modifications thereof.

iii. Current UDO Standards. The portions of the property subject to the minor amendment, shall comply with the current UDO standards in terms of tree preservation, landscaping, buffering, environmental protection, roadway design, and parking.

b. Major Amendments. Applicants may request major amendments/modifications pursuant to the following:

i. Reviewing Body and Process. The Town's Council shall review and take action on major amendment requests **as a Type 6 review**. The application shall be subject to the Town's notice requirements. Subsequent land development and subdivision activities will be reviewed pursuant to the Town's UDO permit and platting process.

ii. Eligible Major Modifications. Major modification requests may include the following activities:-

(**ia**) A change in density and/or building area up to the limits established in the Holly Springs Comprehensive Plan and the Future Land Use Map.

(**ib**) A change to the development standards including minimum lot sizes, minimum setbacks, minimum parking ratios, and maximum building height.

(iii**c**) A change to the internal roadway network in terms of size, location and alignment with the exception of portions of the overall project has been platted and sold to third parties.

(iv**d**) A change to the location and net acreage of common open space and/or preservation areas.

(v**e**) A change to any condition of approval or development limitation provision from the original approval or major modifications thereof.

c. New Conditional ~~Zone~~ **Zoning District** (CD). Applicants may request to convert a **DO** project **or PUD** that was previously approved ~~with DO~~ into a new CD pursuant to the following: ~~and the procedures outlined in Chapter 11.~~

i. Reviewing Body and Process. The Town's Council shall review and take action on applications to ~~amend a previous DO approval~~ **convert a DO project or PUD that was previously approved** to a new CD ~~pursuant to Section 2.8~~ **as a Type 6 review**. The application shall be subject to **the Town's** notice requirements. Subsequent land development and subdivision activities will be reviewed pursuant to the Town's UDO permit and platting process.

ii. CD Conversion Activities. Applications to convert a ~~project with previous DO approvals~~ **DO project or PUD that was previously approved** to a **new** CD zone may include the following activities:-

(ia) A change in density and/or building area up to the limits established in the Comprehensive Plan and Future Land Use Map.

(ib) A change to the development standards including minimum lot sizes, minimum setbacks, minimum parking ratios, and maximum building height.

(iic) A change to the internal roadway network in terms of size, location and alignment with the exception of portions of the overall project has been platted and sold to third parties.

(ivd) A change to the location and net acreage of common open space and/or preservation areas.

(ve) A change to any condition of approval or development limitation provision from the original approval or major modifications thereof.

d. **5. Town Initiated** Rezoning Option. The Town may rezone portions or all of projects that were originally approved under the DO or PUD procedures to a base district that closely matches the land uses and development scale that have been developed/platted in the subject area. The Town shall apply a base district that would result in the least amount of potential nonconforming situations.

Part 5: Chapter 1 Purpose and Applicability; Section 1.6.1. Transitional Provisions:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to move text from Section 2.4.4. (see part 24) pertaining to Conditional Zoning Districts adopted prior to the effective date of the UDO, as follows:

I. Existing Conditional Zoning Districts (CD)

A. Prior CD Approvals Recognition. In any case where a Conditional Zoning District (CD), or Conditional Use District (CU) or equivalent thereof, prior to the effective date of this UDO has been approved by the Town Council pursuant to a prior existing zoning ordinance, internal land use and development activities may occur in accordance with said approvals and associated permits. Any modifications thereto shall be by application for a new Conditional Zoning District (CD).

† J. Waivers.

In any case where a Waiver has been granted pursuant to a prior existing ordinance, the Waiver shall run with the project, not the land. If a new Development Plan is proposed, all previously granted waivers shall be deemed null and void.

Part 6: Chapter 1 Purpose and Applicability; Section 1.7.1.D. Official Zoning Map, Zoning Map:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct department name:

D. Retention and Preservation of Record. Unless the prior Official Zoning Map has been lost or completely destroyed, the prior Official Zoning Map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved **by the Administrator** ~~in the office of development services (or modern equivalent thereof).~~

Part 7: Chapter 1 Purpose and Applicability; Section 1.9.2 Saving Provision for Pending Enforcement Actions:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct typographical errors as follows:

Except as shall be expressly provided for in this UDO, the adoption of this UDO shall not: (i) nullify ~~for~~ **and** make void any action pending under, or by virtue of, any prior UDO, zoning, or subdivision control ordinance; (ii) discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zUDO, zoning, or subdivision control ordinance; (iii) affect the liability of any person, firm, or corporation under, or by virtue of, any prior UDO, zoning, or subdivision control ordinance; (iv) waive any right of the Town under any section or provision of any prior zoning or subdivision control ordinance; or, (v) vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Town under, or by virtue of, any prior UDO, zoning, or subdivision control ordinance.

Part 8: Chapter 2 Districts; Section 2.1.B. Base Districts, Base Districts by Use Category:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a typographical error as follows:

B. The Town's base zoning districts are established and characterized by individual use categories including Residential Use, Commercial/ **& Mixed-Use**, and Employment/Campus Use. Each use category includes multiple base districts that allow for land use and property development at various scales and intensities – these are controlled through the allowable land uses, development standards, and density limitations.

Part 9: Chapter 2 Districts; Table 2.1 Zoning – Future Land Use Designations:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a typographical error as follows:

TABLE 2.1 ZONING - FUTURE LAND USE DESIGNATIONS (N1)												
	CHARACTER CHARACTER AREA & FUTURE LAND USE MAP DESIGNATIONS											
	Natural Area (N2)	Conservation Neighborhood (N3)	Residential Neighborhood	Mixed Residential Neighborhood	Neighborhood Center	N. Main Street District	Downtown Village District	Mixed-Use Center	Regional Center	Innovation Village	Business & Industrial	Special Use

Part 10: Chapter 2 Districts; Section 2.1.2 Commercial / Mixed-Use Districts:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a typographical error as follows:

2.1.2 COMMERCIAL ~~/~~ & MIXED-USE DISTRICTS

Part 11: Chapter 2 Districts; Section 2.1.3 Employment/Campus Use Districts; IVMX Innovation Village Mixed-Use:

Remove text as indicated in ~~strikethrough~~ to Section 2.1.3 Employment/Campus Use Districts; IVMX Innovation Village Mixed-Use to correct a typographical error as follows:

The Innovation Village Mixed-Use District is the next generation business park for business owners, entrepreneurs, artists and manufacturers. The design, scale, character, and intensity of development in the IVMX emphasizes technology, creativity, and innovation. It combines elements of the innovation economy including light manufacturing and creative offices with housing and a mixed-use core on a network of walkable streets and connected open spaces that transitional seamlessly into surrounding neighborhoods. The design, scale, character, and intensity of development in the district emphasizes technology, creativity, and innovation, and may support a corporate headquarters, research and development campus, manufacturing center, or other similar facilities along with nearby retail businesses and housing options.

Part 12: Chapter 2 Districts; Table 2.2.1-A Development Standards for Residential Use Districts:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct the placement of (N2) as follows:

TABLE 2.2.1-A DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS					
	RR	SR	NR	NCR	MXR
Development Density (N1)					
Maximum Gross Density by-right (units/acre) (N2)	0.5	3	5	8	15
Maximum Gross Density (Conservation Subdivision) (units/acre) (N2)	0.5	3	5	--	--
Maximum Gross Density w/CD (units/acres)	1	4	8	12	20

For reference only, the text of N2 is as follows: Reference chapter 8 Building, Site & Subdivision lot design Standards.

Part 13: Chapter 2 Districts; Table 2.2.1-A Development Standards for Residential Use Districts:

Add text as indicated in **bold** to correct a typographical error as follows:

TABLE 2.2.1-A DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS					
	RR	SR	NR	NCR	MXR

Attached Dwelling and Apartment Allocation (in New Subdivision Only with CD) (N4)					
Minimum units	--	--	10%	10%	10%
Maximum units	--	--	50%	100%	100%

For reference only, -- indicates the use is not permitted in the district.

Part 14: Chapter 2 Districts; Table 2.2.1-A Development Standards for Residential Use Districts and Table 2.2.1-A Notes:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to clarify Side Setback – Interior (aggregate setback) in the NR, NCR, and MXR Districts and modify associated (N10) notation, as follows:

TABLE 2.2.1-A DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS					
	RR	SR	NR	NCR	MXR
Primary Building Setbacks (ft) (N8)					
Front Setback (minimum)	20	20	5	5	5
Front Setback (maximum) (N9)	--	--	20	15	15
Side Setback - Corner (minimum)	20	20	5	5	5
Side Setback - Interior (minimum) (N10)	10	10	0/10 5	0/10 5	0/10/15 5
Rear Setback (minimum)	25	25	20	20	30
Rear Setback from Alley Centerline (minimum)	--	15	15	15	15

Table 2.2.1-A Notes	
N10	Attached dwelling units are allowed a 0-ft side setback where the unit shares a common wall with another dwelling unit. -- end units shall provide a 5-ft side setback for the side that does not share a common wall.

Part 15: Chapter 2 Districts; Table 2.2.1-A Development Standards for Residential Use

Districts:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to add a permitted height in SR in CD districts to be consistent with all other Residential Use Districts, as follows:

TABLE 2.2.1-A DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS					
	RR	SR	NR	NCR	MXR
Building Height (ft)					
Primary Structure(s) (maximum)	35	35	35	35	35
Primary Structure(s) (maximum subject to CD)	50	-- 50	50	50	60
Accessory Structure(s) (maximum) (N12)	25	25	25	25	30
Residential Finished Floor Elevation Above Sidewalk Grade (ft)	--	--	1.5	1.5	1.5

Part 16: Chapter 2 Districts; Residential Use Districts Table 2.2.1-A Notes:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to clarify Minimum Frontage at the Right-of-Way for a Driveway requirement in Residential Use Districts for existing lots, as follows:

Table 2.2.1-A Notes	
N7	For lots existing prior to the effective date of this UDO, the UDO Permit review process may consider alternate methods of providing lot access if the provision of an alley or rear lane is not feasible in the following priority order: shared driveway between two or more lots; one single driveway a maximum of 12 feet in width. For new lots or for lots existing prior to the effective date of this UDO, Additional flexibility is available through the Conditional Zoning District (CD) process.

Part 17: Chapter 2 Districts; Table 2.2.2-A Development Standards for Commercial & Mixed-Use Use Districts and Table 2.2.2-A Notes Table:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to modify Placement of (N2) and move density text from (N1) to (N2) in Table 2.2.2-A Notes, as follows:

TABLE 2.2.2-A COMMERCIAL & MIXED-USE DISTRICTS DEVELOPMENT STANDARDS
--

	NMX	DMX	RMX	CB
Minimum Development Area (acres) (N1)	0	0	20	0
Development Density (N2)				
Maximum Gross Density in Mixed-Use Building (units/acre) (N2)	8	15	20	20

Table 2.2.2-A Notes Table	
N1	Applicable to sites that are greater than 5 acres. For individual lots or projects containing multiple districts, calculated based on the district in which a majority (50% of buildable area or greater) of the buildable area of a lot is located. The Total Allowable Units shall be equal to the Gross Site Area X Maximum Units Per Acre.
N2	For individual lots or projects containing multiple districts, calculated based on the district in which a majority (50% of buildable area or greater) of the buildable area of a lot is located. The Total Allowable Units shall be equal to the Gross Site Area X Maximum Units Per Acre. Density limitations apply to the portions of a project that contains standalone residential dwelling units - density limitations do not apply mixed-use buildings that contain both residential and non-residential uses.

Part 18: Chapter 2 Districts; Table 2.2.2-A Development Standards for Commercial & Mixed-Use Use Districts:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to modify Side Setback – Corner in the NMX, DMX, RMX, and CB Districts to relocate the row consistent with other Use District tables and match the front setback standard, as follows:

TABLE 2.2.2-A COMMERCIAL & MIXED-USE DISTRICTS DEVELOPMENT STANDARDS				
	NMX	DMX	RMX	CB
Building Setbacks - All Structures (ft)				
Front Setback (minimum)	5	0	5	30
Front Setback (maximum)	20	20	20	n/a
Side - Corner Setback	5	0	5	30
All other setbacks (Side and Rear) (N5)	5	0	0	5
Side – Corner Setback	20	20	20	n/a

Setback to Adjacent RR/SR/NR Districts (minimum)	20	10	50	50
--	----	----	----	----

Part 19: Chapter 2 Districts; Table 2.2.2-A Development Standards for Commercial & Mixed-Use Use Districts and Table 2.2.2-A Notes Table:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to clarify that Minimum Frontage at the Right-of-Way for a Driveway requirement applies to the NMX and RMX Districts when detached/attached residential lots are proposed and modify the associated (N6) notation, as follows:

TABLE 2.2.2-A COMMERCIAL & MIXED-USE DISTRICTS DEVELOPMENT STANDARDS				
	NMX	DMX	RMX	CB
Minimum Frontage at the Right-of-Way for a Driveway (ft)				
Detached/Attached permitted by Right (ft) w/CD (N6)	n/a 60	60	n/a 60	n/a

Table 2.2.2-A Notes Table	
N6	For lots existing prior to the effective date of this UDO, the UDO Permit review process may consider alternate methods of providing lot access if the provision of an alley or rear lane is not feasible in the following priority order: shared driveway between two or more lots; one single driveway a maximum of 12 feet in width. For new lots or for lots existing prior to the effective date of this UDO, Additional flexibility is available through the Conditional Zoning District (CD) process.

Part 20: Chapter 2 Districts; Employment/Campus Use Districts Table 2.2.3-A Employment/Campus Use Districts Development Standards and Table 2.2.3-A Notes Table:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to modify Minimum Frontage at the Right-of-Way for a Driveway and (N4) notation regarding Minimum Frontage at the Right-of-Way for a Driveway to be consistent with other sections of the UDO, as follows:

TABLE 2.2.3-A EMPLOYMENT/CAMPUS USE DISTRICTS DEVELOPMENT STANDARDS				
	SP	IVMX	BRT	HI
Minimum Frontage at the Right-of-Way for a Driveway (ft)				

Detached/Attached permitted by Right (ft) Attached/Apartment Dwellings Permitted with Standards or with CD (N4)	n/a	60	n/a	n/a
--	-----	----	-----	-----

Table 2.2.3-A Notes Table

N4	For lots existing prior to the effective date of this UDO , the UDO Permit review process may consider alternate methods of providing lot access if the provision of an alley or rear lane is not feasible in the following priority order: shared driveway between two or more lots; one single driveway a maximum of 12 feet in width. For new lots or for lots existing prior to the effective date of this UDO , Additional flexibility is available through the Conditional Zoning District (CD) process.
----	--

Part 21: Chapter 2 Districts; Section 2.4.3.B.4. Conditional Zoning Districts:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to provide flexibility for permitted vehicle parking locations (found in Chapter 6) with Conditional Zoning Districts, as follows:

4. Parking (Chapter 6) – The applicant may propose unique vehicle parking ratios standards **or permitted vehicle parking locations** which may be different from the other provisions of the UDO.

