



# **HOLLY SPRINGS** **ZONING ORDINANCE**

**2018 EDITION**

Amended through October 31, 2018

Prepared for the City of Holly Springs, Georgia  
By the City of Holly Springs Planning and Zoning Commission

# **HOLLY SPRINGS ZONING ORDINANCE**

2018 EDITION<sup>1</sup>

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**Produced by the City of Holly Springs Community Development Department**

*November 2018*

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<sup>1</sup> Originally adopted 1994; Revision dates and text amendments on file with the City Clerk and Community Development Director.

# A Resolution of the Mayor and City Council of the City of Holly Springs, Georgia, Readopting and Reaffirming the Holly Springs Zoning Ordinance

## RESOLUTION

**WHEREAS**, the City of Holly Springs (hereinafter referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia Law; and

**WHEREAS**, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly, and further provides specifically for the exercise of zoning power by a municipality; and

**WHEREAS**, the City of Holly Springs, Georgia acknowledges and recognizes the requirement and need to follow those procedures promulgated by the Georgia General Assembly in O.C.G.A., Title 36, Chapter 66 in order to constitutionally exercise the planning and zoning authority of the municipality of the City of Holly Springs; and

**WHEREAS**, toward this purpose, this document is identified as the “Holly Springs Zoning Ordinance,” attached hereto and originally adopted by City Council in 1994; and

**WHEREAS**, the Holly Springs Zoning Ordinance was amended by text amendment from time to time by City Council since 1994; and

**WHEREAS**, the Holly Springs Planning and Zoning Commission reviewed the entire Holly Springs Zoning Ordinance and conducted a public hearing on January 15, 2009, forwarding unanimous approval, reaffirming the authority and legality of the Holly Springs Zoning Ordinance; and

**WHEREAS**, the governing authority of the City of Holly Springs has read and considered the attached Holly Springs Zoning Ordinance; and

**WHEREAS**, it is the intention of the governing authority to accomplish an orderly and well planned development of the City of Holly Springs with due consideration for the public health, safety, welfare, convenience, prosperity and morals of the community; lessening congestion in the streets; securing safety from fire, panic and dangers; providing adequate light and air; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; improving the aesthetic appearance of the municipality; protecting the tax base of the City of Holly Springs and placing as much of the cost of development as possible on the user rather than on the taxpayers in general; and concerning the value of buildings and encouraging the most appropriate use of the land and buildings throughout the municipality; and

**NOW, THEREFORE**, be it resolved and ordained by the Mayor and City Council of the City of Holly Springs that the aforesaid “Holly Springs Zoning Ordinance” shall now and forever hereafter be maintained for public inspection during normal business hours under the custody of the Zoning Administrator of City of Holly Springs, Georgia; and

**NOW, THEREFORE**, be it resolved and ordained by the Mayor and Council of the City of Holly Springs, Georgia, by the lawful authority vested in them that the ordinance, now and as amended, is hereby adopted as the “Holly Springs Zoning Ordinance.”

This Resolution is adopted this 22<sup>nd</sup> day of January, 2009.

By \_\_\_\_\_  
Timothy B. Downing, Mayor

Attest:

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## ARTICLE 1: ADMINISTRATION<sup>2</sup>

### **1.1: Short Title and Purpose.**

**1.1-1: Short Title** - This Ordinance shall be known and cited as the “Holly Springs Zoning Ordinance,” hereinafter sometimes referred to as the “Ordinance.”

**1.1-2: Purpose** - The purpose of this Ordinance is to establish minimum standards for the use of the land and improvements thereon in the City of Holly Springs, Georgia. The purpose of this Ordinance is not intended as an infringement upon the liberty of one to use his land as he chooses, but instead it is intended as a protection of freedom, an assurance that due process is afforded to the general public, and as a protection to the quiet and peaceful enjoyment of property. The Ordinance provides a means by which the right to the full enjoyment of property use can be protected against the prejudicial influence of other uses that do not constitute a nuisance.

### **1.2: General Administration and Procedure.**

**1.2-1: Community Development Department** – The Community Development Department (CD) and the divisions therein, is responsible for the administration, execution, and enforcement of this ordinance.

**1.2-2: Zoning Administrator (ZA)** - The provisions of this Ordinance shall be administered and enforced primarily by the Zoning Administrator of the City of Holly Springs, Georgia. The Zoning Administrator is the Community Development Director and duly appointed designee(s).

The Zoning Administration (also referred to as the ZA), acting directly or through a designated representative, shall have the following responsibilities in the administration of this Ordinance and implementation of its provisions:

- A. Coordination of review and recommendations by Community Development and all City departments and local, state and federal agencies on rezoning and conditional use permit requests, variances, and all other zoning related actions;
- B. Interpretation of all provisions of this Ordinance;
- C. Certification of zoning on specific properties;
- D. Coordination of review and recommendations by Community Development and other departments and agencies on subdivision plats, sites development plans, and development permits;
- E. Review and approval of plans and issuance of development permits; development inspection and enforcement for private site improvements.

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<sup>2</sup> Amended by City Council with text amendment, 10/20/2008. Articles 1, 13, 16, & 17 were consolidated and revised into a new “Article 1” with this text amendment.

- F. Approval of Final Subdivision Plats;
- G. Enforcement of use and review and approval of site design provisions;
- H. Issuance and enforcement of building permits, building inspections, and issuance of Certificates of Occupancy;
- I. Issuance and enforcement of sign permits and related inspections;
- J. Approve/deny Administrative Variance requests;
- K. Enforcement of all tree protection, buffer and landscaping requirements;
- L. Adjust adopted Community Development Department fees when a discrepancy arises or exigent circumstances deem necessary;
- M. Responsible for the publication of the Official Holly Springs Zoning Map;
- N. Community Development Department Head, managing all functions of the department.

**1.2-3: Zoning Administrator Designee(s)** – Shall include primarily the City Planner and Chief Building Official, but also sworn Code Enforcement Officer(s); and may include any employee of the Community Development Department so designated by the Zoning Administrator. Final administrative authority of this Ordinance shall rest with the Zoning Administrator. In the absence of the Zoning Administrator, final administrative authority shall rest with the City Manager.

**1.2-4: Administrative Decisions** – Duly appointed and authorized designees of the Zoning Administrator may enforce and interpret the provisions of this Ordinance; however, should a conflict of interpretation or enforcement arise, the Zoning Administrator shall render the final administrative opinion and decision. Decisions of the Zoning Administrator may be appealed as set forth in Article 15, Variances, Appeals, and Special Exceptions.<sup>3</sup>

**Sections 1.3 – 1.19. RESERVED.**

**1.20: Planning and Zoning Commission** – The Holly Springs Planning and Zoning Commission is established by the governing authority of the City of Holly Springs. Should any member of the planning and zoning commission fail or refuse to perform the duties of his/her appointment or be absent for the term of three (3) consecutive meetings, the appointment will be declared vacant by the remaining members.

The Planning and Zoning Commission is hereby established. The word – Commission - when used in this ordinance shall be construed to mean the Planning and Zoning Commission. The Commission shall consist of (5) members, all appointed by the Mayor upon the approval by the City Council. Terms of the five members shall be for one (1) year. The quorum of the Commission shall be three (3) members. The regular members shall select a chairman and vice-

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<sup>3</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

chairman among themselves; and in the absence of both, the participating members shall select an acting chairman. All appointees shall be guided by the rules of order and procedure established and adopted by the Commission; in the absence of adopted rules, the Roberts Rules of Order shall govern procedures. Appointees continue in office after completion of a term until such time as new appointment is made, except where a vacancy exists pursuant to chapter 5 of title 45 of the Official Code of Georgia.

The Commission shall elect one of its members as Chairman, who shall serve for one (1) year or until he/she is re-elected or his/her successor is elected. The Commission shall elect one of its members as Vice-Chairman, who shall serve for one (1) year or until he/she is re-elected or his/her successor is elected. Meetings of the Planning and Zoning Commission shall be held regularly each month and at such other times as the Commission may decide. The meetings may be canceled by the Chairman if there are no matters to act upon by the Commission.

The Zoning Administrator shall serve as secretary to the Planning and Zoning Commission. The secretary shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record.

**Sections 1.21 – 1.39. RESERVED.**

**1.40: Zoning Compliance Review and Procedures** – The Zoning Administrator shall review all permits, licenses, applications, petitions, proposed uses, and any other action in the City of Holly Springs under the jurisdiction of the Holly Springs Zoning Ordinance. No permits, licenses, applications, petitions, or uses shall be granted by the City of Holly Springs until compliance with the Holly Springs Zoning Ordinance is verified by the Zoning Administrator.

**1.40-1: Zoning Administration Process** – Chart 1.40.

**1.41: Additional Reviews and Coordination** – Zoning compliance along with conformity to adopted building codes, now and as amended and adopted development regulations, now and as amended is required for the issuance of permits, licenses, and all other activities regulated by the City of Holly Springs. All permits and licenses issued by the City of Holly Springs must have the appropriate and relevant approval of the Zoning Administrator, Chief Building Official (CBO), Fire Inspector, and City Engineer. The duties and responsibilities of the CBO are outlined and governed by the legally adopted building and construction codes, now and as amended. The duties and responsibilities of the City Engineer are outlined and governed by the legally adopted development regulations, now and as amended.

**1.42: Grading/Building Permit** - It shall be unlawful to commence the excavation or filling of any lot for the construction of any building or to commence construction of any building or to commence the moving or alteration of any building or to commence the development of land for a use not requiring a building until compliance with the Holly Springs Zoning Ordinance is achieved.

**1.43: Application and Site Plans for Grading/Building Permit** – In applying for a grading/building permit, the applicant shall submit site plans in accordance with the procedures

set forth by the development regulations, compliant with the Holly Springs Zoning Ordinance. The Zoning Administrator shall review said plans for compliance with the Ordinance and issue zoning compliance approval or comments to address deficiencies. No grading/building permit shall be issued until the site plan has been reviewed and approved by the Zoning Administrator.

**1.44: Construction Progress** – Any grading/building permit shall become invalid unless the work authorized by it shall have been commenced within six (6) months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of one (1) year.

**1.45: Certificate of Occupancy Required**

**1.45-1: Required Certificate of Occupancy** – A certificate of occupancy issued by the CBO and Zoning Administrator is required in advance of the occupancy or use of:

- A. Any building, structure, land, or premises.
- B. Any building or structure hereafter erected or moved.
- C. Any building hereafter altered, so as to affect the front, side, or rear yards thereof, or its height.
- D. Any building, structure, or premises in which there is a change of occupancy or use.
- E. Each non-conforming use created by the passage of and subsequent amendments to this Ordinance. Such non-conforming use shall obtain a certificate of occupancy within thirty (30) days of the date of said passage or amendments.

Within three (3) days after the application for a certificate of occupancy and payment of any required fees, the CBO and Zoning Administrator shall sign and issue a certificate of occupancy if the proposed use of land or building, as stated on the certificate of occupancy and signed by the owner or his appointed agent, is found to conform to the applicable provisions of this Ordinance, and if the building, as finally constructed, complies with the plans submitted for the building permit.

**1.45-2: Denial of Certificate of Occupancy** – A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. The Zoning Administrator shall state in writing the reasons for denying such certificate of occupancy.

**1.46: Records of Applications and Certificates** – Records of application for grading/building permits, records of plats and plans in connection with said permits, and records of all occupancy certificates and denials shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

**Sections 1.47 – 1.69. RESERVED.**

**1.70: Administrative Enforcement** - It shall be the duty of the Zoning Administrator and designee(s) to enforce the provisions of this Ordinance.

**1.70-1: Enforcement Procedures** - If either the Zoning Administrator or designee(s) shall find that the provisions of this Ordinance are being violated, the Zoning Administrator or designee(s) shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering action necessary to correct it. Upon continuing noncompliance, the Zoning Administrator or designee(s) shall have the authority to issue citations and to prosecute violations under authority of The Code of the City of Holly Springs, Georgia. The Police Chief and designee(s) shall also have the authority to issue citations for provision violations of this Ordinance. In the case of an immediate threat to the public health, safety, or welfare, the Zoning Administrator and Police Chief or respective designee(s) are authorized to summarily issue citation(s) without prior notice. See also Section 1.72.

The Zoning Administrator or designee(s) shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions, alterations or structural changes, discontinuation of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

**1.71: Remedies.** In case any building or structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this Ordinance, the Zoning Administrator, City Attorney or other appropriate authority of the City may, in addition to other remedy, institute injunction, mandamus on the erection, construction, reconstruction, alteration, conversion, maintenance or use, to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

**1.71-1: Stop Work Orders.** The Zoning Administrator or designee(s) is hereby authorized to issue written “stop work” and “cease and desist” orders on any project when the applicant, applicant’s business or agent fails to comply with the Holly Springs Zoning Ordinance. Such “stop work” and “cease and desist” orders may be lifted at such time as the Zoning Administrator is satisfied that a good faith effort to comply is being made. Nothing shall prevent the Zoning Administrator from reissuing “stop work” and “cease and desist” orders.

**1.71-2: Permit Penalty.** The Zoning Administrator of Holly Springs, or designee(s), is hereby authorized and directed to deny and withhold permits on any new project or application pursuant to the Zoning Ordinance where the applicant, applicant’s business or agent has failed or refused to comply with City requirements or regulations under the Holly Springs Zoning Ordinance. Any permit issued pursuant to the Holly Springs Zoning Ordinance may be suspended, revoked, or modified by the Zoning Administrator or designee(s) of the City of Holly Springs as to the project for which it was issued, upon the Administrator’s finding that the holder is in violation of the said Holly Springs Zoning Ordinance, or the specific terms set out in the permit. Such suspension may be appealed as set forth in Article 15, Variances, Appeals, and Special Exceptions.<sup>4</sup>

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<sup>4</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

**1.71-3: Cumulative Remedy:** The remedies herein provided shall not be deemed to be exclusive but shall be cumulative of all other remedies provided by law.

**1.72: Violations and Penalties.** Any firm, person or corporation who shall do anything prohibited by this Ordinance as the same exist or as they may hereafter be amended is hereby declared to be guilty of a misdemeanor and shall be punished in accordance with the provisions of The Code of the City of Holly Springs, Georgia.

In addition to said misdemeanor provision, the City Council, Zoning Administrator, or other appropriate authority of the City, is authorized to institute civil action to penalize violation of any part of the Zoning Ordinance of Holly Springs, Georgia. The civil penalty shall not exceed the maximum amount allowed by state law or the city's charter per day per violation. In addition to said civil penalties, reimbursement to the City Council for reasonable attorney fees for the enforcement of the order and costs of litigation, including clerk's, deposition and related cost, are authorized to be awarded by the said appropriate judicial authority.

**Sections 1.73 – 1.89. RESERVED.**

**1.90: Severability.** Should any article, section or provision of the Holly Springs Zoning Ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid, each article, clause and provision hereof being declared severable.

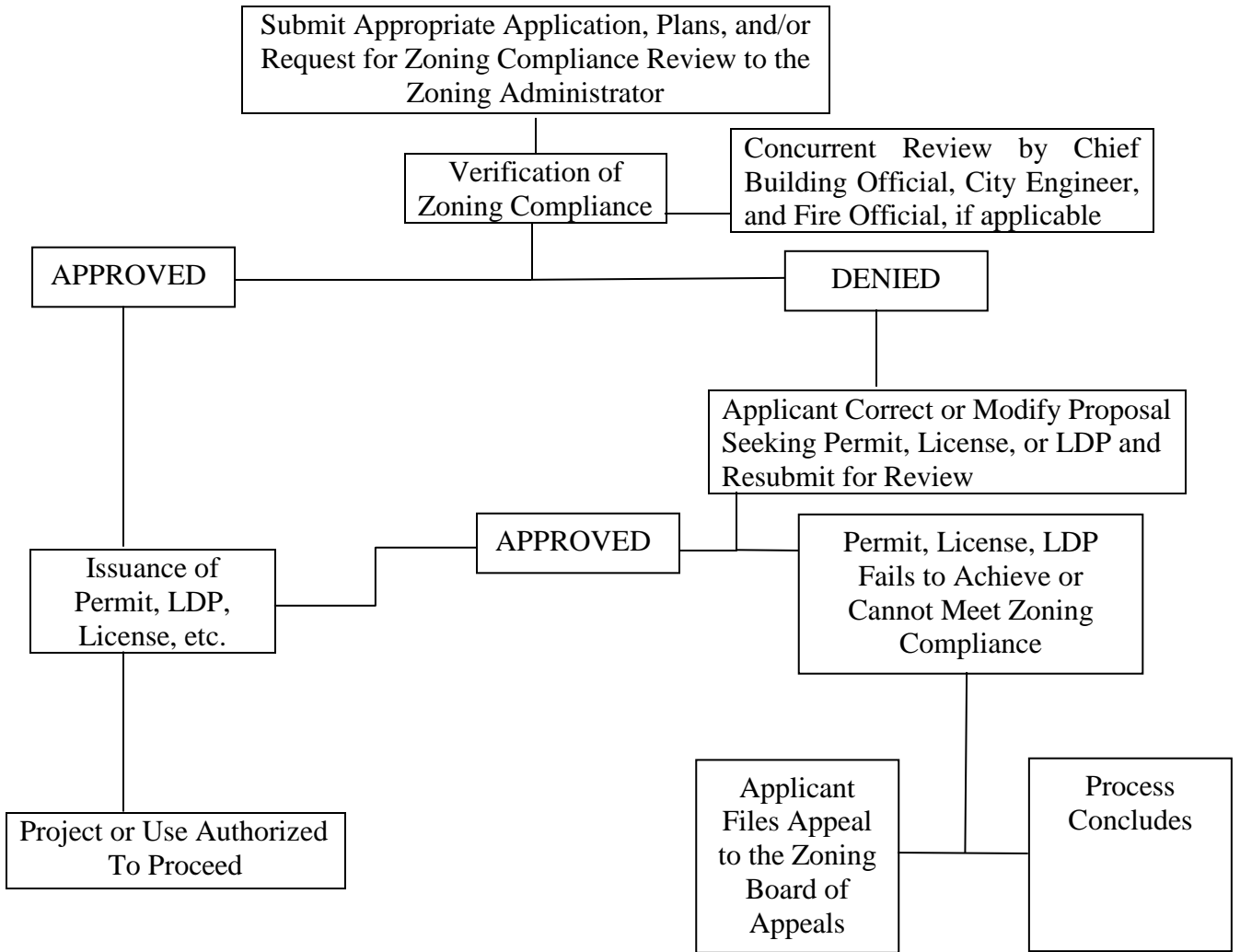
**1.91: Conflict with Other Laws.** Whenever the regulations of this Ordinance require a greater width or size of yards, courts, or other open spaced, require a lower height of buildings, or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statute, the requirements of this Ordinance, the provisions of such statute shall govern.

**1.92: Repeal of Conflicting Ordinance.** All Ordinances and parts of Ordinances in conflict herewith are repealed.

**1.93: Effective Date.** This Ordinance shall take effect and be in force from and after its adoption, the public welfare of the City of Holly Springs demanding it.



**CHART 1.40: ZONING COMPLIANCE REVIEW AND PROCEDURES**<sup>5</sup>



<sup>5</sup> Chart is intended for illustrative purposes only, so as to graphically depict the zoning compliance process. This chart is not intended to convey or deny rights stated elsewhere in this Ordinance.

## ARTICLE 2: INTERPRETATIONS AND DEFINITIONS<sup>6</sup>

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. Unless otherwise expressly state, the following words shall have the meaning herein indicated.

### **2.1: Interpretations.**

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural and words used in the plural number include the singular.
3. The word “person” includes a firm, association, organization, partnership corporation, trust and company as well as an individual.
4. The word “lot” includes the word “plot” or “parcel.”
5. The word “building” includes the word “structure.”
6. The word “shall” is mandatory, not discretionary.
7. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
8. The word “Map,” “Zoning Map” or “Holly Springs Zoning Map” shall mean the “Official Zoning Map of the City of Holly Springs, Georgia.”

### **2.2: Definitions.**

**Accessory Dwelling Unit:** A dwelling unit that is accessory, supplementary, and secondary to the principal dwelling. An accessory dwelling unit is detached from the principal dwelling.

**Accessory Structure:** A structure detached from a principle building on the same lot and customarily incidental and subordinate to the principle building or occupied.

**Accessory Structure, Incidental:** Very minor features or elements associated with a principal structure, business entity, or owner of the property on which they reside, supporting the functions and establishment of the primary use of the property in nonresidential districts. Otherwise known as “Incidental Accessory Structures.

**Accessory Structure, Third Party:** Defined as temporary or permanent structures, boxes, containers, racks, stands, or designated locations on a premises, intended for the benefit of a third party entity not associated with the transaction of business or part of the operation of an entity

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<sup>6</sup> Amended by City Council with text amendment, 02/23/2006, 04/21/2008, 11/17/2008, 01/22/2009, 02/18/2010.

located on the premises, or owned and operated by the premises property owner. Otherwise known as “Third Party Accessory Structures.

**Accessory Use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**Adult Entertainment Establishments:** Shall include but shall not be limited to adult bookstores, adult hotels or motels, adult mini-motion picture theaters, adult motion picture arcades, adult motion picture theaters, adult video stores, erotic dance establishments, escort bureaus, and any other business distinguished or characterized by an emphasis on sexual activities or anatomical areas.

**Alley:** A public or private thoroughfare that affords only a secondary means of access to abutting property.

**Amphitheatres:** See “Outdoor Amusement Enterprises.”

**Animal Hospital:** A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

**Animal Husbandry:** The production of animals (livestock) and/or the by-product thereof. It does not include dogs and cats.

**Animal Quarters:** Any structure which surrounds or is used to shelter, care for, house, feed, exercise, train, exhibit, display or show any animals, other than fenced pasture land for grazing.

**Appeal:** A request for a review of the Holly Springs Zoning Administrator’s interpretation of any provision of this Ordinance or a request for a variance.

**Athletic Club, Facilities:** Facilities designed for the major purpose of physical fitness or weight reducing, which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. This shall not include municipal or privately owned recreation buildings.

**Auto Auction Establishment:** The sale of automobiles and other vehicles by auction, which usually includes bidding, whereby vehicles are sold to the highest bidder.

**Auto Laundry:** A structure equipped with facilities for washing automobiles.

**Auto Laundry, Conveyor**<sup>7</sup>: A commercial auto laundry (car wash) where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.

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<sup>7</sup> Amended by City Council with text amendment, 01/19/2012.

**Auto Laundry, In-Bay Automatic**<sup>8</sup>: A commercial auto laundry (car wash) where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.

**Auto Laundry, Self-Service**<sup>9</sup>: A commercial auto laundry (car wash) where the customers wash their cars themselves with spray wands and brushes.

**Auto Leasing Establishments**: Those establishments whose primary business is the leasing of motor vehicles by the day or week(s) as opposed to long-term leasing for more than one calendar year.

**Auto Repair Establishments**: Buildings and premises wherein the primary use is the repair of automobiles and related vehicles with engines exceeding five horsepower. Repair activities may include engine, transmission, and other heavy auto-related work in addition to other routine auto service functions.

**Auto Service Establishments**: Shall include minor auto service activities, including but not limited to oil changes, tune-ups, brakes, and other similar activities and/or uses; provided that Auto Service Establishments shall not include activities classified and defined by the Zoning Ordinance as auto repair.

**Automobile Sales – New**: Shall include establishments that sell passenger cars, trucks and vans to the general public and shall include the long-term leasing of automobiles for more than one calendar year. Automobile sales establishments specializing in new vehicles possess an inventory whereby vehicles classified as “pre-owned,” “previously owned,” or “Used,” constitute no more than 25%

**Automobile Sales – Used**: Shall include establishments that sell passenger cars, trucks and vans to the general public and shall include the long-term leasing of automobiles for more than one calendar year.

**Basement**: That portion of a building between floor and ceiling, which may be partly below and partly above grade.

**Bed and Breakfast**: A dwelling other than a hotel, where for compensation and by prearrangement for a definite period, lodging or lodging and meals, are provided for three or more persons.<sup>10</sup>

**Berm**: A mound of earth, or the act of pushing earth into a mound.

**Billboard**: See “Sign, Billboard.”

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<sup>8</sup> Amended by City Council with text amendment, 01/19/2012.

<sup>9</sup> Amended by City Council with text amendment, 01/19/2012.

<sup>10</sup> Amended by City Council with text amendment TA-02-12, 09/24/2012.

**Body Piercing Establishment:** Engage in the perforation or penetration of the human anatomy with a needle or similar instruments to insert various ornamental objects. See also “Tattoo Parlors.”

**Bodywork Therapy:** A general term that refers to a group of body-based approaches to treatment that emphasize manipulation and realignment of the body's structure in order to improve its function as well as the client's mental outlook. These therapies typically combine a relatively passive phase, in which the client receives deep-tissue bodywork or postural correction from an experienced instructor or practitioner, and a more active period of movement education, in which the client practices sitting, standing, and moving about with better alignment of the body and greater ease of motion. Body work therapy may include, but is not limited to, Asian Bodywork Therapy, Polarity Therapy, Reflexology, and Structural Integration. Bodywork therapies are not regulated in the Georgia Massage Therapy Practice Act. Persons operating under the term of bodywork therapy may not advertise or operate under the term of massage therapist unless a Georgia massage therapist active state license has been issued in their name. Bodywork therapy shall not include a diagnosis, service or procedure normally provided by a Doctor of Medicine, Doctor of Chiropractic, or Doctor of Podiatry, nor shall it apply to massage therapists, athletic trainers, technicians, or physical therapists who act by prescription or under the supervision of an authorized licensee to practice medicine or surgery, approved by the Georgia Composite Medical Board or the Georgia Secretary of State Professional Licensing Boards Division. See 5.4-30 for specific requirements.

**Bodywork Therapy Establishment:** Any business, conducted in whatever form, where one or more bodywork therapists perform bodywork therapy on a site or premises, or portion thereof, for compensation. See 5.4-30 for specific requirements

**Buffer:** A buffer is a portion of lot set aside for open space and/or screening purpose, to shield or block noise, light, glare, or visual or other nuisances, to block physical passage to dangerous areas; or to reduce air pollution, dust, dirt and litter. A buffer may contain a barrier, such as a berm, wall or fence, where such additional screening is necessary to achieve the desired level of buffering between various activities.

**Buffer Strip:** A continuous strip of landscaped open space and/or screen for buffering incompatible uses.

**Building:** Any structure attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property.

**Building, Accessory:** A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.

**Building Height:** The vertical distance measured from the threshold of the front door entrance to the highest point of roof surface of a flat roof; the deck line of a mansard floor; and to the mean height level between eaves and ridges of a gable hip, or gambrel roof.

**Building Permit:** Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

**Building, Principal:** A building in which is conducted the principal use of the lot on which said building is situated. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the plot on which same is situated.

**Building Setback Line:** That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

**Bulk Storage:** The storage of chemicals, petroleum products and other materials in above-grounded containers for subsequent resale to distributors or retail dealers or outlets.

**Car Wash Establishment:** See “Auto Laundry.”

**Carnival:** See “Outdoor Amusement Enterprises.”

**Cash and Check Cashing Establishments:** Those establishments that offer “payday loan,” “cash advance,” “check cashing,” or other similar services. See also “Pawnbrokers.”

**Cattery:** Any place that regularly breeds, boards, trains, buys, sells or trades any cat. A cattery is also a kennel.

**Cemetery:** Land used or dedicated to the burial or internment of human or animal remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

**Center Line of Street:** The line surveyed and monumented by the City of Holly Springs or the Georgia State Highway Department; or if a center line has not been surveyed and monumented, it shall be if a center line has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.

**Certificate of Occupancy (CO):** A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**Character Areas Map:** See “Future Development Map” (FDM)

**Churches, Synagogue:** A facility incorporating one or more buildings where religious services are conducted.

**Clinic:** A building, or portion of a building, where patients are not lodged overnight, but are admitted for examination or treatment by medical practitioners, and which may include uses such as diagnostic services, imaging services, ambulatory or out-patient surgery services, laboratory facilities or related uses.<sup>11</sup>

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<sup>11</sup> Amended by City Council with text amendment TA-01-13, 05/20/2013.

**Cluster Development:** A form of development for residential subdivisions that permits a reduction in lot area requirements, provided there is no increase in the number of lots that would normally be permitted under conventional zoning and subdivision requirements and the resultant land area is devoted to open space.

**Community Development Department (CD):** The department and the divisions therein, responsible for the administration, execution, and enforcement of this ordinance (The Holly Springs Zoning Ordinance).

**Conditional Use:** Uses in the respective zoning district, which upon application to and recommendation by the Planning Commission and favorable decision thereon by the Governing Authority, may be permitted and a conditional use permit issued.

**Conditional Use Permit:** License issued by the Mayor and Council of the City for zoning uses classified as “conditional.”

**Condominium (Building):** A building containing three (3) or more individually owned dwelling units and related, jointly-owned common areas as defined by laws of the State of Georgia.

**Covenant:** A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

**Cosmetology Establishments:** Establishments that perform any one or more of the following services for compensation:

- (A) Hair cutting or dressing;
- (B) Facial or scalp massage or facial and scalp treatment with oils or creams and other preparations made for this purpose, either by hand or mechanical appliance;
- (C) Hair singeing and shampooing, hair dyeing, or permanent hair waving;
- (D) Hair braiding by hair weaving, interlocking, twisting, plaiting, wrapping by hand, chemical, or mechanical devices, or using any natural or synthetic fiber for extensions to the hair;
- (E) Nail care, pedicure, or manicuring services; or
- (F) Performing the services of an esthetician, which means a person who, for compensation, engages in any one or a combination of the following practices, esthetics, or cosmetic skin care: (1) massaging the face or neck of a person, (2) Trimming eyebrows, (3) dyeing eyelashes or eyebrows, or (4) waxing, stimulating, cleansing, or beautifying the face, neck, arms, or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus or by the use of a cosmetic preparation. Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition; or
- (G) Tanning, or service offering a brown color imparted to the skin by exposure to an artificial lighting source or other method.

**Country Club:** See “Golf Courses.”

**Curb Break:** Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

**Cultural Facility:** A structure or portion of a structure used as an art gallery, museum, historical display, legitimate theater, library, and other uses similar in character to those listed.

**Day Care, Family:** A customary home occupation which provides care and supervision by a State of Georgia registered resident adult for less than twenty-four (24) hours per day on a regular basis for compensation; serves seven (7) to eighteen (18) persons and is licensed by the State of Georgia; for children, the outdoor play areas shall be enclosed by a fence of not more than four (4) feet in height in the rear yard only.

**Daycare:** Establishments that provide care for and supervise minors for less than 24 hours each day and may teach pre-Kindergarten and/or Kindergarten. See also “Kindergarten.”

**Daycare, Group:** See “Daycare.”

**Day Spa Establishment:** See “Massage Therapy Establishment” and/or “Bodywork Therapy establishment.”

**Density:** The overall intensity of land use for the total project; residential density is the number of housing units permitted per acre in the zoning district involved in accordance with the terms of the zoning ordinance or as authorized under conditional zoning by the Mayor and City Council.

**Development:** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Development Approval:** Authorized action by an officer or agent of the City of Holly Springs that approves, conditions, or denies a development of a parcel, tract, building, or structure, including any of the following: master site plan; zoning map amendment; conditional use permit; grading or other permit; certificate of occupancy; subdivision plat; certificate of appropriateness; site plan; landscape plan; tree preservation development approval; variance; appeal; development plan; and any other regulatory device of the Holly Springs Zoning Ordinance.

**District:** A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

**Driving Range, Golf:** Establishments that provide the public a location to drive golf balls long distances with golf clubs and may also provide other golf related services including, but not limited to: putting green, merchandise sales, snack bar, and lessons.

**Duplex:** See “Dwelling, Two-Family.”

**Dwelling:** A building or portion thereof designed, arranged and used exclusively for residential occupancy with cooking, sleeping, and bathroom facilities provided within the dwelling unit for



the exclusive use of a single-family maintaining a household but not to include hotels, boarding houses, lodging houses or house trailers whether such trailers be mobile or located in a stationary fashion.

**Dwelling Unit:** A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

**Dwelling Attached:** A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

**Dwelling, Detached:** A dwelling, which is not attached to any other dwellings by common vertical walls.

**Dwelling Duplex:** A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof of an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**Dwelling, Single-Family:** A detached building designed or arranged to be occupied by one (1) family only.

**Dwelling, Multi-Family:** A dwelling or group of dwellings on one lot containing separate living units for three (3) or more families, but which may have joint services or facilities.

**Dwelling, Quadruplex:** Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

**Dwelling, Townhouse:** A building that has single-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a fire wall (to be constructed in accordance with city codes and ordinances), along the dividing lot line, and each such building being separated from any other building by space on all sides.

**Easement:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**Emission Testing Facilities:** Privately owned establishments that test vehicle emission standards as regulated by the State of Georgia.

**Extended Stay Facilities:** Those buildings, which lodging is provided for tenants, wherein term of stay is designed for more than one night's lodging and ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours. No exterior access to rooms is allowed. See also "Hotel."<sup>12</sup>

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<sup>12</sup> Amended by City Council with text amendment TA-02-12, 09/24/2012.

**Family:** An individual, or two (2) or more persons related by blood, marriage, or adoption or guardianship, or a group of not more than four (4) unrelated persons occupying a single dwelling unit; provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term “family” does not include any organization or institutional group.

**Farming:** The business of cultivating land, or employing it for the purposes of husbandry; the cultivation and fertilization of soil as well as caring for and harvesting the crops.

**Fee:** A charge or monetary assessment for the services rendered under the Holly Springs Zoning Ordinance and other officially adopted regulations and policy documents, set by the Mayor and City Council by resolution from time to time. Also known as “Community Development Fee Schedule.”

**Fence:** An artificially constructed barrier of any materials or combination of materials erected to enclose or screen areas of lands. A privacy fence is one that is solid and of a height designed to effectively limit visibility.

**Festival or Fair:** See “Outdoor Amusement Enterprises.”

**Floor:** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The terms do not include the floor of a garage used solely for parking vehicles.

**Floor Area, Gross:** The sum of the gross horizontal area of several floors of a building measured from the exterior face of exterior walls, or from the center-line of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

**Floor Area Ratio:** The gross floor area of all buildings on a lot divided by the lot area.

**Frontage:** The side of a lot abutting on a street; the front lot line.

**Future Development Map (FDM):** The map, now and as amended, named as such and contained in the Comprehensive Plan (Community Agenda), now and as amended, that emphasizes character and design for designated areas, as opposed to recommendations for specific land uses. This map is required by the state’s administrative rules for local planning. Also known as the “Character Areas Map.”

**Future Land Use Map (FLUM):** The map, now and as amended, named as such and contained in the Comprehensive Plan (Community Agenda), now and as amended, that indicates areas appropriate for various land uses and public facilities over time and as described in the Comprehensive Plan text.

**Garage, Private:** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is an accessory.

**Gasoline Service Stations:** Buildings and premises wherein the primary use is the retail sale of gasoline to the general public, and where the incidental sales of oil, grease, batteries, and motor vehicle accessories to the general public and minor auto services may be provided; however, such services shall not include major mechanical or body work, repair of transmissions or differentials, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in gasoline service stations.

**General Merchandise Repair:** Minor repair services offered for various forms of merchandise, excluding vehicles, and large equipment.

**Go-Kart Establishment:** See “Outdoor Amusement Enterprises.”

**Golf Courses:** A large tract of land laid out for playing golf and/or in association with a club requiring membership, which may also possess other outdoor sporting facilities and host social activities.

**Governing Authority:** The Mayor and Council of the City of Holly Springs, Georgia, under whose authority this Ordinance is enacted into law, administered, and enforced.

**Greenhouse:** Those that primarily raise flowers, shrubs and plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others.

**Group Homes:** A residence composed of non-related individuals with one or more surrogate parents. The residents of the dwelling may function as a singular housekeeping unit but is not considered a single-family dwelling under this ordinance. Services may include room, meal, and personal care. All group homes shall be approved and licensed by the State of Georgia Department of Human Resources. A group home is not a boarding house.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Home:** See “Dwelling Unit.”

**Home Based Business:** Any occupation, business, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use which is clearly incidental to the dwelling unit for residential purposes and which meets all of conditions.

**Homeowners’ Association:** A formally constituted non-profit association or corporation made up of the property owners and/or residents of a defined area; may take permanent responsibility for costs and upkeep of semi-private community facilities.

**Hospital or Similar Institutions:** Building(s) providing primary or tertiary health services and medical or surgical care to persons including inpatients and out-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**Hotel:** Building(s) in which lodging or boarding and lodging facilities are provided for more than three transient guests and offered to the public for compensation and where ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours and containing no facilities for cooking in the individual units other than a microwave oven. No exterior access to rooms is allowed. A hotel may include as accessory uses the following: full dining, retail uses, special events, and/or conference center facilities. See also “Extended Stay Facilities.”<sup>13</sup>

**Husbandry:** The raising and breeding of animals (livestock) and/or the by-product thereof.

**Industrialized Home:** A factory fabricated, transportable building, consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes. A modular home or industrialized home shall be certified by the manufacturer to meet the approval of the State Building Administrative Board (SBAB) to meet the same requirements as an onsite built home within Cherokee County. The term “Industrialized Home” includes the term “Modular Home.”

**Junk Vehicles:** Any automobile, vehicle, trailer, of any kind or type, or mechanical contrivance or part thereof, which is in an inoperative or junk condition by reason of its having been wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded or which does not have a valid license plate attached thereto (when the same is required by law). For the purposes of this subsection, a vehicle is ‘inoperative’ if it is incapable of movement by its own power, or if it remains in place for a period of more than seven (7) days, and in neither case is within a car port or parking way or driveway.

**Junkyard:** Any use on public streets or private property involving the parking, storage or disassembly of junked vehicles, or wrecked or inoperable automobiles, trucks, or other vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old stoves, old refrigerators, and other old household appliances, and used brick, used wood, or other used building materials. Such uses shall be considered junkyards if any part of such operations are conducted outside a building.

**Kennel Establishment:** An establishment, in which domesticated animals more than one year old may be housed, groomed, bred, boarded, trained or sold.

**Kindergarten:** A school or class for children usually ranging from ages four to six. See also “Daycare.”

**Laboratory Research Facilities:** A structure with rooms equipped for scientific research.

**Landscaping Establishment:** See “Greenhouse.”

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<sup>13</sup>Amended by City Council with text amendment TA-02-12, 09/24/2012.

**Laundering Establishments:** Includes dry cleaners, laundromats, coin laundries, and all establishments that clean clothes, garments or fabrics for the public but shall not include companies that launder for commercial entities or for private purposes.

**Liquor Store:** Any establishment that exclusively sells alcoholic beverages in unbroken packages at retail only to consumers and not for resale or for consumption on the premises. Shall not include grocers or convenience stores that incidentally retail alcoholic beverages in unbroken packages.

**Livestock:** The term “livestock” as used herein shall mean and include cattle, horses, goats, sheep, swine, poultry, ducks, geese and other fowl; and rabbits, minks, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

**Lot:** A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

**Lot Area:** The net area of any lot shall be the area bounded by the lot lines, the right-of-way line of any street adjoining the lot, and the centerline of the right-of-way of any private access road adjoining the lot.

**Lot Area Requirement:** For the purpose of determining the lot area per dwelling unit, the total lot area shall be measured with the exclusion of land in the public or private streets right-of-way and land dedicated for park or school purposes.

**Lot Corner:** A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees, or adjoining a curve street at the end of a block.

**Lot, Corner, Double Frontage:** A corner lot, which has frontage on three or more streets.

**Lot Coverage:** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**Lot Depth:** The mean horizontal distance between front and rear lot lines.

**Lot, Double Frontage:** Any lot, other than a corner lot, that has frontage on two (2) streets.

**Lot Line:** A line record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

**Lot Line, Front:** The front property line coincident with a street right-of-way line.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line that is a minimum of ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot of Record:** A lot that is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Cherokee County; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this Ordinance.

**Lot Width:** The distance between side lot lines measured at the front building line.

**Lot Width, Cul-de-sac:** For a lot having the majority of its frontage on a cul-de-sac, the lot width shall be the horizontal distance between the side lines of the lot, measured at the minimum, required front yard (building setback) line or at a line parallel to said setback line which is no more than twice the minimum front yard setback distance from the street.

**Lumber Yards:** See “Sawmills.”

**Manufactured Home:** A dwelling defined in the Georgia Code as a manufactured home, subject to the standards and regulations of the Department of Housing and Urban Development adopted June 15, 1976 and as amended.

**Manufactured Home Subdivision:** A tract or parcel of land, which has been subdivided into two (2) or more lots solely for the purpose of manufactured, or mobile home development.

**Manufactured or Mobile Home Park:** A parcel of land which has been planned and improved for the placement of two (2) or more manufactured or mobile homes for non-transient use.

**Massage or Massage Therapy:** Massage therapy means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term includes complementary methods, including, without limitation, the external application of water, superficial heat, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices that do not require the use of transcutaneous electrodes and that mimic or enhance the actions possible by the hands. The term also includes the state-licensed massage therapist's determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. Massage therapy shall not include the use of ultrasound, fluidotherapy, laser, or other deep thermal modalities. Massage therapy shall not include a diagnosis, service or procedure normally provided by a Doctor of Medicine, Doctor of Chiropractic, or Doctor of Podiatry, nor shall it apply to athletic trainers, technicians, or physical therapists who act by prescription or under the supervision of an authorized licensee to practice medicine or surgery, approved by the Georgia Composite Medical Board or the Georgia Secretary of State Professional Licensing Boards Division. Massage therapy shall not include any conduct or activity that is otherwise prohibited by state, federal or local law. O.C.G.A. § 43-24A-3. See 5.4-30 for specific requirements.

**Massage Therapy Establishment:** Any business, conducted in whatever form, where one or more massage therapists perform massage therapy on a site or premises, or portion thereof, wherein a massage therapist with an active state license practices massage for compensation. See 5.4-30 for specific requirements.

**Mobile Home:** A dwelling defined in the Georgia Code as a mobile home, otherwise known as a “pre-HUD home” and constructed prior to June 15,1976. Requirements for manufactured homes apply to mobile homes.

**Model Zoning Districts:** Districts that shall collectively overlay all existing zoning districts within the City of Holly Springs. The model districts are identified and defined in Article 19.

**Modular Home:** See “Industrialized Home.”

**Motel:** See “Hotel.”<sup>14</sup>

**Multi-family:** See “Dwelling, Multi-Family.”

**Multi-Tenant Building:** A Multi-Tenant Building is a retail structure under common ownership or management located on one commercially zoned lot containing more than one suite or entity. Multi-tenant buildings shall contain no less than 2,500 gross square feet up to a maximum of 12,999 gross sq. ft., with suites no less than 600 gross square feet each.

**New Construction:** Structures for which the “start of construction” commenced on or after the effective date of this Ordinance.

**Non-Conforming Use:** Any building or use of land or building lawfully existing at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance, which does not conform with the provisions of the regulations for the district in which it is located, shall be designated a non-conforming use.

**Nuisance:** An interference with the enjoyment and use of property.

**Nursing Home:** An extended or intermediate care facility required to be licensed or approved by the State of Georgia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**Nursery:** See “Greenhouse.”

**Nursery School:** See “Daycare,” or “Kindergarten.”

**Official Holly Springs Zoning Map:** The Official Zoning Map of the City of Holly Springs, Georgia, which may include a series of maps in section.

**Open Space:** Uncovered area open to the sky on the same lot with a building.

**Open Space, Landscaped:** That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those

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<sup>14</sup> Amended by City Council with text amendment TA-02-12, 09/24/2012.

in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and manmade objects, wood areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

**Outdoor Amusement Enterprises:** Shall include but shall not be limited to outdoor activities such as amusement parks, tracks for go-karts or motor bikes, amphitheatres, pony riding, miniature golf, carnivals, and bazaars.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

**Overlay zoning district:** A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements in addition to those applicable in the underlying base zoning district.

**Parking Lot:** An off-street, ground level area, usually surfaced and improved, for the temporary storage space for a private motor vehicle.

**Pawnbrokers:** Shall include any person or entity that shall in any manner lend or advance money or other items for profit on the pledge or possession of personal property, or other valuable consideration other than securities or written evidences of indebtedness. Pawnbrokers shall constitute any person or entity that deals in the purchasing of personal property or other valuable items on condition of selling the same back to the seller at a stipulated price. See also “Cash and Check Cashing Establishments.”

**Permit:** See “Development Approval.”

**Personal Care Home:** See “Nursing Home.”

**Pet Daycare:** Indoor facility designed for the care of animals during the day, generally from dawn to dusk. Does not include facilities that provide overnight stay for animals. See also “Kennel Establishments.”

**Planned Shopping Center:** A Planned Shopping Center is one or more contiguous retail structures under common ownership or management located on one lot, containing at least 13,000 gross square feet up to thirty (30%) of the total parcel area of floor space excluding storage.

**Pet (Household Pet):** Any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily, bred and raised to live in the habitat of humans and is dependent upon them for food and shelter; except that livestock and wild animals shall not be deemed pets.

**Planning and Zoning Commission:** The Planning and Zoning Commission shall be referred to as the City of Holly Springs Planning and Zoning Commission unless otherwise specifically established by the governing authority.



**Premises:** A lot, parcel, tract or plot of land together with all buildings and structures existing thereon.

**Principal Use:** The primary or predominant purpose for which a lot is occupied and/or used.

**Produce Stands- Agricultural:** A location that vends freshly grown produce.

**Professional Offices:** Includes offices for professionals such as accountants, architects, attorneys, chiropractors, dentists, doctors, engineers, insurance and real estate agents, and other similar professions requiring only office space.

**Psychic Service Establishments:** Those establishments that provide services involving sensitivity to non-physical or supernatural forces and influences or marked by extraordinary or mysterious sensitivity, perception or understanding and shall include but not be limited to palm readers, astrologers, psychics and crystal ball readers.

**Putrescible Wastes:** Wastes that is capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.

**Recreational Facilities, Indoor:** Any commercial or non-commercial indoor facility such as bowling alley, shooting gallery, video game center, etc.

**Recycled Water System**<sup>15</sup>: A water system that captures and reuses water previously used in wash or rinse cycles.

**Riding Stable and Academy:** An establishment where horses are kept for riding or driving or are stabled for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

**Roof:** The outside top covering of a building.

**Sawmills:** A plant or factory where lumber is cut into boards and/or is available to the public for wholesale or retail.

**Schools:** Organizations or institutions that provide instruction for the teaching of children, with grade levels one (1) through twelve (12) and may also teach pre-Kindergarten and Kindergarten.

**Screening:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**Self-Storage Establishments**<sup>16</sup>: Also known as “Self-Service Storage” and “Storage Facilities,” Self-Storage Establishments are any real property designed and used for renting or

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<sup>15</sup> Amended by City Council with text amendment, 01/19/2012.

<sup>16</sup> Amended by City Council with text amendment, 04/21/2008.

leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property. No occupant shall use a self-service storage facility for residential purposes.

**Setback:** See “Yard.”

**Setback Line:** That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

**Sign:** Refer to the chapter regarding signs.

**Single Family Dwelling:** See “Dwelling, Single-Family.”

**Site Plan:** The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plains, marshes and water-ways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**Solid Waste:** Putrescible and non-putrescible wastes, except water-carried body waste, shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludge, animal manure, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.

**Spot Zoning:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan as determined by the City Council.

**Stockyard:** A place where transient cattle, sheep, swine, or horses are kept temporarily for slaughter, market or sleeping.

**Story:** That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

**Street:** A dedicated and accepted public right-of-way for vehicular traffic from which direct access may be gained to abutting properties, or an easement or private right-of-way approved by the City Council to serve such purpose. The term “street” shall refer to the full width located between the limits of the right-of-way or easement, and not be limited to the roadway itself.

- (A) Principal Arterials - are those streets and highways which serve major activity centers and emphasize traffic service rather than access to abutting land access. Principal arterials include all limited access freeways, expressways or parkways, and carry a high proportion of total area travel on a minimum of mileage.
- (B) Major Arterials - are those streets which interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access and generally do not penetrate identifiable single family residential neighborhoods. Also and formerly known as “Major Road.”
- (C) Minor Arterials—provide intra-community continuity but should not penetrate identifiable neighborhoods.
- (D) Collector Streets - distribute trips from arterial street to their ultimate origin or destination. Collector streets provide a greater level of land access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.
- (E) Local Streets - comprise all facilities not classified as arterial or collector. Local streets provide land access with service to through traffic being actively discouraged.

**Structure:** Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either 1) before the improvement or repair is started; or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Tattoo Parlors:** Establishments that provide services, which create an indelible mark or figure, fixed upon the body by insertion of pigment under the skin or by production of scars. See also “Body Piercing Establishments.”

**Townhouse:** See “Dwelling, Townhouse.”

**Unusual Structure:** Structures, whether principal or accessory, proposed for construction or erection by atypical methods, including but not limited to inflation, unconventional assemblage, or stacking.

**Use:** General category of use such as commercial, industrial and residential.

**Utility Substations:** Include, but are not limited to: public utilities such as electric transformer stations, gas regulator stations, and telephone exchanges.

**Variance:** A grant of relief to a person from the requirements of this Ordinance that permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

**Veterinary Clinic:** An establishment that provides the service of minor medical treatment to small animals. See also “Animal Hospital.”

**Wholesale Trade Establishments:** Shall include wholesale commodities for distribution, with or without warehousing.

**Wild Animal:** Any living member of the animal kingdom, including those born or raised in captivity; but excluding human beings, livestock, dogs and cats, rodents hybrid animals that are part wild, captive-bred species of common cage birds and aquarium-kept fish, amphibians and reptiles.

**Yard:** A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

**Yard Front:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the sidelines of the lot.

**Yard, Side:** An open, unoccupied space on the same lot with the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Yard, Rear:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

**Zoning:** The power of the City of Holly Springs to provide within its territorial boundaries for the zoning and districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which said zones or districts were established.

**Zoning Administrator:** The primary City of Holly Springs Official responsible for administering and enforcing the Holly Springs Zoning Ordinance. The Zoning Administrator is the Community Development Director and duly appointed designee(s).

**Zoning Amendment:** An amendment to the Official Zoning Map or other action having the result of rezoning a property, approval of a Conditional Use Permit(s) on a particular property, or a change in conditions of approval applied to the zoning or conditional uses pertaining to a property. Also known as “Zoning Change.”

**Zoning Decision:** The final action by the City of Holly Springs City Council which results with: (A) the adoption of a zoning ordinance; (B) the adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance; (C) the adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another; (D) the approval of a conditional use permit (CUP) request.”

**Zoning Map:** See “Official Holly Springs Zoning Map.”

## ARTICLE 3: GENERAL PROVISIONS<sup>17</sup>

**3.1: Uniformity.** The regulations set forth in this Ordinance shall be minimum regulations and shall apply uniformly to all land and structures throughout the City of Holly Springs.

**3.2: Compliance with District Regulations.** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

**3.3: Compliance with Dimensional Requirements.** No building or other structure shall hereafter be erected or altered:

**3.3-1:** to exceed the height or bulk limitation of this ordinance;

**3.3-2:** to accommodate or house a greater number of families than allowed by this ordinance;

**3.3-3:** to occupy a greater percentage of lot area than allowed by this ordinance;

**3.3-4:** to have narrower or smaller rear yards, front yards, side yards, other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

**3.4: Yard Use Limitations.** No part of a yard, other than open space, the off-street parking or loading space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of the yard, off-street parking or loading space required for another building.

### **3.5: Accessory Structure and Use Requirements for Residential Uses and Districts**

An accessory structure is an uninhabited building or structure that is detached from the principal building on lot of record, the use of which is incidental and subordinate to the principal structure on the property. Under no circumstances shall an accessory use be construed to authorize a use that is not permitted in the zoning district in which the principal structure is located. In no event shall an accessory use or structure be established prior to the principal use or structure to which it is accessory.

#### **3.5.1-1: Accessory Structure and Use Requirements for Residential Uses and Districts**

(A) Accessory uses and structures shall comply with the following standards and all other applicable regulations of this zoning ordinance:

- (1) An accessory use or outbuilding is an uninhabited building or structure that is detached from the principal building on the lot of record, the use of which is incidental and subordinate to the principal use on the property;

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<sup>17</sup> Amended by City Council with text amendment, 01/22/2009

- (2) The accessory use or structure shall be subordinate in area, extent and purpose to the principal use or structure served;
- (3) The accessory use or structure is intended to contribute to the comfort, convenience or necessity of the occupants of the principal use or structure served;
- (4) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.

(B) Where a principal use or structure is permitted, such use shall include accessory uses and structures subject to this section.

**3.5.1-2: Establishment of Accessory Structure Requirements**

- (A) In no instance shall an accessory building or use be established on a vacant lot.
- (B) Accessory structures shall not be used for dwelling purposes. See Article 3.7.
- (C) In no event shall an accessory structure be established prior to the principal structure to which it is accessory. For construction trailers or temporary modular units, please see the Development Regulations.

**3.5.1-3: General Requirements.**

- (A) Accessory uses shall not include the conduct of trade, except for storage purposes of a licensed Home-Based Business in accordance with Article 3.6.
- (B) Accessory uses shall be located on the same lot as the principal use for which they serve.

**3.5.1-4: Dimensional and Density Standards.**

- (A) Accessory structures shall not be permitted in any front yard. Such structures shall also not be permitted in any side yard that fronts a public street, unless adequate screening is provided, either with a solid fence, landscaping, or a combination thereof. This requirement shall not apply to tracts zoned or used as residential, exceeding five (5) acres.
- (B) No garage or other accessory structure shall be located closer than five (5) feet to a side or rear lot line.
- (C) Detached accessory structures shall be located at least ten (10) feet from the principal structure.
- (D) When an accessory structure is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
- (E) The maximum lot coverage of all accessory dwelling units and accessory structures in combination shall not exceed the district requirements as listed under Table 5.1 and Table 7.01;

see also Section 3.7. For accessory structures, the total floor area shall not exceed a maximum of 2,500 square feet or seventy-five (75) percent of the heated gross floor area (GFA) of the principal use, excluding garages, patios, and basements, whether heated or unheated.

**3.5.1-5: Height.**

Accessory structures shall not exceed the height of the principal structure, or twenty-four (24) feet, whichever is less. Height is calculated as defined in Article 2, under “Building Height.” In cases of unusual topography or uncertainty regarding the maximum height permitted, the Chief Building Official (CBO) shall make the final determination.

**3.5.1-6: Construction and Permitting Requirements.**

(A) Building permit shall be required for the placement of all accessory structures greater than 120 gross square feet.

(B) Where applicable, accessory structures must comply with adopted fire safety and building code regulations, as determined by the Chief Building Official;

(C) Certificate of Occupancy (C.O.) shall be required for all accessory structures in excess of 120 gross square feet. A C.O. shall be required for all accessory structures connected to utilities;

(D) Any accessory building which covers more than 120 gross square feet shall be secured to the ground with a full perimeter foundation to prevent the structure from being moved or damaged by high winds.

**3.5.2 Accessory Uses for Residential Uses and Districts.**

**3.5.2-2: Swimming Pools, Spas and Hot Tubs for Private Use.**

Swimming pools and similar structures, such as spas and hot tubs containing more than 24 inches of water shall be surrounded by an effective barrier with a sturdy material and colors compatible with the principal structure; that prevents entry, that is continuous around the pool and is a minimum five (5) feet in height; Gates and doors of such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No exiting pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. A permit is required. Permit fees are established by the City Council from time to time and shall be paid by the developer, contractor or property owner.

**3.5.2-3: Satellite Dish Antennas.**

Satellite dish antennas shall be prohibited on the roofs of structures and in the front yards. When the dishes are placed in the side yard, they shall meet the side yard setback requirements of the respective zoning district. 18” Satellite dish antennas are allowed on rooftops.



### **3.5.2-4: Amateur (“Ham”) Radio Towers.**

Amateur (“Ham”) radio towers shall be located in the required rear yard only. The height of the tower shall not exceed one hundred (100) feet and it shall be setback from all property lines at a minimum distance equal to one hundred ten percent (110%) of the tower height.

### **3.5.2-5 Animal Agriculture – Residential Districts<sup>18</sup>**

(A) Within all Single-Family and Two-Family Residential Districts, the following regulations shall apply:

- (1) The raising and keeping of livestock (personal pleasure) on a lot owned or leased by the owner of the livestock shall only be allowed in each single-family and two-family residential zoning classification on tracts of two (2) acres or more, limited to one (1) animal per acre, except as provided in this Section. The keeping and maintenance of livestock shall be for non-commercial purposes in all residential districts. The placement of livestock on any tract shall be kept within appropriate fencing. Barns or accessory structures associated with said livestock shall be set back at least seventy-five (75) feet from any property line.
- (2) On all lots less than 2 acres, the following shall apply with regards to livestock:
  - a) Goats shall not exceed 24 inches in height (at the withers) or 80 pounds in weight. No more than two (2) goats per property are permitted.
  - b) Miniature pigs shall not exceed 22 inches in height or 125 pounds in weight. No more than two (2) pigs per property are permitted.
- (3) Backyard chickens raised for the purpose of providing food (eggs) or companionship as a pet (*Gallus gallus domesticus*) shall have the following regulations:
  - a) Total number of hens per lot shall be as follows:
    - i. 0 – 0.5 acre lot = 4 hens
    - ii. 0.5 – 1.0 acre lot = 8 hens
    - iii. 1.01 + acre lot = 1 additional hen per acre above the original eight to a maximum of 12
  - b) No roosters or crowing hens shall be permitted.
  - c) No free range chickens shall be permitted.
  - d) All chickens shall be maintained in the rear yard only within a covered enclosure, containing an area of not less than 10 square feet per chicken, and set back a minimum of ten (10) feet from all property lines and no less than twenty-five (25) feet from any residential structure on an adjacent property.
  - e) Within the fenced enclosure, a well-maintained structure (henceforth referred to as a coop) shall be required for the chickens. The coop must be less than 12 feet in height

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<sup>18</sup> Amended by City Council with text amendment, TA-04-2013, 08/19/2013.

and impermeable to rodents, wild birds, and predators, including dogs and cats, and must contain 2 square feet per hen.

- f) The coop and fenced area shall provide adequate ventilation, adequate sun and shade.
- g) The coop and area within the fenced enclosure must be clean and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- h) The enclosure shall include an area darkened for roosting and sleeping with the intent to minimize or eliminate noise at night.
- i) Odors from chickens, chicken waste, or other chicken-related substances shall not be perceptible at the property boundaries.
- j) Coops and feed are to be secured at all times to prevent any potential nuisance with mice or other pests.
- k) Provision must be made for the storage and removal of droppings and any dead birds. All stored droppings shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other droppings not used for composting or fertilizing shall be removed by placing in a waterproof container and disposed of with the household trash. In addition, the coop, enclosure and surrounding area must be kept free from trash and accumulated droppings. Dead chickens must be disposed of in a sanitary manner.
- l) Manure composted and applied directly onsite must be done in such a way as to prevent nuisance and polluted stormwater runoff.
- m) Chickens must be provided with access to feed and clean water at all times. All stored food must be kept indoors or in a weather resistant container designed to prevent access by animals.
- n) No breeding of chickens shall occur on the property.
- o) No chicken shall be used or trained for the purpose of fighting for amusement, sport or financial gain.
- p) The sale of animal products including, but not limited to meat, eggs, and manure shall be prohibited.
- q) No slaughtering of any animal is permitted.
- r) Any animal that attacks, injures or kills a chicken not on the chicken keeper's property shall not be deemed a "dangerous animal" nor shall the owner of such animal be charged with Dangerous Animal pursuant to Section 14-93 of the Code of Ordinances of the City of Holly Springs. It is the sole responsibility of chicken keepers to ensure their chickens do not leave their property.

(D) Vacant undeveloped lots shall not be permitted for animal agriculture use within the residential districts. A principal structure must be located on the lot.

(E) Properties are subject to compliance with all other City Codes and Ordinances where not in conflict with this section.

(F) If a property is found to have more than the allowable number of animals as specified in this section or if the animals are not cared for or contained in the manner specified in this section, or the animals are creating a nuisance, the property owner or resident shall be issued a citation and be required to remove all of the animals in excess of the maximum allowable

number specified and/or care for and contain the animals in accordance with all codes and laws.

- (G) If a property owner or resident is cited more than three (3) times within a 365-day period for violating the conditions of this section, in addition to any fine the municipal court may also ban the property owner or resident from having any said animals on the subject property for a period up to one (1) year.

### **3.5.2-6: Home Based Business.**

See Section 3.6.

### **3.5.3: Fences and Walls<sup>19</sup>**

(A) Within all Residential Uses and Districts, the following shall apply:

1. No fence or wall shall exceed eight (8) feet in height, unless otherwise required as determined by the City Engineer or CBO;
2. In a front yard abutting a public street, no fence or wall shall exceed four (4) feet in height. Additionally, no fence in a front yard abutting a public street shall be constructed of woven wire or metal fabric (chain-linked, hog wire, barbed wire, or razor wire, etc.);
3. In a side yard abutting a public street, no fence or wall shall exceed four (4) feet in height forward of the front building line;
4. In a side or rear yard fronting a public street, fences and walls shall not exceed six (6) feet in height. Additionally, no fence in a side or rear yard fronting a public street shall be constructed of woven wire or metal fabric (hog wire, barbed wire, or razor wire, etc.) other than traditional chain-link. A traditional chain-link fence on a side yard fronting a public street is permitted; however, it must terminate halfway between the front and rear building lines. In rear yards that front a public street, chain-link is permitted, though the fence must be set back from the right-of-way enough to provide a landscape strip sufficiently obscuring the fence against public views. Chain-link fences with slats or netting are expressly prohibited;
5. Fences and walls shall be constructed at least six (6) inches from the edge of the property line (end of right-of-way). No fence or wall exceeding four (4) feet in height shall be located within 20 feet of the intersection of two or more public roads, unless otherwise required as determined by the City Engineer or CBO;
6. Nothing herein shall be interpreted to grant rights or privileges supplanting the requirements of established restrictive covenants and/or deed restrictions. Where discrepancies arise, the stricter requirements shall govern.

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<sup>19</sup> Amended by City Council with Text Amendment ORD-21-2017, 10/17/2017.

(B) Within all Non-Residential Uses and Districts, unless specifically stated in 3.5.3 (C), see Article 19.

(C) Within all Industrial Uses and Districts, the following shall apply:

1. All properties located within the existing P. Rickman Industrial Park and Hickory Springs Industrial Park, zoned LI, Light Industrial shall follow the regulations of Article 19, Design Guidelines for Model Zoning Districts. In addition to the fencing materials allowed within Article 19, these properties shall also be permitted to use black vinyl coated chain link fencing.
2. All other Industrial Uses and Districts shall follow the regulations of Article 19, Design Guidelines for Model Zoning Districts, for fencing forward of the front setback. In addition to the fencing materials allowed within Article 19, fencing along the sides and rear shall also be permitted to use black vinyl coated chain link fencing.

### **3.5.4: Accessory Dwelling Units for Residential Uses and Districts.**

Affordable housing and neighborhood stability are important public objectives in the City of Holly Springs, Georgia. In recent years, accessory dwellings have become an important method to permit families to remain in their homes by securing rental income, while at the same time providing affordable housing for the elderly, single-person households, students, and other types of households. Accessory dwellings are also known as “carriage houses,” “granny flats,” or “ECHO homes” (an acronym for “elder cottage housing opportunities”).

This section allows accessory dwelling units to provide the opportunity to develop small dwellings designed, in particular, to meet the special housing needs of single persons and couples of modest income. This section allows and encourages the more efficient use of the existing housing stock to preserve historic structures and to provide an incentive for their maintenance. Design standards are established to ensure that accessory dwelling units are located, designed, constructed, landscaped, and decorated in such a manner that, to the maximum extent feasible, the appearance of the principal structure remains as a single family detached dwelling. It is also the intent of these regulations to assure that the single-family character of the property will be maintained and that the accessory dwelling unit remains subordinate to the primary living quarters.

#### **3.5.4-1: Accessory Dwelling Units in Detached Buildings.**

##### ***3.5.4-1.1 Applicability***

This section applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.

##### ***3.5.4-1.2 Number Permitted***

Only one accessory dwelling unit is permitted per lot. An accessory dwelling unit shall not contain more than two (2) bedrooms.

### **3.5.4-1.3 Location**

Accessory dwelling units shall only be permitted for construction in the side or rear yard of tracts zoned or used as residential or agricultural. Such structures shall also not be permitted in any side yard that fronts a public street, unless adequate screening is provided, either with a solid fence, landscaping, or a combination thereof.

### **3.5.4-1.4 Scale, Setbacks and Height**

(A) The height of the accessory dwelling units shall not exceed the height of the principal structure on the lot, or two stories, whichever is less. Height is calculated as defined in Article 2, under “Building Height.” In cases of unusual topography or uncertainty regarding the maximum height permitted, the Chief Building Official (CBO) shall make the final determination.

The gross floor area (GFA) of an accessory dwelling unit shall not exceed seventy-five (75) percent of the heated gross floor area (GFA) of the principal structure, excluding garages, patios, and basements, whether heated or unheated, to a maximum of 1,500 gross heated square feet. The building footprint of the accessory dwelling unit shall not exceed 40 percent of the building footprint of the principal structure.

(B) The maximum lot coverage of all accessory dwelling units and accessory structures in combination shall not exceed the district requirements as listed under Table 5.1 and Table 7.01.

(C) Accessory dwelling units shall adhere to the respective principal structure yard and setbacks required by the residential or agriculture district in which the unit is proposed for construction; and as required by applicable building codes.

### **3.5.4-1.5 Building Design**

In order to maintain the architectural design, style, appearance, and character of the primary structure as a single-family residence, the accessory dwelling unit shall have a roof pitch, siding, and window proportions identical to that of the principal structure.

### **3.5.4-1.6 Occupancy**

(A) The total number of occupants in the accessory dwelling unit shall comply with the occupancy standards of the building code.

(B) The property owner must occupy either the principal dwelling or the accessory dwelling as the permanent residence. For purposes of this section, “property owner” means the title holder and/ or contract purchaser of the lot, and “owner occupancy” means that a property owner, as reflected in the title records, makes his/her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

(C) The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the principal dwelling or the accessory dwelling. The applicant shall provide a covenant suitable for recording with the recorder of deeds providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section, and to provide for the removal of improvements added to convert the premises to an accessory

dwelling and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

**3.5.4-1.7 Parking**

One (1) parking space shall be provided for the accessory dwelling unit in addition to the principal structure (dwelling) parking as required by Article 11. Said parking shall be provided on an approved and permitted driveway or parking pad.

**3.5.4-1.8 Utilities**

All required utilities of the accessory dwelling shall be connected to the principal structure. Separate or secondary meters are prohibited.

**3.5.4-1.9 Appeals**

Applicants seeking to construct accessory dwelling units exceeding the minimum requirements set forth herein, shall be required to apply for and receive a Conditional Use Permit (CUP) from City Council, in accordance with the procedures set forth in Article 14.

**3.5.5: Accessory Structure Requirements for Nonresidential Uses and Districts**

An accessory structure for nonresidential uses and districts is an uninhabited building or structure that is detached from the principal building on lot of record, the use of which is incidental and subordinate to the principal structure on the property. Under no circumstances shall an accessory use be construed to authorize a use that is not permitted in the zoning district in which the principal structure is located. In no event shall an accessory use or structure be established prior to the principal use or structure to which it is accessory.

(A) Accessory structures for nonresidential uses and districts shall comply with the following standards and all other applicable regulations of this zoning ordinance:

- (1) An accessory structure or outbuilding is an uninhabited building or structure that is detached from the principal building on the lot of record, the use of which is incidental and subordinate to the principal use on the property;
- (2) The accessory use or structure shall be subordinate in area, extent and purpose to the principal use or structure served;
- (3) The accessory use or structure is intended to contribute to the comfort, convenience or necessity of the occupants of the principal use or structure served;
- (4) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.

**3.5.5-1: Establishment.**

(A) In no instance shall an accessory building or use be established on a vacant lot.

(B) Accessory structures shall not be used for dwelling purposes.

**3.5.5-2: General Requirements.**

(A) Accessory structures shall not include the conduct of trade.

(B) Accessory uses shall be located on the same lot as the principal use for which they serve.

(C) Accessory uses in an apartment development may include, but shall not be limited to, laundry facilities for the convenience of residents. All accessory structures in an apartment development shall be of construction equal to and compatible with the principal use structures and shall meet principal use setback requirements.

**3.5.5-3: Dimensional and Density Standards.**

(A) Accessory structures shall not be permitted in any front yard. Such structures shall also not be permitted in any side yard that fronts a public street, unless adequate screening is provided, either with a solid fence, landscaping, or a combination thereof.

(B) Accessory structures shall adhere to the setbacks of the respective nonresidential zoning district in which the structure is proposed for construction.

(C) Accessory structures shall not exceed seventy-five (75) percent of the gross floor area (GFA) of the principal use.

**3.5.5-4: Height.**

Accessory structures shall not exceed the height of the principal structure, or twenty-four (24) feet, whichever is less. Height is calculated as defined in Article 2, under “Building Height.” In cases of unusual topography or uncertainty regarding the maximum height permitted, the Chief Building Official (CBO) shall make the final determination.

**3.5.5-5: Construction and Permitting Requirements.**

(A) Building permit shall be required for the placement of all accessory structures;

(B) Where applicable, accessory structures must comply with adopted fire safety and building code regulations, as determined by the Chief Building Official;

(C) Certificate of Occupancy (C.O.) shall be required for all accessory structures;

(D) All accessory structures shall be secured to the ground with a full perimeter foundation to prevent the structure from being moved or damaged by high winds;

(E) Construction trailers and temporary structures shall be prohibited on nonresidential, except as provided by the Development Regulations.

### **3.5.6: Addition Accessory Structures for Nonresidential Uses and Districts**

#### **3.5.6-1 Incidental Accessory Structures.**

Incidental accessory structures for nonresidential uses and districts are permitted devices and structures, to include, but not be limited to mailboxes, vending machines, and drop off boxes. Incidental accessory structures are very minor features or elements associated with a principal structure, business entity, or owner of the property on which they reside, supporting the functions and establishment of the primary use of the property.

Incidental accessory structures shall be placed in customary and traditional locations on the premises, avoiding locations that impede traffic or pedestrian access. They should typically be located in areas as under canopies or covered areas on the premises, unless otherwise approved for placement elsewhere on the premises by the Zoning Administrator, or as governed by state and federal law.

#### **3.5.6-1 Third Party Accessory Structures.**

Third party accessory structures are defined as temporary or permanent structures, boxes, containers, racks, stands, or designated locations on a premises, intended for the benefit of a third party entity not associated with the transaction of business or part of the operation of an entity located on the premises, or owned and operated by the premises property owner. These third-party entities could include corporate, non-profit, or charitable organizations; and third party accessory structures include, but are not limited to: donation boxes, booths, standalone ice vending structures, stands, trailers, modular units, or any temporary or permanent device or structure intended for patronization by the public, outside of the entities located in the principal structure(s) on the premises.

Third party accessory structures are expressly prohibited in the City of Holly Springs, in the front or side yards. Said structures shall only be permitted in the rear yard of a principal structure, complete with screening and buffering from public views, should the rear yard front a public street or private commercial drive. Additionally, said structure shall also be required to apply for and receive an occupational tax permit from the City of Holly Springs. The final placement of the third-party accessory structure on the premises is approved only by the Zoning Administrator. Freestanding signage or signage not affixed to the structure itself for third party accessory structures are expressly prohibited.

Shall not include permanent structures intended as part of a campus environment or uses identified in the City Code and elsewhere for solicitors and peddlers. Shall also not include seasonal sales or sales of a temporary nature, sponsored by the primary vendors and business entities on a premises.



### **3.6 Home-Based Business**<sup>20</sup>

**3.6-1:** A Home-Based Business is an occupation, business, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use which is clearly incidental to the dwelling unit for residential purposes and which meet all of the following conditions:

- A. The use shall be carried out wholly within the dwelling unit. The attachment of an accessory building by a breezeway, roof or similar structure shall not be deemed as sufficient for the accessory building to be considered as a portion of the primary buildings.
- B. Not more than twenty-five percent (25%) of the floor area, not to exceed five hundred (500) square feet, of the unit shall be used for the conduct of the home-based business. To ensure this criterion is met, applicant is required to include a sketch of the area to be used for home-based business use.
- C. No merchandise or articles shall be displayed for advertising purpose, nor be displayed in such a way as to be visible from outside the dwelling unit. Garage doors shall not be left in the open position when the garage is used for storage of business-related materials.
- D. No merchandise or articles shall be stored other than inside the dwelling unit.
- E. No equipment or business vehicles may be stored or parked on the premises, except that one (1) business vehicle (the carrying capacity of which shall not exceed one and one-half (1-1/2) tons and shall not exceed six (6) tires and/or two (2) axels) used exclusively by the resident may be parked in a carport, garage or an approved parking space in the rear or side yard and not within the public right-of-way.
- F. Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express, and other delivery services providing regular service to residential uses. All vehicular traffic to and from the home office use shall be limited in volume, type and frequency to what is normally associated with other residential uses.
- G. There shall be no alterations of the residential character of the dwelling unit or structures on the premises.
- H. Only residents of the premises may be employed on the premises in pursuit of the business, trade or occupation or profession.
- I. One (1) off-street paved parking space for each two hundred fifty (250) square feet of floor area devoted to the home occupation shall be provided in addition to the required parking for residential use of the building.

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<sup>20</sup> Amended by City Council with text amendment, 04/21/2008

- J. No motor power, other than electricity operated motors, shall be used, and the total horsepower of such motors shall not exceed three (3) horsepower or one (1) horsepower for any single motor.
- K. No business, trade, profession or occupation shall qualify as a home occupation if the pursuit of such generates noise which is audible beyond the property lines of the property upon which the premise is located.
- L. No aspect of the home occupation which is noticeable to neighbors shall be conducted between the hours of 9:00 PM of one evening and 7:00 AM of the next day.

**3.6-2 Prohibited Home Based Business.** The following uses shall be prohibited:

- A. Major appliance repair.
- B. Automobile, truck or motorcycle repair; parts; sales, upholstery, or detailing; washing service
- C. Boarding house, time-share condominium
- D. Private Clubs
- E. Restaurants and taverns
- F. Tow truck service
- G. Veterinary uses (including care, grooming, or boarding).
- H. Retail and wholesale business
- I. Any outside storage

**3.6-3 Unspecified Home-Based Business.** Any proposed home-based business that is not specifically listed as permitted or prohibited shall be evaluated by the Zoning Administrator, subject to approval based on criteria as provided in section 3.6-1.

**3.7: Fees.** Charges or monetary assessments for the services rendered under the Holly Springs Zoning Ordinance and other officially adopted regulations and policy documents, set by the Mayor and City Council by resolution from time to time. Also known as “Community Development Fee Schedule.” See also Article 1.

**3.8: Access to Public Street.** Every principal building hereafter erected shall be on a zoning lot or parcel of land which adjoins a public street forty (40) feet in width or a permanent easement of access to a public street; such easement to be at least twenty-five (25) feet wide with a minimum lot size of one and one half (1.5) acre unless a lesser width was duly established and recorded prior to the effective date of this Ordinance. Access drives and driveways shall be graded and paved.

**3.9: Vision Clearance at Intersections.** In all Zoning Districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet, except utility poles, light or street sign standards or tree trunks shall be permitted within twenty-five (25) feet of the intersection of the right-of-way lines of streets, roads, highways, or railroads.

**3.10: Approvals for Developments along Interstate Highways.** For all business and industrial developments fronting on a state or interstate highway, no building permit shall be issued until the approval of the Georgia Department of Transportation has been obtained by the applicant on

entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the Department.

**3.11: One Principal Building On a Lot.** Except as provided herein, with respect to single-family detached buildings, only one principal building and its customary accessory structures may be erected on any one lot.

**3.12: Classification of Streets.** For the purposes of this Ordinance, all streets in Holly Springs are classified as defined under Article 2 – “Street.” The classification of each street is based on the City of Holly Springs Functional Classification Map as prepared by the City Engineer.

**3.13: Connecting Access Among Adjoining Businesses.** Except as otherwise provided in this Article, the site plan of each business property shall include a minimum twenty (20) foot width roadway, which shall connect to adjoining business property. The road is not required to be paved unless and until the adjoining property is developed. The Zoning Administrator is authorized to grant an exception to this requirement upon presentation of an engineering feasibility study presented to and satisfactory to the Zoning Administrator that due to location, isolation, uniqueness of land, or topography, a connecting access is not feasible or is not warranted. Such an exception shall be made a part of the public record with the findings of the Zoning Administrator set out and the engineering study attached.

**3.14: Incorporation by Reference of Other Ordinances.** Incorporated herein by reference and made a part of this Zoning Ordinance are the following ordinance provisions:

**3.14-1** The City of Holly Springs Development Regulations, adopted May 15, 2006, now and as amended;

**3.14-2** The January 22, 2001 Soil Sedimentation and Control Ordinance, now and as amended, with the exception that grading/land clearing permits are required for any and all excavation in the City of Holly Springs on all lots;

**3.14-3** The June 30, 1988 Cherokee County Flood Plain Regulation Ordinance, as re-enacted July 25, 1990, now and as amended;

**3.14-4** The Feb. 19, 1996 Ordinance adopting all State Minimum Standard codes as defined in O.C.G.A. 8-2-20 or any other statute enacted to replace or amend it;

**3.14-5** The June 14, 1988 Indian Artifacts Preservation Ordinance, re-enacted July 25, 1990; now and as amended;

**3.14-6** The City of Holly Springs Comprehensive Plan 2018 – 2038, with all maps, sections, and subsections therein, now and as amended.

**3.15: Standards and Procedures Not Otherwise Provided.**<sup>21</sup> To effectuate the objectives of this Zoning Ordinance, where not otherwise specifically provided for, the following standards and procedures shall apply to administrative decisions and proceedings:

**3.15-1: Standards**

- A. The matter is not one properly heard first by another person or body.
- B. The matter is a proper subject of the zoning ordinance.
- C. Balanced against each other, the interests of applicant in the use of his property outweigh the interest of promoting the public health, safety, morality, or general welfare. The public interest must be found to be absent or minimal.
- D. The matter will not increase local expenditures to service or maintain the area.
- E. The matter, if granted, will not impede the normal and orderly development of surrounding uses predominant in the area or shown in a land use plan; will not be injurious to the use and enjoyment of other properties in the immediate vicinity; and will not diminish or impair the property values within the surrounding neighborhood.