Part 22: Chapter 2 Districts; Section 2.4.3.B.6. Conditional Zoning Districts:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a Section Reference as follows:

6. Building, Site & Subdivision Lot Design Standards (Chapter 8) – A CD may provide alternative ~~site and building~~ **building, site, and/or subdivision lot** design options that ~~is~~ **are** otherwise required in this UDO where the resulting designs align with the Town's land use and character intent for the vicinity.

Part 23: Chapter 2 Districts; Section 2.4.3.C. Conditional Zoning Districts:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a spelling error as follows:

C. ~~Indelible~~ **Ineligible** Activities. The following activities are indelible for CDs.

Part 24: Chapter 2 Districts; Section 2.4.4 Standards for Conditional Zoning Districts Adopted Prior to the Adoption of this Ordinance:

Remove text as indicated in ~~strikethrough~~ to move the section to Chapter 1.6.1 Transitional Rules (see Part 5) as follows:

~~2.2.4 Standards for Conditional Zoning Districts Adopted Prior to the Adoption of this Ordinance~~

~~A. Prior CD Approvals Recognition. The Town shall recognize projects that were approved as CDs (or equivalent thereof) prior to the adoption of this UDO. Internal land use and development activities may occur in accordance with said approvals and associated permits. Any modifications there to shall be in accordance with Chapter 11.~~

Part 25: Chapter 3 Use Provisions; Table 3.2.A Permitted Uses:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to modify permitted Residential Uses in the CB district to be consistent with development standards in found in Chapter 2 as follows:

Table 3.2.A - Table of Permitted Uses														
	Residential Use Districts					Commercial & Mixed-Use Districts				Employment / Campus Use Districts				Additional Standards
Proposed Districts	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (CD ONLY)	IVMX	BRT	HI (CD ONLY)	
Residential Uses														3.3.2
Apartment Dwelling	--	--	--	CD	P	PS	PS	PS	-- PS	--	PS	--	--	

**For reference only, the PS standards for Apartment Dwellings are as follows: Apartments are permitted as upper story dwellings only by right. Alternate locations and configurations are permitted by Conditional Zoning District (CD). Chapter 2 permits a maximum residential density of 20 units per acre or unlimited with CD.*

Part 26: Chapter 3 Use Provisions; Table 3.2.A. Permitted Uses:

Remove text as indicated in ~~strikethrough~~ to modify permitted Retail, Dining, and Entertainment Uses in Commercial & Mixed-Use Districts and Employment/Campus Use Districts to modify the allowed zoning districts for Tobacco Stores as follows:

Table 3.2.A - Table of Permitted Uses														
	Residential Use Districts					Commercial & Mixed-Use Districts				Employment / Campus Use Districts				Additional Standards
Proposed Districts	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (CD ONLY)	IVMX	BRT	HI (CD ONLY)	
Retail, Dining, and Entertainment Uses														3.3.5
Tobacco Stores	--	--	--	--	--	--	P	P	P	--	P	-- CD	--	

Part 27: Chapter 3 Use Provisions; Table 3.2.A Permitted Uses:

Add text as indicated in **bold** and remove text as indicated in ~~strike through~~ to modify permitted Public and Institutional Uses in all Districts to differentiate assembly and religious uses as follows:

Table 3.2.A - Table of Permitted Uses														
	Residential Use Districts					Commercial & Mixed-Use Districts				Employment / Campus Use Districts				Additional Standards
Proposed Districts	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (CD ONLY)	IVMX	BRT	HI (CD ONLY)	
Public and Institutional Uses														3.3.6
Assembly Use	--	--	--	--	--	--	P	P	P	--	P	--	--	
Cemetery	PS	--	--	--	--	--	PS	--	--	PS	--	--	--	
Civic Building	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Community Support Facility	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P	P	P		New
Penal or Correctional Institution	--	--	--	--	--	--	--	--	--	--	--	--	SUP	
Religious/ Assembly Use	PS	PS	PS	PS	PS	P	P	P	P	--	P	--	--	

Part 28: Chapter 3 Use Provisions; Section 3.3.2.D. Residential Uses – Additional Use Provisions, Manufactured Dwellings:

Add text as indicated in **bold** and remove text as indicated in ~~strike through~~ to add Additional Use Provisions for Manufactured Dwellings to provide architectural standards as follows:

D. Manufactured Dwelling

1. Location. A ~~Manufactured~~ **Manufactured** Dwelling is permitted only on lot greater than 1 acre or in previously existing mobile home parks.

2. Design. ~~See Section 8.2.1 Appearance and Dimensional Criteria for Manufactured Homes~~
All Manufactured Dwellings located or relocated in any Residential Use District after the

effective date of this UDO shall comply with the following design criteria:

a. Roof:

i. Minimum Roof Pitch. The minimum roof pitch shall not be less than a 3 foot vertical rise for each 12 foot horizontal run.

ii. Roofing Material and Design. The roof shall be covered with shingles, standing seam metal, shakes, or tile; and eaves from the roof shall extend at least 1 foot from the intersection of the roof and the exterior walls.

b. Siding Material. All manufactured dwellings shall utilize 1 of the following exterior siding materials over at least 60% 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 Dwellings shall be set on a permanent foundation. A continuous, permanent perimeter enclosure specifically fabricated for foundation use, shall be installed to enclose the area under the Manufactured Dwelling. The permanent perimeter enclosure shall be unpierced except for air vents and 1 entry. The area around the permanent perimeter enclosure shall be back-filled so that the Manufactured Dwelling sits no more than 12 inches above grade. Foundation plantings shall be required along the front façade of each Manufactured Dwelling.

d. Entry. The entry to each Manufactured Dwelling shall be accompanied by a deck or stoop located adjacent to the entry and placed at substantially the same elevation as the entry 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 entry. 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 Occupancy.

Part 29: Chapter 3 Use Provisions; Section 3.3.6 Public and Institutional Uses – Additional Use Provisions:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct spelling errors and remove “assembly” from Religious Uses standards as follows:

B. Cemetery

1. Locational Limitations. Tombstones, crypts, monuments, and mausoleums shall be located a minimum of 20 feet from any side or rear lot line and at least 30 feet from a street right-of-way.

2. Perimeter Fencing. A brick wall or an ornamental fence made of wood or vinyl picket or wrought iron a maximum of 4 feet in height shall be installed along the ~~perimeter~~ **perimeter** of the Cemetery.

C. Civic Building

All civic buildings and their associated site improvements shall be subject to Development Plan review as ~~desctibed~~ **described** in Chapter 11.

D. Penal or Correctional Institution

Locational Restrictions. Penal and correctional institutions may not be established within ½ mile of a Residential Use District or School (K-12).

E. Religious/Assembly Use

1. Applicability. The provisions of this subsection shall apply to new or modifications to religious institutions, places of worship, and their accessory uses. This subsection does not apply to individual religious practices.

2. Permitted Accessory Uses. Permitted accessory uses include but are not limited to cemeteries, child care center, residential care facilities, retail uses, and similar facilities

3. Private Schools and Colleges. K-12 schools and/or college-equivalent operations which require state/federal certification/permits may be allowed pursuant to the district provisions. These educational accessory uses may require a separate review and approval process.

Part 30: Chapter 3 Use Provisions; Section 3.3.8.E.2. Agriculture, Manufacturing, and Distribution Uses – Additional Use Provisions, Resource Extraction:

Remove text as indicated in ~~strikethrough~~ to correct a typographical error, as follows:

2. Submittal Requirements. In addition to the other requirements of ~~the~~ this UDO, the applicant shall provide the following information with their application.

Part 31: Chapter 3 Use Provisions; Section 3.3.9.A.1.a. Infrastructure Uses – Additional Use Provisions, Infrastructure/Utilities Major:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to modify screening requirements for Infrastructure/Utilities Major, as follows:

a. **Walls Fencing** and Buffering. All treatment operations, power generation, and electrical substations shall occur behind a minimum 6 feet high ~~opaque wall~~ **fence**. **The type of fence selected shall be compatible with development in the surrounding area, as determined by the Administrator. A security wire (barbed, razor, etc.) may be located on the inside of the fence but shall not extend above the top of the fence. Type C landscaping shall be installed around the perimeter of the fenced area, except for entry gates or doors.**

Part 32: Chapter 3 Use Provisions; Section 3.3.9.E.12. Infrastructure Uses – Additional Use Provisions, Wireless Telecommunications Equipment and Wireless

Telecommunications Towers:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a spelling error and punctuation error, as follows:

12. Special Requirements for Small Wireless Telecommunications Facilities Located within the Public Right-of-Way...

...Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available~~/~~.

Part 33: Chapter 3 Use Provisions; Section 3.3.9.E.12.a. Infrastructure Uses – Additional Use Provisions, Wireless Telecommunications Equipment and Wireless Telecommunications Towers, Siting Hierarchy of Small Wireless Telecommunication Facilities Located within the Public Right-of-way:

Amendment to correct a sequencing error, as follows:

- i. Co-location subsections (i); (ii); (iii); and (iv) shall be relettered (a); (b); (c); and (d) respectively.
- ii. New Small Wireless Telecommunication Facilities subsections (i); (ii); (iii); (iv); (v); and (vi) shall be relettered (a); (b); (c); (d); (e) and (f) respectively.

Part 34: Chapter 3 Use Provisions; Section 3.3.9.E.12.a. i. (c) Infrastructure Uses – Additional Use Provisions, Wireless Telecommunications Equipment and Wireless Telecommunications Towers, Siting Hierarchy of Small Wireless Telecommunication Facilities Located within the Public Right-of-way:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a typographical error, as follows:

(c) Objective Design Standards. Small wireless telecommunication facilities to be co-located on an existing utility pole, light pole fixture, or wireless support structure shall be designed to match the style and color of the existing utility pole, light pole fixture, or support structure and designed such that all cabling is inside the existing utility pole, light pole fixture, or wireless support structure, provided, however if cabling cannot be located inside the existing utility pole, light pole fixture, or support structure that cabling is located within a solid enclosure that is designed to match the style and color of the existing utility pole, light pole fixture, or support structure.

All small wireless telecommunication facilities shall be stealth antenna facilities. Stealth antenna and accessory equipment must be shrouded or otherwise concealed.

To mitigate the visual impacts of unsightly or ~~outef~~ **out-of**-character small wireless telecommunication facilities, ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the right-of-way in which the small wireless telecommunication facility is to be located.

Part 35: Chapter 3 Use Provisions; Section 3.3.9.E.12.a. ii. (a) Infrastructure Uses – Additional Use Provisions, Wireless Telecommunications Equipment and Wireless Telecommunications Towers, Siting Hierarchy of Small Wireless Telecommunication Facilities Located within the Public Right-of-way:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a defined term and correct a typographical error, as follows:

(a) Height. The maximum height of new utility poles or wireless support structures shall be 50 feet above grade. Each new small wireless telecommunication facility shall not extend more than 10 feet above the utility pole or wireless support structure on which it is located. Notwithstanding the above, in no instance in an area zoned ~~single-family residential~~ **for detached residential dwellings** where the existing utilities are installed underground shall a utility pole or wireless support structure exceed 40 feet above grade. No new small wireless telecommunication facility shall be located on a ~~ny~~ **any** utility pole or wireless support structure that is less than 15 feet above grade.

Part 36: Chapter 3 Use Provisions; Section 3.3.9.E.12.a. ii. (f) Infrastructure Uses – Additional Use Provisions, Wireless Telecommunications Equipment and Wireless Telecommunications Towers, Siting Hierarchy of Small Wireless Telecommunication Facilities Located within the Public Right-of-way:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct missing information for concealment and correct a typographical error, as follows:

(f). Objective Design Standards. Small wireless telecommunication facilities and utility poles and wireless support structures shall be compatible with the surrounding area. Where existing street light fixtures are present, the utility pole or wireless support structure color shall match that of the street light fixture pole and shall be located in such a manner as to visually appear to be part of a common scheme of street light fixture pole placement. Within the adopted Village District Area Plan boundary as indicated in the Comprehensive Plan, utility poles and wireless support structures shall be black powder coated.

Utility poles and wireless support structures shall be made of galvanized steel or comparable material except when otherwise required by applicable federal or state regulations. Wood utility poles and wireless support structures are prohibited.

Small wireless telecommunication facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.

All small wireless telecommunication facilities shall be stealth antenna facilities. Stealth antenna and accessory equipment must be shrouded or **otherwise concealed**.

To mitigate the visual impacts of unsightly or ~~outef~~ **out-of** -character small wireless telecommunication facilities, ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the right-of-way in which the small wireless telecommunication facility is to be located.

Part 37: Chapter 3 Use Provisions; Section 3.4.2.B. Accessory Structures and Uses;

Residential Use Districts and Residential Uses in all other Districts, Accessory Structure Limitations:

Add text as indicated in **bold** and remove text as indicated in to modify a defined term and provide additional allowances for lots in the RR District, as follows:

B. Accessory Structure **Building** Limitations.

1. **Area.** The total square foot area of all detached accessory ~~structures~~ **buildings** on a lot shall not exceed 50% of the finished floor area of the primary dwelling. **For lots greater than 2 acres in the RR District, the total square foot area of all detached accessory buildings on a lot shall not exceed 100% of the finished floor area of the primary dwelling.**~~;~~~~and~~

2. **Maximum Number.** The maximum number of detached accessory buildings on a lot shall not exceed the following:

a. ~~Maximum number of accessory buildings in the~~ RR District: Not applicable

b. ~~Maximum number of accessory buildings in all other Residential Use Districts:~~
2

2-3. **Location.** Detached accessory ~~structures~~ **buildings** shall not be located in the front yard.

Part 38: Chapter 3 Use Provisions; Section 4.4.3. Commercial & Mixed-Use & Employment/Campus Use Districts and Non-Residential Use:

Add text as indicated in **bold** to correct section naming, as follows:

3.4.3 COMMERCIAL & MIXED-USE & EMPLOYMENT/ CAMPUS USE DISTRICTS AND NON-RESIDENTIAL USES **IN RESIDENTIAL USE DISTRICTS**

Part 39: Chapter 4 Open Space and Conservation; Table 4.2-A – Minimum Open Space Requirements by Zoning District:

Add text as indicated in **bold** and remove text as indicated in ~~strike through~~ to modify requirements for non-residential development when located in a Residential Use District to follow standards for NMX, to reorganize notes, and to remove Urban Civic Space requirement from Infrastructure Uses, as follows:

TABLE 4.2-A – MINIMUM OPEN SPACE REQUIREMENTS BY ZONING DISTRICT			
	RESIDENTIAL USE DISTRICTS	COMMERCIAL & MIXED-USE DISTRICTS	EMPLOYMENT/CAMPUS USE DISTRICTS

	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP	IVMX	BRT	HI
ON-SITE PRIVATE OPEN SPACE													
Method 1: Standard Projects (N1 , N2 & N3)													
Total Minimum Required (% of total project site)	30%	30%	30%	15%	15%	12%	1%	15%	15%	10%	1%	3%	3%

PUBLIC PARK SPACE REQUIREMENT (RESIDENTIAL DWELLING UNITS) (N4 N6)													
Public Park Space (required in addition to On-Site Private Open Space minimum)	1/20 acre X total number of dwelling units												

Notes:

N1. Non-residential uses located in a Residential Use District shall follow the requirements listed for the NMX District.
~~Applicant may pay the Town a payment in lieu of providing Public Park Space pursuant to the limits of outlined in this table and the standards outlined in Section 4.7.2.~~
N2. On-site Private Open Space is required for all Major Subdivisions - Residential where the resulting plat/subdivision action results in 5 or more lots and Development Plans that include attached or apartment dwellings
N3. The total minimum required On-site Private Open Space is inclusive of other requirements including tree preservation/conservation areas, floodplains, perimeter buffers, landscaping etc.
N4. Where two standards are listed in the table for a specific zone and open space type, the greater standard shall apply.
Infrastructure Uses shall not be required to provide Urban Civic Space.
N5. For projects that could be considered in multiple open space categories, the most stringent requirements shall apply.
N6. Applicant may pay the Town a payment in lieu of providing Public Park Space pursuant to the limits of outlined in this table and the standards outlined in Section 4.7.2.