**3.15-2: Procedures.** Basic procedures for administrative decisions and appeals therefrom shall be as follows:

- A. The applicant shall submit an application, information, and fees the same as in a variance case and, where the form does not fully address the action sought, shall submit such other additional information as may be necessary to present a claim. Where the applicant is an agent on behalf of the City of Holly Springs, the applicant shall also state what action was taken in attempting to obtain compliance with the Zoning Ordinance.
- B. The procedures set forth in Section 15.3-2, Appeals, shall then be followed.

**3.16: Building Design.** Requirement for all zoning districts:

Building designs and materials may be of the developers or builders choosing. However, if structures utilize metal siding it shall be constructed with brick, stone, rock, composite siding or wood to cover any façade of the building facing a roadway and all sides of the structure, if built on a lot abutting a more restrictive zoning district or if the sides of the building can be viewed from any roadway. Further, such covering must be in place by final inspection or no C.O. shall be issued. Structures utilizing metal siding without one of the above façade coverings are prohibited in all residential zoning districts. Said requirements shall be considered in conjunction or in addition to all other requirements within this ordinance

**3.17: Unusual Structures.** In all zoning districts, structures, whether principal or accessory, proposed for construction or erection by atypical methods, including but not limited to inflation,

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<sup>21</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

unconventional assemblage, or stacking, shall be subject to the regulations set forth by the Zoning Ordinance and adopted building codes. Should the Zoning Administrator or CBO determine the structure proposed does not meet the minimum code requirements set forth or the intent of the code, the applicant must apply for and receive a Conditional Use Permit (CUP) from City Council, in accordance with the procedures set forth by Article 14, to prior to the issuance of a building permit

**3.18: Commercial Dumpster Standards.**<sup>22</sup> All commercial uses in the City of Holly Springs are required to properly dispose of trash, waste, and garbage. The provision of disposal may be by commercial dumpster, trash cans, or by other means provided that legally and sanitarly transfers the trash, waste, or garbage off the premises for proper disposal. Should a commercial business in the City plan to store trash, waste, or garbage on the premises, however, said entity must provide for storage provisions in compliance with this article. Grease containers shall be sheltered, in compliance with other applicable building and zoning codes, now and as amended.

**3.18-1: Dumpster Pad Enclosure (DPE) Required.** All commercial uses in the City, planning to store trash, waste, or garbage on the premises shall provide a dumpster pad enclosure (DPE) for the garage containment device(s), compliant with the following standards:

- A. The dumpster pad enclosure shall be located behind the front building line. Should the topography or other physical hardship not allow the enclosure to be located behind the front building line, the Zoning Administrator or CBO shall designate the location for the DPE.
- B. The DPE should be located on the site as inconspicuously as possible, either in the side or rear yard of the principal building. The DPE shall not be located any closer than five (5) feet to a lot line.
- C. The DPE shall have a concrete pad inside for the placement of the garage containment device, large enough to provide adequate support and allow for drainage requirements as dictated by the current applicable building codes, as determined by the CBO.
- D. The DPE shall be an enclosure with a minimum height of six (6) feet or equal to the garbage containment device with the highest measurement if taller than six (6) feet, shall be compatible with the design and color of the principle building, and shall be kept free of advertising.
- E. The DPE shall be constructed of materials that match or complement the principal building, appearing architecturally compatible. The DPE may be constructed wood, concrete masonry units, brick, or other impenetrable material as approved by the Zoning Administrator or CBO.
- F. The DPE must have gates that shall be constructed with commercial grade hinges, poles and hasps. The gates shall have a closing latch and gates must remain closed at all times except during service. Gates may be constructed of wood, metal, or, other materials

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<sup>22</sup> Amended by City Council with text amendment, 08/17/2009

compatible with the architecture of the DPE and principal building. Metal gates must be coated with vinyl, powder, or similar process. Chain-link fencing is not permitted.

- G. The DPE shall not be placed within an undisturbed buffer. Landscaping around the DPE may be required by the Zoning Administrator, depending on the placement of the DPE. Should the DPE be visible from public rights-of-way or adjacent access roads, landscaping materials, primarily shrubbery, shall be required to supplement screening.

**3.18-2: Restricted Hours.** A garbage containment device shall not be serviced between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and between the hours of 9:00 p.m. and 9:00 a.m. on weekend days and federal holidays, so as to create a noise disturbance to adjacent and nearby residents. Should this requirement conflict with a rezoning ordinance stipulation attached to a parcel, entity, or project, said rezoning ordinance shall take precedence. See also Article III - Noise, Chapter 34 – Environment, of the Code of the City of Holly Springs, Georgia.

**3.18-3: Maintenance.** Dumpster pad enclosures shall be maintained in good repair at all times. Structures that become dilapidated or derelict shall be repaired and restored in compliance with this article.

**3.18-4: Conflicts.** Should this article conflict with the provisions of Article 19 or any other requirements of the Holly Springs Zoning Ordinance or Code of the City of Holly Springs, Georgia, in addition to these requirements, the stricter standard shall prevail.

**3.18-5: Appeals.** See Article 15.

**ARTICLE 4: ESTABLISHMENT OF DISTRICT BOUNDARIES: THE OFFICIAL HOLLY SPRINGS ZONING MAP. ADOPTED POLICY MAPS<sup>23</sup>**

**4.1: Zoning Map.** The boundaries of the districts established by the Holly Springs Zoning Ordinance are hereby established as illustrated on the “Official Holly Springs Zoning Map,” which may include a series of maps in section (sometimes hereinafter referred to as “Zoning Map”). The established Zoning Districts and uses are regulated under Article 5. The Zoning Map shall include all zoning districts, including but not limited to overlays, mixed use, model zoning districts, variances, and any formal action by City Council affecting land use change. The Zoning Map shall show the boundaries of all zoning districts as well as the land use areas assigned by zoning district category.

For the purpose of this Ordinance, the City is divided into zoning districts as shown on the Zoning Map as adopted by the City Council and amended from time to time. The Zoning Map is hereby made a part of this Ordinance, made of public record, and shall be maintained current by the Zoning Administrator and kept permanently in the office of the Zoning Administrator and City Clerk. The original and Official Holly Springs Zoning Map shall be signed (by the Mayor) shall be kept by the Zoning Administrator.

**4.1-1: Zoning Map Adoption Procedures.** The Zoning Map shall be adopted and produced in accordance with the following procedures:

- A. Produced by the Zoning Administrator, the Official Holly Springs Zoning Map shall contain the following features:
  - a.) All adopted zoning districts color-coded; and
  - b.) A signature block with date for the Mayor of the City of Holly Springs; and
  - c.) Date of map preparation; and
  - d.) Official adoption date by City Council; and
  - e.) Official City Seal (printed); and
  - f.) The following disclaimers: “Notice: The map was compiled from various sources. No warranties or representations are expressed or implied in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular purpose. This map was prepared by the City of Holly Springs Zoning Administrator and the Community Development Department. The City of Holly Springs, Georgia, assumes no liability for errors or omissions contained within this map.”; and
  - g.) Any other relevant features deemed necessary by the Zoning Administrator.

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<sup>23</sup> Amended by City Council with text amendment, 12/01/2008.

- B. Review and public hearing before the Planning and Zoning Commission in accordance with regulations established by Article 14 and state law, now and as amended; and
- C. The Planning and Zoning Commission shall render a recommendation, forwarded to the City Council; and
- D. The City Council, at their discretion, shall render a final decision on the Zoning Map; and
- E. Upon adoption, the Zoning Map shall be valid upon signature by the Mayor of the City of Holly Springs, Georgia.

**4.1-2: Changes Due to Map Amendment and Annexation**<sup>24</sup>. If, in accordance with the provisions of the Zoning Ordinance, changes are made in the district boundaries or other information portrayed on the Zoning Map, changes, including annexations, shall be made on the Zoning Map after the amendment has been approved by the City Council; however, said changes to the Zoning Map are effective concurrent with the date an amendment is adopted by the City Council, whether or not they have been physically made and represented. No changes of any nature other than to correct drafting errors shall be made on the Zoning Map or matter shown thereon except in conformity with amendments to the map approved by the City Council or by the action of a Court having proper jurisdiction.

**4.1-3: Zoning Map, Text Conflicts.** Should the adopted Zoning Map conflict with a written text amendment or ordinance, properly adopted to establish the zoning on a parcel or parcels, the written text amendment or ordinance shall govern, and the Zoning Map shall be amended to illustrate the zoning classification established in the text amendment or ordinance. Additionally, whether graphically represented or not by the Zoning Map, a text amendment or ordinance adopted for a specific parcel(s) as a zoning decision by the City Council, subsequent to the adoption of the Zoning Map, shall govern the land use on said parcel until such time that the Zoning Map can be updated by the Zoning Administrator.

**4.2: District Boundaries.**<sup>25</sup> Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

**4.2-1** Where boundaries are indicated as approximately following the centerline rights-of-way of streets and alleys, land lot lines shall be construed to be such boundaries.

**4.2-2** In unsubdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps.

**4.2-3** Where boundaries are so indicated that they are approximately parallel to the centerline of right-of-way of street, alley or highway, such boundaries shall be construed as indicated on the zoning maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on such map.

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<sup>24</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

<sup>25</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.



**4.2-4** Where a district boundary line divides a lot that was in single ownership at the time of passage of this article, a special exception may be permitted for the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot, by following the procedures set forth in Section 15.3-3, Special Exceptions and Interpretations.

**4.2-5** In case any further uncertainty exists, the Planning & Zoning Commission shall determine the location of boundaries pursuant to the provisions set forth in Section 15.3-3, Special Exceptions and Interpretations.

**4.3: Adopted Policy Maps.** Adopted as components of the City of Holly Springs Comprehensive Plan (Community Agenda), now and as amended, the City of Holly Springs City Council set forth policy maps to guide the future development and vision of the City. These maps direct zoning decisions and are intended to steer land uses in various areas of the City, now and in the future.

**4.3-1: Future Development Map (FDM).** The map, now and as amended, named as such and contained in the Comprehensive Plan (Community Agenda), now and as amended, that emphasizes character and design for designated areas, as opposed to recommendations for specific land uses. This map is required by the state’s administrative rules for local planning. Also known as the “Character Areas Map.”

**4.3-2: Future Land Use Map (FLUM).** The map, now and as amended, named as such and contained in the Comprehensive Plan (Community Agenda), now and as amended, that indicates areas appropriate for various land uses and public facilities over time and as described in the Comprehensive Plan text.

## ARTICLE 5: DISTRICT USES AND REGULATIONS<sup>26</sup>

**5.1: Development Standards.** The requirements regarding lot size, building size, and building placement on the lot for each zone district shall be met as provided below. A summary of the Zoning District Schedule is listed in Section 5.2.

**5.1-1 Lots of Record:** Any lot of record existing at the time of adoption or amendment of this Ordinance, that has an area or width that is less than required by this Ordinance, may be used, subject to the following exceptions and modifications.

- A. **Adjoining Lots:** When two (2) or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of this Ordinance and such lots, individually, have an area or width that is less than as required by this Ordinance, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located.
- B. **Individual Lot Not Meeting Minimum Lot Size Requirements:** Except as set forth in Section 5.1-1A, in any Zoning District in which one-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of this Ordinance which has an area, width or depth less than that required by this Ordinance may be used as a building site for a one-family dwelling.

**5.1-2 Lot Area.** No lot, existing at the time of passage of this Ordinance shall be reduced in size so that lot width or depth, size of yards, lot area per family or any other requirement of this Ordinance is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose.

**5.1-3 Corner Lots.** On lots having frontage on more than one (1) street at an intersection, the side yard shall be considered as parallel to the street upon which the lot has its most dimension. The minimum side yard requirement shall not be less than one-half (1/2) of the required front yard setback. However, in no case shall the setback be reduced to less than twenty (20) feet, and the build able width of a lot of record at the time of issuance of this Ordinance be reduced to less than twenty-eight (28) feet.

**5.1-4 Through Lots.** On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance.

**5.1-5 Double Frontage Corner Lot.** On lots having frontage on more than two (2) streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two (2) of the street frontages. The minimum front yard on the

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<sup>26</sup> Amended by City Council with text amendment, 11/21/2005, 09/18/2006, 11/20/2006, 08/18/2008, 01/22/2009.

other frontage or frontages may be reduced along the other streets in accordance with the provisions of Section 5.1-3.

**5.1-6 Density.** No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

- A. House greater number of families per acre or occupy smaller lot area per family than are herein required.
- B. Have narrower or smaller front, rear or side yards than are herein required.

**5.1-7 Yards and Other Spaces.**

- A. No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with the regulations of this Ordinance shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided herein.
- B. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
- C. Where these regulations refer to side streets, the Zoning Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of the two streets is the side street.
- D. Every part of a required yard shall be open to the sky, except as authorized by this Article, and excepting ordinary projections of skills, belt courses, window air conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed twenty-four (24) inches into a required yard.

**5.1-8 Front Yards.**

- A. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- B. Open, unenclosed porches, platforms or paved terraces, not covered by a roof or canopy, and which do not extend above the level of the first floor of the building, may extend or project into the front or side yard not more than six (6) feet.
- C. Within the same block and zoning district, when twenty five percent (25%) or more of the existing buildings which are located within two hundred (200) feet of each side of a lot have less than the minimum required setback, the setback of such lot should not exceed the average of the existing setbacks.

**5.1-9 Side Yards.**

- A. For the purpose of the side yard regulations, a group of business or commercial buildings separated by common or party walls shall be considered as one building occupying one lot.
- B. The minimum width of side yards for schools, libraries, churches, community houses and other public and semi-public buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or commercial district, in which case the width of that yard shall be the required in Section 5.2 for the district in which the building is located.

**5.1-10 Rear Yards.** Open or lattice-enclosed fire escapes, outside stairways, balconies opening up on fire towers and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.

**5.1-11 Height.** No building or structure shall hereafter be erected, constructed, reconstructed or altered to exceed the height limits except for the following uses:

- A. Belfries
- B. Chimneys
- C. Church spires
- D. Conveyors
- E. Cooling towers
- F. Elevator bulkheads
- G. Fire towers
- H. Flag poles
- I. Ornamental towers and spires
- J. Public monuments
- K. Commercial towers and television towers less than 75 feet in height. Towers in excess of 75 feet require a public hearing. See Article 6.
- L. Silos
- M. Smoke stacks
- N. Stage towers or scenery lofts
- O. Tanks
- P. Water towers and stand
- Q. Pipes
- R. Amateur (“Ham”) radio towers (See Section 3.5-8)

Public, Semi-public and public service buildings, hospitals, institutions, schools, churches and temples may be erected to a height not exceeding the capability of adequate fire protection by the Fire Department. The required side yard and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulation for the district in which the building is located.

**5.1-12 Dry Sewers.** In all R-20 developments, the developer shall install all pipes, pumps, and other equipment or material necessary for sewer service to each building in the development, as approved by the City, even if sewer service is not then available to the development. All residents in a development where a dry sewer has been installed shall be required to apply for sewer service when the service becomes available to the development. The developer shall make it known to all purchasers that the property owner at the time sewer service becomes available will be required to apply for the sewer service.

**5.2: Official Zoning Districts and Uses**

**5.2-1 SINGLE FAMILY RESIDENTIAL, R-20**

A) **Purpose:** A single family residential district with two dwelling units per acre maximum and minimum heated area of 1,400 sq. ft. serviced by public water and public sewage or septic tank.

**B) Permitted Uses:**

- Dwelling, single family
- Dwelling, two-family
- Fire station, fire tower
- Recreation parks

**C) Conditional Uses:**

	<u>Article</u>
Cellular phone towers	6
Churches, Synagogue	5.4-13
Golf Courses and Country Clubs	5.4-20
Home Based Business	3.6
Manufactured home, individual lot	8
Professional offices	3.6
Schools, public and private	5.4-39
Signs and outdoor advertising	10
Traditional Neighborhood Development (TND)	7
Utility Substations	5.4-42

**D) Height, Area and Bulk Regulations:**

Minimum Lot Area (sq. ft.)	20,000
Minimum Lot Dimensions	
Width	90'
Depth	None
Minimum Yard Setback	
Front	
Arterial	50'
Collector	40'
Local	30'
Side	10'
Corner Side	20'*
* not less than one-half (1/2) of the required front yard setback	
Double Frontage	See 5.1-5
Rear Yard	30'
Maximum Lot Coverage	30%

\*Septic tank approval is made by the City when the Cherokee County Environmental regulations are met and satisfied.

**5.2-2 SINGLE-FAMILY AND DUPLEX, RD-20**

A) **Purpose:** A single-family and duplex residences district with two dwelling units per acre with heated area of 1,300 sq. ft. per duplex unit and 1,400 sq. ft. per single family unit, served by public water and public sewer or septic tank.

**B) Permitted Uses:**

- Dwelling, single-family
- Dwelling, two-family
- Fire station, fire tower
- Recreation parks

**C) Conditional Uses:**

	<u>Article</u>
Cellular phone towers	6
Churches, Synagogue	5.4-13
Golf Courses and Country Clubs	5.4-20
Home Based Business	3.6
Manufactured home parks	8
Manufactured home, individual lot	8
Professional offices	3.6
Schools, public and private	5.4-39
Signs and outdoor advertising	10
Traditional Neighborhood Development (TND)	7
Utility Substations	5.4-42

**D) Height, Area and Bulk Regulations:**

Minimum Lot Area (sq. ft.)	20,000
Minimum Lot Dimensions	
Width	100'
Depth	None
Minimum Yard Setback	
Front	
Arterial	50'
Collector	50'
Local	35'
Side	15'
Rear	30'
Maximum Lot Coverage	30%

\*Septic tank approval is made by the City when the Cherokee County Environmental regulations are met and satisfied.

**5.2-3 RESIDENTIAL ESTATE, R-30**

**A) Purpose:** A residential district intended to provide single-family densities of one unit per ¾ acre maximum served by public water, public sewer, or septic tank. Minimum heated area of 1,500 sq. ft.

**B) Permitted Uses:**

- Dwelling, single family detached
- Family day care home (within a residential structure only)
- Park and playground
- Private recreation areas in combination with residential development
- Fire station, fire tower

**C) Conditional Uses:**

	<u>Article</u>
Cellular phone towers	6
Churches, Synagogue	5.4-13
Golf Courses and Country Clubs	5.4-20
Home Based Business	3.6
Manufactured home parks	8
Manufactured home, individual lot	8
Professional offices	3.6
Schools, public and private	5.4-39
Signs and outdoor advertising	10
Utility Substations	5.4-42

**D) Height, Area and Bulk Regulations:**

Minimum Lot Area (sq. ft.)	30,000
Minimum Lot Dimensions	
Width	100'
Depth	None
Minimum Yard Setback	
Front Arterial	50'
Collector	50'
Local	35'
Side	15'
Corner Side	30'
Rear	30'
Maximum Lot Coverage	30%

\*Septic tank approval is made by the City when the Cherokee County Environmental regulations are met and satisfied.



**5.2-4 RESIDENTIAL ESTATE, R-40**

**A) Purpose:** A residential district intended to provide single-family densities of one unit per acre maximum served by public water, public sewer, or septic tank. Minimum heated area of 1,800 sq. ft.

**B) Permitted Uses:**

- Dwelling, single family detached
- Family day care home (within a residential structure only)
- Park and playground
- Private recreation areas in combination with residential development
- Fire station, fire tower

**C) Conditional Uses:**

	<u>Article</u>
Accessory uses and structures	3.5
Cellular phone towers	6
Churches, Synagogue	5.4-13
Golf Courses and Country Clubs	5.4-20
Home Based Business	3.6
Manufactured home parks	8
Professional offices	3.6
Schools, public and private	5.4-39
Signs and outdoor advertising	10
Utility Substations	5.4-42

**D) Height, Area and Bulk Regulations:**

Minimum Lot Area (sq. ft.)	40,000
Minimum Lot Dimension	
Width	100'
Depth	None
Minimum Yard Setback	
Front Arterial	50'
Collector	50'
Local	35'
Side	15'
Corner Side	30'
Rear	30'
Maximum Lot Coverage	30%

\*Septic tank approval is made by the City when the Cherokee County Environmental regulations are met and satisfied.

**5.2-5 HIGH DENSITY MULTI-FAMILY RESIDENTIAL, HDMFR<sup>27</sup>**

**A) Purpose:** High density multi-family residential district that would allow up to eight (8) dwelling units per acre, up to twelve (12) dwelling units per acre if located less than two (2) miles of an interstate interchange, and up to sixteen (16) units per acre if located less than one (1) mile of an interstate interchange.

**B) Permitted Uses:**

- Apartments
- Condominiums
- Townhouses
- Taxi stands, dispatching
- Fire station, fire tower
- Recreation parks

**C) Conditional Uses:**

	<u>Article</u>
Accessory uses and structures	3.5
Cellular phone towers	6
Churches, Synagogue	5.4-13
Golf Courses and Country Clubs	5.4-20
Group homes	5.4-22
Home Based Business	3.6
Mobile Home Parks	8
Professional offices	3.6
Schools, public and private	5.4-39
Signs and outdoor advertising	10
Utility Substations	5.4-42

**D) Height, Area and Bulk Regulations:**

Minimum Lot Size: Five (5) acres. Units must have a brick, or rock façade or a combination on all sides visible from public maintained roads with a back façade of Hardi-Plank or similar materials. Units that are not visible from the road should have fifty (50) percent of front and side façade consisting of brick, stone, or a combination. Building design shall also comply with the applicable Model Zoning District (Article 19: Design Guidelines for Model Zoning Districts).

The facility must have amenities to include at least 3 of the following; pool, tennis, fitness center/clubhouse, walking trails, basketball courts, and volleyball courts.

Minimum of 20% green space, 10% of which is required to be a park designed for recreational purposes.

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<sup>27</sup> Amended by City Council with text amendment ORD-15-2016, 11/21/2016.

Minimum Lot Dimensions	
Width	100'
Depth	None
Minimum Yard Setback	
Front: Arterial	50'
Collector	50'
Local	35'
Side	15'
Rear	30'
Maximum Lot Coverage	35%

Minimum Floor Area

Efficiency	650 sq. ft.
1 BR	750 sq. ft.
2 BR	875 sq. ft.
3 BR	1,000 sq. ft.

**E) Maintenance and Occupancy:**

1. All project facilities or systems shall be maintained by the applicant, owner or residents' association in perpetuity. Such systems and facilities shall include, to the extent such items are included in the original approval, the following:
  - a.) All residential buildings/units.
  - b.) Accessory structures, including, common laundry facilities, clubhouse, office building, maintenance building, etc....
  - c.) The water system, including wells, pumps, filters, storage tanks, domestic and fire protection, water distribution systems and controls.
  - d.) Project utilities, including fuel, lighting, electricity, telephone, cable television distribution systems and controls.
  - e.) Roadways, drives and parking areas, including curbing and paving.
  - f.) Drainage systems, including erosion and sedimentation protection, piping, drains, catch basins, manholes, cleanouts and riprap ditching.
  - g.) Recreational facilities.
  - h.) Landscaping, including maintenance of buffer areas and conserved land areas.
  - i.) Other similar project systems and facilities.

2. Occupancy regulations: Copies of actual or proposed project regulations pertaining to the inhabitants of apartments, townhouses, row houses, cooperative apartment buildings and the declarations of unit ownership of condominiums shall be submitted to the Community Development Director **prior to the issuance of a building permit**. These regulations/declarations shall set forth all definitions, articles, rules, bylaws and enforcement procedures pertaining to:
  - a.) Seller's responsibilities.
  - b.) Owner's responsibilities.
  - c.) Maintenance and funding responsibilities.
  - d.) Tenant responsibilities.
  - e.) Occupant's/tenants' restrictions. Such restrictions shall include the prohibition of the use of outdoor devices using a naked, fuel fired, gas or propane fired flame on wooden decks, balconies and the like. Also, there shall be a restriction against parking in designated fire lanes.
  - f.) Maximum unit occupancy.
  - g.) Maximum fines.
  - h.) Active recreational area recreations.
  - i.) Termination procedures.
  - j.) Items which from time to time may be deemed necessary by the Community Development Director to ensure proper zoning enforcement.

**5.2-6 NEIGHBORHOOD COMMERCIAL, NC**

**A) Purpose:** A district intended to provide for services in residential neighborhoods in a unified design in order to protect and provide compatibility to the surrounding residents.

**B) Permitted Uses:** The uses listed below are permitted in the NC District, only after compliance with additional article requirements, if any. The Zoning Administrator, prior to the issuance of an occupational tax license, shall verify compliance with article requirements and all other local, state, and federal regulations, and said business establishment shall at all times thereafter remain compliant with these requirements and the Code of the City of Holly Springs:

<b><u>Permitted Uses:</u></b>	<b><u>Article</u></b>
Antique Shops	
Art Gallery	
Athletic Club, Facilities	
Bakery	
Bank Branches	
Bed and Breakfast <sup>28</sup>	
Book, Stationary, Greeting Card Shops	
Business Office Space (Outdoor Storage or Warehousing Prohibited)	
Café/Restaurant/Supper Club (Drive-thru and Drive-in Prohibited)	
Carpet or Rug Sales Shop	
Clinic, Public/Private	
Coffee Shop (Drive-thru and Drive-in Prohibited)	
Convenient Food Stores without Gasoline Pumps	
Cosmetology Establishments	
Curio and Souvenir Shops	
Dance Studio	
Drug Store	
Fire Station	
Florist, Commercial	
Gift Shop	
Gourmet Food Store	
Governmental Buildings	
Grocery/General Merchandise	
Hardware Store	
Hobby Shop	
Ice Cream/Dessert Shop	
Interior Decorating Shop	
Jewelry Shop (Excluding Pawn Establishments)	
Laundering Establishments	5.4-28
Library Branches	
Massage Therapy Ancillary Services (as a hair salon or medical ancillary use)	5.4-30

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<sup>28</sup> Amended by City Council with text amendment TA-03-12, 09/24/2012.

- Mobile Food Vendor<sup>29</sup>
- Museum, Historical Display Gallery
- Music Store
- Newsstands
- Office Supply Store
- Pet Grooming or Daycare (overnight pet boarding and outdoor storage of pets prohibited)
- Pet Shop
- Photography Shop and Studio
- Produce Stands- Agricultural 5.4-36
- Professional Offices
- Radio/TV Sales and Repairs
- Recreation Parks
- Shoe Shop
- Shoe Repair
- Small Appliance Repair
- Tailor, Alterations, or Sewing Shop
- Toy Shop
- Tobacco or Cigar Shop
- Veterinary Clinic (overnight pet boarding and outdoor storage of pets prohibited)
- Watch or Clock Repair Shop

**C) Uses Not Otherwise Classified**

Certain uses proposed that cannot be classified as a permitted use in the Neighborhood Commercial Zoning District, or any other zoning district, must receive a conditional use permit from Mayor and Council, prior to the issuance of an occupational tax license. The conditional use process is outlined in subsection D, below, and follows the Zoning Procedures outlined in Article 14.

**D) Conditional Uses**

Any person requesting a permit under this Section shall submit an application and shall submit sufficient evidence demonstrating compliance with standards contained herein, as applicable.<sup>30</sup> In considering the application for a conditional use, the Mayor and Council shall be guided by the following standards:

It is found and declared that there exist uses and activities that have potentially serious objectionable and deleterious effects on the public health, safety, morals and welfare and that it is in the public interest to introduce special regulation of such uses and activities to abate or eliminate adverse effects contributing to a blighting or downgrading of surrounding neighborhoods and businesses. It is the purpose of this Section, therefore, to safeguard the best interests of the citizens of the City of Holly Springs, to protect and enhance the quality of the environment, and to promote the public health, safety and welfare by achieving the following:

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<sup>29</sup> Amended by City Council with text amendment ORD-04-2015, 04/18/2016.

<sup>30</sup> Amended by City Council with text amendment TA-02-13, 05/20/2013.

- A. Providing appropriately located areas for the various uses listed herein to meet the needs of the City.
- B. Supporting development compatibility with surrounding uses and neighborhoods while suggesting uniqueness and character.
- C. Protecting the property values of existing business developments from inappropriately located uses and to enhance the investment of residents and business owners.
- D. Encouraging uses to be grouped.

The provisions of this Section shall prevail over conflicting provisions of any other Article or Section of the City Code, except Article 12, *Non-Conforming Uses*, and shall supplement any other applicable regulations and ordinances.

There are some conditional uses which may be permitted, but must also meet additional stipulations in order to apply for a permit. The Zoning Administrator shall consider the application and evidence of compliance with such additional stipulations as stated in each respective article. The conditional uses which must meet additional stipulations within the Neighborhood Commercial District, and the Article where the additional stipulations are found are:

<b><u>Conditional Uses:</u></b>	<b><u>Article</u></b>
Accessory Uses and Structures	3.5
Bar or Pub	
Big Box Commercial Retail Structures (Class I: 10,000 – 31,999 sq. ft.)	5.4-10
Big Box Commercial Retail Structures, Town Center District (Class IV: 8,500 sq. ft. and greater)	5.4-10
Bodywork Therapy and Bodywork Therapy Establishment	5.4-30
Cell Towers	6
Cemetery	5.4-12
Churches, Synagogue	5.4-13
Daycare, Nursery Schools Facilities and Kindergartens	5.4-14
Daycare, Group	5.4-15
General Merchandise Repair	5.4-19
Hotels and Extended Stay Facilities <sup>31</sup>	5.4-31
Massage Therapy and Day Spa Establishment	5.4-30
Multi-Tenant Building	5.4-32
Outdoor Amusement Enterprises	5.4-34
Schools	5.4-39
Theatre, Live	
Utility Substations	5.4-42

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<sup>31</sup> Amended by City Council with text amendment TA-03-12, 09/24/2012.

**E) Height, Area and Bulk Regulations:**

Minimum Lot Area (sq. ft.)		¾ acre and none if located in Town Center District as defined by Article 19
Minimum Lot Width		100'
Minimum Yard Setbacks		
Front	Arterial	50'
	Collector	40'
	Local	40'
Side		15'
Rear		15'

**F) Lighting:**

When a non-residential zoning district abuts a residential district or other use, if outside lighting is utilized, such lighting shall be established in such a way that no direct light shall cast over or into any property line nor adversely affect neighboring properties.

**G) All non-residential zoning districts:**

All outside storage areas and accessory structures must be located on the same lot and to the side or rear of the principal use at least 15 feet from the side or rear lot lines and may not be located within 25 feet of any residential property. A solid fence or wall no less than 8 feet in height must screen storage areas. A maximum of 25% of the total lot area may be used for such purpose. All accessory structures must be architecturally compatible with the principal structure.



**5.2-7 OFFICE/INSTITUTIONAL DISTRICT, OI**

**A) Purpose:** The purpose of this district is to provide a location for office, institutional, medical and educational development. Limited related retail business and service activities may be permitted but not involved with storage and processing.

**B) Permitted Uses:** The uses listed below are permitted in the OI District, only after compliance with additional article requirements, if any. The Zoning Administrator, prior to the issuance of an occupational tax license, shall verify compliance with article requirements and all other local, state, and federal regulations, and said business establishment shall at all times thereafter remain complaint with these requirements and the Code of the City of Holly Springs:

<b><u>Permitted Uses:</u></b>	<b><u>Article</u></b>
Ambulance Service	
Animal Hospitals	5.4-2
Art Gallery	
Athletic Club Facilities	
Auditorium, Assembly Hall	
Bakery	
Banks Branches	
Broadcasting Studio, Radio-TV	
Business Office Space (Outdoor Storage Prohibited)	
Café/Restaurant/Supper Club (Drive-thru and Drive-in Prohibited)	
Civic Center	
Clinic, Public or Private	
Coffee Shop	
Curio and Souvenir Shops	
Dance Studio	
Drug Store	
Florist, Commercial	
Fire Station	
Funeral Homes and Mortuaries	
Government Buildings	
Ice Cream/Dessert Shop	
Laboratory Research Facilities	5.4-27
Library Branches	
Massage Therapy Ancillary Services (as a hair salon or medical ancillary use)	5.4-30
Medical Supplies Retail or Wholesale	
Mobile Food Vendor <sup>32</sup>	Chapter 50—Code of the City of Holly Springs
Office Planned Centers	
Office Supply Store	
Parking Lots	
Photography Shop and Studio	
Professional Offices	
Radio-TV Sales and Repair	

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<sup>32</sup> Amended by City Council with text amendment ORD-04-2015, 04/18/2016.

Recreation Parks

Veterinary Clinic (overnight pet boarding and outdoor storage of pets prohibited)<sup>33</sup>

**C) Uses Not Otherwise Classified:**

Certain uses proposed that cannot be classified as a permitted use in the Office/Institutional Zoning District, or any other zoning district, must receive a conditional use permit from Mayor and Council, prior to the issuance of an occupational tax license. The conditional use process is outlined in subsection D, below, and follows the Zoning Procedures outlined in Article 14.

**D) Conditional Uses:**

Any person requesting a permit under this Section shall submit an application and shall submit sufficient evidence demonstrating compliance with standards contained herein, as applicable.<sup>34</sup> In considering the application for a conditional use, the Mayor and Council shall be guided by the following standards:

It is found and declared that there exist uses and activities that have potentially serious objectionable and deleterious effects on the public health, safety, morals and welfare and that it is in the public interest to introduce special regulation of such uses and activities to abate or eliminate adverse effects contributing to a blighting or downgrading of surrounding neighborhoods and businesses. It is the purpose of this Section, therefore, to safeguard the best interests of the citizens of the City of Holly Springs, to protect and enhance the quality of the environment, and to promote the public health, safety and welfare by achieving the following:

- A. Providing appropriately located areas for the various uses listed herein to meet the needs of the City.
- B. Supporting development compatibility with surrounding uses and neighborhoods while suggesting uniqueness and character.
- C. Protecting the property values of existing business developments from inappropriately located uses and to enhance the investment of residents and business owners.
- D. Encouraging uses to be grouped.

The provisions of this Section shall prevail over conflicting provisions of any other Article or Section of the City Code, except Article 12, *Non-Conforming Uses*, and shall supplement any other applicable regulations and ordinances.

There are some conditional uses, which may be permitted, but must also meet additional stipulations in order to apply for a permit. The Zoning Administrator shall consider the application and evidence of compliance with such additional stipulations as stated in each respective article. The conditional uses which must meet additional stipulations within the Office/Institutional District, and the Article where the additional stipulations are found are:

<b><u>Conditional Uses:</u></b>	<b><u>Article</u></b>
Accessory Uses and Structures	3.5
Bodywork Therapy and Bodywork Therapy Establishment	5.4-30

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<sup>33</sup> Amended by City Council with text amendment, 06/18/2008.

<sup>34</sup> Amended by City Council with text amendment, TA-02-2013, 05/20/2013.

Cell towers	6
Cemetery	5.4-12
Churches, Synagogue	5.4-13
Daycare, Nursery Schools Facilities and Kindergartens	5.4-14
Daycare, Group	5.4-15
Group Homes	5.4-22
Hospitals or Similar Institutions	5.4-23
Hotels and Extended Stay Facilities <sup>35</sup>	5.4-31
Massage Therapy and Day Spa Establishment	5.4-30
Multi-Tenant Building	5.4-32
Nursing and Personal Care Homes	5.4-33
Schools	5.4-39
Utility Substations	5.4-42

**E) Height, Area, and Bulk Regulations:**

Minimum Lot Area ½ acre  
(none if located within Town  
Center District)

Minimum Lot Dimensions

Minimum Lot Width 100'

Minimum Yard Setback

Front	Arterial	50'
	Collector	25'
	Local	25'
Side		10'
Rear		15'

Maximum Building Height to be determined by Mayor and Council.

\*Septic tank approval is made by the City when the Cherokee County Environmental regulations are met and satisfied.

**F) Lighting:**

When a non-residential zoning district abuts a residential district or other use, if outside lighting is utilized, such lighting shall be established in such a way that no direct light shall cast over or into any property line nor adversely affect neighboring properties.

**G) All non-residential zoning districts:**

All outside storage areas and accessory structures must be located on the same lot and to the side or rear of the principal use at least 15 feet from the side or rear lot lines and may not be located within 25 feet of any residential property. A solid fence or wall no less than 8 feet height must screen storage areas. A maximum of 25% of the total lot area may be used for such purpose. All accessory structures must be architecturally compatible with the principal structure.

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<sup>35</sup> Amended by City Council with text amendment TA-03-12, 09/24/2012.

**5.2-8 GENERAL COMMERCIAL, GC**

**A) Purpose:** A district with the intent to utilize the City’s major transportation arteries whereby motorist can be easily served by direct access to business and commercial use.

**B) Permitted Uses:** The uses listed below are permitted in the GC District, only after compliance with additional article requirements, if any. The Zoning Administrator, prior to the issuance of an occupational tax license, shall verify compliance with article requirements and all other local, state, and federal regulations, and said business establishment shall at all times thereafter remain complaint with these requirements and the Code of the City of Holly Springs:

<b><u>Permitted Uses:</u></b>	<b><u>Article</u></b>
Agricultural Implement Sales and Service	
Ambulance Service	
Animal Hospitals	5.4-2
Antique Shops	
Art Gallery	
Associations (Clubs, Lodges or Special Events Facilities)	
Athletic Club, Facilities	
Auditorium	
Bakery	
Bank Branches	
Bed and Breakfast <sup>36</sup>	
Big Box Commercial Retail Structures (Class I: 10,000 – 31,999 sq. ft.)	5.4-10
Boarding/Rooming Houses	
Boat Sales Facility	
Book, Stationary, Greeting Card Shops	
Bowling Alley	
Brew Pub <sup>37</sup>	Chapter 6—Code of the City of Holly Springs
Broadcasting Studio, Radio-TV	
Business Office Space (Outdoor Storage Prohibited)	
Café/Restaurant/Supper Club	
Carpet or Rug Sales Shop	
Churches, Synagogue	5.4-13
Clinic, Public/Private	
Coffee Shop	
Convenient Food Stores without Gasoline Pumps	
Cosmetology Establishments	
Curio and Souvenir Shops	
Dance Studio	
Daycare, Nursery Schools Facilities and Kindergartens	5.4-14
Daycare, Group	5.4-15
Drug Store	

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<sup>36</sup> Amended by City Council with text amendment TA-03-12, 09/24/2012.

<sup>37</sup> Amended by City Council with text amendment ORD-20-2017, 10/16/2017.

Fire Station	
Florist, Commercial	
Food Preparation and Delivery Service	
Funeral Homes and Mortuaries	
General Merchandise Repair	5.4-19
Gift Shop	
Gourmet Food Store	
Governmental Buildings	
Grocery/General Merchandise	
Greenhouse, Nursery, Landscaping	5.4-21
Hardware Store	
Hobby Shop	
Home Improvement Store (Including Lumber, Building Materials, & Garden Center)	
Ice Cream/Dessert Shop	
Imported Goods, Warehouse, Sales	
Interior Decorating Shop	
Jewelry Shop (Excluding Pawn Establishments)	
Kennel Establishments	5.4-26
Laboratory Research Facilities	5.4-27
Laundering Establishments	5.4-28
Library Branches	
Massage Therapy Ancillary Services (as a hair salon or medical ancillary use)	5.4-30
Membership Club Warehouses	
Mobile Food Vendor <sup>38</sup>	Chapter 50—Code of the City of Holly Springs
Museum, Historical Display Gallery	
Music Store	
Newsstands	
Office Supply Store	
Parking Lot, Automobile	
Pet Grooming or Daycare	
Pet Shop	
Photography Shop and Studio	
Printing or Engraving Store	
Produce Stands- Agricultural	5.4-36
Professional Offices	
Radio/TV Sales and Repairs	
Recreation Facilities (Indoor)	
Recreation Parks	
Retail Establishment (Outdoor Sales and Storage Prohibited)	
Retail, Mixed Sales	
Shoe Shop	
Shoe Repair	
Small Appliance Repair	
Tailor, Alterations, or Sewing Shop	
Theater, Cinema	

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<sup>38</sup> Amended by City Council with text amendment ORD-04-2015, 04/18/2016.

Taxidermist  
Toy Shop  
Tobacco or Cigar Shop  
Vehicle for Hire  
Veterinary Clinic (overnight pet boarding permitted; outdoor storage of pets prohibited)<sup>39</sup>  
Watch or Clock Repair Shop

**C) Uses Not Otherwise Classified:**

Certain uses proposed that cannot be classified as a permitted use in the General Commercial Zoning District, or any other zoning district, must receive a conditional use permit from Mayor and Council, prior to the issuance of an occupational tax license. The conditional use process is outlined in subsection D, below, and follows the Zoning Procedures outlined in Article 14.

**D) Conditional Uses:**

Any person requesting a permit under this Section shall submit an application and shall submit sufficient evidence demonstrating compliance with standards contained herein, as applicable.<sup>40</sup> In considering the application for a conditional use, the Mayor and Council shall be guided by the following standards:

It is found and declared that there exist uses and activities that have potentially serious objectionable and deleterious effects on the public health, safety, morals and welfare and that it is in the public interest to introduce special regulation of such uses and activities to abate or eliminate adverse effects contributing to a blighting or downgrading of surrounding neighborhoods and businesses. It is the purpose of this Section, therefore, to safeguard the best interests of the citizens of the City of Holly Springs, to protect and enhance the quality of the environment, and to promote the public health, safety and welfare by achieving the following:

- A.** Providing appropriately located areas for the various uses listed herein to meet the needs of the City.
- B.** Supporting development compatibility with surrounding uses and neighborhoods while suggesting uniqueness and character.
- C.** Protecting the property values of existing business developments from inappropriately located uses and to enhance the investment of residents and business owners.
- D.** Encouraging uses to be grouped.

The provisions of this Section shall prevail over conflicting provisions of any other Article or Section of the City Code, except Article 12, *Non-Conforming Uses*, and shall supplement any other applicable regulations and ordinances.

There are some conditional uses, which may be permitted, but must also meet additional stipulations in order to apply for a permit. The Zoning Administrator shall consider the application and evidence of compliance with such additional stipulations as stated in each respective article. The conditional uses which must meet additional stipulations within the General Commercial District, and the Article where the additional stipulations are found are:

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<sup>39</sup> Amended by City Council with text amendment, 06/18/2008

<sup>40</sup> Amended by City Council with text amendment, TA-02-2013, 05/20/2013

<b><u>Conditional Uses:</u></b>	<b><u>Article</u></b>
Accessory Uses and Structures	3.5
Auto Laundry or Car Wash Establishment	5.4-4
Auto Leasing Establishments	5.4-5
Auto Repair Establishments	5.4-6
Auto Service Establishments	5.4-7
Automobile Sales – New	5.4-8
Automobile Sales – Used	5.4-9
Bar or Pub	
Big Box Commercial Retail Structures (Class II: 32,000 – 90,999 sq. ft.)	5.4-10
Big Box Commercial Retail Structures (Class III: 91,000 – 200,000 sq. ft.)	5.4-10
Big Box Commercial Retail Structures, Town Center District	
Bodywork Therapy and Bodywork Therapy Establishment	5.4-30
(Class IV: 8,500 sq. ft. and greater)	5.4-10
Cash, Check Cashing, and Pawn Establishments	5.4-11
Cell Towers	6
Cemetery	5.4-12
Driving Range, Golf	5.4-16
Emissions Testing Facilities	5.4-17
Gasoline Service Stations	5.4-18
Golf Courses and Country Clubs	5.4-20
Hospitals or Similar Institutions	5.4-23
Hotels and Extended Stay Facilities <sup>41</sup>	5.4-31
Liquor Store	5.4-29
Massage Therapy and Day Spa Establishment	5.4-30
Multi-Tenant Building	5.4-32
Nursing and Personal Care Homes	5.4-33
Outdoor Amusement Enterprises	5.4-34
Planned Shopping Centers	5.4-35
Psychic Service Establishments	5.4-37
Schools	5.4-39
Self-Storage Establishments	5.4-40
Tattoo Parlors and Body Piecing Establishments	5.4-41
Taxi Stands	
Theatre, Live	
Tire Sales & Service	
Utility Substations	5.4-42

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<sup>41</sup> Amended by City Council with text amendment TA-03-12, 09/24/2012.

**E) Height, Area and Bulk Regulations:**

Minimum Lot Area (sq. ft.)	¾ acre and none if located in Town Center District as defined by Article 19
Minimum Lot Width	100'
Minimum Yard Setbacks	
Front Arterial	60'
Collector	50'
Local	50'
Side	10'
Rear	15'

\*Septic tank approval is made by the City when the Cherokee County Environmental Department regulations are met and satisfied.

**F) Lighting:**

When a non-residential zoning district abuts a residential district or other use, if outside lighting is utilized, such lighting shall be established in such a way that no direct light shall cast over or into any property line nor adversely affect neighboring properties.

**G) All non-residential zoning districts:**

All outside storage areas and accessory structures must be located on the same lot and to the side or rear of the principal use at least 15 feet from the side or rear lot lines and may not be located within 25 feet of any residential property. A solid fence or wall no less than 8 feet height must screen storage areas. A maximum of 25% of the total lot area may be used for such purpose. All accessory structures must be architecturally compatible with the principal structure.



**5.2-9 LIGHT INDUSTRIAL, LI**

**A) Purpose:** A district established where limited manufacturing, assembling, wholesaling, warehousing, and other uses are permitted.

**B) Permitted Uses:** The uses listed below are permitted in the LI District, only after compliance with additional article requirements, if any. The Zoning Administrator, prior to the issuance of an occupational tax license, shall verify compliance with article requirements and all other local, state, and federal regulations, and said business establishment shall at all times thereafter remain compliant with these requirements and the Code of the City of Holly Springs:

<b><u>Permitted Uses:</u></b>	<b><u>Article</u></b>
Agric. Business, Cooperatives	
Agricultural Implementation Sales and Service	
Ambulance Service	
Animal Hospitals and Veterinary Clinics (Including Large Animal)	5.4-2
Appliance Repair	
Athletic Club, Facilities	
Auto Laundry or Car Wash Establishments	5.4-4
Auto Leasing Establishments	5.4-5
Auto Repair Establishments	5.4-6
Auto Service Establishments	5.4-7
Automobile Sales- New	5.4-8
Automotive Parts	
Bait Sales	
Bank, Branches	
Boat Sales Facility and Storage	
Bottled Gas, Storage, and Distribution	
Bottling Plant	
Broadcasting Studio, Radio-TV	
Builder's Equipment	
Building Materials Sales, Enclosed for Retail or Wholesale	
Business Office Space	
Café	
Carpet or Rug Sales Shop & Storage	
Carpenter Shop, Wood Working	
Cesspool Builders- Sales and Service	
Convenience Food Stores, with or without Gasoline Pumps	
Distribution Center	
Equipment Rental Services Establishment	
Equipment Sales & Repair	
Emissions Testing Facility	5.4-17
Fire Station	
Food Preparation and Delivery Service	
General Merchandise Repair	5.4-19
Governmental Buildings	
Greenhouse, Nursery, Landscaping	5.4-21

Ice Manufacturer	
Industrial Park Planned	
Imported Goods Warehouse	
Kennel Establishments	5.4-26
Laboratory Research Facilities	5.4-27
Locker, Frozen Food or Cold Storage	
Machine Shop	
Manufactured Home Sales	
Manufacturing, Processing or Assembly Operations	
Manufacturing of Malt Beverages, Wine or Distilled Spirits <sup>42</sup>	
Parking Lot, Automobile	
Printing or Engraving Store	
Publishing and Reproducing Establishment	
Radio/TV Sales and Repairs	
Radio/TV- Transmitter, Studio	
Recreation Facilities (Indoor)	
Recreational Parks	
Storage, Inside	
Storage Yard, Equipment	
Surface transportation terminals	
Taxi Service	
Taxidermist	
Tire Sales & Service	
Tire Sales/Retreading and Capping Establishment	
Textile Manufacturing Plants	
Utility Substations	
Vehicle for Hire	
Warehousing	
Welding	
Wholesale Trade with Warehouses	5.4-43

**C) Uses Not Otherwise Classified:**

Certain uses proposed that cannot be classified as a permitted use in the Light Industrial Zoning District, or any other zoning district, must receive a conditional use permit from Mayor and Council, prior to the issuance of an occupational tax license. The conditional use process is outlined in subsection D, below, and follows the Zoning Procedures outlined in Article 14.

**D) Conditional Uses:**

Any person requesting a permit under this Section shall submit an application and shall submit sufficient evidence demonstrating compliance with standards contained herein, as applicable.<sup>43</sup> In considering the application for a conditional use, the Mayor and Council shall be guided by the following standards:

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<sup>42</sup> Amended by City Council, Ord 03-2018, 06/18/2018

<sup>43</sup> Amended by City Council with text amendment TA-02-2013, 05/20/2013

It is found and declared that there exist uses and activities that have potentially serious objectionable and deleterious effects on the public health, safety, morals and welfare and that it is in the public interest to introduce special regulation of such uses and activities to abate or eliminate adverse effects contributing to a blighting or downgrading of surrounding neighborhoods and businesses. It is the purpose of this Section, therefore, to safeguard the best interests of the citizens of the City of Holly Springs, to protect and enhance the quality of the environment, and to promote the public health, safety and welfare by achieving the following:

- A.** Providing appropriately located areas for the various uses listed herein to meet the needs of the City.
- B.** Supporting development compatibility with surrounding uses and neighborhoods while suggesting uniqueness and character.
- C.** Protecting the property values of existing business developments from inappropriately located uses and to enhance the investment of residents and business owners.
- D.** Encouraging uses to be grouped.

The provisions of this Section shall prevail over conflicting provisions of any other Article or Section of the City Code, except Article 12, *Non-Conforming Uses*, and shall supplement any other applicable regulations and ordinances.

There are some conditional uses which may be permitted but must also meet additional stipulations in order to apply for a permit. The Zoning Administrator shall consider the application and evidence of compliance with such additional stipulations as stated in each respective article. The conditional uses which must meet additional stipulations within the Light Industrial District, and the Article where the additional stipulations are found are:

<b><u>Conditional Uses:</u></b>	<b><u>Article</u></b>
Accessory Uses and Structures	3.5
Auto Auction Establishment	5.4-3
Automobile Sales- Used	5.4-9
Cell Towers	6
Cemetery	5.4-12
Churches, Synagogues	5.4-13
Driving Range, Golf	5.4-16
Gasoline Service Stations	5.4-18
Heavy Industrial Uses	
Junk Vehicle Storage	5.4-24
Junkyard	5.4-25
Multi-Tenant Building	5.4-32
Sawmills and Lumber Yards	5.4-38
Self-Storage Establishments <sup>44</sup>	5.4-40
Truck, Tractor, Large Equipment Sales	

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<sup>44</sup> Amended by City Council with text amendment, 06/18/2008

**D) Height, Area and Bulk Regulations:**

Minimum Lot Area (sq. ft.)	1.0 acre
Minimum Lot Dimensions	100' Min. Lot Width
Minimum Yard Setback	
Front Arterial	50'
Collector	40'
Local	40'
Side	25'
Rear	25'

**Maximum Building Height**

Height shall not exceed the capability of adequate fire protection provided by the Fire Department.

\*Septic tank approval is made by the City when the Cherokee County Environmental Department regulations are met and satisfied.

**E) Lighting:**

When a non-residential zoning district or other use, if outside lighting is utilized, such lighting shall be established in such a way that no direct light shall cast over or into any property line nor adversely affect neighboring properties.

**F) All non-residential zoning districts:**

All outside storage areas and accessory structures must be located on the same lot and to the side or rear of the principal use at least 15 feet from the side or rear lot lines and may not be located within 25 feet of any residential property. A solid fence or wall no less than 8 feet height must screen storage areas. A maximum of 25% of the total lot area may be used for such purpose. All accessory structures must be architecturally compatible with the principal structure.

**5.2-10 GOVERNMENTAL, GV<sup>45</sup>**

A) **Purpose:** Governmental uses, including city, county, state, and federal

**B) Permitted Uses:**

Public Parks, Playgrounds and buildings, and structures supplementary and incidental to such uses

Fire Stations

Police Stations

Public water and sewer treatment and distribution facilities

Public libraries

Public buildings and centers

Public hospitals, nursing homes and health facilities

Public auditoriums, arenas, museums, art galleries

Maximum and minimum detention facilities

Solid waste collection and disposal facilities

Public maintenance and equipment yards

Public bus stations and rapid transit stations and facilities

Other similar governmental uses

**C) Height, Area and Bulk Regulations:**

Minimum Lot Size: N/A

Minimum Lot Dimensions

Width 100'

Depth None

Minimum Yard Setback

Front: Arterial 50'

Collector 40'

Local 40'

Side 15'

Rear 25'

Maximum Lot Coverage 35%

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<sup>45</sup> Amended by City Council with text amendment ORD-14-2016, 11/21/2016.

**5.2-11 AGRICULTURAL, AG<sup>46</sup>**

**A) Purpose:** Agricultural District. The purpose of this district is to maintain the integrity of agricultural activities in Holly Springs. This district is comprised of land having a predominantly rural character. Permitted uses include one family detached dwellings and activities that are primarily agricultural in nature. Within the district, the subdivision of land for suburban development is discouraged, while agriculture and livestock production are allowed to maintain the rural character of these areas. On-site sales should be limited to live animals, plants and produce that have been raised on the property. Businesses that support agriculture, such as feed stores, farm equipment dealers, farm product wholesalers, would not be appropriate in this district.

There are some uses, which may be permitted, but must also meet additional stipulations in order to apply for a permit. The Zoning Administrator shall consider the application and evidence of compliance with such additional stipulations as stated in each respective article.

<b><u>B) Permitted Uses:</u></b>	<b><u>Article</u></b>
Agriculture and Livestock Production	
Animal Hospital and Veterinary Clinics	5.4-2
Dwelling, single family	
Farm Markets not exceeding 5,000 square feet	
Fire station, fire tower	
Forestry Operations	
Greenhouse, Nursery, Landscaping	5.4-21
Home Based Business	3.6
Roadside Stand (Accessory use on same parcel, limited to agricultural products)	

**C) Uses Not Otherwise Classified:**

Certain uses proposed that cannot be classified as a permitted use in the Agricultural Zoning District, or any other zoning district, must receive a conditional use permit from Mayor and Council, prior to the issuance of an occupational tax license. The conditional use process is outlined in subsection D, below, and follows the Zoning Procedures outlined in Article 14.

**D) Conditional Uses:**

Any person requesting a permit under this Section shall submit an application and shall submit sufficient evidence demonstrating compliance with standards contained herein, as applicable. In considering the application for a conditional use, the Mayor and Council shall be guided by the following standards:

It is found and declared that there exist uses and activities that have potentially serious objectionable and deleterious effects on the public health, safety, morals and welfare and that it is in the public interest to introduce special regulation of such uses and activities to abate or eliminate adverse effects contributing to a blighting or downgrading of surrounding neighborhoods and businesses. It is the purpose of this Section, therefore, to safeguard the best

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<sup>46</sup> Amended by City Council with text amendment ORD-02-2016, 04/18/2016.

interests of the citizens of the City of Holly Springs, to protect and enhance the quality of the environment, and to promote the public health, safety and welfare by achieving the following:

- A. Providing appropriately located areas for the various uses listed herein to meet the needs of the City.
- B. Supporting development compatibility with surrounding uses and neighborhoods while suggesting uniqueness and character.
- C. Protecting the property values of existing business developments from inappropriately located uses and to enhance the investment of residents and business owners.
- D. Encouraging uses to be grouped.

The provisions of this Section shall prevail over conflicting provisions of any other Article or Section of the City Code, except Article 12, *Non-Conforming Uses*, and shall supplement any other applicable regulations and ordinances.

The conditional uses which require application for a conditional use permit and must meet additional stipulations within the Agricultural District, and the Article where the additional stipulations are found are:

<b><u>Conditional Uses:</u></b>	<b><u>Article</u></b>
Cellular phone towers	6
Churches, Synagogues	5.4-13
Daycare, Nursery School Facilities and Kindergartens	5.4-14
Fisheries	
Golf Courses and Country Clubs	5.4-20
Kennels	5.4-26
Outdoor Recreation Facility/Park	
Schools, public and private	5.4-39
Signs and outdoor advertising	10
Special Event Facilities	
Utility Substations	5.4-42
Wineries	

**E) Height, Area and Bulk Regulations:**

Minimum Lot Area	2 acres
Minimum Lot Dimensions	
Width	150'
Depth	None
Minimum Yard Setback	
Front Arterial	75'
Collector	50'
Local	50'
Side	50'
Corner Side	50'*

\* not less than one-half (1/2) of the required front yard setback

Double Frontage	See 5.1-5
Rear Yard	50'
Maximum Lot Coverage	20%

Septic tank approval is made by the City when the Cherokee County Environmental regulations are met and satisfied.



## **5.2-12 Additional Zoning Districts**

**(Editor's Note:** The following Zoning Districts were adopted by Mayor and Council on May 21, 2007 and are regulated by Appendix A of this Ordinance and the Cherokee County Zoning Ordinance, now and as amended: **AG, R-80, R-60, R-30, R-15, RD-3, RZL, RA, RTH, RM-10, RM-16, HC, OD, HI, and PID.**)

**General Agricultural District (AG).** The purpose of this district is to maintain the integrity of agricultural activities predominate in the rural area of Cherokee County. The regulations are to discourage the subdivision of land for urban development and to encourage the maintenance of the general rural characteristics of openness, low density residential use, appropriate agribusiness and extensive agricultural and livestock production (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-1).

**Estate Residential District (R-80, R-60).** The purpose of this district is to permit residential development in those areas that are expected to become more nearly urban in character. The areas involved are generally in transition from agricultural to residential development and are considered appropriate for low density residential development (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-2).

**Single-Family Residential Districts (R-30).** The purpose of these residential districts is to enable residential development of a low density urban character. The regulations are designed to permit and encourage residential development in areas where urbanization is taking place (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-3).

**Single-Family Residential (R-15, RD-3, RZL- Zero-Lot Line Residential).** The purpose of these residential districts is to permit and encourage development of high density single family residential uses in a moderately spacious surrounding. These development districts shall be served with an approved community water system and a central sewerage system (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-5).

**Single-Family Attached Residential Districts (RA, RTH).** The purpose of this district is to provide for intermediate housing types and densities between single-family detached and multifamily dwellings. Such development may include duplexes, triplexes, quadruplexes or townhouses to be located in the urban portion or suburban portion of the county where apartment buildings would not be compatible. Innovative design with cluster development is encouraged. Such development districts are intended to be served with central sewerage system except for lot sizes exceeding 20,000 square feet (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-6).

**Multi-Family Residential District (RM-10, RM-16).** The purpose of the residential districts is to permit development of high density multi-family residential dwellings. These zoning districts are to be located where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets or major thoroughfares. The use of these districts can be developed as a transition zone between residential districts and commercial districts (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-7).

**Highway Commercial District (HC).** The purpose of this district is to provide an area for commercial uses, which require a location to be accessible to major highways and arterial roadways. Districts are located at major intersections of these highways. Development should be

limited to the needs of the traveling public (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-12).

**Office Distribution District (OD).** The purpose of this district is to provide appropriate locations for offices with related warehouse operations and distribution facilities, but not involving the manufacturing, fabrication, repair or servicing of any commodity or product. Light appliance and electronic equipment repair and assembly is allowed. Limited retail sales may be permitted if accessory to a major use. This district should be accessible to principal or major arterial. Buffer zones with landscaping are required to ensure the compatibility of operating activities with the surrounding area (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-13).

**Heavy Industrial District (HI).** The purpose of this district is to provide suitable areas for industrial operations of all types. This district should be accessible to railroads and major highways. Residential and retail uses are prohibited. The district is separated from residential districts by natural barriers wherever possible and buffer zones in other cases (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-15).

**Planned Industrial Development (PID).** The Planned Industrial District is a floating district which may be located in any light industrial area if it meets all the standards for planned industrial activities. The purpose of this district is to provide flexible use and coordinated development of light industries, warehouse processing, sales, offices and limited service activities within a well-planned environment. This district should be accessible to a major arterial. A concept plan is required before a development permit is granted to ensure compatibility of the proposed development with the surrounding area. Districts are located in areas which do not create public nuisances or endanger public health, safety or the general welfare (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-16).

**For the additional regulations, standards, and dimensional requirements that exclusively govern the AG, R-80, R-60, R-30, R-15, RD-3, RZL, RA, RTH, RM-10, RM-16, HC, OD, HI, and PID Zoning Districts, please see Appendix A; and the Cherokee County Zoning Ordinance, adopted by reference, now and as amended.**

**Permitted uses in the HC, OD, HI and PID Zoning Districts shall also be governed by Section 5.4 of the City of Holly Springs Zoning Ordinance, where applicable.**

**That the Zoning Ordinance of the City of Holly Springs, Georgia, as amended, is hereby further amended by creating, “Appendix A” which incorporates by reference, Articles 6 & 7 of the Cherokee County Zoning Ordinance in its entirety, adopted by the Cherokee County Board of Commissioners, as now written and as may be amended in later editions, for the exclusive and sole purpose of regulating the standards, uses, and dimensional requirements of the AG, R-80, R-60, R-30, R-15, RD-3, RZL, RA, RTH, RM-10, RM-16, HC, OD, HI, and PID Zoning Districts.**

**The Cherokee County Zoning Ordinance is hereby adopted by reference, in its entirety, as now written and as may be amended in later editions by the Cherokee County Board of Commissioners, for the exclusive and sole purpose of regulating the following zoning districts: AG, R-80, R-60, R-30, R-15, RD-3, RZL, RA, RTH, RM-10, RM-16, HC, OD, HI, and PID Zoning Districts.115**

**Table 5.1 ZONING DISTRICT SCHEDULE**

ZONING DISTRICT	MINIMUM LOT AREA (SF)	MINIMUM LOT WIDTH	Minimum Front Yard Setback			SIDE YARD	REAR YARD	MINIMUM FLOOR AREA/DU (SQ. FT.)	MAX. LOT COVER
			ARTERIAL	COLLECTOR	LOCAL				
SINGLE-FAMILY RESIDENTIAL ESTATE R-40 R-30	40,000	100'	50'	50'	35'	15'	30'	1,800	30%
	30,000	100'	50'	50'	35'	15'	30'	1,500	30%
SINGLE-FAMILY RESIDENTIAL R-20	20,000	90'	50'	40'	30'	10'	30'	1,400	30%
SINGLE-FAMILY RD-20	20,000	100'	50'	50'	35'	15'	30'	1,400	30%
HIGH DENSITY RESIDENTIAL MULTI-FAMILY HDRMF	5 ACRES W/A MAX. OF 8 UNITS PER ACRE. 12 UNITS PER ACRE IF LESS THAN 2 MILES OF AN INTERSTATE INTERCHANGE, 16 UNITS IF LESS THAN 1 MILE OF AN INTERSTATE INTERCHANGE	100'	50'	50'	35'	15'	30'	EFF 650 1 BR 750 2 BR 875 3 BR 1,000	35%
PLANNED DEVELOPMENT PD-R TND PD-C PD-I	See Table 7.01								

ZONING DISTRICT	MINIMUM LOT AREA (SF)	MINIMUM LOT WIDTH	ARTERIAL	COLLECTOR	LOCAL	SIDE YARD	REAR YARD	MINIMUM FLOOR AREA/DU (SQ. FT.)
NEIGHBORHOOD COMMERCIAL NC	0.75 ACRE (NONE IF LOCATED IN TOWN CENTER DISTRICT)	100'	50'	40'	40'	15'	15'	NONE
GENERAL COMMERCIAL GC	0.75 ACRE (NONE IF LOCATED IN TOWN CENTER DISTRICT)	100'	60'	50'	50'	10'	15'	NONE
OFFICE/ INSTITUTIONAL OI	0.5 ACRE (NONE IF LOCATED IN TOWN CENTER DISTRICT)	100'	50'	25'	25'	10'	15'	NONE
LIGHT INDUSTRIAL LI	1.0 ACRE	100'	50	40'	40'	25'	25'	NONE
AG, R-80, R-60, R-30, R-15, RD-3, RZL, RA, RTH, RM-10, RM-16, HC, OD, HI, and PID***	See Appendix A & Table 7.1A							

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75-foot setback required on all 2-lane arterial and collector highways unless determined otherwise by the Zoning Administrator.

\*\* The minimum width frontage of a lot shall be thirty-five (35) feet along the street right-of-way line on cul-de-sac turnarounds or eyebrows. This minimum of lot frontage shall be maintained for the entire portion of the lot, which lies between the frontage line and the building line.

\*\*\* Zoning Districts adopted by Mayor and Council on May 21, 2007. These districts are regulated by Appendix A of this Ordinance and the Cherokee County Zoning Ordinance, now, and as amended.

**5.3 Zoning Violations and Penalties.** Violations and penalties of this article, including Sections 5.1, 5.2, and 5.4, are prosecuted in accordance with Article 16 of the Holly Springs Zoning Ordinance. These violations include, but are not limited to the enumerated infractions below:

**5.3-1 General.** Any individual, corporation, association, not-for-profit, or entity operating working, or practicing any use(s), constructing any structure or site, or functioning in violation of Article 5, sections, or subsections therein, shall be penalized in accordance with Article 16.

**5.3-2 Operating out of zone.** Any individual, corporation, association, not-for-profit, or entity operating, working, or practicing a use in the zoning district in which the individual, corporation, association, not-for-profit, or entity is located, that is neither a permitted use nor an approved conditional use in the said zoning district. Any individual, corporation, association, not-for-profit, or entity found to be operating out of zone, shall be declared, “out of zone” and in violation of the section or subsection of the respective zoning district.

**5.3-3 Unapproved conditional use.** Many of the enumerated zoning districts possess conditional uses, which require a conditional use permit issued from the City Council, in accordance with the procedures in Article 14. Any individual, corporation, association, not-for-profit, or entity operating, working, or practicing a conditional use not approved by the City Council, shall be declared in violation of the respective zoning district in which the individual, corporation, association, not-for-profit, or entity is located.

**5.3-4 Violating additional requirements by use.** Various uses, both permitted and conditional, are listed under Section 5.4, “Additional Requirements by Use,” which include operational and developmental standards that govern each respective use. Any individual, corporation, association, not-for-profit, or entity operating working, or practicing a use(s) listed under Section 5.4, “Additional Requirements by Use,” shall adhere to and follow the standards itemized under the respective use performed; or shall be declared in violation of the respective Section 5.4 use performed and the particular zoning district in which the individual, corporation, association, not-for-profit, or entity is located.

#### **5.4: Additional Requirements by Use**

**5.4-1 Adult Entertainment Establishments.** Adult Entertainment Establishments shall include but shall not be limited to adult bookstores, adult hotels or motels, adult mini-motion picture theaters, adult motion picture arcades, adult motion picture theaters, adult video stores, erotic dance establishments, escort bureaus, and any other business distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas. The purpose of this Section is to establish reasonable and uniform regulations for the location, development, and operation of Adult Entertainment Establishments within the City of Holly Springs and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit sufficient evidence to demonstrate compliance with Article II, Chapter 10 of the Code of the City of Holly Springs.

**5.4-2 Animal Hospitals.** A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian. The purpose of this Section is to mitigate the negative effects of noise, fumes and litter, to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant, shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following conditions:

- a.) Animal hospitals shall be located and activities conducted at least two hundred (200) feet from any property zoned or used for residential purposes.<sup>47</sup>
- b.) For animal boarding without clinical or hospital services, see “Kennel Establishments.”

**5.4-3 Auto Auction Establishment.** The sale of automobiles and other vehicles by auction, which usually includes bidding, whereby vehicles are sold to the highest bidder. The purpose of this Section is to mitigate the negative effects of potential noise, fumes, litter, harmful run-off, contaminates, spillage, impervious surfaces, parking problems and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Premises shall contain not less than five (5) acres of land all of which shall be dedicated exclusively to the sales area and shall be a separate parcel not part of a larger tract such as strip mall or similar locations.
- b.) The facility shall be permanently constructed with facades completely constructed of brick, stone, shake, or a combination thereof and shall comply with building codes.
- c.) No repairs shall be conducted on the premises. However, minor auto service, as defined by the Zoning Ordinance, is permitted only for vehicles owned and sold to customers by the establishment and not to the general public. All such activities shall be conducted within an enclosed, permanently constructed building, with facades uniform with the primary structure. All garage and bay doors shall not front a major street.
- d.) All-weather-paved driveways and parking areas shall be properly curbed and landscaped.
- e.) All vehicles on the sales lot shall be in operating condition at all times.
- f.) Only businesses properly licensed as automobile dealers may sell automobiles from their premises. Businesses not so licensed shall not allow third parties to park or otherwise offer automobiles for sale on their premises.

**5.4-4 Auto Laundry or Car Wash Establishment.** An Auto Laundry Establishment or Car Wash is a structure equipped with facilities for washing automobiles. The purpose of this Section is to mitigate the negative effects of noise, fumes and litter, to promote environmental welfare through stormwater management, regulation of turbidity and water conservation, and to

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<sup>47</sup> Amended by City Council with text amendment, 04/21/2008

ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant, shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following conditions:

- a.) There shall be a minimum of 100 feet of frontage on a public street.
- b.) The minimum land area set aside and exclusively devoted to such use shall total a minimum of 0.75 acre.
- c.) Storage of all goods, equipment, and materials shall be accommodated entirely within an enclosed building.
- d.) All exterior driveways and parking areas shall be constructed and maintained with an all-weather paved surface.
- e.) All washing activities shall occur inside, draining into a properly installed floor drain connected to the sanitary sewer.
- f.) All bay or garage doors shall not front a major street.
- g.) All new commercial conveyor and in-bay auto laundry/car wash establishments, permitted and constructed after January 19, 2012, must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.<sup>48</sup>

**5.4-5 Auto Leasing Establishments.** Auto Leasing Establishments are those establishments whose primary business is the leasing of motor vehicles by the day or week(s) as opposed to long-term leasing for more than one calendar year. The purpose of this Section is to ensure that Automobile Leasing Establishments and/or the display of vehicles on the premises of Automobile Leasing Establishments do not create an adverse impact on adjacent properties and surrounding neighborhoods due to insufficient on-site customer and employee parking, traffic congestion, visual blight, bright lights, noise, fumes, or drainage run-off and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following standards:

- a.) Auto Leasing Establishments shall be situated on a parcel totaling at least 0.75 acre.
- b.) Auto Leasing Establishments shall be located in a stand-alone building, permanently constructed, with at least 2,500 square feet of heated space in size.
- c.) Auto Leasing Establishments shall be located in a building with facades completely constructed of brick, stone, shake, or a combination thereof.

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<sup>48</sup> Amended by City Council with text amendment, 01/19/2012.

- d.) Any freestanding sign identifying the business premises shall be a monument sign constructed of the same materials as the building.
- e.) A drive-through carwash is permitted on-site but shall adhere to each of the following requirements:
  - 1. A drive-through car wash shall be a completely enclosed permanent accessory use structure, with all facades uniform with the primary structure;
  - 2. A drive-through car wash shall not be visible from major streets; and
  - 3. A drive-through car wash shall be considered an accessory use on the property. No further accessory use shall be permitted.

**5.4-6 Auto Repair Establishments-** Buildings and premises wherein the primary use is the repair of automobiles and related vehicles with engines exceeding five horsepower, but with a carrying capacity not exceeding three-quarters of a ton or designed to carry more than eleven passengers. Repair activities may include engine, transmission, and other heavy auto-related work in addition to other routine auto service functions. The purpose of this Section is to mitigate the negative effects of potential noise, fumes, litter, harmful run-off, contaminates, spillage, impervious surfaces, parking problems and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) For those establishments proposed for the GC-General Commercial Zoning District, or a LI-Light Industrial District; not an established and platted LI- Light Industrial Park:
  - 1. The minimum land area set aside and exclusively devoted to Auto Repair Establishments shall total to at least 1.0 acre.
  - 2. All storage, parts, waste materials and/or inoperative vehicles and all repair/service activities shall be carried out and/or accommodated entirely within enclosed buildings.
  - 3. All buildings shall be located at least 50 feet from adjacent street right-of-way lines.
  - 4. All exterior public parking, maneuver and driveway areas shall be constructed with an all-weather-paved surface surrounded by a raised curb.
  - 5. Aisles, drives, and access-ways shall be adequately designed for vehicle movement and access for service and/or emergency vehicles.
  - 6. Auto Repair Establishments shall not be located within 1,500 feet of a parcel zoned for residential use.
  - 7. Garage doors or bays shall neither front nor lay in the line of sight of parcels zoned for residential use. All garage and bay doors shall not front a major street.



8. Proximity to restaurants and food service establishments should be considered and reviewed.

b.) For those establishments proposed for an established and platted LI- Light Industrial Park:

1. For new construction only, the minimum land area set aside and exclusively devoted to Auto Repair Establishments shall total to at least 1.0 acre.
2. All storage, parts, waste materials and/or inoperative vehicles and all repair/service activities shall be carried out and/or accommodated entirely within enclosed buildings.
3. For new construction only, all buildings shall be located at least 50 feet from adjacent street right-of-way lines.
4. All exterior public parking, maneuver and driveway areas shall be constructed with an all-weather-paved surface surrounded by a raised curb.
5. Aisles, drives, and access-ways shall be adequately designed for vehicle movement and access for service and/or emergency vehicles.
6. Auto Repair Establishment proximity to surrounding residential areas shall be considered prior to the issuance of a business license. Auto repair activities shall not create a nuisance to surrounding residential areas.
7. For new construction only, garage doors or bays shall neither front nor lay in the line of sight of parcels zoned for residential use. All garage and bay doors shall not front a major street.
8. Proximity to restaurants and food service establishments should be considered and reviewed.

**5.4-7 Auto Service Establishments-** Auto Service Establishments shall include minor auto service activities, including but not limited to oil changes, tune-ups, brakes, and other similar activities and/or uses; provided that Auto Service Establishments shall not include activities classified and defined by the Zoning Ordinance as auto repair. The purpose of this Section is to mitigate the negative effects of potential noise, fumes, litter, harmful run-off, contaminates, spillage, impervious surfaces, parking problems and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

a.) For those establishments proposed for the GC-General Commercial Zoning District, or a LI-Light Industrial District; not an established and platted LI- Light Industrial Park:

1. The minimum land area set aside and exclusively devoted to Auto Service Establishments shall total to at least 0.75 acre.

2. All storage, parts, waste materials and/or inoperative vehicles and all service activities shall be carried out and/or accommodated entirely within enclosed buildings.
3. All buildings shall be located at least 50 feet from adjacent street right-of-way lines.
4. All exterior public parking, maneuver and driveway areas shall be constructed with an all-weather-paved surface surrounded by a raised curb.
5. Aisles, drives, and access-ways shall be adequately designed for vehicle movement and access for service and/or emergency vehicles.
6. Auto Service Establishments shall not be located within 500 feet of a parcel zoned for residential use.
7. Garage doors or bays shall neither front nor lay in the line of sight of parcels zoned for residential use. All garage and bay doors shall not front a major street.
8. Proximity to restaurants and food service establishments should be considered and reviewed.

b.) For those establishments proposed for an established and platted LI- Light Industrial Park:

1. For new construction only, the minimum land area set aside and exclusively devoted to Auto Service Establishments shall total to at least 0.75 acre.
2. All storage, parts, waste materials and/or inoperative vehicles and all service activities shall be carried out and/or accommodated entirely within enclosed buildings.
3. For new construction only, all buildings shall be located at least 50 feet from adjacent street right-of-way lines.
4. All exterior public parking, maneuver and driveway areas shall be constructed with an all-weather-paved surface surrounded by a raised curb.
5. Aisles, drives, and access-ways shall be adequately designed for vehicle movement and access for service and/or emergency vehicles.
6. Auto Service Establishment proximity to surrounding residential areas shall be considered prior to the issuance of a business license. Auto service activities shall not create a nuisance to surrounding residential areas.
7. For new construction only, garage doors or bays shall neither front nor lay in the line of sight of parcels zoned for residential use. All garage and bay doors shall not front a major street.
8. Proximity to restaurants and food service establishments should be considered and reviewed

**5.4-8 Automobile Sales - New. Automobile Sales -** New shall include establishments that sell passenger cars, trucks and vans to the general public and shall include the long-term leasing of automobiles for more than one calendar year. Automobile sales establishments specializing in new vehicles possess an inventory whereby vehicles classified as “pre-owned,” “previously owned,” or “Used,” constitute no more than 25%. The purpose of this Section is to protect residential areas and adjacent properties from fumes, noise, bright lights, blight, and drainage run-off and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, applicant shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following:

- a.) Premises shall contain not less than one (1.0) acre of land all of which shall be dedicated exclusively to the sales area and shall be a separate parcel not part of a larger tract such as strip mall or similar locations.
- b.) The sales office shall be permanently constructed with facades completely constructed of brick, stone, shake, or a combination thereof and shall comply with building codes.
- c.) Auto repair and service may be conducted on the premises, as defined by the Zoning Ordinance. All such activities shall be conducted within an enclosed, permanently constructed building, with facades uniform with the primary structure. All garage and bay doors shall not front a major street.
- d.) All-weather-paved driveways and parking areas shall be properly curbed and landscaped.
- e.) All vehicles on the sales lot shall be in operating condition at all times.
- f.) Only businesses properly licensed as car dealers may sell cars from their premises. Businesses not so licensed shall not allow third parties to park or otherwise offer used cars for sale on their premises.
- g.) For standards governing Auto Auction Establishments, see 5.4-3.

**5.4-9 Automobile Sales - Used. Automobile Sales -** Used shall include establishments that sell passenger cars, trucks and vans to the general public and shall include the long-term leasing of automobiles for more than one calendar year. Automobile sales establishments specializing in used vehicles shall possess an inventory whereby vehicles classified as “pre-owned,” “previously owned,” or “Used,” constitute at least 75%. The purpose of this Section is to protect residential areas and adjacent properties from fumes, noise, bright lights, blight, and drainage run-off and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, applicant shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following standards:

- a.) Premises shall contain not less than three (3) acres of land all of which shall be dedicated exclusively to the sales area and shall be a separate parcel not part of a larger tract such as strip mall or similar locations.