Part 40: Chapter 4 Open Space and Conservation; 4.4.1.C Tree Preservation Priorities, Significant Natural resource Areas:

Remove text as indicated in ~~strikethrough~~ to correct typographical errors, as follows:

2. Endangered Species Habitat. Endangered species habitat, as delineated by state and federal agencies for environmental permitting, may a constitute “Natural Resources” for the purposes of tree preservation.

3. Sufficient/Critical Habitat. Sufficient habitat of State listed wildlife species or federally listed plants may a constitute “Natural Resources” for the purposes of tree preservation and includes species designed as Endangered, Threatened, or Special Concern. Said areas shall be as determined by the qualified biologist.

Part 41: Chapter 4 Open Space and Conservation; Section 4.4.5.C.3.b. Penalties for

Unauthorized Tree Removal, Fines:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to remove repetitive text and correct typographical error, as follows:

b. Tree Fine. In addition to the flat fine, the Administrator shall issue a fine of \$100 per caliper inch ~~shall be imposed if the caliper inch~~ for removed vegetation is **if** not replaced on site.

Part 42: Chapter 4 Open Space and Conservation; Section 4.8.1.C.3.b.i. Required Conservation Buffer Areas, Regulation, Locational Standards/Allowances:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct typographical error, as follows:

i. Be part of a common area tract (or equivalent thereof) separate from a lot, ~~or;~~ **or**,

Part 43: Chapter 4 Open Space and Conservation; Section 4.8.2.C.2 Maintenance of Conservation Buffer Areas, Employment/Campus Use Districts:

Remove text as indicated in ~~strikethrough~~ to correct a typographical error, as follows:

2. No accessory building or accessory structure of any kind, ~~{other than a freestanding sign authorized by Section 9 of this UDO}~~, shall be permitted in the required Conservation Buffer Area.

Part 44: Chapter 4 Open Space and Conservation; Table 4.8-B Minimum Riparian Conservation Buffer by Watershed:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct an error in the Cape Fear River Basin Buffer Standards, as follows:

TABLE 4.8-B – MINIMUM RIPARIAN CONSERVATION BUFFER BY WATERSHED						
WATERSHED/AREA	RIPARIAN BUFFER FOR PERENNIAL STREAMS (EXCLUDING WETLANDS)	RIPARIAN BUFFER FOR ALL OTHER WATER FEATURES (EXCLUDING WETLANDS)	ZONE 1	ZONE 2	ZONE 3	SUBSECTION REFERENCE
Bass Lake Watershed (BLW)	100 feet	100 feet	100 feet	n/a	n/a	4.8.5
Neuse River Basin (NRB)	100 feet	50 feet (Zones 1 – 2 only)	30 feet	20 feet	50 feet	4.8.6

Cape Fear River Basin (CFB)	30 feet	None 30 feet	20 feet	10 feet	n/a	4.8.7
-----------------------------	---------	--------------------------------	---------	---------	-----	-------

Part 45: Chapter 4 Open Space and Conservation; Table 4.8-C Table of Approved Uses:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a spelling error, as follows:

TABLE 4.8-C – TABLE OF APPROVED USES				
	NEUSE RIVER BASIN SUBJECT TO 15A NCAC 02B	CAPE FEAR RIVER BASIN		
	Zone NRB1 & NRB2*	Zone NRB3	Zone CFB1	Zone CFB2
Excavation of the streamed streambed to bring it to the same elevation as the invert of a ditch	Prohibited	Prohibited	Prohibited	Prohibited

Part 46: Chapter 4 Open Space and Conservation; Table 4.8-C Table of Approved Uses:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a spelling and numerical error, as follows:

TABLE 4.8-C – TABLE OF APPROVED USES				
	NEUSE RIVER BASIN SUBJECT TO 15A NCAC 02B	CAPE FEAR RIVER BASIN		
	Zone NRB1 & NRB2*	Zone NRB3	Zone CFB1	Zone CFB2
Temporary Roads:				
Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored with in within six 6 months of initial disturbance	Exempt	Exempt	Exempt	Exempt

Part 47: Chapter 4 Open Space and Conservation; Section 4.8.4.G.3. Modification and

Waivers of Riparian Conservation Buffer Areas:

Remove text as indicated in ~~strikethrough~~ to correct a spelling error, as follows:

3. In all other instances where a waiver is requested for the Town-mandated Riparian Conservation Buffer applicants may appeal to the Environmental Appeal Committee. The applicant must provide documentation to the Administrator to support the appeal, in the Construction Drawing review process, or as early as the pDevelopment Plan or Subdivision Plan review process, if sufficient information exists for review as described in Chapter 11 of this UDO.

Part 48: Chapter 5 Landscaping; Section 5.2.3.F and G Alternate Landscape Plan Approval:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct typographical errors, as follows:

F. Such alternative landscape plan approval shall not modify the landscape requirements of this chapter pertaining to required perimeter buffer between Residential Use Districts and Commercial & ~~m~~Mixed-Use or Employment/Campus Use Districts.

G. If the ~~Administor~~ **Administrator** disapproves of a proposed alternative landscape plan, the applicant may, within 5 business days, appeal the ~~Administor's~~ **Administrator's** decision by filing an Administrative Appeal with the Board of Adjustment, stating the reasons and justification for the appeal. Such petition shall be filed consistent with the provisions of Chapter 11 of this UDO.

Part 49: Chapter 5 Landscaping; Section 5.2.4.E. Minor Revisions to Landscape Plan:

Remove text as indicated in ~~strikethrough~~ to remove duplicative text, as follows:

An approved landscape plan in need of minor revisions to the specified plant materials due to seasonal planting problems, lack of plant availability, or other reasons to be demonstrated by the applicant may be revised if the requested revisions meet the following criteria:

A. No reduction in the quantities of overall plant materials.

B. No significant change in size or location of plant materials.

C. New plant materials fall within the same general functional category of plants (shade trees, ornamental trees, evergreens, etc.) and have the same general design characteristics (mature height, spread, etc.) as the plant materials being replaced.

D. The proposed new plant materials are considered appropriate with respect to elements necessary for good survival and continued growth.

~~E. The proposed new plant materials are considered appropriate with respect to elements necessary for good survival and continued growth.~~

A letter shall be submitted to the Administrator requesting a minor revision for plant substitution. The letter shall include a list of the quantities, types, and sizes of the original plants and the proposed substitution(s), the location of the substitute plants on the plan.

Part 50: Chapter 5 Landscaping; Section 5.3.1.A. Perimeter Buffer:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct table naming and sequencing, as follows:

A. Perimeter Buffer Types. Perimeter buffers are divided into three types of opacity to provide a progression of screening options suitable to a variety of landscaping and buffering needs between districts. The types are described below and summarized in Tables ~~5.3-1~~ **5.3.1-A and 5.3.1-B.**

Part 51: Chapter 5 Landscaping; Section 5.3.1.B. Required Perimeter Buffer and Table 5.3-2 Required Perimeter Buffer:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to clarify landscaping for non-residential uses in Residential Use Districts, correct terminology, and correct sequencing, as follows:

B. Required Perimeter Buffer

All required Perimeter Buffers shall be landscaped in compliance with the requirements in Table 5.3-2. **5.3.1-C.**

Table 5.3-2. 5.3.1-C - Required Perimeter Buffer														
		Subject Property Use District (N1)												
		RR	SR	NR	MC R	MXR	NM X	DM X	RM X	CB	SP	INMX	BRT	HI
Abutting Property Use District	RR	A	A	A	B	B	B	N1 N2	C	C	C	C	C	C
	SR	A	A	A	B	B	B	N1 N2	C	C	C	C	C	C
	NR	A	A	A	B	B	B	N1 N2	C	C	C	C	C	C
	NCR	A	A	A	A	A	B	N1 N2	B	B	C	C	C	C
	MXR	A	A	A	A	A	B	N1 N2	B	B	C	C	C	C

NMX	A	A	A	A	A	A	N1 N2	B	B	C	C	C	C
DMX	A	A	A	A	A	A	N1 N2	B	B	C	C	C	C
RMX	A	A	A	B	B	A	N1 N2	A	A	B	B	B	B
CB	A	A	A	B	B	A	N1 N2	A	A	B	B	B	B
SP	A	A	A	B	B	A	N1 N2	A	A	A	A	A	A
IVMX	A	A	A	B	B	A	N1 N2	A	A	A	A	A	A
BRT	A	A	A	B	B	A	N1 N2	A	A	A	A	A	A
HI	A	A	A	B	B	A	N1 N2	A	A	A	A	A	A
NC 540	See Chapter 4 - Conservation Buffer Area (N2 N3)						N1 N2	See Chapter 4 - Conservation Buffer Area (N2 N3)					
NC 55							N1 N2						
Th-fare	A	A	A	A	A	A	N1 N2	B	B	B	B	B	B
PUD	Determined by Administrator						N1 N2	Determined by Administrator					

N1: Unless otherwise specified in Chapter 3, non-residential uses located in a Residential Use District shall follow the requirements listed for the NMX District.

~~Large Deciduous Trees planted 40 feet on-center.~~

N2: Large Deciduous Trees planted 40 feet on-center.

~~Perimeter Buffer needs to meet opacity requirements of Type B and supplemented if sufficient vegetation does not exist in Conservation Buffer Area.~~

N3. Conservation Buffer Area needs to meet the opacity requirements for a Type B Perimeter Buffer and supplemented if sufficient vegetation does not exist in the Conservation Buffer Area.

Part 52: Chapter 5 Landscaping; Table 5.3-1 Perimeter Buffer Types and Standards, Table 5.3-B Perimeter Buffer Types, Table 5.6-A Parking Area Screening, Table 5.5-A Continuous Street Tree Planting Strips, Table 5.5-1: Approved Street Tree Species, Table 5.4-1: Prohibited Species, and Table 5.6-1: Required Plat Size:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct sequencing, as follows:

Table 5.3-1 Perimeter Buffer Types and Standards shall be renumbered as **5.3.1-A - Perimeter Buffer Types and Standards**

Table 5.3-B Perimeter Buffer Types shall be renumbered as **5.3.1-B - Perimeter Buffer Types**

Table 5.6-A Parking Area Screening shall be renumbered as **5.3.2-A - Parking Area Screening**

Table 5.5-A Continuous Street Tree Planting Strips shall be renumbered as **5.3.5-A - Continuous Street Tree Planting Strips**

Table 5.5-1: Approved Street Tree Species shall be renumbered as **5.3.5-B - Approved Street Tree Species**

Table 5.4-1: Prohibited Species shall be renumbered as **5.4.1- A - Prohibited Species**

Table 5.6-1: Required Plat Size shall be renumbered as **5.6.1- A - Required Plat Size**

Part 53: Chapter 6 Parking; Table 6.3.A Table of Permitted Vehicle Parking Locations:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to clarify locations for non-residential uses in Residential Use Districts, remove “Development Plan Review” option (undefined), and make terminology correction, as follows:

TABLE 6.3--A - TABLE OF PERMITTED VEHICLE PARKING LOCATIONS (N1)					
CONTEXT-USE CATEGORIES	REAR YARD ONLY	SIDE AND REAR YARD ONLY	FRONT YARD RESTRICTED	UNRESTRICTED	ALL YARDS WITH RESTRICTIONS
Residential Uses					
Detached and Attached Dwellings on lots less than 60 ft wide	Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted

Detached and Attached Dwellings on lots 60 ft or greater in width	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Permitted
All other Residential Uses	Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
All Other Uses (by Use District) (N2)					
NMX / DMX	Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
RMX / IVMX	Permitted	Permitted	Development Plan Review Permitted	Not Permitted	Not Permitted
CB	Permitted	Permitted	Permitted	Development Plan Review Permitted	Not Applicable Not Permitted
SD	Established During Rezoning with a Conditional Zoning District (CD)				
BRT / HI	Permitted	Permitted	Permitted	Permitted	Not Applicable
N1: Alternate permitted vehicle parking locations may be considered with a Conditional Zoning District (CD) N2: Non-residential uses located in a Residential Use District shall follow the requirements listed for the NMX District.					

Part 54: Chapter 6 Parking; Table 6.4.A - Vehicle Parking Requirements:

Add text as indicated in **bold** and remove text as indicated in ~~strike through~~ to clarify bicycle parking exemption, add outdoor seating to parking requirements for commercial uses, modify hospital parking, and modify table notes for maximum parking, as follows:

TABLE 6.4.-A - VEHICLE PARKING REQUIREMENTS (N1)				
LAND USE	MINIMUM VEHICLE PARKING RATIO	MAXIMUM VEHICLE PARKING RATIO (N1 N2)	EXEMPT FROM BICYCLE PARKING	ADDITIONAL REQUIREMENTS

RESIDENTIAL USES				
Apartment Dwelling	1 / unit	3 / unit	-- No	--
Detached & Attached Dwellings	2 / unit	None	Yes	Attached dwellings must provide required parking + 10% for guest parking
Group Home	0.5 / bedroom	None	Yes	--
Residential Care Facilities	None	None	Yes	--
All other Residential Uses	1 / unit	None	-- No	--
LODGING USES				
Bed and Breakfast	1 / guest room	None	-- No	--
All other Lodging Uses	1 / guest room	1.5 / guest room	-- No	--
OFFICE AND SERVICE USES				
Family Child Care Home	2 / unit	None	Yes	--
Hospital	Study Required	None	-- No	See 6.4.1.C
Medical Office	4 / 1,000 sf	6 / 1,000 sf	-- No	--
Mortuary/Funeral Home/Crematory	4 / 1,000 sf	6 / 1,000 sf	Yes	Ratio based on the primary assembly area.
All other Office and Service Uses	2 / 1,000 sf	4 / 1,000 sf	-- No	--
RETAIL, DINING, AND ENTERTAINMENT USES				
Amusement (Outdoor)	None	None	No	--

Bar/Nightclub/Tasting Room	5 / 1,000 sf	10 / 1,000 sf	No	Outdoor seating is included in the parking ratio calculation
Food/Restaurant Uses	3 / 1,000 sf	5 / 1,000 sf	No	Outdoor seating is included in the parking ratio calculation
Nightclub	5 / 1,000 sf	None	No	Outdoor seating is included in the parking ratio calculation
Theater	1 / 3 seats	None	No	--
Integrated Center or all other Retail, Dining, and Entertainment Uses	2 / 1,000 sf	4 / 1,000 sf	No	Outdoor seating is included in the parking ratio calculation
PUBLIC AND INSTITUTIONAL USES				
Religious Use	1 / 4 fixed seats in main assembly area, or if no fixed seats, 1 / 50 sf in main assembly area	None	No	--
All other Public and Institutional Uses	Study Required		No	See 6.4.1.C
RECREATION USES				
Campground	None	None	No	--
Entertainment Facility (Outdoor)	Study Required		No	--
Golf Course	4 / hole	None	No	--
Recreation Facility	Study Required		No	--
All other Recreation Uses	2 / 1,000 sf	4 / 1,000 sf	No	--
AGRICULTURAL, MANUFACTURING, AND DISTRIBUTION USES				

All Agricultural, Manufacturing, and Distribution Uses	1 / 3,000 sf	None	Yes	Office areas are subject to requirements for Office and Service Uses. Non-occupied areas such as mechanical rooms or storage areas shall not be included in total area for minimum parking ratio calculation.
INFRASTRUCTURE USES				
All Infrastructure Uses	None	None	Yes	--
N1: Unique vehicle parking ratio standards may be considered with a Conditional Zoning District (CD). N4N2: For uses without with a maximum vehicle parking ratio listed, an additional 50% of vehicle parking the- maximum parking spaces shall be no more than 150% of the minimum may be provided in accordance with Section 6.7.H.2. Maximum Vehicle Parking Exceptions – Pervious Pavement Required.				