- b.) The sales office shall be permanently constructed with facades completely constructed of brick, stone, shake, or a combination thereof and shall comply with building codes.
- c.) No repairs shall be conducted on the premises. However, minor auto service, as defined by the Zoning Ordinance, is permitted only for vehicles owned and sold to customers by the establishment and not to the general public. All such activities shall be conducted within an enclosed, permanently constructed building, with facades uniform with the primary structure. All garage and bay doors shall not front a major street.
- d.) All-weather-paved driveways and parking areas shall be properly curbed and landscaped.
- e.) All vehicles on the sales lot shall be in operating condition at all times.
- f.) Only businesses properly licensed as automobile dealers may sell automobiles from their premises. Businesses not so licensed shall not allow third parties to park or otherwise offer automobiles for sale on their premises.
- g.) For standards governing Auto Auction Establishments, see 5.4-3.

**5.4-10 Big Box Commercial Retail Structures**<sup>49</sup> - Retail establishments involving the sale of services or merchandise on an individual lot of record where an individual freestanding tenant(s) occupies more than 10,000 gross square feet, but no greater than 200,000 gross square feet. The purpose of this Section is to mitigate the negative effects of blight, loitering, criminal activity, bright lights, noise, traffic, and impervious surfaces, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. When submitting an application for a conditional use permit, or applying to construct as a permitted use the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Big Box Commercial Retail Structures shall be divided into three (3) classifications:
  1. Class I: Big Box Commercial Retail Structures (10,000 – 31,999 sq. ft.)
  2. Class II: Big Box Commercial Retail Structures (32,000 – 90,999 sq. ft.)
  3. Class III: Big Box Commercial Retail Structures (91,000 – 200,000 sq. ft.)
  4. Class IV: Big Box Commercial Retail Structures, Town Center District<sup>50</sup> (Class IV: 8,500 sq. ft. and greater)” (See subsection “I” below.)

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<sup>49</sup> Amended by City Council with text amendment, 01/22/2009, 06/21/2010.

<sup>50</sup> Editor’s Note: “Historic District” renamed Holly Springs Town Center District (TCD), as amended by City Council with text amendment to Article 19, 07/20/2009.

b.) All three (3) classifications of Big Box Commercial Retail Structures shall adhere to the following requirements:

1. Submitted with the conditional use permit request to construct a big box retail structure, applicants must compile an inventory of structures with comparable square footage in a two (2) mile radius of the proposed location and located within incorporated Holly Springs only. This inventory should list vacant as well as leased structures and must include the status of availability for these structures and a statement on the feasibility of occupying a pre-existing structure.
2. All exterior building elevations visible from public streets, right-of-way and/or customer parking areas shall be designed so that there are no expanses of blank walls. Façade design characteristics should vary every 50-75 feet, depending on the size of the structure. All walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door, or colonnade openings. This requirement can also be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, and canopies. Additionally, distinct architectural entry identity for individual tenant entrances shall be provided. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.
3. A minimum of three (3) different materials shall be used for all building elevations. The primary front building façade materials shall consist of stone, brick, glass, ornamental metal, architectural precast (panels or detailing), and/or architectural metal panels. Remaining facades shall be of architectural treatments of glass and brick, stone, architectural block, stucco, and wood, with combining these finishes both allowed and encouraged. All facades must be made up of a minimum of 75% brick and/or stone when visible from city-maintained right-of-way and 50% brick and/or stone when not visible from city maintained right-of-way. The backs and/or sides of buildings, invisible to public views, may be exempted from brick and stone. Exterior colors and designs should be of earthen tones when the structure has frontage visible from properties with residential uses.
4. All customer entrances located along the front façade, including those of neighboring smaller tenants, shall be clearly defined and highly visible and add aesthetically pleasing character to the buildings.
5. No loading docks, overhead service doors, or trash collection bins may be placed on, or adjacent to any façade, which faces a public street, without proper screening measures as approved by the Zoning Administrator.
6. The building shall include architectural features that contribute to visual interest at the pedestrian scale. Pedestrian accessibility, safety, and convenience shall be provided to reduce traffic impacts and enable the development to project a friendly inviting image. Customer drop off and pick up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths.

7. The owner of the zoning lot shall prepare a traffic management plan, which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by the project engineer at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, whichever occurs first.
  8. The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, whichever occurs first.
  9. All rooftop equipment, such as HVAC units, shall be screened from public view on all sides by parapets, dormers, or other screens. The material of all structures used to screen rooftop equipment shall be consistent with the exterior materials used on the façade of the structure. Where flat roofs are present the parapet shall not exceed an average height equal to 15% of the height of the supporting wall, and shall not at any point exceed a height equal to 30% of the supporting wall.
- c.) The following additional requirements shall also apply to Class III: Big Box Commercial Retail Structures (91,000 – 200,000 sq. ft.):
1. Such structures shall only be allowed:
    - a. Within one (1) mile from an I-575 interchange, measured from the end of the closest exit ramp intersection to the proposed site property frontage, as traveling on public streets the shortest distance by automobile; or
    - b. On a parcel adjacent to State Route 140, also known as Hickory Flat Highway.
  2. The structure must possess frontage on an arterial road or be visible from the interstate.
- d.) Any tenant, occupant, or business that occupies more than 91,000 square feet shall provide the city attorney with a copy of the rental agreement between such tenant, owner, occupant, or business and its landlord which contains a contract provision prohibiting such person or entity from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. The rental agreement shall be designed to terminate when the tenant, occupant, or business vacates said premises.
- e.) Unless otherwise originally designed to accommodate small accessory tenants, no class of big box commercial retail structure shall be subdivided for multi-tenant or shopping center use without receiving the approval of a conditional use permit from Mayor and Council in accordance with this article. Seeking to subdivide a structure as defined by this article requires:

1. The corporate name, address, and individual contacts of the tenants proposed to enter the multiple suites once the structure is subdivided;
  2. A complete copy of the lease for each proposed tenant, agreeing to a lease term of no less than one (1) year;
  3. No suite shall be smaller in gross square footage than is required by this article;
  4. Conceptual plans shall be submitted detailing and illustrating the transition of the structure from big box to multi-tenant. The newly proposed multi-tenant or shopping center building shall have a flow from suite to suite, designed to appear as a shopping center and not a big box structure. Any and all architectural requirements as detailed in this section, article, and ordinance shall be met to meet this requirement;
  5. This requirement shall apply to office, retail, and all multiple tenant conversions, excluding for residential use.
- f.) Should an owner seek to convert a big box commercial retail structure to a residential use, said owner must submit a rezoning request in accordance with this ordinance. Conversion to a residential use requires a complete redevelopment of the site and renovation of the big box retail structure for said use.
- g.) Should a big box commercial retail structure occupant seek to vacate the structure in favor of constructing a new location elsewhere in the jurisdiction, the City strongly encourages the occupant to remain in the existing location and remodel, renovate, expand, and improve to accommodate needs.
- h.) Should the single occupant vacate a big box commercial retail structure, the following action shall be taken:
1. No later than ninety (90) days prior to the occupant vacating the structure, the property owner must submit an action plan with timeline to the Zoning Administrator, detailing plans to replace the occupant. Failure to produce or complete this plan will result in penalties in accordance with this ordinance;
  2. Should the owner seek to convert the structure to a shopping center or for residential use, an action plan for project completion, with timeline must also be submitted, no later than sixty (60) days prior to the occupant vacating the structure. Failure to produce or complete this plan will result in penalties in accordance with this ordinance;
  3. Once the structure is vacated, owner must continue to maintain the property, including the continual care of: lawns, landscape areas, vehicular use areas, driveways, and all other sections of the tract requiring similar attention. The owner must also practice rodent control on the premises and all other measures of extermination to eliminate and prevent creating nuisances to adjacent and nearby properties. The outdoor storage of pallets and other debris is expressly prohibited;

4. The big box commercial retail structure must also be maintained. The owner must replace broken windows, paint, and continue the general repair, maintenance, and upkeep of the interior and the exterior of the structure. Windows and doors shall not be boarded or secured with opaque materials. The structure must continue to appear occupied from public roads and not abandoned. Interior lighting and parking lot lights must continue to operate;
  5. Failure to comply with these regulations will result penalties as established by this ordinance.
- i.) When in conflict with a separate City code or article, the most stringent requirement shall apply.
  - j.) For structures 10,000 gross square feet or less containing multiple suites and tenants, see “Multi-Tenant Building,” Section 5.4-33.
  - k.) For structures 10,000 gross square feet or greater containing multiple suites and tenants, see “Planned Shopping Center,” Section 5.4-36.
  - l.) Class IV Big Box Commercial Retail Structures shall also comply with Article 19.7 – Holly Springs Town Center District Requirements. Where a conflict arises between Section 5.4-10 and Article 19.7, Article 19.7 shall govern and the DDA shall evaluate these big box structures in accordance with the adopted COA process.

**5.4-11 Cash, Check Cashing, and Pawn Establishments.** Cash, Check Cashing, and Pawn Establishments are those establishments that offer “payday loan,” “cash advance,” “check cashing,” or other similar services. Pawnbrokers include any person or entity that shall in any manner lend or advance money or other items for profit on the pledge or possession of personal property, or other valuable consideration other than securities or written evidences of indebtedness. Pawnbrokers shall constitute any person or entity that deals in the purchasing of personal property or other valuable items on condition of selling the same back to the seller at a stipulated price. The purpose of this Section is to mitigate the negative effects of predatory lending and potentially criminal activities, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Cash, Check Cashing, and Pawn Establishments shall be situated on a parcel that shall total to at least 0.75 acre, unless the establishment is a tenant in a multitenant development in which case this condition is met if the parcel for the multi-tenant development is at least 0.75 acre.
- b.) No bright, pastel, or neon colors shall be used in the construction of the building or on any signs affixed to the building or on any freestanding signs identifying the business premises.



- c.) The building in which a Cash, Check Cashing, or Pawn Establishment operates shall be completely constructed of an inconspicuous brick or masonry material.
- d.) Cash, Check Cashing, and Pawn Establishments must comply with Article XII, Chapter 22 of the City of Holly Springs, prior to filing an application for Conditional Use Permit with the City.<sup>51</sup>

**5.4-12 Cemetery.** Land used or dedicated to the burial or internment of human or animal remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities. The purpose of this Section is to provide the proper shielding and buffering for cemeteries, mitigate any potentially negative effects associated with cemeteries, including but not limited to: improper health and sanitary conditions, stormwater runoff, and traffic or noise associated with funerals, and to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Such development shall have a minimum of five (5) acres in size.
- b.) Such development may front only on a collector or major street or state highway, and the entrance and exits to it shall be only from the street on which it fronts.
- c.) Such development shall be bordered by a ten (10) foot wide buffer strip along all of its exterior property lines not bordering the frontage street and not extending into the required front yard.
- d.) Such development cemetery is included in a preliminary plat that has been approved by the Planning and Zoning Commission.
- e.) Shall adhere to the cemetery ordinance of the City of Holly Springs, as follows:

**Section 1:** That the City of Holly Springs adopts and will enforce the law of the State of Georgia with respect to Cemeteries and burial grounds.

**Section 2:** That the following regulations shall be adopted, incorporated by reference and make a part of the Holly Springs Zoning Irritancy:

**Purpose:** The purpose of this Article is to provide standards for the care accorded to the remains of deceased persons. Further, that the land or water where the human remains and burial objects are interred or discovered are parts of the finite, irreplaceable, and nonrenewable cultural heritage of the people of Holly Springs and Cherokee County and should be preserved.

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<sup>51</sup> Amended by City Council with text amendment TA-07-2013, 01/23/2014

**Intent:** It is the intent of this Article to require respectful treatment of human remains in a manner consistent with the identifiable ethnic, cultural, and religious affiliation of the deceased individual(s) as indicated by the method of burial or other historical evidence or reliable information.

**Section 3 – Definitions:** Definitions will include all definitions provided under O.C.G.A. 36-72-2.

**Section 4 – Development Requirements:** No known cemetery, burial ground, human remains or burial object shall be knowingly disturbed by the owner, developer or occupier of the land on which the cemetery or burial ground is located for the purposes of developing or changing the use of any part of such land without the express approval for permit of the City Council of the City of Holly Springs. If approved, such applicant shall bear the cost of mitigating the harm to the cemetery or burial ground and/or reentering the human remains. The application process will be governed by O.C.G.A. 36-72-5 through 16. The City Council will impose a fee of \$500 plus the cost of hiring an attorney, independent archeologist and independent surveyor to assist in making recommendations regarding the applicant’s plan. Such fee shall not exceed \$2,500. Development Adjacent to a Cemetery or Burial Site: The owner or developer shall submit to the Zoning Administrator a site plan identifying the full boundaries of the cemetery, the proposed buffer and development project with a metes and bounds description. The report of the professional archaeologist shall accompany such site plan. The owner or developer shall provide a thirty (30) foot natural undisturbed buffer around the perimeter of the outermost burials or grave shafts of the cemetery as determined by a professional archaeologist as defined in O.C.G.A. 36-72-2(2). All mechanized equipment and vehicles are prohibited from entering the buffer area in order to maintain the buffer as an undisturbed area. The archaeologist will mark the fence line as well as the 30 foot buffer. The developer shall cause to install a fluorescent webbed fence of at least four (4) feet in height to delineate the other perimeter of the thirty (30) foot buffer before beginning construction. All costs to determine the extent of such buffer by the employment of a professional archaeologist shall be borne by the owner/developer. The owner/developer shall provide an uninhibited daylight access to the cemetery via a thirty (30) Foot easement, which shall at a minimum be graveled, from the nearest public road. The outer boundaries of this easement may be landscaped. The owner/developer shall provide at a minimum a permanent six (6) foot chain link fence or wall with gate on the common property line between the cemetery and the development before beginning construction. Other types of acceptable fencing include vinyl chain line and/or wrought iron. Fence must be heavy gauge with cross rail. The owner/developer shall comply with state and local laws related to cemeteries, burial grounds, burial objects, and artifacts.

**Section 5 – Violations:** Any violation of the provisions of this ordinance by any person will be deemed to be noncompliance with the building permit and site plan. The Zoning Administrator is hereby authorized and directed, upon discovery of any violation of this article, to issue a stop work order for failure to comply with the building permit and site plan as submitted to the City of Holly Springs. The owner/developer of such property will be required within fifteen (15) days of the stop work order to submit a mitigation

plan for any violation and to pay all costs to implement same. The above notwithstanding, all state and local laws and regulations pertaining to cemeteries, burial grounds, burial objects and artifacts including violations thereof will be enforced.

**5.4-13 Churches, Synagogue<sup>52</sup>.** A facility incorporating one or more buildings where religious services are conducted. The purpose of this Section is to provide adequate buffering adjacent to residential areas and ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) They are located on an arterial, major or minor collector street with two hundred fifty (250) feet of road frontage.
- b.) The buildings are located not less than fifty (50) feet from any street and not less than thirty (30) feet from any side or rear property line.
- c.) Parking is not provided in the front yard setback area.
- d.) If adjacent to residential zoned property, a buffer of at least fifty (50) feet in width shall be provided along the property lines adjacent to said zoning; provided, however, that this buffer may be reduced to no less than twenty (20) feet in width adjacent to the sanctuary building or “Sunday School” educational building and parking related to these buildings.
- e.) Within districts RD-20 and RMF, if the development of church or other place of religious worship does not meet the minimum requirements, a Special Use Exception may be approved by the Planning & Zoning Commission, pursuant to the procedures set forth in Section 15.3-3, Special Exceptions and Interpretations, provided that:
  1. They are located on an arterial, major or minor collector street on a site of not less than five (5) acres.
  2. The buildings are located not less than fifty (50) feet from any street or thirty (30) feet from any side property line.

**5.4-14 Daycare, Nursery School Facilities and Kindergartens.** Establishments that provide care for and supervise minors for less than 24 hours each day and may teach pre-Kindergarten and/or Kindergarten. A Kindergarten is a school or class for children usually ranging from ages four to six. The purpose of this Section is to promote continued and safe operation of Daycare, Nursery Schools and Kindergartens, to eliminate dangerous conditions potentially existing in Daycare, Nursery Schools and Kindergartens, to mitigate the negative effects on surrounding properties resulting therefrom and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

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<sup>52</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

- a.) At least 35 square feet of indoor space shall be provided for each child. Outdoor play areas shall conform to the following specifications:
1. The minimum size of the outdoor area shall equal one hundred (100) square feet times one-third (1/3) of the center's licensed capacity for children;
  2. At least one hundred (100) square feet shall be available for each child occupying the outside play area at any one time;
  3. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times;
  4. Outside play areas shall be adjacent to the Nursery School or Kindergarten or in an area which can be reached by a safe route or method approved by the DHR.
  5. Play areas shall be protected from traffic or other hazards by a six (6) foot or higher secure fence or other barrier on all sides as approved by the City of Holly Springs;
  6. Fencing material shall not present a hazard to children and shall be maintained so as to prevent children from leaving the play area by any other means than through an approved access route;
  7. Fence gates shall be kept closed except when persons are entering or exiting the play area;
  8. The outdoor play space shall have a surface suitable for varied activities;
  9. Hard surfaces, such as gravel, concrete, or paving shall not exceed one-fourth (1/4) of the total outdoor play area;
  10. Outside play areas shall be kept clean, free from litter, and free of hazards including, but not limited to, non-resilient surfaces under the fall-zone of play equipment, rocks, exposed tree roots and exposed sharp edges of concrete or equipment;
  11. Shaded areas shall be provided in the outside play areas;
  12. All outside play equipment shall be arranged so as not to obstruct supervision of children; and
  13. Climbing and swinging equipment shall be anchored, have a resilient surface beneath the equipment and include a fall-zone from such equipment which is adequately maintained by the Nursery School or Kindergarten to assure continuing resiliency.

- b.) Nursery Schools and Kindergartens shall be situated on a minimum 0.75 acre parcel.
- c.) Nursery Schools and Kindergartens shall be situated only in a stand alone building containing at least 5,000 square feet of heated space.
- d.) Nursery Schools and Kindergartens shall provide a covered entry and exit point for vehicular use, with a circular drive entering and exiting.
- e.) Nursery schools and Kindergartens shall submit all DHR certifications, requisite professional licenses and other licenses under state and local law annually. Failure to submit current and proper state certifications will result in a revocation of the occupational tax license.
- f.) All facades of the primary structure shall be constructed entirely of either brick, stone, shake, or a combination thereof.
- g.) Any freestanding sign identifying Nursery Schools and Kindergartens shall be a monument sign constructed of the same material as the building in which a Nursery School or Kindergarten is situated.
- h.) Commercial, church, and not-for-profit supported nursery schools and kindergartens are covered by this ordinance. However, not-for-profit camps, vacation Bible schools, or other activities provided for children on a seasonal, temporary basis, are exempt from this section, except that the applicant must secure a fee exempt temporary operating permit and be reviewed by the Zoning Administrator and Fire Marshall for code compliance.
- i.) Must conform with all other DHR Rules for Day Care Centers, now and as amended, 290-2-2-01 et. seq.
- j.) Nursery schools, kindergartens, after-school daycares, and similar programs sponsored by churches and not-for-profit entities in conjunction with a school sponsored by the same, are exempt from this section, except for “e” above. Additionally, community clubs for the youth, and other similar activities and mentoring sponsored by not-for-profit or church organizations are exempt from this section.
- k.) Nursery schools, kindergartens, after school daycares, and similar programs sponsored by the Cherokee County Board of Education or other public institutions are exempt from this Section.

**5.4-15 Daycare, Group.** See 5.4-10 above.

**5.4-16 Driving Range, Golf.** Golf Driving Ranges are establishments that provide the public a location to drive golf balls long distances with golf clubs and may also provide other golf related services including, but not limited to: putting green, merchandise sales, snack bar, and lessons. The purpose of this Section is to mitigate the negative effects of visual blight, bright lights, and noise, encourage safety, and to promote the aesthetic quality and operational safety of adjacent land uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit

evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) The driving range shall be enclosed by a wall or fence and buffer area thirty-five (35) feet in depth to screen adjacent property.
- b.) Central loudspeaker shall be prohibited.
- c.) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.
- d.) For the development of tennis courts and related commercial activities, a setback of two hundred (200) feet is required from the nearest residents.

**5.4-17 Emissions Testing Facilities.** Emission Testing Facilities are privately owned establishments that test vehicle emission standards as regulated by the State of Georgia. The purpose of this Section is to mitigate the negative effects of visual blight, bright lights, noise, fumes, to promote the aesthetic quality and operational safety of adjacent land uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Emission testing must be done in conjunction with other routine and necessary vehicle maintenance tasks.
- b.) Emission Testing Facilities shall not be a stand-alone structure or facility, offering only emission testing services.
- c.) Emission testing shall be allowed in conjunction with gasoline service stations, tune and lube services, auto, truck and other vehicle repair garages.
- d.) Emission testing shall be conducted within an open garage or other like structure.
- e.) All licensure to operate, as required by the State of Georgia, must be provided prior to the issuance of an occupational tax license.

**5.4-18 Gasoline Service Stations.** Gasoline Service Stations include buildings and premises wherein the primary use is the retail sale of gasoline to the general public, and where the incidental sales of oil, grease, batteries, and motor vehicle accessories to the general public and minor auto services may be provided; however, such services shall not include major mechanical or body work, repair of transmissions or differentials, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in gasoline service stations. The purpose of this Section is to minimize conflicts between pedestrians and vehicles, to assure that Gasoline Service Stations and do not detract from the aesthetic quality and operational safety of adjacent land uses, to promote the safe operation of Gasoline Service Stations, to mitigate negative environmental

effects resulting from fumes, smog, litter, harmful run-off, contaminates, spillage, impervious surfaces, and to ensure that Gasoline Service Stations are compatible with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Gasoline Service Stations and Convenience Stores shall exist on at least one (1) acre of land.
- b.) All gasoline pumps must be completely covered by canopies which shall be at least ten (10) feet from any property line, shall be architecturally integrated with the main structure and shall not extend over the right-of-way or landscaping buffers.
- c.) Fuel pump islands shall be designed to minimize traffic conflicts. Gasoline pumps shall be at least twenty (20) feet from any property line.
- d.) Gasoline Service Stations shall include a Convenience Store; however, Convenience Stores are not required to include Gasoline Service Stations.
- e.) Gasoline Service Stations that include auto service as an accessory use, must comply with Section 5.4-7 of this Article.

**5.4-19 General Merchandise Repair.** Minor repair services offered for various forms of merchandise, excluding vehicles, and large equipment. The purpose of this Section is to mitigate the negative effects of potential noise, fumes, litter, and other potential nuisances and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Such service shall be conducted in a wholly enclosed building.
- b.) No outdoor storage of materials, equipment, or items being repaired is permitted.
- c.) Such repair service shall not generate any noise, odors, or fumes which can be detected beyond the walls of the building, which houses the use.

**5.4-20 Golf Courses and Country Clubs.** A large tract of land laid out for playing golf and/or in association with a club requiring membership, which may also possess other outdoor sporting facilities and host social activities. The purpose of this Section is to mitigate the negative effects of traffic, bright lighting, noise, stormwater runoff, and to promote the aesthetic quality and operational safety of adjacent land uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) The golf course shall be a full nine-hole or eighteen-hole course.

- b.) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.
- c.) Loudspeakers shall be prohibited.

**5.4-21 Greenhouse, Nursery, Landscaping.** Greenhouse, Nursery, Landscaping Establishments are those that raise flowers, shrubs and plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others. The purpose of this Section is to mitigate the negative effects of visual blight, noise, fumes, stormwater runoff, and to promote the aesthetic quality and operational safety of adjacent land uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Commercial Greenhouse, Nursery, Landscaping Establishments must provide that no structure is located closer than one hundred (100) feet to any adjoining residential property.

**5.4-22 Group Homes.** A residence composed of non-related individuals with one or more surrogate parents. The residents of the dwelling may function as a singular housekeeping unit but is not considered a single-family dwelling under this ordinance. Services may include room, meal, and personal care. All group homes shall be approved and licensed by the State of Georgia Department of Human Resources. A group home is not a boarding house. The purpose of this Section is to mitigate the negative effects of traffic, noise, and overcrowding, and to promote the aesthetic quality and operational safety of adjacent land uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) The home is approved and licensed by the State of Georgia Department of Human Resources or any agency through which it acts.
- b.) The number of individuals to live in the home does not exceed two (2) people per bedroom or plans are to be submitted and considered as to how individuals are to be housed.
- c.) Development of group homes within a residential district shall meet all the minimum requirements as provided in Section 5.2.
- d.) Off-street parking of group homes within a single-family residential district shall conform with the parking regulations as provided in Section 11.7.

**5.4-23 Hospital or Similar Institutions.** A building(s) providing primary or tertiary health services and medical or surgical care to persons including inpatients and out-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. The purpose of this Section is to mitigate the negative effects of noise, fumes, stormwater runoff, and traffic, and to promote the aesthetic quality and operational



safety of adjacent land uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Any hospital or similar institution shall be located on a site of not less than five (5) acres.
- b.) Shall be set back from all required yard lines at least two (2) feet for each foot of building height.

**5.4-24 Junk Vehicle Storage.** A location with any wrecked or inoperative automobile, truck or other vehicle, which does not bear a current license sticker. The purpose of this Section is to mitigate the negative effects of noise, fumes and blight, to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant, shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following conditions:

- a.) No junk vehicles, as defined in this ordinance, shall be parked or stand on any property in the incorporated portions of Holly Springs, Georgia unless:
  - 1. It shall be in a completely enclosed building;
  - 2. It shall exist on properly zoned property with a land use permit issued by City Council for the operation of an automobile wrecking business or junkyard;
  - 3. It shall be on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
  - 4. It shall be on property occupied and used for the repair, remodeling, or reconditioning of vehicles in accordance with other zoning regulations of Holly Springs, Georgia.

b.) Exceptions: the provisions of this section shall not apply to:

- 1. Junk vehicles on school grounds which are operated for training purposes by the Cherokee County Board of Education or an institution licensed under the proprietary school laws of the State of Georgia; or
- 2. Vehicles involved in an accident in which either police investigators or insurance investigators need the wreck to remain at or near where the accident occurred or at some other place where it may be inspected and evaluated for their purposes.

**5.4-25 Junkyard.** Any use on public streets or private property involving the parking, storage or disassembly of junked vehicles, or wrecked or inoperable automobiles, trucks, or other vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old stoves, old refrigerators, and other old household appliances, and used brick, used wood, or other used building materials. Such uses shall be considered junkyards if any part of such operations is conducted outside a building. The

purpose of this Section is to mitigate the negative effects of noise, fumes and blight, to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant, shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following conditions:

a.) The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid, vertical wall or fence of a minimum height of ten (10) feet measured from ground level. The fence or wall shall not contain any poster or advertising of any kind excepting one (1) sign of the licensee not exceeding sixteen (16) square feet in size.

b.) Nuisances:

1. The maintenance and presence of any junk vehicle or junkyard on any property adjoining or abutting any public road, street or way or other public property within the incorporated portions of the City visible from such public road, street, way or other public property, shall constitute a public nuisance.
2. Nothing in this Ordinance shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.

c.) Accumulation of Junk:

1. Prohibition: No owner or resident of any property in the City, other than person who is a licensed junk dealer, shall permit any "junk" to accumulate on his property including, but not limited to, any discarded, dismantled, wrecked, scrapped, ruined or junked motor vehicles or parts thereof.
2. Notice to remove: The Chief of Police shall notify, in writing, the owner or occupant of any premises upon which junk is permitted to cumulate in violation of the provisions of this section that such material must be removed within five (5) days from the date of such notice. Notice shall be by U.S. Mail, addressed to the owner or occupant, at his last known address.
3. Action upon non-compliance: Upon the failure, neglect or refusal of any owner or occupant so notified to remove such junk within the designated time period, the street superintendent is authorized and empowered to arrange for the removal of such material by the City or by a private individual or firm through contract with the City (Code 1979, Sec. 31-109).

d.) Penalties:

1. This Ordinance and Resolution shall not be the exclusive regulation abandoned, wrecked, dismantled or inoperative vehicles or contrivances within the unincorporated limits of Holly Springs, Georgia, but shall be supplemental and in addition to the other regulations and regulatory codes, ordinances, statutes or

provisions of law heretofore and hereinafter enacted by the City of Holly Springs, Georgia, County, State or other entity or agency having jurisdiction.

e.) Criminal Penalties:

1. The violation of any provision of this Ordinance pertaining to junk vehicles and junkyards shall be a misdemeanor.

f.) Civil penalties:

1. If any junk vehicle be left upon the public roads of this City or in a public place in this City, and the same be removed by City authority, the reasonable expense of such removal shall be charged to whomever had control of the vehicle at the time so left, or to its owner in the event it was stolen and the owner has not recovered or remove it within a reasonable time five (5) days after having been notified of the location of the vehicle. The expense born by City authority in the removal of the vehicle shall constitute a lien on such vehicle.

g.) Applicability of penalties:

1. The penal provision of this Ordinance shall be applicable to the person who places or leaves a junk vehicle in violation of the terms of this Ordinance and to the owner of land upon which a junk vehicle or junk yard is improperly maintained, operated or allowed to exist after such owner has knowledge of the existence of such violation.

**5.4-26 Kennel Establishments.** An establishment, in which domesticated animals more than one year old may be housed, groomed, bred, boarded, trained or sold. The purpose of this Section is to mitigate the negative effects of noise, fumes and litter, to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant, shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following conditions:

- a.) All structures shall be located and activities conducted at least two hundred (200) feet from any property zoned or used for residential purposes.
- b.) The maintaining of a “kennel” occurs when the number of dogs being boarded or housed at any structure exceeds eight (8) over the age of eight (8) months.

**5.4-27 Laboratory Research Facilities.** A structure with rooms equipped for scientific research. The purpose of this Section is to mitigate the negative effects of noise, fumes and litter, to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant, shall submit sufficient evidence to demonstrate compliance, and at all times thereafter remain compliant with each of the following conditions:

- a.) The gross floor area shall not exceed twenty thousand (20,000) square feet.

- b.) Such facilities are not objectionable by reason of emission of noise, vibration, smoke, dust, gas, fumes, odors, radiation, and create fire or explosion hazards.
- c.) There shall be no outdoor storage of goods.

**5.4-28 Laundering Establishments.** Laundering Establishments include dry cleaners, laundromats, coin laundries, and all establishments that clean clothes, garments or fabrics for the public but shall not include companies that launder for commercial entities or for private purposes. The purpose of this Section is to mitigate negative environmental effects of turbidity, fumes and noise, to promote water conservation and diverse economic uses, and to increase compatibility with adjacent uses and surrounding businesses and neighborhoods. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Laundering Establishments situated in a stand-alone building must first adhere to each of the following conditions:
  - 1. Laundering Establishments shall be situated on a parcel no less than 0.75 acre;
  - 2. Laundering Establishments shall be the single tenant located in a building containing at least 5,000 square feet of heated space, with all facades constructed entirely of either brick, stone, shake, or a combination thereof.
- b.) Laundering Establishments situated in a suite in a shopping center or multi-tenant building, must first adhere to each of the following conditions:
  - 1. Laundering Establishments shall be located in a suite of at least 1,000, but no more than 5,000 square feet of heated space.
- c.) In the Neighborhood Commercial (NC) District, the following requirements shall also be required:
  - 1. Location/Suite not to exceed 1,500 sq. ft.;
  - 2. Onsite dry cleaning prohibited;
  - 3. Drive-thru or drive-in prohibited.

**5.4-29 Liquor Store.** Liquor Stores means any establishment that exclusively sells alcoholic beverages in unbroken packages at retail only to consumers and not for resale or for consumption on the premises. Shall not include grocers or convenience stores that incidentally retail alcoholic beverages in unbroken packages. The purpose of this Section is to establish reasonable and uniform regulations for the location, development, and operation of Liquor Stores within the City of Holly Springs and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall

submit sufficient evidence to demonstrate compliance with Chapter 6 of the Code of the City of Holly Springs.

**5.4-30 Massage Therapy and Bodywork Therapy Establishments**<sup>53</sup>: All applicants seeking to practice Massage Therapy and/or operate a Bodywork Therapy Establishment and Day Spa shall, in addition to an application for a conditional use permit, when applicable, shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Massage Therapy, Massage Therapy Establishments, Bodywork Therapy, and Bodywork Therapy Establishments are conditional uses in the City of Holly Springs and are required to apply for and receive a Conditional Use permit from the City Council after complying with Article IX, Chapter 22 of the Code of the City of Holly Springs; except as provided in “(b).”
- b.) Massage Therapy in compliance with Article IX, Chapter 22 of the Code of the City of Holly Springs, is considered a permitted use under the following conditions:
  1. Massage Therapy Ancillary Services, defined as:
    - a. Massage Therapists working under the supervision of a State of Georgia licensed cosmetologist, as an ancillary use for a hair salon. See “(d)” below; and
    - b. Massage Therapists working under the supervision of a State of Georgia licensed physician, chiropractor, or physical therapist, providing massage therapy as an ancillary use to the primary business activities (“medical ancillary use”). Under this use, no more than one (1) massage therapist shall be employed to every one (1) State of Georgia licensed physician, chiropractor, or physical therapist, up to three (3) massage therapists.
  2. Massage Therapy Ancillary Services are not considered massage therapy establishments and upon revocation, dissolution, or expiration of the primary business activity occupation tax permit, the massage therapy activities shall cease, and the business site shall not be considered a legally non-conforming location for massage therapy.
- c.) All Massage Therapy uses, conditional and permitted, and all bodywork therapy uses shall provide evidence that the proposed premises, whether new construction, renovation, or remodel, shall meet the following standards:
  1. The premises proposed for the establishment shall be in compliance with all applicable and current building, fire, electrical, plumbing, public health, safety, and zoning laws, as amended; and
  2. Adequate equipment for disinfecting and sterilizing any instrument used for massage shall be provided; and

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<sup>53</sup> Amended by City Council with text amendment, 07/20/2009

3. In addition to the minimum lighting required by the applicable building code, at least one (1) artificial light of not less than sixty (60) watts shall be provided in each enclosed room or booth of the massage establishment and shall be lit during the administration of massage; and
4. Hot and cold running water shall be available on the premises; and
5. Closed cabinets shall be utilized for the storage of clean linen; and
6. Dressing and toilet facilities shall be available for customers in compliance with applicable building codes, now and as amended.
7. All walls, ceilings, floors, steam or vapor rooms and other physical facilities for the establishment shall be kept in good repair and maintained in a clean and sanitary condition; and
8. Sanitary towels and linens shall be provided for customers receiving massage services and shall be laundered following use by each individual customer; and
9. Two way or reversible mirrors are expressly prohibited; and
10. Doors. All front, reception, hallway or front exterior doors (except back or rear exterior doors used for employee entrance to and exit from the massage establishment) shall be unlocked during business hours, unless some other arrangement related to safety has been made with the police department. No massage may be given within any cubicle, room, booth or any area, which is fitted with a door capable of being locked, unless the only door is an exterior door.
11. Dark, smoky, or otherwise opaque glass is prohibited for all windows on any portion of the structure façade. Lightly tinted or shaded glass is permitted unless the reflective qualities completely eliminate the visibility into the structure; and
12. If a facility is proposed for construction or if the exterior of an existing structure is proposed for remodeling as part of a renovation to house the establishment, applicant must provide conceptual design drawings of the front, rear, and side facades of the structure proposed to house the massage establishment. Said façade designs must comply with the codes of the City of Holly Springs. All façade and exterior designs must be submitted to the Mayor and Council for final and binding approval with the Conditional Use Permit (CUP); and
13. A floor plan of the proposed facility must also be submitted, identifying general layout of the establishment and, where applicable, the features required by this code section.
14. Prior to the issuance of a Certificate of Occupancy (C.O.) or occupational tax permit for the establishment or use, the Chief Building Official must inspect the premises to ensure compliance with this code section for all uses under this article.

d.) Massage Therapy Services (as a hair salon ancillary service). A massage therapist holding an active state massage therapy license issued by the Georgia Board of Massage Therapy may operate and perform services as an ancillary service offered by a hair salon or establishment primarily in the business of providing hair-related services as defined under the “Cosmetology Establishments” definition, Article 2. Said massage therapist shall operate under the direct supervision of a State of Georgia licensed cosmetologist, with current occupation taxes paid to the City of Holly Springs, under the following conditions:

1. The massage therapist seeking to operate as an ancillary service under the supervision of a State of Georgia licensed cosmetologist must first comply with Article IX, Chapter 22, of the Official Code of the City of Holly Springs; and
2. The State of Georgia licensed cosmetologist seeking to employ a massage therapist as an ancillary service to their primary business function, must possess a valid business license from the City of Holly Springs, with current occupation taxes paid. The primary business function of the cosmetology establishment shall be a hair salon or principally provide hair-related services as defined under the “Cosmetology Establishments” definition; and
3. A hair salon or hair-related services establishment shall employ a minimum of two (2) full-time employees or independent contractors not engaged in providing massage services to be eligible to hire one (1) full-time massage therapist. Additionally, said establishment shall employ no more than one (1) full-time massage therapist for every two (2) full time employees or independent contractors, up to a maximum of three (3) full-time massage therapists. (ex.- two full time non-massage therapist employees or independent contractors = one massage therapist; four full time non- massage therapist employees or independent contractors = two massage therapists; six full time non-massage therapist employees or independent contractors = three massage therapists).
4. Each massage therapist employed by a hair salon or hair-related services establishment, under the direct supervision of a State of Georgia licensed cosmetologist, shall also be required to apply for and receive a business license from the City of Holly Springs, paying the requisite occupation taxes. Said occupational taxes shall be paid yearly to remain current.
5. Hair salons or hair-related establishments seeking to employ more than three (3) massage therapists, shall be considered “Massage Therapy Establishments” and are required to apply for and seek a conditional use permit from the Mayor and City Council.
6. All other facility requirements under “c.” above shall also be required prior to issuance of the C.O. or occupational tax permit.

**5.4-31 Hotels and Extended Stay Facilities**<sup>54</sup>. Hotels are buildings in which lodging or boarding and lodging facilities are provided for more than three transient guests and offered to the public for compensation and where ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours and containing no facilities

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<sup>54</sup> Amended by City Council with text amendment, TA-03-12, 09/24/2012

for cooking in the individual units other than a microwave oven. No exterior access to rooms is allowed. A hotel may include as accessory uses the following: full dining retail uses, special events, and/or conference center facilities. Extended Stay Facilities are those buildings, which lodging is provided for tenants, wherein term of stay is designed for more than one night's lodging and ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours. No exterior access to rooms is allowed. The purpose of this Section is to mitigate the negative effects of potentially criminal activities, bright lights, and noise, to promote diverse economic uses, and to increase the compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Hotels and Extended Stay Facilities shall exist on a parcel no less than two (2) acres for General Commercial (GC) and Office and Institutional (OI), no less than one (1) acre for Neighborhood Commercial (NC).
- b.) All Hotels and Extended Stay Facilities facades shall be constructed entirely of brick, stone, or a combination thereof.
- c.) All Hotels and Extended Stay Facilities shall have either a resident manager or 24 hour staff available on the premises at all times.
- d.) All Hotels and Extended Stay Facilities shall maintain a guest registration at the front desk that shall be available for inspection by law enforcement at all times.
- e.) No rooms shall have access to the exterior of the building unless required by fire/safety regulations.
- f.) For Hotel and Extended Stay Facilities that have a fully enclosed interior courtyard, access to rooms from the interior courtyard may be allowed, provided that access to the interior courtyard is permitted only through an inside lobby or other limited use access.
- g.) Hotel and Extended Stay Facilities with a fully enclosed interior courtyard may have balconies facing the courtyard, provided that access to the interior courtyard is permitted only through an inside lobby or other limited use access. Exterior balconies shall be allowed only with approval of the City Council.
- h.) For Hotels:
  1. Rental units may consist of one or more rooms, plus a bath, without separate kitchen facilities common to apartments, but which may include a microwave oven and one refrigerator in size of less than six cubic feet. No other cooking facilities whatsoever are permitted.
  2. The average guest stay shall not exceed ten (10) days.



3. No hotel or other structure can be converted to an extended stay facility without meeting all of the rules and regulations contained within this Section.
4. No facility permitted as a hotel shall be converted or used primarily as an apartment or condominium.

i.) For Extended Stay Facilities:

1. Guest stay shall be limited to 90 consecutive days. The proof of registration of children in area schools using the address of the facility shall result in termination of guest stay, even if within the 90-day period.
2. The restrictions on the length of stay shall be placed on the wall in the lobby of the facility in a conspicuous place and on the wall or back of door within each guest room.
3. No Occupation Tax Permit shall be issued for any business operating from a guest room within an extended stay facility.
4. Outside storage or long-term parking of heavy construction or related equipment shall be prohibited.
5. Each suite shall be required to include an automatic power shut-off timer for each stove/cook top unit or other type burner. The timer shall be preset with a maximum time limit of not more than one hour.
6. An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of 5 square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by Community Development Director prior to development to ensure that all applicable safety specifications and standards are met.

**5.4-32 Multi-Tenant Building.**<sup>55</sup> A Multi-Tenant Building is a retail structure under common ownership or management located on one commercially zoned lot containing more than one suite or entity. Multi-tenant buildings shall contain no less than 2,500 gross square feet up to a maximum of **15,999** gross sq. ft., with suites no less than 600 gross square feet each. The purpose of this Section is to mitigate the negative effects of loitering, blight, bright lights, noise, traffic, and impervious surfaces, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Multi-Tenant Buildings shall exist on a tract no less than one (1) acre in area.
- b.) Individual suites shall be in no event less than 600 square feet in size each.

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<sup>55</sup> Amended by City Council with text amendment, 04/21/2008

- c.) The maximum gross square footage permitted for multi-tenant buildings may be applied toward one multi-tenant building or multiple shopping center/multi-tenant structures on the parcel. In no event, however, shall an average of less than one (1) acre per structure on the total site be permitted. All required setbacks in the respective zoning districts shall also be enforced.
- d.) The Multi-Tenant Building shall include features which provide for a proper transition from more sensitive land uses and incorporate buffering methods to separate commercial activities such as loading, lighting, and trash collection.
- e.) The design of the Multi-Tenant Building shall reflect the concept that it has been planned as a group of organized uses and structures.
- f.) The Multi-Tenant Building and all buildings, signs and landscaping in relation thereto shall be designed with similar architectural styles, similar exterior building materials, and coordinating landscaping themes.
- g.) Management of the Multi-Tenant Building shall make provisions for consistent maintenance, reciprocal access and reciprocal parking.
- h.) Vehicle and pedestrian access to the Multi-Tenant Building shall be coordinated and logically linked to provide a comprehensive circulation system.
- i.) Submitted with the conditional use permit request to construct a multi-tenant building, applicants must conduct a study evaluating the need for the location and an inventory of structures with comparable square footage in a two (2) mile radius of the proposed location. This inventory must include the status of availability for these structures and an analysis on the feasibility of occupying a pre-existing structure.
- j.) All exterior building elevations visible from public streets, right-of-way and/or customer parking areas shall be designed so that there are no expanses of blank walls. Façade design characteristics should vary every 50 feet, or fraction thereof. Each suite should have a unique design, with the same design not repeating. All walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door, or colonnade openings. This requirement can also be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, and canopies. Building mass shall be broken up to give the appearance of multi-tenant occupancy or places of business, presenting a thematic village appearance. Additionally, distinct architectural entry identity for individual tenant entrances shall be provided. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.
- k.) A minimum of three (3) different materials shall be used for all building elevations. The primary front building façade materials shall consist of stone, brick, glass, ornamental metal, architectural precast (panels or detailing), and/or architectural metal panels. Remaining

facades shall be of architectural treatments of glass and brick, stone, architectural block, stucco, and wood, with combining these finishes both allowed and encouraged. All facades must be made up of a minimum of 75% brick and/or stone when visible from city maintained right-of-way and 50% brick and/or stone when not visible from city maintained right-of-way. Exterior colors and designs should be of earthen tones when the structure has frontage visible from properties with residential uses.

- l.) All customer entrances located along the front façade, including those of neighboring smaller tenants, shall be clearly defined and highly visible and add aesthetically pleasing character to the buildings.
- m.) The structure shall be required to face and have its main entrance located on the side of the building, which faces a public street. In cases where a structure may face more than one public street, the building shall face the street, which is of the highest classification. Main entrances will also be allowed on the corner of a building, which faces two streets. No loading docks, overhead service doors, or trash collection bins may be placed on, or adjacent to any façade, which faces a public street.
- n.) The building shall include architectural features that contribute to visual interest at the pedestrian scale. Pedestrian accessibility, safety, and convenience shall be provided to reduce traffic impacts and enable the development to project a friendly inviting image. Customer drop off and pick up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths.
- o.) The owner of the zoning lot shall prepare a traffic management plan, which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional traffic planner at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, whichever occurs first.
- p.) The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, whichever occurs first.
- q.) All rooftop equipment, such as HVAC units, shall be screened from public view on all sides by parapets, dormers, or other screens. The material of all structures used to screen rooftop equipment shall be consistent with the exterior materials used on the façade of the structure. Where flat roofs are present the parapet shall not exceed an average height equal to 15% of the height of the supporting wall and shall not at any point exceed a height equal to 30% of the supporting wall.
- r.) Architectural design requirements, (d) through (l), Section 19.8-7 of Article 19 of the Zoning Ordinance shall also be met for multi-tenant buildings.

- s.) Should the multi-tenant building become vacant, the following action shall be taken:
1. Owner must continue to maintain the property, including the continual care of: lawns, landscape areas, vehicular use areas, driveways, and all other sections of the tract requiring similar attention;
  2. The multi-tenant building structure must also be maintained. The owner must replace broken windows, paint, and continue the general repair, maintenance, and upkeep of the interior and the exterior of the structure. Windows and doors shall not be boarded or secured with opaque materials. The structure must continue to appear occupied from public roads and not abandoned. Interior lighting and parking lot lights must continue to operate;
  3. Should the multi-tenant building remain vacant for one (1) calendar year, the owner must provide a progress report to the City. Each calendar year thereafter, the owner shall submit a progress report. The progress report shall contain occupancy prospects, lease intentions, and timelines for accomplishing these tasks.
  4. Should the owner of the multi-tenant building occupy a suite(s) with a tenant that fails to remain in business for twelve (12) consecutive months, for the purposes of this article, the City will not consider the structure “occupied” from the time beginning when the structure originally became vacant. Otherwise, should the subsequent tenant(s) occupy the structure, remaining in business for more than twelve (12) consecutive months, the structure shall be considered fully occupied.
  5. After two (2) consecutive calendar years beginning from the date of abandonment, the owner must occupy the multi-tenant building with a permanent tenant(s) accompanied with a lease term of no less than five (5) years. For these purposes, a “permanent tenant” must possess a lease of not less than five (5) years and must remain in business for at least twelve (12) consecutive months. Should the owner fail to meet this requirement, the Zoning Administrator shall notify the owner of noncompliance in writing. In this notice, the Zoning Administrator shall establish a hearing date for the Mayor and Council of the City of Holly Springs to consider condemnation action against the unoccupied structure. The public notice and procedures of the public hearing shall adhere to Article 14 of this ordinance.
  6. The City of Holly Springs shall determine “occupancy,” “vacancy,” and being in “business” in accordance with dates recorded by the various licensure issued by the City including but not limited to: occupational tax permit, certificate of occupancy, and zoning compliance certificate. See also “Article 12: Non-Conforming Uses” of this ordinance.
  7. Failure to comply with these regulations will result penalties as established by this ordinance.
- t.) In no event shall a multi-tenant building structure be subdivided into suites smaller than 600 gross square feet each.

- u.) When in conflict with a separate City code or article, the most stringent requirement shall apply.
- v.) For projects that include a multi-tenant building adjoining (attached or detached) a Big Box Commercial Retail Structure, compliance with Section 5.4-10 is required. The gross square footage of an adjoining Big Box Commercial Retail Structure (attached or detached) shall not be subtracted from the total gross square footage permitted for the multi-tenant building as regulated by this section.
- w.) Regardless of the gross square footage permitted by this section, multi-tenant buildings and adjoining structures must be situated and designed for respective sites so as not to overcrowd land, which includes providing: adequate parking, required landscaping, buffers, trees, undisturbed areas, and all other site requirements mandated by the Code of the City of Holly Springs.
- x.) For an individual freestanding structure occupying more than 10,000 gross square feet, see “Big Box Commercial Retail Structures,” Section 5.4-10.
- y.) For structures 13,000 gross square feet or greater containing multiple suites and/or tenants, see “Planned Shopping Centers,” Section 5.4-36.”

**5.4-33 Nursing and Personal Care Homes.** An extended or intermediate care facility required to be licensed or approved by the State of Georgia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. The purpose of this Section is to ensure the proper care and safety of the infirm and disabled, verify the integrity of the services and care offered, buffer adjacent commercial and residential areas, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Minimum lot size is three (3) acres with 50’ front setback and no parking in the front yard setback line. Maximum height is limited to the adequate fire protection provided by the Fire Department.
- b.) All licensure to operate, as required by the State of Georgia and/or other governmental agencies must be provided prior to the issuance of an occupational tax license.

**5.4-34 Outdoor Amusement Enterprises.** Outdoor Amusement Enterprises shall include but shall not be limited to outdoor activities such as amusement parks, tracks for go-karts or motor bikes, amphitheatres, pony riding, miniature golf, carnivals, and bazaars. The purpose of this Section is to mitigate the negative effects of the overcrowding of land, traffic congestion, panic, noise, fumes, and potentially criminal activities, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to

demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) The minimum area set aside and exclusively devoted to each Outdoor Amusement Enterprise shall total one (1) acre.
- b.) Outdoor Amusement Enterprises shall be set back at least 50 feet from any adjacent property line.
- c.) All outdoor areas used for vehicular or equipment storage, parking, display, maneuver and/or movement of vehicles or equipment shall be constructed and maintained with an all-weather-paved surface, surrounded by a raised curb. The surrounding raised curb shall be located such that no vehicle or equipment may be parked, stored or displayed within 15 feet of any street right-of-way line, nor within five feet of any other property line.
- d.) Aisles, drives, and accessways shall be adequate for vehicle movement and access for service and/or emergency vehicles.
- e.) The property lines of such uses shall not be located within two hundred (200) feet from property lines of any church, hospital, buildings operated exclusively as schools, or residential zoning districts.
- f.) To screen adjacent properties, such uses shall be enclosed by a wall or fence at a minimum of ten (10) feet high and a buffer depth of ten (10) feet.
- g.) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected.
- h.) A conditional use permit for an Outdoor Amusement Enterprise may be obtained directly from the Mayor & Council, without zoning procedure fees, except that the proposed Outdoor Amusement Enterprise must be temporary in nature, operating for a period of no more than 14 consecutive days in any six (6) month period. An application for an occupational tax license shall be required and applicable fees shall be assessed.

**5.4-35 Planned Shopping Centers.** A Planned Shopping Center is one or more contiguous retail structures under common ownership or management located on one lot, containing at least 13,000 gross square feet up to thirty (30%) of the total parcel area of floor space excluding storage. The purpose of this Section is to mitigate the negative effects of loitering, bright lights, noise, traffic, and impervious surfaces, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Planned Shopping Centers shall exist on a tract no less than two (2) acres in area.
- b.) Individual suites shall be no less than 1,000 square feet in size.

- c.) The thirty percent (30%) maximum total parcel area coverage permitted for planned shopping centers may be applied toward one shopping center building or multiple shopping center/multi-tenant structures on the parcel. In no event, however, shall the aggregate square footage covered by shopping center/multi-tenant structures exceed 30% of total parcel area. All required setbacks in the respective zoning districts shall also be enforced.
- d.) The Planned Shopping Center shall include features which provide for a proper transition from more sensitive land uses and incorporate buffering methods to separate commercial activities such as loading, lighting, and trash collection.
- e.) The design of the Planned Shopping Center shall reflect the concept that it has been planned as a group of organized uses and structures.
- f.) The Planned Shopping Center and all buildings, signs and landscaping in relation thereto shall be designed with similar architectural styles, similar exterior building materials, and coordinated landscaping themes.
- g.) Management of the Planned Shopping Center shall make provisions for consistent maintenance, reciprocal access and reciprocal parking.
- h.) Vehicle and pedestrian access to the Planned Shopping Center shall be coordinated and logically linked to provide a comprehensive circulation system.
- i.) Submitted with the conditional use permit request to construct a planned shopping center, applicants must conduct a study evaluating the need for the location and an inventory of structures with comparable square footage in a two (2) mile radius of the proposed location. This inventory must include the status of availability for these structures and an analysis on the feasibility of occupying a pre-existing structure.
- j.) All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no expanses of blank walls. Façade design characteristics should vary every 50 feet, or fraction thereof. Each suite should have a unique design, with the same design not repeating. All walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door, or colonnade openings. This requirement can also be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, and canopies. Building mass shall be broken up to give the appearance of multi-tenant occupancy or places of business, presenting a thematic village appearance. Additionally, distinct architectural entry identity for individual tenant entrances shall be provided. In order to assure conformance with this requirement, exterior

building elevations must be reviewed and approved as a part of the overall final site plan review process.

- k.) A minimum of three (3) different materials shall be used for all building elevations. The primary front building façade materials shall consist of stone, brick, glass, ornamental metal, architectural precast (panels or detailing), and/or architectural metal panels. Remaining facades shall be of architectural treatments of glass and brick, stone, architectural block, stucco, and wood, with combining these finishes both allowed and encouraged. All facades must be made up of a minimum of 75% brick and/or stone when visible from city-maintained right-of-way and 50% brick and/or stone when not visible from city-maintained right-of-way.
- l.) All customer entrances located along the front façade, including those of neighboring smaller tenants, shall be clearly defined and highly visible and add aesthetically pleasing character to the buildings.
- m.) The structure shall be required to face and have its main entrance located on the side of the building, which faces a public street. In cases where a structure may face more than one public street, the building shall face the street, which is of the highest classification. Main entrances will also be allowed on the corner of a building, which faces two streets. No loading docks, overhead service doors, or trash collection bins may be placed on, or adjacent to any façade, which faces a public street.
- n.) The building shall include architectural features that contribute to visual interest at the pedestrian scale. Pedestrian accessibility, safety, and convenience shall be provided to reduce traffic impacts and enable the development to project a friendly inviting image. Customer drop off and pick up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths.
- o.) The owner of the zoning lot shall prepare a traffic management plan, which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional traffic planner at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, whichever occurs first.
- p.) The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the city, and it must be approved by the city engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, whichever occurs first.



- q.) All rooftop equipment, such as HVAC units, shall be screened from public view on all sides by parapets, dormers, or other screens. The material of all structures used to screen rooftop equipment shall be consistent with the exterior materials used on the façade of the structure. Where flat roofs are present the parapet shall not exceed an average height equal to 15% of the height of the supporting wall and shall not at any point exceed a height equal to 30% of the supporting wall.
- r.) Architectural design requirements, (d) through (l), Section 19.8-7 of Article 19 of the Zoning Ordinance shall also be met for planned shopping centers.
- s.) Should the planned shopping center become vacant, the following action shall be taken:
1. Owner must continue to maintain the property, including the continual care of: lawns, landscape areas, vehicular use areas, driveways, and all other sections of the tract requiring similar attention;
  2. The planned shopping center structure must also be maintained. The owner must replace broken windows, paint, and continue the general repair, maintenance, and upkeep of the interior and the exterior of the structure. Windows and doors shall not be boarded or secured with opaque materials. The structure must continue to appear occupied from public roads and not abandoned. Interior lighting and parking lot lights must continue to operate;
  3. Should the planned shopping center remain vacant for one (1) calendar year, the owner must provide a progress report to the City. Each calendar year thereafter, the owner shall submit a progress report. The progress report shall contain occupancy prospects, lease intentions, and timelines for accomplishing these tasks.
  4. Should the owner of the planned shopping center occupy a suite(s) with a tenant that fails to remain in business for twelve (12) consecutive months, for the purposes of this article, the City will not consider the structure “occupied” from the time beginning when the structure originally became vacant. Otherwise, should the subsequent tenant(s) occupy the structure, remaining in business for more than twelve (12) consecutive months, the structure shall be considered fully occupied.
  5. After two (2) consecutive calendar years beginning from the date of abandonment, the owner must occupy the planned shopping center with a permanent tenant(s) accompanied with a lease term of no less than five (5) years. For these purposes, a “permanent tenant” must possess a lease of not less than five (5) years and must remain in business for at least twelve (12) consecutive months. Should the owner fail to meet this requirement, the Zoning Administrator shall notify the owner of noncompliance in writing. In this notice, the Zoning Administrator shall establish a hearing date for the Mayor and Council of the City of Holly Springs to consider condemnation action against the unoccupied structure. The public notice and procedures of the public hearing shall adhere to Article 14 of this ordinance.

6. The City of Holly Springs shall determine “occupancy,” “vacancy,” and being in “business” in accordance with dates recorded by the various licensure issued by the City including but not limited to: occupational tax permit, certificate of occupancy, and zoning compliance certificate. See also “Article 12: Non-Conforming Uses” of this ordinance.
  7. Failure to comply with these regulations will result penalties as established by this ordinance.
- t.) In no event shall planned shopping center structures be subdivided into suites smaller than 1,000 gross square feet each.
  - u.) When in conflict with a separate City code or article, the most stringent requirement shall apply.
  - v.) For projects that include a planned shopping center adjoining (attached or detached) a Big Box Commercial Retail Structure, compliance with Section 5.4-10 is required. The gross square footage of an adjoining Big Box Commercial Retail Structure (attached or detached) shall not be subtracted from the total gross square footage permitted for the planned shopping center as regulated by this section.
  - w.) Regardless of the gross square footage permitted by this section, planned shopping centers and adjoining structures must be situated and designed for respective sites so as not to overcrowd land, which includes providing: adequate parking, required landscaping, buffers, trees, undisturbed areas, and all other site requirements mandated by the Code of the City of Holly Springs.
  - x.) For an individual freestanding structure occupying more than 10,000 gross square feet, see “Big Box Commercial Retail Structures,” Section 5.4-10.
  - y.) For structures 12,999 gross square feet or less, containing multiple suites and/or tenants, see “Multi-Tenant Building,” Section 5.4-32.”

**5.4-36 Produce Stands- Agricultural.** A location that vends freshly grown produce. The purpose of this Section is to mitigate the negative effects of blight, traffic, and loitering, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Agricultural produce stands are permitted in districts NC and GC provided that:
  1. A minimum of four (4) off-street parking spaces are provided.
  2. Such use shall not exceed one (1) unit per lot.
  3. Such stand is used only for selling products grown or produced on the premises on which it is located and which is a bona fide agricultural use.

**5.4-37 Psychic Service Establishments.** Psychic Service Establishments include those establishments that provide services involving sensitivity to non-physical or supernatural forces and influences or marked by extraordinary or mysterious sensitivity, perception or understanding and shall include but not be limited to palm readers, astrologers, psychics and crystal ball readers. The purpose of this Section is to mitigate the negative effects of criminal activities and other negative characteristics associated with Psychic Service Establishments, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Psychic Service Establishments may exist in planned shopping centers or multi-tenant buildings.
- b.) Psychic Service Establishments shall not occupy a suite of less than 1,000 aggregate square feet in a shopping center or multi-tenant building.
- c.) Free standing buildings containing Psychic Service Establishments must be situated on a parcel containing no less than 0.75 acre.
- d.) Psychic Service Establishments shall be the single tenant located in the free standing building, containing no less than 5,000 square feet of heated space, and all facades shall be constructed entirely of either brick, stone, shake, or a combination thereof.
- e.) An establishment defined as a “church” under this Section is exempt from this subsection.
- f.) Establishments defined as “Outdoor Amusement Enterprises” are exempt from this subsection.

**5.4-38 Sawmills and Lumber Yards.** A plant or factory where lumber is cut into boards and/or is available to the public for wholesale or retail. The purpose of this Section is to mitigate the negative effects of noise, glaring illumination, stormwater runoff, and other negative effects associated with such establishments, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Sawmills and lumber yards shall place outdoor storage at least fifty (50) feet from the street right-of-way line.

**5.4-39 Schools.** Schools are organizations or institutions that provide instruction for the teaching of children, with grade levels one (1) through twelve (12) and may also teach pre-Kindergarten and Kindergarten. The purpose of this Section is to ensure the welfare of children, promote educational and learning opportunities, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional

use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) A school shall not be permitted in a shopping center or a multi-tenant building.
- b.) A school shall be situated on at least a five (5) acre parcel, with frontage on a public street of at least one-hundred (100) feet.
- c.) Such development shall be permitted only on a lot which has access to an arterial, major collector street.
- d.) The principal or primary building of a school campus with multiple buildings shall be at least 10,000 square feet in size. Other campus buildings may vary in size.
- e.) The school shall be the single tenant located in a free-standing building containing no less than 10,000 square feet of heated with all facades constructed entirely of either brick, stone, shake, or a combination thereof. All campus structures shall conform to the design and architectural elements of the primary building.
- f.) The entire campus shall be enclosed by a fence at least five (5) feet in height. Fences that can be viewed from public rights-of-way shall be decorative.
- g.) An occupational tax license applicant shall submit the credentials of all school employees stating their position in the organization.
- h.) The applicant shall provide evidence of all requisite professional and other licenses under state and local laws for all employees.
- i.) Schools wholly owned by the Cherokee County Board of Education or other public institutions are exempt from this section.

**5.4-40 Self-Storage Establishments**<sup>56</sup>. Self-Storage Establishments, also known as “Self Service Storage” and “Storage Facilities” are any real property designed and used for renting or leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property. No occupant shall use a self-service storage facility for residential purposes. The purpose of this section is to mitigate the negative effects of impervious surfaces, stormwater runoff, bright lights and noise, to promote the aesthetic quality and operational safety of adjacent land uses, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Self-Storage Establishments shall only be permissible on a tract of at least five (5) acres.

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<sup>56</sup> Amended by City Council with text amendment, 04/21/2008

- b.) Individual storage units shall be located within Self-Storage Establishment structures, primarily accessed from interior corridors. However, any individual storage space that is not accessed from an interior corridor, and whose individual unit door is accessed from the outside of the structure so that the unit door is visible from public rights-of-way or adjacent properties of dissimilar zoning or use, are to be adequately and sufficiently screened from view through the use of landscaping, plantings, walls, fencing or by use of other approved methods to emphasize architectural aesthetics and to blend in with adjacent uses.
- c.) All facades constructed in connection with Self-Storage Establishments and structures therewith, that are visible from public rights-of-way or adjacent properties, or dissimilar uses, shall be constructed of either brick, stone, or other City pre-approved masonry materials, or a combination thereof. Additionally, said structures shall also be constructed of materials and colors that are compatible with and that embody the forms and features of buildings in the area.
- d.) Self-Storage Establishments proposed and designed to be entirely self-contained, with no individual customer unit door(s) typically accessed from the outside of the structure, and with one or more levels (storage facility), shall be climate controlled, with no individual customer storage unit doors placed on the exterior of the structure. The architecture of these buildings shall be constructed consistent with the requirements of this section and other zoning codes, as well as the architecture of the immediate vicinity.
- e.) The owner/operator of Self-Storage Establishments shall provide an on-site Manager, who shall maintain and operate an office on the premises. Said office is required to be operated with personnel, open and occupied a minimum of forty (40) hours each seven- day week. Said operational hours are to be posted conspicuously on the premises, for public view.
- f.) A decorative fence or wall shall be placed on all street frontages, which shall be compatible with the architecture of the building(s). A six (6) foot chain link fence, or approved alternate, is permitted thirty (30) feet behind the building line of the building(s) closest to the nearest public street, but shall not be visible from any public street. Said chain link fence shall be black or an earth tone color compatible with the immediate area.
- g.) The outdoor storage of vehicles and/or equipment as an ancillary use of the self-storage establishment business may be considered at the time of review by Mayor and City Council. Each vehicle and/or piece of equipment stored on the premises must be kept in an approved parking space, with drive aisles. All outdoor vehicle/equipment storage shall be completely shielded from views of public rights-of-way and buffered from adjacent properties and dissimilar uses. All other forms of outdoor storage are expressly prohibited.
- h.) The proposed height of self-storage establishment structures shall be reviewed through the zoning process. The Mayor and City Council shall have the discretion to restrict the height of said structures.
- i.) For “Warehousing,” “Storage Yard,” and other storage uses not intended for individual access by the public, please review the Light Industrial Zoning District. For businesses

proposed to engage primarily in the outdoor storage of vehicles and/or equipment, please review the Light Industrial Zoning District.

**5.4-41 Tattoo Parlors and Body Piercing Establishments.** Tattoo Parlors are establishments that provide services, which create an indelible mark or figure, fixed upon the body by insertion of pigment under the skin or by production of scars. Body Piercing Establishments are establishments that engage in the perforation or penetration of the human anatomy with a needle or similar instruments to insert various ornamental objects. The purpose of this Section is to mitigate the negative effects of loitering, criminal activities, and other negative effects associated with such establishments, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Tattoo Parlors and Body Piercing Establishments may exist in planned shopping centers or multi-tenant buildings.
- b.) Tattoo Parlors and Body Piercing Establishments shall not occupy a suite of less than 1,000 aggregate square feet in a shopping center or multi-tenant building.
- c.) Free standing buildings containing Tattoo Parlors and Body Piercing Establishments, shall be situated on a parcel of no less than 0.75 acre.
- d.) Tattoo Parlors and Body Piercing Establishments shall be the single tenant located in a free-standing building, containing no less than 2,500 square feet of heated space with all facades constructed entirely of either brick, stone, shake, or a combination thereof.
- e.) The applicant shall provide evidence of all requisite professional and other licenses required under state and local laws.

**5.4-42 Utility Substations.** Utility Substations include, but are not limited to, public utilities such as electric transformer stations, gas regulator stations, and telephone exchanges. The purpose of this Section is to mitigate the negative effects of visual blight, bright lights, and noise, encourage safety, and to promote the aesthetic quality and operational safety of adjacent land uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Such uses are essential for service to the area in which located.
- b.) Any building or structure, except an enclosing fence, shall be setback not less than twenty (20) feet from any property line and shall meet all applicable yard requirements in excess thereof.
- c.) Such uses shall be enclosed by an opaque screening fence not less than eight (8) feet in height.

- d.) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped, and maintained in an appropriate manner.
- e.) The storage of vehicles and equipment on the premises shall be prohibited.
- f.) A site and development plan shall be approved by the Zoning Administrator to insure compatibility of facilities with the neighborhood in which they are to be located.

**5.4-43 Wholesale Trade with Warehouses.** Wholesale establishments with or without warehousing and shall also include wholesale commodities for distribution. The purpose of this Section is to mitigate the negative effects of noise, glaring illumination, stormwater runoff, and other negative effects associated with such establishments, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

- a.) Gross floor area shall not exceed twenty thousand (20,000) square feet.
- b.) There shall be no outdoor storage of goods unless storage is permitted elsewhere in the district.

## ARTICLE 6: TOWER ORDINANCE

Standards for television, land mobile, communication, microwave and radio transmission antenna & towers.

The purpose of this ordinance is to establish general guidelines for siting of towers and antennas. The goals of this ordinance are to (1) to encourage the location of towers in non-residential areas and minimize the total number of towers in non-residential areas and minimize the total number of towers throughout the community, (2) encourage strongly the joint use of new and existing tower sites (3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal (4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact to the towers and antennas, to provide such services to the community quickly, effectively and efficiently.

### **6.1 Towers Governed by Article 6:**

The height limitations set forth in this Zoning Ordinance applicable to buildings and structures shall not apply to communication towers, equipment and antenna, which shall be governed by this Article 6.

### **6.2 Tower permits:**

**6.2-1 Permit Required:** Except as provided herein, a Tower permit shall be required for all television, land mobile, communication, microwave, and radio transmission antenna and towers.

**6.2-2 Permit Procedure:** Except as provided herein, all applications for a Tower permit shall be treated as an application for a zoning map amendment and shall follow all of the procedures set forth in Article 14, for an application.

**6.2-3 Additional Factors:** In addition to those factors listed in Article 14, the following factors shall be considered in determining whether to grant a tower permit.

- A. Height of proposed tower.
- B. Proximity of the tower to residential structures and residential district boundaries.
- C. Nature of uses on adjacent and nearby properties.
- D. Surrounding topography.
- E. Surrounding tree coverage and foliage.
- F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or elimination visual obstructions.
- G. Proposed ingress and egress.
- H. Availability or suitable existing towers and other structures for shared usage.



**6.3 Exemptions:** The following exemptions shall apply:

**6.3-1 Minimum Height:** This article shall not apply to antenna and towers, which do not exceed thirty-five (35) feet in height.

**6.3-2 Amateur Radio Operators:** This article shall not apply to a single antenna under seventy (70) feet in height owned and operated by a federally licensed amateur radio station operator. However, the owner or operator of such antenna shall be required to comply with all applicable city, county, state, and federal building codes.

**6.3-3 Placement of Existing Towers:** Any additional equipment placed on existing, permitted towers which does not increase the height of the such existing tower shall only be required to obtain the approval of the Zoning Administrator for any additional equipment. Any site plan, which is amended, shall be subject to Section 6.6 of this Article 6. Otherwise, such additional equipment shall be exempt from all other requirements of this Article 6.

**6.3-4 Exemption for Certain Towers:**

Except as provided in this section, the procedural and notice requirements of this article 6, shall not apply to towers less than sixty-five (65) feet which are placed on sites zoned commercial, neighborhood commercial, office and professional, light industrial, or planned development commercial. Provided, however, that the following restrictions shall apply:

- A. An application for a permit must be made and the permit must be granted by the City Council.
- B. There shall only be one tower per site.
- C. Any tower so placed shall be set back from any residential structure a minimum distance equal to the vertical height of the tower.
- D. All provisions of the zoning district, other than height, apply.
- E. All provisions of Section 6.6 herein apply.

**6.3-5 Towers on city-owned property**

Any tower or antenna located on property owned, leased or otherwise controlled by the City of Holly Springs shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the City Council.

**6.4 Requirements for non-exempt towers:** All non-exempt towers for which and application for a permit is made are subject to the following requirements and guidelines:

- A. All towers and antenna in excess of seventy feet must be set back a distance equal to the full height of the tower from any adjoining off-site residential structure.
- B. At the time of filing the application for a tower, the applicant shall provide a site plan and information regarding topography, coverage zone, and tower height requirements.
- C. Shared usage of towers and antenna is encouraged, and towers should be designed to accommodate such use. All applications for new towers must be accompanied with the appropriate research and statement regarding the need for a tower and that no other existing tower can be used to accommodate the requested coverage.

- D. Accessory structures shall be limited to usage associated with the operation of the antenna or towers and shall be appropriate in scale and intensity.
- E. All towers and antenna shall be equipped with an anti-climbing device such as a ten (10) foot barbed strand fence or other appropriate devices to prevent unauthorized access.
- F. All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal communications commission, or such governing agency guidelines as may be established from time to time. All towers and antennas must be updated and brought into conformity with such standards and regulations within (6) months of their adoption. The failure to comply with this provision shall be grounds for the City of Holly Springs to require removal or re-permitting of the antenna or tower at the owner's expense.
- G. At the time of the application for building permit, the plans for the tower or antenna construction shall be certified by an independent registered structural engineer as meeting all current safety and design standards of all applicable codes.
- H. Applicants are required to explore and fully utilize existing towers and antenna space and are required to bear an equitable share of capital, operating, and other expenses in connection with such shared usage.
- I. Non-residential sites are encouraged for tower location where possible and use of platted lots in existing subdivisions is discouraged.
- J. Towers and antenna are encouraged to be located at a height above the tree line no greater than necessary to reasonably accommodate the facilities.
- K. All towers and antenna shall be designed to minimize the visual impact when located on a hill.
- L. Any tower approved under the provisions of this ordinance, which is not utilized by any communications service provider for any communications related purpose for a period of twenty-four (24) months consecutively shall lose its permit and must re-apply for permit prior to its being used again.

**6.5 Landscaping Buffer and Screening Requirement:** All towers for which an application for permit is made are subject to the following requirements and guidelines regarding buffers and screening:

**6.5-1 Minimum setback and buffer:**

- A. Unless provided for elsewhere in this Article, any tower or antenna which abuts a residentially zoned property shall have a minimum forty (40) foot set back plus the distance of the tower height from the residential property, twenty (20) feet of which should be a landscaped, screening buffer between the tower and the residential property.
- B. Required buffers may be included within the required setbacks. Whenever the required buffer is greater than the required setback, the required buffer shall be followed.
- C. Any necessary private utilities and/or access drives may be allowed through, over, or across a landscaped buffer. Any such uses which are proposed through, over, or

across a designated landscaped buffer, must be approved pursuant to an original site plan or sit plan amendment as set forth in this article.

**6.5-2 Objectives:** The above required landscape screening buffer shall be implemented in connection with a permitted project and shall address the following objectives:

- A. Screening to enhance aesthetic appeal
- B. Control of direct vehicular and pedestrian movements
- C. Reduction of glare
- D. Reduction of noise
- E. Establishing privacy

**6.5-3 Standards:** The above-required landscape buffer is subject to review and approval by the City Staff in accordance with the following standards:

- A. Plantings are to be a mix of rows of evergreen trees and shrubs, deciduous trees and taller evergreen trees.
- B. Species are to be ecologically compatible to site and appropriate for design situation.
- C. Unless public safety concerns dictate otherwise, buffers should provide maximum visual barrier.
- D. Minimum height of plant materials at installation is to be five (5) feet for trees.
- E. Fencing or walls are to be minimum of ten (10) feet in height, as approved by city staff.
- F. Trees included in buffer plantings may be counted toward site density calculations as required and subject to review and approval by city staff.
- G. Buffers shall be regularly maintained by the property owner to ensure that the above objectives and standards are met.
- H. When topography and existing conditions allow, the required landscape buffer should be an undisturbed buffer, provided, however, the buffer may be crossed by an access drive and/or necessary utilities as shown on the site plan.
- I. Any appeals from a determination by the city staff regarding the landscape buffer shall follow the procedures set forth in Section 15.3-2, Appeals<sup>57</sup>.

**6.6 Existing Towers Non-Conforming:** Any existing tower or antenna located in the City of Holly Springs on the date of adoption of this Article which does not meet the requirements herein shall be an allowed, non-conforming use subject to the provisions as to non-conforming uses in this Zoning Ordinance.

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<sup>57</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

## **ARTICLE 7: PLANNED DEVELOPMENT DISTRICTS<sup>58</sup>**

**7.1: General Purpose and Description** – It is the specific purpose and intent of the Planned Development district:

**7.1-1** To provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include but not necessarily be limited to steep slopes, soils, streams and other water bodies, woodlands and pasturelands, wetlands, watershed lands, flood plains, historic structures or sites, cultural features, and scenic views.

**7.1-2** To encourage protected open space to be accumulated into larger contiguous open space tracts.

**7.1-3** To allow for a more efficient and imaginative development of a specific property.

**7.1-4** To permit property to be used in a manner not sanctioned by the existing district regulations in harmony with and without detriment to neighboring properties.

**7.1-5** To provide a review process by the Planning Commission which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is located.

**7.1-6** To encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.

**7.1-7** To encourage better land utilization, economy in the provision of roads and utilities, and flexibility in design.

**7.1-8** To encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.

**7.1-9** To provide for a mixture of housing types such as detached single-family homes, two-family homes, townhouses, zero lot line homes, etc. in order to be responsive to changing market demands and conditions and to the introduction of innovative designs while assuring adequate privacy, light and air, interior space, freedom from noise and traffic, and access to open space and recreation.

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<sup>58</sup> Amended by City Council with text amendment, 08/21/2006, 03/19/2007, 06/18/2007, 07/16/2007, 01/22/2009

**7.1-10** Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, cultural, institutional, and other compatible uses.

**7.1-11** For mixed-use developments with a residential component, to provide for a variety of housing types such as detached single-family houses, two-family homes, townhouses, zero lot line development, etc.

**7.1-12** Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space, gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.

**7.1-13** To facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures and other means.

**7.1-14** To provide a linkage to any public or private transit system within and adjacent to the development by effective organization of uses and the orientation of pedestrian and vehicular facilities.

**7.1-15** To encourage pedestrian circulation within and adjacent to the PD development.

**7.1-16** Provide long range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and scheduling of the various land use components and project phases.

**7.2: Types of Planned Unit Developments** – The following types of planned unit developments are authorized by this Ordinance:

PDR Planned Residential Development District  
TND Traditional Neighborhood Development  
PDC Planned Commercial Development District  
PDO Planned Office and Institutional District  
PDI Planned Industrial Development District

**7.3: Location and Siting of Planned Development Districts** – Location maybe suitable in any location throughout the city. The determination shall be made on a case-by-case basis but in particular; development larger than twenty (20) acres should utilize the Planned Development District designation.

**7.4: Designing a Planned Development District** – A planned development project consists of four (4) separate components:

**7.4-1 Sketch Plan** – General concept designed to elicit preliminary feedback from staff and Planning Commission.

**7.4-2 Project Plan** – The overall concept plan for the development locking in land uses, circulation, and other elements.

**7.4-3 Phase Plan** – Preliminary plat for individual phase or pod of the development.

**7.4-4 Site Plan** – Site plan review of individual lot or parcel within a phase or pod.

Note: Table 7.01 contains dimensional and bulk standards for PD developments. Setback standards specifically may be modified to allow creative development to occur provided that a request for such modifications be approved by the Zoning Administrator at the Project Plan Stage. However, no such modification may result in a setback of less than five (5) feet on a side yard or ten (10) feet in a rear yard with the exception of zero lot line developments, as long as the minimum separation between structures is maintained with the distance approved at the time of the Planned Development district approval.<sup>59</sup>

## **7.5: PDR, Planned Residential Development District**

**7.5-1** – General Purpose and Description – The PDR Planned Residential Development zoning district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, community, and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. Internal stability, harmony, attractiveness, order and adequate light, air and open space for dwellings and related facilities and by consideration of arrangement of the different uses permitted in this district.

**7.5-2** – Locations of PDR Districts – PDR districts may be located where sufficient land and infrastructure exists or is planned for which will allow for a development that meets the standards and requirements of this section.

**7.5-3** – Permitted Uses – No building, structure, or land shall be used except for one or more of the following:

- a. Single-family dwellings
- b. Fee simple townhomes
- c. Fee simple quad homes
- d. Guest house (On a minimum 80,000 square foot lot)
- e. Home occupations
- f. Residential accessory uses and structures
- g. Planned retirement community as a conditional use
- h. Public or private parklands including the preservation of natural open space.

### **7.5-4** – Special Exception Uses

- a. Neighborhood commercial uses in PDR districts of 20 acres or more provided:

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<sup>59</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.

1. That such uses are located at intersections containing at least one major local road;
  2. Are clustered together in concentrations containing no more than 30,000 square feet per commercial area with no more than one (1) commercial area per 200 residential units;
  3. The area is located no more than three-quarters of a mile from the furthest residential structure in the phase;
  4. Utilize the storefront commercial development configuration;
  5. Provide minimum eight foot wide sidewalks that connect to pedestrian circulation system within the project; except within the boundaries of the Tier A Commercial Corridor Design Overlay District designated for five (5) foot wide sidewalks, except as otherwise regulated by the Alternative Transportation Zone.<sup>60</sup>
  6. Are located a minimum of fifty (50) feet from any residential structure, and;
- b. Public utility structures, including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses and structures; except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage, and radio and television studios.
- c. Churches and other religious institutions, provided that all other requirements are met.
- d. Child day care home.
- e. Day care operated by a non-profit organization in a non-residential facility such as a church, school, community center, or similar institutional use, provided that the institutional use is a permitted use in this zone; and provided further that:
1. A play area of 100 square feet per child, enclosed with a four-foot fence, is provided;
  2. A buffer strip is placed between the play area and adjoining residentially-zoned lots regardless of whether those lots are vacant or developed; and,
  3. The fenced play area is at least twenty (20) feet away from any property line adjoining residentially zoned lots regardless of whether those lots are vacant or developed.
- f. Schools, elementary or secondary.
- g. Cemetery or mausoleum provided that the requirements of this Ordinance are met.
- h. Golf courses and Country Clubs.
- i. Public libraries.
- j. Loft style apartments above commercial storefronts as per the requirements of Article 20 of this Ordinance.

**7.5-5** – Prohibited Uses – Any use not specifically listed above as a permitted or special exception use, shall not be permitted.

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<sup>60</sup> Amended by City Council with text amendment, 03/19/2007

**7.5-6** – Dimensional and Density Requirements – Refer to Table 7.01 for general dimensional requirements. Residential densities shall be compatible with particular site conditions. Densities are a function of design compliance with the appropriate Building Type Regulations and not prescribed by mathematical formula. Higher densities may be permitted as a bonus for substantially increased areas of public open space over and above the minimum requirement. See Section 7.10-9 for bonus density.<sup>61</sup>

## **7.6: PDC, Planned Commercial Development District**

**7.6-1** – General Purpose and Description – The PDC Planned Commercial Development zoning district provides for primarily commercial development in a manner encouraging innovation in design and layout. The principal uses of land in this district are commercial with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.

**7.6-2** – Location of PDC Districts – Planned Commercial Development districts must be located adjacent to a major or local arterial roadway and be centrally located to serve a wide area of the community. Since innovative site planning is a component of this district, the City may be flexible regarding the permitted location of this district type.

**7.6-3** – Permitted Uses – No building, structure, or land shall be used except for one or more of the following uses:

- a. All uses permitted in NC or OP zoning districts.
- b. Special Exception Uses:
  1. All uses permitted in GC zoning district and disclosed at the time of zoning.
  2. Self-service laundry, laundry or dry-cleaning processing facility
  3. Parking lot or garage as a principal use
  4. Non-residential accessory structures
  5. Public utility structures and lands
  6. Ambulance service
  7. Adult day care center
  8. Child day care center
  9. Family based group home for the developmentally disabled

**7.6-4** – Prohibited Uses – Any use not specifically listed above as a permitted or special exception use, shall not be permitted.

**7.6-5** – Accessory Uses, Buildings, and Structures – Any use listed in NC or OP, “Accessory Uses and Structures”, of this Ordinance, shall be permitted.

**7.6-6** – Dimensional Requirements – Refer to Table 7.1 for general dimensional requirements.

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<sup>61</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.



## **7.7: PDO, Planned Office and Institutional District**

**7.7-1** – General Purpose and Description – The PDO Planned Office and Institutional zoning district provides for primarily office development in a manner encouraging innovation in design and layout. The principal uses of land in this district are office with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.

**7.7-2** – Location of PDO Districts – PDO districts are most suitably located on major local collector streets between uses of higher and lower intensity or in areas where other office uses are located. PDO districts can serve as an effective transitional area between a more intensive use such as commercial or light industrial and residential uses. PDO districts should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.

**7.7-3** – Permitted Uses – No building, structure, or land shall be used except for one or more of the following:

1. Office, public or private, not including a wholesale outlet or storage of commodities.
2. Day care facility.
3. Library
4. Museum or art gallery
5. Fine arts or performing arts studio or school
6. Hospital or public health center.
7. Medical or dental office or clinic.
8. Business service such as photocopying and related services, dental laboratory or temporary employee service.
9. Signs

### **7.7-4** – Special Exception Uses

1. Nursing or personal care home.
2. Ambulance service as an accessory use.
3. Funeral home.
4. Church or other religious, fraternal, or social organization.
5. Veterinary clinic or hospital.
6. Accessory retail uses clearly subordinate to the principal use and limited to twenty-five percent (25%) of the floor space of the building or structure. Such uses shall be limited to the first floor and may not be established in separate buildings. Examples include banks, newsstands, pharmacies, coffee shops, dry cleaners (no on site plant), clothing store, etc.

**7.7-5** – Prohibited Uses – Any use not specifically listed as a permitted or special exception use, shall not be permitted.

**7.7-6** – Dimensional Requirements – Refer to Table 7.1 for general dimensional requirements.

## **7.8: PDI, Planned Industrial District**

**7.8-1** – General Purpose and Description – The PDI Planned Development zoning district provides for primarily industrial development in a manner encouraging innovation in design and layout. The principal uses of land in this district are commercial with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.

**7.8-2** – Location of PDI Districts – PDI districts may only be located on an arterial or non-residential collector street. PDI districts should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.

**7.8-3** – Permitted Uses – No building, structure, or land shall be used except for one or more of the following:

1. Manufacturing, processing assembly, packaging, repair, or servicing of any commodity or product; provided that all such uses are conducted entirely within closed buildings or are at least 100 feet from any property not in the PDI zone; or are screened from any such property by an intervening closed building.
2. Warehousing, wholesaling, or storage of any product; provided that all such uses are conducted entirely within closed buildings or are at least one hundred (100) feet from any property not in the PDI zone; or are screened from any such property by an intervening closed building.
3. Retail sales, as an accessory use, of any commodity warehoused, manufactured, processed, or fabricated on the premises; and retail sales, as an accessory use of any product primarily sold at wholesale on the premises.
4. Offices, as an accessory use of the principal industrial use.
5. Public utility structures, areas, and land including telephone exchanges and radio or television transmitters.
6. Job training facilities, union facilities, and similar uses related to industrial employment.
7. Watchmen or caretakers quarters.
8. Signs.
9. Accessory uses.

**7.8-4** – Special Exception Uses – Auto repair and the repair of other motor vehicles.

**7.8-5** – Prohibited Uses – Any use not specifically listed above as a permitted or special exception use, shall not be permitted.

**7.8-6** – Dimensional Requirements – Refer to Table 7.1 for general dimensional requirements.

## **7.9: TND, Traditional Neighborhood Development**

**7.9-1** – General Purpose and Description – The TND Traditional Neighborhood Development zoning district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, community, and educational facilities normally required providing the

basic elements of a balanced, orderly, convenient, and attractive residential area. Internal stability, harmony, attractiveness, order and adequate light, air and open space for dwellings and related facilities and by consideration of arrangement of the different uses permitted in this district.

The intent of the Traditional Neighborhood Development District is to provide flexibility in design for the development of new neighborhoods and for the revitalization of existing neighborhoods, which are structured upon a fine network of interconnecting pedestrian oriented streets and other public spaces.

**7.9-2** – Locations of TND Districts – TND districts may be located where sufficient land and infrastructure exists or is planned for which will allow for a development that meets the standards and requirements of this section. Locations for Traditional Neighborhood Development may also be identified as a conditional use within a specified underlining zoning district.

**7.9-3** – Permitted Uses – No building, structure, or land shall be used except for one or more of the following:

1. Single-family dwellings
2. Fee simple townhomes
3. Fee simple quad homes
4. Guest house (On a minimum 80,000 square foot lot)
5. Home occupations
6. Residential accessory uses and structures
7. Planned retirement community as a conditional use
8. Public or private parklands including the preservation of natural open space.

**7.9-4** – Special Exception Uses

1. Neighborhood commercial uses in TND districts of 25 acres or more provided:
  - a. That such uses are located at intersections containing at least one major local road;
  - b. Are clustered together in concentrations containing no more than 30,000 square feet per commercial area with no more than one (1) commercial area per 200 residential units;
  - c. The area is located no more than three-quarters of a mile from the furthest residential structure in the phase;
  - d. Utilize the storefront commercial development configuration;
  - e. Provide minimum eight (8) foot wide sidewalks that connect to the pedestrian circulation system within the project;
  - f. Are located a minimum of fifty (50) feet from any residential structure, and;
2. Public utility structures, including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses and structures; except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage, and radio and television studios.
3. Churches and other religious institutions, provided that all other requirements are met.

4. Child day care home.
5. Day care operated by a non-profit organization in a non-residential facility such as a church, school, community center, or similar institutional use, provided that the institutional use is a permitted use in this zone; and provided further that:
  - a. A play area of 100 square feet per child, enclosed with a four-foot fence, is provided;
  - b. A buffer strip is placed between the play area and adjoining residentially-zoned lots regardless of whether those lots are vacant or developed; and,
  - c. The fenced play area is at least twenty (20) feet away from any property line adjoining residentially zoned lots regardless of whether those lots are vacant or developed.
6. Schools, elementary or secondary.
7. Cemetery or mausoleum, provided that the requirements of this Ordinance are met.
8. Golf courses and Country Clubs.
9. Public libraries.
10. Loft style apartments above commercial storefronts as per the requirements of Chapter 20 of this Ordinance.

**7.9-5** – Prohibited Uses – Any use not specifically listed above as a permitted or special exception use, shall not be permitted.

**7.9-6** – Dimensional Requirements – Refer to Table 7.01 for general dimensional requirements.

### **7.9-7 TNDs in Urbanized Areas**

**7.9-8** New streets, urban spaces and parks must connect to existing streets and spaces in adjacent developments. Only in extreme circumstances, or due to special urban design considerations, will this connectivity be waived in a small proportion of instances.

**7.9-9** Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

**7.9-10** New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with preexisting smaller buildings should be used at all such instances. These include, but are not limited to the following:

Building silhouette:

pitch and scale of roof lines

Building scale: height, massing and plan configuration

Articulation of facade: proportion of facade elements, doorways, projections and insets; window scale and pattern; creation of strong shadow lines as decorative elements  
Unified setbacks from property line  
Use of landscaping to unify buildings and define urban space  
Use of compatible materials

**7.9-11** On new streets, allowable building and lot types will establish the development pattern.

**7.9-12** All developments shall provide a minimum of 20% of the site area as public open space, 10% of which shall be designed as a park or “pocket park”. Pocket parks shall be positioned in a manner that provides ¼ mile access to all residences.

**7.9-13** Residential densities shall be compatible with particular site conditions. Densities are a function of design compliance with the appropriate Building Type Regulations. Higher densities may be permitted as a bonus for substantially increased areas of public open space over and above the minimum requirement. See Section 7.10-9 for bonus density.<sup>62</sup>

#### **7.9-14 TND Design Provisions**

##### **Neighborhood Form**

**7.9-15** The area of the TND shall be divided into blocks, streets, lots, and open space.

**7.9-16** Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

**7.9-16** Public streets shall provide access to all tracts and lots.

**7.9-17** Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sac shall not exceed 250 feet in length, and must be accessed from a street providing internal or external connectivity. They shall be permanently terminated by a vehicular turnaround, and are permitted where topography makes a street connection impracticable. In most instances, a "close" or "eyebrow" is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.

**7.9-18** A continuous network of rear alleys is recommended for most lots in a TND; rear alleys must provide vehicular access to lots less than 50 feet in width.

**7.9-19** Utilities shall run along alleys wherever possible.

**7.9-20** TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted sketch plan. Each street type in a

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<sup>62</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.

TND shall be separately detailed to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use.

**7.9-21** To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods of achieving this objective include: (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of (2) the vista along a street can be terminated with a significant feature (a building, park, natural feature, public monument, a specifically designed building facade or buildings sited to provide a visual "gateway" to an ensuing space; (3) perceived street length by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

### **Buildings and Lots**

**7.9-22** All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.

**7.9-23** Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.

**7.9-24** Building and lot types shall comply with the standards illustrated in the Appendix 7.01

## **7.10: Planned Development Standards and Requirements**

All Planned Developments, in addition to meeting the intent of this Section, detailed in chapter 7, 7.10 of this Ordinance, shall meet the following standards and such other requirements as are set forth with respect to each of the four (4) permitted types of Planned Developments.

### **7.10-1** – General Standards and Requirements

- a. **Preservation of Features** – The development shall be compatible with the existing topography of the land and shall make the best attempt to preserve any unusual topographic or natural features. Requests to waive this standard must be accompanied by a report indicating that the proposed development is a significant community need that transcends the need to preserve the topography and/or features(s).
- b. **Design Focus** – The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations. It must be shown that conventional development regulations would not allow the design of the proposed project and that the project as proposed offers features that are an improvement to conventional zoning from a community or public perspective.

- c. Land Disturbance – No alteration or disturbance of land in a Planned Development district or the natural or cultural resources thereon shall be permitted until the Project Plan has received approval from the Zoning Administrator. Any subsequent land disturbance must be consistent with the approval granted by the Zoning Administrator.
- d. Subdivision Regulation – Land within a Planned Development shall be treated in its entirety as a subdivision and thus subject to the provisions of the City of Holly Springs Subdivision Regulations, except as follows:
  - 1. All Land Subdivision is included regardless of size, land use, purpose of subdivision, or whether new streets are involved.
  - 2. Preliminary and final plats shall follow the procedures and meet all of the requirements of the City of Holly Springs Subdivision Ordinance which shall be supplemented by the requirements of this Section. Wherever there is a conflict between the provisions of the Subdivision Ordinance and this Section, the provisions of this Section shall govern.
- e. Integrated Functional Design – Planned Developments must be built as a single integrated design entity. While a PD development may be subdivided subject to the provisions of this Section and the City of Holly Springs Subdivision Ordinance, every lot shall be contiguous and the PD shall not be fragmented or separated by non-PD lands.
- f. Interconnectivity of Land Uses/Phases – Each phase of the project shall not be isolated from adjacent phases or land use areas. Each phase shall be served by at least one public roadway which shall connect to all adjacent phases or land use areas. In addition, each phase or land use area adjacent to land outside of the project boundary shall connect to such adjacent land if such a connection is available. If one phase cannot reasonably be connected to another via a public roadway, then a private road or drive may be required. Such a private road must be open to the public at all times for travel to the adjacent phase area. The project must contain a minimum of two (2) primary access points from the outside.
- g. Calculation of Density – Land used for open space, common areas, and interior streets, drives, sidewalks, and other circulation ways may be included as part of the land area used for determining the number of dwelling units allowed, the maximum floor area, or the amount of required land. Land characterized by buffer, floodplain, steep slopes, wetlands, or other unbuildable or sensitive lands may not be included as part of the land area for density calculations, except that a twenty-five percent (25%) density provision may be applied to the buildable portion of the development. Therefore, twenty-five percent (25%) of the land area of the unbuildable area may be added to the buildable portion of the property to increase net density. Density is calculated for the project and for individual phases. Within modules, density for a specific product may exceed that permitted provided that the overall density for the phase meets the required maximum density. Stated density in Table 7.01 shall be calculated as net density as outlined in this section.<sup>63</sup>
- h. General Private Deed Covenants – The entire PD district shall be included within private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and developments. Refer to 7.10, subsection

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<sup>63</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.

2, “Ownership and Management Standards and Requirements” within this Ordinance, for additional information.

**7.10-2** – Ownership and Management Standards and Requirements – Ownership and Management Control

- a. Initial Ownership – All of the land in a planned unit development shall be owned initially by an individual, by a corporation, or by some other legal entity. Individual properties in a planned development may be sold after a final plat has been recorded for each phase with the properties subject to private deed covenants that assure the continuance of the Planned Development as originally approved.
- b. Single Ownership and Design – Planned Developments must be built as a single integrated design entity. The project must be under single ownership or control when the project receives final approval. Should any part of the project be designed for ownership transfer, this shall be so stated in the application. The management plan for the development shall include language that ties subsequent owners of any part of the development to belong to a management entity or association overseeing the entire PD site. A PD development may be subdivided subject to the provisions of this Section and the City of Holly Springs Subdivision Ordinance. However, every lot shall be contiguous and the PD shall not be separated by non-PD lands.
- c. Owner/Developer Responsibilities – Initial Owner/Developers of PD projects are responsible for the following elements of the project:
  1. Development and maintenance of general common area.
  2. Development of arterial and other major roadways and related infrastructure serving the development including the extension of utilities to serve the development.
  3. Development of the management plan including development of general covenants, management association set up, and related responsibilities to assure that ownership and management standards are met in full.
  4. All approvals and conditions there from received related to the PD and its elements.
  5. That all overall requirements such as landscaping and open space meet PD requirements.
- d. Change of Ownership – Any conditions attached to an approved PD plan or subdivision plat shall not lapse or be waived as a result of any subsequent change in tenancy or ownership of said land.
- e. Management Association or Governing Board – Each property owner shall become a shareholder in the common ownership of the PD development. Ownership for the purpose of the association can mean ownership of the land, owning a share of a condominium or cooperative development, or commercial leasehold. Residential renters will not be granted association membership. PD developments shall have two types of documents that relate to governance, the deeds of ownership and the bylaws:
  1. Deeds of Ownership – These documents consist of the deeds of ownership; the warranties conveyed and described in the deed; and a list of covenants, conditions, and restrictions



that are conditions of ownership upon the purchasers and owners in the PD. The deeds describe the type of property conveyed, unit of ownership of the purchaser, and property owned and directly managed by the association. Deeds and warranties shall be conveyed to owners from the developer or prior owners of the parcel. The developer shall convey deeds and warranties to the association upon completion of construction of the project and after forty percent (40%) of units of ownership in the project have been sold. Percentage share of ownership in the association shall be determined by the percentage of acres held by the owner compared to the development as a whole.

2. Bylaws – Consist of three (3) elements described as follows:

Association Organization – This element describes the organization including the composition and function of the board of directors and executive officers; qualifications, duties, and number of members of the board of directors; how often the board of directors shall meet; whether committees or subcommittees may be established; and its decision functions and obligations.

Association Duties – The bylaws shall require the board of directors to carry out the duties of the association through the officers of the organization. The board may engage the services of paid staff, volunteers, consultants, attorneys, or others to carry out administrative and other functions of the association such as security, landscaping, maintenance, litigation, public relations, and other duties as may be determined by the board.

Shareholder Duties – The bylaws specify the duties and obligations of the individual shareholders as owners and occupants of the PD. The bylaws shall list rules of behavior and rules limiting physical changes or remodeling of buildings, structures, and lots. This element shall provide the amount of association dues to be received from shareholders and how such dues are set and modified. Finally, this element shall list penalties and remedies that can be imposed on shareholders for violating the terms of the deeds and bylaws which may include eviction and foreclosure on the unit of shareholder ownership.

### **7.10-3 – Infrastructure Standards and Requirements**

Water, sewerage, street and school facilities, and other required infrastructure shall be adequate for the proposed development or there shall be a definite proposal for making them so. Infrastructure required as a part of all PD developments are as follows:

- a. Water – Public water is required.
- b. Wastewater – Public sewer is required.
- c. Roads/Streets – All interior streets and roads must meet the requirements for such facilities for the City of Holly Springs as well as the following:
  1. The City requires interior streets and sidewalks through the development that connect to the existing street and sidewalk infrastructure of the city.
  2. The provision and/or design of streets is subject to review by the City Engineer which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower rights-of-way,

pavement widths, medians, traffic calming or other associated features and provided that such modifications meet generally accepted traffic engineering and planning principals that can be justified by the applicant and/or verified by the City Engineer. The full cost of City review of the proposed modifications by a consulting traffic engineer shall be borne by the applicant.

3. Public roads, road extensions, or other similar infrastructure shall be provided according to the approved plan. Deviation from plans shall require a revised development plan.
  4. All major roadways and other transportation infrastructure serving a Planned Development must be completed and publicly dedicated prior to any building permits being issued.
- d. Sidewalks – Sidewalks shall be provided according to the requirements as specified in the “Sidewalk Requirements” Ordinance within the City of Holly Springs Code of Ordinances and may be required by the Planning Commission for other purposes.
- e. Parking:
1. Parking Requirements – All parking requirements shall be derived from the proposed uses making up the project plan. Each use shall determine its share of required parking. Moreover, spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use.
  2. Shared Parking – A shared parking plan meeting the requirements of Article 11 and Article 20 of this Ordinance may be submitted with the phase or site plan for approval.
  3. Location of Parking – Unless physically impossible, all parking for PD developments shall be located to the rear, a combination of side and rear, or underground.
  4. Illumination of Parking – All parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development.
  5. Utilities – All utility lines in a PD project shall be placed underground except that adaptive reuse developments may have this provision waived upon a finding by City staff that such requirement would require the replacement or relocation of existing lines at a cost prohibitive to the economic rehabilitation of the building or site. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided in the subdivision regulations. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.

#### **7.10-4 – Landscaping Standards and Requirements**

Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed-use development together.

- a. A landscape plan meeting the requirements of the City of Holly Springs landscape requirements as specified in the “Tree Preservation and Landscaping” Ordinance within the City of Holly Springs Code of Ordinances must be submitted as part of a new or revised Project Plan. This can be a separate plan or may be integrated with the Site Development Plan requirements as part of the Project Plan submittal. If the project is phased, only the submitted phase will be required to be provided in detail but calculations and proposed plant materials and treatments must be provided for the entire development.
- b. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.
- c. All interior and perimeter roads and streets shall provide street trees allowed by the City of Holly Springs Plant Palette. Such trees shall be planted no more than twenty (20) feet apart along all street frontages.
- d. All boulevards shall provide attractive, low maintenance plantings in the center islands and be grassed throughout the remainder of the islands.
- e. Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.
- f. A minimum ten percent (10%) of the project site shall be landscaped.

#### **7.10-5 – Open Space Standards and Requirements**

Common open space is an important element in a mixed-use development serving to provide resting and gathering places, recreation areas, aesthetic complements, storm water percolation areas, and other purposes. Open space for the purpose of the PD district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated. Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness. Open space (not including unbuildable lands such as steep slopes, wetlands, flood plain, and the like or buffer area) will be fully credited toward net density. For every such acre of open space set aside, the number of units which could have been developed on this open space may be assigned to the remaining buildable portion of the property thereby increasing net density for this area.<sup>64</sup>

#### **c. General Open Space Requirements:**

1. PD developments shall provide a minimum of thirty percent (30%) impervious surface for the overall project area. This may vary from phase to phase but shall be a minimum for the project as a whole.

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<sup>64</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.

2. PD developments shall have an overall maximum building coverage of fifty percent (50%). Specific land use types may vary.
3. A minimum of fifteen percent (15%) common open space is required for all PD developments except as provided in this Section or reduced under the provision of subsection (b) below. Each phase of the development shall meet the following requirements:

Each phase shall contain a minimum of fifteen percent (15%) open space; or

Each phase shall contain a minimum of seven and one-half percent (7.5%) open space that the phase be directly adjoining other common open space of at least one (1) acre in size either within another phase of the PD development or outside of the PD development altogether provided that such open space is available for use and enjoyment by the residents or users of the phase in question; or

Each phase shall contain a minimum of ten percent (10%) open space provided that the phase have direct and uninterrupted pedestrian access to common open space of at least one-acre in size within a distance of no more than 1,500 feet.

4. Open space shall include: parks, commons, plazas, community green or lawn, landscaped buffers or other areas, decorative plantings, formal or informal gardens, pedestrian walkways or paths, and active or passive recreation areas.
5. No more than forty percent (40%) of required open space may be landscaped area.
6. Not more than forty percent (40%) of required open space may lie in a floodplain, groundwater recharge area, wetland, steep slope area, or other un-developable area.
7. Landscaped open space shall be provided by the developer in accordance with an approved landscape plan that meets the minimum requirements of the “Tree Preservation and Landscaping” Ordinance within the City of Holly Springs Code of Ordinances.
8. A minimum of one-third (1/3) of required common open space shall be maintained as parkland provided that:

*Such lands identified for parkland are found acceptable with respect to size, shape, topography, maintenance requirements, or other factor affecting the suitability of the land as parkland or open space.*

*Dedication may be in one (1) or more parcels conveniently located to the residents of the development.*

9. Open space shall not consist of required buffer area, streets, parking lots, driveways, loading areas, sidewalks located in the public right-of-way (except as may be internal to a dedicated park), and area normally inaccessible to pedestrian circulation.

10. Open space shall also not consist of unimproved or vacant land that does not provide any natural or man-made amenity. This shall include but not be limited to abandoned or overgrown lawn area, scrub land or urban fields, eroded areas or areas of exposed soil, or other land area that, in the opinion of the Zoning Administrator or their designee, does not have any functional or aesthetic use as open space.

b. Reduction of Required Open Space:

1. Adjacent Public Open Space

The minimum amount of open space required for a PD development may be reduced by a maximum of thirty five percent (35%) if the PD site bounds, along at least one property line for a minimum of 100 feet, public open space with a minimum area of ten (10) square feet for every one-hundred (100) square feet of the PD site and including a park, playground, plaza, garden, or other open space available for and accessible to public use for recreation, relaxation, walking, etc.

2. Open Space Substitutions

Pedestrian and bicycle amenities may substitute for required open space in the following manner:

- Dedicated bike path connected to existing or planned bike route.
- Open pedestrian bridge.
- Raised pedestrian deck.
- Enclosed pedestrian bridge.
- Elevated pedestrian bridge.
- Shopping or through block arcade.

Each amenity may be substituted in a 1:1 ratio related to square feet up to fifty percent (50%) of required open space.

## **7.10-6 - Residential Standards and Requirements**

a. General Residential Requirements

1. Maximum Lot Area Per Dwelling Unit – Density of dwelling units may be applied to a specific module or may be average for the entire development based on the sum of permitted units allowed by individual zoning areas within the development area divided by the developable residential land area of the development.

b. Single-Family Housing

Single-family housing in a PD development may consist of the following:

1. Standard large lot single-family detached residences.
2. Cluster residences.

3. Zero lot line residences.

c. Multi-Family Housing

Multi-family housing in a PD development may be in the form of:

1. Fee Simple Townhouses
2. Fee Simple Condominiums
3. Loft style apartments above retail storefronts

Development requirements for multi-family housing include:

1. Safety and Security – Multi Family structures shall be designed in such a manner as to provide a safe and secure environment for residents. This shall include, at a minimum, secured entrances to residential areas.
2. Entrances Separated – Common residential building entrances shall be physically separated and distinct from commercial or other non-residential building entrances.
3. Noise - Residential units shall be constructed so that interior noise levels are not excessive or constitute a nuisance.
4. Storage of Refuse – Residential units shall maintain a separate refuse storage container from that used by non-residential uses. It shall be clearly marked for residential use only and use by non-residential tenants is strictly prohibited.

**7.10-7 - Non-Residential Standards and Requirements**

- a. Location of Commercial Phases or Uses – General commercial and service uses shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district, and visitors. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include an arcade, interior mall, or in the lobby of a building containing other allowable uses. Strip commercial with front parking is generally not acceptable.
- b. Maximum Floor Area Ratio – Floor Area Ratios (FAR) for non-residential uses may be applied to a specific phase or may be averaged for the entire development based on the sum of permitted floor area allowed by individual zoning areas within the development area divided by the developable non-residential land area of the development.
- c. Common Walls – Common walls between residential and non-residential uses should be constructed so as to minimize the transmission of noise and vibration.
- d. Nuisances – No commercial use shall be designed or operated so as to expose residents to offensive odors, dust, electrical interference, and or vibration.
- e. Limitation of Hours and Activity – Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not

exposed to offensive noise, especially from traffic and late-night activity. In addition, no amplified music shall be audible to neighboring residents.

- f. Outdoor Lighting – All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units and shall not allow lighting blink, flash, oscillate, or be of unusual brightness or intensity.
- g. Finishing Materials – Non-residential PD development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If the rear of the building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, masonite, and vinyl siding are not acceptable finishes.

#### **7.10-8 – Compatibility Standards and Requirements:**

All uses shall conform to the purposes of the PD district and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed PD development. In order to assist in accomplishing such external compatibility, the following requirements shall apply:

- a. No buildings other than single-family detached dwellings shall be constructed within seventy-five (75) feet of adjoining property that is developed with single-family detached dwellings unless the Zoning Administrator finds that topographical or development features permit a lesser setback. However, in no case shall the setback be less than thirty-five (35) feet.
- b. No building shall be constructed to a height greater than its distance from any adjoining property designated for residential use on development plan, unless the Zoning Administrator finds that approval of a waiver of this requirement will not adversely affect the adjacent property.
- c. Relation to Residentially Developed Property Lying Outside of PD District – The sides, rear or front of a lot developed for retail sales and services or multi-family dwellings shall neither abut nor lie across the street from property lying inside or outside the PD district that has been developed with single-family dwellings.
- d. Compatibility With Surrounding Public Improvements – PD developments must provide public improvements that are compatible in design and function to those of surrounding and adjacent properties. Improvements such as sidewalks, street lighting, trash receptacles, street furniture, and other public elements shall be compatible unless this provision is waived by the Planning Commission based on a conclusion that the proposed improvements are an improvement over the existing adjacent improvements.

- e. Effect on Neighboring Properties – The development shall not in any way negatively effect developed or undeveloped neighboring properties.

### **7.10-9 – Bonus Density Calculations**

Residential densities shall be compatible with particular site conditions. Densities are a function of design compliance with the appropriate Building Type Regulations. Higher densities may be permitted as a bonus for substantially increased areas of public open space over and above the minimum requirement. Bonus density shall be allowed as follows, if it is determined at the time of Planned Development district approval, for the density to be compatible with the surrounding area:

- a. For each additional 5% of open space added to the project, the planned development district shall receive a bonus density of 5%.
- b. Bonus density shall be limited to a maximum of 25% regardless of the amount of additional open space provided.<sup>65</sup>

### **7.11: Application Procedures and Requirements**

Applications for amendments to existing Planned Development districts shall follow the procedures outlined in this Section. PD projects have four (4) distinct elements:

**7.11-1 Project Plan** – The project plan is the plan for the development of the entire Planned Development. The project plan shall identify the specific phases that the project will consist of all proposed general circulation transportation facilities, land uses and proposed densities (net density), and open spaces and natural site features to be preserved between phase locations. If only one (1) phase is proposed, the project must combine the requirements of the project and phase plans into one submittal. Proposed major streets and other circulation infrastructure along major corridors including sidewalks must be clearly indicated on the plan. The applicant or developer of the PD is solely responsible for the provision of major transportation facilities regardless of property disposition. Such facilities must either be developed prior to approval of any Phase Plan or a bond for one hundred fifty percent (150%) of the estimated cost of such infrastructure must be provided to the city prior to the approval of any Phase Plan. Building permits shall not be issued for any lot or parcel that is not located on a dedicated or developmental public street or road.

The project plan shall consist of a professionally designed schematic plan indicating the layout of the development. Two (2) complete sets of the project plan shall be submitted to the Planning & Zoning Department; nine (9) copies of each graphic in 11” X 17” format; and two (2) color renderings of the plan on 36” X 48” clay coat or similar heavy duty paper. This plan shall contain the following elements:

#### **Project Plan Elements**

- Identify the boundary of the project property;

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<sup>65</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.



- Provide a delineation of phases (if applicable);
- Indicate total project site area and area by type of land use (i.e. residential, commercial, industrial, office, open space, utilities and right-of-way, other).
- Indicate proposed land uses including square footage or acreage and percentage of each component;
- Indicate the number of residential units and/or square footage of non-residential floor area by type (i.e. commercial, industrial, office);
- Indicate the density (net density) of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for non-residential components;
- Show a proposed vehicular and pedestrian circulation plan including entrances and exits and connections to vehicular and pedestrian facilities external to the project property. The project must have a reasonable mix of public and private roadways to maximize circulation efficiency;
- Show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, and other natural features;
- Show where proposed open space will be provided by type of open space – landscaped area, community green, plaza, formal or informal garden, natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project. Also, indicate where publicly dedicated open space will be provided; and
- Indicate location of landscaping and buffers. <sup>66</sup>

*In addition, the applicant shall provide a completed rezoning application and a cover letter requesting review of the project plan that shall include a written narrative describing how the proposed project meets the purposes of the Planned Development district as provided in Chapter 7, 7.1, of this Ordinance and the purpose statement of the specified district(s) requested. The project plan shall be reviewed by staff and discussed in an informal meeting with the applicant to examine potential areas of non-conformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the intent or lacks required elements, staff may reject the project plan. However, should the plan meet the intent and contain the required elements, staff will accept the project plan and provide the applicant with suggestions for changes and modifications, if any, that will prepare the applicant for the submittal of phase plans. While the applicant may ask for more than one project plan review, at least one review is mandatory.*

**7.11-2 Phase Plan** – The phase plan shall serve as the preliminary plat for a specific phase, pod, module, or land use designation of the project. Most Planned Developments will consist of a project plan identifying a number of areas of the site with unique or individual land use types. Each of these areas, if developed separately, will require separate preliminary and final plat approval. Phase plans must be consistent with the project plan or the project plan must be revised and approved by the City. Phase plans must show lot subdivision, if proposed; internal site circulation within the phase or land use area; specific open space set aside; as well as the requirements for phase plans that are provided below.

After the Project plan has been formally reviewed and accepted by staff and the basic plan concept has been found acceptable, the applicant shall submit a plan for the improvement of a specific phase

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<sup>66</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.

or land use area of the project. Two (2) complete sets of the phase application shall be submitted to the Planning & Zoning Department plus nine (9) copies of each graphic in 18" X 24" format; and one (1) color rendering of the plan on 36" X 48" clay coat or similar heavy duty paper. The phase plan shall meet all requirements for a preliminary plat and this Section and shall be submitted in the following format:

### **Phase Plan Elements**

- a. Site Location Plan- Showing where phase is located in relation to overall project plan. This plan shall identify other proposed phases within the project area. This plan shall be submitted at a scale no greater than 1" = 400' and show completed phases and future phases in relation to the phase currently proposed. This plan can be the project plan highlighting the phase area;
- b. Existing Conditions Plan – This plan shall include:
  1. The boundaries of the site;
  2. Existing boundary streets and access streets to the phase;
  3. The topography of the site at two (2) foot contour intervals;
  4. Tabulation of site acreage;
  5. Existing buildings including square footages;
  6. Existing parking and paved areas including the number of dedicated parking spaces;
  7. Other improvements including utilities and other structures;
  8. Existing vegetation; this plan shall also show existing landscaping and all existing trees of greater than eight (8) inches caliper and indicate any to be removed;
  9. Existing circulation pattern of the site including entrances and exits;
  10. Existing storm water control and detention (if any); and
  11. Adjacent property ownership, land use, and zoning including buildings on adjacent properties.
- c. Site Development Plan – The applicant shall submit two (2) color renderings of the site development plan on 24" X 36" clay coat or similar heavy-duty paper. The site development plan shall include the following elements:
  1. Existing boundary streets and access streets to the project;
  2. The boundaries of the site and boundaries of proposed phases;
  3. The delineation of parcel lines, if subdivision will be a part of the development;
  4. The topography of the site at two (2) foot contour intervals;
  5. Tabulation of site acreage and the acreage of each proposed phase;
  6. Delineation of the development for the entire site. If only a portion of the site is to be improved in the current project (i.e. developed in phases), that portion shall be shown in detail on the plan. Subsequent phases or portions of the project may be shown conceptually except that land use, density, and other dimensional requirements shall be provided for these areas. Failure to provide this information or proposals to modify the proposed elements of a phase as submitted will require the applicant to file a revised PD preliminary development plan;
  7. Common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;

8. Site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc.;
9. The location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable), proposed uses, and ground coverage of each building;
10. Proposed changes of contour intervals at a detail of two (2) feet intervals;
11. Any adjacent property owned by the applicant and the uses planned for that property;
12. The location and type of open space to be provided including landscaped area, community green, plaza, formal or informal garden, or natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project and by phase. Required open space shall be provided as common area and be maintained by a homeowners or merchants association.

d. Project Data Report – This report, nine (9) copies of which are to be submitted on 8 ½ “ X 11” papers, shall include:

1. A statement on the present and anticipated future ownership and control or management of the development of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, sidewalks, drives, parking areas, utilities, common areas, and common facilities;
2. The anticipated impact of the proposed development on the surrounding neighborhood. This environmental assessment shall describe the abutting land uses, the existing site, and the proposed development as it affects traffic, air, water, and noise pollution, surface water and sewerage, drainage and storm water runoff, soil stability, and visual and aesthetic quality in the vicinity;
3. The proposed minimum and maximum floor areas of buildings and statements and illustrations of the elevations, design, materials, and floor plans of buildings and their identification on the development plan;
4. A narrative including tables delineating the percentages of land uses to be a part of the development.

*The phase plan shall be prepared by a Georgia registered land surveyor, Georgia licensed architect, Georgia licensed landscaped architect, or Georgia licensed engineer. The Planning Commission shall approve, approve with conditions, or deny the phase plan as a preliminary plat.*

e. Final Plat Approval

If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures specified in the “Subdivision” Ordinance within the City of Holly Springs Code of Ordinances. In addition, the plan requirements of Chapter 7, 7.4, subsection 3(b) and 3(c) of this Ordinance shall also be followed. A final plat shall be required when the project infrastructure for the phase is in place.

### **7.11-3 Submittal of Subsequent Phases**

- a. If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial phase plan. Phases completed shall be shown with as-built site renderings on the project locator map indicating what has been already developed.
- b. First and all subsequent phases of Planned Developments shall provide proportionate amounts of proposed site design requirements including open space, recreation facilities, and other amenities.

### **7.11-4 Amendments to Approved Project Plan**

The Zoning Administrator is authorized to approve minor amendments to the Project Plan provided that:

- a. The applicant submits a revised set of plans detailing the proposed changes along with a cover letter that addresses each proposed change.
- b. That the proposed change:
  - Involve no more than a five percent (5%) increase in residential density (net density).
  - Involve no more than a five percent (5%) increase in non-residential floor area.
  - Involve no more than a ten percent (10%) decrease in parking allocated.
  - Involve no more than a five percent (5%) modification to any other measurable project criteria.
- c. That the proposed change meet all the requirements and provisions of this Section.
- d. That the proposed amendment not alter any approved site development regulations of the plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout.

Any proposed amendments not conforming with these provisions shall be considered major amendments and resubmitted as a revised project plan. Any proposed amendments, which do not meet the minimum dimensional standards or other provisions of this Section shall be required to apply for a variance with the Planning Commission.<sup>67</sup>

### **7.11-5 Site Plan**

The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single plan for the entire project will be permitted. Site plans must meet all of the requirements for site plan review submittal for the City of Holly Springs plus the requirements of Chapter 7, 7.4 of this Ordinance. Single-family residential lots are not required to submit a site plan for Planning Commission review.

Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot but shall conform to the requirements of Chapter 21, 21.4, subsection 16, "Group Developments", of this Ordinance. Site plans shall be submitted to the Building

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<sup>67</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.

Inspections Department and shall meet all of the criteria for site plans as required by that department. Site plan submittals for planned Developments must also contain the following items:

1. Provide a landscaping plan for the lot that meets the requirements of the City's landscaping ordinance for commercial, industrial, office, other non-residential uses, and multi-family housing; and
2. Provide a plan showing how the lot relates to the approved phase plan including indicating previously developed sites in the phase; the location, type, and square footage of required open space including detail regarding specific amenities and site elements within the open space area; ingress and egress to the lot from the rest of the phase and other adjacent land.

**7.12 Variances**<sup>68</sup> - Any variances requested in the PD District shall be granted or denied pursuant to the procedures set forth in Section 15.3-1, Variances.

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<sup>68</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

**Table 7.01  
Planned Development District Dimensional Standards**

PROJECT & PHASE DIMENSIONS ↓	ZONING DISTRICT				
	PDR	PDC	PDO	PDI	PD TND
Minimum District Size (Acres)	25 50 w/commercial element	25	25	25	10** 40 w/commercial
Maximum Density (Net) (detached/attached )	3/4	N/A	N/A	N/A	5/8
Maximum Building Coverage (Project Area Average)	20%	35%	35%	35%	20%
Minimum Common Open Space	15%	15%	15%	15%	20%
LOT AREA DIMENSIONS ↓	ZONING DISTRICT				
	PDR	PDC	PDO	PDI	TND
Minimum Lot Size* (Square Feet)	14,520	10,000	10,000	43,560	5,000
<b>Building Setbacks Detached Residences</b>					
Front Setback <sup>1</sup>	25'	---	---	---	15'
Side Setback	15'	---	---	---	5
Street Side <sup>2</sup> Setback	30'	---	---	---	Major St. = 30/80 Minor St. = 15/40
Rear Setback	25'	---	---	---	20
<b>Building Setbacks Attached Residences</b>					
Front Setback	Major St. = 30/80 Minor St. = 15/40	---	---	---	15'
Side Setback	10' <sup>3</sup>	---	---	---	10' <sup>3</sup>
Separation Between Structures	20'	---	---	---	20'
Street Side Setback	Major St. = 15/40 Minor St. = 0/25	---	---	---	Major St. = 15/40 Minor St. = 0/25
Rear Setback	20'	---	---	---	20'
Maximum # Units Attached	8	---	---	---	8
<b>Building Setbacks Other Uses</b>					
Front Setback		Major St. = 30/80 Minor St. = 15/40	Major St. = 30/80 Minor St. = 15/40	Major St. = 40/100 Minor St. = 30/80	15'
Side Setback	10'	10'	10'	15'	10'
Street Side Setback	Major St. = 30/80 Minor St. = 15/40	Major St. = 30/80 Minor St. = 15/40	Major St. = 30/80 Minor St. = 15/40	Major St. = 40/100 Minor St. = 30/80	Major St. = 30/80 Minor St. = 15/40
Rear Setback	10'	20'	20'	30'	10'
Minimum Bldg. Line Width	50'	50'	50'	100'	50'
Minimum Lot Frontage	50'	50'	50'	100'	50'
Minimum Lot Depth	100'	100'	100'	125'	100'
Principal Building Height	35'	45'	45'	45'	45'
Minimum/Maximum Building Coverage <sup>4</sup> Per Lot	None/50%	None/50%	None/50%	None/40%	None/50%
Distance Between Buildings <sup>5</sup>	12.5'	15'	15'	15'	12.5'
Minimum Landscaped Area	10%	15%	15%	20%	10%

<sup>1</sup> Note that the first number refers to the distance to be set back from the public right-of-way and the second number refers to the distance to be set back from the centerline of the road or street. Both numbers shall be considered when calculating setbacks and the larger number used.

<sup>2</sup> Note that the first number refers to the distance to be set back from the public right-of-way and the second number refers to the distance to be set back from the centerline of the road or street. Both numbers shall be considered when calculating setbacks and the larger number used. Street side may refer to the side of the residence or to the rear of the residence.

<sup>3</sup> Required at the end of a series of units except that adjacent to an alley, no setbacks shall be required.

<sup>4</sup> Does not apply to town homes or storefront development.

<sup>5</sup> Excluding Accessory Structure and Use Requirements for Residential Uses and Districts. See Article 3.5

**\*Please note that lot sizes may be modified to the extent necessary to reflect the provision of open space. Lot sizes may be reduced when bonus density is approved subject to Section 7.10-9.**

**\*\*Unless permitted as a conditional use in an underlining-zoning district in which said district minimum lot size requirements shall apply.<sup>69</sup>**

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<sup>69</sup> Amended by City Council with text amendment, ORD-19-2016, 12/19/2016.

## **ARTICLE 8: MANUFACTURED HOMES AND MANUFACTURED HOME PARKS**

**8.1: Intent** – The intent of this Article is to provide policies and technical standards for the approved use of manufactured homes and development of manufactured home parks in the city. A manufactured home is a structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards act of 1974, as amended and in compliance with O.C.G.A. 8-2-160, et. Seq. and all other state regulations.

### **8.2: General Provisions**

**8.2-1** Mobile Homes as defined in this ordinance are no longer permitted. A mobile home in existence and legal based on zoning and payment of taxes at the time of enactment of this ordinance, including the payment of all applicable mobile home taxes shall be a nonconforming use.

**8.2-2** All manufactured homes shall provide for a healthful environment, with living and service facilities arranged and equipped to assure such a condition.

**8.2-3** All manufactured homes shall conform to all applicable building codes as may be in effect and shall be manufactured and installed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and in compliance with O.C.G.A. 8-2-160, et. Seq. and all other state regulations.

**8.2-4** Utility services such as public water, gas, electricity, sewer, shall not be provided to any manufactured home until the permit requirements of these regulations are met.

**8.2-5** All manufactured homes shall be anchored to a concrete foundation and skirted. All towing devices, wheels, axles and hitches must be removed.

**8.2-6** Any manufactured home, which is damaged beyond repair, by fire, natural, or manmade disaster shall be removed and disposed of within a time period not to exceed ninety (90) days after said damage occurred. Any extension of time shall only be approved by the Zoning Administrator with a valid reason.

**8.2-7** All regulations of the County and State Fire Marshal's Office shall be adhered to.

**8.2-8** All other requirements of the County and State Health Department that are not included in these regulations shall be complied with.

**8.2-9** Accessory use and structures of all manufactured homes shall meet the requirements listed in Section 3.5.

**8.2-10** Planted buffer area shall meet the requirement as provided in Section 9.3.



### **8.3: Manufactured Homes on Individual Lots**

**8.3-1 Ownership of Lot** – Manufactured homes shall be permitted on individual lots in the permitted zone district provided that the manufactured home is owner-occupied. No manufactured home shall be permitted in any platted subdivision. No manufactured home shall be permitted unless it is similar in size, siding material, roof material, foundation and general aesthetic appearance to existing or proposed development in the area.

**8.3-2 On Separate Lot** – Only one (1) manufactured home shall be located on each individual lot, parcel, or tract except in an approved manufactured home park.

**8.3-3 Compliance with District Zoning** – Manufactured homes on individual lots shall conform with the zone district’s requirements such as lot size, setbacks, and other restrictions, as well as the requirements of this Article. Exceptions may be made only as provided in this article.

**8.3-4 Minimum Site Improvements** – Manufactured homes on separate, individual lots shall be provided with the following minimum improvements:

- A. Each manufactured home shall be served by an acceptable water supply and method of sewage disposal subject to the written approval of the local authority having jurisdiction over such matters.
- B. Each manufactured home shall have an individual connection to public electrical power.
- C. Each manufactured home lot shall have a permanent patio, paved with permanent, solid, or mortar-bound material and located conveniently to the entrance of the manufactured home. Said patio shall measure not less than eight feet by twelve feet (8’ x 12’).
- D. Each manufactured home lot shall be provided with two (2) thirty (30) gallon, covered refuse containers. Refuse shall be stored only in these containers and disposed of regularly in an approved disposal facility.
- E. Each manufactured home lot shall contain at least two (2) off-street parking spaces.
- F. Any accessory structures or additions to the manufactured home or lot shall be of compatible design and material with the manufactured home unit, and shall not be used as complete, independent housing units with permanent provisions for sleeping, cooking, and sanitation.

### **8.4: RESERVED**

### **8.5: MANUFACTURED HOME PARK (MHP)**

**8.5-1 Location** – A manufactured Home Park may be located within a High Density Multi-Family (HDMFR district only).

**8.5-2 Entrance** – A manufactured home park shall include a directory to park lots and facilities at each entrance.

**8.5-3 Density** – The maximum density of a development will be governed by application of the standards for distances between stands and structures and recreation area and other facility requirements. Density will vary in accommodating different size units with accessory structures and in the type of layout proposed. The resulting density shall not exceed eight (8) units per gross acre. However, only fifty percent (50%) of the portion of a park, which is within the flood plain, may be included as developable land for the purpose of density determination. Minimum land area for a development is ten (10) acres.

**8.5-4 Laundry Facility** – A manufactured home park shall include a self-service laundry of not less than one automatic washing machine per twenty-five (25) home lots and not less than one automatic drying machine per fifty (50) home lots, housed in a separate building or, if in another services building, separated by a soundproof wall. All buildings shall be kept in good, clean, working condition.

**8.5-5 Street Access Requirements** – A manufactured home park development shall abut upon an arterial, a collector or local street for a distance of four hundred (400) feet to provide adequate and safe entrance and egress from the abutting road to the park development. It shall have access and egress only from the above roads. The minimum distance between curb cuts shall be one hundred (100) feet. The entrance or exit road to the development shall have a minimum right-of-way width of sixty (60) feet with a minimum pavement width of twenty-eight (28) feet. The entrance or exit road shall have a turning radius from the highway of at least thirty (30) feet and the road shall extend for at least one hundred (100) feet into the development with no parking and with no access to or egress from manufactured home lots.

**8.5-6 Waste Disposal** – A manufactured home park shall provide waste disposal containers for garbage and trash and shall pick up waste often enough to prevent overflow.

**8.5-7 Manufactured Home Lots** – Each manufactured home shall be located on a manufactured home lot; each lot shall meet the following requirements:

- A. Street Frontage – Each manufactured home lot shall front on a private street having a pavement width as provided in Section 8.4.
- B. Size – Each lot shall be not less than fifty (50) feet wide and eighty (80) feet deep.
- C. Manufactured Home Stand – A manufactured home stand shall be located on each lot for the placement of the manufactured home and its appurtenant structures and for the tie down of the manufactured home. The stand shall provide for the retention of the manufactured home on the lot in a stable condition and in a satisfactory relationship to its surroundings. All manufactured homes shall use tie downs.
- D. Yard Requirements – Each manufactured home lot shall have side and rear yards with a minimum width or depth of seven and one half (7.5) feet and front yards with a minimum depth of ten (10) feet, but in no case shall the distance between manufactured home stands on opposite sides of the street be less than forty (40) feet. No structural addition to a manufactured home shall be built within the required yard.

**8.5-8 Open Space and Recreational Area** – One (1) acre of land shall be set aside and developed within the park for open space and recreation purposes for each forty (40) lots. The minimum size of a single facility shall be ten thousand (10,000) square feet.

**8.5-9 Automobile Parking Spaces** – At least two (2) automobile parking spaces shall be provided for each manufactured home unit. At least one (1) parking space shall be provided on each manufactured home lot. The second required space may be provided on the lot, in on-street parking lanes or bays, or in off-street parking lots conveniently located to the manufactured homes they serve.

**8.5-10 Perimeter Requirement** – All manufactured homes within the development shall be set back not less than fifty (50) feet from the property line of such development, and not less than two hundred (200) feet from property zoned for single-family residential purposes.

**8.5-11 Park Office** – The park shall maintain an on-site office with manager available full time. The park shall maintain a registry of homes and the owners of the homes for purposes of enforcement of this Resolution.

**8.5-12 Buffer** - All properties used for manufactured home parks shall have a buffer strip along all property lines. Buffer standards and design shall meet the requirements as provided in Article 9. The following are the required buffer width when a manufactured home park is located within a permitted residential district:

R-40	40 FEET
RD-20	40 FEET
PD-R	30 FEET
PD-C	35 FEET

## **8.6: Administration**

**8.6-1 Manufactured Home Building Permit Required** – It shall be unlawful for any person to begin the excavation for or construction of a manufactured home park, or to begin the excavation for or construction of a manufactured home stand on an individual lot, or to place a manufactured home on an individual lot or on a manufactured home lot in a park until a grading/building permit authorizing such action has been properly issued by the Zoning Administrator.

### **8.6-2 Temporary Location Provisions<sup>70</sup>**

A. Manufactured homes may be temporarily placed on an individual vacant or occupied lot where the applicant shows it is essential to provide for the preparation of a construction project, to provide security or night watchman quarters or to allow temporary parking or storage of an unoccupied manufactured home on other than a sales lot or inventory area.

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<sup>70</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

- B. In such cases, temporary placement of manufactured homes may be allowed for a period of up to six (6) months, renewable in increments of six (6) months, provided temporary special exception approval is granted pursuant to the procedures set forth in Section 15.3-3, Special Exceptions and Interpretations, a grading/building permit and temporary location permit are properly issued by the Zoning Administrator/Clerk, and where cooking, sleeping and waste disposal facilities are to be used, the unit placement is developed consistent with the other applicable provisions of these regulations.
- C. A manufactured home may be placed on a lot in cases of medical hardship involving a family member (which shall include only mother, father, sister, brother, mother-in-law, father-in-law, grandmother, grandfather, or adult child) on the following conditions:
  - (1) The special exception application must include an affidavit from a doctor stating that the family relative for whom the temporary use of the manufactured home is requested requires 24-hour nursing care and that the medical condition is likely to continue for six months or more.
  - (2) All necessary sewerage facilities will be installed prior to the manufactured home being placed on the property.
  - (3) The application has been approved pursuant to the procedures set forth in Section 15.3-3, Special Exceptions and Interpretations, and shall be approved for six months only. In order to renew the temporary permit, additional evidence of the medical hardship may be required.

**8.6-3 Application Procedures** – Applications for manufactured home building permits involving the placement of a manufactured home on a manufactured home lot in a park shall be made on standard forms established by the Zoning Administrator. Applications for the excavation for or construction of a manufactured home park shall be in writing accompanied by three copies of the required plans, and contain the following information;

- A. Name and address of applicant;
- B. Location and description of the proposed site;
- C. Plot plan, at a scale of one inch (1”) equals not more than one hundred (100) feet, indicating the size and location of proposed spaces or areas for the placement of the manufactured homes and/or travel trailers.
- D. Utilities plan, at a scale of one inch (1”) equals to one hundred (100) feet, showing the size and location of all existing or proposed gas, water, sewer, electrical or other utility features;
- E. Site features plan, at a scale of one inch (1”) equals to one hundred (100) feet, showing locations of drive(s), walk(s), parking area(s), storage facility(ies), recreational facilities, other accessory uses or buildings, area and size of surface water drainage pattern and location of drainage pattern and location of drainage structures, areas of disturbed soils, and existing planting and proposed buffers;

- F. Floor plans and specifications of any park service buildings or other structures;
- G. Scaled layout of the park's typical manufactured home sites or integrated grouping of sites;
- H. Such additional information may be required by the Administrator to determine if the proposed use will comply with provisions of these regulations.

**8.6-4 Permit Fees** – Permit fees are established by the City Council from time to time. Permit fees required shall be paid by the developer, manufactured home lot tenant or property owner, as appropriate.

### **8.7: Existing Uses**

#### **8.7-1 Existing Individual Manufactured Homes**

- A. After the effective date of these regulations, any existing manufactured home on an individual lot may be continued and maintained except that such manufactured home shall not be enlarged, expanded, replaced or altered unless such enlargement, expansion, replacement, or alteration is in full compliance with these regulations.
- B. No existing manufactured home on an individual lot for either temporary or permanent occupancy shall be relocated to another site and no manufactured home shall be placed on a site vacated by an existing manufactured home unless such relocation or placement complies with these regulations.
- C. In all other respects, existing manufactured homes not in compliance with these regulations shall be subject to the nonconforming use provisions of Article 12.
- D. Permits for a manufactured home are transferable only where the applicant places the home permanently on site and maintains a homestead exemption or is so classified that the property is treated as a real property and not vehicular property.

#### **8.7-2 Existing Manufactured Home Parks**

- A. After the effective date of these regulations, any existing manufactured home on an individual lot may be continued and maintained except that such park or manufactured homes within the park shall not be enlarged, expanded or altered unless such enlargement, expansion, or alteration is in full compliance with these regulations.
- B. In all other respects, existing manufactured home parks and manufactured homes within the park not in compliance with these regulations shall be subject to the nonconforming use provisions of Article 12.

## ARTICLE 9: BUFFER REQUIREMENTS

**9.1: Intent** – A buffer is a portion of a lot set aside for or screening for the purpose of shielding or blocking noise, light, glare, or visual or other nuisances, blocking physical passage to dangerous areas; or to reduce air pollution, dust, dirt, and litter, where such screening is necessary to achieve the desired level of buffering between various activities.

**9.2: Location** – A buffer shall be located on the outer perimeter of a lot or parcel along the side or rear lot line. The buffer is normally calculated as parallel to the property line; however, design variations are allowed. Buffers shall not be located on any portion of existing, dedicated, or reserved public or private street right – of – way. Buffer adjacent to unincorporated Cherokee County shall follow the buffer requirements that are most comparable with Holly Springs.

**9.3: Requirements of a Buffer** – A buffer shall be required for the following dissimilar districts or uses and it shall meet the minimum width requirements for dissimilar districts or uses as shown in Section 9.4: Minimum Buffer Width Between Abutting Districts.

**9.3-1** All properties used for non-residential purposes shall have a buffer strip along any rear and side property lines abutting a residential district.

**9.3-2** All properties used for residential purposes shall have a buffer strip along any rear and side property lines abutting a lower density residential use.

**9.3-3** When a vacant parcel zoned for less intensive use adjoins a developed parcel zoned for more intensive use with appropriate buffer, no buffer is required when the parcel zoned for less intensive use seeks a building permit.

**9.3-4** When a rezoning request is approved to up zone a parcel from less intensive use to more intensive use, an additional buffer shall be located on the parcel zoned for more intensive use such that the total buffer shall meet the requirements of the minimum buffer width between the two dissimilar districts as indicated in Section 9.4.

**9.4: Minimum Buffer Width Between Abutting Districts<sup>71 72</sup>**

**EXISTING**

ZONE	R-40	R-20	RD-20	HDMFR	PD-R/T	PD-C	PD-I	NC	GC	OI	LI	AG	GV
R-40	-	-	-	-	-	-	-	-	-	-	-	15'	-
R-20	15'	-	15'	-	-	-	-	-	-	-	-	15'	-
RD-20	30'	15'	-	-	-	-	-	-	-	-	-	15'	-
HDMFR	50'	50'	40'	-	40'	-	-	-	-	-	-	50'	-
PD-R/T	40'	30'	30'	-	-	-	-	-	-	-	-	35'	-
PD-C	50'	40'	40'	40'	40'	-	-	15'	-	-	-	35'	-
PD-I	60'	50'	50'	50'	50'	30'	-	50'	50'	50'	-	35'	50'
NC	30'	30'	30'	20'	30'	-	-	-	-	-	-	35'	-
GC	40'	40'	40'	20'	40'	-	-	-	-	-	-	35'	-
OI	40'	40'	40'	20'	40'	40'	-	-	-	-	-	35'	-
LI	50'	50'	50'	50'	50'	30'	-	50'	50'	50'	-	50'	50'
AG	15'	15'	15'	50'	35'	35'	50'	35'	35'	35'	50'	-	35'
GV	40'	40'	40'	20'	40'	-	-	-	-	-	-	35'	-

**9.5: Use of Buffers** – A buffer may be used for some forms of passive recreation; it may contain pedestrian or biking trails if it is approved by the planning and zoning commission provided that:

**9.5-1** No planted materials shall be eliminated.

**9.5-2** The total width of the buffer shall be maintained.

**9.5-3** In no event, shall a buffer be used as playfields, stables, swimming pools, tennis courts, or similar active recreational uses. A required buffer may include a storm water retention area.

**9.6: Buffer Standards** – A buffer shall be a combination of landscaped open space and one or more of the screening devices as provided in Section 9.8. The type of buffer required is based on the incompatibility between the existing adjacent land use and the proposed development. Buffer standards may be varied subject to the review by the Planning and Zoning Commission.

**9.7: Buffer Design** – All plans for proposed landscaping required by this section shall be in accordance with the following policies and standards:

**9.7-1** The buffer design shall be integrated with the overall design concept for any project.

<sup>71</sup>Amended by City Council with text amendment ORD-03-2016, 05/16/2016.

<sup>72</sup> Amended by City Council with text amendment ORD-20-2016, 12/19/2016.

**9.7-2** Where a required drainage, utility or other easement is partially or wholly within a required buffer, the developer shall design the buffer to eliminate or minimize plantings within the required easement. Such design may necessitate choosing a buffer with more land area.

**9.7-3** Existing tree cover and natural vegetation shall be undisturbed except for the addition of supplemental plantings or other approved screening devices, or for the provision of required access or utility crossings as approved by the Planning and Zoning Commission. Where a buffer is substantially devoid of trees or shrubbery, grading may be allowed within the buffer area prior to replanting or the provision of other screening devices as required.

**9.7-4** Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and services area, refuse containers, air conditioning units and transformers.

**9.7-5** Grass areas shall be sodded, planted or hydro seeded. If grass seed is used, it shall be a variety suitable to the area that produces complete coverage.

**9.8: Screening Standards** – Screening is a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation. Screening shall provide a year-round visual screen from the ground to a minimum of six (6) feet in height. The following are four types of screening devices:

**9.8-1 Planting** – Planting shall consist of either trees or shrubs or a combination of both in order to provide year round screening effectiveness. Planted areas shall be located along the abutting property lines, or within the half of width of a buffer strip abutting the property lines. Trees and shrubs shall be planted with appropriate spacing in order to provide maximum opacity, but to allow for proper plant growth and maintenance. All planted trees shall be native to this region and, when planted, such replacement tree shall be a minimum height of 6 feet and be a species which will result at least 20 in height at maturity or shall be a flowering tree with a minimum height of 6 feet at time of planting. All plantings shall be in staggered rows, with vegetation spaced a minimum of ten feet apart (measured trunk to trunk) with a minimum of two staggered rows of plantings for every ten feet of buffer width. The following are approved for such plantings, but shall not be exclusive of other vegetation which may be suitable as approved by the City Zoning Administrator, provided they form a visible screen: Leyland Cypress, Bufordi Holly (Dwarf Holly), Ilex Opaca (Savanna Holly), Ilex Chinese (Nellie R. Stevens Holly), Pinus Strobus (White Pine), Magnolia Gradiflora (Southern Magnolia), Cleara Japonica, Green Ash, Mountain Laurel, Black Gum, Hop Horneam, Oak Species (Scarlet, Southern Red, Swamp Chestnut, Saw tooth, Chestnut), Linden or Basswood, Viburnum.

A. Trees – Trees can be any species provided that:

- 1) They must be evergreen trees.
- 2) When the required buffer is fully installed, all trees shall have a minimum of three (3) inches in trunk diameter measuring at twelve inches (12) at a point above the natural grade. In normal growing conditions, all trees shall attain a minimum height of six (6) feet and a spread of ten (10) feet within three (3) years.



**9.8-2 Wall** – The wall shall be of masonry construction and a minimum height of six (6) feet. The wall shall be placed on the edge of the buffer nearest the most intense land use.

**9.8-3 Berm** – The earthen berm shall be a minimum of six feet in height.

**9.8-4 Fencing** – The fencing material shall be a pressured treated lumber, redwood or cedar. It shall be a pressured treated lumber, redwood, or cedar. It shall be of a picket or stockade design with a minimum of ninety percent (90%) visual blockage. The fence shall be a minimum of 6' high and placed on the edge of the buffer nearest any more restrictive land use.

**9.9: Permit Application** – All buffer areas shall be so designated on the appropriate permit application(s) and indicated as a permanent buffer area on the required site plan or final subdivision plat, as appropriate.

**9.10: Exception** – The screening requirements of Section 9.8 shall be waived or varied, as appropriate, by the Planning and Zoning Commission, if and only if:

**9.10-1** It is clearly demonstrated that existing topography and/or vegetation achieve the purpose and intent of this section.

### **9.11: Requirements for Maintaining Buffers**

**9.11-1** Preliminary Buffer Plan shall be submitted with the initial site plan.

**9.11-2 Responsibility and Maintenance** – The responsibility for maintenance of a required buffer shall remain with the owner, occupant, tenant and respective agent of the property. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisance and/or conflict. The owner shall be responsible for installing live, healthy plants. Replacement plants shall be provided for any required plants which die or are removed due to disease within the first year following the plantings.

**9.11-3 Agreement and Warranty** – Prior to issuance of certificate of occupancy for a structure the developer or owner shall warrant all required landscaping materials and work for a period of one year after approval or acceptance thereof by the City. Prior to the end of one year, the Zoning Administrator/Clerk and Building Inspector shall make an inspection and notify the owner or developer of any replacement or restoration to be made.

## ARTICLE 10: SIGNS AND OUTDOOR ADVERTISING<sup>73</sup>

### **Section 10.1: Objectives and Purpose**

This article is to establish requirements for the placement, installation, and maintenance of signs in order to protect and promote the health, safety, welfare, and general well-being of the citizens of Holly Springs. The zoning regulations of the placement, construction, maintenance of buildings and structures is a valid use of the police power, including the regulations of the placement, installation, and maintenance of signs. Signs must ordinarily be considered structures, and are capable of producing many of the same nuisances as are produced by buildings. The intent of this article to regulate the size, height, and number of signs in such a manner as to protect and preserve the aesthetic qualities of the city while promoting traffic safety without causing unsafe conditions.

The Zoning Administrator will only oversee the number of signs, height, size, and placement of signs with one freestanding sign per parcel of land. Holly Springs makes no determination or permits signs in regard to on-site or off-site locations. With these objectives and purposes in mind, the intention of this article is to authorize the use of signs that:

1. To protect and to create safe vehicular traffic conditions.
2. Are legible and compatible with the type of lawful activities to which the signs pertain in such a manner as to express the identity of the individual properties and/or of the city as a whole.
3. To improve the legibility and effectiveness of all permitted signs.
4. To allow individuals equal and fair opportunity to advertise and promote their products and services without discrimination.
5. To eliminate excessive signage.
6. To protect the right of citizens to enjoy Holly Springs' natural scenic beauty.
7. To encourage the economic development within the city.
8. To regulate the construction, erection, maintenance, and size of signs that may constitute a direct danger to pedestrians and property.
9. To preserve and promote the public health, safety, and welfare in Holly Springs.

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<sup>73</sup> Adopted by City Council with text amendment, 08/16/2010

## **Section 10.2: Definitions**

Words and phrases used in this ordinance have the meanings defined in this section. In addition words and phrases not defined in this section, but defined in the Zoning Ordinance of Holly Springs, shall be given the meanings as set forth in such ordinance.

**ABANDONED SIGN** – A sign and/or sign structure which no longer correctly directs or exhorts any person, or advertises a bona-fide business, lesser, owner, product or service where such sign and/or structure is located.

**ADVERTISE** – To call the attention of the public to a product, business and/or event.

**ADVERTISING SERVICE** – Any structure or device situated on or attached to real property that is erected or intended for the purpose of advertising.

**AIR AND GAS FILLED DEVICE** – Any sign using, either wholly or in part, forced air or other gas as a means of supporting its structure.

**ANIMATED SIGN** – Any sign that all or any part thereof visibly moves or imitates movement in any fashion whatsoever. Any sign that contains or uses for illumination any light(s) or lighting device(s) that change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part automatically.

**AREA OF SIGN (COPY AREA)**<sup>74</sup> – The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

**BANNER** – A sign hung either with or without a frame, possessing characters, letter, illustrations or ornamentation applied to paper, plastic or fabric of any kind. This excludes flags, emblems, and insignia of political, professional, religious, educational or corporate organizations providing that such flags, emblems, and insignia are displayed for non-commercial purposes.

**BEACON** – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone as the light source; also, any light with one or more beams that rotate or move.

**BENCH SIGN** – A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

**BILLBOARDS** – Freestanding signs or structures for the display of advertising in public places or highways. All regulations relating to freestanding signs should apply.

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<sup>74</sup> Amended by City Council with text amendment, 01/19/2012

BUILDING MARKER – Any sign indicating the name of a building, the date and incidental information about its construction and is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN – Any sign attached to any part of a building other than a freestanding sign.

CANOPY – Any permanent roof-like structure, including awnings and marquees, projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

CANOPY SIGN – Any sign attached to, or made a part of the front, side or top of a canopy.

CHANGEABLE COPY SIGN – A sign or portion thereof which has a reader board for the display of information in which each character, graphic or symbol is defined by objects, not consisting of an illumination device, and may be changed or rearranged manually without altering the face or the surface of the sign.

COMMEMORATIVE SIGNS – Any sign that honors the memory of or serves as a memorial to commemorate.

COMMERCIAL MESSAGE – Any wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

COMMERCIAL OFFICE CENTER – A single parcel of land containing two (2) or more businesses or establishments, including all forms of retail, wholesale, and services.

CONSTRUCTION SIGN – A sign announcing the proposed or existing construction of a building or project.

COPY – The wording or graphics on a sign surface in either permanent or removable form.

DIRECTIONAL SIGN – An unofficial or non-standard traffic control sign containing no commercial message except logos intended to direct or regulate the movement of traffic and/or pedestrians. This includes, but is not limited to, “enter,” “exit,” “drive through,” and directional arrow signs. These signs may be freestanding or mounted on a building.

DIRECTORY SIGN – A sign, which gives the name and/or occupation of the occupants of a building or identifies the particular use of a building.

ELECTRONIC CHANGEABLE COPY SIGN: A sign or portion thereof that displays electronic information in which each character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

ERECT – To build, construct, attach, hang, place, suspend, paint or affix.

ESTABLISHMENT – A commercial, industrial, institutional, educational, office, business or financial entity.

FLAG – Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

FLASHING SIGN – (See Animated Sign)

FREESTANDING SIGN – any sign which is independent from any building or other structure and is entirely supported by structures that are permanently at or below ground level. Permanent freestanding sign shall be monument style.

FRONTAGE, STREET – The length of the property line of any one parcel along a street on which it borders.

FRONTAGE BUILDING – The length of an outside building wall facing a street.

GROUND SIGN – A freestanding sign which has no space between the signage copy area and the ground surface.

HANGING SIGN - A sign suspended from, and located entirely under a covered porch, covered walkway, or an awning.

HISTORIC SIGN – Any animated neon sign over thirty (30) years old, any existing barber pole or any other sign so designated by the Historic Preservation Commission. Extensions, additions, and embellishments are not considered part of a historic sign.

HOME OCCUPATION SIGN – A sign for a legally permitted home occupation on a residential parcel of land with advertising for services legally offered on the premises where the sign is located.

IDENTIFICATION SIGN – a sign depicting the name of a building and/or the address of an establishment on the premises where the sign is located. The name and/or address may be included as part of another signage type.

ILLUMINATED SIGN – A sign which contains an internal source of light or which is designed or arranged to reflect light from an artificial source.

INCIDENTIAL SIGNAGE – Usually small, low profile signage intended for notice and attention only by the customers of a business entity.

INSTRUCTIONAL SIGN – A sign that has the purpose of giving instruction, direction or an order.

MANSARD SIGN – Any sign attached to or erected within 12 inches of an actual or simulated mansard of a building, with the sign face parallel to and within the limits of the building, not deemed to be a roof sign.

KIOSK SIGNS – A free-standing and multiple sided structure located in public right-of-way that displays directional information to residential and commercial development.

MOBILE SIGN – Any sign which is attached to, mounted on, painted on, pasted on, drawn on or placed on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message, including any such vehicle that is parked or lined up parallel or adjacent to a public right-of-way and which interferes with or obstructs the safe and orderly movement of pedestrian and motor vehicle traffic. Mobile signs shall not include a vehicle(s) marked with logos and labeling related and incidental to a business use or entity located on the same premises so long as the vehicle(s) shall only be parked in marked parking spaces, not in the right-of-way.

MONUMENT SIGN<sup>75</sup> – Monument Sign means a permanent freestanding sign that has a solid supporting base equal to or greater than the width of the sign face and is generally made of brick or stone. The supporting base shall have a minimum 12-inch vertical height and designed so that the base of the sign face is flush with the supporting base, with no internal supports posts exposed (not including sign face frame). Base, sign, and frame structure shall be constructed of materials such as brick, stone, stucco, wood, or metal consistent with the architecture and exterior treatment of the building. The total sign base size shall be no greater than one-third (1/3) of the size of the sign copy area. See Figure 10.1 and Table 10.1. Sign frame is not included in copy area calculation.

MOVING SIGN – (See Animated Sign)

MULTI-TENANT SIGN – single freestanding sign shared by multiple tenants in a shopping center or other commercial structure housing multiple tenants.

NONCONFORMING SIGN (LEGAL) – Any advertising device or sign, including billboards, which were legally erected and maintained prior to the adoption or amendment of this ordinance but no longer comply. Legal nonconforming signs require just compensation under the Highway Beautification Act for removal.

NON-PROFIT ACTIVITY – An activity, project, operation or enterprise of a temporary nature carried on by a corporation or an organization qualified as an exempt organization under applicable provisions of the Internal Revenue Code.

PAINTED WALL SIGN – Any sign that is applied with paint or similar substance on the face of a wall.

PARCEL (LOT) – (BUSINESS LOT) – Any standard lot or parcel of land, the boundaries of which have been established by a recorded legal instrument and is recognized and intended as a unit for

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<sup>75</sup> Amended by City Council with text amendment, 01/19/2012

the purpose of transfer of ownership. The said parcel being duly recorded with the Clerk of Superior Court, Cherokee County.

PERMANENT SIGN – A sign permanently affixed to a building or the ground.

PERSON – Any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

POLITICAL SIGN – A sign identifying and urging voter support for or in opposition to a particular issue, political party or candidate for public office.

PREMISES – An area of land with appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRINCIPAL BUILDING – The building with the principal use of the parcels on which it is located. Parcels with multiple principal uses may have multiple principal buildings. However, storage buildings, garages, and other clearly accessory structures are not considered principal buildings.

PROJECTING SIGN – Any sign affixed to a building or wall which horizontally extends more than 12 inches beyond the surface of a building or wall.

PUBLIC SERVICE SIGN - A sign designed to render a public service such as “time and temperature” and “flashing news” signs.

REAL ESTATE SIGN – a temporary sign erected by the owner, or agent, advertising the real property upon which the sign is located for rent, lease or sale.

RESIDENTIAL DISTRICT – Includes all land zoned R-40, R-30, R-20, RD-20, RMF, and PD-R.

REVOLVING SIGN – (See Animated Sign)

ROOF SIGN – Any sign erected, constructed, and maintained upon or over the roof of any building and projecting above the roofline.

SETBACK – The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

SIDEWALK, SANDWICH OR A-FRAME SIGN – A sign which is normally in the shape of an “A” or some variation which is usually two-sided.

SIGN – Any identification, description, illustration or device, service, place, activity, person, institution, or business or any emblem, painting, flag, banner, pennant, balloon, streamer or placard designed to advertise, identify or convey information, illuminated or non-illuminated, which is visible to the general public and directs attention to a product

SIGN BASE – Solid supporting structure of a sign face.

SIGN FACE – The portion of a sign on which the copy is placed.

SIGN NUMBER – For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements or organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner or where there is reasonable doubt as to the intended relationship of such components, each component is considered to be a single sign. A projecting sign and both sign faces being less than 42 inches apart shall be construed as a single sign.

STREET – Any public or private right-of-way for automobile use. This excludes alleyways, parking lots, and driveways.

STREET FRONTAGE – the width in linear feet of a lot or parcel where it abuts the right-of-way of any public street.

SUBDIVISION SIGN – Any sign designed to identify a subdivision, neighborhood or residential complex.

TEMPORARY SIGN – Any sign or device which is not permanently attached to the ground or other permanent structure, which is designed to be mobile or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the sign, signs placed into the ground on a temporary basis or nonpermanent foundation, or signs tethered to an existing structure.

TRAFFIC CONTROL SIGN – A standard sign or electronic device (such as a traffic signal, stop sign, one way, handicap, no parking, fire lane, etc.) for the purpose of directing or regulating traffic and/or pedestrians.

UNDER CANOPY SIGN – A sign that is suspended from the underside of a canopy (including awnings and marquees), is perpendicular to the wall surface of a building, and whose copy is not clearly visible from a public right-of-way.

UNLAWFUL SIGN (ILLEGAL SIGN) – Any sign erected without a permit when a permit for the sign was otherwise required by this ordinance or previously adopted ordinance or code. A permitted sign which has not been properly erected in accordance with the permit application and approved sign permit or an otherwise lawful and permitted sign that has become hazardous or a nuisance to the public due to poor maintenance, dilapidation or abandonment and so declared by the building official.

WALL FACE – A measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.



WALL SIGN – Any sign affixed or attached to a wall of a building extending no more than 12 inches beyond the wall and which displays only one sign surface.

WEEKEND DIRECTIONAL SIGN – Temporary signage permitted only during the weekend, as specified by this article.

WINDOW SIGN – Any sign, excluding identification and incidental signs, placed inside or upon a window containing a commercial message and intended to be seen from the exterior.

### **Section 10.3: Jurisdiction and Applicability of Code Requirements**

1. This article shall apply to all properties within the incorporated areas of Holly Springs, Georgia.
2. All signs and other advertising structures shall be constructed and maintained in conformance with the building and electrical codes adopted by Holly Springs.
3. If any provisions or requirements of this article are in conflict with any other provision or requirement of this ordinance or any other applicable governmental law, ordinance, resolution rule or other governmental regulation of any kind, the more restrictive rule or standard takes precedence.

### **Section 10.4 Exempt Signs**

Except as otherwise provided, the following on-premise signs may be erected without securing a permit. These signs must comply with all other applicable sections of this article and applicable codes and regulations.

1. One (1) professional nameplate for each establishment. Each professional nameplate shall not exceed two (2) square feet in area.
2. One (1) separate identification sign for each establishment when affixed to a building wall or window and limited to minimum size of two (2) square feet. The purpose of this sign is to identify the establishment's property number (address), suite or unit number, post office number, etc.
3. One (1) informational bulletin board for public, charitable, educational or religious institutions when located on the premises of said institution and affixed to a building wall. Bulletin boards may not exceed thirty-two (32) square feet in area and shall be located in such a manner that said bulletin board will satisfy the required setback requirements for the zoning district in which the bulletin board is located.
4. Traffic, directional, warning or official notices or signs owned by any public agency or office, no hunting, no trespassing, and no public access signs.
5. One (1) non-illuminated temporary real estate sign per street frontage, see Section 10.10.