Part 55: Chapter 6 Parking; Section 6.4.4 Exceptions to Parking Requirements and Section 6.4.5 Accessible Parking Spaces:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct typographical errors and terminology, as follows:

6.4.4 Exceptions to **Vehicle** Parking Requirements

A. DMX Exemption. There shall be no minimum vehicle parking requirement in the DMX district.

6.4.5 Accessible **Vehicle** Parking Spaces

A. ADA Accessibility. Every off-street **vehicle** parking area and **vehicle** parking garage available to the public shall have **vehicle** parking spaces reserves for the use of physically handicapped persons (as required by ADA Accessibility ~~Guidelines~~ **Guidelines** for Buildings and Facilities, Chapter 4.1.2(5)(a), 1991 edition and later supplements, as amended through September 2002). Guidelines for ADA **vehicle** parking spaces are as follows:

1. For parking ~~lots~~ **areas** with 1 - 25 total **vehicle** parking spaces, 1 ADA **vehicle** parking space required.
2. For parking ~~lots~~ **areas** with 26 - 500 total **vehicle** parking spaces, 4% of the total number of **vehicle** parking spaces must be ADA accessible.
3. For parking ~~spaces~~ **areas** with 500+ total **vehicle** parking spaces, 2% of the total number of **vehicle** parking spaces must be ADA accessible.

Part 56: Chapter 6 Parking; Section 6.7 Construction and Maintenance Standards:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct typographical errors and terminology, as follows:

6.7.1 Construction Standards

A. Layout. The layout of all off-street **vehicle** parking areas shall be in compliance with the requirements set forth in the ~~Town's~~ Engineering Design and Construction Standards.

B. Landscaping. Except individual detached dwellings and attached dwellings, the landscaping of all off-street **vehicle** parking areas shall comply with Section 5.3.2. **and 5.3.3.**

C. Separation from Buildings. Except individual detached dwellings or attached dwellings, all off-street **vehicle** parking spaces, off-street **vehicle** parking areas and interior access drives shall maintain a minimum 5 foot separation from the wall of a building.

D. Definition of **Vehicle** Parking Spaces. Except individual detached dwellings and attached dwellings, all off-street **vehicle** parking spaces shall be provided with a raised curb, wheel stops or other devices to insure that motor vehicles do not encroach beyond the vehicle parking area or into a required perimeter ~~landscape-screen~~ **buffer**.

E. **Vehicle** Parking Space Size. **Vehicle** parking spaces shall be in compliance with the requirements set forth in the Engineering Design and Construction Standards.

F. Golf Carts. Up to 5% of the total number of **vehicle** parking spaces provided may be designated for golf cart parking. Additional **golf cart** parking spaces for recreational uses may be permitted by the Administrator.

G. Length of Driveway Stem. Except individual detached dwellings and attached dwellings, the driveway stem into an off-street **vehicle** parking area shall be kept clear from the maneuvering movements necessary to support individual vehicle parking spaces as specified in the ~~Town's~~ Engineering Design and Construction Standards.

H. Surface of **Vehicle** Parking Areas.

1. Principal Use **Vehicle** Parking Areas. All required vehicle parking areas and any driveway, interior access driveway or interior access drive to and from such vehicle parking areas shall be hard surfaced with asphalt, concrete or other material to provide a durable, dust free surface.

a. Residential buildings converted to a nonresidential use less than 5,000 square feet in building area are exempt from the hard surface requirement as long as a durable and dust free surface is provided.

b. Detached dwellings on lots 2 acres or greater in the Rural Residential District are allowed to provide a gravel driveway instead of a hard surface driveway when located outside of the right-of-way.

2. Maximum **Vehicle** Parking Exceptions - Pervious Pavement Required. Additional **vehicle** parking spaces over the maximum ~~required~~ **vehicle parking ratio** must be constructed with pervious materials approved by the Administrator.

3. Temporary Use **Vehicle** Parking Areas. A permitted temporary use may use an unimproved or gravel surface for the duration of the temporary use. If a temporary gravel surface is provided, such gravel shall be removed and the off-street **vehicle** parking area shall be returned to its prior condition immediately upon cessation of the temporary use.

4. Curb and Gutter Required. Curb and gutter shall be ~~required~~ **provided** ~~on all permanent vehicle parking areas~~ as specified in the Town's Engineering Design & Construction Standards **on all permanent vehicle parking areas**.

Part 57: Chapter 7 Streets, Utilities and Other Infrastructure; Section 7.1.B. Purpose and Applicability:

Remove text as indicated in ~~strike through~~ to remove guilty of misdemeanor and move authority to Chapter 1 (part 1), as follows:

B. The regulations of this Chapter apply to any new development subject to Development Plan or Subdivision review.

~~Any person who subdivides, sells or transfers property without recording a plat shall be guilty of a Class 1 misdemeanor.~~

~~1. Authority. According to the provisions of GS §160D-801 et. seq., the Town has the authority to regulate the subdivision of land within its corporate limits and Extraterritorial Jurisdiction.~~

Part 58: Chapter 7 Streets, Utilities and Other Infrastructure; Table 7.3.1 – Required Improvements:

Add text as indicated in **bold** and remove text as indicated in ~~strike through~~ to modify section references and clarify exceptions may be granted as permitted by the Engineering Design and Construction Standards, as follows:

TABLE 7.3.4 7.2-A - REQUIRED IMPROVEMENTS

REQUIRE D IMPROVEMENTS (SECTION REFERENCE)	RESIDENTIAL USE DISTRICTS STANDARDS					COMMERCIAL & MIXED-USE DISTRICT STANDARDS				EMPLOYEE/CAMPUS USE DISTRICT STANDARDS			
	R R	SR	NR	NCR	MXR	NMX	DMX	RM X	CB	SP	IVMX	BRT	HI
Underground Wiring (7.32.3.B)	R	R	R	R	R	R	R	R	R	R	R	R	R
Underground Drainage (7.32.3.C)	R	R	R	R	R	R	R	R	R	R	R	R	R
Public Water and Hydrants (7.32.3.D)	R	R	R	R	R	R	R	R	R	R	R	R	R
Public Sanitary Sewer (7.32.3.E)	R	R	R	R	R	R	R	R	R	R	R	R	R
Curb and Gutter (Engineering Design & Construction Standards Section 3.02G7.7.4.K.)	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*
Paved Streets (7.6-54.4.K)	R	R	R	R	R	R	R	R	R	R	R	R	R

Street Signs (public streets) (7.6.5.K4.4.G.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Street Lights (7.6.5.M4.4.L.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Sidewalks, Sidepaths, and Greenways (7.86)	R	R	R	R	R	R	R	R	R	R	R	R	R
Street Trees (Section 5.3.5)	R	R	R	R	R	R	R	R	R	R	R	R	R
KEY: R – Required *Exceptions requested to the Engineering Design and Construction Standards may be granted subject to approval by the Executive Director of Utilities and Infrastructure, or designee)													

Part 59: Chapter 7 Streets, Utilities and Other Infrastructure; Section 7.2.3.B.2. Underground Installation of Utility Lines Required, Relocation:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to remove duplicate terminology and to clarify that decision to collect fee in lieu may be determined by decision making body for the project, as follows:

2. Relocation. Where any Major Subdivision, ~~attached dwelling project~~, or Development Plan is proposed, existing overhead utility lines along or through the proposed development shall be relocated underground. Where the existing utility service is of a nature where relocation underground does not meet the criteria for underground relocation established by the utility provider, the ~~Town Council~~ **decision-making body** may waive this requirement upon recommendation of the Administrator and payment of a fee-in-lieu of such relocation.

Part 60: Chapter 7 Streets, Utilities and Other Infrastructure; Section 7.2.3.D. Water Utilities:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct spelling, as follows:

Water Utilities. Each lot in a Major Subdivision or Development Plan within the Town and its ~~Extraterritorial~~ **Extraterritorial** Jurisdiction shall be provided, at the developer's or subdivider's expense, with municipal water services. Any water lines connections, services, and equipment so extended shall be installed in accordance with the Engineering Design & Construction Standards.

Part 61: Chapter 7 Streets, Utilities and Other Infrastructure; Section 7.2.3.E. Sanitary Sewer Utilities:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct spelling, as follows:

Sanitary Sewer Utilities. Each lot in a Major Subdivision or Development Plan within the Town and its ~~Extraterritorial~~ **Extraterritorial** Jurisdiction shall be provided, at the developer's or subdivider's expense, with municipal sanitary sewer services. Any sanitary sewer lines, connections, services, and equipment so extended shall be installed in accordance with the Engineering Design & Construction Standards. Connection to municipal water service is required with sanitary sewer service connection.

Part 62: Chapter 7 Streets, Utilities and Other Infrastructure; Section 7.5 Traffic Impact Analysis:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to update for consistency with the Traffic Study policy adopted with the Comprehensive Transportation Plan, as follows:

7.5 TRAFFIC IMPACT ANALYSIS STUDIES

7.5.1 Introduction

The Town has developed thresholds for Traffic ~~Impact Analyses (TIAs)~~ **Studies** and ~~other traffic assessments~~ associated with land development applications. The study area and parameters for those studies are referenced in the Traffic ~~Impact Analysis Study~~ **Policy in the Development Procedures Manual**. Development application approval is contingent upon the satisfactory completion of a ~~TIAs~~ **Traffic Study** where required. **The Traffic Study** ~~TIA~~ must be completed at the developer's expense.

7.5.2 Tiers of Traffic ~~Analysis~~ **Study**

Three tiers of traffic ~~analysis~~ **study** (based on the study thresholds identified herein) are outlined below, and the Administrator reserves the right to require alternative levels of analysis on a case-by-case basis:

A. **Tier 1:** A-Trip Generation and Distribution Analysis (TGDA). ~~is designated f~~**For** developments that are not expected to generate significant site traffic or have significant impacts at off-site intersections. This tier of ~~analysis~~ **study** would require a summary of the anticipated trip generation and site traffic distribution but would not require any capacity analyses.

B. **Tier 2:** A Limited **Site Specific** Traffic Assessment (**LSSTA**). ~~is designated f~~**For** developments when site traffic is significant enough to potentially necessitate limited improvements to the transportation network. This tier of ~~analysis~~ **study** would typically require

analysis of site driveways and critical adjacent ~~nearby~~ intersections in a ~~narrow-limited~~ study area and would require coordination through the Town's ~~analysis~~ **Traffic Study** scoping process.

C. **Tier 3: A-Traffic Impact Analysis (TIA).** ~~is designated for~~ For developments when site traffic is significant enough to potentially necessitate improvements to the transportation network beyond site access points or adjacent intersections. This tier of ~~analysis~~ **study** would typically require analysis of critical intersections within **at least** a 1-mile radius of the site and would require coordination through the Town's ~~and NCDOT's analysis~~ **Traffic Study** scoping process.

7.5.3 Traffic ~~Analyses~~ Study Thresholds

Thresholds for required traffic ~~analyses~~ **studies** will be determined based upon the amount of site-generated vehicular traffic as defined below. The calculations of net new external vehicular trips as used in this section shall be based on the current Institute of Transportation Engineers (ITE) Trip Generation Manual. If an applicable ITE land use is not available or contains limited data, or if additional use-specific trip generation is provided, an alternative trip generation methodology may be approved by the Administrator.

Table 7.7.3 - Study Thresholds		
Level of Study Daily Traffic	Volume Threshold (vehicles per day)	Peak Hour Traffic Volume Threshold (Vehicles per day)
Tier 1: Trip Generation and Distribution Assessment (TGDA)	300-499	30-49
Tier 2: Site Specific Limited Traffic Assessment (LSSTA)	500-999	50-99
Tier 3: Traffic Impact Analysis (TIA)	1,000+	100+

7.5.4 Qualifications Required to Conduct Traffic Impact Analysis **Studies**

The ~~analysis~~ **Traffic Studies** must be signed and sealed by a Professional Engineer (PE) in the State of North Carolina with relevant traffic engineering experience. The Administrator reserves the right to make a determination as to whether a particular engineer meets this criterion.

7.5.5 Analysis Scope and Methodology

Prior to conducting a TIA **Traffic Study**, the required scope and methodology should ~~should~~ **shall** be developed in coordination with the Town and the NCDOT to ensure that technical requirements are met. Typical scope items expected to be included in ~~LTAs and TIAs~~ **Traffic Studies** are noted below; however, additional detail may be requested by the ~~Town~~ **Administrator** or the NCDOT for certain tasks due to local knowledge of the area to address concerns or meet other prior planning or engineering requirements.

- A. Site location and existing conditions.
- B. Study intersections.
- C. Anticipated development elements including land uses and intensities, site access,

and build-out year.

D. Volume development methodology, including traffic counts, background traffic, **annual growth rate**, and trip generation.

E. Anticipated site traffic distribution.

7.5.6 Transportation Mitigation Agreement

A Transportation Mitigation Agreement (TMA) shall summarize the on- and off-site improvements required to adequately mitigate the project's impacts to the Town's transportation system, including vehicular, pedestrian, and bicycle improvements, the thresholds and deadlines for construction of any improvements if improvements are planned to be phased, and the payment of fees in lieu of required improvements (if applicable). The required mitigation shall be designed and constructed by the Applicant at the Applicant's expense.

Part 63: Chapter 7 Streets, Utilities and Other Infrastructure; Section 7.6.6 Greenways:

Add text as indicated in **bold** and remove text as indicated in ~~striketrough~~ to correct typographical errors, as follows:

7.6.6 Greenways

When land proposed for development is adjacent to a Greenway indicated in the Comprehensive Plan or other adopted plan of the Town, such greenway shall be dedicated to the **Town** and improved consistent with the following standards:

A. Greenways shall be constructed in compliance with ~~TOHS~~ **the** Engineering Design and Construction Standards ~~Standards~~.