6. Flags and insignia subject to the following provisions:
  - (a) Limited to official flags of the United States, State of Georgia, Cherokee County or any incorporated city within Cherokee County.
  - (b) Flagpoles shall not exceed forty (40) feet in height and flags must be flown in accordance with standard protocol.
7. Integral decorative or architectural features of buildings, except letter, trademarks, moving parts or moving lights.
8. Non-advertising directional signs or symbols not exceeding two (2) square feet designed to direct and inform the public as to a location or direction to a parcel of private property (e.g., entrance, exit, caution, slow, no trespassing, service areas or loading and unloading areas). Franchise logos for the principal business on the premises may be included on these signs.
9. Signs appearing on vending machines are limited to signs referring to the product contained within or on the device.
10. Gasoline pump signs shall be allowed on gasoline pumps so as to provide required information, such as gallons, price, octane rating, and type of fuel. As the trade name of the business is often incorporated into the name of the different types of fuel, said trade name and any associated symbols shall be allowed on the pumps as flat signs not to exceed three (3) square feet in area per sign face, or a total of six (6) square feet per pump.
11. Political signs, see Section 10.10.
12. Signs for temporary garage sales, yard sales, and the like, located in residential districts, see Section 10.10.
13. Weekend Directional Signs, see Section 10.10.
14. Signs located on the inside of windows intended for the purpose of disseminating information about special sales or promotional campaigns, provided that such signs are temporary in nature and are constructed of such materials that clearly indicate that they are temporary.
15. Works of art which do not contain a commercial message.
16. Historic signs.
17. Municipal signs and all signs placed by the City of Holly Springs.
18. Signs on public transportation vehicles.

19. Signs painted on or otherwise attached to motor vehicles which are not conspicuously parked in proximity to a right-of-way, and obviously not parked in such a way as to advertise any business or service to motorists or pedestrians. This may include signs for realtors, surveyors, engineers, plumbers, electricians, delivery trucks, lawn service, etc.
20. Holiday lights, flags for decorative purposes, including small flagpoles, and other decorations which do not require a permit and must not exceed sixteen (16) per square feet.
21. Right-of-Way Advertising Signs (RWAs). See Section 10.10.
22. National Sign Plazas Sign Kiosks, see Section 10.10.

### **Section 10.5: Process for issuance of sign permits**

The Zoning Administrator shall be authorized to issue sign permits in accordance with the provisions of this ordinance. The City shall process all sign permit applications within thirty (30) business days of the City's actual receipt of a complete sign permit application. For purposes of this section only, the term "process" shall mean to review the submittal requirements to determine compliance with the Holly Springs Zoning Ordinance. Through processing, should an application be denied by the Zoning Administrator for non-compliance with this article and/or other adopted codes, the Zoning Administrator shall notify the applicant, in writing, listing the reasons for denial and mailed certified-return receipt or equivalent to the address listed on the application.

In no event, except with permission of the applicant, may the Zoning Administrator delay acting upon a sign permit application. Any delay in excess of (30) thirty days shall result in automatic issuance of a sign permit.

The Zoning Administrator shall reject any application containing any false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of re-submission, instead of original submission. Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the Zoning Administrator shall revoke said application and the subject sign shall be removed within (3) three business days. A revocation pursuant to this section shall be appealable pursuant to Article 15 of this ordinance.

Applicable building and electrical permits shall also be required and issued in concert with the issuance of a compliant sign permit. Final inspections for code compliance of sign structures and electrical by the code official or designee is required.

### **Section 10.5-1 Sign permit expiration date**

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within three (3) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

## **Section 10.6 General Provisions**

Except as specifically exempted from the provisions of this article, a person or firm may not legally post, display, enlarge, erect, move or substantially change a sign without first obtaining a sign permit from the Zoning Administrator or designee. A change in the copy only of a sign or advertising device does not necessarily constitute a substantial change.

### **10.6-1 Permitting Requirements**

1. **Permit Application.** Applications for sign permits shall be filed by the sign owner or his agent with the Zoning Administrator or designee upon forms furnished by the city. Applications shall describe and justify the following:
  - a. The type and purpose of the sign as defined in this ordinance.
  - b. All proposed sign dimensions.
  - c. The value of the sign.
  - d. The street address and zoning designation of the property where the sign is to be located and the proposed location of the sign on the property.
  - e. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
  - f. The name(s) and address of the owner(s) of the real property upon which the subject sign is to be located. No sign may be placed upon a property without the consent of the property owner.
  - g. Written consent of the owner, or his agent, granting permission for the placement of the sign.
  - h. A sketch or print drawn to scale showing all dimensions with pertinent information such as wind pressure requirements and display materials in accordance with the Standard Building Code as adopted by Holly Springs. The Zoning Administrator or his designee may require additional information on such sketch or print to insure compliance with this ordinance.
  - i. Plat depicting sign location.
  - j. Name, address, phone number, and business license number of the sign contractor.
  - k. All applicants for electrical signs must obtain an electrical permit.

1. A written agreement to indemnify and hold the city harmless of all damages, demands or expense of every type which may in any manner be caused by the sign or sign structure.
  - m. All additional information as required by the Zoning Administrator.
2. **Fees.** No permit shall be issued until the appropriate application has been filed with the zoning administrator or designee with permit and other applicable fees paid, as adopted by the City Council and as amended from time to time.

**Section 10.6-2 Application Review and Design**

The Zoning Administrator shall review each proposed sign application for compliance with adopted and relevant design and dimensional regulations. Should an application be found to be deficient in either compliance with this article or procedure, the Zoning Administrator shall notify the applicant in accordance with the provisions set forth herein.

**Section 10.7 Permitted Signs by Type and Zoning District**

**Section 10.7-1 Permanent Signs Requiring Permit by Type and Zoning District**

1. **Freestanding Signs.** Businesses are allowed three (3) signs, of which only one (1) may be a freestanding sign. All freestanding signs shall be monument signs, except as allowed in the Town Center District, Section 10.11. The monument sign base area shall be less prominent than the copy area affixed. Only one (1) freestanding sign shall be permitted per tax parcel, unless as otherwise stated below. Freestanding sign dimensions are regulated by Table 10.1 and Figures 10.1 and 10.2.
  - a. **Freestanding Businesses.** Freestanding business structures with two (2) public street frontages are allowed one (1) freestanding sign per frontage.
  - b. **Shopping centers and plazas.** May only possess one (1) freestanding multi-tenant sign, unless fronting more than one public street frontage. Shopping centers and plazas with two (2) public street frontages are allowed one (1) freestanding sign per frontage.
  - c. **Office buildings and institutional campuses.** May only possess one (1) freestanding multi-tenant sign, unless fronting more than one public street frontage. Office buildings and institutions with two (2) public street frontages are allowed one (1) freestanding sign per frontage. Additionally, campuses larger than five (5) acres, may also install an internal freestanding sign fronting a private drive.
2. **Non-Freestanding Signs.** In addition to one freestanding sign, businesses are allowed two (2) additional forms of signage as dictated in Table 10.1. See Figure 10.1.
3. **Churches.** In residential districts, freestanding signs will be limited to thirty-two (32) square feet with a maximum of eight (8) feet in height. In nonresidential districts, freestanding signs

will be limited to one hundred twenty (120) square feet with a maximum height of fifteen (15) feet. \*Amended 12/15/2003, See Table 10.1.

4. **Subdivisions.** Signs for the identification of a subdivision must be monument (brick, stone, or masonry). One (1) sign is allowed on either side of the entrance with the height a maximum of ten (10) feet each. The copy area has a total maximum of sixty-four (64) square feet for both or a maximum of thirty-two (32) square feet per side entrance. Or, however, one double-faced sign is allowed with a maximum of fifty (50) square feet.
5. **Non-Residential Districts.** In all non-residential zoning districts, commercial areas of mixed use developments, and multi-family developments, the size of freestanding signs is determined upon the size of the property on which the sign will be located. See Table 10.1 for sign area guidelines. No more than one (1) freestanding sign is permitted per tax parcel.
6. **Structure.** All signs regulated under this section shall be permanent signs, subject to regulation by the building, development, and zoning codes of the City of Holly Springs.

#### **10.7-2 Lighting Requirements**

1. Lighted, neon or luminous signs giving off light resulting in glare, blinding or any other such adverse effect on traffic shall not be erected or maintained.
2. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
3. No illuminated signs shall be constructed or maintained within fifty (50) feet of any residential district or dwelling, except for luminaries and all flood or spot luminaries with a lamp or lamps rated at a total of NO MORE than 900 lumens, and which do not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
4. No sign shall be erected which simulates an official traffic control or warning sign in such a manner as to confuse or mislead the motoring public or hide from view any traffic or street sign or signal.
5. Freestanding signs shall be externally lit with lamps or spot lighting which must be aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side) when the source is visible from any off-site residential property or public roadway.
6. All light fixtures are required to be shielded when installed and maintained in such a manner that the shielding is effective when the source is visible from any off-site residential property or public roadway.

### **10.7-3 Electronic Changeable Copy Signs**

Electronic changeable copy signs shall be permitted and shall meet all applicable requirements of this sign ordinance. In addition, electronic changeable copy signs shall comply with the following regulations.

#### **1. Detached Freestanding Signs:**

- a. **Number of Signs.** No more than one (1) changeable copy sign or electronic changeable copy sign with a maximum of two (2) sides or faces is permitted per tax parcel. The sides or faces of two-sided signs shall be parallel to each other.
- b. **Static Display.** Display of message must be static. When the display of an electronic changeable copy sign changes, it must change as rapidly as is technologically feasible with no phasing, rolling, scrolling, flashing, twirling, blending, or in any manner which imitates movement.
- c. **Duration.** Electronic changeable copy signs shall change no more than one (1) time per three (3) minutes.
- d. **Calculation of Area.** An electronic changeable copy sign shall be included in the calculation of the total permitted sign area of the freestanding sign of which it is a part.
- e. **Character Size.** An electronic changeable copy sign that is readily visible to drivers of vehicles on any public way must have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers, but, in no instance shall the size of characters be less than a minimum of four (4) inches.
- f. **Brightness.** The sign must have a maximum illumination of 3500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Prior to issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the specified levels.
- g. **Dimmer Control.** Electronic changeable copy signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise. In addition, it must also be able to respond to lighting level changes occurring due to atmospheric conditions.
- h. **District Limitations.** Electronic changeable copy signs, located within any residential district are allowed only for those uses as can be permitted by special exception.

- i. **Setback from Residential.** The leading edge of an electronic changeable copy sign located in any district must be a minimum distance of one hundred feet (100') from an abutting residential district boundary.
  - j. **Visibility.** Electronic changeable copy signs may not face an abutting residential district. Adequate landscaping shall be provided to ensure that the view of the sign is obscured from abutting single-family or two-family residential zones.
  - k. **Setback from Other Electronic Changeable Copy Signs.** Electronic changeable copy signs must be separated from other electronic changeable copy signs by at least fifty feet (50').
  - l. **Color.** Text message should be composed of one (1) color with the background composed of one (1) color. Pictures, logos, images, graphics, and symbols may be displayed from one color to full color.
  - m. **Maintenance.** All electronic changeable copy signs will be maintained in proper working order. Any dead zones or nonilluminated portions of the signs shall be replaced or repaired within thirty (30) days or the use of the sign shall be discontinued.
  - n. **Safety.** If at any time subsequent to the adoption of this Section of the Zoning Ordinance any portion of these regulations is deemed to be a safety hazard by the City of Holly Springs, the City reserves the right to modify said regulations and all existing signs shall be modified to conform to the safety-related modifications.
2. **Attached Flat or Wall Signs. Electronic changeable copy signs attached to buildings are only allowed as follows:**
- a. A maximum of one (1) sign per building or premises, whichever is less, is permitted for a site that does not contain any other electronic changeable copy sign, freestanding or wall mounted.
  - b. Such signs may not exceed twenty (20) square feet in area and will be counted toward the calculation for maximum signage for the building.
  - c. Wall mounted signs shall not be oriented toward adjacent residential uses.
  - d. Such signs must comply with all other applicable provisions of this ordinance.
3. **Gasoline Service Station Pricing Signs. Electronic changeable copy signs functioning as gasoline service station pricing signs to show current gasoline prices are allowed as follows:**
- a. **Number of signs.** A maximum of one (1) sign per building or premises, whichever is less, is permitted for a site that does not contain any other electronic changeable copy sign, freestanding or wall mounted.



- b. **Integrated sign.** Such signs functioning as gasoline service station pricing signs shall be permitted as a portion of a freestanding sign.
- c. **Color.** All text should be composed of one (1) color with the background composed of one (1) color. Such signs shall meet all applicable provisions of this ordinance.

#### **Section 10.7-4 Additional Signs by Type and Zoning District**

1. **Street Address Required.** All commercial premises shall post the street address number in six (6) inch numbers, in legible Arabic numbers, posted over the primary customer entry door on the structure. Additionally, the street address and/or the official street name, and/or the description of the premises shall also be posted in a conspicuous and legible location on the primary commercial structure, freestanding sign, or other location on the premises in legible Arabic numbers and/or English letters; and shall be viewable from public rights-of-way and private access roads, during both the daylight and nighttime hours. Nothing in this section shall be construed to prohibit posting a street address in foreign language or signs using foreign symbols or letters so long as the English equivalent is placed in letters of at least the same size, in compliance with the signage requirements of this ordinance.

Any sign containing other than English letters and words shall submit a notarized translation to the City of Holly Springs, by a translator other than the owner of the business. This section is adopted in order to aid in the identification and location of businesses and other commercial establishments in the City, for police, fire, and other emergency responses, and to avoid confusion and delay in response to such emergencies.

2. **Additional Advertising.** If courtesy benches, waster containers, bus shelters, or other public amenities are donated to the City, advertisement is allowed, provided no more than fifteen percent (15%) of the total surface area is covered by advertising.

#### **10.7-5 Height Requirements**

The height requirements of a sign shall be computed as the distance from the base of the sign at normal grade to the highest attached component of the sign or sign structure, whichever is higher. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, beaming, mounding or excavating solely for the purpose of locating the sign. Cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade, at the base of the sign, is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the lot. Refer to Table 10.1 for specific height limits and requirements.

### **10.7-6 Additional Requirements**

1. Real estate signs shall be removed within ten (10) days of the sale, rental or lease of the property advertised; however, the use of a “SOLD” attachment to a sign pending the completion of a sales transaction shall not be construed as a sale.
2. No sign shall be erected or maintained which obstructs any fire escape, any means of escape or ventilation, or which prevents free passage from one part of a roof to an other part thereof; not shall any sign be attached in any form, shape or manner to a fire escape.
3. No sign shall be erected, maintained, painted, drawn, or attached to any utility pole, fence, rock, tree or any other natural feature.
4. It shall be unlawful to post any signs or advertisements on any building, fence or other property belonging to another person without the written consent of the owner thereof. Such consent shall be included with the sign permit application.
5. Signs erected for the purpose of identifying a premise shall not also contain advertising except that of the use identified.
6. All signs shall be located on or over private property only, except those specifically permitted by this article.
7. All signs shall be erected in such a manner as to not interfere with or obstruct the view of any authorized traffic sign, signal or device.
8. All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead utilities in accordance with National Electrical Code specification. In no case shall any sign be installed within five (5) feet horizontally or vertically from an overhead utility line or utility guy wire.
9. Corner Visibility Clearance: In any distance, no sign or sign structure (above the height of three feet) shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extending of two streets, or of a street intersection with a railroad right-of-way. However, a sign structure, if not more than ten (10) inches in diameter located on a corner lot where services are provided to the motoring public, may be located within the required corner visibility area. This is provided if all other requirements of this article are met and the lowest elevation of the sign surface is at least ten (10) feet above the ground level.

### **10.7-7 Language/Legibility Requirements**

- A. **Language/Legibility.** All permitted signs, as regulated under Section 10.7-1, shall have legible English letters and words copy that occupy at least fifty percent (50%) of the total sign face (copy area) that is occupied by letters and words or language characters. Nothing in this section shall be construed to prohibit signs in foreign language or signs using foreign

symbols or letters so long as the English equivalent (exact translation or description of use) is placed on the sign in letters of at least the same size.

Any sign containing other than English letters and words shall submit a notarized translation to the City of Holly Springs, by a translator other than the owner of the business. This section is adopted in order to facilitate and aid in the identification and location of businesses and other entities in the City upon police, fire, and other emergencies, and to avoid confusion and delay in response to such emergencies.

- B. Translation Required.** All permitted signs, as regulated under Section 10.7-1, including those used to identify or describe a business, a commercial establishment or a nonresidential establishment or any commercial product or service that use words in a language other than English (at 50%), shall be prohibited unless a sworn affidavit is filed with the City of Holly Springs to provide the City with the complete translation of any foreign words. The affidavit must be from a person other than the owner of the business, or the commercial establishment or nonresidential establishment who is competent to translate the foreign words.

Nothing in this section shall be construed to prohibit the use of foreign words or characters which are proper nouns which have no English translation as long as they do not contain unconstitutionally obscene language or advertise an illegal activity. This section is adopted in order to aid in the identification of businesses and other commercial establishments in the City, for police, fire, and other emergency responses, and to avoid confusion and delay in response to such emergencies and to protect the public health, morals and welfare from the display of unconstitutionally obscene language and the advertisement of illegal activities. This section shall apply to any signs which are erected, constructed, crafted or modified.

- C. Compliance Requirements.** Any sign which was legally permitted and erected prior to the enactment of this ordinance, yet will not comply with this section upon adoption, shall be declared non-compliant. Any owner of a non-compliant sign is hereby granted six (6) months from the date of enactment of this ordinance to conform with the requirements of this section. At the expiration of six (6) months, should a non-compliant sign remain noncompliant with this section, the owner of said sign shall be in violation of this section and subject to penalties set forth in Article 1 of the Holly Springs Zoning Ordinance; and other applicable codes and ordinances of the same.

### **Section 10.8 Design Review Provisions**

1. Applications that propose signage in compliance with this article may pursue a sign design review from the Planning and Zoning Commission.
2. To apply for design review, applicants must meet the dimensional requirements set forth in this article, including height, copy area, and setbacks. Dimensional requirements shall not be diminished or increased through design review. The design review process is set forth to provide for the consideration of unusual signage or sign designs that do not conform with standards typically enforced.

3. Design Review Process. Applicants shall file an application for sign design review with the Community Development Department submitted with requisite fees as established by City Council from time to time. The Planning and Zoning Commission shall review the application in compliance with Article 14, rendering a final decision while considering the following criteria:
  - a. The sign design is reasonable in light of the project's size, location, layout, topography, or other geographic feature;
  - b. The sign design will not result in any adverse impact on adjacent and nearby properties;
  - c. The sign design is appropriate for the proposed project and site, and compatible with the established architectural design in the immediate area;
  - d. Granting the sign design will not confer upon the applicant and property any special privileges that are denied to other properties of the district in which the applicant's property is located.

### **Section 10.9 Variance Procedures<sup>76</sup>**

Variations from the provisions of this article may be requested. All such variations shall be considered and decided pursuant to the procedures set forth in Section 15.3-1, Variations.

### **Section 10.10 Temporary and Seasonal Signage**

1. **Residential Districts.** In residential districts, freestanding signs will be limited to four (4) square feet with a maximum height of four (4) feet.
2. **Freestanding Businesses.** Allowed a maximum of one (1) temporary sign on private property of a maximum of six (6) square feet. Tenants located in shopping centers, multi-tenant buildings, and plazas, shall not be permitted to place temporary signs on private property.
3. **Sign Devices Allowed for Up to 14 Days.** The following types of signs shall be permitted only by issue of a 14-day sign permit, and a building permit and electrical permit if required, allowing usage of this type sign for a period not exceeding fourteen (14) consecutive days, except as more specifically provided in this section. No such permit shall be issued for the same lot at less than four-month intervals. All signs must be set back safely off the right-of-way. A fee as may be established from time to time by resolution of the Holly Springs City Council and shall be charged and must be paid for each sign permit and any required building and electrical permits.
  - (a) Air or gas-filled balloons or other devices which have a capacity for air or gas which exceeds three (3) cubic feet.

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<sup>76</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

(b) Two (2) streamers or two (2) pennants.

(c) Banners, decorative flags, balloons, for either community or non-profit organization celebrations, conventions, commemorations, and grand-opening events, each with a maximum size of thirty-two (32) square feet, and not to exceed one (1) on any given lot. Said sign(s) must not have flashing lights or copy area, moveable parts or colored lights that may closely resemble those of traffic signals, emergency vehicles or airport beacons. Such signs must not be confused with authorized traffic signs or may use words, phrases, symbols or characters that may interfere with, mislead or confuse motorists.

4. **Weekend Directional Signs (WEDS).** The maximum area of the sign shall be six (6) square feet and the maximum height shall be four (4) feet.

Zoning Districts: WEDS shall be allowed from 3:00 p.m. on Friday to 7:00 a.m. on Monday. The sign owner shall have the responsibility of removing all WEDS prior to 7:00 a.m. on Monday.

Permit Requirement. All companies and/or individuals responsible for the placement of WEDS are required to register with the city before doing so. A permit fee shall not be assessed for WEDS.

Identification on Sign: Each WEDS shall be legibly marked with the name of the owner. If a party other than the owner agrees to be responsible for the removal of the sign, then the responsible party's name may be substituted. This information must be written in weatherproof ink or paint upon at least one face of the WEDS and in letters of at least one-half (1/2) inch in height.

Location: WEDS shall be limited to one (1) sign per parcel of property. There shall be only one WEDS for any given place, activity or event per three hundred (300) feet of road frontage. No WEDS shall be located closer than one (1) foot from the right-of-way. All WEDS must be placed on private property with the owner's permission.

Enforcement: The minimum fine for placement of WEDS in contradiction to this Sign Ordinance shall be \$100.00.

5. **Right-of-Way Advertising Signs (RWAs).** A permit is required for RWAs. Businesses with a physical location incorporated within the City of Holly Springs may apply for and receive a permit to place advertising signs in the right-of-way under the following requirements:

(a) Current occupation tax permit fees and municipal property taxes paid for the business location;

(b) File the RWAs permit application with the Community Development Department;

(c) Permit fees for RWAs paid, which shall be set by City Council with resolution from time to time;

(d) Permitted RWAs must adhere to the following requirements:

- i. *Zoning.* Each physical business location within a commercial zoning district is eligible for RWAs. Home-based businesses are not eligible for a RWAs permit;
- ii. *Dimensions and Number of Signs.* RWAs shall be a vertical length of three (3) feet by a horizontal width of two (2) feet, for a total sign area of six (6) square feet. The number of signs per business is assessed below:
  - a. *Shopping Center Location.* Shopping center businesses shall only be permitted one (1) RWAs per suite;
  - b. *Freestanding Location.* Each freestanding location shall only be permitted a maximum of two (2) RWAs.
- iii. *Height.* The maximum RWAs height shall be four (4) feet;
- iv. *Copy Area.* Copy can cover the entire area of both RWAs sides;
- v. *Construction.* Each RWAs shall be constructed of a durable, weather resistant material, as approved by the Zoning Administrator. Banners, wood, and paper signs are not permitted;
- vi. *Base.* RWAs shall be placed on no more than two (2) posts of either wood or wire. Wood posts shall be no larger than 1" x 2" stakes. Posts shall only be placed in soil, not concrete or similar material;
- vii. *Attachments.* Attachments to RWAs, including but not limited to paper sheets stapled to signs, flags, banners, pennants, and similar devices, shall be prohibited;
- viii. *Placement.* RWAs shall be placed greater than five (5) feet from the edge of pavement or the back of curb; and shall not be placed between the back of curb or edge of pavement and sidewalk. RWAs and any signage placed within five (5) feet from the edge of pavement or back of curb are prohibited. RWAs shall not protrude over sidewalks, bicycle lanes, or any lanes of vehicular travel;
- ix. *Applicable R/W and Spacing.* Businesses shall place RWAs only in the right-of-way fronting the parcel of the business location. RWAs shall be placed fifteen (15) feet or greater apart, from related or unrelated business RWAs;
- x. *Intersections.* RWAs shall not be placed within twenty-five (25) feet of a signalized intersection, as measured from the back of curb or edge or pavement at the closest corner. With all other intersections, RWAs shall be placed no closer than fifteen (15) feet from the corner as measured from the back of curb or edge of pavement at the closest corner;

- xi. *City-Owned Right-of-Way Only.* RWAs are only authorized to be placed in approved right-of-way locations owned by the City of Holly Springs, as determined by the Zoning Administrator;
- xii. *Right-of-Way Locations.* RWAs shall only be permitted on arterial or collector streets. RWAs shall not be placed on the rights-of-way of residential streets within platted subdivisions or along roads and streets identified by the Zoning Administrator as primarily residential;
- xiii. *Permit Term.* RWAs permits may be issued by the month or annually, but no permit shall be issued for more than a one (1) year term, without renewal. RWAs with expired permits shall be removed within 24 hours of the expiration date;
- xiv. *Labeling Required.* Upon permit issuance, the Zoning Administrator will issue an official label for each RWAs, which must be affixed to each sign, in plain sight from the right-of-way to verify compliance with this code section. The failure to properly display the official label is a violation of this code;
- xv. *Unpermitted RWAs.* Considered temporary signs and prohibited by this code, requiring immediate removal;
- xvi. *Removal Provision.* Unsightly, faded, damaged, or vandalized RWAs must be removed immediately and replaced, affixing a new label from the Zoning Administrator;
- xvii. *Replacement.* RWAs may be replaced at any time during the permit term, but a new official label from the Zoning Administrator must be affixed to the replacement;
- xviii. *Maintenance.* It shall be the responsibility of the RWAs owner to maintain the area around the RWAs, to include grass trimming, trash removal, and general upkeep;
- xix. *Traffic Hazard.* Should RWAs be placed in such a way as to create a traffic hazard, in the opinion of the Zoning Administrator, City Engineer, or Public Works Director, the owner will be contacted with written notice and requested to remove or relocate the sign immediately. Nothing herein, however, shall prevent the code enforcement officer, law enforcement officer, or other official of the City from summarily removing RWAs without notice, should exigent or emergency circumstances dictate. Removed RWAs will be held in the possession of the City until claimed or the conclusion of the permit term, thereafter discarded;
- xx. *Theft.* As the permit for RWAs is a right-of-way lease between the permit holder and the City of Holly Springs, the theft, destruction, or defacement of RWAs shall be punishable in accordance with general penalty provisions of the Code of the City of Holly Springs;

- xxi. *Conflicts.* Should this section conflict with another code section or article in the Zoning Ordinance or the Code of the City of Holly Springs, this section shall take precedent;
  - xxii. *Violations.* Violations of this section, the improper placement or abuse of RWAs, or the failure to perform the requirements of this section, shall result in the revocation of the RWAs permit and shall be subject to punishment in accordance with the provisions set forth in the Zoning Ordinance and the general penalty provisions of the Code of the City of Holly Springs;
6. **Real Estate.** Except as otherwise provided, one (1) non-illuminated temporary real estate sign per street frontage and provided as follows:
- (a) Maximum sign area shall be limited to five (5) square feet with maximum height of six (6) feet in all residential districts.
  - (b) Multiple listing strips, sale pending and sold signs may be allowed when attached to a real estate sign and are subject to the same maximum area and maximum height requirements.
  - (c) One (1) on-premise open house or open for inspection sign, not exceeding five (5) square feet in area with a maximum height of six (6) feet, may be allowed in addition to the above requirements.
  - (d) All temporary real estate signs shall be removed within ten (10) days after ownership or occupancy has changed.
  - (e) Real estate brochures/information boxes may be allowed with a maximum of one (1) brochure/information box per parcel of land.
  - (f) Maximum size of real estate signs in nonresidential districts, shall be no more than 32 square feet in size.<sup>77</sup>
7. **Political signs as follows:**
- (a) The owner of the property on which the sign is located and/or the candidate will be responsible for removing the sign(s) within seven (7) days after the election has been held.
  - (b) The sign shall be located entirely on private property and are prohibited, in whole or in part, on any public lands or public right-of-way and must not be attached to any other sign, utility pole, tree, rock or other form of vegetation or natural feature.
  - (c) A maximum of three (3) political signs are permitted per parcel of property. The total size allowance for political signs on a particular parcel is determined by the size of the property in which the sign(s) will be located (see table 10.1).

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<sup>77</sup> Amended by City Council with text amendment, 05/21/2012



**8. Signs for temporary garage sales, yard sales, and the like, located in residential districts and subject to the following provisions:**

- (a) On-premise signs shall be limited to one (1) sign per parcel of property.
- (b) The maximum area of the sign shall be six (6) square feet and the maximum height shall be four (4) feet.
- (c) Signs must be removed at the close of the sale.

**Section 10.11 Holly Springs Town Center District Sign Regulations**<sup>78</sup>

The Holly Springs Town Center District (HSTCD, “the district”) is that area illustrated in Figure 19.7-A of Section 19.7 of the Holly Springs Zoning Ordinance. This section shall apply to businesses, institutions, and services located within the HSTCD. It is deemed unlawful for any person to place, erect, or maintain any sign of any type within this district, except as provided in under this section.

- 1. Permit Required. Any property owner, tenant, agent, or contractor seeking to erect, replace, reconstruct, or relocate a sign must make application for a sign permit in accordance with this Article, Section 10.5, and with Article 19, Section 19.7.
  - a. Said permit shall be required for all signs, subject to the requirements set forth herein (Section 10.6) except for those specifically exempted within this ordinance.
- 2. Permitted Signs. In addition to the signs permitted under Section 10.9, the Zoning Administrator may consider a variety of signage types to enhance the character of the town center:
  - a. Freestanding Stanchion Signs (not to exceed 15 feet in height).
  - b. Freestanding Signs Setbacks. Signs may be placed within ten (10) feet of the edge of right-of-way, but shall not encroach into the right-of-way.
  - c. Freestanding Signs Height. No freestanding sign in the district shall exceed 15 feet in height.
  - d. Roof, Canopy, Hanging, and Projecting Signs. No setbacks from the right of way required, though business owners should make every attempt to place the signs outside of the right-of-way. Should one of these signs propose to project into the right-of-way, the City Engineer shall approve the placement to ensure proper clearance and safety.
  - e. No business or property within the district shall exceed the maximum number of signs allowed, as required by Section 10.9.
- 3. Examples of the variety of signage available in the district are illustrated in Figure 10.2. The Zoning Administrator will consider variations of the sign designs illustrated with Figures 10.1 and 10.2 that conform to the architectural tenor and premises of the principal

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<sup>78</sup> Amended by City Council with text amendment, 01/19/2012

structure(s), in addition to compliance with the Commercial Corridor Design Overlay District.

4. Dimensions. All freestanding and building signage shall comply with all dimensional and height requirements set forth within this ordinance.
5. Incidental Signage. Outside signage utilized by entities during the normal course of business activities, including, but not limited to: menus, posters, commemorative, directional, identification, and instructional may be permitted administratively. Incidental signage does not include “attention getting devices,” **or** those otherwise expressly prohibited by this article.
6. Appeals. Any person aggrieved by the decision of the Zoning Administrator regarding the grant or denial of a permit for signage may file an appeal pursuant to the procedures set forth in Section 15.3-2, Appeals.<sup>79</sup>

### **Section 10.12 Prohibited Signs**

The following signs and advertising devices are prohibited within the incorporated areas of Holly Springs:

1. A-frame, sandwich type, sidewalk or curb signs.
2. Swinging or projections signs.
3. Rotating or animated signs involving motion or sound including those that flash, blink, change image or show any form of movement, except as permitted in Section 10.7-3 and excluding historic signs and those officially designated for public service.
4. Signs that resemble any official traffic control device or emergency vehicle markings.
5. Mobile signs.
6. Flags, banner, streamers, tethered balloons or other inflatable signs or figures, except as authorized by this regulation (grand opening permit process).
7. Signs that make use of the words “stop,” “go,” “slow,” “caution,” “danger,” “warning,” or similar words, phrases, symbols or character in such a manner as to interfere with, mislead or confuse automobile traffic except construction signs or barricades and except when the words are incorporated in the permanent name of a business.
8. Courtesy benches, waste containers or other forms of street furniture on which advertising is displayed.
9. Temporary signs, unless as otherwise regulated by this article.

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<sup>79</sup> Amended by City Council with text amendment, ORD-21-2016, 12/19/2016.

10. Search lights and beacons.
11. Signs attached to or painted on vehicles of any type, which are conspicuously parked in proximity to a right-of-way and obviously parked in such a way as to advertise any business or service to motorist or pedestrians.
12. Signs that emit visible smoke vapor particles or odor.
13. Except as otherwise provided for in this ordinance, any sign which advertises or otherwise directs attention to a product, service or other activity, event, person, institution or business, is required to meet the regulations found within this Sign Ordinance.

#### **10.13 Construction, Maintenance, Removal Requirements**

1. Erecting or placing any sign that does not conform to the requirements of this ordinance is unlawful.
2. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair.
3. No trash shall be allowed to accumulate in the area around a sign and all weeds shall be kept out.
4. **Removal of Discontinued Signs**
  - a. **Abandoned Signs.** Any sign which is located on property which becomes vacant and is unoccupied for a period 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended due to a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.
  - b. **Dangerous or Defective Signs.** No person shall maintain or permit to be maintained any sign which is in a dangerous or defective condition. Any such sign shall be removed.
  - c. **Removal of Signs.** The City designated enforcement officer shall cause to be removed any sign that endangers the public safety, such as a dangerous, or materially, electrically, or structurally defective sign; or a sign for which no permit has been issued and abandoned signs. The officer shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the violation is not corrected within 10 days, the property owner shall be found in violation of this code and the City enforcement officer shall seek remedies available by applicable codes and laws to bring the property into code compliance.

- d. **Mailing of Notice.** For all signs subject to removal, notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax record by certified mail. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property. If any such persons are unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises. The City is not responsible for the property owner's failure to receive notice.”

**Table 10.1 Requirements for Commercial Signage, By District/Use**

(See Illustrations in Figures 10.1 and 10.2)

Businesses pick three (3) from the following sign types

<b>District/Use</b>	<b>Freestanding</b>	<b>Wall<sup>1,80</sup></b>	<b>Window</b>	<b>Roof</b>	<b>Canopy</b>	<b>Hanging</b>	<b>Projecting</b>
Commercial Businesses	See Section 10.7-1 (1) Table 10.1-2	1 square ft. copy area per 1 linear ft (width) of wall or if less than 32 linear feet (width) may have up to 32 square feet of copy area	20% MAX. Coverage	50 sq. ft. MAX.	50 sq. ft. MAX.	10 sq. ft. MAX.	½ square ft. copy area per 1 linear ft of frontage- 24 sq. ft. MAX.
Subdivision	See Section 10.7 (4)	N/A	N/A	N/A	N/A	N/A	N/A
Town Center	See Table 10.7-1 See Also Section 10.11 and Figure 10.2	1 square ft. copy area per 1 linear ft (width) of wall or if less than 32 linear feet (width) may have up to 32 square feet of copy area	20% MAX. Coverage	50 sq. ft. MAX.	50 sq. ft. MAX.	10 sq. ft. MAX.	½ square ft. copy area per 1 linear ft of frontage- 24 sq. ft. MAX.
Churches	See Section 10.7 (3)	1 square ft. copy area per 1 linear ft (width) of wall or if less than 32 linear feet (width) may have up to 32 square feet of copy area	20% MAX. Coverage	50 sq. ft. MAX.	50 sq. ft. MAX.	10 sq. ft. MAX.	½ square ft. copy area per 1 linear ft of frontage- 24 sq. ft. MAX.
<b>Dimensions</b>	<b>Freestanding</b>	<b>Wall</b>	<b>Window</b>	<b>Roof</b>	<b>Canopy</b>	<b>Hanging</b>	<b>Projecting</b>
Allowable Sign Area	See Table 10.1-2	1 square ft. copy area per 1 linear ft (width) of wall or if less than 32 linear feet (width) may have up to 32 square feet of copy area	20% MAX. Coverage	50 sq. ft. MAX.	50 sq. ft. MAX.	10 sq. ft. MAX.	½ square ft. copy area per 1 linear ft of frontage- 24 sq. ft. MAX.
Setback <sup>2</sup>	10' MIN.	N/A	N/A	N/A	10' MIN.	10' MIN.	10' MIN.
Height	15' MAX.	35' MAX.	N/A	35' MAX.	Not less than 8' above ground at sign low point	Not less than 8' above ground at sign low point	Not less than 8' above ground at sign low point

<b>Table 10.1-2: Freestanding Sign Square Footage</b>	
* 0 - .49 acres, 50 square feet maximum	1 - 1.99 acres, 100 square feet maximum
.50 - .99, 75 square feet maximum	2 acres plus, 120 square feet maximum
* Indicates current regulations as Amended (12/15/2003)	

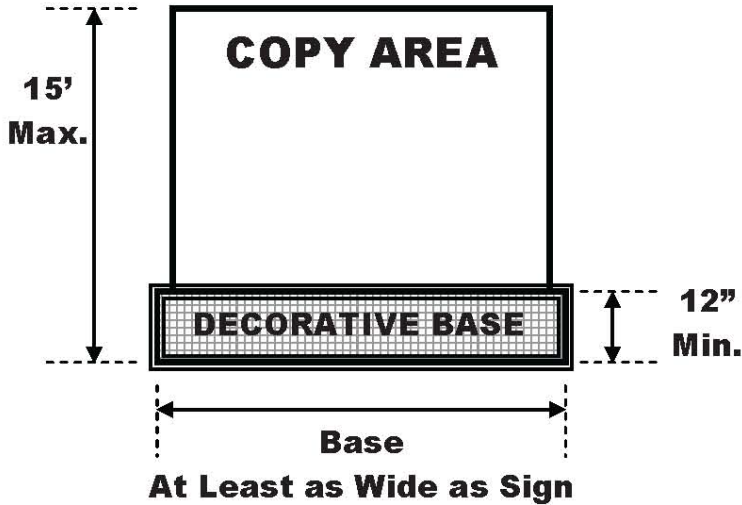
<sup>1</sup> Wall sign copy area can be divided among multiple signs.

<sup>2</sup> Setback can be reduced at the discretion of the Zoning Administrator; however, the sign is prohibited within the right-of-way.

<sup>80</sup> Amended by City Council with text amendment, ORD-03-2015, 03/16/2015

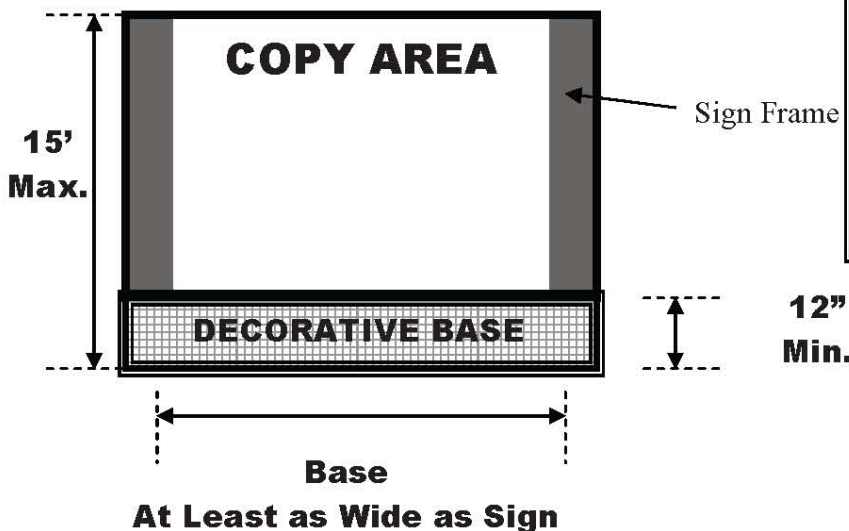
Monument Sign Illustrations – Figure 10.1

**MONUMENT SIGN- A**



Commentary  
 This diagram is for illustrative purposes only, as the basic required design of a monument sign. The base must always intersect the bottom of the copy area of the sign, be at least 12" in height, at least as wide and no greater in square footage than 1/3 of the sign copy area.

**MONUMENT SIGN- B**



Commentary  
 This diagram is for illustrative purposes only, as the basic required design of a monument sign. The base must always intersect the bottom of the copy area of the sign, be at least 12" in height, at least as wide and no greater in square footage than 1/3 of the sign copy area. Sign frame is not included in copy area calculation.

NOTES

- See "Area of Sign (Copy Area)" and "Monument Sign" definitions, Section 10.6.
- See Section 10.10, "Permitted Signs by Type and Zoning District" & Table 10.1.
- The base area shall be 1/3 the sign copy area.

**Wall Sign Example**



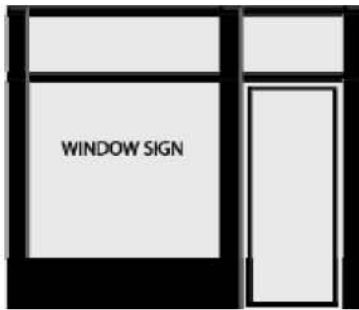
**Canopy Sign Example**



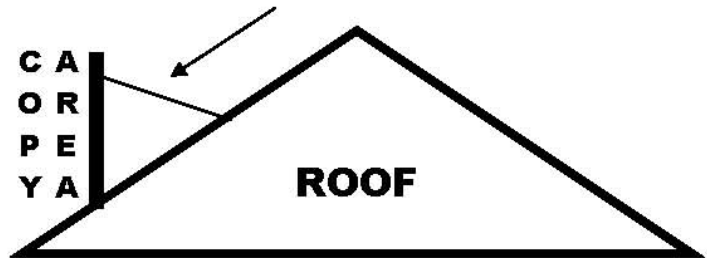
**Projecting Sign Example**



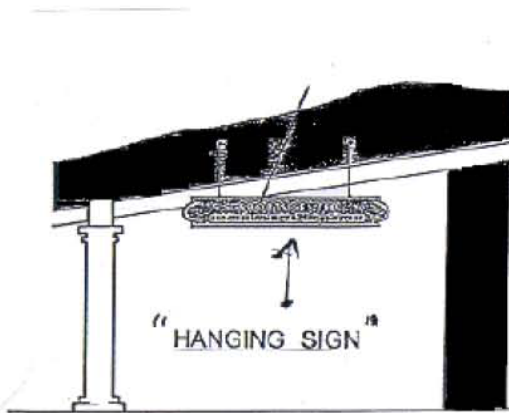
**Window Sign Example**



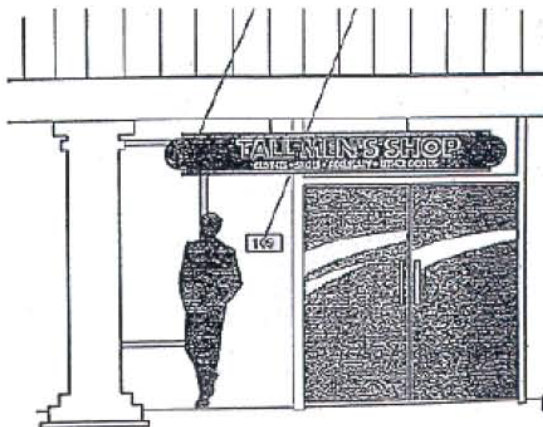
**Roof Sign Example**



**Hanging Sign Examples**



*(Perpendicular to Building)*

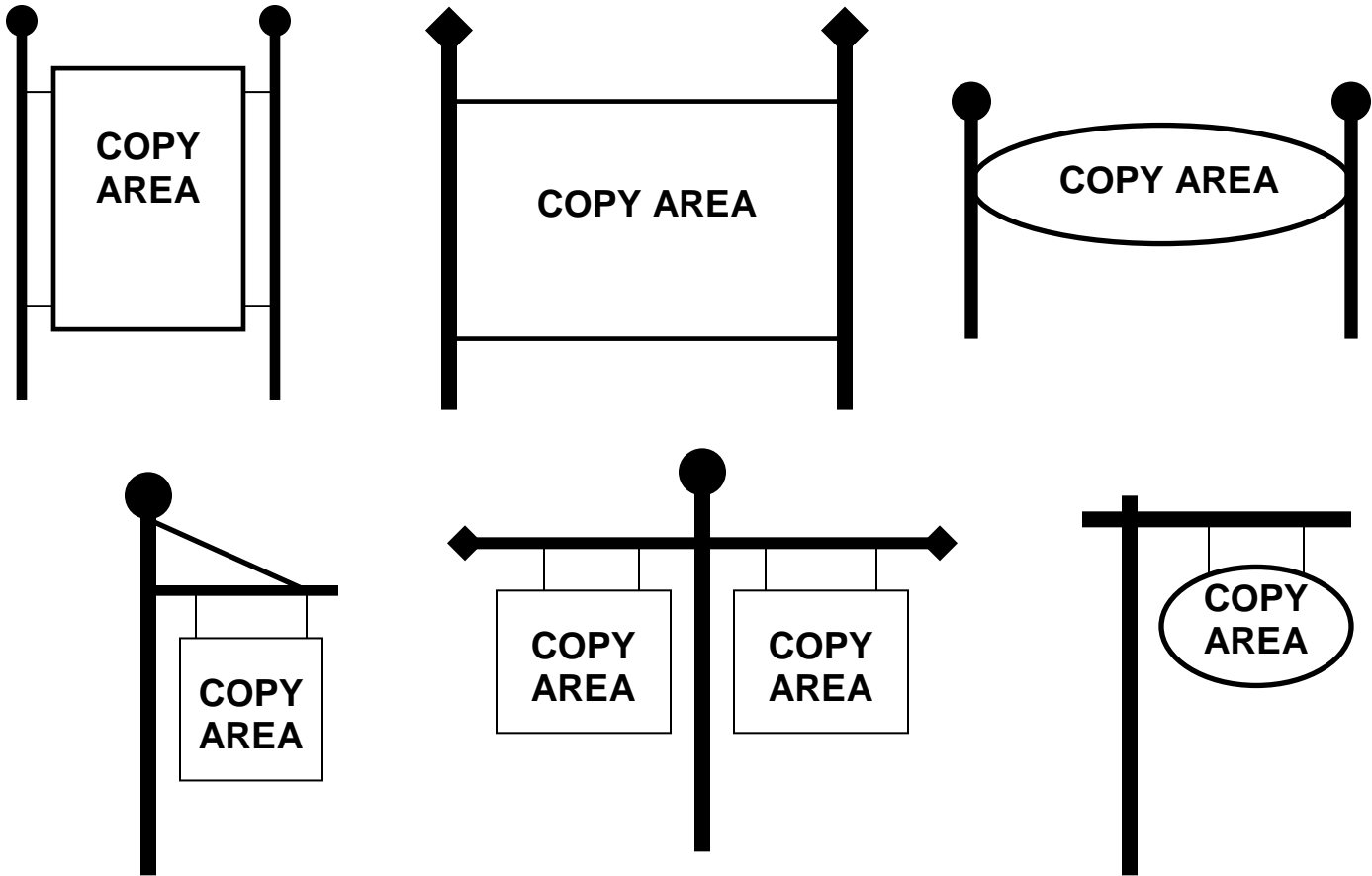


*(Parallel to Street)*

**\*\*\* PLEASE NOTE: THESE ILLUSTRATIONS DO NOT CONFER OR CONVEY SIGNAGE RIGHTS- THEY ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.**

**Holly Springs Town Center District Sign Illustrations – Figure 10.2**

*Freestanding Stanchion Signs- Single or Multi-Tenant*



**NOTES**

- Town Center signs must conform to the architecture of the primary structure, as determined by the Zoning Administrator, in conjunction with the Town Center District design regulations.
- Sign copy area shapes may vary, but square footage must comply with the regulations set forth herein.
- Town Center District signs shall conform to the dimensional requirements, including height, as stated in Table 10.1.

**\*\*\* PLEASE NOTE: THESE ILLUSTRATIONS DO NOT CONFER OR CONVEY SIGNAGE RIGHTS- THEY ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.**



## ARTICLE 11: OFF-STREET PARKING AND LOADING<sup>81</sup>

### **11.1: General Provisions – Parking and Loading**

**11.1-1 Intent** – The intent of this article is to provide appropriate standards, design, and landscaping of off street parking and loading areas that will:

- A. Foster safe and efficient circulation of vehicles and pedestrians both on private and on adjacent public streets.
- B. Ensure that off-street parking, loading, and access associated with new development will be met without adversely affecting other nearby land uses, future or present.
- C. Provide a safe and efficient transportation system that is consistent with environmental goals, clean air, and protection from natural elements of sun and wind with proper landscaping.
- D. Make applicable sense to the transportation needs of Holly Springs, Cherokee County, and the region by allowing flexibility in vehicle parking, loading, and access issues.

### **11.1-2 Applicability**

- A. The provisions in this article apply to any provision, removal, enlargement, or alteration of any off-street parking space or loading berth accessory to any building or structure existing as of the effective date of this Ordinance or any new space or berth required to be provided under this ordinance.
- B. Off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this ordinance or were provided voluntarily after such effective date, shall not be reduced below, or if already less than, shall not further be reduced below the requirements of this Ordinance for a similar new building or use.
- C. If said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Ordinance.

**11.1-3 Access** – Each required off-street parking space and loading berth shall open directly upon an aisle or driveway of such width and design as to provide a safe and efficient thoroughfare in a manner that will least interfere with traffic movement. Vehicular access from a public thoroughfare to an off-street parking or loading area shall be covered with a hard-surfaced, all- weather pavement.

Curb cuts for service drives, entrances, exits and other similar facilities on public streets in other than R districts shall not be located within forty (40) feet of any intersection or within thirty (30)

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<sup>81</sup> Amended by City Council with text amendment 08/21/2006, 05/21/2007

feet of another curb cut. A curb cut shall not be greater than thirty (30) feet in width except service station entrances, which may be not more than forty (40) feet in width, and no closer than twenty (20) feet to any property line unless approved by the administrator.

**11.1-4 State Highway and Cherokee County Department Approval** – All entrances or exits off of any street or drive, public, or private, from or to any state highway or county-maintained road shall be approved by the state highway department or county prior to the construction of such street or drive, or the issues of any development permit for any improvement to be served by such street or drive.

**11.2: Off-Street Parking Regulations** – Off-street parking shall be provided in accordance with all applicable provisions of this section.

**11.2-1** The required space shall be provided on the same lot with the use it serves, except as provided herein.

**11.2-2** No street parking spaces may be allowed as meeting the parking requirements, except when located in Downtown area in which the Zoning Administrator may allow some street spaces towards meeting the necessary off-street parking requirement.

**11.2-3** If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property through the administrative variance process (Article 15). Such vehicular parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. Said parking will be congruent with landscaping and buffers requirements of principal use.

**11.2-4** No parking area may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicle or equipment unless permitted by the district in which the area is located.

**11.2-5** No parking in residential districts or areas of garbage trucks or other vehicles used primarily for the transport of putrescible, hazardous, or toxic waste.

**11.2-6** Parking on city right-of-way is prohibited and is considered a nuisance. Parking on city-maintained right-of-way shall follow the nuisance regulations as defined within “The Code of the City of Holly Springs”.

**11.2-7** Within Mixed-Use (MXD) developments, shared parking is required and should follow the general guidelines in sections 20.08 and 20.10 of this ordinance.

**11.3: Shared Parking Standards** - The required parking spaces for any number of separate uses may be combined in one lot based on the following standards.

A. General. The Zoning Administrator may approve shared use of parking facilities located on separate properties if:

1. A convenient pedestrian connection between the properties exists;
2. The properties are within 500 feet of each other;
3. Property owner or owners submits shared parking site plan with application to include spaces intended to be shared and proximity to uses, signage plan for drivers direction, and pedestrian circulation plan that shows required connections and walkways between uses and parking areas.

**B. Number of Spaces Required.**

1. Where the uses to be served by shared parking do not overlap their hours of operation, property owner or owners provide the number of parking spaces equal to the greater of the applicable individual parking requirements;
2. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements with a 10 percent reduction if the following criteria are met:
  - a. The parking areas share a property line;
  - b. A vehicular connection between the lots exists;
  - c. A convenient, visible pedestrian connection between the lots exists;
  - d. The availability of parking for all affected properties is indicated by directional signs.

**C. Documentation Required.** Prior to establishing shared use of parking, the property owner or owners shall file with City of Holly Springs Building Department a written agreement approved by the Zoning Administrator providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

**11.3: Required Parking Space Standards** – The number of parking spaces or area required for particular use shall be as follows:

USE	MINIMUM PARKING SPACES
AUTOMOBILE REPAIR GARAGE	1 SPACE PER 150 SQ. FT. OF GROSS FLOOR AREA
AUTOMOBILE SALES	1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA
AUTOMOBILE SERVICE STATIONS	3 SPACES FOR EACH SERVICE BAY, +1 FOR EACH EMPLOYEE
SELF-SERVICE GASOLINE STATIONS	1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA +1 FOR EACH EMPLOYEE (minimum of 5 spaces)
BUSINESS AND PROFESSIONAL OFFICES	Minimum: 1 SPACE PER 350 SQ. FT. OF GROSS FLOOR AREA Maximum: 1 SPACE PER 200/225 SQ. FT. OF GROSS FLOOR AREA

BOARDING AND LODGING HOUSES	1 SPACE PER BEDROOM
CHURCHES AND OTHER SIMILAR PLACES OR WORSHIP	1 SPACE FOR EACH 3 SEATS IN THE AUDITORIUM AT THE MAX SEATING CAPACITY, + 1 SPACE FOR EACH 2 STAFF MEMBERS
CLINICS AND SIMILAR OPERATIONS	Minimum: 1 SPACE PER 350 SQ. FT. Maximum: 1 SPACE PER 200 SQ. FT.
CONVENIENCE STORES	Minimum: 1 SPACE PER 300 SQ. FT. Maximum: 1 SPACE PER 200 SQ. FT.
DWELLINGS (SINGLE-AND TWO-FAMILY DETACHED)	2 SPACES PER DWELLING UNIT
GROCERY OR SUPERMARKET STORES	Minimum: 1 SPACE PER 300 SQ. FT. FOR STORES 20,000 SQ. FT. AND UNDER Maximum: 1 SPACE PER 250 SQ. FT. FOR STORES OVER 20,000 SQ. FT.
LODGES, FRATERNAL OR SOCIAL CLUBS	1 SPACE PER 250 SQ. FT. OF GROSS FLOOR AREA
GENERAL BUSINESS, COMMERCIAL OR PERSONAL SERVICE ESTABLISHMENTS CATERING TO RETAIL TRADE, BUT NOT INCLUDING GROCERY OR SUPERMARKET	Minimum: 1 SPACE PER 300 SQ. FT. OF GROSS FLOOR AREA Maximum: 1 SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA
HOMES FOR THE AGED, REST HOME AND SIMILAR INSTITUTIONAL USES	1 SPACE PER 4 BEDS
HOSPITALS, SANITARIUMS AND NURSING HOMES	1 SPACE PER 2 BEDS
MOTELS, HOTELS, TOURIST HOMES AND TRANSIENT HOTELS	1.25 SPACE PER UNIT FOR FIRST 50 ROOMS PLUS 1 PER ROOM ABOVE 50
MANUFACTURED HOMES	2 SPACES PER DWELLING UNIT
MANUFACTURED HOME SALES	2 SPACES PER 1,000 SQ. FT.
MULTI-FAMILY, APARTMENT AND HIGH- RISE APARTMENT DEVELOPMENTS	1 PARKING SPACE FOR EACH EFFICIENCY OR 1 BEDROOM DWELLING UNIT 1.5 PARKING SPACES FOR EACH 2 BEDROOM DWELLING UNIT 2 PARKING SPACES FOR EACH 3 OR MORE BEDROOM DWELLING UNIT
PLANNED SHOPPING CENTERS UNDER 400,000 SQ. FT. OF GLA OVER 400,000 SQ. FT. OF GLA	4 PER 1,000 SQ. FT. 4.5 PER 1,000 SQ. FT.
RESTAURANTS: SIT DOWN	8.5 SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA

RESTAURANTS: DRIVE-THRU AND DRIVE-IN (FAST FOOD)	10 SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA
SCHOOLS (COLLEGE, TRADE AND VOCATIONAL)	8 SPACES PER CLASSROOM
SCHOOLS, PUBLIC OR PRIVATE ELEMENTARY	2 SPACES PER CLASSROOM
SCHOOLS, PUBLIC, OR PRIVATE SECONDARY	5 SPACES PER CLASSROOM
SWIMMING POOL AND NEIGHBORHOOD RECREATION CENTER	1 PARKING SPACE PER 100 SQ. FT. OF SURFACE POOL AREA, PLUS 1 PER EMPLOYEE
GOLF COURSE, PUBLIC OR PRIVATE	2.5 PARKING SPACES PER HOLE
THEATERS, AUDITORIUMS, FUNERAL HOMES, GYMNASIUMS, STADIUMS AND OTHER PLACES OF ASSEMBLY	1 SPACE PER 4 SEATS OR 1 SPACE PER 25 SQ. FT. OF FLOOR AREA AVAILABLE FOR THE ACCOMODATION OF MOVEABLE SEATS IN THE LARGEST ASSEMBLY ROOM
WHOLESALE, WAREHOUSING OR JOBBING ESTABLISHMENTS OR OTHER SIMILAR USES	1 SPACE PER 300 SQ. FT. OF GROSS FLOOR AREA DEVOTED TO SALES OR DISPLAY PLUS 1 SPACE PER 400 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO FACTORY OUTPUT

**11.3-1: ADA Parking Requirements** – For all parking lots city wide the following must be met to be in compliance with the Americans with Disabilities act and the Zoning Ordinance of the City of Holly Springs:

<b>Total Parking in Lot</b>	<b>Required Minimum Number of Accessible Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

**11.4: Parking Design Standards** – A parking plan for all but single-family residential uses shall be submitted when a building permit is applied for. The plan shall incorporate the following parking design standards:

**11.4-1** - All parking facilities, including entrances, exits, and maneuvering areas, shall comply with the following provisions:

- A. Shall have access to a public street.
- B. Shall be graded and paved including access drive(s) and be curbed when needed for effective drainage control.
- C. Shall have all spaces marked with paint lines, curb stones or other similar designations.
- D. Each space shall have not less than one hundred sixty-two (162) square feet and shall be not less than nine (9) feet wide and eighteen (18) feet deep, exclusive of passageways and shall have a 24-foot back-up space except where parking is angled. There shall be adequate interior drives to connect each space with a public street. In cases of twenty-five (25) or more required parking spaces, twenty five percent (25%) of the required spaces may be of an area not less than eight feet x sixteen feet (8' x 16').
- E. Shall be drained so as to prevent damage to abutting property or public streets.
- F. If a parking area is established within a residential district for a nonresidential use permitted in a district zoned for residential use, a continuous visual buffer at least four (4) feet in height between the parking area and the abutting residential property shall be provided on a strip of land at least ten (10) feet wide adjoining the lot used for residential purposes that is reserved as open space, and planted in grass, shrubs, and trees.

**11.5: Landscaping Standards** – Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat. Landscaping is vital in maintaining a positive level of urban tree coverage, which has benefits of slowing stormwater runoff while improving air and water quality.

**11.5-1 - Buffer Adjacent to Street Right-of-Way** – A buffer shall be provided between off-street parking areas and any adjacent public street, walk, or right-of-way as follows:

- A. Buffer Strip Requirements – For a parking lot with less than twenty spaces, a minimum five (5) foot buffer strip around the perimeter of the lot is required.  
For a parking lot with twenty spaces or more, a minimum ten (10) foot buffer strip around the perimeter is required.

B. Exception – When a proposed development abuts a property which is in a different zone district and a landscaped buffer is required according to provisions of Section 9.3., the parking buffer shall be waived.

C. **Screening Standards – Screening Standards shall comply with the provisions as set forth in Section 9.8.**

**11.5-2 - Landscaping in Interior Areas** – Landscaping areas shall be provided for interior vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

A. The following are the requirements for interior landscaping areas:

Number of Spaces	Minimum % of Landscaping Areas
10-50	10%
51-100	15%
100+	20%

B. Canopy trees with grass, ground cover or low shrubs are the primary landscape material within parking lots. Tall shrubs or low-branching trees that will restrict visibility are not permitted.

C. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking.

D. Planting islands shall be a minimum of nine (9) feet wide and shall be located between every ten (10) to fifteen (15) spaces to avoid long rows of parked cars. Each of these planting islands shall provide at least one (1) canopy tree and have a clear trunk height of six (6) feet.

E. The interior landscaping areas shall contain sufficient canopy trees. For every twelve (12) parking spaces, at least one tree not less than two and one half (2.5) inches caliper at a height of thirty-six (36) inches is required. Trees can be either evergreen or deciduous.

F. If the specific application of the interior landscape requirements will seriously limit functions of the building site, the Zoning Administrator/Clerk shall have authority to permit consolidation and relocation of these landscaped areas on the building site.

**11.6: Off-Street Loading Regulations**

**11.6-1 Location**

A. All required loading berths shall be located on the same lot as the use served, except when collectively provided as central loading facilities.

B. No loading berth for vehicles over two (2) ton capacity shall be closer than fifty (50) feet to any property in a residential district unless enclosed by building walls.

C. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets.

D. No loading berth shall be located in required side yard, and any loading berth located so as to hinder the free movement of vehicles or pedestrians over a street, sidewalk, or alley.

**11.6-2 Repair, Service, and Maintenance** – No motor vehicle repair work or service of any vehicles, equipment, materials or supplies shall be permitted in conjunction with loading facilities provided in any residential or business district. Off-street loading areas shall be maintained in a clean, orderly condition at the expense of the owner or lessee.

**11.6-3 Use of Loading Berth** – Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

**11.6-4 Size** – Unless otherwise specified, a required loading berth shall be at least twelve (12) feet in width by at least forty (40) feet in length, inclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

**11.6-5 Surfacing** – All open off-street loading berths shall be surfaced with a dustless all-weather erosion-resistant material capable of bearing a live load of two hundred (200) pounds per square foot.

**11.6-6 Drainage** – Off-street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alley.

USE	GROSS FLOOR AREA (SF)	REQUIRED NO. OF BERTHS
(A) Hotels, Motels, & Clubs & Lodges, except as set forth in (D)	10,000 to 20,000	1
(B) Hospitals, Sanatoriums or Similar Institutions	For @ additional 20,000	1 additional
(C) Multi-Family Dwellings		
(D) Hotels, Motels, & Lodges when containing any of the following: Retail Shops, Convention Halls, Exhibition Halls, Auditorium, or Business or Professional Offices	10,000 to 20,000 20,000 to 150,000 For @ additional 150,000	1 2 1 additional
(E) Motor Vehicles & Machinery Sales Restaurants Retail Stores Wholesale Establishments (not including warehouse & storage buildings other than accessory)	5,000 to 10,000 10,000 to 25,000 25,000 to 40,000 For @ additional 200,000	1 2 3 4 1 additional
(F) Auditoriums, Convention Halls, Sport Arenas and Ball Fields	10,000 to 20,000 20,000 to 100,000	1
(G) Bowling Alleys	For @ additional 100,000	1 additional



(H) Banks & Offices – Business, Professional & Governmental	5,000 to 10,000	1
	10,000 to 100,000	2
	For @ additional 100,000	1 additional
(I) Establishments engaged in Production, Processing, Cleaning, Servicing, or Repair of Materials, Goods, or Products	5,000 to 10,000	1
	10,000 to 40,000	2
	40,000 to 100,000	3
(J) Warehouse and Storage Buildings	For @ additional 100,000	1 additional
(K) Theaters	8,000 to 25,000	1
	For @ Additional 50,000	1 additional
(L) Funeral Home or Mortuary	8,000 to 100,000	1
	For @ additional 100,000	1 additional

**11.7: Required Off-Street Loading Standards** – The required number of off-street loading berths shall be provided as follows:

**11.7-1** Off-street loading berths shall be provided on the basis of gross floor area or building or portions thereof devoted to such uses in the amounts shown herein.

**11.7-2** The loading requirements apply to all districts but do not limit the special requirements, which may be imposed in the district regulations.

**11.8: Appeals** – See Article 15.

## ARTICLE 12: NON-CONFORMING USES<sup>82</sup>

### **12.1: Intent**

**12.1-1** Within the districts established by this Ordinance or amendments that may later be adopted there may exist:

- (A) lots;
- (B) structures;
- (C) uses of land and structures; and
- (D) characteristics of use

which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this article or such amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**12.1-2** Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance. Attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

**12.1-3** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance or any amendment thereto and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

### **12.2: Non-Conforming Uses of Land**

Where at the time of passage of this Ordinance or any amendments hereto, lawful use of land exists that would not be permitted by the regulations imposed by this Ordinance of such amendments, and where such use involves no individual structure, the use may be continued so long as it remains otherwise lawful, provided:

**12.2-1** No such non-conforming use shall be enlarged or increased, not extended to occupy a greater area of land than was occupied at the effective date of this Ordinance or such amendments.

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<sup>82</sup> Amended by City Council with text amendment, 08/21/2006

**12.2-2** No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this article or any amendments hereto.

**12.2-3** If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

**12.2-4** No additional non-conforming structure shall be erected in connection with such non-conforming use of land.

**12.3: Non-Conforming Structures** – Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

**12.3-1** No such non-conforming structure may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

**12.3-2** Should such non-conforming or non-conforming portion of a structure be destroyed by any means to an extent of more than fifty one percent (51%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this article.

**12.3-3** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**12.4: Non-Conforming Uses of Structures and Premises in Combination**

If lawful use involving individual structures with an appraised cost exceeding one thousand dollars (\$1,000), or of structure and premises in combination, exists at the effective date of this article or any amendment hereto, that would be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**12.4-1** No existing structure devoted to a use not permitted by this Ordinance or such amendment, in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

**12.4-2** Any non-conforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the effective date of this Ordinance or such amendment, but no such use shall be extended to occupy any land outside such building.

**12.4-3** If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Planning & Zoning Commission, pursuant to the procedures set forth in Section 15.3-3, Special Exceptions and Interpretations, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, appropriate conditions and safeguards may be required in accordance with the provisions of this Ordinance.<sup>83</sup>

**12.4-4** Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

**12.4-5** Where a non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty one percent (51%) of the replacement cost at time of destruction.

**12.5: Discontinuance of Non-Conforming Uses or Structures** – When a non-conforming use of a structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impeded access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which is located.

## **12.6: Repairs and Maintenance**

**12.6-1** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty one percent (51%) of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

**12.6-2** If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

**12.6-3** Nothing in this article shall be deemed to prevent the strengthening of, or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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<sup>83</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

## **12.7: Non-Conforming Use Regulations for Conditional Uses**

(A) The purpose of this section is to apply certain protections to property owners whose property is properly zoned and used by a business operating with a valid conditional use permit or is classified as a legally nonconforming conditional use establishment. Without this section, when a business requiring a conditional use permit ceases to operate, the property owner is required to have any new business obtain a conditional use permit before operating a business with the same conditional use on said property.

(B) For purposes of this section, the following definitions apply:

- (1) The term “conditional use” means uses in the respective zoning district, which upon application to and recommendation by the Planning and Zoning Commission and favorable decision thereon by the Governing Authority, may be permitted and a conditional use permit issued; or businesses or uses classified as legally nonconforming.
- (2) The term “legally nonconforming” means legitimately operating in the City while noncompliant with the current code due to predating the code(s).
- (3) The term “property owner” means persons, companies, corporations, partnerships or other business entities that own property within a zone designated as commercial by the City.
- (4) The term “business operating with a valid conditional use permit” means any company, corporation, partnership or other business entity located in a commercial zone of the City with meets all of the following conditions:
  - a) The business, if of a type commonly registered with the Office of the Secretary of State of the State of Georgia must be currently registered and in good standing, or the business, if not of a type commonly registered with the Office of the Secretary of State of the State of Georgia must maintain on file with the City evidence of the type of business entity they are operating; and
  - b) The business must have a valid and current occupational tax license issued by the City; and
  - c) The business must have a valid and current conditional use permit issued by the City or fall under the exception granted by this section.
- (5) The term “ceases to operate” shall mean a business that meets one or more of the following conditions:
  - a) Where the interior area of the business structure is designated as patron or retail space meant for public use and more than 70 percent of that area has not been continuously occupied by said use for a period of 30 days or more; or
  - b) Where the exterior areas and grounds of the business structure constitute necessary and customary use in the conduct of the business, and more than 70 percent of that area has not been continuously occupied by said use for a period of 30 days or more; or
  - c) The City declares the business to be non-existing, deemed abandoned or out of business and notifies the property owner; or

- d) The occupational tax license for the business has expired; or
- e) The conditional use permit for the business has expired.

(6) The term “same conditional use” means a business that operates in such a manner as to require a conditional use permit from the City that is identical to the type of conditional use permit required by the previous business that is deemed to have ceased to operate.

(C) All property owners whose property is zoned for and used by a business operating with a valid and current conditional use permit, or a conditional use business classified as legally nonconforming shall have a maximum of ninety (90) days from the date that business ceases to operate to use said property for a new business with the same conditional use without the new business having to obtain a conditional use or other special operating permit from the City. After the 90-day period expires, any nonconforming property and/or business must come in full conformance with all relevant zoning.

**ARTICLE 13: RESERVED<sup>84</sup>**

The provisions and intent of former Article 13 are now contained in Article 1.

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<sup>84</sup> Formerly known as “Article 13: Administration.” Amended by City Council with text amendment, 10/20/2008.

## ARTICLE 14: AMENDMENTS AND ZONING PROCEDURES<sup>85</sup>

**14.1: Intent** – The intent of this Article is to establish minimum procedures governing the exercise of the City’s zoning powers. The minimum procedures are designed to assure that due process is afforded the general public when the City regulates the use of property through its zoning power.

**14.2: Zoning Decision** – A Zoning Decision is the final action by the City of Holly Springs which results with: (A) the adoption of a zoning ordinance; (B) the adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance; (C) the adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another; (D) the adoption of an amendment that amends a prior zoning decision; and (E) the approval of a conditional use permit (CUP) request.

**14.3: Amendments** – This Ordinance, including the Official Zoning Map, may be amended as follows:

**14.3-1** By the City Council upon its own motion, in accordance with the requirements of the State Zoning Procedures Law (Ga. Laws 1985, page 1,139; O.C.G.A. Sections 36-66-1 through 36-66-5) and this Ordinance; or,

**14.3-2** By the City Council upon the recommendation of the Planning and Zoning Commission which, prior to such recommendation, shall have given public notice of the proposal and held a public hearing thereon as required by the State Zoning Procedures Law and this Ordinance.

**14.3-3** Nothing herein shall preclude the City Council’s submission of any proposed amendment to the Ordinance to the Planning and Zoning Commission for its review and recommendations as set out in Section 14.2 herein and, in mere particularity, in Section 14.3 of this Article.

**14.4: Zoning Procedures** – The Holly Springs Zoning Ordinance may be amended from time to time subject to the following conditions:

**14.4-1** No amendment shall become effective unless it shall have been initiated by either the Mayor and Council of the City of Holly Springs, the Planning and Zoning Commission, the property owner(s) or an individual who has the owner(s)’ power of attorney authorizing him/her to act.

**14.4-2** No amendment to this Ordinance shall become effective unless it shall first have been submitted to the governing authority taking the application for review and recommendation. All proposed amendments shall be initiated by an application on forms provided by the Zoning Administrator. A standard fee shall be paid with the application in the amount established by the Mayor and Council.

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<sup>85</sup>Amended by City Council with text amendment 02/23/2006, 01/22/2009



**14.5: Application for Map Amendments or Conditional Use Permits** – Each application to amend the Official Zoning Map or Conditional Use Permit request shall be filed with the Zoning Administrator. Each application shall be submitted in conformance with the requirements of this section.

**14.5-1 Application Information** – The application shall include the following information:

1. A legal description of the tract(s) proposed to be rezoned or the request for Conditional Use Permit.
2. A site plan if required or a plat showing the dimensions, acreage and location of the tract(s) prepared by architect, engineer, landscape architect or land surveyor whose State registration is current and valid and evidenced by his seal affixed to the plat.
3. The present and proposed zone district classification of the applicant property(ies) or tract(s) and the existing zone district classification(s) of abutting properties.
4. The name and addresses of the owner(s) of the applicant property(ies) and their agent(s).
5. The names and addresses of owners of abutting properties, including properties across a public right-of-way (determined by projecting the intersecting tract boundaries of the applicant's property across the right-of-way).

**14.5-2 Conformance with Development Standards** – The property and its use proposed in the map amendment application or Conditional Use Permit request shall conform to the applicable development standards of the district for which application is made.

**14.5-3 Application Submission** – An application shall be filed with Zoning Administrator no later than that day and time established by the appropriate governing authority for acceptance of applications in time to meet advertising requirements. A fee, as pertained and listed, shall accompany the application. Under no condition shall said sum of money be refunded for failure of such proposed amendment to be enacted. Such fee shall not be charged if an official governmental agency files the application.

**14.5-4 Supporting Information and Data** – When it is determined by the Zoning Administrator or the Planning and Zoning Commission that it is necessary or appropriate to act on an individual rezoning or Conditional Use Permit request application, the applicant shall present a map showing the location of the property for which an application is submitted, and its relationship to adjoining properties and public facilities and services. The applicant may also be required to submit applicable information concerning the service demands that will be placed on public facilities and services including but not limited to, information on such matters as total anticipated population density; traffic volumes, effect volumes, effect on schools, drainage, traffic and utility facilities. Any site plans, renderings, or other exhibits depicting construction or development which are submitted by the applicant may be recommended as a condition of rezoning or Conditional Use Permit request by the Planning and Zoning Commission.

**14.5-5 Application Withdrawal or Amendment** – An application may not be postponed or amended by the applicant after the legal advertising as required by this Article shall have first appeared. However, the Planning and Zoning Commission may allow an application to be withdrawn prior to the conduct of the public hearing without prejudice with respect to the twelve (12) month limitation of this section upon approval by the City Council. The Planning and Zoning Commission may recommend, and the City Council may amend an application prior to acting thereon, with the consent of the applicant to reduce its size; to change the district required to a less intensive or lower density district than that requested; or to specify as part of the zone district classification the particular use or uses proposed by the applicant. In the case of the latter, the zone district designation grant shall be amended to include the suffix “L” or “Limited Usage” and shall be effective until otherwise amended in the manner prescribed by this Article.

**14.5-6 Zoning Proposal Review Standards; Study Required for Amendment** - Upon the filing of the application for rezoning or conditional use permit, the Zoning Administrator may consult with other City and County departments or governmental units to evaluate the impact of the proposed zoning change upon public facilities and appropriateness and effect on existing and proposed land use. The Zoning Administrator shall report any findings and recommendations to the Planning and Zoning Commission in writing as a part of the public record or verbally at the public hearing.

The written report produced and submitted by the Zoning Administrator to the Planning and Zoning Commission shall address the statutory questions itemized below. Applicants may also be given the opportunity to address each of these questions, as part of the application process.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, public safety, or schools;
5. Whether the zoning proposal is in conformity with the policy and intent of the adopted Future Development Map (FDM) and Future Land Use Map (FLUM);
6. Whether the zoning proposal is in conformity with the policies, objectives, and vision set forth by the Community Agenda (Comprehensive Plan) and other adopted policy documents;
7. Whether an impact is expected on the environment, including, but not limited to, drainage, soil erosion, and sedimentation, flooding, air quality, and water quality and quantity; and

8. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

(O.C.G.A § 36-67-3. Zoning proposal review standards)

**14.5-7 Applicant Report for Rezoning and Conditional Use Permit Requests** – As relevant and determined by the Zoning Administrator, all applicants must submit the following in addition to any standing requirements for requests for zoning changes:

1. A plan of the general location of the proposed buildings by reference to a plan or drawing and an indication of the use to be made of each and every building;
2. Architectural, façade and materials to be utilized as compared to the zoning requirements for the current and proposed zoning district;
3. The percentage of development maintained as open space and/or recreation areas and impervious surfaces;
4. If application exceeds 150 residential units and/or exceeds 100,000 square feet of commercial area, the applicant is required to submit a transportation impact study to be designed by an appropriate transportation professional;
5. Preliminary tree protection plan and buffer standards.
6. Preliminary storm water retention plan.

**14.5-8 Application Submittal Requirements Waived** – When determined by the Community Development Director to be unnecessary or irrelevant to the application submitted, the requirements listed in this section may be waived; however, if determined to be of significant importance to the decision process at any time after the application has been accepted, the Community Development Director, Planning Commission, or City Council may request the submission of these items or other information as deemed relevant during the decision making process.<sup>86</sup>

**14.5-9 Neighborhood Public Information Meeting** – Developments requiring rezoning and/or conditional use permits that will impact surrounding neighborhoods significantly are required to conduct a **Neighborhood Public Information Meeting** with the area residents **PRIOR** to submission of a rezoning and/or conditional use permit application. A **Preapplication Meeting** shall be scheduled with the Community Development Director prior to the submission of an application for a determination of whether the Neighborhood Public Information Meeting process should be followed. The following shall be adhered to and documentation submitted:

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<sup>86</sup> Amended by City Council with text amendment TA-03-2013, 06/17/2013.

1. The meeting shall be conducted prior to the submission of the rezoning and/or conditional use permit application.
2. All property owners and Home Owner Associations within one thousand (1,000) feet shall be notified in writing by the applicant at least 7 days prior to the public meeting via certified mail return receipt requested. The notice shall contain at a minimum the following:
  - a. date, time, and location of the meeting;
  - b. applicant name and address
  - c. location and description of proposed development
3. Fifteen days prior to the Public Information meeting, the applicant shall post a sign, of comparable size to the City's zoning signs, on the subject property providing notification of the meeting providing the same information as contained in the public notifications of Section 14.5-9.2 above.
4. The Community Development Department shall be notified in writing at least 7 days prior to the neighborhood public information meeting.
5. The meeting shall be held on a weekday evening or on the weekend in order to accommodate the largest number of people possible at a readily accessible and convenient location to the subject property.
6. Information concerning the proposed project shall be presented by the proposed applicant with an opportunity for the attendees to respond and ask questions.
7. Public comment sheets shall be provided for attendees to make written comments.
8. The following shall be submitted with the application for rezoning and/or conditional use permit:
  - a. An affidavit from the applicant certifying that the neighborhood public information meeting was conducted and stating the meeting date, time, and location.
  - b. A copy of the notice sent to the applicable property owners and list of the applicable property owners.
  - c. A list of attendees with contact information, i.e. sign-in sheet.
  - d. Summary of information presented.
  - e. Summary of issues stated by the attendees.
  - f. Public comment sheets.<sup>87</sup>

**14.6: Public Notice** – Public notice of the hearing on a proposed amendment or Special Use Application to this Ordinance shall be given a hereinafter set forth:

**14.6-1** At least fifteen (15), but not more than forty-five (45) days, prior to the date of any hearing before the Planning and Zoning Commission there shall be published within a newspaper of general circulation within Cherokee County, a notice of the hearing

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<sup>87</sup> Amended by City Council with text amendment, TA-06-2013, 01/23/2014.