B. Greenway Easement width shall be a minimum of 30 feet unless otherwise approved by Town Council.

C. Pursuant to GS § 160D-702 (b), land shall be dedicated and reserved within ~~in~~ each project for greenway right-of-way purposes.

Part 64: Chapter 7 Streets, Utilities and Other Infrastructure; Section 7.6.6.G. Greenways:

Add text as indicated in **bold** and remove text as indicated in ~~striketrough~~ to Section 7.6.6.G. Greenways to correct typographical errors, as follows:

G. Alternate Compliance. Alternatives to the greenway requirements may be proposed according to the following:

1. The proposed connection is consistent with the purpose of Section ~~7.5~~ **7.3** Connectivity.
2. An alternate greenway connection may be provided to meet this requirement with sufficient easement width, subject to the approval of the Administrator.

3. A fee-in-lieu of construction costs may be provided so that the Town may construct the greenway.

Part 65: Chapter 7 Streets, Utilities and Other Infrastructure; Section 7.7 Improvement Guarantees:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to remove text that is additionally found in Chapter 11, as follows:

7.7 Improvement Guarantees

The developer shall be required to post a **performance bond, or other surety acceptable to the Town, for all unfinished improvements at the time of final plat approval, as certified by the Administrator, in compliance with the provisions of Section 11.14 – Construction Drawings of this UDO.** ~~performance guarantee equal in amount to 150% of the cost of the unfinished improvements at the time of final plat approval (as certified by the Administrator. The unfinished improvements should typically be the asphalt surface course and sidewalks/sidepaths. A performance guarantee shall be in the form of a surety bond, letter of credit, or escrow account. In the event the required improvements are not completed within the time specified by the Administrator, the Town may let or relet a contract for the purpose of completing the unfinished improvements of the project using the posted security.~~

Part 66: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.1 Purpose & Intent:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to clarify standards apply generally and not to specific review types, as follows:

8.1 PURPOSE & INTENT

These regulations recognize the unique character of land and development throughout the Town and the need for flexibility in the design of buildings and sites. ~~The requirements of this chapter shall apply to all Type 2a-Type 7 reviews described in Section 11.4 of this UDO.~~

Building, Site & Subdivision Lot Design standards are established to promote development that:

- A. is compatible with nearby properties, community character, and natural features;
- B. minimizes pedestrian and vehicular conflict;
- C. reinforces public spaces; and,
- D. visually enhances development and sites.

Part 67: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.C.1 Building Design Standards, Building Types, Residential Buildings:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to add missing

Manufactured Dwelling design standards section reference, as follows:

C. Building Types.

The following building types are allowed in various zoning districts as provided in Chapter 3, Table 3.2.A.

1. Residential Buildings. All new buildings in Residential Use Categories shall follow Residential Building Standards. **For Building Design Standards for Manufactured Dwellings See Additional Requirements Use Provisions for Manufactured Dwellings in Chapter 3 .**

Part 68: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.D. Building Design Standards, Building Scales:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to clarify building sizes ranges, as follows:

D. Building Scales

1. Small Building – Any building less than or equal to 25,000 square feet floor area.
2. Medium Building – Any building greater than 25,000 but less than 75,000 square feet floor area.
3. Large Building – Any building greater than **or equal to** 75,000 but less than 200,000 square feet floor area.
4. Extra Large Building – Any building greater than **or equal to** 200,000 square feet.

Part 69: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.F.3 Building Design Standards, Encroachments, Balconies and Table 8.2.E. Building with Balconies Encroaching into the Right-of-way:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to modify and clarify standards for balconies, as follows:

3. Balconies. ~~Where provided,~~ **Upper level** balconies may encroach into the required setback **or right-of-way, with an encroachment agreement**, by up to 3 feet ~~at ground level. Upper-level balconies may extend into the right-of-way with an encroachment agreement.~~ A minimum of 10 feet of vertical clearance must be maintained from the sidewalk grade. Balconies may have roofs but cannot be screened or glassed.

8.2-E Building with Balconies Encroaching Encroaching into the Right-of-Way (image to remain unchanged)

Part 70: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.F.5 Building Design Standards, Encroachments, Awnings, canopies, and marquees:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct terminology and typographical errors, as follows:

5. Awnings, canopies, and marquees. Where provided, **awnings (without signage), canopies, and marquees** ~~marquees, canopies and awnings (without signage)~~ may extend into the right-of-way up to the back of the curb, subject to an encroachment agreement ~~with the Town of NCDOT~~, up to a maximum of 8 feet from the building. A minimum of 8 feet of vertical clearance must be maintained from a walkway. A minimum of 15 feet of vertical clearance must be provided over a driveway, interior access drive, ~~of or~~ alley. Awnings ~~shall~~ **may** be made of fabric, but high-gloss and plasticized fabrics are prohibited.

Part 71: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.a.vi Façade Standards, Residential Building Standards:

G. 4. a. vi. Residential Building Standards, subsections (i), (ii), (viii), (iv), and (v) shall be lettered as (a), (b), (c), (d), and (e) respectively, and their subsections shall be relettered accordingly.

Part 72: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.a.vii Façade Standards, Commercial/Mixed-Use Building Standards:

G. 4. a. vii. Commercial/Mixed-Use Building Standards, subsection (i) shall be lettered as (a) and subsections shall be relettered accordingly.

Part 73: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.a.viii Façade Standards, Industrial and Warehouse Building Standards:

G. 4. a. viii. Industrial and Warehouse Building Standards, subsection (i) shall be lettered as (a) and subsections shall be relettered accordingly.

Part 74: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.a.ix Façade Standards, All Other Façades:

G. 4. a. ix. All Other Façades subsection (i) and (ii) shall be lettered as (a) and (b).

Part 75: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.b.i. Façade Standards, Bulk and Massing, All Building Standards:

G. 4. b. i. All Building Standards subsections (i), (ii), (viii), and (iv) shall be lettered as (a), (b), (c), and (d) respectively, and their subsections shall be relettered accordingly.

Part 76: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.b.ii. Façade Standards, Bulk and Massing, Residential Building Standards:

G. 4. b. ii. Residential Building Standards subsections (i) and (ii) shall be lettered as (a) and (b) respectively, and their subsections shall be relettered accordingly.

Part 77: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.b.iii. Façade Standards, Bulk and Massing, Commercial/Mixed-Use Building and Industrial

Warehouse Building Standards:

G. 4. b. iii. Commercial/Mixed-Use Building and Industrial Warehouse Building Standards subsections (i) and (ii) shall be lettered as (a) and (b) respectively, and their subsections shall be relettered accordingly.

Part 78: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.c.i. Façade Standards, Roof Expression, Residential Building Standards:

G. 4. c. i. Residential Building Standards subsections (i), (ii), and (iii) shall be lettered as (a) (b), and (c) respectively.

Part 79: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.c.ii. Façade Standards, Roof Expression, Commercial/Mixed-Use Building and Industrial Warehouse Building Standards:

G. 4. c. ii. Commercial/Mixed-Use Building and Industrial Warehouse Building Standards subsections (i), (ii), (iii), and (iv) shall be lettered as (a) (b), (c), and (d) respectively.

Part 80: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.d.i. Façade Standards, Façade Activation, All Building Standards:

G. 4. d. i. All Building Standards subsections (i) and (ii) shall be lettered as (a) and (b) respectively, and their subsections shall be relettered accordingly.

Part 81: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.d.ii. Façade Standards, Façade Activation, Residential Building Standards:

G. 4. d. ii. Residential Building Standards subsection (i) shall be lettered as (a), and the subsections shall be relettered accordingly.

Part 82: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.d.iii. Façade Standards, Façade Activation, Commercial/Mixed-Use Building Standards:

G. 4. d. iii. Commercial/Mixed-Use Building Standards subsections (i), (ii), and (iii) shall be lettered as (a) (b), and (c) respectively, and their subsections shall be relettered accordingly.

Part 83: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.d.iv. Façade Standards, Façade Activation, Industrial Warehouse Building Standards:

G. 4. d. iv. Industrial Warehouse Building Standards subsections (i), (ii), and (iii) shall be lettered as (a) (b), and (c) respectively, and their subsections shall be relettered accordingly.

Part 84: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.G.4.e.i. Façade Standards, Human Scale Elements:

G. 4. e. i. Human Scale Design Elements subsections (i) – (xvii) shall be lettered as (a) – (q) respectively.

Part 85: Chapter 8 Building, Site & Subdivision Lot Design Standards, Section 8.2.H.

Screening:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct numerical sequencing error, as follows:

H. Screening.

1. Rooftop mechanical equipment shall not be visible from any street or adjacent Residential Use District. Equipment that is no longer in use must be removed. When the roof line is below such grade, rooftop mechanical equipment shall be painted to match the color of the roof material to reduce the visual impact.
2. The following project elements shall be concealed and contained or screened from public view with materials similar to the structure, or they shall be located so as not to be visible from any public view or from potential buildings nearby:
 - a. Utility meters (must also be painted to match building material color);
 - b. Storage areas;
 - c. Solid waste containers;
 - d. Transformers, to the extent practical;
 - e. Generators; and
 - f. Similar features or other utility hardware on the building, roof, or ground.
- ~~g.~~ **3.** Building mounted equipment or pipes shall be painted to match the building regardless of visibility.

Part 86: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.4.B.3 Site Design, Pedestrian Access:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to clarify provisions for residential and non-residential uses as follows:

3. Pedestrian access. In addition to the design criteria set forth in ~~Section 7.6.4—Street Design by Classification~~ **Chapter 7**, the street, sidewalk, sidepath, and greenway systems of any ~~detached dwelling unit development~~ shall be designed to **as follows**:
 - a. ~~Pedestrian access shall be designed to~~ **All Use Categories**:
 - i. maximize the internal connection of local streets within the site;
 - ii. minimize the use of cul-de-sac streets;
 - iii. maximize the connectivity of streets within the site with surrounding streets or development;
 - iv. include a sidewalk, sidepath or greenway system which functionally connects

the various required open space elements of the site and all buildings;

v. provide a direct linkage to any **planned or existing** Town **sidepath or** greenway which abuts or is adjacent to the site; and,

vi. provide a vista termination for all internal streets so that no uninterrupted street segment extends for more than 1,350 feet.

b. Non-residential Uses ~~Categories Authorized by Special Use Permit in a Residential Use District, Commercial/Mixed Use Districts, and Employment/ Campus Districts. Any mixed-use, commercial, employment or campus project shall~~ **be designed** include a ~~walkway or pedestrian / bikeway system complying with the following~~ **additional** requirements:

i. functionally connect front doors, storefronts, or primary building entries with planned or existing public sidewalks, **sidepath, or greenway** on each public street frontage of the project;

~~ii. provide a direct linkage to any planned or existing Town greenway which abuts or is adjacent to the project;~~

iii. provide a direct and functional connection from the front doors, storefronts, or primary building entries to any on-site, off-street **vehicle** parking area; and,

iv. provide for decorative identifiable pedestrian crossing treatments along functional pedestrian routes wherever a ~~private walkway or pedestrian/bikeway~~ **sidewalk, sidepath, or greenway** system crosses an interior access drive or interior access driveway.

Part 87: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.4.C.2. Site Design, Loading:

Add text as indicated in **bold** and remove text as indicated in ~~striketrough~~ to clarify location of off-street loading areas, as follows:

2. Loading. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises.

a. Off-street loading shall be located on the rear or **interior** side (~~in the case of corner lots~~) side of the building.

Part 88: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.4.D.1.i. General Design Standards, Layout Criteria:

Add text as indicated in **bold** and remove text as indicated in ~~striketrough~~ to correct typographical errors, as follows:

i. provides a widened area as a visitor drop-off zone near the building entrance or a walkway,, sidepath, or greenway which provides a direct connection to the building entrances; and,

Part 89: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.4.D.2.a. General Design Standards, Minimum Dimensions:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct typographical errors, as follows:

a. Minimum Dimensions. The pedestrian island shall be at least 5 feet in width.

Part 90: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.4.E. Lighting:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct typographical errors, as follows:

E. Lighting. This section does not address street lighting on public or private streets – refer to the Town Engineering Design and Construction Standards.

1. Intent. The lighting standards contained in this Section are ~~intended~~ **intended** to provide for the ~~design~~ **design** and placement of outdoor light fixtures which:

Part 91: Chapter 8 Building, Site & Subdivision Lot Design Standards; Table 8.4.A: Lighting Standards:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ Table 8.4.A: Lighting Standards to correct typographical errors, as follows:

TABLE 8.4.-A: - LIGHTING STANDARDS		
District	Type of Fixture	Maximum Heights of Pole and Base
RR, SR, NR	Full Cutoff Cutoff	32'
	Non-Cutoff (1)	20'
NCR, MXR, NMX, DMX, PUD	Full Cutoff Cutoff	32'
	Non-Cutoff (1)	20'
SP, CB	Full Cutoff	32'

	Non-Cutoff (1)	16'
BRT, HI	Full Cutoff	32'
(21) NON-CUTOFF OUTDOOR LIGHT FIXTURES SHALL BE LIMITED TO WALKWAYS, OUTDOOR SEATING AREAS OR OTHER AREAS APPROVED FOR SUCH FIXTURES AS PART OF DEVELOPMENT PLAN APPROVAL.		

Part 92: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.4.E.10 Lighting, Maintenance of Outdoor Fixtures:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a spelling error, as follows:

10. Maintenance of Outdoor Fixtures. All light fixtures and light poles shall be maintained and ~~repared~~ **repaired** if inoperable.

Part 93: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.4.E.17.b. Lighting, Lighting Plans:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a spelling error, as follows:

b. A ~~photo-metric~~ **photometric** plan superimposed on the site plan, indicating the location, and aiming of outdoor light fixtures and illumination levels in compliance with the regulations of this Section.

Part 94: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.5.4.F.2. Subdivision Lot Design, General Design Standards for Subdivisions:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct a typographical error, as follows:

2. Whenever a dwelling unit is served by ~~and~~ **an** individual mailbox, the mailbox shall be located on the street frontage which corresponds to the main entrance to the dwelling unit and the street address used for the lot.

Part 95: Chapter 8 Building, Site & Subdivision Lot Design Standards; Section 8.6.C.2. Historic Preservation, Incentive Application:

Remove text as indicated in ~~strikethrough~~ to correct a sequencing error, as follows:

2. Historic Preservation Goals: A project seeking to use incentives shall demonstrate how preservation, rehabilitation, or adaptive reuse of historic structures will achieve the following Town preservation goals:

- 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.
- e. All findings of the Preservation Goals (specified above) shall be documented in writing and signed by the Administrator and retained as a part of the permanent record of the determination.

Part 96: Chapter 9 Signs; Section 9.2 Signs, Applicability:

Add text as indicated in **bold** to relocate Section 9.5.2 Waiver of Sign Regulations (part 97) to new Section 9.2.A. and B., and clarify applicable application types, as follows:

9.2 Applicability

The regulations contained in this Chapter shall apply to the location, erection and maintenance of signs in any district regulated by this UDO.

A. Waiver of Sign Regulations

A waiver of the regulations contained in this Chapter may be heard and determined in connection with either a petition for a Conditional Zoning District (CD), Special Use Permit, Development Plan, or Major Subdivision Plan.

A waiver of the regulations contained in this Chapter may only be granted upon making the following findings:

- 1. The proposed signs are harmonious to the buildings and sites which they occupy;**
- 2. The proposed signs will not create a hazard to motorists or pedestrians resulting from the sign location, size or configuration;**
- 3. The proposed signs will not increase the total combined sign surface area allowed for the front sign zone, interior sign zone and building signs on the lot, outlot, integrated center, business park, industrial park, subdivision or building served by the proposed signs;**
- 4. The proposed signs will result in an overall pattern of signs for the lot, outlot, integrated center, business park, industrial park, subdivision or**

building which is equivalent to or superior to that achievable under the applicable regulations;

5. The proposed signs will be compatible with and will enhance the use or value of area properties;

6. The proposed signs are consistent with the intent of the Comprehensive Plan; and,

7. The proposed signs are consistent with the intent and purpose of this UDO.

B. The Town Council may suspend temporary sign regulations during a declared emergency, natural disaster or pandemic.

Part 97: Chapter 9 Signs; Section 9.5.2 Signs, Prohibited Signs, Waiver of Sign Regulations:

Add text as indicated in **bold** to relocate Section 9.5.2 Waiver of Sign Regulations to new Section 9.2.A. and B. (part 96), as follows:

9.5.2 Waiver of Sign Regulations

~~In order to avoid undue hardship and to expedite the zoning approval process for developments within the Town and its Extraterritorial Jurisdiction, a waiver of the regulations contained in this Chapter may be heard and determined in connection with either a petition for zoning map change, development plan, or subdivision plan.~~

~~A waiver of the regulations contained in this Section may only be granted upon making the following findings:~~

~~A. The proposed signs are harmonious to the buildings and sites which they occupy;~~

~~B. The proposed signs will not create a hazard to motorists or pedestrians resulting from the sign location, size or configuration;~~

~~C. The proposed signs will not increase the total combined sign surface area allowed for the front sign zone, interior sign zone and building signs on the lot, outlot, integrated center, business park, industrial park, subdivision or building served by the proposed signs;~~

~~D. The proposed signs will result in an overall pattern of signs for the lot, outlot, integrated center, business park, industrial park, subdivision or building which is equivalent to or superior to that achievable under the applicable regulations;~~

~~E. The proposed signs will be compatible with and will enhance the use or value of area properties;~~

~~F. The proposed signs are consistent with the intent of the Comprehensive Plan; and,~~

~~G. The proposed signs are consistent with the intent and purpose of this UDO.~~

~~The Town Council may suspend temporary sign regulations during a declared emergency, natural disaster or pandemic.~~

Part 98: Chapter 10 Nonconforming Situations, Section 10.5.D.1. Nonconforming Signs, Nonconforming Temporary Signs:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct inconsistent text, as follows:

1. Nonconforming Temporary Signs. All nonconforming ~~permanent~~ **Temporary** Signs on a property shall be amortized within ~~one~~ **1** year of the effective date of this Chapter.

Part 99: Chapter 11 Administration & Decision-Making Bodies, Section 11.3.2.B. Decision-Making Bodies, Development Review Committee:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to expand membership of the DRC, as follows:

B. Composition/Membership. The DRC membership shall include representation from ~~various~~ **the following** Town departments ~~including, but not limited to:~~ Development Services, Utilities and Infrastructure, Parks and Recreation, **Public Works, Police, Fire, Administration,** and Economic Development. ~~The Administrator~~ **Each department** may designate specific Town staff to serve on the committee.

1. The Administrator shall maintain a DRC membership roster, assign alternate members, and fill vacancies. The Administrator shall serve as the DRC Chairperson to lead meetings (as necessary) and to oversee committee operations.

2. The DRC shall include ~~5~~ **8** voting members **representing the various Town departments** as designated by the Town Manager. Other DRC members shall include Town Staff that work in an advisory role to provide technical assistance relating to **UDO** application/permit review.

3. The Chairperson my designate members of Town Staff to represent the Committee for Type – 0 Sketch Plan Reviews.

Part 100: Chapter 11 Administration & Decision-Making Bodies; Table 11.4-A Review Matrix:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to modify the order of columns to correct sequence, move Construction Drawing from DRC to Administrator Review, Require Neighborhood Meeting for Development Plan under 40,000 Sq. Ft. and Special Use Permits, and add new Type 7 Review for miscellaneous review types and move reviews from Type 6 to Type 7, as follows:

TABLE 11.4-A: REVIEW MATRIX

(*H) = Public Hearing Format Required								
Review Type	Application/Petition Types	Sketch Plan Review	Review and Recommendation Body	Applicant Neighborhood Meeting	Review and Recommendation Body	Sketch-Plan-Review	Final Decision-Making Body	Appeal Authority
Type 0 - Sketch Plan	Sketch Plan / Pre-Submittal Meeting	N/A	Town Staff / Various Departments	Not Required	Town Staff / Various Departments	N/A	Development Review Committee (DRC) (For Non-Binding Review Only)	N/A
Type 1 - Administrative Action (Administrator review)	- Administrative Adjustments - Administrator's Interpretation Construction Drawings - Environmental Permits (involving the requirements of Chapter 8 of the Holly Springs Code of Ordinances) - Exempt Subdivision - Final Plat	Not Required	N/A	Not Required	N/A	Not-Required	Administrator	1st Appeal: Board of Adjustment (BOA) (*H) 2nd Appeal: Superior Court

	- Minor Modifications (involving previously approved applications/petitions) - Minor Residential Subdivision (involving 4 or less resulting lots AND no new street right-of-way) - Permitted Uses (pursuant to Table 3.2 AND not involving a Development Plan) - UDO Permit/Temporary Use Permit							
Type 2a – Administrative Action (Development Review Committee / DRC review)	Construction Drawings - Development Plans (not involving properties in the DMX, buildings over 40,000-sf, and/or Special Use Permits)	Required	Town Staff / Various Departments	Not Required (see Section 11.5 and Table 11.5-A)	Town Staff / Various Departments	Required except Construction Drawings	Development Review Committee (DRC)	1st Appeal: Board of Adjustment (BOA) (*H)

								Except, appeals relating to Environmental Permits require a Type 2b Review) 2nd Appeal: Superior Court
Type 2b – Quasi-judicial Action (Environmental Appeal Committee Review)	Environmental and/or Riparian Modifications, Variance, and/or Waiver (involving the requirements of Chapter 8 of the Holly Springs Code of Ordinances)	Not Required	Town Staff / Various Departments	Not Required	Town Staff / Various Departments	Not Required	Environmental Appeal Committee (*H)	Superior Court Board of Adjustment (*H)
Type 3 – Quasi-judicial Action (Board of Adjustment Review)	- Special Use Permit Development Plan (involving concurrent Type 3 applications/petitions)	Required	Town Staff / Various Departments	Not Required (see Section 11.5 and Table 11.5-A)	Town Staff / Various Departments	Required	Board of Adjustment (*H)	Superior Court

	- Major Modifications (involving previously approved Type 3 applications /petitions) - Variance (involving concurrent Type 3 applications /petitions)							
Type 4 – Quasi-judicial Action (Board of Adjustment Review)	- Appeals of Administrative Decisions - Variance	Not Required	Town Staff / Various Departments	Not Required	Town Staff / Various Departments	Not Required	Board of Adjustment (*H)	Superior Court
Type 5 – Quasi-judicial Action (Town Council Review)	- Development Plans (involving properties in the DMX, and/or buildings over 40,000-sf, not involving Special Use Permits) - Major Subdivisions (Preliminary Plats)	Required	Town Staff / Various Departments AND Planning Board	Required (see Section 11.5 and Table 11.5-A)	Town Staff / Various Departments AND Planning Board	Required	Town Council (*H)	Superior Court

	- Major Modifications (involving previously approved Type 5 applications /petitions) - Variance (involving concurrent Type 5 applications /petitions)							
Type 6 - Legislative Action (Town Council Review)	Comprehensive Plan Amendments Other Town Planning Policy/Regulatory Actions Long-range Plans / Special Studies (or equivalent) UDO Text Amendments - Zoning Map Amendments - Major Modifications (involving previously approved Type 6 applications /petitions)	Required	Town Staff / Various Departments AND Planning Board	Required (see Section 11.5 and Table 11.5-A)	Town Staff / Various Departments AND Planning Board	Not Required	Town Council (*H)	Superior Court

Type 7 – Other Action s (Town Counci l Review)	• Comprehensive Plan Amendments • Long-range Plans / Special Studies (or equivalent) • Other Town Planning Policy/Regulatory Actions • UDO Text Amendments • Zoning Vested Right(s) • RESERVED	Not Required	Town Staff / Various Departments	Not Required	Town Staff / Various Departments	Not-Required	Town Council (*H)	Superior Court (when applicable)
--	---	-----------------	---	-----------------	----------------------------------	-------------------------	----------------------	-------------------------------------

Part 101: Chapter 11 Administration & Decision-Making Bodies; Table 11.5-A Notice Schedule:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to Require Neighborhood Meeting for Development Plan under 40,000 Sq. Ft. and Special Use Permits, to expand noticing requirement from 300 feet to 500 feet, to provide consistent terminology in Type 6 decisions, and clarify with notes expanded notice option for large scale rezoning, as follows

Table 11.5-A: Notice Schedule				
Proposed Application/Petition Review Type	Mailing Notice Standards	Site Posting (N1)	Advertising (new publication)	Application Neighborhood Meeting
Type 2a – Administrative Action (Development Review Committee / DRC review)	Not Required	Not Required	Not Required	Required: Mailing notice 500-ft radius around subject site

Type 2b – Quasi-judicial Action (Environmental Appeal Committee)	Required: Adjacent Property Owners Not Required	Required Not Required	Not Required	Not Required
Type 3 – Quasi-judicial Action (Planning Board of Adjustment Review)	Required: 300 500 -ft radius around subject site	Required	Not Required	Not-Required: Mailing notice 500-ft radius around subject site
Type 4 – Quasi-judicial Action (Board of Adjustment review)	Required: 300 500 -ft radius around subject site	Required	Not Required	Not Required
Type 5 - Quasi-judicial Action (Town Council Review)	Required: 300 500 -ft radius around subject site	Required	Not Required	Required: Mailing notice 300 500 -ft radius around subject site and site posting
Type 6 - Legislative Action (Town Council Review) AND Type 7 – Other Actions (Town Council Review)	Required: Applications/ Petitions for Specific Sites/ Properties (e.g., zoning map amendments): Required: Mailing notice 300 500 -ft radius around subject site (N2) . Not Required: Other Legislative Actions involving Town-wide rule/policy changes.	Required:- Applications/ Petitions for Specific Sites/ Properties (e.g., zoning map amendments). Not Required: Other Legislative Actions involving Town-wide rule/policy changes.	 Required : Local newspaper publication	 Required: for Applicant initiated UDO applications/ petitions. Required: Mailing notice 300 500 -ft radius around subject site. Not Required: for Town initiated UDO applications/permits Applications/ Petitions or Other Legislative Actions involving Town-wide rule/policy changes.
Type 7 – Legislative Action (Town Council Review)	Not Required	Not Required	Required: Local newspaper publication	Not Required
N1: When multiple parcels are included, a posting on each individual parcel is not required.				

N2: If a zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, the expanded published notice provided for in NCGS 160D-602 may be used in lieu of mailing notice.

Part 102: Chapter 11 Administration & Decision-Making Bodies; Section 11.5.F. Public Notification, Neighborhood Meeting Standards:

Add text as indicated in **bold** and remove text as indicated in ~~strike through~~ to clarify timing of required meeting and require notification to the Town, as follows

F. Neighborhood Meeting Standards.

1. Neighborhood Meeting Timeline/Sequencing. When required pursuant to Tables 11.4-A and 11.5-A, the applicant shall host a neighborhood meeting prior to submitting the associated UDO application/permit. **The Neighborhood Meeting shall take place no more than 12 weeks prior to the application date.**

2. Required Meeting Notification Type. ~~For applications involving a specific site/property (including zoning map and comprehensive plan amendments),~~ The applicant shall notify interested parties of the neighborhood meeting through written mailing notices pursuant to Table 11.5-A. Mailing notices shall include surrounding property owners and property owners' associations (or equivalent). **Where the tax records reflect a mailing address for an owner of property to be different than the address of the property owned, notification shall also be mailed to the address of the property itself.**

Prior to mailing the written notices, the applicant shall notify the Town of the scheduled meeting date and time.

The neighborhood meeting notifications shall include the following minimum information pertaining to the application/permit:

- a. Project and applicant names;
- b. Location of proposed action (i.e., address or major cross streets);
- c. Description of the UDO application/permit;
- d. Time, date, and location of the neighborhood meeting. For virtual meetings, the notice shall include a weblink and access numbers (as applicable);
- e. The telephone number and email address to contact the applicant hosting the neighborhood meeting.

3. Meeting Location/Access. The neighborhood meeting shall occur at a physical location and/or in a web-based (virtual) format.

- a. For physical meetings, the venue, whether in a building or outside, shall be rated to accommodate at least 50 participants (pursuant to fire capacity restrictions). **The venue shall be generally accessible to neighbors that reside in close**

proximity to location of proposed action. The applicant shall be responsible for reserving the venue/building, obtaining all leases/approvals, and paying all applicable fees.

b. For web-based meetings, the applicant shall utilize readily available software that is free to access for the public.

4. Meeting Format (Information Presented). The applicant shall schedule a neighborhood meeting for at least a one-hour duration. The meeting shall occur on a Monday, Tuesday, Wednesday, or Thursday and not on nationally recognized holidays. The meeting shall occur between the hours of 4:00pm and 8:00pm. At a minimum, the applicant shall orally explain the proposed UDO application/permit in terms of location, size, and proposed land uses and density, and the requested action from the Town. The applicant shall solicit written and/or oral comment from the participants.

5. Neighborhood Meeting Summary Report. The applicant shall prepare a summary report that explains the meeting format, time/location it occurred, the number of attendees/participants, and a summation of the oral/written participant comments. The applicant shall submit a copy of the neighborhood meeting summary report and proof the required notification occurred to the Administrator as part of the initial application.

Part 103: Chapter 11 Administration & Decision-Making Bodies; Section 11.6.1.B.1 Zoning and Comprehensive Plan Amendments, Conditional Zoning District:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct section reference, as follows:

1. Narrative Addition / CD Design Goals. The applicant shall add a section to the project narrative that lists the CD Design Goals as provided in Section ~~2.5~~ **2.4** of this UDO. The narrative shall provide an analysis of how the proposed CD is consistent with those goals.

Part 104: Chapter 11 Administration & Decision-Making Bodies; Section 11.7.A. Annexation:

Remove text as indicated in ~~strikethrough~~ to remove decision type not found in Decision Matrix, as follows:

General. The Town Council may annex property into the corporate limits ~~subject to a Type 7-Review pursuant to Table 11.4-A and~~ in accordance with NCGS §160A-31, §160A-55, §160A-58.1, and §160A-58.7.