**14.6-2** Notice of the hearing before the Planning and Zoning Commission shall be prepared and presented for publication by the Zoning Administrator.

**14.6-3** The notice shall state the date, time, place, and purpose of the hearing.

**14.6-4** If an application for rezoning is initiated by a landowner or one acting in his behalf, the applicant shall place a sign containing information required by the Zoning Ordinance of the City of Holly Springs and the rules of procedure not less than fifteen (15) days prior to the date of the scheduled hearing.

**14.6-5** Where the land owned by the applicant for rezoning does not border upon a public road, in order that passers-by may see a sign placed thereon advertising and giving notice of the application for rezoning, the sign shall be placed on the right-of-way of a public road nearest the property in question as well as upon the property itself.

**14.6-6** The sign required shall contain information as to the application and date, the time and place of public hearing, and such other information as may be required by the Zoning Administrator of Holly Springs.

**14.6-7** Acts of vandalism or natural occurrences which may limit the effectiveness of the public notice provided by the signs placed as described herein shall not void any proceedings or actions taken by the Planning and Zoning Commission, the Zoning Administrator, or the Holly Springs City Council.

**14.7: Notice to Adjacent Property Owners and the Applicant** – The Zoning Administrator shall notify by regular mail all adjacent Holly Springs property owners (defined in Section 14.5-1 (5.) above) of the requested zoning change, as shown by county tax records available to the Planning and Zoning Commission, of the application and date, time and place of the public hearing, which shall be mailed at least seven (7) days prior to the public hearing. The Zoning Administrator shall notify the applicant of the date, time and place of the public hearing by certified mail to the address indicated on the application, which shall be mailed at least ten (10) days prior to the public hearing. Receipt of such letter by the applicant or his agent (s) named in the application shall constitute notice to be present and present the requested amendment to the Planning and Zoning Commission. Failure of the applicant or his agent(s) to be present at the public hearing may mean an automatic termination of the proceedings on the request unless the applicant shows just cause by reason of illness or health emergency.

**14.8: Public Hearing** – A public hearing on a proposed amendment to the Holly Springs Zoning Ordinance properly initiated shall be held before the Planning and Zoning Commission, which Commission is delegated the duty to conduct such public hearing as is required by The Zoning Procedures Law” (Title 36, Chapter 66 of the Official Code of Georgia Annotated). A public hearing on any proposed amendment to the Holly Springs Zoning Ordinance properly initiated shall be conducted at the time and place specified by the Planning and Zoning Commission and as set forth in the public notice described in Section 14.6 of this Ordinance. The purpose of such hearing shall be to present to the public the proposed zoning amendment and to receive comments thereon from the public. The Planning and Zoning Commission shall

consider the proceedings and comments of such hearing in making its recommendation to the Mayor and Council of the City of Holly Springs on any zoning decision on the proposed zoning amendment. The Planning and Zoning Commission shall prescribe the rules of order for its deliberations on matters with which it is charged to advise the Mayor and Council of the City of Holly Springs under this Ordinance and said rules of order shall be consistent with the general requirements and purposes set forth by the Planning and Zoning Commission and other general laws of the State of Georgia concerning conduct of proceedings of public commissions, bodies and governmental units. Where no other rules are adopted, Robert's Rules of Order apply.

**14.9: Zoning Standards and Evaluation** - Exercise of the zoning power of the City of Holly Springs shall constitute an effort to balance the interest of the community in promoting the public health, safety, morality or general welfare against the right of property owners to the unrestricted use of their property. The following standards of review are determined to be relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property.

**14.9-1: RESERVED.**

**14.9-2: Additional Requirements and Standards of Review Determining a Conditional Use Permit Request:** The zoning procedures set forth by this article shall govern the conditional use process. Conditional uses are itemized under each zoning district in Article 5 and require approval by Mayor and Council, prior to the issuance of a land development permit, building permit, certificate of occupancy, and occupational tax permit. Conditional uses are both site and location specific, requiring detailed review by the Planning and Zoning Commission prior to forwarding a recommendation to Mayor and Council for a final decision.

As part of the application process, all conditional use permit requests shall respond to the following considerations, unless waived by the Community Development Director. However, if determined to be of significant importance to the decision process at any time after the application has been accepted, the Community Development Director, Planning Commission, or City Council may request the submission of these items or other information as deemed relevant during the decision-making process:<sup>88</sup>

1. Please verify that the proposed use complies with all of the additional stipulations by use, if any, as set forth by Section 5.4, Article 5.
2. State the proposed business name, brand, flag, and/or franchise.
3. Explain in detail what services the proposed conditional use business will provide.
4. Has a business plan or model been completed for this proposed conditional use business?
5. Why was this specific location chosen for this proposed establishment?

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<sup>88</sup>Amended by City Council with text amendment TA-03-2013, 06/17/2013.

6. What is the projected date that the proposed conditional use business will open?
7. How many employees are expected to work at the proposed conditional use business?
8. What are the expected hours of operation for the proposed conditional use business?
9. What licensing requirements, if any, are mandated by the state for this business to operate? Do the proprietors of this business already possess these credentials?
10. Does the proposed conditional use business conform with the nearby uses already in existence?
11. Was a feasibility study conducted that provides evidence that the local market demands such a business use? Or is such a study available?
12. Will the proposed conditional use business create a nuisance or disturbance to nearby or adjacent properties?
13. Is the proposed conditional use business a service that is similar or will overlap a nearby establishment already in existence?
14. Will the services provided by the proposed conditional use business complement and correspond well with the intended character of the respective zoning district area?
15. Will the business have adequate facilities and parking to accommodate the proposed use?
16. If in the Neighborhood Commercial District (NC), could nearby neighborhood residents and local pedestrians be expected to frequent this proposed business establishment without the use of an automobile?

**14.9-3: Evaluation by Planning Commission and Mayor and Council** - It is not required that the Planning and Zoning Commission or Mayor and Council consider every criterion contained in the above standards of review. It shall be the duty of the applicant(s) to carry the burden of proof that the proposed zoning amendment or conditional use permit request promotes the public health, safety, morals or general welfare. If the Mayor and Council determine from the evidence presented that the applicant(s) has shown that the proposed zoning amendment or conditional use permit request promotes the health, safety, morals or general welfare under the applicable standards of review as outlined in each section above, then the request shall be granted, subject to those reasonable conditions that may otherwise be imposed by the Mayor and Council. Otherwise, such application shall be denied.

**14.10: Official Action** – Consideration of any proposed zoning amendment or conditional use permit request properly initiated and subsequent to the public hearing shall be as follows:

**14.10-1** The Planning and Zoning Commission shall make a recommendation to the Mayor and Council of the City of Holly Springs as to the adoption of any proposed zoning amendment or

conditional use permit request. The recommendation of the Planning and Zoning Commission shall be recorded in the meeting minutes and shall clearly state the recommendation.

**14.10-2** Upon conclusion of the public hearing the Planning and Zoning Commission may approve, disapprove, or table the proposed zoning amendment or conditional use permit request. If consideration of the proposed zoning amendment is tabled, it shall be re-considered by the Planning and Zoning Commission no later than its next regularly scheduled monthly meeting. In any event the Planning and Zoning Commission shall have sixty-five (65) days from the date of public notice of the hearing in a newspaper of general circulation in the City of Holly Springs, Georgia to hear, review and submit its recommendation to the Mayor and Council of the City of Holly Springs on any proposed zoning amendment or conditional use permit request. If no recommendation is submitted within such sixty-five (65) days, the applicant may take the proposed zoning amendment to the City Council without a recommendation from the Planning and Zoning Commission except where the applicant has not yet furnished all information requested pursuant to this Ordinance at the first hearing, and except where the applicant requested postponements of hearing of the case during the first sixty-five (65) days. To place the matter before the City Council the applicant shall give notice to the public at the last hearing before the Planning and Zoning Commission of this intention and the date of the applicable City Council meeting, or, instead, the applicant shall be responsible for compliance anew with all notice requirements of this Ordinance.

**14.10-3** The Planning and Zoning Commission's authority in any zoning decision shall be advisory only. Any zoning decision shall be made by the Mayor and Council of the City of Holly Springs who shall either approve or disapprove the proposed zoning amendment.

**14.10-4** If the Mayor and Council of the City of Holly Springs shall take official action defeating a proposed zoning amendment, which seeks to rezone property or request a conditional use permit, the same property may not again be considered for a zoning decision until the expiration of twelve (12) months from the date of the official action of the Mayor and Council.

**14.10-5** Approval of a Conditional Use Permit by Mayor and Council shall expire two (2) years from the date of approval, unless the applicant/property owner takes action to vest the land use requested in the conditional use permit before the expiration date or has secured an approved extension in accordance with Section 14.10-6. For the purposes of this section, vesting occurs upon the occurrence of one (1) of the four (4) conditions listed below:

1. Substantial progress has been made toward the completion of on-site construction depicted upon an approved site plan. Substantial progress is achieved by issuance of a Land Disturbance Permit that includes at least 50% of the improvements for a specified phase and shall continue to be demonstrated if within one (1) year of the date of issuance of the Land Disturbance Permit, there is measurable and verifiable evidence of making progress towards completion.
2. The issuance of a certificate of occupancy and/or certificate of completion for a structure as shown on the approved site plan.



3. The issuance of a business license for the approved use, but only when no new construction or land disturbance is required for the approved use.
4. If approval is required from any governmental or regulatory body other than the City of Holly Springs for the proposed conditional use, the application by the owner/applicant for approval to such body, provided, however, that the two (2) year period shall apply and begin to run upon the final conclusion of the approval process, including any judicial proceedings.<sup>89</sup>

**14.10-6** The expiration date of approval of a Conditional Use Permit may be extended by showing just cause.

1. The Community Development Director may issue an administrative extension for a maximum of one (1) year from the date of expiration of the Conditional Use Permit Approval provided that applicant shows just cause as noted in 14.10-6.3. No more than one (1) extension per conditional use permit may be granted by the Community Development Director. Extension request application must be filed at least thirty (30) days prior to the expiration of the Conditional Use Permit.
2. The City Council may consider granting additional requests for extension beyond the one-year administrative approval provided the applicant shows just cause as noted in 14.10-6.3. Extension request application must be filed at least thirty (30) days prior to the expiration of the Conditional Use Permit administrative extension.
3. All applications for extension requests, both administrative and council requests, shall document at least one (1) of the following conditions:
  - a) A delay resulting from court action involving the conditional use permit or from court action involving a previous extension on the subject property for which an extension is sought. Extensions approved in connection with court action shall remain valid for one (1) year before any court with jurisdiction.
  - b) Non-availability of utilities or facilities resulting from government inaction.
  - c) An inability to obtain financing, despite documentation of the property owner's efforts during the three (3) months prior to the petitioner seeking an extension and continuing until (1) week prior to consideration of the extension request by the Community Development Director or the City Council, as applicable. Documentation shall consist of two (2) official denials signed by officers of two (2) different lending institutions who have final jurisdiction over such financing transactions.
  - d) Any other circumstance which demonstrates that applicant has taken some steps to begin development/construction and that any delay is not the fault of the applicant.<sup>90</sup>

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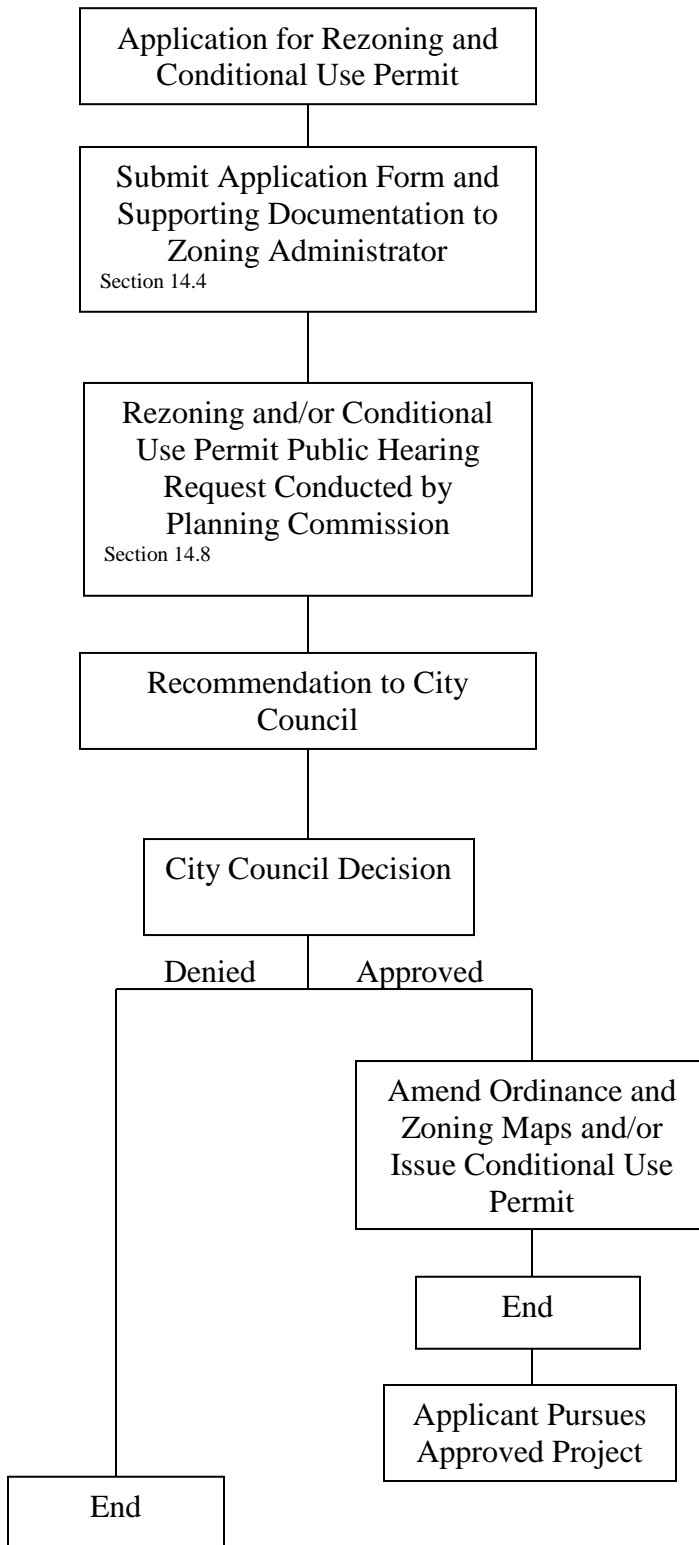
<sup>90</sup> Amended by City Council with text amendment TA-03-2013, 06/17/2013.

**14.11: Public Notice Signage.** Applicant(s) shall remove public notice signage as outlined in 14.6-4 within two (2) weeks after the final decision by the Mayor and Council.

**14.12: Copies of This Ordinance.** Copies of this Ordinance, as amended, shall be printed and copies thereof make available for distribution to the general public in the office of the City Clerk at a reasonable cost set up by the Zoning Administrator of the City of Holly Springs.

**14.13: Zoning Amendment Process.** Table 14.1: Rezoning and Conditional Use Permit Application Process indicates the process of seeking amendments of Zoning Ordinance and application for Conditional Use Permit.

**Table 14.1: REZONING AND CONDITIONAL USE PERMIT APPLICATION PROCESS**



## ARTICLE 15: VARIANCES, APPEALS, AND SPECIAL EXCEPTIONS<sup>91 92</sup>

**15.1: Intent.** – The intent of this Article is to establish minimum procedures for the approval/denial process of variances, appeals, and special exception applications. The minimum procedures are designed to assure that due process is afforded the general public when the City regulates the use of property.

**15.2: Planning & Zoning Commission.** The Planning & Zoning Commission (“Commission”) shall hear and decide the matters set forth in this Article, pursuant to the provisions and procedures specified below.

### **15.3: Variances, Appeals, and Special Exceptions**

**15.3-1 Variances.** The Commission shall hear and decide applications for variances from the development requirements of this Ordinance, but only where by reason for exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of adoption of this Ordinance, was a lot or plat of record; or where by reasons of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the said development requirements of this Ordinance would result in practical difficulties to, or undue hardship upon, the owner of such property. The Commission may also consider variance requests from the Development Regulations of the City of Holly Springs. In granting a variance, the Commission may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this Ordinance will be served; however, the Commission shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. No variance shall be authorized unless the Commission finds that all of the following conditions exist:

1. That the special circumstances or conditions applying to the building, structure or land in question are peculiar to such premises and do not apply generally to other building, structures or land in the vicinity.
2. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
4. That the condition from which relief or a variance is sought did not result from willful action by the applicant.

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<sup>91</sup> Amended by City Council with text amendment, 08/21/2006, 01/22/2009; Formerly known as the “Zoning Board of Appeals”

<sup>92</sup> Amended by City Council with text amendment ORD-21-2016, 12/19/2016.

5. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
6. The variance is not a request to permit a use of land, buildings or structures which is not permitted by right in the district involved.
7. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.

**15.3-2 Appeals.** The Commission shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirements, development or building permit, decisions, fines issued, determinations, or refusal made by the Zoning Administrator or other administrative official in the administration or enforcement of any provision of this Ordinance. Such appeals shall be in accordance with the following procedures:

1. An appeal to the Commission may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or agency affected by any decision of the Zoning Administrator or City Engineer with respect to this Ordinance. Such appeal shall be made within ten (10) days following notification of the decision appealed from, by filing with the Zoning Administrator a notice of appeal and specifying the grounds therefor. Once an appeal is officially filed and fees are paid, the Zoning Administrator will docket the case on the Commission agenda.
2. An appeal stays all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Commission, after the notice of appeal shall have been filed, that by reason of facts stated in the certification a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of competent jurisdiction.
3. The appellant and any public agency or private individual shall be entitled to present evidence on matters before the Commission.
4. The Commission may, in conformity with this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all powers of the Zoning Administrator. The Commission may direct the issuance of a permit, the reduction or reversal of a fine issued, or release stop work orders. In the case of fine appeals, the Commission may also increase fine amounts up to the maximum allowed by law. It shall be the duty of the Zoning Administrator and/or City Engineer to carry out the decisions of the Commission, after any appeal from the decision thereof has been made final.

**15.3-3 Special Exceptions and Interpretations.** The Commission shall hear and decide the following exceptions to the terms of this Ordinance provided that such exceptions shall impose appropriate conditions and safeguards:

1. The extension of a district for a distance of not more than fifty (50) feet where the boundary line of a district divides a lot or tract held in single ownership at the time of the passage of this Ordinance.
2. Zone district boundary interpretations.
3. Questions relating to interpretation of use restrictions.
4. Questions relating to the existence of a non-conforming use.

**15.4: Public Hearings.** The Commission shall hold a public hearing before making its decision on all requests for special uses, variances and appeals on which it acts, and shall act within a reasonable time after receiving an application.

**15.4-1 Applications.** An application shall be filed with the Community Development Director no later than that day and time established by the appropriate governing authority for acceptance of applications in time to meet advertising requirements. Each application shall contain such information as the Community Development Director may require to enable the Commission to make its decisions. Each application for a variance shall include a plat drawn to scale showing the following information:

1. All property lines, with dimensions.
2. Location of buildings and other structures, creeks, and easements referenced to the property line of the tract.
3. North arrow, land district and land lot markers.
4. Location of setback lines or other dimensional requirements from which the variance is sought.

When determined by the Community Development Director to be unnecessary or irrelevant to the application submitted, the requirements listed in this section may be waived; however, if determined to be of significant importance to the decision process at any time after the application has been accepted, the Community Development Director or Commission may request the submission of these items or other information as deemed relevant during the decision-making process.

**15.4-2 Filing Fee.** No application shall be processed until such time the filing fee is paid by the applicant. Filing fees are pursuant to the City of Holly Springs Municipal Services Master Fee Schedule.

**15.4-3 Notice of Hearing.** Refer to Section 14.6: Public Notice. Where “proposed amendment” or “rezoning” is referred to, the same shall mean “appeals, variances, or special exceptions” for purposes of this Article.

**15.4-4 Notice to Adjacent Owners and the Applicant.** Refer to Section 14.7: Notice to Adjacent Owners and the Applicant. Where “zoning change” is referred to, the same shall mean “appeals, variances or special exceptions” for purposes of this Article.

**15.4-5 Hearing Procedure.** The Commission shall adopt rules and regulations for the conduct of the public hearings as are consistent with state law and are appropriate to its responsibilities, which shall be published and available to the public, including rules on the presentation of evidence.

**15.4-6 Assistance by Zoning Administrator.** The Zoning Administrator shall provide such technical and clerical assistance as the Commission may require and shall maintain permanent and complete records of the activities of the Commission.

**15.5: Appeals to City Council.** An appeal of a decision by the Commission made pursuant to this Article shall be to the City Council, effected by submission of a written notice of appeal to the City Council, no later than ten (10) days after the decision being appealed has been rendered and made known to the applicant.

**15.1-1 City Council Discretion to Review.** The notice of appeal shall be placed on the agenda at the City Council’s next regularly scheduled meeting taking place at least five (5) days after submission of the appeal, and the City Council shall determine at such meeting whether it will consider the appeal. If the City Council decides that it will consider the appeal, the appeal shall then be placed on a future agenda of the City Council with sufficient time to provide notice in accordance with State law and the Zoning Ordinance for the conduct of a public hearing. A denial of review by the City Council shall be affirmation of the decision of the Commission and shall constitute the final decision of the City Council.

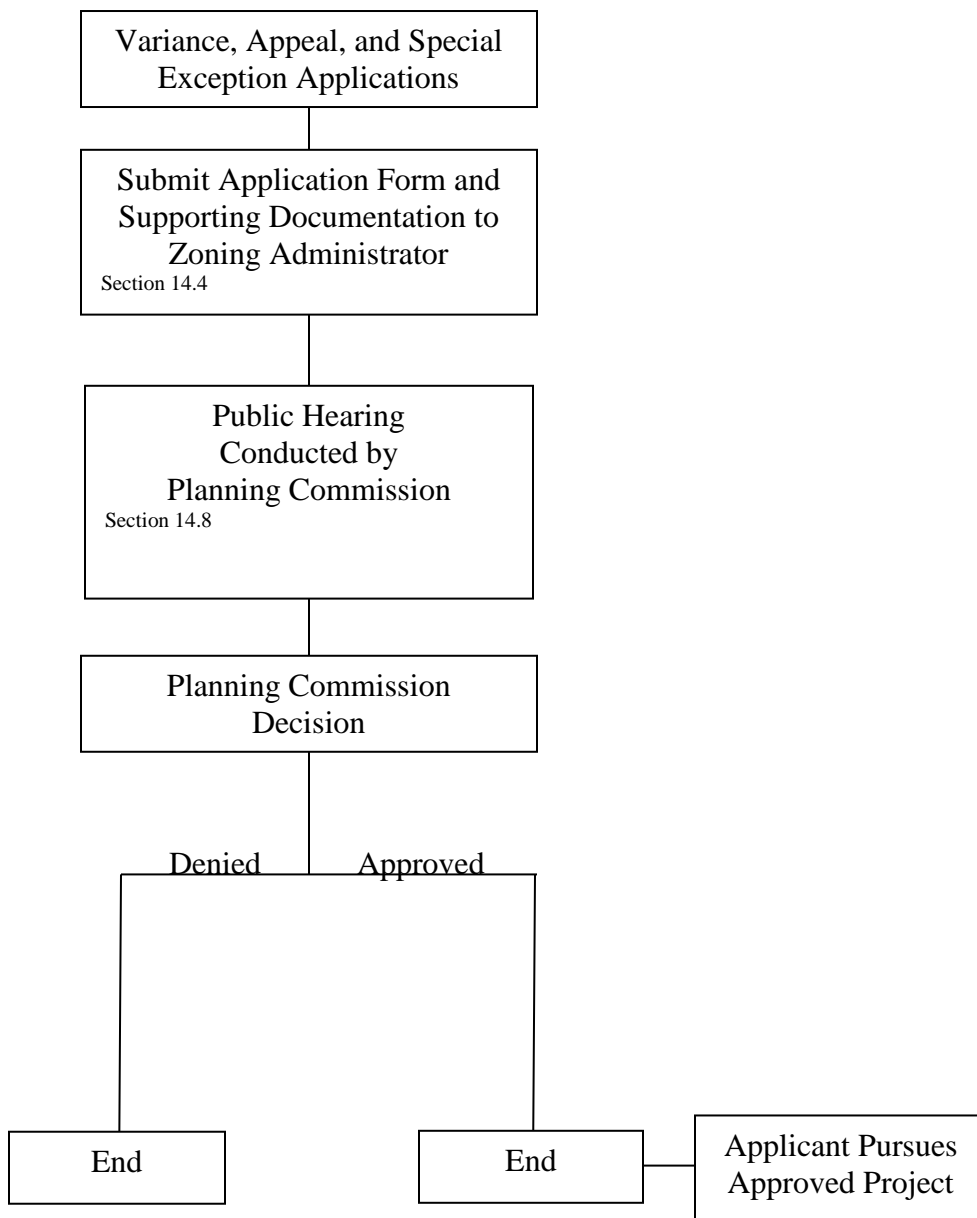
**15.1-2. Public Hearing for Appeal.** When hearing an appeal, the City Council shall conduct a public hearing to receive oral or written evidence from the appellant, from affected property owners, and from other interested parties as determined by the City Council in its discretion. The City Council shall confine the evidence to matters relevant to the decision of the Commission, the minutes of the Commission, and the notice of appeal. The proceedings shall be recorded and shall be open to the public.

**15.1-3. Decision of City Council.** After the conclusion of the public hearing, the City Council shall announce its decision on the appeal in a public meeting, either immediately following the hearing or at any other scheduled meeting. The decision of the City Council shall, at the time of or after said announcement, be issued in writing and shall: (a) affirm the decision of the Commission; (b) reverse the decision of the Commission; (c) return the matter to the Commission for reconsideration, with or without direction; or (d) take such action by way of relief to the applicant as the City Council deems appropriate and lawful.

**15.1-4. Appeal to Superior Court.** Appeal of a decision of the City Council shall be to the Superior Court of Cherokee County by writ of certiorari within thirty (30) days of the date of the written decision.

**15.6: Administrative Variance.** The Zoning Administrator is hereby authorized to grant an administrative variance of up to ten percent (10%) of the requirements of the Zoning Ordinance subject to the limitations stated in Section 15.3 of this Article. Every applicant seeking an administrative variance shall make an application to the Zoning Administrator in accordance with Sections 15.4-1 and 15.4-2 of this Article. No public hearing or notice is required for administrative variance applications.

**Table 15.1: VARIANCE, APPEAL, AND SPECIAL EXCEPTION APPLICATION PROCESS**





**ARTICLE 16: RESERVED<sup>93</sup>**

The provisions and intent of former Article 16 are now contained in Article 1.

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<sup>93</sup> Formerly known as “Article 16: Remedies, Enforcement and Penalties” and “Article 17: Legal Status Provisions.” Amended by City Council with text amendment, 10/20/2008.

**ARTICLE 17: RESERVED<sup>28</sup>**

The provisions and intent of former Article 17 are now contained in Article 1.

## ARTICLE 18: TREE PRESERVATION AND LANDSCAPING<sup>94</sup>

### 18.1 General.

In order to maintain and promote the public health, safety and welfare, the City has established regulations governing the conservation planting and replacement of trees. It is the City's intent to prevent the indiscriminate removal of trees without denying the reasonable use and enjoyment of real property. The importance of trees is recognized for their contribution toward quality of life. It is also the intent of these regulations that all applicable sites within the City maintain or obtain minimum tree density, as defined herein. Consistent with the expressed purpose of these regulations, all persons shall make reasonable efforts to preserve and retain certain existing, self-supporting trees as defined herein. Each person shall be responsible for the normal care of trees located on its premises.

- A. Willful injury or disfigurement of any tree growing within the City shall be a violation of this Ordinance.
- B. No person shall:
  - 1. Attach any sign, notice or other object to any tree or fasten wires, cables, nails or screws to any tree in a manner that could prove harmful to the tree, except as necessary in conjunction with activities in the public interest.
  - 2. Pour any material on any tree or on nearby ground which could be harmful to the tree.
  - 3. Cause or encourage any unnecessary fire or burning near or around any tree.
  - 4. Construct a concrete, asphalt, brick or gravel sidewalk, significantly compact the soil, place fill material, or create other impervious or semi-impervious surfaces around any tree so as to cut off air, light or water from the roots of the tree so as to adversely impact the tree's root system.
  - 5. Pile building material or equipment around any tree so as to cause injury thereto.
  - 6. Deny routine maintenance, watering and reasonable arboricultural care to existing and newly established trees as may be required as a result of activities taking place under this Section.
  - 7. Remove any tree without an Approval Letter (Permit) from the Director.
  - 8. Remove or prune a tree on commercial property during non-development activity unless they follow ISA industry standard protocols from pruning or have written approval from the Director.

### 18.2 Definitions.

For the purposes of this Section, unless the context indicates otherwise, the following terms shall have the meaning set forth below:

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<sup>94</sup> Replaced in its entirety with Ordinance ORD-19-2018, Adopted 12/18/2017.

**Basal Area.** The cross-sectional area expressed in square inches, of a tree trunk at diameter breast-height (DBH) expressed herein in terms of "units" per acre.

**Buffer.** An area required to remain undisturbed pursuant to the Subdivision Regulations, the Zoning Ordinance, a condition of Zoning or this section.

**Caliper.** A standard of trunk measurement for understory or replacement trees. Caliper inches are measured at the height of 6 inches above the ground for trees up to and including 4 inch caliper and 12 inches above the ground for trees larger than 4 inch caliper.

**Certified Professional.** An International Society of Arboriculture (ISA) Certified Arborist, an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist, or a Registered Forester.

**Conifer Tree.** Any tree with needle leaves and a woody cone fruit including, but not limited to, pine, juniper and cedar species.

**Critical Root Zone (CRZ).** The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a twenty (20) inch diameter tree is twenty-six (26) feet.

**Density Factor.** A unit of measure used to prescribe the calculated tree coverage on a site.

**Development Activity.** Any alteration of the natural environment, which requires the approval of a development or site plan and issuance of a Land Disturbance Permit. By way of illustration but not limitation, Development Activity shall also include the "thinning" or removal of trees from land in conjunction with a forest management program, the removal or destruction of trees incidental to the development of land or to the marketing of land for development, the removal or destruction of trees in conjunction with any grading activity, including the removal or filling (stockpiling) of soil, and logging or the removal of trees not in conjunction with an ongoing forest management program. Nothing in this definition shall be deemed to require or authorize the issuance of a permit for any activity described herein.

**Diameter Breast-Height (DBH).** The standard measure of overstory tree size (for trees existing on a site). The tree trunk is measured at a height of 4andhalf; feet above the ground. If a tree splits into multiple trunks below 4andhalf; feet, measure the trunk at its most narrow point beneath the split.

**Director.** The Community Development Director or designee shall administer and enforce the provisions of this Ordinance; provided, however, that a designee shall have no authority to revoke **permits.**

**Grading Activity.** Altering ground surfaces to specified elevations, dimensions and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**Guidance Document.** A document maintained by the City of Holly Springs Arborist that includes clarifications to requirements with examples and additional technical standards about tree protection, tree planting, species selection, and other information relevant to the protection and replanting of trees in the City of Holly Springs. The document may be revised by the City Arborist as conditions and technical standards evolve.

**Hardwood Tree.** Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism and does not necessarily reflect any true qualities of the tree.

**Land Disturbance Permit.** A permit issued by the City that authorizes Development Activity and includes, but is not limited to, Soil Erosion Protection, clearing and grubbing, land disturbance and building construction.

**Lot Building Area.** The area of a lot encompassed by front sides and rear yard setbacks or buildup line as required by City Ordinance and Subdivision Regulations.

**Non-Development Activity.** Any alteration of the natural environment which does not require development or site plan approval, but which would include the proposed removal or destruction of any tree(s). Any removal of trees that constitutes Development Activity as that term is herein defined shall not constitute non-development activity.

**Overstory Tree.** Those trees that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than 40 feet.

**Pervious Surface.** All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by man-made materials or structures such as buildings or paving.

**Plantable Area.** The pervious surface area (expressed in square footage) available for the preservation or planting of trees on a 'For-Sale' residential subdivision lot. Plantable Area shall not include that portion of the lot that is covered by buildings and structures permitted pursuant to the maximum lot coverage standards of this Ordinance.

**Replacement Planting.** The planting of trees on a site that before development had more trees, and after development shall have less trees per acre.

**Responsible Party.** Any individual, firm, principal, or other entity who is a signatory to a Tree Removal Permit Application or Land Disturbance Permit for Development Activity or any person or company caught in the act of tree removal without a City-issued permit, or who violates any other provision of this Ordinance.

**Semi-Pervious.** Hardscape, aggregate or porous paver that allows at least fifty percent (50%) of surface water to pass through the man-made material and into the underlying soil.

**Softwood Tree.** Any coniferous (cone bearing) tree. This definition is based on the colloquialism and does not necessarily reflect any true qualities of the tree.

**Specimen Tree.** Any tree which qualifies for special consideration for preservation due to its size, type, condition, location or historical significance. See additional requirements for Specimen Trees in Appendix C.

**Timber Harvest.** Harvesting of timber from sites as a timber management activity as part of a demonstrated ongoing agricultural land use. See Appendix D, Timber Harvest Permitting.

**Tree.** Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.

**Tree Removal or Removal of Trees.** Any act which causes a tree to die within 2 years after commission of the act, including but not limited to damage inflicted upon the root system or trunk as a result of:

1. The improper use of machinery on the trees;
2. The storage of materials in or around the trees;
3. Soil compaction;
4. Altering the natural grade to expose the roots or to cover the tree's root system with more than 4 inches of soil;
5. Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
6. Pruning judged to be excessive by the Director or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
7. Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
8. Application of herbicides or defoliants to any tree without first obtaining a permit.

**Tree Planting List.** Guidance document provided by City with suggested plantings for the City.

**Tree Protection Area.** An area encompassing the critical root zone of a tree.

**Tree Save Area.** An area designated for the purpose of meeting tree density requirements, saving natural trees, and/or preserving natural buffers.

**Understory.** Those trees that grow beneath the overstory and will generally reach a mature height of under 40 feet.

**Zoning Districts.** Those areas as defined in the Zoning Ordinance and shown on the Zoning Map.

### **18.3 Exemptions.**

- A. The following shall be exempt from the provisions of this section:
  1. The removal of trees with an approval letter other than specimen trees from an owner-occupied, residential lot, provided that the removal does not reduce the tree density of the lot below the minimum specified in this section;
  2. The removal of trees from horticultural properties such as farms, nurseries or orchards. This exception shall not be interpreted to include timber harvesting incidental to development of the land;
  3. The necessary removal of trees by a utility company within dedicated utility easements;

4. The removal of trees on public rights-of-way conducted by, on behalf of, or any activity pursuant to work to be dedicated to, a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-way;
  5. The removal of trees from lakes and detention ponds, and drainage easements; or
  6. The removal of any tree from a dam or similar structure that impounds water for a lake, pond or reservoir.
  7. The removal of any tree which has become or threatens to become a danger to human life or property;
- B. Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees.

**18.4 Approval Letter Required for Non-Development Activity (Activity Which Does Not Require a Building Permit, Etc.).**

- A. Except for routine or seasonal pruning or transplanting of trees, and except as exempted, no person shall engage in any Non-Development Activity as defined without first obtaining an approval letter. The request for an approval letter shall be submitted to the Director and shall be, unless waived by the Director, in the form of a brief written narrative stating the reason for the proposed work and either a site sketch or photograph of the tree(s) proposed to be removed, identifying such tree(s) by size and species. If the application is complete, complies with the Ordinance, and requests tree removal for one of the purposes identified in Paragraph B. below, the Director shall issue an approval letter not later than ten (10) working days from receipt of a complete request, and shall inform applicant if replanting will be required. If application is incomplete or denied, the Director shall notify applicant in writing regarding the specific reason for denial.
- B. The Director shall issue an approval letter for the following:
1. The removal of dead, substantially injured, damaged or diseased trees;
  2. The removal of any non-specimen tree, provided the applicable minimum tree density requirement is maintained.

**18.5 Land Disturbance Permit for Development Activity.**

- A. No person shall engage in a Development Activity and no Land Disturbance Permit shall be issued without first obtaining an approved site plan stamped and signed by the Director.
- B. Except as provided in Paragraph (c) of this subsection, no tree removal shall be approved for any site not under active development. For the purposes of this Ordinance, a site is not under active development unless there exists an approved development plan delineating the improvements to be constructed on the site consistent with the use for which the site is zoned, and there is a reasonable certainty that construction is imminent.
- C. A Land Disturbance Permit may be issued for Grading Activity on a site not under active development provided that:

1. The sole purpose of the Grading Activity is for the storage, removal or altering of soil for fill balancing on another site under active development;
  2. The site not under active development must be under common ownership or common development control with the site that is under active development;
  3. The site not under active development must be contiguous to, or located within one (1) mile of, the site under active development. For the purposes of this Section, the measurement of distances shall be from property line to property line along the most direct route of travel on a public road;
  4. The proposed Grading Activity shall not result in the damage or removal of more than ten percent (10%) of the total tree density units (as defined in Tables B.2 and B.3 of Appendix B, Minimum Tree Density Requirements) on the site not under active development;
  5. The proposed Grading Activity shall not decrease the tree density below the minimum tree density for the site. For the purposes of this Section, trees in Buffers that will be required shall be excluded from minimum density calculations;
  6. The area to be disturbed within the site shall be the area that will have the least adverse impact on existing trees, as determined by the Director. In addition, the area must be visually screened from public roads, developed residential and commercial properties, by a one hundred-foot (100') buffer or a buffer of sufficient depth to provide reasonable visual screening. In order to provide reasonable visual screening, it may be necessary to locate access roads to the impacted area in a winding manner to prevent a straight line of site to the impacted area; and
  7. The disturbed area within the site shall be replanted with trees to a tree density of twenty (20) units per acre no later than eighteen (18) months from the issuance of the Land Disturbance Permit authorizing the Grading Activities. A tree replacement plan and a bond shall be submitted and approved by the Director prior to the issuance of the permit authorizing the Grading Activities. The bond shall be held for one (1) year and to the end of the succeeding Planting Season to ensure survival of the replacement trees. The applicant shall be responsible for the irrigation (watering) of trees during the period of the bond. The replanting requirements of this Section shall not apply, and the bond shall be released, if, on or before fifteen (15) months from the issuance of the permit authorizing the Grading Activity, the site becomes under active development pursuant to the issuance of a Land Disturbance Permit and the approval of development plans in compliance with the provisions of this Ordinance.
- D. Nothing in this Section shall be deemed to authorize any Grading Activity or similar activity not otherwise in compliance with the Development Regulations of the City of Holly Springs, including, the Soil, Sedimentation, and Pollution Control Ordinance. Further, nothing in this Section shall be deemed to eliminate the requirement that all reasonable efforts must be taken to save and not adversely impact the Critical Root Zones of Specimen Trees and that all applicable sites from the City shall maintain or obtain the minimum tree density required by this Ordinance.



## 18.6 Application Requirements.

- A. When a person applies for a Land Disturbance Permit as defined herein, such person shall also file an application providing the following information:
1. A complete tree survey and inventory, as described in subsection 18.8;
  2. An integrated site plan showing Specimen Trees, the trees to be saved and those to be removed, utilities to be installed, grading, the approximate location of all structures, driveways and curb cuts and proposed tree plantings and other landscaping;
  3. A detailed plan to protect and preserve trees before, during and for a period of two (2) years after construction, which plan shall contain the following information:
    - a. All items found on the Erosion and Sedimentation Control Submittal checklist pertinent to normal plan review;
    - b. Site area (roads, utility lines, detention ponds, etc.);
    - c. The locations of existing and proposed structures, paving, driveways, cut and fill areas, detention areas, etc.;
    - d. Phase lines or limits of construction;
    - e. A delineation of all protected zones with any required dimensions;
    - f. Calculations showing compliance with the required Site Density Factor using existing trees, replacement trees, and/or contributions to the City of Holly Springs Tree Replacement Fund (see Density Factor Analysis, Appendix B, Table B.2);
    - g. Locations of all existing and proposed utility lines and easements;
    - h. Locations of any boring sites for underground utilities;
    - i. Locations of all Specimen Trees and indications whether they are to be removed or preserved;
    - j. Locations of all tree protection devices, materials to be used in each location and details;
    - k. A delineation of tree-save areas in which trees have been inventoried for density calculations;
    - l. If applicable, locations and details of all permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, bollards, etc.); and
    - m. Additional information as required on a case-by-case basis.
- The above items may be integrated into the normal application requirements and submittals.
- B. Minor additions to existing development require only a sketch showing changes to be submitted to the Director for review and approval.

## 18.7 Minimum Tree Density Requirement.

- A. All sites within the City other than 'For-Sale' residential lots shall maintain a Minimum Tree Density of twenty (20) units per acre. All sites within the City other than 'For-Sale' residential lots shall maintain a minimum tree density of 20 units per acre. The term "unit" is an expression of basal area as defined herein and is not synonymous with "tree". **The density requirement must be met whether or not a site had trees prior to development.** The density may be achieved by counting existing trees to be preserved, planting new trees in accordance with the minimum standards of this Ordinance, or some combination of the two. Minimum tree density shall be calculated and established pursuant to the formula and analysis set forth in Appendix B to this Ordinance. The developer shall be subject to the minimum tree density requirement set forth in this paragraph, but the developer shall base its density calculations on the net site area excluding the acreage required for Buffers and infrastructure improvements (roads, utility lines, detention ponds, etc.). In no event shall a parking lot be considered an infrastructure improvement.
- B. All newly constructed 'For-Sale' residential lots in the City shall maintain a minimum tree density based upon the maximum number of trees that can be maintained within thirty percent (30%) of the lot's plantable area, taking into consideration the standards established in this Ordinance for tree size and separation. The density requirement must be met whether or not the individual lot had trees prior to development. The density requirement is calculated by determining lot size and deducting the impervious area, assigning the necessary root zone for trees (400 sq. ft. for Overstory trees and 200 sq. ft. for Understory trees). All 'For-Sale' residential lots constructed prior to the effective date of this Ordinance are required to maintain the requirements of this Section at a twenty percent (20%) level, rather than the thirty percent (30%) requirement used for new construction.
- C. The density may be achieved by counting existing trees to be preserved, planting new trees according to the minimum standards of this Ordinance, or some combination of the two. In addition, replanting on such lots shall be at a ratio of not less than one (1) Overstory tree (minimum two-inch (2") caliper) for every three (3) Understory trees (minimum one-inch (1") caliper). No more than thirty percent (30%) of any one genus may be included in any replanting plan.
- D. Notwithstanding the foregoing, it is required that all reasonable efforts be made to save Specimen trees. (Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area layout, parking area location, water retention location and the like). Developers shall receive a density credit of two (2) times the assigned unit value for each Specimen Tree saved by utilizing an alternate design. Specimen trees that cannot be saved must be replaced with trees having a total density equal three (3) times the unit value of the tree removed with a minimum four-inch (4") tree caliper. Specimen Trees removed without prior approval shall be replaced with trees equal to eight (8) times the unit value with a minimum four-inch (4") tree caliper and subject to the applicable penalties as described in Section 18.19.
- E. The intent of these Regulations is to ensure that a minimum density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. To provide some alternatives in such cases, two alternative methods of compliance may, at the discretion of the Director, be approved:

planting at a location remote from the project site; or, contributing to the City of Holly Springs Tree Replacement Fund.

1. The following standards have been established for administering these alternative compliance methods. The Director must review and approve all requests for alternative compliance. In no instance, shall 100% of the required site density be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.
2. No permit shall be issued until the Director has approved the request and received the necessary documentation and/or funds. If trees are to be planted at another location, the off-site location should be in the same area of the City as the project site and a tree replacement plan meeting all applicable standards must be reviewed and approved by the City Manager or his designee.
3. Where the proposed development area is so dense that the minimum Site Density Factor cannot reasonably be achieved, the development area shall be reduced by removing parking spaces in excess of the minimum number of spaces required by zoning, placing additional planting islands within the development area, or reducing the area to be occupied by buildings. Where these methods are not feasible or are ineffective, the developer may make application to participate in the Tree Replacement Fund. A minimum of fifty percent (50%) of the required density must be met on the development site in order to make application. The developer may contribute towards the Tree Replacement Fund in an amount not to exceed fifty percent (50%) of the required density based on the caliper size of trees pursuant to the City of Holly Springs Municipal Services Master Fee Schedule.
4. One hundred percent (100%) of the required density must be met through either providing the density on the development site or through a combination of providing the required density on the development site and participating in the Tree Replacement fund. Funds contributed to the Tree Replacement Fund may be used by the City to purchase and install trees in the city's public areas, to include parks, green spaces, rights-of-way, and government building sites.

#### **18.8 Tree Survey Plan and Inventory.**

- A. A tree survey shall be provided in the form of a to-scale map or a site plan prepared and sealed by a registered surveyor or registered engineer, noting the location of all trees within the area to be modified from its natural state and twenty-five feet (25') beyond in each direction.
- B. All Specimen Trees and all trees that are to be counted toward meeting density requirements must be shown on the survey and inventoried by size (Caliper or DBH, whichever is applicable) and species. Sampling methods may be used to determine tree densities for forested areas (over five (5) acres). Specimen Trees must be shown on the plan with an indication whether they are to be retained or removed. All Tree Protection Zones and Tree Save Areas must be delineated on the plan. All Buffers with existing trees must be delineated on plans as Tree Save Areas. Land disturbance within any Buffer is subject to Planning Department approval.

### **18.9 Tree Survey Inspection.**

Following the receipt of the completed tree removal application and supporting data, the Director shall schedule and conduct an inspection of the proposed development site. The applicant or his designee shall be advised as to the date and time of the inspection and given an opportunity to participate. Following inspection, the Director shall advise the applicant of any recommended changes in the applicant's proposed tree removal, protection or replanting plans necessary to make the plans comply with the provisions of this Ordinance.

### **18.10 Tree Removal Approval Applications.**

- A. The Director shall review all applications and supporting data and take one (1) of the following actions: approve, approve with conditions or disapprove. Applications, which meet the requirements of this Ordinance, shall be approved.
- B. Development Activity will not be authorized until such time as appropriate Land Disturbance Permits have been issued and approval granted.
- C. Tree removal and replacement shall begin no later than one hundred eighty (180) days after issuance of the permit and shall be completed no later than two (2) years after the issuance of the permit, except as provided in these regulations authorizing certain cut and fill activities. The Director may refuse to issue any permit for tree removal until the submission of all development plans and receipt of other evidence satisfactory to the Director that there is a reasonable certainty that the Development is imminent.

### **18.11 Tree conservation standards.**

Prior to any tree removal or commencement of construction on a site and continuing until a final subdivision plat has been recorded or a certificate of occupancy has been issued, the following system shall be used:

- A. *Location and Types of Tree Protection Devices.*
  - 1. Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the Critical Root Zone of all trees to be preserved.
  - 2. The plan shall indicate whether the tree protection device is to be active or passive.
  - 3. Active protection (see B. Materials subsection) is required where Tree Save Areas are located in proximity to construction activity.
  - 4. Passive protection (see B. Materials subsection) may be used in more remote locations and in all protected zones not designated as Tree Save Areas.
  - 5. The locations of all tree protection devices will be verified prior to the issuance of the construction permit for clearing and/or grading.

6. Once Protected Zones are established and approved, any changes are subject to Community Development Department review.

B. *Materials.*

1. Active tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material. In addition to fencing, where tree trunks are in jeopardy of being damaged by equipment, the Director shall require 2-inch by 4-inch boards to be strapped around the trunks of trees. In addition, where active tree protection is required, each tree to be saved shall be marked at the base of the trunk with blue colored water-based paint.
2. Passive protection shall consist of heavy mil. plastic flagging, a minimum of 4 inches wide with dark letters on a bright background reading "Tree Protection Area—Do Not Enter" or equivalent signage on a continuous, durable restraint.

C. *Sequence of Installation and Removal.*

All tree protection devices shall be installed prior to any land disturbance permit authorizing tree removal. The Community Development Department must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the land disturbance permit. Tree protection must remain in functioning condition until the certificate of occupancy is issued.

**18.12 Tree Protection.**

- A. The cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any other such act which may be harmful to the continued vitality of the tree(s) within the tree protection area, is prohibited.
- B. Prior to commencement of any grading, construction or tree removal authorized through the issuance of a land disturbance permit, a Tree Protection Area for any tree located within 25 feet of any proposed grading, construction or tree removal must be established by physical barriers and maintained until such work is completed.

**18.13 Tree damage.**

Any tree designated in the plan to be saved that is damaged during construction, or as a result of such construction, shall be treated according to accepted current Tree Care Industry Association (TCIA) ANSI Standard 300, or replaced with a tree(s) equal to the unit value of the tree removed. However, any Specimen Tree damaged as described above shall be replaced with a tree(s) eight (8) times the unit value of the tree removed with a minimum four-inch (4") tree Caliper. In the event that a damaged specimen tree must be removed, the location occupied by the tree's Critical Root Zone must remain in a previous state with no structures or buildings placed in this area and violations shall be subject to the applicable penalties as described herein. Any specimen tree damaged on "For-Sale" residential lots as the result of failure to receive tree removal approval for non-construction tree removal or as a result of failure to protect a specimen tree during non-construction tree removal will result in up to three (3) times recompense.

#### **18.14 Tree replanting standards.**

- A. Unless otherwise approved by the Director, trees selected for replanting must be on the Tree Planting List. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication *Tree and Shrub Transplanting Manual* or similar publication. Reference the American Horticulture publication *American Standard for Nursery Stock* (ANSI Z60.1, 2014) for plant material quality standards. Reference the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books) or similar publication for information on tree species site requirements.
- B. It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. Accordingly, the replanted trees shall be of the same or similar species as those removed when practical.
- C. All replanted overstory trees shall be at least six (6) feet tall and have a trunk of not less than two (2) caliper inches. All replanted understory trees shall be at least four (4) feet tall or have a trunk not less than one (1) caliper inch. In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved by the Director.
  - 1. Overstory trees—200 square feet of pervious root zone.
  - 2. Understory trees—75 square feet of pervious root zone. (However, up to 30% of root zone may be impervious area.)

#### **18.15 Tree Removal Compliance Inspection.**

- A. Following the issuance of a Land Disturbance Permit for the development site, the Director shall from time to time inspect the site for the purpose of certifying compliance with the requirements of the tree removal. In the event of non-compliance, the Director may revoke or modify any City permit pertaining to the Development Activity for which the Land Disturbance Permit has been issued. No certificate of occupancy shall be issued until actual compliance is obtained.
- B. If any required Land Disturbance Permit conditions have not been met within the time specified in the Land Disturbance Permit and provided the Director has not granted a written extension, the City may use the cash or bond proceeds to ensure that these conditions are met. The bond will have an expiration date no longer than one (1) year, and the proceeds will go to the City of Holly Springs Tree Replacement Fund.
- C. After development is complete, the Director shall continue to make random inspections to ensure that required trees are maintained. Replacement shall be required, or bond/letter of credit posted within thirty (30) days of notice by the Director should any of these trees die, be removed or be destroyed within two (2) years after completion of development.

- D. Notwithstanding any other provision of this Ordinance to the contrary, a home builder's responsibility to replace a newly planted tree or trees shall terminate upon the issuance of a certificate of occupancy provided that an inspection conducted immediately prior to the issuance of the certificate of occupancy confirms that the replanted tree or trees were planted properly as established in the ISA (International Society of Arboriculture) standards, and are healthy and free of pests and disease. Nothing in this Ordinance shall be deemed to eliminate any other obligation the homebuilder may have pursuant to any private agreement between the homebuilder and homeowner, or any restrictive covenants that are applicable to the property.

#### **18.16 Permit Fee.**

The fee for review and issuance of a tree removal shall be as listed in the City of Holly Springs Municipal Services Master Fee Schedule. These fees may be revised from time to time by resolution of the City Council.

#### **18.17 Enforcement, Appeals and Variances.**

##### A. Enforcement.

All applications for tree removal shall initially be submitted to and reviewed by the City Arborist. The City Arborist shall be responsible for recommending to the Community Development Director the approval or denial of applications for Land Disturbance Permits.

##### B. Appeals.

1. Written requests for appeal of any administrative decision must be submitted to the Community Development Department within ten (10) days after notice of such decision. Such written request can be appealed through the appeal process of Article 15, Variances, Appeals, and Special Exceptions.
2. If the appeal concerns an administrative decision regarding Specimen Trees, it shall be the applicant's burden to demonstrate the reasonable alternatives (as described herein). Documented evidence shall be filed by the applicant with the written request for appeal and shall include, but not be limited to the following:
  - a. Boundary survey showing topography, easements, creeks and other features of the property.
  - b. Two alternative development plans, which include the Specimen Tree(s).
  - c. An itemized estimate of additional costs associated with saving the trees.

##### C. Variance.

1. Written requests for a variance can be appealed through the appeal process of Article 15, Variances, Appeals, and Special Exceptions.
2. The Director shall have the authority to grant variances not to exceed ten percent (10%) of the minimum or maximum standards of this Ordinance.
3. Variances that exceed ten percent (10%) or variances that exceed the allowance of administrative variances shall be heard by the Planning and Zoning Commission.

4. Variances can be granted only in the case of extreme hardship or unusual circumstance. The factors to be taken into consideration by the Planning Commission may include the following:
  - a. The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.
  - b. The economic hardship that would be imposed upon the applicant if the variance was denied.
  - c. The heightened desirability of preserving tree cover in densely developed or densely populated areas.
  - d. The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial unsightliness or any other visual affront.
  - e. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.
  - f. Whether the topography of the area in which the tree is located is of such a nature to be damaging or injurious to trees.
  - g. Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.
  - h. Whether tree removal would have an adverse impact upon existing biological and ecological systems.
  - i. Whether tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance may be anticipated or a violation of the noise control ordinance will occur.
  - j. Whether the general health and life expectancy of the tree or trees warrant the measures necessary to prolong the life of the trees based upon accepted ISA practices.
- D. Appeal from the Decisions of the Planning Commission shall be through the appeal process of Article 15, Variances, Appeals, and Special Exceptions, Section 15.5, Appeals to City Council.

#### **18.18 Holly Springs Tree Commission.**

The Mayor and each City Council member shall appoint one (1) member to a five (5) member Holly Springs Tree Commission.

- A. The Holly Springs Tree Commission shall give advice to the Council based on an annual re-evaluation of experience under the Ordinance, provide leadership in the development of understanding of the objectives and methods of the tree program, and assist the Director in the development and maintenance of technical specifications and guidelines. In addition, the Holly Springs Tree Commission's primary objectives shall be:
  1. To promote the benefits of maintaining a healthy tree canopy for the City of Holly Springs;



2. To provide educational outreach activities for the purpose of informing the community about resource conservation, protection of the environment, and the maintenance of the city's natural amenities, in particular its trees;
  3. To plan and organize Arbor Day and facilitate other events, activities, meetings and projects that support environmental awareness and education;
  4. To encourage Holly Springs' citizens to take greater responsibility for improving their community through litter prevention, waste reduction, recycling, tree plantings and other, similar means.
  5. To oversee the following:
    - a. Holly Springs Tree Ordinance.
    - b. Tree City USA designation.
    - c. Keep America Beautiful affiliation.
- B. The Holly Springs Tree Commission shall produce and maintain a list of proposed changes to the kinds and species of trees described in the Tree Planting List to this Ordinance. Any such changes may be adopted and may be changed from time to time.
- C. The Holly Springs Tree Commission shall enlist technical advisors in the fields of land development, landscape architecture and horticulture or related professions.
- D. The Holly Springs Tree Commission shall have the power and authority to maintain the Tree City USA and Keep America Beautiful (KAB) certifications by:
1. Strengthening environmental outreach opportunities associated with the Tree City USA and KAB organizations by promoting community participation and acting as an advocate of tree and environmental conservation efforts;
  2. Supporting the City's efforts through public/private partnerships;
  3. Making recommendations for the enhancement of public outreach and education programs concerning environmental and tree related issues;
  4. Developing and implementing a sustainable program for their environmental accomplishments; and
  5. Providing regular updates to City Council regarding Holly Springs Tree Commission activities.

### **18.19 Penalties.**

Any person, firm, corporation, limited liability company, Responsible Party, or other entity found guilty of violating or knowingly assisting in the commission of a violation of this Ordinance shall be subject to the penalties specified herein. Each day any violation of any provision of this Ordinance shall occur and each day any violation shall continue shall constitute a separate offense of this Ordinance.

- A. A violation of this Section shall constitute a misdemeanor punishable by a fine of up to one thousand dollars per incident. Replacement plantings shall also be required. Penalties and

finer, including replacement plantings must be satisfied within the timeline stated on the violation and/or stop work order. Appeals can be filed with the Planning Commission.

- B. In the event that a Specimen Tree is damaged or removed in violation of this Section on non "For-Sale" residential property or as part of a construction project, violators shall be subject to replace Specimen Trees with trees having a total density equal to eight (8) times the unit value of the tree removed with a minimum four-inch (4") tree caliper. Furthermore, the location and extent of the tree's Critical Root Zone shall permanently remain in a previous state with no structures or buildings placed on it. In the event that a Specimen Tree is damaged or removed in violation of this Section on a "For-Sale" residential property not in conjunction with a construction project, violators shall be subject to replace Specimen Trees with trees having a total density up to three (3) times the unit value of the tree removed. The city shall take into consideration the amount of trees that can be reasonably placed on the property in violation. If the dbh of the removed tree cannot be determined the measurement shall be taken at the upper most portion of the remaining stump.
- C. In the event that a non-specimen tree is damaged or removed in violation of this Section, violators shall be subject to replacement plantings equal to one (1) times the unit value of the tree removed with a minimum two-inch (2") caliper tree. If the dbh of the removed tree cannot be determined the measurement shall be taken as stated in Section 18.19.B.
- D. In addition to A. and B., upon notice from the Director, work on any development that is being done contrary to the provisions of this Section shall immediately cease. The stop-work notice shall be in writing and shall go to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. When an emergency exists, the Director shall not be required to give written notice prior to stopping the work. Further, in the event that work on any development is being done contrary to the provisions of this Section, the Director may revoke any permit pertaining to the development activity for which the Land Disturbance Permit has been issued and may refuse to issue any further permit until, at the discretion of the Director, the work on the development is brought into compliance with the provisions of this Section.

## ARTICLE 19: DESIGN GUIDELINES FOR MODEL ZONING DISTRICTS

**19.1: Model Zoning Districts Established.** There are hereby established six (6) model zoning districts that shall collectively overlay all existing zoning districts within the City of Holly Springs. The model districts are hereby identified and defined as follows:

Holly Springs Town Center District<sup>95</sup> – All properties located in the downtown area, as depicted in Town Center District map, adopted by City Council on February 19, 2015, and illustrated in Figure 19.7-A.<sup>96, 97</sup>

Harmony on the Lakes Neighborhood Preservation District<sup>98</sup> – All properties located within the Harmony on the Lakes at Holly Springs Master Plan Development as depicted in the map included as Figure 19.12-A.

Holly Springs Parkway District<sup>99</sup> – All properties located east of I-575 and west of the Georgia Northeastern Railway railroad tracks along Holly Springs Parkway (a/k/a Old Highway 5) from the northern most to the southernmost city limits, except for properties located in the above-defined Town Center district. Also included are all properties along Holly Springs Parkway from East of the Georgia Northeastern Railway railroad tracks to the southernmost city limits.

Hickory Road District – All properties having any physical connection with either side of Hickory Road, except for properties located in the above defined Downtown Town Center District.

East Residential District<sup>100</sup> – All properties located east of the railroad tracks, except for properties located in the above-defined Holly Springs Parkway District, Town Center District, or the Hickory Road District.

West Residential District – All properties located west of I-575.

**19.2: Model Zoning District Map.** The boundaries of the districts defined in section 19.1 of this Article are hereby established as shown on the “Official Model Zoning District Map” (also referred to herein as “Model District Map”). The official Model District Map shall be kept in the safety box at City Hall along with the enacted Zoning Ordinance and Official Zoning Map. Copies of the map shall be on display and made available to the public at City Hall.

**19.3: District Boundary Determination Issues.** Where uncertainty exists as to boundaries of any district shown on the Model District Map, the same rules given in section 4.2 of Article 4 of this Zoning Ordinance shall apply.

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<sup>95</sup> Amended by City Council with text amendment, 07/20/2009. Editor’s note: The “Holly Springs Town Center District” supplants the “Downtown Historic District” and references to “Historic District” in the Zoning Ordinance.

<sup>96</sup> Amended by City Council with text amendment, TA-03-2014, 05/05/2014.

<sup>97</sup> Amended by City Council with text amendment, ORD-01-2015, 02/19/2015.

<sup>98</sup> Amended by City Council with text amendment, 08/04/2008.

<sup>99</sup> Amended by City Council with text amendment, ORD-10-2015, 09/28/2015.

<sup>100</sup> Amended by City Council with text amendment, ORD-10-2015, 09/28/2015.

**19.4: Purpose and Applicability.** The intent in establishing these model districts is to set forth design guidelines for buildings, sites, and streetscapes upon existing zoned properties. The purpose of the design guidelines is to regulate site planning, landscaping, and exterior architectural design in order to:

- (a) Protect and maintain the value of existing buildings and property.
- (b) Protect public investment by mitigating impacts generated by new development and significant redevelopment on existing public facilities and utilities.
- (c) Minimize any adverse impacts of new development and significant redevelopment on existing buildings and property through provision of screening, buffering, landscaping, and other techniques.
- (d) Promote architectural harmony between structures within each specific model zoning district as well as the City as a whole.
- (e) Improve upon the aesthetic qualities of Holly Springs.
- (f) Lessen traffic congestion, minimize traffic safety problems, and promote the use of alternative modes of transportation, such as walking and bicycling.
- (g) Enhance economic opportunities in Holly Springs by developing architectural and site development themes attractive to prospective quality developers, businesses, and residents.

**19.4-1** These guidelines will be applied in reviewing projects as they relate to overall design and architecture and represent but a portion of the overall development review conducted by the City of Holly Springs. The laws, ordinances, and regulations of the City are not negated by these review guidelines. All other Articles and Sections of this Holly Springs Zoning Ordinance as well as the Holly Springs Development Regulations combine with this Article 19 to form the basis for all development in Holly Springs. These guidelines will be used in addition to all other requirements of this Ordinance and the City's Development Regulations. If any guideline contained herein Article 19 is in conflict with other Articles and Sections of this Ordinance, the Development Regulations, or any other law, ordinance, or regulation of the City of Holly Springs, the more restrictive regulation shall apply.

**19.4-2** A design plan, processed and approved in accordance with Section 19.5 below, shall be required before a building permit or other permit, as appropriate, is issued or before any land disturbance or building-related activities occur for all non-single-family structures and uses within the corporate limits of Holly Springs. The requirements of this Article shall also apply to subdivisions of property for the purpose of building three (3) or more single-family homes where noted herein.

**19.4-3** The requirements of this Article shall apply to all applications for building permits submitted after the effective date of the adoption of said Article by the City Council. The

architectural, landscape, and streetscape provisions of this Article shall not be triggered by standard maintenance activities requiring neither a building nor land disturbance permit.

**19.4-4** Additionally, the requirements of this Article, including the submission of a design plan, shall be met in the event that an existing business ceases to operate in a commercial or light industrial district and remains inactive for a period of ninety (90) days, before the City can issue a business license/occupational tax certificate and allow a new business to operate in that location.

**19.5: Application and Review Process.** In the event that an applicant for development within a model zoning district needs an amendment to the Official Zoning Map in order to use property in a manner not allowed under the existing zoning classification, then the review process described in this section shall begin with the filing of an application for zoning amendment in accordance with Article 14 of this Ordinance. If an applicant for development within a model zoning district is seeking a land use that is inconsistent with or prohibited within that model zoning district, then the review process described in this section shall begin with the filing of an application for an amendment in accordance with Article 14 of this Ordinance. Otherwise, the model zoning district review process shall run concurrent with the City's Plan Review Process. In no case shall a land development permit or a building permit be issued by the City of Holly Springs within a model-zoning district unless and until the project has been brought through the design review process described in this section. Said design review process shall be in addition to all other review requirements prescribed in this Ordinance and the Holly Springs Development Regulations.<sup>101</sup>

**19.5-1** Applicants for the design review process are encouraged to meet with the Zoning Administrator prior to the filing of a design plan to ensure maximum understanding of and compliance with the City's zoning, development, and design requirements. Failure to do so will likely result in unnecessary processing delays, rejections, and re-submittals. The City shall not be responsible for delays in the review process caused by:

- (a) an applicant's lack of familiarity or understanding of the design plan requirements;
- (b) omission of required design plan information and/or exhibits; and
- (c) failure to comply with the requirements of this Article, as well as the remainder of the Holly Springs Zoning Ordinance and the Holly Springs Development Regulations;
- (d) failure to comply with the requirements of other applicable review agencies, including the Cherokee County Water & Sewer Authority, the Cherokee County Fire Marshal's Office, the Cherokee County Environmental Health Department, and the Limestone Valley Soil & Water Conservation District.

**19.5-2** If an applicant for the design review process is also seeking an amendment to the Official Zoning Map, then the design plan shall be submitted at the time the zoning amendment application is submitted, in accordance with Article 14 of this Ordinance and the schedule established by the Zoning Administrator for processing such applications. In such a case the design plan becomes

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<sup>101</sup> Amended by City Council with text amendment, TA-05-2013, 01/06/2014

part of the zoning amendment application and shall be subject to the review, scrutiny, and approval/disapproval of the Planning & Zoning Commission and the City Council.

**19.5-3** If an applicant for the design review process does not need an amendment to the Official Zoning Map, then the design plan shall be submitted along with all other plans, exhibits, narratives, and other required information into the City's established Plan Review Process, and shall be subject to the review, scrutiny, and approval/disapproval of the City staff and the other review agencies, where applicable, mentioned in Section 19.5-1 above. Generally, this process takes five (5) to ten (10) business days for completion, notwithstanding delays caused by the reasons listed in Section 19.5-1 above.

**19.5-4** Should an applicant for the design review process as identified in Section 19.5-3 above disagree with the staff's application of the design guidelines contained herein, or desire a waiver of one or more of the guidelines, said applicant may appeal the staff's decision or make a waiver request to the Planning & Zoning Commission. Requests for appeals and waivers shall be made on forms prescribed by the Zoning Administrator and processed in accordance with the same schedule established for processing zoning map amendments and all other requirements for processing zoning map amendments specified in Article 14 of this Ordinance, except that the Planning & Zoning Commission shall render a decision on the applicant's appeal or waiver request as opposed to making a recommendation to the City Council.

In considering a waiver request, the Planning & Zoning Commission shall make any decision for approval based on the following physical considerations:

- (a) the waiver is reasonable in light of the project's size, location, layout, topography, or other geographic feature;
- (b) the waiver will not result in any adverse impact on other properties in the applicable model zoning district; and
- (c) the waiver will not result in any adverse impact on the City's application of the design guidelines to other properties in the applicable model-zoning district.

The Planning & Zoning Commission shall not consider economic factors in its deliberation of a waiver request, except as those economic factors may be associated with the above listed physical considerations.

Should the applicant or any other interested party disagree with the Planning & Zoning Commission's decision on a staff appeal or waiver request, said applicant or any other interested party may request an appeal of the Commission's decision to the City Council. An appeal to the City Council shall constitute a separate action, including the filing of a separate appeal application. In other words, upon the rendering of an undesired decision by the Planning & Zoning Commission, the applicant or any other interested party cannot assume that the case will then be forwarded to the City Council. A specific request must be made to the City Council appealing the Planning & Zoning Commission's decision on forms prescribed by the Zoning Administrator. For the purposes of this section, "any other interested party" shall be defined as any property owner

within 500 feet of the subject property and within the corporate limits of the City of Holly Springs or within the contiguous platted subdivision of the subject property.<sup>102</sup>

**19.5-5** Upon approval of the design plan and subsequent issuance of a building permit, all exterior architectural design and landscaping and other on-site improvements shall be completed in accordance with the approved design plan. The building inspector shall make periodic field inspections as required. Where a violation is found to exist, the building inspector shall issue a “Stop Work Order,” and direct the project owner/developer to correct the violation. The building inspector shall charge a re-inspection fee in accordance with the fee schedule adopted by the City Council upon notification by the project owner/developer that corrections necessary for lifting the “Stop Work Order” have been performed and that a re-inspection can be made.

An appeal of the building inspector’s action may be made to the Zoning Administrator. Any determination by the Zoning Administrator to override the action of the building inspector shall be made in writing, with specific reasons stated as to why the building inspector’s action was inappropriate. If the Zoning Administrator upholds the building inspector’s action, an appeal of the Zoning Administrator’s decision may be made to the City Council on forms prescribed by the Zoning Administrator. No certificate of occupancy shall be issued by the building inspector unless all on-site improvements, landscaping, and exterior building façade are completed in accordance with the approved design plan.

**19.5-6** Approval of a design plan submitted under provisions of this Article shall expire one year after the date of approval unless a land development permit has been obtained. For the purposes of this Article, a land development permit shall expire six (6) months after the date of issuance unless a building permit has been obtained. In accordance with the City’s Building Codes Administration Ordinance, a building permit shall expire six (6) months after the date of issuance if no requests for building inspections have been made. The Zoning Administrator may grant a six (6) month extension on the land development permit upon making a written determination that said extension is in the best interest of the City and will not result in any noncompliance with the requirements of this Article or other ordinances and regulations of the City. Likewise, the building inspector may grant a six (6) month extension on the building permit upon making a written determination that said extension is in the best interest of the City and will not result in any noncompliance with the requirements of this Article or other ordinances and regulations of the City.

**19.6: Design Plan Requirements.** All design plans submitted for consideration in the above described application and review process shall contain a site plan, landscape plan, and architectural elevations drawn to an appropriate scale sufficient for reviewing parties to easily identify significant site and building features. Plans shall be prepared by a licensed architect, landscape architect, engineer, or land surveyor, and shall contain, at a minimum, the following information:

- (a) Date, boundary survey, approximate scale and north arrow.
- (b) Contours for existing topography and elevations at intervals appropriate to the project.

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<sup>102</sup> Amended by City Council with test amendment, TA-05-2013, 01/06/2014.

- (c) Identification of all significant man-made and natural features and an indication of all such features to be retained, moved, or altered.
- (d) If the design plans are being processed with a request for zoning map amendment for approval by the Planning & Zoning Commission and City Council, then preliminary plans/proposals for grading, drainage, storm water management, and soil erosion and sediment control are required. If the design plans are being processed in accordance with the City's established Plan Review Process, then final plans for those items and all site improvements required under the City's Development Regulations and this Zoning Ordinance must be provided.
- (e) Identification of all proposed site improvements including internal circulation and parking, streetscapes, lighting, building locations, sign locations, accessory use locations, and other proposed amenities.
- (f) Identification of and adherence to all landscaping, buffers, and tree protection measures required by this Article as well as Articles 7, 9, 11, and 18 of this Ordinance.
- (g) Scaled elevation drawings of proposed structures and signs, including information on finishing materials and colors.

**19.7: Holly Springs Town Center District.**<sup>103,104</sup> New commercial development and redevelopment within the Holly Springs Town Center District (TCD) is intended to be characterized by attractive storefronts, benches, sidewalks, street lamps, and landscaping, with structures situated closer to the street and parking relegated to the sides and rear. Proposed new construction, renovations, or redevelopment to residential, commercial or industrial structures in this district are required to comply with the requirements of this article prior to receiving development approval, a certificate of occupancy (C.O.), or occupational tax certificate from the City of Holly Springs. Projects requiring a design review are more particularly detailed under Article 19.7-2.2.

**19.7-1 Town Center District Development and Design Requirements.** The "Commercial Corridor Design Overlay District Guidelines," adopted by the Mayor and City Council on May 15, 2006, are hereby incorporated by reference, now and as amended, and made part of this zoning ordinance. All development and redevelopment as specified in 19.7 and within the Commercial Corridor Design Overlay District Guidelines, shall conform to these guidelines and other applicable regulations as set forth by this zoning ordinance. In the event of a conflict between regulations, the Commercial Corridor Design Overlay District Guidelines shall govern. Copies of said guidelines are available from the City of Holly Springs.

Application fees for design review shall be established by City Council resolution, from time to time.

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<sup>103</sup> Amended by City Council with text amendment, 07/20/2009

<sup>104</sup> Amended by City Council with text amendment, 01/19/2012



**19.7-2.1** *Development Requiring Design Review in the Town Center District:* The following development in the Town Center District requires design review in accordance with this Article:

- (a) All exterior features of new construction.
- (b) All exterior features of construction, alteration, restoration, moving, demolition or repair of existing buildings or improvements involving or resulting in a change in the existing structural composition or architectural design or character of such building or improvement.
- (c) All proposed changes to existing plot plans, site layout, off-street parking areas and other features such as walls, walks, terraces, fences, signs and lights, if in view from public rights-of-way or private accessways.
- (d) All proposed screening of dumpsters, satellite antennas, parking lots, and rooftop and other mechanical equipment, if in view from public rights-of-way or private accessways.
- (e) All proposed outdoor play yards and/or equipment, and outdoor patios with or without seating, if in view from public rights-of-way or private accessways.
- (f) All proposed signage, except panel substitutions.
- (g) Historic resources and the protection thereof.

**19.7-2.2.** *Exceptions From Design Review Requirements.* *The following shall not be subject to design review:*

- (a) Repainting of a structure to the same color if that color has received previous approval.
- (b) The ordinary maintenance or repair of any exterior elements of any building or structure.
- (c) The construction, reconstruction, alteration or demolition of any such elements which the Chief Building Official, or designee, shall certify as required for public safety.
- (d) Any proposal not listed above, (a) through (g), that in the judgment of the Zoning Administrator does not require a design review.



**19.8: Holly Springs Parkway District Requirements.** As with the Town Center District, new commercial development and redevelopment within the Holly Springs Parkway District is intended to be characterized by attractive storefronts, benches, sidewalks, street lamps, and landscaping, with structures situated closer to the street and parking relegated to the sides and rear. Recognizing that the Holly Springs Parkway corridor represents the most viable location in the City for large-scale commercial development, such as shopping centers and office parks, some provisions have been made to allow for flexibility when dealing with said development.

The Holly Springs Parkway District is intended to generate quality commercial, office, and mixed-use developments in a pattern reminiscent of nineteenth and early-twentieth century architecture. The regulations recognize the existence of residential uses within this district, especially along the western side of Holly Springs Parkway, and incorporate screening standards that shall remain in place for new development and redevelopment adjoining these residential uses, for as long as said residential uses exist in compliance with this Ordinance and other regulations of the City.

**19.8-1 Streetscape Requirements for Small Projects.** The front setback line of all new structures in the Parkway District with less than 10,000 square feet of gross floor area, including strip-style commercial or office centers, shall be twenty (20) feet but also allow for future expansion of Holly Springs Parkway to be widened. The streetscape of the Parkway District for structures of this size shall incorporate an “alternative transportation zone,” and an optional “front yard zone.” A sidewalk shall be installed the entire width of the alternative transportation zone.

The features of the two zones shall be as follows:

- (a) **Alternative Transportation Zone** – A minimum 10-ft. wide concrete sidewalk, located adjacent to the road right-of-way, shall constitute the required alternative transportation zone for all property lying on the east side of Holly Springs Parkway. In the event that an adjoining property, due to existing building location or other reason, does not have a sidewalk of the required 10-ft. width, then a gradual tapering from the 10-ft. width down to the width of said adjoining property shall be accomplished. A minimum 5-ft. wide concrete sidewalk located adjacent to the right-of-way for all property lying on the west side of Holly Springs Parkway along with a 5-ft. wide landscape strip to include decorative light posts. Light posts must be consistent throughout the district and approved by the Zoning Administrator. The alternative transportation zone is intended solely for use as a means of getting around within the Parkway District and shall be unobstructed by a permanent or nonpermanent item for a minimum width of ten (10) feet and a minimum height of eight (8) feet.
- (b) **Front Yard Zone** – Although optional, the use of a front yard zone is encouraged for public plazas, terraces, and outdoor dining. Where used, the front yard zone shall be a maximum width of ten (10) feet. The front yard zone shall be separated from the alternative transportation zone by fencing no more than three (3) feet high, made of rock, brick, or wrought iron.

**19.8-2 Streetscape Requirements for Large Projects.** Streetscape requirements for projects involving the construction of new structures with 10,000 square feet or more of gross floor area are as follows:

- (a) If said structures shall have one or more out parcels situated in front of them, then said structures shall follow normal building setback provisions of the applicable sections of this Ordinance. The out parcels shall be required to meet the setback provisions of this Section and contain the alternative transportation zone identified above and the optional front yard zone if desired.
- (b) If said structures shall not have out parcels situated in front of them, then said structures shall either comply with the setback and alternative transportation zone requirements of this Section or use the normal setback requirements of the applicable zoning classification, combined with a ten (10) foot wide sidewalk adjacent to the right-of-way. Additionally, a front yard landscaping area of thirty (30) feet in depth shall begin immediately adjacent to the sidewalk. Said landscaping area shall contain a landscaped berm not less than four (4) feet in height with trees planted on the berm every 25 feet on center. These trees shall be not less than three (3) inches in diameter at a point twelve (12) inches above the grade. They shall be of a deciduous species.

**19.8-3** *Parking Requirements for Small Projects.* Parking for projects involving the construction of new structures with less than 10,000 square feet of gross floor area, including strip-style commercial and office centers, shall be limited to the sides and rear. The Zoning Administrator may allow front parking only after the owner/developer has demonstrated a hardship. If front parking is allowed an additional 5 feet must be added to the landscape strip, a four-foot brick or stone monument wall or landscape berm to screen parking must be run along the frontage that would include columns of the same material with a base and abacuses. Front parking will only be allowed along the property frontage where properly screened. All parking areas shall comply with the requirements of Article 11 of this Ordinance.

For properties making use of front areas for parking at the time of adoption of this Article, and which are presented into the design plan review process with proposals that do not include additional land disturbance, site improvements, and/or the erection of new structures or the demolition and replacement of existing structures—in other words, proposals to simply renovate or remodel an existing building—the front yard parking scheme may be allowed to continue. However, in such a case, all parking area landscaping requirements specified in Article 11 of this Ordinance, if not already adhered to, shall be met. Additionally, the installation of a ten (10) foot wide sidewalk adjacent to the right-of-way in the existing front parking area shall be required, where the Zoning Administrator (or Planning & Zoning Commission, in the case of a rezoning request) determines that such installation is possible given the overall site layout, and that such installation will not trigger noncompliance with the parking requirements of Article 11 of this Ordinance.

Where constructed, parking decks shall conceal automobiles from visibility and should appear as horizontal storied buildings. Where possible, decks shall accommodate street level commercial uses on the ground floor, with parking beginning on the second floor.

**19.8-4** *Parking Requirements for Large Projects.* Parking for projects involving the construction of new structures with 10,000 or more square feet of gross floor area are as follows:

- (a) If said structures shall have one or more out parcels situated in front of them, then said structures shall follow normal parking provisions of the applicable zoning classification as specified in Article 11 of this Ordinance. The out parcels shall be required to meet all of the parking provisions Section 19.8-3 above.
- (b) If said structures shall not have out parcels situated in front of them, then said structure may follow either the parking provisions of Section 19.8-3 above or the normal parking provisions of the applicable zoning classification as specified in Article 11 of this Ordinance with an additional 30-foot landscape strip adjacent to the alternative transportation zone.

Regardless of whether or not out parcels are present, for properties making use of front areas for parking at the time of adoption of this Article, and which are presented into the design plan review process with proposals that do not include additional land disturbance, site improvements, and/or the erection of new structures or the demolition and replacement of existing structures—in other words, proposals to simply renovate or remodel an existing building—the front yard parking scheme may be allowed to continue. However, in such a case, all parking area landscaping requirements specified in Article 11 of this Ordinance, if not already adhered to, shall be met. Additionally, the installation of a ten (10) foot wide sidewalk adjacent to the right-of-way in the existing front parking area shall be required, where the Zoning Administrator (or Planning & Zoning Commission, in the case of a rezoning request) determines that such installation is possible given the overall site layout, and that such installation will not trigger noncompliance with the parking requirements of Article 11 of this Ordinance.

Where constructed, parking decks shall conceal automobiles from visibility and should appear as horizontal storied buildings. Where possible, decks shall accommodate street level commercial uses on the ground floor, with parking beginning on the second floor.

**19.8-5 Accessory Uses.** There shall be no outdoor storage of materials, supplies, or continuously displayed items for sale in the Holly Springs Parkway District. Other requirements concerning accessory uses of properties in the district are as follows:

- (a) Enclosed Storage Areas – The collective square footage of all enclosed storage buildings must not exceed ten percent (10%) of the square footage of the primary structure on the property, and must be situated in accordance with Article 3, Section 3.5, of this Ordinance.
- (b) Dumpster/Loading Areas – All dumpster locations and loading areas must be situated at the rear of the building and not be visible from any side. These areas shall be screened with an opaque fence or wall at a height of at least six (6) feet, constructed of masonry with metal or wooden gates.
- (c) HVAC/Mechanical Systems – All mechanical, HVAC, and like systems shall be screened from all street, driveway, and pedestrian level views, from all sides of the building. An opaque fence or wall of masonry, stucco, split faced block, or wood shall be installed around such systems to provide the necessary screening.

**19.8-6 Signs.** In addition to the requirements listed below for signs in the Holly Springs Parkway District, Article 10 of this Ordinance should be consulted for the full range and application of sign regulations in Holly Springs:

- (a) Ground Signs – Ground (freestanding) signs shall be limited to monument-type signs no greater than 15-feet in height. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood, or metal consistent with the architecture and exterior treatment of the building. There shall be no internal illumination of these signs within the Parkway District. If the sign is to list multiple tenants it shall be of a consistent background, lettering style, and color.
- (b) Canopy and Awning Signs – These signs shall be limited to fifteen (15) square feet per road frontage.
- (c) Prohibited Signs – Blinking neon, portable, inflatable, and banner signs shall not be allowed within the Parkway District. Additionally, all prohibited signs as identified in Section 10.6 of this Ordinance. Temporary signs, as defined in Article 10 of this Ordinance shall be allowed for special sales and events as specified in that Article.

**19.8-7 Architectural Design.** Buildings shall be designed to replicate nineteenth and early twentieth-century architectural styles and shall comply with the following requirements:

- (a) Building mass shall be broken up to give the appearance of multi-tenant occupancy or places of business, presenting a village appearance. To this end, facades of multi-tenant buildings shall be varied in depth or parapet height. Additionally, distinct architectural entry identity for individual tenant entrances shall be provided.
- (b) Building facades shall be of architectural treatments of glass and brick, stone, architectural block, stucco, and wood, with combining these finishes both allowed and encouraged. All non-residential structures (facades) must be made up of a minimum of 75% brick and/or stone when visible from city-maintained right-of-way and 50% brick and/or stone when not visible from city maintained right-of-way.
- (c) Areas of 150 linear feet or more of uninterrupted single finishes for all walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door, or colonnade openings.
- (d) Building design shall include a minimum one-foot high contrasting base, extending along the entire front of buildings and the sides of buildings for a minimum distance of fifteen (15) feet.
- (e) Contrasting accent colors of any wall, awning, or other feature shall be limited to no more than fifteen percent (15%) of the total area for each façade side.
- (f) Paint colors shall relate to historic types and manufactures. A list of appropriate paint color palettes from a variety of manufacturers is available from the Zoning Administrator.

- (g) Buildings of less than 5,000 square feet of gross floor area shall be designed with pitched roofs, with a minimum pitch of four (4) inches in twelve (12) inches. Dormers, eyebrow windows, and other architectural breaks shall be used in these designs.
- (h) Preferred roofing materials for pitched or mansard roofs are metal, tile, slate, stone, or wood shake. If typical shingles, such as asphalt are to be used, the appearance shall be that of slate, metal, tile, or shake.
- (i) Roof parapets shall be used to provide visual diversity. Parapets shall include articulations or architectural features at least every one hundred (100) linear feet. The minimum height of articulations or features shall be one (1) foot and may be provided in height offset or façade projections, such as porticos and towers.
- (j) Building design shall include minimum one (1) foot deep cornices, extending along the entire front of buildings and the sides of buildings at least ten (10) feet from the front of the building.
- (k) All ground level windows facing streets shall be of clear, unpainted glass to allow views of store interiors and display windows. Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.
- (l) Windows shall cover 75% of the street frontage, raised a minimum of three (3) feet above the floor line. No façade shall have more than ten (10) linear feet without the presence of windows.

**19.8-8 Fences and Walls.** Within the Holly Springs Parkway District, walls and fences shall be constructed out of attractive, long-lasting materials, such as exterior type wood, masonry or stone. Chain link shall not be used. To avoid creating circuitous routes for pedestrians, openings in fences and walls should be provided as necessary, to allow direct passage to connecting walkways.

(a) *Change in Land Use.* Where the side or rear property line is adjacent to private residential property, a solid wall or fence that is 6-7 feet in height in height should be provided, but not within 20 feet of a public right-of-way.

19.8-9 Single-Family Residential. In addition to design standards set forth in the Holly Springs Parkway district, all single-family residential development shall comply with the applicable design standards set forth in the East Residential Model Zoning district.

**19.9: Hickory Road District Requirements.** Building standards and guidelines for the Hickory Road District adapt patterns found in traditional communities to modern needs and construction methods. They seek to reintroduce building types and architectural elements which made traditional American towns and neighborhoods convenient and attractive. In order to re-establish walk able streets, the standards and guidelines provide a Pedestrian-Oriented, Mixed-Use District. As with the Town Center District, new commercial development and redevelopment within the Hickory Road District is intended to be characterized by attractive storefronts, benches, sidewalks, street lamps, and landscaping, with structures situated closer to the street and parking relegated to

the sides and rear. Recognizing that the Hickory Road corridor represents a viable location in the City for small to mid-scale commercial and mixed-use development that leads into the Downtown Town Center District, such as restaurants, specialty retail shops and loft type residential units, the standards and guidelines which follow are intended to allow flexibility for private development while acknowledging each property's obligation to the public realm.

The Hickory Road District is intended to generate smaller scale quality retail developments that will service the nearby residential base via a pedestrian friendly network but also in a pattern reminiscent of nineteenth and early-twentieth century architecture. The regulations recognize the existence of residential uses within this district, especially above or behind retail stores that line Hickory Road, and incorporates screening standards that shall remain in place for new development and redevelopment adjoining these residential uses, for as long as said residential uses exist in compliance with this Ordinance and other regulations of the City.

**19.9-1** *Streetscape Requirements for Small Projects.* The front setback line of all new structures in the Hickory Road District with less than 10,000 square feet of gross floor area shall be twenty (20) feet. The streetscape of the Hickory Road District for structures of this size shall incorporate an "alternative transportation zone," and an optional "front yard zone." A sidewalk shall be installed the entire width of the alternative transportation zone.

The features of the two zones shall be as follows:

- (a) Alternative Transportation Zone – A minimum 10-ft. wide concrete sidewalk, located adjacent to the road right-of-way for all property lying on the north side of Hickory Road, shall constitute the required alternative transportation zone. In the event that an adjoining property, due to existing building location or other reason, does not have a sidewalk of the required 10-ft. width, then a gradual tapering from the 10-ft. width down to the width of said adjoining property shall be accomplished. A minimum 5-ft. wide concrete sidewalk located adjacent to the right-of-way for all property lying on the north side of Hickory Road along with a 5-ft. wide landscape strip to include decorative light posts. Light posts must be consistent throughout the district and approved by the Zoning Administrator. The alternative transportation zone is intended solely for use as a means of getting around within the District and providing a pedestrian friendly connectivity to the Downtown Town Center District.
- (b) Front Yard Zone – Although optional, the use of a front yard zone is encouraged for public plazas, terraces, and outdoor dining. Where used, the front yard zone shall be a maximum width of ten (10) feet. The front yard zone shall be separated from the alternative transportation zone by fencing no more than three (3) feet high, made of rock, brick, or wrought iron.

**19.9-2** *Streetscape Requirements for Large Projects.* Streetscape requirements for projects involving the construction of new structures with 10,000 square feet or more of gross floor area are as follows:

- (a) If said structures shall have one or more out parcels situated in front of them, then said structures shall follow normal building setback provisions of the applicable sections of this Ordinance. The out parcels shall be required to meet the setback provisions of this Section



and contain the alternative transportation zone identified above and the optional front yard zone if desired.

- (b) If said structures shall not have out parcels situated in front of them, then said structures shall either comply with the setback and alternative transportation zone requirements of this Section or use the normal setback requirements of the applicable zoning classification, combined with a ten (10) foot wide sidewalk adjacent to the right-of-way. Additionally, a front yard landscaping area of thirty (30) feet in depth shall begin immediately adjacent to the sidewalk. Said landscaping area shall contain a landscaped berm not less than four (4) feet in height with trees planted on the berm every 25 feet on center. These trees shall be not less than three (3) inches in diameter at a point twelve (12) inches above the grade. They shall be of a deciduous species.

**19.9-3** *Parking Requirements for Small Projects.* Parking for projects involving the construction of new structures with less than 10,000 square feet of gross floor area, including strip-style commercial and office centers, shall be limited to the sides and rear. The Zoning Administrator may allow front parking only after the owner/developer has demonstrated a hardship. If front parking is allowed an additional 5 feet must be added to the landscape strip, a four-foot brick or stone monument wall to screen parking must be run along the frontage that would include columns of the same material with a base and abacuses. Front parking will only be allowed along the property frontage where properly screened. All parking areas shall comply with the requirements of Article 11 of this Ordinance.

For properties making use of front areas for parking at the time of adoption of this Article, and which are presented into the design plan review process with proposals that do not include additional land disturbance, site improvements, and/or the erection of new structures or the demolition and replacement of existing structures—in other words, proposals to simply renovate or remodel an existing building—the front yard parking scheme may be allowed to continue. However, in such a case, all parking area landscaping requirements specified in Article 11 of this Ordinance, if not already adhered to, shall be met. Additionally, the installation of a ten (10) foot wide sidewalk adjacent to the right-of-way in the existing front parking area shall be required, where the Zoning Administrator (or Planning & Zoning Commission, in the case of a rezoning request) determines that such installation is possible given the overall site layout, and that such installation will not trigger noncompliance with the parking requirements of Article 11 of this Ordinance.

Where constructed, parking decks shall conceal automobiles from visibility and should appear as horizontal storied buildings. Where possible, decks shall accommodate street level commercial uses on the ground floor, with parking beginning on the second floor.

**19.9-4** *Parking Requirements for Large Projects.* Parking for projects involving the construction of new structures with 10,000 or more square feet of gross floor area are as follows:

- (a) If said structures shall have one or more out parcels situated in front of them, then said structures shall follow normal parking provisions of the applicable zoning classification as specified in Article 11 of this Ordinance. The out parcels shall be required to meet all of the parking provisions Section 19.9-3 above.

- (b) If said structures shall not have out parcels situated in front of them, then said structure may follow either the parking provisions of Section 19.9-3 above or the normal parking provisions of the applicable zoning classification as specified in Article 11 of this Ordinance with an additional 30-foot landscape strip adjacent to the alternative transportation zone.

Regardless of whether or not out parcels are present, for properties making use of front areas for parking at the time of adoption of this Article, and which are presented into the design plan review process with proposals that do not include additional land disturbance, site improvements, and/or the erection of new structures or the demolition and replacement of existing structures—in other words, proposals to simply renovate or remodel an existing building—the front yard parking scheme may be allowed to continue. However, in such a case, all parking area landscaping requirements specified in Article 11 of this Ordinance, if not already adhered to, shall be met. Additionally, the installation of a ten (10) foot wide sidewalk adjacent to the right-of-way in the existing front parking area shall be required, where the Zoning Administrator (or Planning & Zoning Commission, in the case of a rezoning request) determines that such installation is possible given the overall site layout, and that such installation will not trigger noncompliance with the parking requirements of Article 11 of this Ordinance.

Where constructed, parking decks shall conceal automobiles from visibility and should appear as horizontal storied buildings. Where possible, decks shall accommodate street level commercial uses on the ground floor, with parking beginning on the second floor.

**19.9-5** *Accessory Uses.* There shall be no outdoor storage of materials, supplies, or continuously displayed items for sale in the Hickory Road District. Other requirements concerning accessory uses of properties in the district are as follows:

- (a) Enclosed Storage Areas – The collective square footage of all enclosed storage buildings must not exceed ten percent (10%) of the square footage of the primary structure on the property, and must be situated in accordance with Article 3, Section 3.5, of this Ordinance.
- (b) Dumpster/Loading Areas – All dumpster locations and loading areas must be situated at the rear of the building and not be visible from any side. These areas shall be screened with an opaque fence or wall at a height of at least six (6) feet, constructed of masonry with metal or wooden gates.
- (c) HVAC/Mechanical Systems – All mechanical, HVAC, and like systems shall be screened from all street, driveway, and pedestrian level views, from all sides of the building. An opaque fence or wall of masonry, stucco, split faced block, or wood shall be installed around such systems to provide the necessary screening.

**19.9-6** *Signs.* In addition to the requirements listed below for signs in the Hickory District, Article 10 of this Ordinance should be consulted for the full range and application of sign regulations in Holly Springs:

- (a) Ground Signs – Ground (freestanding) signs shall be limited to monument-type signs no greater than 15-feet in height. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood, or metal consistent with the architecture and exterior treatment of the building. There shall be no internal illumination of these signs within the District. If

the sign is to list multiple tenants it shall be of a consistent background, lettering style, and color.

- (b) Canopy and Awning Signs – These signs shall be limited to fifteen (15) square feet per road frontage.
- (c) Prohibited Signs – Blinking neon, portable, inflatable, and banner signs shall not be allowed within the District. Additionally, all prohibited signs as identified in Section 10.6 of this Ordinance. Temporary signs, as defined in Article 10 of this Ordinance shall be allowed for special sales and events as specified in that Article.

**19.9-7** *Architectural Design.* The quality of a building’s street-facing façade has a significant effect on whether a district’s sidewalk feels comfortable and appealing to walk along. Buildings shall be designed to replicate nineteenth and early twentieth-century architectural styles and shall comply with the following requirements:

- (a) Building mass shall be broken up to give the appearance of multi-tenant occupancy or places of business, presenting a village appearance. To this end, facades of multi-tenant buildings shall be varied in depth or parapet height. Additionally, distinct architectural entry identity for individual tenant entrances shall be provided.
- (b) Building facades shall be of architectural treatments of glass and brick, stone, architectural block, stucco, and wood, with combining these finishes both allowed and encouraged. To give buildings an authentic appearance as opposed to a veneer-like quality, material change should not occur at exterior corners; rather, they should occur at interior corners, as a “return” of at least two feet from an external corner, or at a change in horizontal plane.
- (c) Areas of 150 linear feet or more of uninterrupted single finishes for all walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door, or colonnade openings.
- (d) Building design shall include a minimum one-foot high contrasting base, extending along the entire front of buildings and the sides of buildings for a minimum distance of fifteen (15) feet.
- (e) Contrasting accent colors of any wall, awning, or other feature shall be limited to no more than fifteen percent (15%) of the total area for each façade side.
- (f) Paint colors shall relate to historic types and manufactures. A list of appropriate paint color palettes from a variety of manufacturers is available from the Zoning Administrator.
- (g) Buildings of less than 5,000 square feet of gross floor area shall be designed with pitched roofs, with a minimum pitch of four (4) inches in twelve (12) inches. Dormers, eyebrow windows, and other architectural breaks shall be used in these designs.

- (h) Preferred roofing materials for pitched or mansard roofs are metal, tile, slate, stone, or wood shake. If typical shingles, such as asphalt are to be used, the appearance shall be that of slate, metal, tile, or shake.
- (i) Roof parapets shall be used to provide visual diversity. Parapets shall include articulations or architectural features at least every one hundred (100) linear feet. The minimum height of articulations or features shall be one (1) foot and may be provided in height offset or façade projections, such as porticos and towers.
- (j) Building design shall include minimum one (1) foot deep cornices, extending along the entire front of buildings and the sides of buildings at least ten (10) feet from the front of the building.
- (k) All ground level windows facing streets shall be of clear, unpainted glass to allow views of store interiors and display windows. Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.
- (l) Windows shall cover 75% of the street frontage, raised a minimum of three (3) feet above the floor line. No façade shall have more than ten (10) linear feet without the presence of windows.

**19.9-8 Fences and Walls.** Within the Hickory Road District, walls and fences shall be constructed out of attractive, long-lasting materials, such as exterior type wood, masonry or stone. Chain link shall not be used. To avoid creating circuitous routes for pedestrians, openings in fences and walls should be provided as necessary, to allow direct passage to connecting walkways.

- (a) *Change in Land Use.* Where the side or rear property line is adjacent to private residential property, a solid wall or fence that is 6-7 feet in height in height should be provided, but not within 20 feet of a public right-of-way.

**19.9-9 Single-Family Residential.** In addition to design standards set forth in the Hickory Road district, all single-family residential development shall comply with the applicable design standards set forth in the East Residential Model Zoning district.<sup>105</sup>

**19.10: East Residential District Requirements.** Building standards and guidelines for the East Residential District adapt patterns found in traditional communities to modern needs and construction methods. They seek to reintroduce building types and architectural elements which made traditional American towns and neighborhoods convenient and attractive. In order to re-establish walk able streets, the standards and guidelines provide for a Pedestrian-Oriented traditional neighborhood design. New commercial development and redevelopment within the East Residential District is intended to be characterized by attractive storefronts, benches, sidewalks, street lamps, and landscaping, with structures situated closer to the street and parking relegated to the sides and rear. The East Residential District represents the most viable location in the City for detached and attached residential subdivisions with allowance for neighborhood commercial opportunities.

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<sup>105</sup> Amended by City Council with text amendment, ORD-10-2015, 09/28/2015.

The purpose and intent of these guidelines is to encourage the orderly development of open lands and redevelopment of existing parcels. They are not intended to be inflexible prescriptive requirements or to legislate architecture. They are intended to identify objectives and design standards which are important to the City. Alternative design concepts may be considered when in keeping with the purpose and intent of these guidelines.

Land that is subject to flooding, improper drainage or erosion or that is for topographical or other reasons unsuitable for development use shall not be platted for any use that will continue or increase the danger to health or safety, unless the hazards are first corrected.

Every project shall address itself to all applicable guidelines. Not all goals and objectives are relative to all projects; however, determination of the applicability of the goals and objectives herein shall be made by the City Zoning Administrator. Determination shall be made at the time of Plan review. Determination will be based upon the location of a project's impact on its context and the pedestrian.

**19.10-1** *Streetscape Requirements for Residential Projects.* A Planting Area to include sidewalks shall be parallel to all external public streets designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

- (a) Planting area shall be a minimum of five feet wide adjacent to five-foot-wide sidewalk.
- (b) The area shall contain one Shade Tree/35 linear feet or one Ornamental Trees/25 linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical; however, the intent must be achieved and approved during Plan Review.
- (c) Electrical street lighting shall be installed in all subdivisions. The streetlights shall be of an approved decorative type and the monthly fee for such services shall be paid through the homeowner's association. The developer shall also provide adequate lighting at street intersections, and dead-end streets including cul-de-sacs.

**19.10-2** *Signs.* In addition to the requirements listed below for signs in the Residential District, Article 10 of this Ordinance should be consulted for the full range and application of sign regulations in Holly Springs:

- (a) **Entrance Signs** – Each subdivision entrance shall have an entrance sign that is a monument-type signs no greater than 15-feet in height. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood, or metal consistent with the architecture and exterior treatment of the buildings located on the immediate lots internal to the subdivision. If the sign is to have lighting, it shall be limited to the sign area only and cause no light pollution. Lighting of the sign shall not be of internal illumination but of spot indirect lighting.

**19.10-3 Architectural Design.** The design of new residential subdivision projects should provide a variety of styles and high-quality architecture. Architectural styles and shall comply with the following requirements:

*A. Façade and Roof*

- (a) Architecture within each residential area should reflect a common vocabulary of forms, details, and materials. New projects should create a pleasing variety of homes.
- (b) Façade Composition. New buildings should typically have generously overhanging eaves and recessed openings, which both protect a building's material from weather and reinforce pedestrian scale.
- (c) Front Porch. New homes should provide a minimum of 48 square feet of covered porch. To be usable, front porches need to have minimum depth of six feet clear. To provide pedestrian scale, porches should cover at least 20% of the street facing width of a house, inclusive of width of attached garages. For up to 25% of all units within a project, arbors, trellises, courtyards and similar landscape architectural features may substitute for porches at the front door if they have a minimum dimension of eight feet, if they are accompanied by fast-growing vines as specified in the landscape preferred palates. An additional 50% of all units within a project may be substituted with stoops that are at least 16 square feet and constructed with material such as brick or stone. The brick or stone base should be carried along the entire frontage of the unit.
- (d) Windows. To provide "eyes on the street" surveillance, the largest window or group of windows of at least one of the following rooms should view the street: living room, dining room, family room or kitchen.
- (e) Model Variety. Houses with identical building elevations shall not be located on adjacent lots or directly across the street from each other. Street should not have more than two single-family homes within 1000' which have no difference in at least two of the following: building mass, porch design, window pattern, roof form, or other major architectural features.
- (f) Roof forms should be consistent on all parts of the house and garage. All roofs should have a similar pitch.

*B. Materials*

- (a) Quality & Consistency. All facades should receive high-quality and properly installed materials, finishes and detailing. Construction material, finishes and detailing should incorporate glass and brick, stone, architectural block, stucco, and wood, with combining these finishes both allowed and encouraged. The use of vinyl and masonite should be limited and pre-approved by the Building Department. Information on the type of material must be included with the site plan at time of plan review. Material Changes. To retain a sense of solidity, the consistent use of materials on all elevations is encouraged.

- (b) Windows. To create facades with rich shadow lines and a substantial appearance, window openings should be trimmed or glazing should be inset.
- (c) Compatible (not duplicate) color schemes shall be provided for homes on adjacent lots. Color schemes for the development should be submitted for review at the time of plan review.

**19.10-4** *Utilities.* New development should underground new utilities, as well as existing utilities of 26kV or less that are on site or along the project's frontage.

**19.10-5** *Common Space and Maintenance.* Where open space is required, it shall not be divided into increments that are less than one acre. Protective deed covenants shall be established to provide for the perpetual maintenance, security, and continuation of open and common area unless dedicated to the City.

Landscaped open space shall be provided by the developer in accordance with an approved landscape plan that meets the minimum requirements of the "Tree Preservation and Landscaping" Ordinance within the City of Holly Springs Code of Ordinances.

Open space shall not consist of required buffer area, streets, parking lots, driveways, loading areas, sidewalks located in the public right-of-way (except as may be internal to a dedicated park), and area normally inaccessible to pedestrian circulation.

Open space shall also not consist of unimproved or vacant land that does not provide any natural or man-made amenity. This restriction shall include but not be limited to abandoned or overgrown lawn area, scrub land or urban fields, eroded areas or areas of exposed soil, or other land area that, in the opinion of the Planning Commission or their designee, does not have any functional or aesthetic use as open space.

**19.10-6** *Storm water Detention and Sewer Facilities.* Where such facilities are required, protective deed covenants shall be established to provide for the perpetual maintenance, security, and of facilities unless the City or Water & Sewer Authority expressly choose to accept the dedication of such facilities.

Such facilities must be fenced using at a minimum 6' wooden opaque fence along the entire perimeter with a landscape package along all sides that are visible from the road or a single-family dwelling and provide an adequate gate with a locking mechanism to allow for ingress/egress of heavy machinery.

**19.10-6** *Non-Residential Development.* Neighborhood commercial opportunities that are properly zoned shall follow the guidelines and intent of the Hickory Road District.

**19.10.7** *Multi-Family Development.* Non-fee simple multi-family development opportunities that are properly zoned shall be gated and follow the design guidelines of the Holly Springs Parkway District, 19.7.

**19.11 West Residential District Requirements.** Building standards and guidelines for the West Residential District adapt patterns found in traditional communities to modern needs and construction methods. They seek to reintroduce building types and architectural elements which made traditional American towns and neighborhoods convenient and attractive. In order to re-establish walk able streets, the standards and guidelines provide for a Pedestrian-Oriented traditional neighborhood design. New commercial development and redevelopment within the West Residential District is intended to be characterized by attractive storefronts, benches, sidewalks, street lamps, and landscaping, with structures situated closer to the street and parking relegated to the sides and rear. The West Residential District represents the most viable location in the City for detached and attached residential subdivisions with allowance for neighborhood commercial opportunities.

The purpose and intent of these guidelines is to encourage the orderly development of open lands and redevelopment of existing parcels. They are not intended to be inflexible prescriptive requirements or to legislate architecture. They are intended to identify objectives and design standards which are important to the City. Alternative design concepts may be considered when in keeping with the purpose and intent of these guidelines.

Land that is subject to flooding, improper drainage or erosion or that is for topographical or other reasons unsuitable for development use shall not be platted for any use that will continue or increase the danger to health or safety, unless the hazards are first corrected.

Every project shall address itself to all applicable guidelines. Not all goals and objectives are relative to all projects; however, determination of the applicability of the goals and objectives herein shall be made by the City Zoning Administrator. Determination shall be made at the time of Plan review. Determination will be based upon the location of a project's impact on its context and the pedestrian.

**19.11-1 Streetscape Requirements for Residential Projects.** A Planting Area to include sidewalks shall be parallel to all external public streets designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

- (a) Planting area shall be a minimum of five feet wide adjacent to five-foot-wide sidewalk.
- (b) The area shall contain one Shade Tree/35 linear feet or one Ornamental Trees/25 linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical; however, the intent must be achieved and approved during Plan Review.
- (c) Electrical street lighting shall be installed in all subdivisions. The streetlights shall be of an approved decorative type and the monthly fee for such services shall be paid through the



homeowner's association. The developer shall also provide adequate lighting at street intersections, and dead-end streets including cul-de-sacs.

**19.11-2 Signs.** In addition to the requirements listed below for signs in the Residential District, Article 10 of this Ordinance should be consulted for the full range and application of sign regulations in Holly Springs:

- (a) **Entrance Signs** – Each subdivision entrance shall have an entrance sign that is a monument-type signs no greater than 15-feet in height. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood, or metal consistent with the architecture and exterior treatment of the buildings located on the immediate lots internal to the subdivision. If the sign is to have lighting, it shall be limited to the sign area only and cause no light pollution. Lighting of the sign shall not be of internal illumination but of spot indirect lighting.

**19.11-3 Architectural Design.** The design of new residential subdivision projects should provide a variety of styles and high-quality architecture. Architectural styles and shall comply with the following requirements:

*A. Façade and Roof*

- (a) Architecture within each residential area should reflect a common vocabulary of forms, details, and materials. New projects should create a pleasing variety of homes.
- (b) **Façade Composition.** New buildings should typically have generously overhanging eaves and recessed openings, which both protect a building's material from weather and reinforce pedestrian scale.
- (c) **Front Porch.** New homes should provide a minimum of 48 square feet of covered porch. To be usable, front porches need to have minimum depth of six feet clear. To provide pedestrian scale, porches should cover at least 20% of the street facing width of a house, inclusive of width of attached garages. For up to 25% of all units within a project, arbors, trellises, courtyards and similar landscape architectural features may substitute for porches at the front door if they have a minimum dimension of eight feet, if they are accompanied by fast-growing vines as specified in the landscape preferred palates. An additional 50% of all units within a project may be substituted with stoops that are at least 16 square feet and constructed with material such as brick or stone. The brick or stone base should be carried along the entire frontage of the unit.
- (d) **Windows.** To provide "eyes on the street" surveillance, the largest window or group of windows of at least one of the following rooms should view the street: living room, dining room, family room or kitchen.
- (e) **Model Variety.** Houses with identical building elevations shall not be located on adjacent lots or directly across the street from each other. Street should not have more than two single-family homes within 1000' which have no difference in at least two of the following:

building mass, porch design, window pattern, roof form, or other major architectural features.

- (f) Roof forms should be consistent on all parts of the house and garage. All roofs should have a similar pitch.

#### *B. Materials*

- (a) **Quality & Consistency.** All facades should receive high-quality and properly installed materials, finishes and detailing. Construction material, finishes and detailing should incorporate glass and brick, stone, architectural block, stucco, and wood, with combining these finishes both allowed and encouraged. The use of vinyl and masonite should be limited and pre-approved by the Building Department. Information on the type of material must be included with the site plan at time of plan review.
- (b) **Material Changes.** To retain a sense of solidity, the consistent use of materials on all elevations is encouraged.
- (c) **Windows.** To create facades with rich shadow lines and a substantial appearance, window openings should be trimmed or glazing should be inset.
- (d) **Compatible (not duplicate) color schemes** shall be provided for homes on adjacent lots. Color schemes for the development should be submitted for review at the time of plan review.

**19.11-4 Utilities.** New development should underground new utilities, as well as existing utilities of 26kV or less that are on site or along the project's frontage.

**19.11-5 Common Space and Maintenance.** Where open space is required, it shall not be divided into increments that are less than one acre. Protective deed covenants shall be established to provide for the perpetual maintenance, security, and continuation of open and common area unless dedicated to the City.

Landscaped open space shall be provided by the developer in accordance with an approved landscape plan that meets the minimum requirements of the "Tree Preservation and Landscaping" Ordinance within the City of Holly Springs Code of Ordinances.

Open space shall not consist of required buffer area, streets, parking lots, driveways, loading areas, sidewalks located in the public right-of-way (except as may be internal to a dedicated park), and area normally inaccessible to pedestrian circulation.

Open space shall also not consist of unimproved or vacant land that does not provide any natural or man-made amenity. This restriction shall include but not be limited to abandoned or overgrown lawn area, scrub land or urban fields, eroded areas or areas of exposed soil, or other land area that, in the opinion of the Planning Commission or their designee, does not have any functional or aesthetic use as open space.

**19.11-6** *Storm water Detention and Sewer Facilities.* Where such facilities are required, protective deed covenants shall be established to provide for the perpetual maintenance, security, and of facilities unless the City or Water & Sewer Authority expressly choose to accept the dedication of such facilities.

Such facilities must be fenced using at a minimum 6' wooden opaque fence along the entire perimeter with a landscape package along all sides that are visible from the road or a single-family dwelling and provide an adequate gate with a locking mechanism to allow for ingress/egress of heavy machinery.

**19.11-6** *Non-Residential Development.* Neighborhood commercial opportunities that are properly zoned shall follow the guidelines and intent of the Hickory Road District.

**19.11.7** *Multi-Family Development.* Non-fee simple multi-family development opportunities that are properly zoned shall be gated and follow the design guidelines of the Holly Springs Parkway District, 19.7.

**19.12: Harmony on the Lakes Neighborhood Preservation District<sup>106</sup>**

**19.12-1 Purpose and findings:** The City of Holly Springs has many unique and distinctive residential neighborhoods, commercial districts, planned subdivisions, and mixed-use developments that contribute significantly to the overall character and identity of the community. As a master planned and mixed-use development, the Harmony on the Lakes at Holly Springs Master Plan Development is no exception. Developed by The Macauley Companies, Inc., beginning in 2003, this comprehensive development has distinct neighborhoods, amenities, villages, and commercial areas. Therefore, the City of Holly Springs Harmony on the Lakes Neighborhood Preservation District (“the overlay district”) is hereby created.

This development is worthy of preservation and protection, because of the architectural, cultural, and economic significance to the City of Holly Springs, Cherokee County, and the State of Georgia. As a matter of public policy, the City of Holly Springs aims to preserve, protect, and perpetuate the master plan set forth for the Harmony on the Lakes Subdivision, by the Macauley Companies, Inc. and characterized by the publication dated July 21, 2004, on file with the City of Holly Springs, Georgia.

In addition, the purposes of the Harmony on the Lakes Neighborhood Preservation District include:

- (a) Protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
- (b) Promote and provide for economic stability;
- (c) Protect and enhance the livability of the community;
- (d) Continue to perpetuate the master plan to protect the built environment and areas yet to be constructed;
- (e) Reduce conflict and prevent blighting caused by incompatible and insensitive development, and promote new compatible development;
- (f) Ensure the consistency of the development and established community;
- (g) Stabilize property values;
- (h) Provide residents and property owners with a planning tool for future development;
- (i) Encourage and strengthen civic pride;
- (j) Ensure harmonious, orderly, and efficient growth.

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<sup>106</sup> Amended by City Council with text amendment, 08/04/2008

**19.12-2** *Zoning Compliance, Covenants, and Consistency:* The underlying property developed into the Harmony on the Lakes at Holly Springs Master Plan Development was rezoned by the Mayor and City Council on February 18, 2003, with Zoning Case# MA-02-03; and included a maximum of 1,250 residential homes as well as the commercial villages component. The case rezoned +/- 540 acres, to Planned Development Residential (PDR) with the mixed-use overlay (MXD-II), attaching 39 stipulations of zoning.

Subsequently, on July 21, 2003, the Mayor and City Council rezoned +/- 118 acres to PDR-MXD-II, with Zoning Case# MA-07-03, attaching 29 stipulations of zoning. This property, which became known as “The Reserve” development, with a maximum of 273 detached residential units, was integrated into the Harmony on the Lakes at Holly Springs Master Plan Development. The overall density of Harmony on the Lakes is 2.31 units/acre.

The regulations set forth with this overlay district are intended to supplement the underlying zoning districts and stipulations approved for the Harmony on the Lakes at Holly Springs Master Plan Development. Where conflicts arise between codes or previously adopted ordinances, the regulations set forth by this district shall govern.

Additionally, the Harmony on the Lakes at Holly Springs Master Plan Development is governed by a “Declaration of Covenants, Conditions, and Restrictions,” (“covenants”) recorded October 28, 2004; accompanied by “Design Guidelines,” effective September 1, 2004. Nothing herein is intended to contradict the covenants, design guidelines, sections, and subsections therein, as the covenants are privately enforced and regulated. In the unusual event that a regulatory conflict ever arises between the overlay district and the covenants, the most restrictive standard shall govern.

**19.12-3** *Master Plan Implementation:* With 1,523 residential units approved and commercial opportunities available on Highway 140 and Hickory Road, construction began in 2003 to make the Harmony on the Lakes at Holly Springs Master Plan Development a reality. In addition to *The Macauley Companies*, developers and builders including *Patrick Malloy Communities*, *Landon*, *Sharp Residential Builders*, *Pulte*, *Haven*, *Westminster*, and more, began to develop pods, sections, and neighborhoods within the Harmony on the Lakes Subdivision, making the master plan a reality. These areas were uniquely designed and constructed, becoming distinctive and eclectic neighborhoods, evolving their very own respective character and personality.

These unique areas and neighborhoods of the Harmony on the Lakes at Holly Springs Master Plan Development and depicted in Figure 19.12-A include:

- (a) North Commercial Village
- (b) North Village
- (c) The Reserve
- (d) West Grove
- (e) Parkside
- (f) The Palisades
- (g) Grandview
- (h) The Peninsula

- (i) The Glen
- (j) The Enclave
- (k) The Meadows
- (l) Garden Row
- (m) South Village
- (n) South Commercial Village
- (o) Lake and Clubhouse, Amenities, and Greenspace

**19.12-4** *Design Consistency Requirements:* The Harmony on the Lakes at Holly Springs Master Plan Development has many neighborhoods and sections that are entirely complete and exist as “as built” environments. Still other areas are under development or are yet to be developed or constructed. As Harmony on the Lakes continues to develop or should areas redevelop, require renovation, or replacement in the future, the underlying zoning requirements and the Harmony on the Lakes Neighborhood Preservation District shall govern the development and design, from the City Council adoption date of August 4, 2008 forward. Areas, features, and components of neighborhoods, villages, and sections referred to as “already in existence,” or “already constructed,” or “consistent with established standards,” or similar language, shall be refer to and be linked to this official adoption date by City Council.

**19.12-5** *Design Consistency Requirements by Area or Neighborhood:* Each area or neighborhood within the Harmony on the Lakes at Holly Springs Master Plan Development is unique and must be preserved and protected. This overlay district seeks to perpetuate the master plan for each respective section or neighborhood for the present and future.

**19.12-5.1** *North Commercial Village:* This area of Harmony on the Lakes was the first entrance into the development and includes a critical commercial component, with retail, service, and governmental uses. Public spaces and sidewalk network are also essential elements of this section. As a village, this area may include commercial along with residential uses, in accordance with the underlying zoning. The boundaries of the North Commercial Village Neighborhood are more specifically identified in Figure 19.12-A.

- (a) *Architectural style and details:* typically constructed with neo-traditional style features, with masonry materials, primarily brick and stone, as principal components. All structures constructed within this section shall remain consistent with the architecture of the commercial structures already completed.
- (b) *Building materials:* buildings constructed must utilize the same type of building materials included in the construction of the structures already in existence.
- (c) *Square footage requirement:* governed by the underlying zoning requirements. Residential units included as part of a mixed-use structure, shall be a minimum 1,200 sq. ft. heated space each.
- (d) *Lot size, coverage:* regulated by the underlying zoning district, in conjunction with recorded final plats.



- (e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (f) *Building orientation*: the structures constructed herein, should front public streets; or if appropriate, internal driveways and parking lots.
- (g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.
- (h) *Landscaping*: individual sites must be developed to remain consistent with the landscaping materials and design used in the adjacent commercial areas already in existence in the village.
- (i) *Residential component*: should a residential component be proposed for a site in this village, it must be part of a self contained and combined mixed-use structure (ex. lofts over commercial). No standalone residential structures are permitted in this village. Multi-family is not a permitted use.
- (j) *Commercial component*: commercial structures and uses are promoted and encouraged in this neighborhood, in compliance with the underlying zoning district; except for those areas otherwise reserved for governmental uses.
- (k) *Garages*: garages intended for private residential use are permitted, but no doors shall face or be visible on Highway 140; said garages shall be grouped together for residential use. Commercial garages and parking decks shall conform to established parking regulations.
- (l) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.
- (m) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the village.



**19.12-5.2 North Village:** Principally constructed by *Patrick Malloy Communities*, this neighborhood is designed as a traditional neighborhood development, complete with a grid street pattern and rear alley access. Private garages are accessed from the alleyways, with units fronting public streets; street parking areas are provided, as well. The boundaries the North Village Neighborhood are more specifically identified in Figure 19.12-A.



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- (a) *Architectural style and details*: detached houses typically constructed with neo-traditional and craftsman style features, with fiber cement siding as a principal component. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.
- (b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.

- (c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 2,173 to 2,733 sq. ft. of heated space. No unit shall be constructed with less than 1,400 sq. ft. heated space.
- (d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (f) *Building orientation, garage location*: North Village homes are typically rear-loaded with garages fronting alleyways. When a lot has frontage on an alleyway and public street, a house proposed for construction on said lot shall front the public street with the garage fronting the alleyway. Lots that do not have frontage on an alleyway are permitted to have garages facing a public street. All garages shall be minimum two (2) car capacity.
- (g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.
- (h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.
- (i) *Commercial component*: commercial structures and uses are permitted in this neighborhood, only on the platted commercial lots on the Harmony Lakes Drive round-a-bout, in compliance with the underlying zoning district; except for those areas otherwise reserved for governmental uses.
- (j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.
- (k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.



**19.12-5.3** *The Reserve*: Principally constructed by *Sharp Residential*, this neighborhood is designed as a suburban neighborhood, complete with curvilinear streets and cul-de-sacs and vehicular access from the front or side of structures onto public streets. The boundaries of The Reserve Neighborhood are more specifically identified in Figure 19.12-A.

- (a) *Architectural style and details*: detached houses typically constructed with masonry materials and fiber cement siding as principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.



(b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.



(c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 1,760 to 2,981 sq. ft. of heated space. No unit shall be constructed with less than 1,600 sq. ft. heated space.

Additionally, The Reserve is divided into phases and neighborhoods, which must also remain consistent with the amount of respective heated square footage already

established.



(d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.

(e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.

(f) *Building orientation, garage location*: Reserve homes are front or side loaded with driveways accessing public streets. All garages shall be minimum two (2) car capacity.

(g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.

(h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.

(i) *Commercial component*: commercial structures uses are prohibited in this neighborhood; except home based businesses as defined and regulated Article 3.

(j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.

(k) *General consistency*: as this delineated neighborhood and phases develop, redevelop, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.



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**19.12-5.4 West Grove**: Principally constructed by *Patrick Malloy Communities*, this neighborhood is designed as a suburban neighborhood, complete with cul-de-sacs and vehicular access from the front or side of structures onto public streets. The boundaries of the West Grove Neighborhood are more specifically identified in Figure 19.12-A.



(a) *Architectural style and details*: detached houses typically constructed with masonry materials and fiber cement siding as principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.

- (b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.
- (c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 2,916 to 3,531 sq. ft. of heated space. No unit shall be constructed with less than 2,500 sq. ft. heated space.
- (d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (f) *Building orientation, garage location*: West Grove homes are front or side loaded with driveways accessing public streets. All garages shall be minimum two (2) car capacity.
- (g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.
- (h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.
- (i) *Commercial component*: commercial structures and uses are prohibited in this neighborhood; except home-based businesses as defined and regulated in Article 3.
- (j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.
- (k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.

**19.12-5.5 Parkside**: Principally constructed by *Haven Homes* this neighborhood is designed as a suburban neighborhood, complete with cul-de-sacs, eyebrows, and vehicular access from the front or side of structures onto public streets. The boundaries of the Parkside Neighborhood are more specifically identified in Figure 19.12-A.



- (a) *Architectural style and details*: detached houses typically constructed with masonry materials and fiber cement siding as principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.
- (b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.
- (c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 3,067 to 4,001 sq. ft. of heated space. No unit shall be constructed with less than 3,000 sq. ft. heated space.
- (d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.

- (f) *Building orientation, garage location*: Parkside homes are front or side loaded with driveways accessing public streets. All garages shall be minimum two (2) car capacity.
- (g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.
- (h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.
- (i) *Commercial component*: commercial structures and uses are prohibited in this neighborhood; except home-based businesses as defined and regulated in Article 3.
- (j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.
- (k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.

**19.12-5.6** *The Palisades*: Principally constructed by *Westminster Homes* and *Baumeister*, this neighborhood is designed as a suburban neighborhood, complete with curvilinear streets, cul-de-sacs, eyebrows and vehicular access from the front or side of structures onto public streets.

The boundaries of The Palisades Neighborhood are more specifically identified in Figure 19.12-A.



- (a) *Architectural style and details*: detached houses typically constructed with masonry materials and fiber cement siding as principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.
- (b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.
- (c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 2,440 to 3,183 sq. ft. of heated space. No unit shall be constructed with less than 2,400 sq. ft. heated space.
- (d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.



- (f) *Building orientation, garage location*: Palisades homes are front or side loaded with driveways accessing public streets. All garages shall be minimum two (2) car capacity.
- (g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.
- (h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and

design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.

- (i) *Commercial component*: commercial structures and uses are prohibited in this neighborhood; except home-based businesses as defined and regulated in Article 3.
- (j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.
- (k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.

**19.12-5.7** *Grandview*: Principally constructed by *Sharp Residential*, this neighborhood is designed as a suburban neighborhood, complete with curvilinear streets, cul-de-sacs, and vehicular access from the front or side of structures onto public streets. The boundaries of the Grandview Neighborhood are more specifically identified in Figure 19.12-A.

- (a) *Architectural style and details*: detached houses typically constructed with masonry materials and fiber cement siding as principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.



- (b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.
- (c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 2,413 to 3,015 sq. ft. of heated space. No unit shall be constructed with less than 2,400 sq. ft. heated space.
- (d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (f) *Building orientation, garage location*: Grandview homes are front or side loaded with driveways accessing public streets. All garages shall be minimum two (2) car capacity.
- (g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.
- (h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.
- (i) *Commercial component*: commercial structures and uses are prohibited in this neighborhood; except home-based businesses as defined and regulated in Article 3.
- (j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.
- (k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.

**19.12-5.8** *The Peninsula*: Principally constructed by *Haven Homes*, this neighborhood is designed as a suburban neighborhood, complete with curvilinear streets, eyebrows, cul-de-sacs, and vehicular access from the front or side of structures onto public streets. The boundaries of The Peninsula Neighborhood are more specifically identified in Figure 19.12-A.

- (a) *Architectural style and details*: detached houses typically constructed with masonry materials and fiber cement siding as principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.
- (b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.
- (c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 2,950 to 5,101 sq. ft. of heated space. No unit shall be constructed with less than 2,900 sq. ft. heated space.
- (d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.
- (f) *Building orientation, garage location*: Peninsula homes are side loaded with driveways accessing public streets. No garage door is permitted to face a front yard. All garages shall be minimum two (2) car capacity.
- (g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.
- (h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.
- (i) *Commercial component*: commercial structures and uses are prohibited in this neighborhood; except home-based businesses as defined and regulated in Article 3.
- (j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.
- (k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.



**19.12-5.9 Lakeside:** Principally constructed by *Patrick Malloy Communities*, this neighborhood is designed as a traditional neighborhood development, complete with a grid street pattern and rear alley access. Private garages are accessed from the alleyways, with units fronting public streets; street parking areas are provided, as well. *Lakeside* is situated on the north shore overlooking Lake Harmony. The boundaries of the Lakeside Neighborhood are more specifically identified in Figure 19.12-A.



(a) *Architectural style and details:* detached houses typically constructed with neo-traditional and craftsman style features, with fiber cement siding as a principal component. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.

(b) *Building materials:* units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.

(c) *Square footage requirement:* each unit in this neighborhood is typically constructed with 1,452 to 2,809 sq. ft. of heated space. No unit shall be constructed with less than 1,400 sq. ft. heated space.

(d) *Lot size, coverage:* regulated by the underlying zoning district, in conjunction with recorded final plats.

(e) *Front and side yard setbacks:* regulated by the underlying zoning district, in conjunction with recorded final plats.

(f) *Building orientation, garage location:* Lakeside homes are typically rear-loaded with garages fronting alleyways. When a lot has frontage on an alleyway and public street, a house proposed for construction on said lot shall front the public street with the garage fronting the alleyway. Lots that do not have frontage on an alleyway are permitted to have garages facing a public street. All garages shall be minimum two (2) car capacity.

(g) *Driveways, curbs, and sidewalks:* shall be constructed consistent with established standards in the neighborhood.

(h) *Landscaping:* individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.

(i) *Commercial component:* commercial structures and uses are prohibited in this neighborhood; except home based businesses as defined and regulated in Article 3.

(j) *Public spaces:* Established public spaces and pocket parks shall be maintained and preserved.



(k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.



**19.12-5.10** *The Harmony on the Lakes Southside*: Principally constructed by *Pulte Homes*, the *Harmony on the Lakes Southside* is comprised of three neighborhoods: *The Enclave*, *The Glen*, and *The Meadows*. These three neighborhoods are designed as suburban neighborhoods, complete with curvilinear streets, eyebrows, cul-de-sacs, and vehicular access from the front or side of structures onto public streets. The boundaries of *The Enclave*, *The Glen*, and *The Meadows* are more specifically identified in Figure 19.12-A.

(a) *Architectural style and details*: detached houses typically constructed with masonry materials and fiber cement siding as principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed.

(b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.

(c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 2,007 to 3,083 sq. ft. of heated space. No unit shall be constructed with less than 1,600 sq. ft. heated space.

(d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.



(e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.

(f) *Building orientation, garage location*: homes in *The Enclave*, *Glen*, and *Meadows* are front or side loaded with driveways accessing public streets. All garages shall be minimum two (2) car capacity.

(g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.

(h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.

(i) *Commercial component*: commercial structures and uses are prohibited in this neighborhood; except home-based businesses as defined and regulated in Article 3.



(j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.

(k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.



**19.12-5.11** *Garden Row*: Principally constructed by *Macallan Residential*, this neighborhood is designed as a traditional neighborhood development, with row or town houses, complete with a grid street pattern and rear alley access. Private garages are accessed from the alleyways, with units fronting public streets; street parking areas are provided, as well. The boundary of the Garden Row Neighborhood is more specifically identified in Figure 19.12-A.



(a) *Architectural style and details*: attached row housing units, typically constructed with neo-traditional features, with masonry and fiber cement siding as a principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed. Detached units are permitted, however, multi-family is not a permitted use.

(b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.

(c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 1,559 to 1,702 sq. ft. of heated space. No unit shall be constructed with less than 1,400 sq. ft. heated space.

(d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.



(e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.

(f) *Building orientation, garage location*: Garden Row homes are typically rear-loaded with garages fronting alleyways. When a lot has frontage on an alleyway and public street, a house proposed for construction on said lot shall front the public street with the garage fronting the alleyway. Lots that do not have frontage on an alleyway are permitted to have garages facing a public street. All garages shall be minimum two (2) car capacity.



lot  
are

(g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.

(h) *Landscaping*: individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood units already in existence in the neighborhood.

(i) *Commercial component*: commercial structures and uses are prohibited in this neighborhood; except home-based businesses as defined and regulated in Article 3.

(j) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.

(k) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.

**19.12-5.12** *South Village*: Principally constructed by *Macallan Residential*, this neighborhood is designed as a traditional neighborhood development, complete with a grid street pattern and rear alley access. Public spaces and sidewalk network are also essential elements of this section. Private garages are accessed from the alleyways, with units fronting public streets; street parking areas are provided, as well. The boundaries of the South Village Neighborhood is more specifically identified in Figure 19.12-A.

(a) *Architectural style and details*: detached housing units, typically constructed with neo-traditional features, masonry materials, and fiber cement siding as principal components. All structures constructed within this neighborhood shall remain consistent with the architecture of the houses already completed. Multi-family is not a permitted use.



(b) *Building materials*: units constructed must remain consistent with the building materials used in the construction of the neighborhood houses already in existence.



(c) *Square footage requirement*: each unit in this neighborhood is typically constructed with 2,573 to 2,702 sq. ft. of heated space. No unit shall be constructed with less than 2,500 sq. ft. heated space.

(d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.

- (e) *Front and side yard setbacks:* regulated by the underlying zoning district, in conjunction with recorded final plats.
- (f) *Building orientation, garage location:* South Village homes are typically rear-loaded with garages fronting alleyways. When a lot has frontage on an alleyway and public street, a house proposed for construction on said lot shall front the public street with the garage fronting the alleyway. Lots that do not have frontage on an alleyway are permitted to have garages facing a public street. All garages shall be minimum two (2) car capacity.



- (g) *Driveways, curbs, and sidewalks:* shall be constructed consistent with established standards in the neighborhood.



- (h) *Landscaping:* individual lot sites must be developed to remain consistent with the landscaping materials and design used in the adjacent lots of the neighborhood houses already in existence in the neighborhood.

- (i) *Commercial component:* commercial structures and uses are prohibited in this neighborhood; except home-based businesses as defined and

regulated in Article 3.

- (j) *Public spaces:* Established public spaces and pocket parks shall be maintained and preserved.
- (k) *General consistency:* as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.



**19.12-5.13** *South Commercial Village:* This area of Harmony on the Lakes was the second entrance established into the development, intersecting with Hickory Road and will include a critical commercial component, with retail, service, and neighborhood commercial uses. The public spaces and sidewalk network are also essential elements of this section. As a village, this area may include commercial along with residential uses, in accordance with the underlying zoning district. The boundaries of the South Commercial Village Neighborhood are more specifically identified in Figure 19.12-A.

(a) *Architectural style and details*: typically constructed with masonry materials, primarily brick and stone, as principal components. All structures constructed within this section shall remain consistent with the architecture of the commercial structures constructed at the North Commercial Village, integrated with the character of the South Village

(b) *Building materials*: buildings constructed must remain consistent with the building materials used in the construction of the structures at the North Commercial Village, integrated with the character of the South Village.

(c) *Square footage requirement*: governed by the underlying zoning requirements. Residential units included as part of a mixed-use structure, shall be a minimum 1,200 sq. ft. heated space.



(d) *Lot size, coverage*: regulated by the underlying zoning district, in conjunction with recorded final plats.

(e) *Front and side yard setbacks*: regulated by the underlying zoning district, in conjunction with recorded final plats.

(f) *Building orientation*: the structures constructed herein, should front public streets.

(g) *Driveways, curbs, and sidewalks*: shall be constructed consistent with established standards in the neighborhood.



(h) *Landscaping*: individual sites must be developed to remain consistent with the landscaping materials and design used in the adjacent commercial areas already in existence in the village.

(i) *Residential component*: should a residential component be proposed for a site in this village, it must be part of a self-contained and combined mixed-use structure (ex. lofts over commercial). No standalone residential structures are permitted in this village. Multi-family is not a permitted use.

(j) *Commercial component*: commercial structures and uses are promoted and encouraged in this neighborhood, in compliance with the underlying zoning district.

(k) *Garages*: garages intended for private residential use are permitted, but no doors shall face or be visible on Hickory Road; said garages shall be grouped together for residential use. Commercial garages and parking decks shall conform to established parking regulations.

(l) *Public spaces*: Established public spaces and pocket parks shall be maintained and preserved.

(m) *General consistency*: as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction.

**19.12-5.14 Lake and Clubhouse, Amenities, and Greenspace:**

Harmony on the Lakes at Holly Springs is a community, master planned with amenities and greenspace for the enjoyment of the residents therein. Included in these amenities are three separate and distinct lakes, walking trails network, pocket parks, playgrounds, pools, tennis, and a clubhouse complete with meeting rooms, fitness center, and a terraced “great lawn.” The boundaries of the Lake and Clubhouse (Lake Harmony) are more specifically identified in Figure 19.12-A. Many of the amenities and greenspaces, however, are spread throughout the development, as identified in various development plans and final plats.



- (a) *Public spaces:* Established public spaces and pocket parks shall be maintained and preserved.
- (b) *Residential component:* No residential uses are permitted in this neighborhood.
- (c) *Commercial component:* Commercial uses are discouraged in this neighborhood. Only the Harmony on the Lakes designated homeowner’s association shall determine the structures or commercial uses established within this neighborhood.
- (d) *General consistency:* as this delineated neighborhood develops, redevelops, or should structures or features require maintenance and/or replacement, the general character and style must remain consistent with the theme and standards set forth from initial construction in the neighborhood.

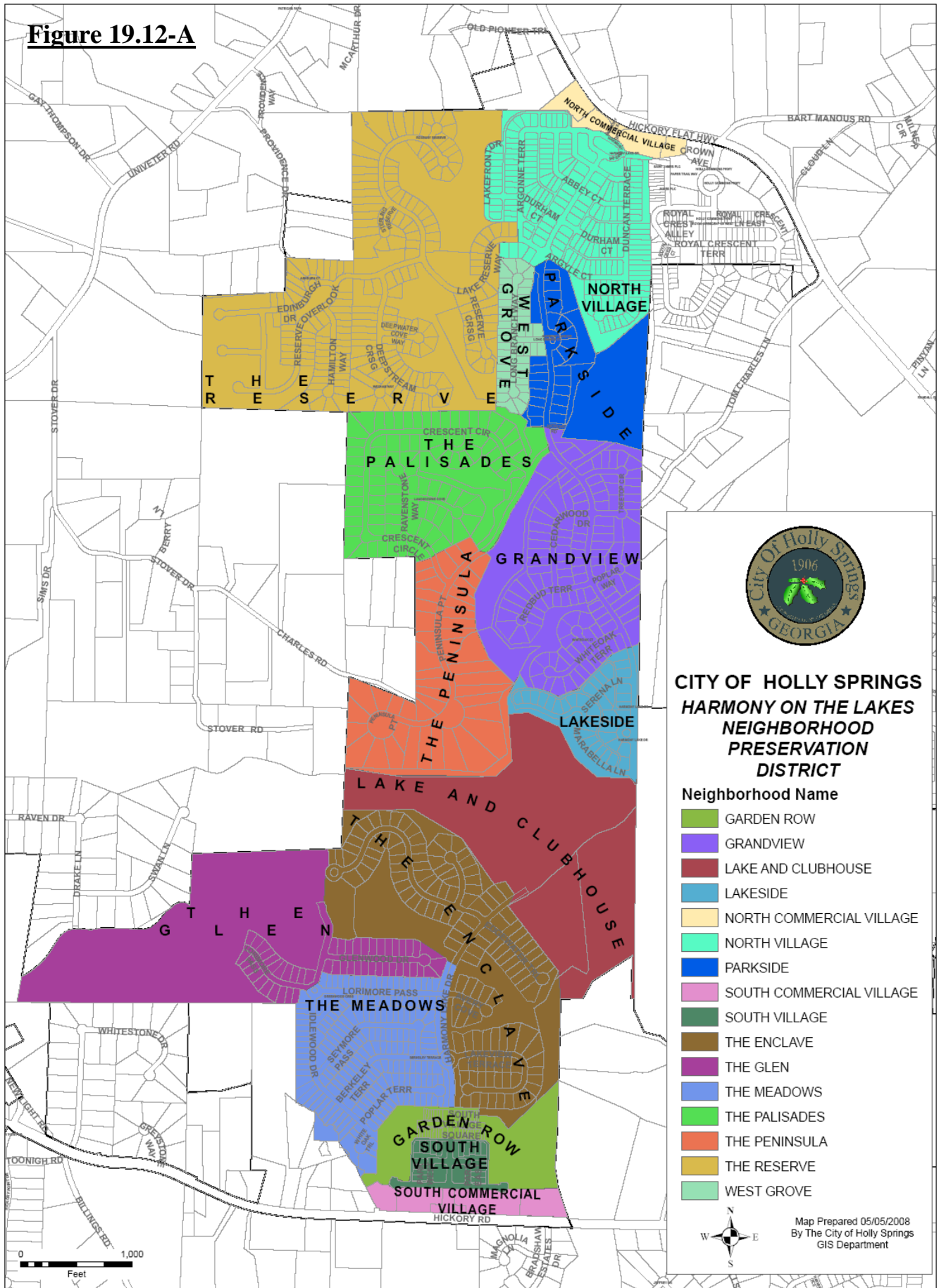


**19.12-6 Development and Site Planning:** shall conform to the established and adopted City of Holly Springs zoning and development regulations. Additionally, the City of Holly Springs reserves the right to require an individual site plan for each lot proposed for construction in Harmony on the Lakes.

Development and site planning in the Harmony on the Lakes at Holly Springs Subdivision, shall remain consistent with the established built environment, at the time of adoption of this ordinance, August 4, 2008.

**19.12-7 Appeals:** See Section 19.5-4, Article 19.

**Figure 19.12-A**



## **ARTICLE 20: MIXED USE DEVELOPMENT DISTRICTS**

### **20.0 General Purpose and Description**

The overall purpose of the MXD, Mixed Use Overlay District, is to allow and encourage flexibility and creativity in the design and development of comprehensively planned, mixed-use centers that would not be possible under conventional zoning districts. It is intended that this zone provide a more adaptable approach to the comprehensive design and development of mixed-use centers than the procedures and regulations applicable under the various conventional zoning categories and other planned development zones. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent City policies in a manner and to a degree more closely compatible with said City plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

1. To encourage residential uses in conjunction with commercial and other compatible activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic.
2. Residential, commercial, and other non-residential uses shall be provided in such a manner as to be co-dependent, functionally integrated, and complementary of each other rather than random, non-integrated, and non-associative elements.
3. To encourage orderly, staged development of large-scale, comprehensively planned mixed-use developments by providing procedures for the submission of a concept plan for an entire site and subsequent development plans for each stage of development, as identified on the concept plan.
4. To provide, where appropriate, higher density residential uses integrated into the overall mixed-use development.
5. To assure compatibility of the proposed land uses with surrounding uses by incorporating higher standards of project and site planning than could be accomplished under conventional zoning categories.
6. To strengthen the City's economic base and to provide proximate linkages between employment opportunities and housing.
7. To encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial and/or industrial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation, and social activity. It is also intended that open space and amenities be located so as to achieve the physical and aesthetic integration of the uses and activities within each development. In addition, structured parking within mixed-use planned developments is encouraged to help achieve the open space and amenities objectives of the zone. Where surface parking is

necessary, the purposes of this zone may be achieved by the provision of additional landscaping.

8. To encourage and provide for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and industrial areas and public facilities.
9. To promote development that is compatible and complementary in design to the traditional style of building in the City of Holly Springs and that establishes a pedestrian oriented development.
10. To encourage and provide for efficient use of energy resources.
11. To promote the adaptive reuse of older structures for the purpose of stabilizing and improving property values, to encourage neighborhood conservation, to foster civic pride in the beauty and accomplishments of the past; to protect and enhance the City's attractions to tourists and visitors, to strengthen and help diversify the economy of the City, and to promote the use of historical-cultural landmarks for education, pleasure and welfare of the community.

**This overlay zone may be approved upon findings that the application is proper for the comprehensive and systematic development of the City, is capable of accomplishing the purposes of this zone, and is compatible with the comprehensive plan and the applicable specific plan. In order to enable the City Council to evaluate the accomplishment of the purposes set forth herein, a specific set of plans, submitted in accordance with applicable site plan review and approval procedures, is required for each MXD district application, and the City Council is empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone. The MXD district overlay regulations supplement the regulations of the underlying zoning district classification. The Zoning Map shall reflect the designation of a Mixed-Use Overlay District by the letters "MXD" as a suffix to the underlying zoning district classification.**

#### **20.01 Types of MXD Districts**

The following types of mixed-use development districts are authorized by this Ordinance:

1.     MXD-1           Urban Mixed-Use Development District
2.     MXD-2           Planned Mixed-Use Development District

#### **20.02 Location and Siting of MXD Districts**

1.     Land with existing structures located within the Holly Springs Parkway, Historic and Hickory Road zoning districts meeting all the purpose requirements set forth in 20.010 is eligible for MXD-1 overlay.

2. MXD districts are most appropriately located in developed urban areas or in areas of transition between less and more intense land uses where they can serve as a buffer between such land uses.

**20.03 Designing an MXD District**

The design of an MXD district is a creative exercise that requires the designer to select from an array of components available to assemble the district. Essentially, the underlying zoning forms the basic building block of the district. For each underlying zoning category, there are a number of land use components which the designer may add to the underlying use to form a mixed-use development. Mixed-use districts differ from conventional zoning districts in that they are designed to be located in unique, unusual, or already developed areas or encompass development schemes that differ markedly from conventional development. As such, the Planning Commission shall be provided greater discretion in influencing the project in terms of bulk, permitted uses, layout, and other aspects of the development.

**20.04 Permitted and Prohibited Uses**

The permitted uses in the MXD district shall be determined by the underlying zoning district plus a specific amount of the uses specified below. All uses permitted in the underlying zone are also permitted when that zone designation is overlain with a MXD designation unless specifically prohibited below.

1. MXD-1 Districts
  - a. GC (General Commercial) and Town Center District - Base Zone

<b>Table 20.04 GC &amp; Town Center District Base Zone Use Groups</b>	
<b>Permitted Uses</b>	<b>Minimum/Maximum Component</b>
All General Commercial permitted uses (except additional residential uses)	Twenty (20) percent minimum; Seventy-five (75) percent maximum
Neighborhood Commercial Uses	Five (5) percent minimum
Multi-Family Residential--multi-family residential may be permitted on any floor, provided that the requirements of 20.110 subsection 2. are met, but no commercial use may be permitted above a residential use. All other GC residential requirements shall be met.	Seventy (70) percent maximum
Arts and cultural facility uses including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Seventy (70) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments, etc.	Ten (10) percent maximum



Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Public parks, playgrounds, gardens, greenspaces	Ten (10) percent minimum
<b>Prohibited Uses</b>	<b>Minimum/Maximum Component</b>
Ambulance service	n/a
All industrial or heavy commercial uses (heavy commercial determined by Zoning Administrator)	n/a
Funeral homes and crematoriums	n/a
Laboratories	n/a
Automobile repair and maintenance	n/a
Wholesaling, warehousing, and storage	n/a
Outside storage	n/a
Any use not specifically listed as a permitted use above	n/a

b. LT (Light Industrial District) Base Zone

<b>Table 20.04 ILT Base Zone Use Groups</b>	
<b>Permitted Uses</b>	<b>Minimum/Maximum Component</b>
ILT or CBD permitted uses (except additional residential uses)	Twenty-five (25) percent minimum; Seventy (70) percent maximum
Neighborhood commercial uses	Five (5) percent minimum
Multi-family Residential in loft configurations, above storefronts, or in separate structures on the same lot. Storefront residences must meet all of the provisions of the CBD residential requirements and 20.110, subsection 2.	Forty (40) percent maximum
Arts and cultural facility uses including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Twenty-five (25) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments	Ten (10) percent maximum
Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Churches and other houses of worship	Ten (10) percent maximum
Public parks, playgrounds, gardens, greenspaces	Five (10) percent minimum
<b>Prohibited Uses</b>	<b>Minimum/Maximum Component</b>
All heavy or very heavy industrial uses	n/a
Ambulance service	n/a

Outside storage	n/a
Any use not specifically listed as a permitted or conditional use above shall not be permitted	n/a

2. MXD-2 Zoning District

a. PDR/ (Planned Development—Residential) Base Zone

<b>Table 20.04 PDR/RU-7 Base Zone Use Groups</b>	
<b>Permitted Use</b>	<b>Minimum/Maximum Component</b>
PDR Permitted Uses (see below for exceptions and modifications)	Fifty (50) percent minimum; Seventy (70) percent maximum
Neighborhood Commercial Uses.	Five (5) percent minimum Twenty-five (25) percent maximum
Multi-Family Residential--multi-family residential may be permitted on any floor, provided that the requirements of 20.110 subsection 2. are met, but no commercial use may be permitted above a residential use. All other GC residential requirements shall be met.	Ten (10) percent maximum
Townhouses	Twenty-five (25) percent maximum
Two-family homes provided that there is a single main entrance and that the units are stacked rather than side-by-side to emulate a single-family residence.	Ten (10) percent maximum
Arts and cultural facility uses listed under 33.080, 4.305 including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Seventy (70) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments	Ten (10) percent maximum
Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Churches and other houses of worship	Ten (10) percent maximum
Public parks, playgrounds, gardens, greenspaces	Fifteen (15) percent minimum
<b>Prohibited Uses</b>	<b>Minimum/Maximum Component</b>
Funeral homes and crematoriums	n/a
All industrial or heavy commercial uses	n/a
Wholesaling, warehousing, and storage	n/a
Ambulance service	n/a
Automobile repair and maintenance	n/a

Outside storage	n/a
Any use not specifically listed as a permitted or conditional use above shall not be permitted	n/a

b. (Urban PDC Neighborhood Commercial) Base Zone

<b>Table 20.04 PDC/CUN/CGN Base Zone Use Groups</b>	
<b>Permitted Use</b>	<b>Minimum/Maximum Component</b>
All PDC, permitted uses (except additional residential uses)	Forty (40) percent minimum
Additional neighborhood commercial uses	Five (5) percent minimum
Multi-family residential which may be permitted on any floor, provided that the requirements of 20.110 subsection 2. are met and that no commercial use may be permitted above a residential use.	Forty (40) percent maximum
Arts and cultural facility uses including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Seventy (70) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments	Ten (10) percent maximum
Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Churches and other houses of worship	
Public parks, playgrounds, gardens, greenspaces	Twenty (20) percent minimum
<b>Prohibited Uses</b>	<b>Minimum/Maximum Component</b>
Filling stations	n/a
Funeral homes and crematoriums	n/a
Laboratories	n/a
Wholesaling, warehousing, and storage	n/a
Ambulance service	n/a
Automobile repair and maintenance	n/a
Outside storage	n/a
Any use not specifically listed as a permitted or conditional use above shall not be permitted	n/a

**20.05 Accessory Buildings and Structures**

The accessory buildings and structures permitted in the underlying zoning district shall also be those permitted in a MXD development.

**20.06 Signs**

The sign regulations in the underlying zoning district shall also apply to a MXD development in that zone.

**20.07 Dimensional Requirements**

Dimensional regulations in a MXD District are set forth on the following page in Table 20.07:

<b>Table 20.07 Dimensional Requirements for MXD Districts</b>		
<b>Project Dimensional Requirements</b>		
<b>Dimension</b>	<b>MXD-1 Districts</b>	<b>MXD-2 Districts</b>
<b>Minimum total tract size:</b>	None if located within Town Center District Ten (10) if outside of Town Center District	No land shall be classified as an MXD-2 zone unless it contains a minimum of ten (10) acres. Expansion of existing MXD zones may be made in no less than one (1) acre increments.
<b>District perimeter:</b>	Minimum yard (and buffer requirements, if applicable) of the zoning district wherein the MXD-1 development is located shall be applied along all perimeter property lines of the entire property containing the development. All other district regulations which relate to yard areas, to areas between buildings and streets, or to lot lines shall be applied only to the above yards, perimeter streets, and perimeter property lines of the entire project area.	Minimum yard (and buffer requirements, if applicable) of the zoning district wherein the MXD-2 development is located shall be applied along all perimeter property lines of the entire property containing the development. All other district regulations which relate to yard areas, to areas between buildings and streets, or to lot lines shall be applied only to the above yards, perimeter streets, and perimeter property lines of the entire project area.
<b>Permitted underlying zoning:</b>	MXD-1 districts may be established as overlay zones in conjunction with GC and LT zoning districts.	MXD-2 districts may be established as overlay zones in conjunction with PDR, and PDC zoning districts.
<b>Minimum open space:</b>	Fifteen (15) Percent	Fifteen (15) Percent
<b>Maximum density:</b>	For mixed residential/non-residential: Base-0.75/Maximum-3.00  For projects with an industrial component:  Base 0.60/Maximum 2.00	For mixed residential/non-residential:  Base-0.75/Maximum-2.00

<b>Maximum impervious surface:</b>	Ninety (90) percent	Ninety (90) percent
<b>Individual Lot Dimensional Requirements</b>		
<b>Minimum lot size:</b>	<p>Residential</p> <p>The minimum lot sizes and individual lot lines for townhouses and multi-family housing in the zoning district in which the MXD-1 development is located may be waived, as well as the requirements that each structure be placed on a separate lot provide either common ownership of the development or sale of the units are based on condominium or cooperative ownership</p> <p>Non-Residential</p> <p>Variable and based on underlying zoning.</p>	<p>Residential</p> <p>The minimum lot sizes and individual lot lines for townhouses and multi-family housing in the zoning district in which the MXD-2 development is located may be waived, as well as the requirements that each structure be placed on a separate lot provide either common ownership of the development or sale of the units are based on condominium or cooperative ownership</p> <p>Non-Residential</p> <p>Variable and based on underlying zoning.</p>
<b>Maximum lot size:</b>	No Maximum	No Maximum
<b>Setback requirements:</b>	<p>Variable and based on underlying zoning. The yard setback requirements of the zoning district in which the MXD-1 is located may be modified (except along the exterior boundaries of the development) based on modifications to required lot size. A 1:1 reduction in yard setback requirements may be permitted based on a reduction in lot size, but in no case shall a given setback be less than provided for as follows:</p> <p>Front Yard 15 Feet  Side Yard 10 Feet Between Buildings  Street Side 20 Feet  Rear Yard 20 Feet</p> <p>One exception is where the MXD is proposed for existing structures that are part of a historical downtown or street grid pattern of development or new or infill development of the same. Such</p>	<p>Variable and based on underlying zoning. The yard setback requirements of the zoning district in which the MXD-2 is located may be modified (except along the exterior boundaries of the development) based on modifications to required lot size. A 1:1 reduction in yard setback requirements may be permitted based on a reduction in lot size, but in no case shall a given setback be less than provided for as follows:</p> <p>Front Yard 15 Feet  Side Yard 10 Feet Between Buildings  Street Side 20 Feet  Rear Yard 20 Feet</p> <p>One exception is where the MXD is proposed for existing structures that are part of a historical downtown or street grid pattern of development or new or infill development of the same. Such setbacks shall be evaluated on a case-by-case basis.</p>

	setbacks shall be evaluated on a case-by-case basis.	
<b>Minimum building line width</b>	Variable and based on underlying zoning. The building line width requirements of the zoning district in which the MXD-1 development is located may be modified (except along the exterior boundaries of the development) based on modifications to required lot size. A 1:1 reduction in building line width requirements may be permitted based on a reduction in lot size, but in no case shall a given width be less than 30 feet.	Variable and based on underlying zoning. The building line width requirements of the zoning district in which the MXD-2 development is located may be modified (except along the exterior boundaries of the development) based on modifications to required lot size. A 1:1 reduction in building line width requirements may be permitted based on a reduction in lot size, but in no case shall a given width be less than 30 feet.
<b>Minimum lot depth</b>	100 Feet	100 Feet
<b>Maximum length/width ratio:</b>	Maximum 4:1	Maximum 4:1
<b>Principal building height:</b>	Forty-five (45) feet—one exception is where the MXD is proposed for existing structures that are part of a historical downtown or street grid pattern of development or infill development of the same. Such heights shall be evaluated on a case-by-case basis.	Thirty-five (35) feet
<b>Accessory building height:</b>	Fourteen (14) feet	Fourteen (14) feet
<b>Maximum floor area ratio:</b>	For mixed residential/non-residential: Base-0.70/Maximum-1.25  For projects with an industrial component:  Base 0.60/Maximum 1.10	For mixed residential/non-residential:  Base-0.50/Maximum-1.00
<b>Minimum landscaped area:</b>	Five (5) percent	Five (5) percent
<b>Maximum paved area:</b>	Fifteen (15) percent	Fifteen (15) percent
<b>Maximum building coverage:</b>	Seventy-five (75) percent	Seventy-five (75) percent

## **20.08 Infrastructure Requirements**

All lots in MXD districts must meet the following infrastructure requirements:

1. Water—Public water is required
2. Wastewater—Public sewer is required
3. Roads/Streets—All interior streets and roads must meet the requirements for such facilities for the City of Holly Springs. The city requires interior streets and sidewalks through the development that connect to existing street and sidewalk infrastructure. Approved development plans containing new public roads, road extensions, or other similar infrastructure shall be provided according to the approved plan. Deviation from plans shall require a revised development plan.
4. Sidewalks—Sidewalks are required on all perimeter roads and streets. An internal sidewalk or path system must be provided. If the residential density of the project is greater than four (4) units per acre, sidewalks must be provided along the sides of all streets except residential cul-de-sacs of two hundred (200) feet length or less. Sidewalks along exclusively residential frontages must be a minimum of four (4) feet in width and separated from the curb by a minimum three (3) foot tree lawn. Except that a sidewalk of seven (7) feet in width may be provided in lieu of a tree lawn provided that street trees are planted in planter beds spaced at no greater than thirty (30) feet on center. Sidewalks in non-residential areas and in mixed residential/non-residential areas shall be a minimum of six (6) feet in width with a three (3) foot tree lawn. No tree lawn is required if a minimum eight (8) foot sidewalk is provided. If the residential density is less than four (4) units per acre, a walking path may be provided that shall link all land uses in the development. Such a path must be a minimum of four (4) feet in width and may be constructed out of Portland cement, bituminous asphalt, or pea gravel provided that the path be framed with boxboards to a depth of ten (10) inches.
5. Parking—The parking requirements shall be derived from the proposed uses making up the concept plan. Each use shall determine its share of required parking. Moreover, spaces calculated for residential units, office condominiums, and other permanent spaces shall be physically separated and dedicated exclusively for that use. Parking decks are recommended but not required. A shared parking plan prepared by a certified traffic or transportation planning consultant may be submitted which indicates a shared parking formula and supporting information. Up to twenty percent (20%) of total combined required parking may be waived with an approved plan.

## **20.09 Requirements for Public Facilities and Utilities**

1. Public Facilities—A mixed use planned development should conform to the facilities recommended for the site by the approved and adopted comprehensive or specific plan, including and granting such easements or making such dedications to the public as may be shown thereon or as shall be deemed necessary to ensure the compatibility of the development with the surrounding area and to assure the ability of the area to accommodate the uses proposed by the application.

2. Utilities—All utility lines in a MXD development shall be placed underground except that adaptive reuse developments may have this provision waived upon a finding by City staff that such requirement would require the replacement or relocation of existing lines. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided in the subdivision regulations. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.