Part 105: Chapter 11 Administration & Decision-Making Bodies; Section 11.17.A.1. Zoning Vested Rights:

Add text as indicated in **bold** and remove text as indicated in ~~strikethrough~~ to correct spelling error, as follows:

1. These may include situations where the original approval occurred in unincorporated Wake County or under Town standards that were in ~~affect~~ **effect** before this UDO.

Part 106: Chapter 11 Administration & Decision-Making Bodies; Section 11.18 Administrator's

Interpretation:

Add text as indicated in **bold** and remove text as indicated in ~~striketrough~~ to provide additional information on Submittal requirements and review process, as found in other sections, as follows:

11.18 Administrator's Interpretation

A. Purpose and Intent. The provisions of this section are intended to create a process for applicants to request a formal interpretation of any provision listed in this UDO as it relates to development, the review process(es), and/or allowable land use activity. This may include inquiries relating to UDO requirements, Comprehensive Plan policies, and zoning map (district boundaries). An Administrator's Interpretation is intended for cases and situations where the standards and requirements are unclear, ambiguous, and/or are in conflict with other provisions. It is also intended for those cases that require a thorough UDO review and involve multiple Chapters/Sections to reach a decision on the applicable process, allowances, limitations, and/or requirements.

B. Review and Application Procedures.

1. Review. Administrator's Interpretation requests shall be issued by the Administrator as part of a Type 1 Review pursuant to Table 11.4.-A: Review Matrix in this Chapter.

2. Submittal Requirements. Applicants shall file an official application to the Administrator including all supplemental materials listed therein.

3. Review Process. The Administrator shall review the relevant UDO sections, the Comprehensive Plan, and/or other Town policy documents/ordinances in reaching a determination. The Administrator shall also review previous interpretations relating to the same subject matter. The Administrator's Interpretation shall not be used to circumvent adopted policy or UDO requirements. The Administrator shall provide a written finding of the Administrator's Interpretation as it applies to the case and situation.

Part 107: Chapter 13 Definitions; Section 13.3 Definitions:

Add text as indicated in **bold** and remove text as indicated in ~~striketrough~~ to add Assembly Use definition, modify Infrastructure/Utilities (Major) to remove "landfill" from description (landfill is elsewhere defined in the UDO), Modify Religious Use, and Modify Structure, as follows:

Defined Term: Assembly Use: A facility that provides space for events, meetings, receptions, or social activities. Assembly Uses may provide hosting and rental services for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers with or without food and beverages that are prepared and served on-site or by a caterer to invited guests for events.

Defined Term: Infrastructure/Utilities (Major). Utility facilities that provide jurisdiction-wide or regional services. Examples include above-ground public utility distribution lines; ~~landfills~~; public utility substations; waste treatment plants; and solar energy system – large installation.

~~*Defined Term: Religious Use.* A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to educational, instructional, social, residential or childcare ministry uses.~~

Defined Term: Religious/Assembly Use. Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), Recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly, or disabled housing, etc.) and accessory uses such as but not limited to cemeteries, mausoleums, offices, soup kitchens, and bookstores.

Defined Term: Structure. Anything constructed or erected, ~~the use of which~~ **that** requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, ~~fences~~, stairs, walls, parking areas, loading areas, towers, antenna, and signs **and excluding swimming pools, fences, and walls used as fences.**

~~A. Anything constructed or erected that requires location on the ground (excluding swimming pools, fences, and walls used as fences).~~

Part 108: Entire UDO:

All references to Conditional District or Conditional Zoning shall be changed to Conditional Zoning District (CD).

Part 109: **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 110: **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 111: **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 112: EFFECTIVE DATE

The provisions of this ordinance shall become effective July 19, 2022 in accordance with the laws of the State of North Carolina.

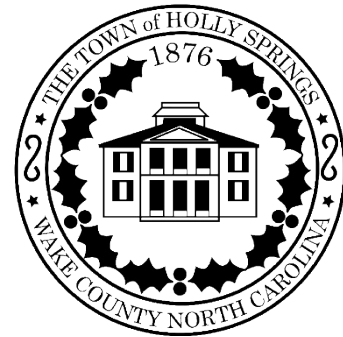
Adopted this, the 19th Day of July 2022.

Town of Holly Springs by

ATTEST:

Sean Mayefskie, Mayor

Linda McKinney, Town Clerk





Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 12.

New Business

Title: Friendship Innovation Park Utilities

Strategic Priority Area: Economic Prosperity & Diversity

Responsible & Balanced Growth

Safe & Friendly

Staff Resource: Aaron Levitt, Utilities and Infrastructure

Action(s):

- Award the Friendship Innovation Park Utility contract (Phase 2-Construction) to Southern Cross Timmons Group in the amount of \$29,622,373 to serve the Friendship Innovation Park area with potable water, reclaimed water, and sewer.
- Authorize the Town Manager to negotiate, sign, and execute any other required agreements, amendments, or change orders necessary to deliver the Friendship Innovation Park utilities project that are consistent with prior Council action, direction, and within the project budget and approved funding sources.
- Approve the revised funding arrangement and adopt the Water Capital Project Ordinance (22-30).

Explanation:

The design-build (DB) project has progressed through the design phase and the project is nearing construction. The status of the project is detailed below:

- Plans: Complete
- Permits: Ongoing
 - State Water Extension: Approved
 - State Sewer Extension: Submitted, awaiting comments/approval
 - State Reclaimed Extension: Approved
 - State Land Disturbance: Submitted, awaiting comments/approval
 - 401/404 Environmental Permit: Approved
- Land Acquisition:
 - 8 Properties are subject to land acquisition
 - Staff is currently engaged with property owners and the acquisition is expected to be complete prior to construction
- Material Procurement: Successful and ongoing

- Reclaimed Pipe: 100% Received and stored on site
 - Water Pipe: ~75% Received and stored, the remainder is in transit
 - Forcemain Pipe: ~60% Received and stored, the remainder is on order
 - Pipe Fittings/Joints/Appurtenances: ~40% Received and stored, the remainder is on order/in transit
 - Pump Station Pumps: initiating order
 - Pump Station Generator: Ordered and in transit
- Schedule:
 - Phase 2 construction proposal commits the utilities to being delivered to the Friendship site on:
 - Water: 12/26/22
 - Sewer: 4/10/23
 - Reclaimed Water: 4/18/23
- Costs:
 - Grand Total project cost (including design, land acquisition, etc): \$29,963,373
 - Phase 1 Design: \$1,917,687 (Southern Cross Timmons Group)
 - Phase 2 Construction: \$27,095,686 (Southern Cross Timmons Group)
 - Land Acquisition Estimate: \$350,000
 - Construction Administration: \$100,000
 - Regency Waterline Upsize: \$500,000
- Cost Escalations
 - Water (Ductile Iron) Pipe/fittings has increased by 30% since late 2021
 - PVC pipe/fittings has increased by 30% since late 2021
 - Labor and Fuel costs have risen significantly
 - Pump Station equipment has increased 25% since late 2021
 - Forcemain size increased from 12" to a combination of 16" and 20" pipe and fittings, to serve the entire basin as well as reduce the scope for the future Business Park Pump Station project.
- Scope Changes
 - Regency Waterline: Developer was installing a 12" waterline upstream of the new 24" waterline to Friendship. Developer worked with TOHS to install the larger 24" line in lieu of the 12" line.
 - Project designed to accept future Fuji Phase 2 sewer flow.
 - Project designed to accept future Business Park Pump Station sewer flow.
 - Pump Station designed to serve 60% more basin (~900ac) for only 45% of the oversizing cost.

FUNDING (Negotiations ongoing with developer - Helix)

- State Economic Development Funding: \$7.76M
- Developer/TOHS partnership funding: \$19-\$21M (% Split TBA)
- TOHS Oversizing: \$3M-\$5M

The Water Capital Project Ordinance (22-30) appropriates all projects in the Water Projects Fund.

- This ordinance increases the total fund appropriation by \$10,639,904 from the previously approved \$35,549,846 to a new total of \$46,189,750 as reflected in the Water Capital Project Ordinance (22-30).
- The additional appropriation is to increase the Friendship Utility Project by \$10,639,904 from the previously approved \$19,360,096 in the project account to the revised project total of \$30,000,000, which is comprised of transfers from reserves, developer cost share, and state grants.

Background:

- August 2022: Amgen announces plans to develop a new manufacturing facility in North America at the Holly Springs Friendship Innovation Park site.
- In order to serve the site and the larger northwest region with utilities, the Town will need to install approximately 10 miles of pipeline from the site to the TOHS Business Park/Town's Water Reclamation Facility.
- The executed Infrastructure Reimbursement Agreement (IRA) commits the town to the following:
 - Serve the Friendship Innovation Park area with potable water, reclaimed water, and sewer.
 - Cost sharing with the developer (Helix) for this expense where the developer will contribute \$5M initially, plus a 50/50 cost share with the Town for any costs between \$15M to 17M, then a 50/50 cost share with the Town for any construction for associated expenses exceeding \$17M
 - Town and Developer must engage in Joint Cooperation during construction, which means joint efforts to save money through the design-build process, where possible.

Funding Source(s):

Utility reserves, private contributions, and state grants

Attachment(s):

1. Phase 2 Proposal with Attachments_071922
2. 22-30 Water Projects Capital Ordinance - FINAL



Design-Build Change Order Form

For Use with DBIA Document No. 525, *Standard Form of Agreement Between Owner and Design-Builder – Lump Sum* (2010 Edition) and DBIA Document No. 530, *Standard Form of Agreement Between Owner and Design-Builder – Cost Plus Fee with an Option for A Guaranteed Maximum Price* (2010 Edition)

Change Order Number: 1	Change Order Effective Date: (date when executed by both parties)
Project: Friendship Public Utilities Extension (TOHS #08-138) Holly Springs New Hill Road	Design-Builder's Project No: Date of Agreement: 11/30/2021
Owner: Town of Holly Springs, NC	Design-Builder: SouthernCross Utilities, Inc.

Scope of the Change: Design-Builder Phase 2 Proposal as outlined in the attached EXHIBIT F – Phase 2 Proposal

Original Contract Price:	1,917,687.00
	\$ _____
Net Change by Previous Change Order No(s): to:	\$ 0
This Change Order Increase/Decrease (attach breakdown):	\$ 27,704,686.00
New Contract Price:	\$ 29,622,373.00

Original Contract Completion Date:	February 28	2023
Adjustments by Change Order No(s) to:	0	(calendar days)
This Change Order Contract Time Increase/Decrease:	100	(calendar days)
Revised Substantial Completion Date:	June 8th	2023

By executing this Change Order, Owner and Design-Builder agree to modify the Agreement's Scope of Work, Contract Price and Contract Time as stated above. Upon execution, this Change Order becomes a Contract Document issued in accordance with DBIA Document No. 535, *Standard Form of General Conditions of Contract Between Owner and Design-Builder*, (2010 Edition).

OWNER: TOWN OF HOLLY SPRINGS

**DESIGN-BUILDER: SOUTHERNCROSS
UTILITIES, INC**

By: _____

By: _____

Printed Name: _____

Printed Name: John Maddux Jr.

Title: _____

Title: President

Date: _____

Date: 7/19/2022

Progressive Design-Build Agreement
EXHIBIT F - Phase 2 Proposal

Owner:

Town of Holly Springs
128 S. Main Street
Holly Springs, NC 27540

Design-Builder:

SouthernCross Utilities, Inc.
1011 Schaub Drive, Suite 106
Raleigh, NC 27612

Project:

Friendship Public Utilities Extension (TOHS #08-138) Holly Springs New Hill Road

Phase 2 Proposal:

By Change Order Number 1, Exhibit F – Phase 2 Proposal, is made part of the Progressive Design-Build Agreement between the Owner and Design-Builder dated April 26th, 2022.

Contract Changes:

The following changes are made to DBIA Contract Document #544, Progressive Design-Build Agreement:

Add Article 7.2

7.2 Lump Sum. Owner shall pay Design-Builder in accordance with Article 6 of the General Conditions of Contract the sum of ____ Twenty Seven Million Seven Hundred Four Thousand Six Hundred Eighty-Six Dollars (\$ 27,704,686.00) ("Contract Price") for the Work for Phase 2 Services, subject to adjustments made in accordance with the General Conditions of Contract. Unless otherwise provided in the Contract Documents, the Contract Price is deemed to include all sales, use, consumer and other taxes mandated by applicable Legal Requirements.

Add Article 7.7

7.7 Allowance Items and Allowance Values.

7.7.1 Any and all Allowance Items, as well as their corresponding Allowance Values, are set forth in the Contract Price Amendment or the Proposal.

7.7.2 Design-Builder and Owner have worked together to review the Allowance Items and Allowance Values based on design information then available to determine that the Allowance Values constitute reasonable estimates for the Allowance Items. Design-Builder and Owner will continue working closely together during the preparation of the design to develop Construction Documents consistent with the Allowance Values. Nothing herein is intended in any way to constitute a guarantee by Design-Builder that the Allowance Item in question can be performed for the Allowance Value

7.7.3 No work shall be performed on any Allowance Item without Design-Builder first obtaining in writing advanced authorization to proceed from Owner. Owner agrees that if Design-Builder is not provided written

authorization to proceed by the date set forth in the Project schedule, due to no fault of Design-Builder, Design-Builder may be entitled to an adjustment of the Contract Time(s) and Contract Price.

7.7.4 The Allowance Values include direct cost of labor, materials, equipment, transportation, taxes, overhead and profit, general conditions, and insurance associated with the applicable Allowance Item. ~~All other costs, including design fees, Design-Builder's overall project management and general conditions costs, overhead and Fee, are deemed to be included in the original Contract Price, and are not subject to adjustment notwithstanding the actual amount of the Allowance Item.~~

~~**[Alternatively, the parties may want to delete Section 7.7.4 and add the following provision.]**~~

☐ ~~In the event the actual direct cost of labor, materials, equipment, transportation, taxes, and insurance associated with the applicable Allowance Item is _____ percent (_____ %) greater than or less than the Allowance Value, Design-Builder and Owner agree that Design-Builder's right to Fee and markup shall be determined in accordance with Section 7.4.~~

~~7.7.5 Whenever the actual costs for an Allowance Item is more than or less than the stated Allowance Value, the Contract Price shall be adjusted accordingly by Change Order, subject to Section 7.7.4. The amount of the Change Order shall reflect the difference between actual costs incurred by Design-Builder for the particular Allowance Item and the Allowance Value.~~

Builder Costs (SouthernCross Utilities, Inc.)

Phase 2 Services. Design-Builder's Phase 2 services shall consist of the completion of design services for the Project, the procurement of all materials and equipment for the Project, the performance of construction services for the Project, the start-up, testing, and commissioning of the Project, and the provision of warranty services, all as further described in the Contract Price Amendment. Upon receipt of Design-Builder's proposed Contract Price for Phase 2, Owner may proceed as set forth in Article 2.3.

Designer Costs (Timmons Group, Inc.)

Designer's Costs are as established in Exhibit C - Phase 1 Pricing Methodology. Designer fees for Design, Construction, Commissioning and Closeout Phases include the balance of Design Phase Services fees based on the percentage of construction cost as follows:

(Pump Station 13.5% total fees) + (Pipelines 10.5% total fees) - (Phase 1 Design Phase Services)

The unused Project Budget for Pre-Design Phase Services to include topographic surveys, environmental investigations, sub-surface utility engineering (SUE), geotechnical investigations and other miscellaneous services to support the Project, will carry over to Phase 2. Pre-Design Phase Services will be invoiced based on the actual costs of these services to include appropriate Builder markup on subcontractor. At Project Completion, unused Project Budget for Pre-Design Phase Services will be deducted from the Contract Price by Change Order.

Phase 2 Pricing Summary:

See Attached Phase 2 Proposal dated 4-26-22

SOUTHERNCROSS UTILITIES, INC.

April 26, 2022

Aaron S. Levitt, PE | Principal Engineer
Town of Holly Springs | Utilities & Infrastructure Services
PO Box 8 | 128 S Main St | Holly Springs, NC 27540
Office: (919) 567-4025 | Cell: (919) 508-7884

Subject: Friendship PU Extension – Phase 2 Proposal

Aaron,
SouthernCross Utilities, Inc. is pleased to provide this quotation of the work associated with the Friendship Public Utilities Extension (TOHS #08-138) Holly Springs New Hill Road – Phase 2 Project located in Holly Springs, Wake County, North Carolina.

Our proposal is based on the drawings “Project A”, “Project B”, and “Pump Station” by The Timmons Group dated 3/29/2022.

Clarifications:

- This project is quoted as a Classified Project, meaning it is assumed that all materials are digable and suitable for use as intended.
- No tariffs, petroleum or material escalation has been included in base bid.
- It should be noted that material fluctuations have been occurring rapidly and without warning due to changing market conditions and weather events out of our control. As such we reserve the right to adjust pricing as necessary
- We have included cartridge style odor scrubbers that fit into the ARV for all of the ARV except for one, where we have included a Wager 2050.
- We will scarify the stone within the laydown yards and disk into the ground and re-seed. We have not included hauling the stone away and disposal.
- We assumed that any and all dry utilities that need to be relocated as a result of construction (power/gas/fiber/phone/cable/etc.) will be relocated by others and that SouthernCross Utilities, Inc. shall not carry any responsibility for impacts that relocations may have on the schedule. Any demolition or de-energizing of these dry utilities is to be by others.
- We have based this price on the force main and reclaimed water line to be installed in conjunction with one another. We have not included any additional erosion control, seeding, or traffic control if the permitting of the reclaim water inhibits this.
- The bores under White Oak Creek are not guaranteed. We have included an allowance for if we hit rock within these bores.
- All pipe restraints utilize gripper gaskets and not flex ring pipe per TOHS recommendation.
- We have not included any water taps or water services to existing homes.
- We have not included any cathodic protection of any kind.

1011 Schaub Drive, Suite 106 · Raleigh, NC · 27606

919.803.4410

NC General Contractors License #74430

SOUTHERNCROSS UTILITIES, INC.

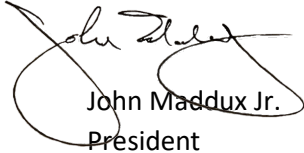
- This proposal is based on a normal work day from 7 to 5, if the NCDOT enforces work restrictions from the hours of 9am to 4pm, a schedule and price adjustment will be required.
- We are keeping all allowance items from phase 1 in full force during the phase 2 construction. Any remaining allowance money at the completion of the project will be credited back to the town.

Exclusions:

Landscaping or screening, well abandonment or drilling of new wells, existing utility relocations, geotechnical engineering, contaminated soil removal, or delays.

This document shall be incorporated into the previously agreed to contract between SouthernCross Utilities and The Town of Holly Springs. No work outside the scope of this letter is to be assumed the responsibility of SouthernCross Utilities, Inc. Please see attached scope of work line items.

Sincerely,



John Maddux Jr.
President

1011 Schaub Drive, Suite 106 · Raleigh, NC · 27606

919.803.4410

NC General Contractors License #74430

7/19/2022

Friendship Public Utilities Extension Phase 2 Proposal

Construction Cost Summary

Phase 1 & 2 Design Fee Summary

PROJECT SECTION	Construction Direct Cost	Markup 15%	Total Construction Cost	Timmons Group Phase 1&2		Phase 1 & 2 Construction Costs and Design Fees	Phase 1 Contract	Phase 2 Construction Costs and Design Fees
				Fee Percentage	Timmons Group Phase 1&2 Design Fees			
Mobilization and Surveying	\$ 386,492.00	\$ 57,973.80	\$ 444,465.80	10.5%	\$ 46,668.91	\$ 491,134.71		
Clearing and Erosion Control	\$ 1,064,938.00	\$ 159,740.70	\$ 1,224,678.70	10.5%	\$ 128,591.26	\$ 1,353,269.96		
Pump Station	\$ 5,063,369.74	\$ 759,505.46	\$ 5,822,875.20	13.5%	\$ 786,088.15	\$ 6,608,963.35		
Force Main	\$ 7,808,903.00	\$ 1,171,335.45	\$ 8,980,238.45	10.5%	\$ 942,925.04	\$ 9,923,163.49		
Domestic Water	\$ 3,345,605.76	\$ 501,840.86	\$ 3,847,446.63	10.5%	\$ 403,981.90	\$ 4,251,428.52		
Reclaim Water	\$ 1,430,802.50	\$ 214,620.37	\$ 1,645,422.87	10.5%	\$ 172,769.40	\$ 1,818,192.27		
Misc Site Improvements and Traffic Control	\$ 852,896.00	\$ 127,934.40	\$ 980,830.40	10.5%	\$ 102,987.19	\$ 1,083,817.59		
General Conditions and Project Administration PH 1						\$ 303,000.00		
Allowances PH 1						\$ 600,000.00		
General Conditions and Project Administration PH 2						\$ 382,949.55		
	\$ 19,953,007.00	\$ 2,992,951.00	\$ 22,945,958.00		\$ 2,584,011.85	\$ 26,815,919.00	\$ 1,917,687.00	\$ 24,898,232.00

Phase 2 Allowances

CMT Allowance	\$ 175,000.00
Landscaping Allowance	\$ 50,000.00
Undercut Allowance	\$ 109,055.00
Rock Allowance	\$ 724,445.00
Fuel Escalation Allowance	\$ 579,175.00
Material Escalation Allowance	\$ 432,405.00
Flowable Fill and Road Plates for FM in HSNH Roadway	\$ 326,945.00
Total Allowances	\$ 2,397,025.00

TOTAL PHASE 1 AND 2 PROPOSAL:

Total for Phase 1 and 2 Construction and Design:	\$ 26,815,919
Total for Phase 1 Contract:	\$ 1,917,687
Total for Phase 2 Construction and Design:	\$ 24,898,232
Total for Phase 2 Allowances:	\$ 2,397,025
P&P Bond on Phase 2 Only:	\$ 409,429
Phase 2 Grand Total:	\$ 27,704,686

Friendship Public Utilities Extension Allowance Worksheet

7/19/2022

Allowance - CMT

CMT									<u>Extension</u>
									\$ 175,000.00

Allowance - Landscaping

Landscaping									<u>Extension</u>
									\$ 50,000.00

Allowance - Unsuitable Soil and Replace

	<u>Total Footage</u>	<u>Avg Trench Width</u>	<u>Avg Trench Depth</u>	<u>Total CY</u>	<u>% of Total CY</u>	<u>Allowance CY</u>	<u>U/P per CY</u>	<u>Extension</u>
Undercut Allowance	52,580	4	7	54,527	4%	2,181	\$ 50.00	\$ 109,054.81

Allowance - Trench and Mass Rock

	<u>Total Footage</u>	<u>Avg Trench Width</u>	<u>Avg Trench Depth</u>	<u>Total CY</u>	<u>% of Total CY</u>	<u>Allowance CY</u>	<u>U/P per CY</u>	<u>Extension</u>
Trench Rock Allowance (Pipe)	52,580	4	7	54,527	3%	1,363	\$ 175.00	\$ 238,557.41
Trench Rock Allowance (Pump Station)	26	16	30	462	100%	462	\$ 175.00	\$ 80,888.89
Mass Rock Allowance (Pump Station)				3,200	100%	3,200	\$ 75.00	\$ 240,000.00
Rock Bores at Creek	330						\$ 500.00	\$ 165,000.00
								\$ 724,446.30

Allowance - Fuel Escalation

	<u>Hours</u>	<u>Fuel Burn (Gal/HR)</u>	<u>Total Fuel (Gal)</u>	<u>Bid Basis</u>	<u>Escalation %</u>	<u>Escalated Increase</u>	<u>Escalated Price</u>	<u>Extension</u>
Fuel Escalation (Off Road Diesel and Lowboy)	46,380	5.00	231,900	\$ 3.00	75%	\$ 2.25	\$ 5.25	\$ 521,775.00
Fuel Escalation (Pick Up Trucks)	6,803	3.75	25,511	\$ 3.00	75%	\$ 2.25	\$ 5.25	\$ 57,400.31
								\$ 579,175.31

Allowance - Material Escalation

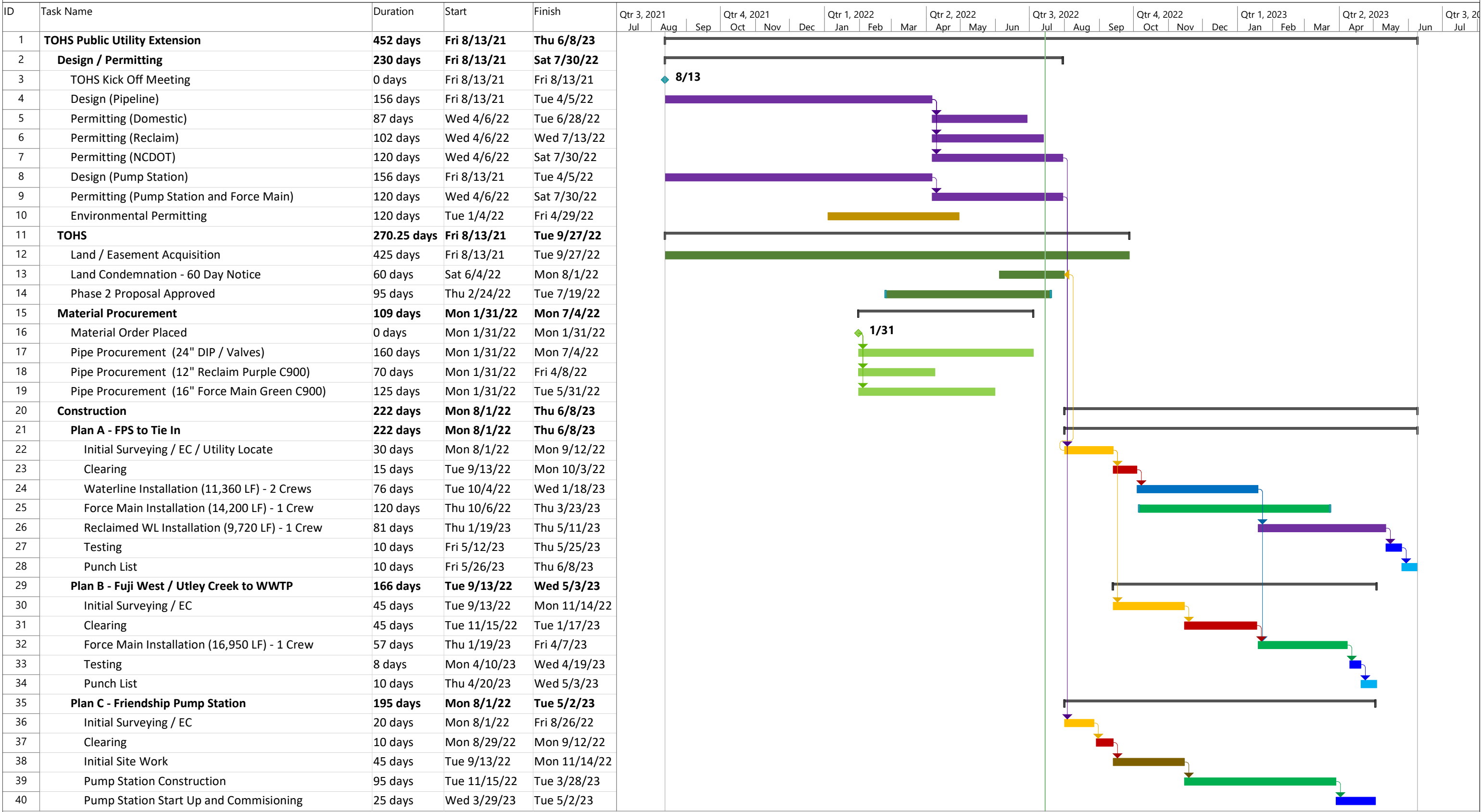
	<u>Total</u>	<u>Escalation %</u>	<u>Extension</u>
Material Escalation	\$ 8,648,154.00	5.0%	\$ 432,407.70

Allowance - Flowable Fill Backfill within Roadway

	<u>Total Footage</u>	<u>Avg Trench Width</u>	<u>Avg Trench Depth</u>	<u>Total CY</u>	<u>U/P per CY</u>	<u>Extension</u>
Flowable Fill	1,700	5	5	1,574	\$ 195.00	\$ 306,944.44
Road Plate Rental						\$ 20,000.00
						\$ 326,944.44

GRAND TOTAL								\$ 2,397,028.57
--------------------	--	--	--	--	--	--	--	------------------------

SOUTHERN CROSS
UTILITIES, INC.



TOHS Public Utility Extension
7/15/2022 Update



Ordinance No. 22-30

Date Submitted: July 19, 2022

Date Adopted: July 19, 2022

**Water Capital Project Ordinance
HOLLY SPRINGS, NORTH CAROLINA**

BE IT ORDAINED by the Town Council of Holly Springs, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION I: The project authorized by this ordinance consists of Water system projects.

SECTION II: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION III: The following amounts are appropriated for the project funds effective July 19, 2022

Water Project Fund	
Expenditures:	
Water Projects	46,189,750
Total	46,189,750

SECTION IV: The following revenues are anticipated to be available to complete these projects:

Water Project Fund	
Revenues:	
Transfers In	15,002,720
Revenue Bond Proceeds	8,000,000
State Grants	7,760,000
Federal Grants	5,500,000
Private Contributions	9,927,030
Total	46,189,750

SECTION V: The Finance Officer hereby directed to maintain within the project funds detailed accounting records.

SECTION VI: The Budget Officer is directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to the Town Council.

SECTION VII: The Town Manager is authorized to amend expenditures within the fund for expenditures that are authorized per section I of this ordinance that do not change the total appropriation within the fund.

SECTION VIII: Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

SECTION IX: All ordinances in conflict with this ordinance are hereby repealed or amended to reflect the controlling nature of this Ordinance.

The provisions of this ordinance shall become effective July 19, 2022 in accordance with the laws of the State of North Carolina.

Adopted this, the 19th day of July 2022.

Town of Holly Springs by

Sean Mayefskie, Mayor

ATTEST:

Linda McKinney, Town Clerk