## **20.10 Additional Development Requirements**

### 1. General Requirements

- a. Single Ownership and Design—MXD developments must be built as a single integrated design entity. The project must be under single ownership or control when the project receives final approval. Should any part of the project be designed for ownership transfer, this shall be so stated in the application. The management plan for the development shall include language that ties subsequent owners of any part of the development to belong to a management entity overseeing the entire site.
- b. Mixed Uses in Same Structure—Within the district, there shall be no restriction on combining different categories of use within the same building other than those imposed by the building code or other federal, state, or local regulations.
- c. Location of Parking—Unless physically impossible, all parking for MXD developments shall be located to the rear, a mixture of side and rear, or underground.
- d. Illumination of Parking—All parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the MXD development nor to uses adjacent or nearby the MXD development.
- e. Fences and Walls--MXD developments are expected to become part of the fabric of the city rather than be isolated and fenced in. However, fences and walls may be established with the following provisions:
  - 1) All non-residential uses must be accessible to the public via public sidewalks and/or streets during operational hours.
  - 2) Fencing adjacent to public right-of way or property shall consist of wrought iron or decorative steel or aluminum fencing. wood fencing may be used along side or rear property lines adjacent to private property. Razor wire or barbed wire is not permitted.
  - 3) Walls may be erected out of brick, stone, stucco, or tile. Cinder block or unfinished concrete walls are not permitted.



- 4) Fences or walls may be erected up to six (6) feet high along public right-of-way or property except that only four (4) feet shall be wall and opaque with the remainder decorative iron or aluminum fencing allowing visual exchange between the two sides of the wall. Fences or walls may be erected up to ten (10) feet high along private property.

## 2. Non-Residential Performance Development Requirements

- a. Location of Commercial Uses—General commercial and service uses shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district, and visitors. Commercial uses shall be located as to be uninterrupted by residential, office, or other non-commercial uses. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include an arcade, interior mall, or in the lobby of a building containing other allowable uses. Strip commercial with front parking is prohibited.
- b. Common Walls—Common walls between residential and non-residential uses should be constructed so as to minimize the transmission of noise and vibration. Such common walls shall meet minimum standards for firewalls as required by the City of Holly Springs.
- c. Nuisances—No commercial use shall be designed or operated so as to expose residents to offensive odors, dust, electrical interference, and or vibration.
- d. Limitation of Hours and Activity—Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic and late-night activity. In addition, no amplified music shall be audible to neighboring residents.
- e. Outdoor Lighting—All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units nor shall such lighting blink, flash, oscillate, or be of unusual brightness or intensity.
- f. Storage of Refuse – Commercial units shall maintain a separate refuse storage container form that used by residential uses. It shall be clearly marked for commercial use only and use by residential tenants is prohibited Refuse storage containers shall be screened on all sides with a latch able gate. Screening material shall be of the same finishing material predominantly used on the principal building. Commercial refuse containers shall be screened by and attractive fence or wall at least six (6) feet in height.

## 3. Relation to Residentially Developed Property Lying Outside of MXD-2 District

The sides, rear or front of a lot developed for retail sales and services or multi-family dwellings shall not abut property lying outside the MXD-2 district that has been developed with single-family dwellings.

#### 4. Compatibility Standards

All uses shall conform to the purposes of the MXD district and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed MXD development. In order to assist in accomplishing such external compatibility, the following requirements shall apply:

- a. No buildings other than single-family detached dwellings shall be constructed within fifty (50) feet of adjoining property that is developed with single-family detached dwellings unless the Planning Commission finds that topographical or development features permit a lesser setback. However, in no case shall the setback be less than thirty-five (35) feet.
- b. No building shall be constructed to a height greater than its distance from any adjoining property designated for residential use on development plan, unless the Planning Commission finds that approval of a waiver of this requirement will not adversely affect the adjacent property.

#### 5. Minimum Landscaping Requirements

Minimum standards for landscaping in MXD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed-use development together.

- a. A landscape plan meeting the requirements of the "Tree Preservation and Landscaping" Ordinance within the City of Holly Springs Code of Ordinances must be submitted as part of the preliminary development plan. This can be a separate plan or may be integrated with the improvements plan required as part of the preliminary plan submittal. If the project is phased, only the first phase will be required to be provided in detail, but calculations and proposed plant materials and treatments must be provided for the entire development.
- b. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.
- c. All interior and perimeter roads and streets shall provide street trees allowed by the City of Holly Springs's Plant Palate. Such trees shall be planted no more than twenty (20) feet apart along all street frontages.

- d. All boulevards shall provide attractive, low maintenance plantings in the center islands and be grassed throughout the remainder of the islands.
- e. Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.
- f. A minimum of five percent (5%) of the project site shall be landscaped.

6. Open Space Requirements

Common open space is an important element in a mixed-use development serving to provide resting and gathering places, recreation areas, aesthetic complements, stormwater percolation areas, and other purposes. Open space for the purpose of the MXD district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public. Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness. Open space shall include parks, commons, plazas, community green or lawn, landscaped areas, decorative plantings, formal or informal garden, pedestrian walkways or paths, active and passive recreation areas including playgrounds and swimming pools. MXD zones must, at a minimum, provide fifteen percent (15%) of the site in open space distributed according to the following:

<b>Table 20.10</b>	
<b>MXD Minimum Open Space Requirements</b>	
<b>Use Group</b>	<b>Required Open Space (number of sq. ft. of open space required for each 100 sq. ft. of gross floor area in the use group)</b>
Residential Uses	20
Office Uses	12
Retail and Commercial Service Uses	10
Other Uses	8

- a. Open space may not consist of required buffer area, streets, parking lots, driveways, loading areas, sidewalks located in the public right-of-way (except as may be internal to a dedicated park), and area normally inaccessible to pedestrian circulation.
- b. No more than fifty percent (50%) of required open space may be landscaped area.

- c. Not more than fifty percent (50%) of required open space may lie in a floodplain, groundwater recharge area, wetland, area of steep slopes greater than percent [15%], or other undevelopable or sensitive area.
- d. Landscaped open space shall be provided by the developer in accordance with an approved landscape plan which meets the minimum requirements of this and other applicable Ordinances.
- e. Either a minimum of one-third (1/3) of required common open space shall be dedicated to the City as public parkland provided that:
  - 1) Such lands identified for dedication are found acceptable to the City related to size, shape, topography, maintenance requirements, or other factor affecting the suitability of the land as public parkland or open space.
  - 2) Dedication may be in one (1) or more parcels conveniently located to the residents of the development; or
  - 3) One-third of required open space shall be public open space accessible to the general public for a minimum of fifty (50) hours per week between the hours of 6 a.m. and 10 p.m.
- f. Open space may not consist of unimproved or vacant land that does not provide any natural or man-made amenity. This shall include but not be limited to abandoned or overgrown lawn area, scrub land or urban fields, eroded areas or areas of exposed soil, or other land area that, in the opinion of the Planning Commission or their designee, does not have any functional or aesthetic use as open space.
- g. Open space shall be set aside and improved no later than the date on which certificates of occupancy are issued for the first two-thirds (2/3) of the total number of residential units to be constructed as part of the project. If residential uses will not be a part of the project, such open space shall be set aside no later than the date on which certificates of occupancy are issued for the first seventy-five percent (75%) of commercial space to be leased or sold as part of the project.
- h. All common open space required under this Section shall either be conveyed to the City of Holly Springs as a city park if the City agrees to accept such space, or it shall be conveyed to a homeowners association, merchants association, or other association so created for the purpose of maintaining common area within the project area.

## 7. Reduction of Required Open Space

### a. Adjacent Open Space

The minimum amount of open space required for an MXD development may be reduced by a maximum of fifty percent (50%) if the MXD site bounds, along at least

one property line for a minimum of one hundred (100) feet, public open space including a park, playground, plaza, garden, or other open space available for and accessible to public use for recreation, relaxation, walking, etc.

b. Open Space Substitutions

Pedestrian and bicycle amenities may substitute for required open space in the following manner:

- 1) Dedicated bike path connected to existing or planned bike route
- 2) Open pedestrian bridge
- 3) Raised pedestrian deck
- 4) Enclosed pedestrian bridge
- 5) Elevated pedestrian bridge
- 6) Shopping or through block arcade

Each amenity may be substituted in a 1:1 ratio related to square feet up to fifty (50) percent of required open space.

8. Compatibility With Surrounding Public Infrastructure

MXD developments must provide public infrastructure improvements that are compatible in design and function to those of surrounding and adjacent properties. Improvements such as sidewalks, street lighting, trash receptacles, street furniture, and other public elements shall be compatible unless this provision is waived by the Planning Commission based on a conclusion that the proposed improvements are a clear improvement over the existing adjacent infrastructure or public elements.

9. General Private Deed Covenants

The entire MXD district shall be included within private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and developments.

10. Street Frontage Requirement

In an MXD development, the street frontage requirements for townhouses or mixed-family dwellings may be waived.

Compliance with these requirements shall not, in and of itself, be deemed to create a presumption of compatibility.

## **20.11 Application Procedures and Requirements**

### 1. Sketch Plan

Applicants are encouraged but not required to submit a sketch plan which provides a general concept of the project expected to be submitted. There are no specific requirements for a sketch plan because this step is provided solely for the benefit of the applicant to get an initial review and response to the project by staff. The level of detail is low because the applicant is seeking a general reaction to the concept and does not need to spend large amounts of money on detailed engineering drawings. However, it would be useful for the sketch plan to indicate land use distribution, open space, circulation systems, a summary of residential and non-residential density, and other major elements. A sketch plan may be submitted at any time and a meeting with staff may be arranged as needed.

### 2. Concept Plan

The applicants shall submit a concept plan for the proposed development which shall consist of a professionally designed schematic plan indicating the layout of the development. Two (2) complete sets of the concept plan shall be submitted to the Planning and Zoning Department on an 18" x 24" plat plus one (1) copy of each graphic in 8½" x 11" format. This plan shall contain the following elements:

- a. Identify the boundary of the property;
- b. Provide a delineation of phases (if applicable);
- c. indicate proposed land uses including square footage or acreage and percentage of each component;
- d. indicate the density of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for non-residential components as well as the overall density of the project for each land use component. This initial density report shall contain those elements on which density is based including:
  - 1) Overall site area (all figures in acres and square feet)
  - 2) Overall buildable area (excluding wetlands, floodplain, steep slopes, etc.)
  - 3) Overall unbuildable area (the area of land excluded in b.)
  - 4) Density exclusions (open space, pedestrian walkways)
  - 5) Proposed project density by land use type
  - 6) Proposed phase density by land use type
  - 7) Phasing schedule;
- e. show a proposed vehicular and pedestrian circulation plan including entrances and exits;

- f. show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, and other natural features;
- g. show where proposed open space will be provided by type of open space—landscaped area, community green, plaza, formal or informal garden, natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project;
- h. indicate location of landscaping and buffers; and
- i. show the location of existing and proposed buildings as well as adjacent buildings and land uses.

In addition, the applicant shall provide a cover letter requesting review of the concept plan that shall include a written narrative describing how the proposed project meets the purposes of the MXD zone as provided in Chapter 20, 20.010 within this Ordinance. The concept plan shall be reviewed by staff within five (5) business days of submittal. At this time, staff will contact the applicant to arrange for an informal meeting with the applicant to discuss potential issues including areas of non-conformity. Staff, upon review of the plan and subsequent to the meeting with the applicant, will officially determine whether the concept meets the intent of the zone as provided in Chapter 20, 20.010 within this Ordinance and provides the required elements. If the concept does not meet with the intent of this Section or lacks required elements, staff may reject the concept plan. However, should the plan meet the intent of this Section and contain the required elements, staff will accept the concept plan and provide the applicant with suggestions for changes and modifications, if any, that will prepare the applicant for the submittal of the rezoning application and development plan. While the applicant may request more than one concept plan review, at least one review is mandatory.

**APPENDIX A**<sup>107</sup>

**ADDITIONAL REGULATIONS FOR ZONING DISTRICTS**

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<sup>107</sup> **Editor's Note:** Appendix A contains Articles 6 & 7 of the Cherokee County Zoning Ordinance, now and as amended. Refer to Article 5 of the Holly Springs Zoning Ordinance. Adopted by Mayor and Council, May 21, 2007.



## **Article 6 – Zoning Districts and Boundaries**

### **6.1 Establishment of Districts.**

In order to carry out the intent and purpose of this resolution, Cherokee County is hereby divided into the following districts:

AG	General Agricultural District
R-80	Estate Residential District
R-60	Single-Family Residential
R-40	Single-Family Residential
R-30	Single-Family Residential
R-20	Single-Family Residential
R-15	Single-Family Residential
RD-3	Single-Family Residential
RZL	Single-Family Residential
RA	Single-Family Attached Residential District
RTH	Townhouse Residential District
RM-10	Multi-Family Residential District
RM-16	Multi-Family Residential District
OI	Office/Institutional District
CP	Corporate Park District
NC	Neighborhood Commercial District
GC	General Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
TND	Traditional Neighborhood Development

(Ord. No. 2011-Z-001, 03-01-11)

**6.2 Zoning District Map.** The boundaries of Zoning district are shown on the map designated as the “Zoning District Map”. The Zoning District Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the zoning district map and all the notations, references, and other information shown thereon were fully set forth and described herein, which zoning district map is properly attested and is on file with the Clerk of Cherokee County or otherwise safeguarded by the County.

6.2-1 Where the Zoning District Map is not available upon adoption of this Ordinance, or has not been fully amended to reflect the new zoning designations, the current zoning pursuant to the 1969 Ordinance, as amended, shall remain in effect and the zoning regulations for the nearest equivalent of that zoning to the districts set out herein shall apply.

Interpretations of the zoning designations shall be by the Zoning Board of Appeals.

## Zoning Equivalent to 1969 Ordinance Provisions:

1992 Resolution1969 Ordinance as amended:

AG	AG
AG	AR
R-80	RE
R-40	R-1A & R-1 (one acre)
R-30	None
R-20	R-1 (one-half, 1 & 5 acre)
R-15	R-1 with sewer
RD-3	None
RZL	None
RA	R-2 (one-half & 1 acre)
RTH	None
RM-10	R-2 (one-half & 1 acre)
RM-16	None
OI	None
NC	CN
GC	GC
HC	None
OD	None
LI	M-1
HI	M-2
PUD	CD
PID	None
TND	None

(Ord. No. 2007-Z-002, 08-07-07)

**6.3 District Boundaries.** All streets, alleys and railroad right-of-ways; if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets and railroad right-of-way. Where the center line of a street, alley or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line. In all other cases, the district boundary lines shall be determined by use of the scale appearing on the Zoning District Map. Wherever any uncertainty exists as to the boundary line of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

6.3-1 Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

6.3-2 Where as lot held in one (1) ownership and of record, at the effective day of this Ordinance, is divided by a district boundary line, said lot shall remain presently zoned and unaffected by said division.

## **Article 7 – District Uses and Regulations**

### **7.1 Purpose.**

7.1-1 General Agricultural District (AG). The purpose of this district is to maintain the integrity of agricultural activities predominate in the rural area of Cherokee County. Within the district, the subdivision of land for suburban development is discouraged, while agriculture and livestock production are strongly encouraged in order to maintain the rural character of these areas. On-site sales should be limited to live animals, plants and produce that have been raised on the property, unless this Ordinance specifically provides for limited related commercial activities for particular uses. (Ord. No. 2018-O-003, 04/03/2018)

7.1-2 Estate Residential District (R-80, R-60). The purpose of this district is to permit residential development in those areas that are expected to become more nearly urban in character. The areas involved are generally in transition from agricultural to residential development and are considered appropriate for low density residential development. Limited agricultural uses, such as crop production and animal husbandry, on tracts of 5 acres or more are also compatible with this district.

7.1-3 Single-Family Residential Districts (R-40, R-30). The purpose of these residential districts is to enable residential development of a low density urban character. The regulations are designed to permit and encourage residential development in areas where urbanization is taking place. Limited agricultural uses, such as crop production and animal husbandry, on tracts of 5 acres or more are also compatible with this district.

7.1-4 Single-Family Residential Districts (R-20). The purpose of this residential district is to permit and encourage development of medium density single-family residential uses in a moderately spacious surrounding. The R-20 development district shall be served with an approved community water system.

7.1-5 Single-Family Residential (R-15, RD-3, RZL). The purpose of these residential districts is to permit and encourage development of high density single family residential uses in a moderately spacious surrounding. These development districts shall be served with an approved community water system and a central sewerage system.

7.1-6 Single-Family Attached Residential Districts (RA, RTH). The purpose of this district is to provide for intermediate housing types and densities between single-family detached and multi-family dwellings. Such development may include duplexes, triplexes, quadruplexes or townhouses to be located in the urban portion or suburban portion of the county where apartment buildings would not be compatible. Innovative design with cluster development is encouraged. Such development districts are intended to be served with central sewerage system except for lot sizes exceeding 20,000 square feet.

7.1-7 Multi-Family Residential District (RM-10, RM-16). The purpose of the residential districts is to permit development of high density multi-family residential dwellings. These zoning districts are to be located where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets or major thoroughfares. The use of these districts can be developed as a transition zone between residential districts and commercial districts.

7.1-8 Traditional Neighborhood Development (TND). Traditional Neighborhood Development is a floating district which may be located within any residential district if it meets all the standards for a Traditional Neighborhood Development. The purpose of this district is to encourage flexible and innovative design in site planning and building arrangements under a unified plan of development regulation instead of standard zoning regulation. Traditional Neighborhood Developments shall be planned as integral units and may be residential, commercial or a combination of land uses. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The community benefits from efficient use of land, preservation of natural amenities and environmental sensitive areas and lower development and housing costs. Review and approval of the development plan provides the opportunity to assure that the development will be in harmony with the character of the neighborhood in which it is located.

7.1-9 Office/Institutional District (OI). The purpose of this district is to provide a location for office, institutional, medical and educational development. Limited related retail business and service activities may be permitted but not involved with storage and processing.

7.1-10 Corporate Park District (CP). The purpose of this district is to provide for suitable areas for developments that are primarily for offices for businesses, professional services, and sales activities with a limited amount of retail uses within master-planned developments or parks. This district should be accessible to an arterial. An overall concept plan is required within this zoning district in order to guide each development. (Ord. 2011-Z-001, 03-01-11)

7.1-11 Neighborhood Commercial District (NC). The purpose of this district is to provide for limited retail activities, commercial sales, personal services and professional offices to serve the general need of a residential neighborhood. Development of commercial uses is regulated for compatibility with the surrounding residential areas. Districts are located to create commercial centers or clusters and to discourage commercial strip development. In addition, these uses shall have a maximum allowed floor space of 10,000 square feet per acre of total building floor space. (Ord. 2006-Z-006, 06-06-06)

7.1-12 General Commercial District (GC). The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial sales and service activities which generally serve a wide area. The permitted uses are generally located along the major thoroughfares of the county. Activities with limited storage may be permitted. Districts are located to create centers or concentrations of commercial activities and to discourage commercial strip development.

7.1-13 Light Industrial District (LI). The purpose of this district is to provide suitable areas for industrial development but whose proximity to residential or commercial districts makes it desirable to limit the intensity of industrial operations and processes. This district limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors, with the exception of limited amounts of outdoor storage which shall be screened and situated in a side or rear yard. The district should be accessible to a major arterial or State Highway. Permitted uses are restricted to those which are not characterized by smoke, dust, fumes, gas, heat, glare, fire hazards, noise, vibrations and other nuisances. (Ord. 2011-Z-001, 03-01-11)

7.1-14 Heavy Industrial District (HI). The purpose of this district is to provide suitable areas for industrial operations and processes conducted both indoors and outdoors. Due to the intensity of these uses, the district should be located on or have ready access to a major arterial or State Highway and separated from residential areas by significant natural barriers and/or buffers. (Ord. 2011-Z-001, 03-01-11)

## **7.2 Development Standards.**

The requirements regarding lot size, building site and building placement on the lot for each zone district shall be met as indicated in Section 7.3 Application of Standards, Table 7.1; Minimum District Development Standards and additional requirements listed in Section 7.4.

## **7.3 Application of Standards.**

7.3-1 Lots of Record. Any lot or record which is legal at the time of the adoption or amendment of this Ordinance, that has an area or width that is less than required by this Ordinance, may be used, subject to the following exceptions and modifications.

- a. Individual Lot Not Meeting Minimum Lot Size Requirements. Except as set forth in Section 7.3-1a, in any Zoning District in which one-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of this Ordinance which has an area, width or depth less than that required by this Ordinance may be used as a building site for a one-family dwelling.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width one-family dwelling, the Zoning Board of Appeals is hereby authorized to grant a variance reducing the side-yard requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five (5) feet in width.

7.3-2 *Lot Area*. No lot shall be reduced in size so that lot width or depth, size of yards, lot area per family or any other requirement of this Ordinance is not maintained. This limitation shall not apply:

- a. When a portion of a lot is acquired for a public purpose.
- b. To dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
- c. To rental units in a hotel, motel, motor lodge, tourist home or to rooms in a rooming or boarding house.

7.3-3 *Corner Lots*. The minimum yard requirements for corner lots with multiple road frontages shall not be less than the minimum front yard requirements for such lots as specified for each district. Such yards shall be classified as required front yards.

7.3-4 *Through Lots*. On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance.

*7.3-5 Double Frontage Corner Lot.* On lots having frontage on more than two (2) streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two (2) of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of Section 7.3-3.

*7.3-6 Density.* No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

- a. House greater number of families per acre or occupy a smaller lot area per family than are herein required.
- b. Have narrower or smaller front, rear or side yards than are herein required.

*7.3-7 Yards and Other Spaces.*

- a. No part of a yard of the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with the regulations of this Ordinance shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided herein.
- b. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
- c. Where these regulations refer to side streets, the Zoning Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street.
- d. Every part of a required yard (except rear yards) shall be open to the sky, except as authorized by this article and excepting ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed twenty-four (24) inches into a required yard.

*7.3-8 Front Yards.*

- a. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- b. Platforms or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front or side yard not more than six (6) feet. Unenclosed porches shall be considered part of the main structure.
- c. Within the same block and zoning district, when twenty-five percent (25%) or more of the existing buildings which are located within two hundred (200) feet of each side of a lot have less than the minimum required setback, the setback of such lot should not exceed the average of the existing setbacks.

### 7.3-9 *Side Yards.*

- a. For the purpose of the side yard regulations, a group of business or commercial building separated by common or party walls shall be considered as one building occupying one lot.

7.3-10 *Rear Yards.* Open or lattice-enclosed fire escapes, outside stairways, balconies opening up on fire towers and the ordinary projections of chimneys and flues, may project into the required, but only where the same are so placed as not to obstruct light and ventilation.

## 7.4 Development Standards Additional Requirements.

### 7.4-1 *Single-Family Residential (R-15)*

- a. Development in district R-15 shall be served with public or private central sewerage.

#### 7.4-1.1 *Single-Family Residential (RD-3)*

- a. Intent:

The RD-3 district shall be designed around the Public Realm. The area between the front of house on one side of a street and the front of the house on the other side of the street comprise a public space, or the Public Realm. This area is differentiated from the private space located in the backyards of the homes. Generally, homeowners concern themselves with the “street presence” of their home. Yards are neatly trimmed, landscaping is installed, and decorations adorn the front face of the house so as to be seen by the neighbors. The Public Realm is the area in a neighborhood where residents engage one another. The design of the Public Realm is focused on the experience of the pedestrian so the presence of automobiles should be minimized to enhance the community’s enjoyment of the public streetscape.

- b. Infrastructure:

Development in RD-3 district shall be served with public water and public or private central sewage.

- c. Documentation:

1. Zoning – A proposed site plan must be submitted to Planning and Zoning for review and comment prior to RD-3 rezoning request. Typical lot layouts with building footprints and elevations/renderings of the proposed housing product are also required. More information about specific requirements when requesting RD-3 zoning can be found in Article 18 of the Zoning Ordinance.
2. Development Plan – If property is already zoned RD-3, a preliminary technical review meeting is required with Development Review staff. At this time, actual lot layouts with building footprints, elevations/renderings and design palette of the final housing product are required for review and comment by staff.
3. Building Permit – A house location plan must be approved by Cherokee County prior to the issuance of a building permit for a RD-3 lot.

## d. Overall Site Constraints:

1. The minimum lot size of 7,500 square feet creates the opportunity for open space to be included in the design of the development. A minimum of thirty (30) percent of the property must be set aside as Open Space. Yield of no more than 3 units per acre.
2. The street network shall be designed and constructed as a series of interconnecting roads. The use of cul de sacs is strongly discouraged and only allowed if approved as a necessity by the County Engineer. Instead the use of loop lanes and crescents are encouraged as alternatives to the traditional cul de sac design.
3. There shall be an exterior building setback of 50 feet on the perimeter of the property being developed as an RD-3 development. Should the development abut an existing RD-3 development, the exterior building setback would be reduced to 25 feet if the two properties are not being developed as a single master planned development.
4. On street parking shall be provided for guests at the rate of 0.25 spaces per home.
5. At minimum, thirty (30) percent of the lots are required to be served by alley access.

## e. Required Open Space:

1. Open Space consists of a combination of Civic Spaces and Natural Areas. Typical Civic Spaces include Amenities, Greens, Commons, Pocket Parks and Courts. No more than fifty (50) percent of the total Open Space requirement can be met with Civic Spaces. The majority of Open Space is not allowed to be placed behind a small number of private lots. Stormwater detention ponds may not be used to meet Open Space requirements.
2. Civic Space shall be configured and distributed in such areas as to provide a central location for the majority of residents within the subdivision. Civic Space is required to be accessible by internal street network with at least forty (40) percent of the perimeter of a Civic Space fronting on a street. Crosswalks are required to be installed where necessary to provide safe passage to Civic Spaces. Civic Spaces are encouraged to provide a benefit to the residents (examples include: picnic area, playground, multi-purpose sports field, walking trail, community garden), where appropriate. A detailed landscape plan is required to be provided for each Civic Space.
3. Natural Areas should be configured to conserve and integrate the environmentally sensitive lands as a significant feature of the neighborhood design. Typical Natural areas include wetlands, floodplains, steep slopes, and wildlife habitat. The entirety of the Natural Areas should not consist of undisturbed buffers. The surrounding landscape should be considered in the design, and where possible the view into the property should be preserved. Access to each Natural Area shall be provided by road frontage or an access easement recorded on the final plat.

## f. Streetscape Design:

1. The minimum street section shall consist of the following elements in order (see Figure 7.4-1):
  - 5 foot sidewalk
  - 5 - 6 foot planting strip for trees and street lights



- 2 foot curb and gutter
  - (Two) 10 foot travel lanes
  - 2 foot curb and gutter
  - 5 – 6 foot planting strip for trees and lights
  - 5 foot sidewalk
2. The minimum alley section shall consist of the following elements in order (see Figure 7.4-2):
    - Utility easement
    - Drainage swale or curb and gutter
    - (One) 9 foot travel lane for one-way traffic or (two) 9 foot travel lanes for two-way traffic
    - Drainage swale or curb and gutter
    - Utility easement
  3. On-street parking may be provided with a dedicated lane of a minimum 7 foot width or as a bay of angled parking.
  4. Street trees are required to be located along the roads internal to the residential development. Trees should be planted within the planting strip and placed every thirty (30) to forty-five (45) feet. Trees should be placed to provide adequate sight distance at driveways and intersections.
  5. Lighting along the street should be installed at a pedestrian height (15 ft max.) instead of at a height for automobiles, unless expressly required by the County Engineer.
  6. Planning staff has the authority to modify required streetscape elements based on specific site conditions.

Figure 7.4-1 RD-3 Street Section

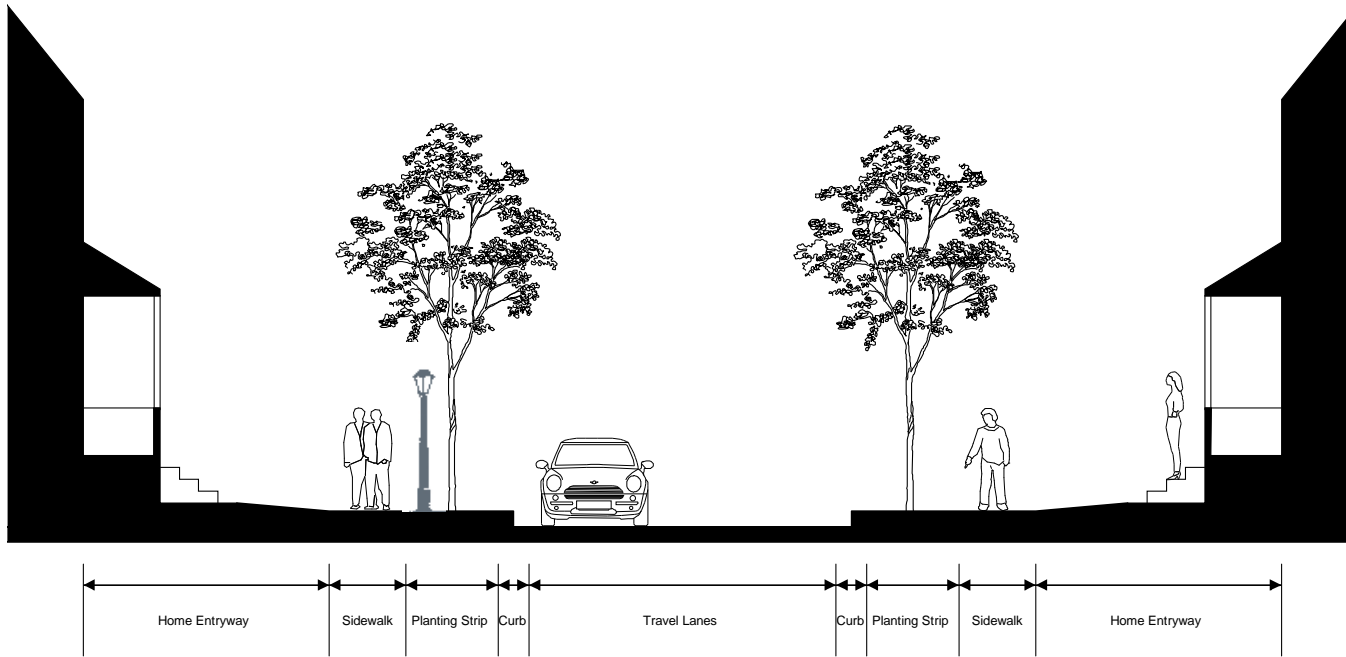
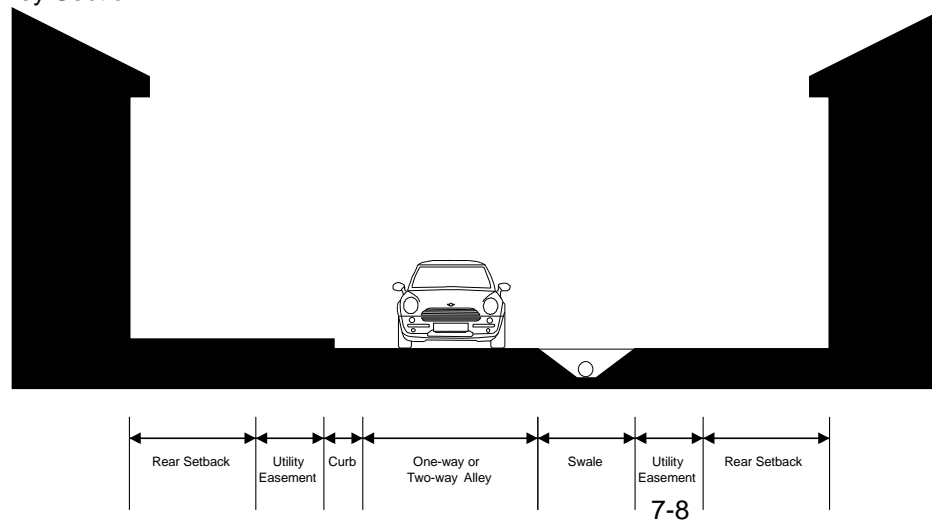
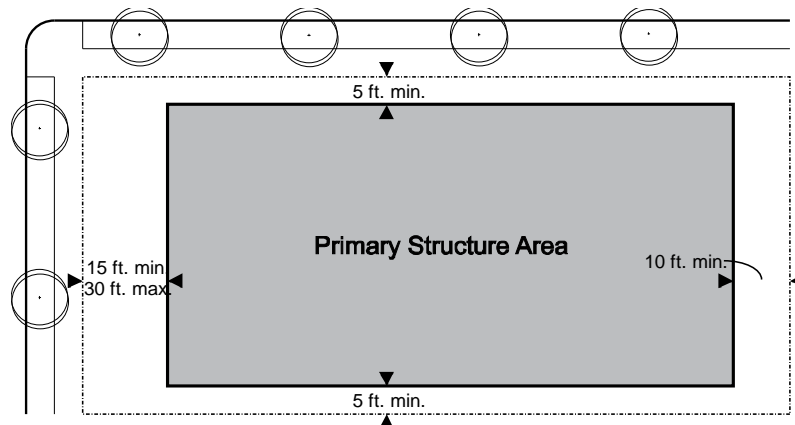


Figure 7.4-2 RD-3 Alley Section



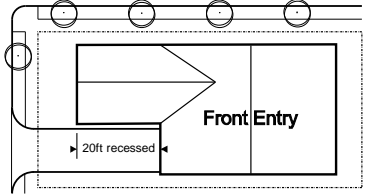
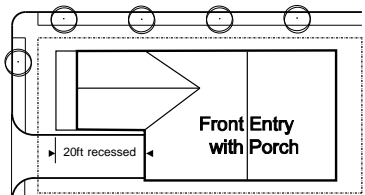
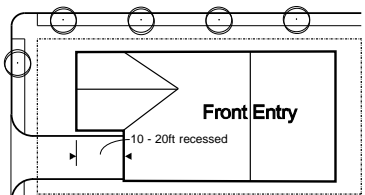
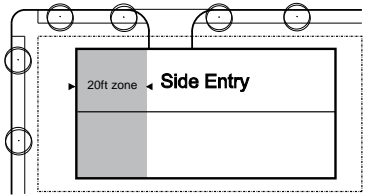
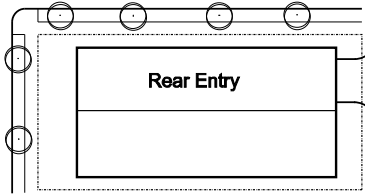
## g. Home Siting and Design:

1. Homes shall be located between 15 feet min. and 30 feet max. from the property line on the front, 5 feet min. on the side and 10 feet min. on the rear, unless perimeter setback applies. Corner lots in this zoning district shall have only one front yard with front setbacks parallel to the street upon which the lot has its least dimension.

**Figure 7.4-3: RD-3 Setbacks**

2. The Home Entryway for each home shall have 3 components:
  - A walkway directly from the sidewalk to the front door.
  - A semi-private outdoor space (ie., Porch, Patio, Garden, etc.) intended for interaction with the Public Realm with a minimum depth of eight (8) feet and a minimum width of twelve (12) feet.
  - Front door, which may not be recessed from the front plane of the home.
3. Porches are strongly encouraged. A minimum of fifty (50) percent of the homes are required to have covered front porches. Porches are permitted to encroach into the front setback area.
4. Garages shall be set back a distance of 20 feet from the front face of the primary residence, to avoid front elevations dominated by garages that are located closer to the front property line than the front of the primary structure. The “front face” of the primary residence is defined as the plane consisting of the majority of the front elevation of the structure. Modifications to the 20 foot requirement may be approved as follows:
  - a. Front Façade with a Covered Porch – 20 foot setback may be measured from the front edge of the porch.
  - b. Front Façade with architectural treatment of garage – garage setback may be reduced by up to 10 feet with the following architectural treatments for the garage doors:
    - i. Carriage-Style Doors
    - ii. Doors are painted to match the predominate color of the home.
  - c. Side Entry - Garages may not be located within 20ft of the Front Plane of the home.
  - d. Rear Entry – no requirements.

**Figure 7.4-4: Garage Locations**

<b>Front Entry Garages</b>	
 <p>20ft recessed</p> <p>Front Entry</p>	<p><u>Characteristics:</u></p> <ul style="list-style-type: none"> <li>- Garage door plane is recessed from the Front Plane of the home 20 feet or more.</li> <li>- No covered porch in front of home.</li> </ul> <p><u>Requirements:</u></p> <ul style="list-style-type: none"> <li>- Garage doors must be recessed a minimum of 20 feet from the Front Plane.</li> </ul>
 <p>20ft recessed</p> <p>Front Entry with Porch</p>	<p><u>Characteristics:</u></p> <ul style="list-style-type: none"> <li>- Garage door plane is recessed from the Front Plane of the home 12 feet min.</li> <li>- Projecting covered porch in front of home.</li> </ul> <p><u>Requirements:</u></p> <ul style="list-style-type: none"> <li>- Garage doors must be recessed a minimum of 20 feet from the front of covered porch.</li> </ul>
 <p>10 - 20ft recessed</p> <p>Front Entry</p>	<p><u>Characteristics:</u></p> <ul style="list-style-type: none"> <li>- Garage door plane is recessed from the Front Plane of the home 10 feet min.</li> </ul> <p><u>Requirements:</u></p> <ul style="list-style-type: none"> <li>- Garage doors must be recessed a minimum of 10 feet from the Front Plane.</li> <li>- Garage doors must be "Carriage-Style" doors (no standard raised panels are permitted).</li> <li>- Garage doors must be painted to match the predominate color of the home.</li> </ul>
<b>Side Entry Garages</b>	
 <p>20ft zone</p> <p>Side Entry</p>	<p><u>Characteristics:</u></p> <ul style="list-style-type: none"> <li>- Garage doors are on the side of the home.</li> <li>- Garage doors are not located forward of the Front Plane of the home.</li> </ul> <p><u>Requirements:</u></p> <ul style="list-style-type: none"> <li>- Garage door may not be located within 20ft of the Front Plane of the home.</li> </ul>
<b>Rear Entry Garages</b>	
 <p>Rear Entry</p>	<p><u>Characteristics:</u></p> <ul style="list-style-type: none"> <li>- Garage doors are on the rear of the home.</li> </ul> <p><u>Requirements:</u></p> <ul style="list-style-type: none"> <li>- None.</li> </ul>

5. Detached garages may be erected, but must meet all applicable yard setback requirements. Detached garages must be located a minimum of 20ft behind the Front Plane of the home.

6. There shall be a consistent design palette of building design elements details, exterior materials and colors for each RD-3 development to provide a cohesive look and feel throughout the neighborhood.

- a. Design Palette:

The Design Palette shall consist of 3 or more of the following items:

- Detailed or rendered elevations of with façade materials labeled
- Photos of proposed residential product with same floor plan
- Drawings of typical architectural details for cornices/soffits, windows, doors, porches, overhangs, etc.
- Paint samples of primary and accent colors
- Detailed list of exterior materials and proposed finishes

- b. Exterior Finish Materials:

The materials used on the exterior of the structures should reflect traditional residential materials, such as wood, brick, stone, stucco and cementitious siding (such as “Hardi-Plank”™). The use of vinyl and aluminum siding is expressly prohibited.

- c. The design of the facades shall vary such that adjacent homes will not be the same.

(Ord. No. 2009-Z-003, 10-06-09)

#### 7.4-2 Zero-Lot Line Residential (RZL)

- a. Prior to development, a conceptual site plan is required to show the locations of all buildings, uses, fences, property lines, landscaping, open spaces, parking areas and uses and any other features deemed appropriate by the County Commission. Site plan shall be prepared in accordance to requirements as indicated in Section 7.5.
- b. A development with rear garages can reduce the front yard to twenty-five (25) feet for a yard which faces an interior street provided that the combined front and rear yard set back shall total a minimum of sixty (60) feet.
- c. Zero-Lot-Line dwellings shall be constructed against the lot line on one side of a lot, and no windows, doors or other openings shall be permitted on this side.
- d. There shall be a minimum side yard of ten (10) feet on one side and no minimum requirement on the opposite side.
- e. Cluster open space shall not include areas devoted to public or private vehicular streets or other public uses subject to the provisions in Article 7.
- f. Development shall be served with central sewerage facilities.

#### 7.4-3 Single-Family Attached Residential (RA)

- a. All developments shall be served with a central sewerage system.

#### 7.4-4 *Townhouse Residential (RTH)*

- a. Prior to development, a conceptual site plan is required to show the locations of all buildings, uses, fences, property lines, landscaping, open spaces, parking areas and uses and any other features deemed appropriate by the Board of County Commissioners. The site plan shall be prepared in accordance to requirements as indicated in Section 7.5.
- b. A development with rear garages can reduce the front yard to twenty-five (25) feet for a yard which faces an interior street provided that the combined front and rear yard setback shall total a minimum of fifty (50) feet.
- c. A minimum of two (2) off-street parking spaces per unit shall be provided.
- d. A maximum of eight dwelling units shall be allowed in each row of townhouses. When there is no street being place between two rows of townhouses, an open space or court of at least twenty (20) feet in width shall be provided between the two (2) rows of townhouses.
- e. Cluster open space shall not include areas devoted to public or private vehicular streets or other public uses subject to the provisions in Article 7.

#### 7.4-5 *Multi-Family Residential (RM-10, RM-16)*

- a. Prior to development, a conceptual site plan is required to show the locations of all buildings, uses, fences, property lines, landscaping, open spaces, parking areas and uses and any other features deemed appropriate by the County Commissioners. Site plan shall be prepared in accordance to requirements indicated in Section 7.5.
- b. Development shall be served with central sewerage facilities.
- c. Townhomes are allowed in the RM-10 and RM-16 zoning classifications. Where townhomes are chosen, the density and all design criteria will be consistent with the RTH zoning classification. (Ord. No. 2006-Z-, 05-16-06)

#### 7.4-6 *Office/Institutional (OI)*

- a. Distributive functions such as loading, unloading, storage, packaging and packaging shall be limited to ten (10) percent of the total building area and five percent (5%) of the total lot area.

#### 7.4-7 *Corporate Park (CP)*

- a. No more than 20% acreage of the development may be used for free-standing retail uses. The entire site area, including building footprints, associated parking and landscaped areas, would count toward the acreage cap. Ground floor accessory retail uses with a multi-storey office building are not considered free-standing retail uses.
- b. Distributive functions such as loading, unloading, storage, and packaging shall be limited to ten (10) percent of the total building area and five (5) percent of the total lot area.

(Ord. No. 2011-Z-001, 03-01-11)

#### 7.4-8 *Neighborhood Commercial (NC)*

- a. No outdoor storage is permitted.

#### 7.4-9 *General Commercial (GC)*

- a. Permitted uses of district GC shall be located on property along interstates, arterial, major or minor collector streets when they intersect with a major street or highway as classified by the Cherokee County Road Classification Map.

#### 7.4-10 *Light Industrial (LI)*

- a. Permitted use of district LI shall be on property which has access to interstates, arterial or major collector streets.
- b. Permitted uses are restricted to (whose) those which are not characterized by extensive open storage or the nuisance factors such as smoke, dust, fumes, gas, heat, glare, fire hazards, noise, vibrations and other objectionable influences.

#### 7.4-11 *Heavy Industrial (HI)*

- a. Permitted uses of district HI shall be on property which has access to state or federal highway, arterial or railroads.
- b. Permitted uses shall be separated from residential districts by natural barriers and buffer zones subject to the provisions of Article 10: Buffers.

### **7.5 Site plan requirements for certain districts.**

The following features shall be included in Site Plan Requirements for all development(s) within all zoning districts except for AG, R-80, R-60, R-40, R-30, R-20 and R-15.

**7.5-1 *Site development plan.*** The following features shall be included in Site Plan Requirements for all development(s) within all zoning districts except for AG, R-80, R-60, R-40, R-30, R-20 and R-15.

- a. **Location Map.** A general location map at a scale of one inch equals five hundred feet (1" = 500') indicating existing zoning on the site, adjoining roads and the adjacent areas are required.
- b. **Survey Boundaries.** Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way and easements.
- c. **Building Locations.** Location of all proposed buildings, their shape, size and setback in appropriate scale.
- d. **Right-of-Way.** Location and right-of-way of streets, roads, alleys, railroads, public crosswalks, with lengths and widths, road names or designations.
- e. **Buffers.** Proposed buffers and landscaping.

- f. Topography. Existing topographic conditions with contour intervals of five (5) feet or less; areas that have slopes greater than fifteen percent (15%) shall be identified.
- g. Flood Plain. Location of streams, lakes, swamps and if applicable, the boundary and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.
- h. Drainage. Size and location of all drainage mechanisms and the applicable drainage area within the tract or within the right-of-way of streets or roads adjacent to the tract; grades and invert elevations of sewers shall be shown; all elevations shall refer to mean sea level datum where public water and/or public sewers are to be installed. Layouts of all utility and drainage easement.
- i. Soil Erosion Plan. A soil erosion plan showing the mitigation techniques that will be employed during construction.
- j. Common Open Spaces. Location of parks or common open spaces, tree areas to be retained or added and other open spaces. Designation of all land to be reserved or dedicated for public use; or used as recreation areas.
- k. Recreation Facilities. Proposed bikeways, jogging trails, pedestrian ways or other recreational facilities if provided within the residential district.
- l. Sketches. Representative architectural sketches or renderings of typical proposed structures, signs, landscaping, screening and/or fencing.
- m. Off-Street Parking and Loading. Show the access point to the public street system, off-street parking and loading plan.
- n. Development Report. A report setting forth the proposed development schedule, indicating the sequence of development of the various sections thereof and the approximate time period required for completion of each phase.
- o. Technical Data. Statistical or technical data as necessary to accurately describe the proposed development including, but not limited to, the following shall be included in the Development Report:
  - 1) Total land area.
  - 2) Amount of land to be used for recreational or open space purpose.
  - 3) Total number of dwelling units and gross density by type of land use.
  - 4) Amount of space to be occupied by streets and parking areas.
  - 5) Amount of any submerged land within the project boundary.
  - 6) The total ground coverage and floor area of all buildings.
  - 7) A breakdown of the number of kinds of proposed buildings, including square footage and the number and range of lot sizes and proposed setback and yard



dimensions for typical lots and/or building types.

8) Deed record names of adjoining property owners or subdivisions.

7.5-2 *Plan Format.* Plan format refers to Section 18.3-3c: Site Plan Format.

### **7.5-3 General Site Development and Design Regulations for Commercial and Industrial Districts.**

7.5-3.1 Purpose and Intent. Careful attention to attractive and citizen-friendly community design is in the economic interests of Cherokee County, its citizens, and business owners. Attractive and integrated community design features tend to improve the County's image, raise overall property values, attract new businesses, and improve the quality of life. Investment in design features tends to result in a positive return on investment for property owners, private industry, and government. For example, the money spent on landscaped roadway medians, sidewalks, and street trees is likely to be amply returned in the form of increased tax revenue resulting from the overall increase in property values that accompanies attractive and desirable urban and suburban areas.

Much of the existing commercial and industrial development in Cherokee County, particularly development along the County's principal highways, is in need of aesthetic and functional enhancement. Existing conditions that are inconsistent with the objectives quality community design include: chain link fencing enclosures of autos and trailers without adequate screening; various building materials and/or equipment stored in front yards in view of the traveling public; continuous, uncurbed, highway access; old, dilapidated, and/or unattractive awnings and façade treatments; excessive signage in the form of fluttering ribbons, portable signs, sandwich signs, and welcome flags; a lack of front yard landscaping; storage/maintenance bay doors and loading areas facing the highway; dumpsters placed in front/side yards in unobstructed view from highways; and a general lack of interparcel access (i.e., connections between adjacent developments).

It is the intent of Cherokee County to require new commercial and industrial developments install appropriate improvements and comply with general design regulations intended to improve aesthetic appearance and function. It is also the intent of the County to require substantial progress toward compliance with these improvement requirements and general design regulations in cases where existing businesses are expanded.

These design regulations are intended to merge traffic engineering, civil engineering, urban design, landscape architecture, and land use planning principles into a set of regulations for commercial developments and properties in the unincorporated areas of the County. The regulations are the minimum necessary to: preserve the carrying capacity of major arteries; reduce the number of vehicular turning movements to and from the major artery, thereby reducing the potential for automobile and pedestrian traffic accidents; encourage and promote the most suitable uses of land; ensure the adequate grading and draining of developments; promote an environment which reduces the visual clutter and other distracting characteristics resulting from various aspects typical of urban and suburban commercial strip development; prohibit the needless, wasteful and purposeless aesthetic degradation of the County's highway and major street corridors; and promote a more healthy environment.

7.5-3.2 Applicability. This article shall apply to all properties located within commercial (GC, NC, HC, OI) and Industrial (LI) zoning districts of unincorporated Cherokee County. New

development shall be required to conform to these regulations. A substantial improvement of an existing development shall be required to conform to these regulations or, in cases where physically impossible, make substantial progress toward meeting the regulations contained within this chapter. Substantial improvement shall be defined as increasing the floor space dedicated to commercial/ industrial operations by more than 50%, the addition of a new or increase of an open storage area by more than 30% of the existing area.

7.5-3.3 Site Requirements. The following requirements are applicable to the development of all commercial and industrial sites or properties in Cherokee County.

- a. Utilities. All utilities, including but not limited to electric and telephone lines, serving uses on site should be installed underground where appropriate and permissible.
- b. Grading and Site Development. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. Grading plans for new development shall be submitted to the County Engineer for review and approval, and all grading activities shall comply with approved plans. Stormwater management plans shall be submitted to the County Engineer for review and approval. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.
- c. Screening of Outside Storage Yards. All areas devoted to the outside storage of vehicles, merchandise, and/or equipment not intended for display for public rent, lease, or sale, shall be screened from view from the right-of-way of the highway or major street along the entire property frontage, except in areas where access crossings have been approved. Screening may be accomplished by a vegetative buffer either planted or undisturbed or a combination of both, by a building that meets architectural standards of this chapter, by use of landscape material, either planted or existing, by an earthen berm, by a 70 percent opaque, solid wooden fence or wall, or combination of these screening methods. The use of low-lying landscaping that does not screen the display areas from view from the public right-of-way shall not be deemed to comply with this requirement.
- d. Outdoor Lighting. All outdoor lighting installed shall be of such height, location and intensity so that direct illumination of the right-of-way of the highway or major street is avoided. The installation of shields or hoods on such lighting facilities may be required to comply with this standard. All lighting shall comply with the Zoning Ordinance of Cherokee County, Article 24 Outdoor Lighting and Road Glare Ordinance.
- e. Landscaping. Every building site and commercial / industrial use area shall be landscaped. A minimum (10 ft.) ten-foot wide landscape strip shall be installed and maintained along the entire property fronting the highway or major street, except in cases where access areas are approved. A minimum six-foot wide landscape strip shall be required along all side and rear lot or lease lines, except in cases where shared driveways or access areas are approved. The area surrounding the road entrance(s) to the site or area, the front landscape strip, required parking lot landscaping, and all other required landscape and/or open spaces, shall be designed, installed, and maintained according to plans prepared by a professional landscape architect, architect, surveyor, engineer, or land planner submitted to and approved by Cherokee County. Landscaping shall be completed prior to issuance of a certificate of occupancy by the County, unless

appropriate provisions are made to guarantee the installation of landscaping after such certificate is issued, such as approval by the County of a bond for landscaping. Tree installation and removal shall be in compliance standards provided in the Zoning Ordinance of Cherokee County, Article 25 Tree Preservation and Replanting Standards, as may be amended from time to time, and administrative standards for the preservation and replacement of trees as adopted and as may be amended from time to time.

f. Location of Parking Areas. Parking areas shall be set back at least ten (10) feet from public rights-of-ways. Parking areas are encouraged but not required to be located in side and rear yards where such parking areas can be partially or wholly screened by buildings from the public right-of-way. The 10 foot strip between the public ROW and the edge of parking area shall be landscaped with evergreen vegetation capable of reaching a height of three feet and / or able to withstand pruning to a height of three feet, The purpose of the vegetation is to reduce the visual impact of the parked vehicles by screening from public view the parking area.

g. Open Display of Vehicles, Equipment, and Merchandise. In commercial / industrial zoning districts where permitted, the outside storage or display of vehicles, equipment, and merchandise to be rented, leased, or sold, shall be visible along no more than fifty percent (50) of the frontage of the property abutting the highway or major street, excluding approved driveway entrances and exits. Screening may be accomplished by a natural and/or planted vegetative buffer, by a building that meets architectural standards of this chapter, by use of landscape material, either planted or existing, by an earthen berm, by a 70 percent opaque, solid wooden fence or wall, or combination of these screening methods. The use of low-lying landscaping that does not screen the display areas from view from the public right-of-way shall not be deemed to comply with this requirement.

h. Plans. Site development as-built drawings, containing a boundary survey, location, elevation, height, and square footage of buildings, parking areas, utilities, walls, and stormwater facilities, pertinent site development data, and any other requirements of the Planning Director or County Engineer, shall be submitted to and approved by the department prior to the issuance of a certificate of occupancy or completion.

7.5-3.4 Commercial Building Requirements. The following requirements are applicable to all commercial and buildings in Cherokee County.

a. Screening of Dumpsters. All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site that complies with the architectural requirements of these regulations. In addition, said dumpster areas shall be gated on the fourth side, and the gate shall be architecturally finished.

b. Building Materials. Building exteriors not screened (50% opaque) from view from the right-of-way or shall have an architectural treatment of brick, stone, split face blocks, painted / stained wood, architectural metal, vinyl, stucco, or imitations of the same or other architectural treatments approved by the Planning Director. Prohibited building materials are:

1. \*Industrial or agricultural metal sheeting

2. \*Standard painted or unpainted concrete block.
3. Any awnings shall be maintained in good order, and any dilapidated awnings or canopies shall be removed.

\* These finishes are allowed on the side or rear of buildings if a minimum of 50% opaque from thoroughfare ROW.

c. Building and Utility Appurtenances. All water towers, cooling towers, storage tanks, and other structures or equipment incidental to the primary use of a building or site shall be architecturally compatible with the principal building or effectively screened from view from the public right-of-ways. All rooftop mechanical equipment shall be screened from the view from the public right-of-way and adjacent streets by material compatible with the building architecture, by the use of a parapet wall, or by specially designed rooftop penthouse enclosures. Ground mounted equipment such as power transformers and air-conditioning units shall be screened from view from public right-of-ways by fencing or landscaping, or painted to match the primary building.

d. Signage. All freestanding signs in commercial / industrial districts shall be of monument-style, have a base of masonry construction, or if the sign consists of columns instead of a base, said columns shall be constructed of materials to match or compliment the principal structure or structures located on the site. All such signs shall be considered “Freestanding” for purposes of allowable sign area and height requirements according to the Cherokee County Signs and Outdoor Advertising Ordinance (Cherokee County Zoning Ordinance, Article 11), and shall be constructed in compliance with the Cherokee County Sign Ordinance , as may be amended from time to time.

e. Roof Lines on Commercial Buildings:

1. All buildings in commercial buildings districts shall have a pitched roof with a minimum pitch of four and half (4.5) inches vertical elevation per one (1) foot of horizontal distance, except as provided herein.
2. Commercial buildings without a pitched roof shall have a detailed parapet and cornice in keeping with the overall architectural style of the building.
3. Exposed roofing (defined as having a pitch greater than 1:12) shall be finished in architectural metal or synthetic panels, or dimensional shingles.

f. Building Arrangement and Architectural Consistency. When Commercial buildings are developed as a planned center, all buildings located within the center shall be constructed such that the architectural styles, building materials and roof materials are similar. Additionally, color schemes for the outside of the buildings should be similar such that the center or park presents a consistent style of architecture and architectural treatments.

7.5-3.5. Industrial Building Requirements. The following requirements are applicable to all industrial buildings in Cherokee County, excepting those industrial buildings which are interior to a planned industrial park, adjoin only other industrial parcels, and have frontage only on roads developed as part of the industrial park.

a. Screening of Dumpsters. All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site that complies with the architectural requirements of these regulations. In addition, said dumpster areas shall be gated on the fourth side, and the gate shall be architecturally finished.

\* b. Building Materials. Building exteriors not screened (50% opaque) from view from the right-of-way shall have an architectural treatment of brick, stone, split face blocks, painted / stained wood, architectural metal, vinyl, stucco, or imitations of the same or other architectural treatments approved by the Planning Director. Prohibited building materials are:

1. \*Industrial or agricultural metal sheeting
2. \*Standard painted or unpainted concrete block.
3. Any awnings shall be maintained in good order, and any dilapidated awnings or canopies shall be removed.

\* These finishes are allowed on the side or rear of buildings if a minimum of 50% opaque from thoroughfare ROW.

c. Building and Utility Appurtenances. All water towers, cooling towers, storage tanks, and other structures or equipment incidental to the primary use of a building or site shall be architecturally compatible with the principal building or effectively screened from view from the public right-of-ways. All rooftop mechanical equipment shall be screened from the view from the public right-of-way and adjacent streets by material compatible with the building architecture, by the use of a parapet wall, or by specially designed rooftop penthouse enclosures. Ground mounted equipment such as power transformers and air-conditioning units shall be screened from view from public right-of-ways by fencing or landscaping.

d. Signage. All freestanding signs in industrial districts shall be of monument-style, have a base of masonry construction, or if the sign consists of columns instead of a base, said columns shall be constructed of materials to match or compliment the principal structure or structures located on the site. All such signs shall be considered "Freestanding" for purposes of allowable sign area and height requirements according to the Cherokee County Signs and Outdoor Advertising Ordinance (Cherokee County Zoning Ordinance, Article 11), and shall be constructed in compliance with the Cherokee County Sign Ordinance , as may be amended from time to time.

7.5-3.6 Access Requirements. The following development requirements are applicable to all commercial / industrial sites or properties in Cherokee County.

a. Curb Cuts and Access Specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation and the County Engineer prior to the construction of such entrances or exits and prior to the issuance of any development permit for any improvement to be served by such entrances or exits.

No curb cut or access driveway shall be permitted to be located closer than one hundred (100) feet to the nearest existing or proposed right-of-way of an intersecting roadway or closer than forty (40) feet to a side property line unless the adjacent property owner is in agreement with the encroachment of the driveway and approval is obtained from the County Engineer. Curb cuts or access driveways shall be no narrower than twenty four (24) feet from back of curb to back of curb. Strict adherence to these requirements may not be practical in all instances as determined by the County Engineer. The County Engineer may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

In cases of a substantial improvement of an existing development on a site that does not meet these curb cut and access specifications, the applicant may be required by the County Engineer to prepare an access plan as part of plans for the substantial improvement that either meets these requirements or moves substantially toward compliance with these regulations. Approval by the Georgia Department of Transportation and the County Engineer shall be required, as applicable.

Additional right-of-way shall be dedicated to the public as required by the most current functional classification of Cherokee County roads as designated by the County Engineer, and as reasonable at the discretion of the County Engineer. Roadway entrances and improvements, including necessary deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the County Engineer, in accordance with State or County requirements, as applicable and as may be amended from time to time.

The following factors may be considered during the review and approval of a specific location of an entrance: 1) The location of existing or planned median breaks; 2) separation requirements between the entrance and major intersections; 3) separation requirements between other entrances; 4) the need to provide shared access with other sites; 5) the need to align with previously approved or constructed access points on the opposite side of the street; 6) and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

b. Interparcel Connections. New commercial / industrial development containing, or that is intended to contain, more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the adjacent highway(s) or major street(s). Joint or shared drives are encouraged. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip.

c. Location of Loading and Unloading Areas. All areas and facilities devoted to the loading and unloading of goods and merchandise shall be located to the side or rear of the building and lot. Loading and unloading areas shall not front the right-of-way of the adjacent highway or major street. Overhead doors for loading bays shall not face the adjacent highway or major street. This section does not apply to those industrial buildings which are interior to a planned industrial park, adjoin only other industrial parcels, and have frontage only on roads developed as part of the industrial park.

In cases where this regulation is not practical for new development or in cases where an existing building to be substantially improved does not meet the requirements in this section, the property shall be screened from view from the adjacent highway or major street along the entire property frontage, except in cases where access areas are approved. Buildings that are permitted to have overhead doors facing the public right-of-way shall incorporate design features so that aesthetic impact of the overhead doors is softened through architectural detailing, or staggering with recesses and projections or additional landscape buffer.

#### 7.5-4 Commercial Architectural Standards

- a. Facades – Major commercial buildings (over 5000 square foot footprint) must have primarily naturally-colored brick or natural stone facades, with stucco, cast stone and hardiplank used only as accent materials. Smaller commercial buildings may use hardiplank or stucco as the primary façade material, if they are built in a “residential” architectural style compatible with such materials. This requirement applies to all sides of buildings, except where one or more sides are 80% visually from view from any point off the property.
- b. Roof Lines – All commercial roof lines must include detailed cornices and/or detailed parapets.
- c. Where parking lots adjoin public roads, they must have low (2-3 ft.) shrubbery and/or a landscaped berm to partially shield the parked cars from view.
- d. Inter-and Intra-Parcel Access – Except where determined by county staff to be impractical, commercial parking areas must provide inter-parcel access to adjacent commercial properties. Parcels over 5 acres with access on two or more public roads must provide intra-parcel streets to connect between their entrances on different roads. These connecting streets cannot just be lanes in a parking area; they must be separated from parking areas by curbs.
- e. Freestanding Outdoor Lighting – Shall consist of decorative poles and fixtures not more than 30 feet tall.
- f. Parcels inside the City of Canton’s Growth Boundary that are developed or re-developed without annexing shall substantially conform to Canton’s “Streetscapes” requirements and guidelines.

7.5-5 Location of Large Retail Stores. To promote public safety, mitigate, and accommodate traffic congestion, individual retail stores with building areas greater than 80,000 square feet must be located as follows:

- a. With at least one primary access point on a multi-lane road.
- b. At least ½ mile away from schools.

For the purpose, the following definitions and clarifications shall apply:

- a. The building areas of adjacent stores shall be aggregated and considered a single individual store if they are under common management and/or have common

customer check-out processes.

- b. “Multi-land road” means a public road with at least four through-lanes (excluding turning and accel/decel lanes) with a length of at least one mile from the store’s point of public road access and/or leading to other multi-lane roads combining for at least one mile in length.
- c. “School” means a public school serving any or all of grads kindergarten through 12.
- d. Distance from a school shall be measured as the shortest straight line from any point on a school property to the closest point of the actual store building.

**7.6 Permitted Uses.** No use shall be permitted, except in the zoning districts indicated and for the purposes permitted in the Table 7.2 Permitted Uses Table.

- a. General. Each use is mutually exclusive and does not encompass other uses listed in the table. All uses are subject to all terms and conditions of this Zoning Ordinance, any other Ordinance of Cherokee County, state and federal law and any other applicable rules and regulations.
- b. Open Use. A principal use listed in Table 7.2 in any district denoted by the letter “O” is permitted by right for open use within that district without additional, specialized requirements.
- c. Restricted Use. A principal use listed in Table 7.2 in any district denoted by the letter “R” is permitted by right as a Restricted Use within that district only if additional, specialized requirements have been met as provided in Section 7.7 Permitted Uses Additional Requirements.
- d. Special Use. A principal use listed in Table 7.2 in any district denoted by the letter “S” is designated as a Special Use within that district and permitted only upon compliance with Article 18.4 Special Use Permits of this Ordinance and the grant of a Special Use Permit by the Board of Commissioners. In addition, any Special Use is subject to the Section 7.7 Permitted Uses Additional Requirements for that Special Use.
- e. Classification Standards and Codes. The Permitted Uses in Table 7.2 are organized utilizing the Land Based Classification Standards (LBCS) developed by the American Planning Association and the North American Industrial Classification System (NAICS) used by the U.S. Census Bureau. The LBCS classifies land uses across five dimensions, Activity, Function, Structure Type, Site Development Character, and Ownership. For the purposes of this ordinance, the Function classification has been used because it refers to the economic function or type of establishment using the land. The NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. Cherokee County uses the NAICS codes to classify businesses for the purpose of issuing Occupational Tax Certificates (i.e., commonly referred to as Business Licenses). The use of these two classification systems together allows for a comprehensive and detailed regulation of Land Use. Each use provided for in Table 7.2 should be read in conjunction with the



applicable LBCS and NAICS permitted uses and description of uses. If a conflict exists between the LBCS and NAICS permitted uses and description of uses and the terms and conditions of this Zoning Ordinance, this Zoning Ordinance shall govern and control. (Ord. No. 2018-O-003, 04/03/2018)

## **7.7 Permitted Uses Additional Requirements.**

### **7.7-1 Residential Households (LBCS 1100)**

- a. **Manufactured Home Regulations.**
  - (1) **Definition:** “Manufactured home” means a structure, transportable in one or more section, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built of a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (Ga. L. 1968, p.415, Section 2; Ga. L. 1973, p.4, Section 2; Code 1981, Section 8-2-131; Ga. L. 1982, p. 1376, Section 3, Section 7; Ga. L. 1989, p. 14, Section 8.)
  - (2) **Development Standards:** As to manufactured homes constructed in compliance with the HUD Code (June 15, 1976), the following development standards must be met:
    - i. The home has a length not to exceed three (3) times its width measured at the most narrow point and have a minimum floor area of 900 square feet.
    - ii. The pitch of the home’s roof has a minimum vertical rise of 2.3 feet for every 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
    - iii. The exterior siding will consist of wood, vinyl, hardboard or stucco brick comparable in composition, appearance and durability to the exterior siding and use in standard residential construction. Such homes will not be allowed to utilize metal siding.
    - iv. A manufactured home must be placed and anchored on permanent foundation, either slab or pier, which meets the requirements of the Standard Building Code until such time as the Building Code is supplanted by state law or regulations pertaining to placement and anchoring of manufactured housing, January 1, 1993. Thereafter, State law shall control. In addition, masonry curtain wall, unpierced except for the required ventilation and access, must be installed so that it encloses the area under the manufactured home to ground level.
    - v. Landscaping must consist of at least grass seed and straw.

- vi. Utility meters for the manufactured home are to be mounted to the structure rather than on a utility pole. This does not apply to units within existing manufactured home parks.
  - vii. A manufactured home must have at each door, steps and landing, as per Section 1113-Stairway Construction, Chapter X1 of the Georgia State Building Code.
  - viii. All the above requirements must be met prior to the issuance of a Certificate of Occupancy and plans must be submitted to the Building Department verifying the above standards. (Ord. No. 2008-Z-002, 09-16-08)
- (3) Zoning Districts:
- i. Manufactured Housing is not allowed in the R-30, R-20, R-15, RD-3, RZL, RM-10, RM-16, OI, CP, NC, GC, LI or HI Zoning Districts except temporarily according to the terms of this Ordinance.
  - ii. Single-wide manufactured homes are only allowed in the AG zoning district with a minimum of two (2) acres or more acres on a paved road.
  - iii. Single-wide manufactured homes are only allowed in the AG zoning district with a minimum of five (5) acres or more acres on an unpaved road.
  - iv. Single-wide manufactured homes so allowed in the AG zoning district shall not be required to meet the requirements contained in Section (ii) of this Ordinance.
- (4) Manufactured homes existing in Cherokee County as of August 25th, 1991 may continue to exist in whatever district it may be located as a legal non-conforming use and may be replaced if destroyed by natural disaster, such as storms, tornadoes, or natural fires. Additionally, such manufactured homes or mobile homes may be upgraded or replaced by manufactured homes, meeting the HUD code standards without having been destroyed and without losing the legal non-conforming or grand-fathered status as a parcel in use of that property. All existing manufactured homes, parks and subdivisions will continue to exist as a legal non-conforming uses after the adoption or amendment of the Cherokee County Zoning Ordinance. (Resolution #94-9, amended 6-14-94).
- (5) Real estate sales or construction manufactured housing shall be permitted upon a temporary basis until 100% of the subdivision or phase being constructed has been issued Certificates of Occupancy. (Ord. No. 2008-Z-002, 09-16-08)
- (6) Hardship Situations: A manufactured home may be temporarily placed upon an individual lot when the applicant can show extreme hardship resulting from loss of use of a home or building due to fire, flood or other damage making it unfit or; unsafe for use or occupancy; resulting from extensive remodeling of a home or business making it unsuitable for use or occupancy; or a health or health related problem of a family member which warrants proximity of that relative for monitoring purposes. In cases of hardship, where a temporary use permit is granted, such use is limited to a period not to exceed twelve (12) months without specific written approval of the Board of Commissioners, who may require new evidence of the conditions upon which the hardship was based. Prior to the issuance of a temporary use permit based on hardship, the applicant must execute a statement that he acknowledges and agrees that the permit is valid only so long as the conditions of the permit are met, that upon the termination of

any of the conditions, the applicant shall cause the removal of the manufactured home at his own expense and failure to do so grants to Cherokee County the right to remove the same from the premises at the applicant's expense.

- i. An application for hardship due to the loss of use of a home or building due to fire, flood, or other damage making it unfit or unsafe for occupancy must be supported by affidavits as to the facts alleged, which affidavits are submitted to the Zoning Administrator at the time of application on the form provided by Planning and Zoning.
  - ii. An application for hardship due to extensive remodeling of a home or building making the structure unsuitable for use or occupancy must be supported by affidavits as to the facts alleged, which affidavits are submitted to the Zoning Administrator at the time of application on the form provided by Planning and Zoning.
  - iii. An application for hardship due to a health or health related problem of a family relative which warrants proximity of that relative for monitoring purposes must be supported by affidavits as to the facts alleged, which affidavits are submitted to the Zoning Administrator at the time of application on forms provided by Planning and Zoning. Both the lack of space within the applicant's home to accommodate the family relative and the health or health related problem must be evidenced and certified to the Zoning Administrator and the application based upon health considerations must be accompanied by an affidavit from a physician stating the health problems necessitating monitoring. The affidavit from the doctor stating the health problem shall contain the sworn statement of such physician that:
    - a. The family relative for whom the temporary use of a mobile home is requested requires 24-hour nursing care involving the physical presence of a monitor, nurse or attendant or the presence of such monitor, nurse or attendant within voice communication of the attended relative; OR
    - b. The health or health related condition or disability of the family relative has existed for six (6) or more months before the date of the application for the temporary use permit, and/or in the professional medical opinion of the physician completing the affidavit, the condition of disability is likely or continue for six (6) or more months. (Ord. 2008-Z-002, 09-16-08)
- (7) A manufactured home may be placed on a site temporarily for six (6) months for residential purposes while a site-built home is constructed in all residential zoning districts. Upon appeal to the Board of Commissioners, one (1) six (6) month extension shall be allowed. The applicant/property owner shall sign an acknowledgement letter authorizing Cherokee County to stop the provision of utilities to the manufactured home at the end of the approved time limit for this temporary placement of a manufactured home. (Ord. No. 2008-Z-002, 09-16-08)
- b. Parking of Commercial, Industrial, and Heavy Vehicles. Parking of commercial, industrial, and heavy vehicles, and any other vehicles, in AG and residential districts shall be governed by the Cherokee County Property Maintenance Ordinance. (Ord. No. 2009-Z-006, 10-20-09)

**7.7-2 Hotels, Motels or Other Accommodations (LBCS 1300)**

- a. Lodge, Retreat, and/or Campground (facilities to include lodging and food service for social, educational, and/or recreational purposes) are permitted provided that:
- (1) Minimum lot size shall be 10 acres.
  - (2) Permitted curb cut access shall not be derived from a local street.
  - (3) A minimum 50-foot wide buffer is required adjacent to all property except Right-of-Way.
  - (4) Length of the stay for all but permanent staff shall not exceed 30 consecutive days.
  - (5) Sanitary facilities or trash receptacles shall be located a minimum of 200 feet from any residential district and/or AG district when used for single family.
  - (6) Recreational facilities associated with the use shall be for staff and guests only.
  - (7) One parking space per lodging unit or five (5) per 1000 square feet of floor area, whichever is greater.
- b. Bed and Breakfast Inns
- (1) Definition - A use that takes place within a structure that was primarily used as a single-family dwelling, consisting of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where only breakfast meals are served and provided for those guests only. The homeowner shall reside on site and employment shall not exceed three full time employees in addition to the owner (s).
  - (2) Location – Bed and Breakfast Inns should be located in areas with aesthetic value and/or historical significance, i.e. recognized landmark, lakes, view of mountains, etc.
  - (3) Applicable Zoning Districts – Bed and Breakfast Inns shall be permitted in AG, R-80, R-60, and R-40 zoning districts outside existing platted subdivisions.
  - (4) Parking Requirements - All parking (including handicap parking) shall be onsite, and it shall be provided in the side and/or rear of the property. The total number of parking spaces shall be based on the formula of one parking space per guest room, and one parking space for each employee. Parking areas shall be set back a minimum of ten feet and screened from adjacent properties.
  - (5) Length of Stay for Guests – No guest may stay at the facility for more than fourteen days within any thirty day period. There shall be no cooking facilities within the guest rooms. Furthermore, the facility shall not be used for receptions, parties, or public gatherings.
- c. Hotels/Motels/Motor Lodges: New Commercial facilities only – the following minimum standards shall apply to what will be defined as hotels/suite hotel/motel/motor lodge:
- (1) Any hotel/suite hotel/hotel/motel/motor lodge in which more than thirty-five percent (35%) of the units include kitchenettes or kitchen facilities<sup>1</sup>, the following shall apply:
    - i. Minimum acreage is two (2) acres.
    - ii. All rooms shall be accessed through a main or central lobby.

- iii. No rooms shall access to the exterior of the building unless required by fire/safety regulations.
- iv. Architectural style/design to be approved per Cherokee County Development Regulations and Commercial Architectural Standards.
- v. “Continental” style dining for the guests of the facility only is allowed within or near the main or central lobby without additional parking.
- vi. At a minimum, provisions for weekly cleaning of each suite must be provided.
- vii. Each suite must be protected with a smoke detector and sprinkler system approved by the Fire Marshal.
- viii. Each suite shall be required to include an automatic power shut off timer for each stove/cook top unit or other type burner.
- ix. There shall be no outside storage allowed or long term parking of heavy equipment, or parking of construction or related equipment.
- x. No facility under this section is to be converted or used primarily as an apartment or condominium.

<sup>1</sup> For the purpose of this section, kitchenettes or kitchen facilities are defined as a kitchen sink, a stove/cook top, microwave and/or a refrigerator.

#### 7.7-3 Retail Sales or Services (LBCS 2100)

- a. Vehicle repair and service shall be conducted in a wholly enclosed building.
- b. Vehicles or farm equipment for sale or display are permitted provided that all vehicles are setback at least ten (10) feet from the street right-of-way.
- c. General merchandise repair is permitted provided that:
  - (1) Such service shall be conducted in a wholly enclosed building.
  - (2) No outdoor storage of material, equipment or items being repaired is permitted.
  - (3) Such repair service shall not generate any noise, odors or fumes which can be detected beyond the walls of the building in which housed.
- d. Heavy repair services and trade shops, including sheet metal, upholstery, electrical, plumbing carpentry, sign painting and other similar activities are permitted provided that all activities shall be conducted within a building or fenced area.
- e. Building & Landscape Material Sales (including wholesale) are permitted provided that:
  - (1) Outdoor lumber yards or storage areas shall be setback fifty (50) feet from any road right-of-way and screened with landscaped berm or a six (6) feet high privacy fence.
- f. Lawn and Garden Centers may not sell or store bulk (i.e. loose or unpackaged) Building or Landscape Materials.
- g. Agricultural produce stands to sell produce that meets the Georgia Department of Agriculture “Georgia Grown” criteria are permitted in the AG zoning district subject to the requirements of this Section. Specifically, to qualify as “Georgia Grown”, such agricultural produce shall be non-processed agriculture products grown in Georgia

and/or processed or manufactured agriculture products if the key ingredient is grown in Georgia, and/or agricultural products grown on the property which the produce stand is located. The following conditions shall also be met:

- (1) Any structure for sales is located thirty-five (35) feet or more from any property line;
- (2) The building footprint (including all areas under roof) is less than 2,500 sq. ft.; and
- (3) Not less than 20% of product offered for sale must be grown or produced on the property on which the produce stand is located.

(Ord. No. 2018-O-003, 04/03/2018)

**7.7-4 Real Estate, Rental and Leasing (LBCS 2300)**

- a. Outdoor storage areas for vehicles (automobiles, boats, RVs, trailers, etc) shall be screened from view with an opaque vegetative screen in front of a six (6) feet high privacy fence.
- b. Special Event Facilities, including but not limited to banquet halls, reception halls, and wedding chapels, are permitted in the AG district provided the following requirements are met:
  - (1) Parcel shall be a minimum of 5 acres and the occupancy of the Assembly space is limited to a maximum of 200 people.
  - (2) The Special Event Facility shall be subject to the commercial development standards set forth in Article 7.5-3 and the Cherokee County Development Regulations.
  - (3) The Special Event Facility shall have the outward appearance of a residential or agricultural structure. All buildings must comply with adopted building and life safety codes.
  - (4) The Special Event Facility shall be open only for scheduled, event-based operations. Events include personal celebrations such as weddings, showers, birthday parties, fundraisers and similar occasions. All operations shall cease by 11:00 pm.
  - (5) A traffic control plan approved by the County Engineer shall be followed during hours of operation.
  - (6) Lighting shall be designed in accordance with the Article 25 – Outdoor Lighting and Road Glare Ordinance.
  - (7) Outdoor loudspeakers shall not be permitted.

**7.7-5 Business, Professional, Scientific and Technical Services (LBCS 2400)**

- a. Laboratory research facilities are permitted provided that:
  - (1) Except district CP, the gross floor area shall not exceed 20,000 square feet.
  - (2) Such facilities are not objectionable by reason of emission of noise, vibration, smoke, dust, gas, fumes, odors, radiation and create fire or explosion hazards.
  - (3) There shall be no outdoor storage of goods.

- b. The fabrication, repair and maintenance of outdoor advertising signs are permitted only in LI & HI provided that all activities shall be conducted within a building or fenced area.
- c. Veterinary Services is permitted in AG, R-80, R-60 & R40 but is limited to the treatment of large animals, including but not limited to horses, goats, llamas, alpacas, deer, donkeys, camels, bovine, swine, and sheep, etc.
- d. Veterinary Services that include outdoor boarding facilities are subject to section 7.7-7a.
- e. Repossession Services with outdoor storage areas is permitted provided that:
  - (1) The storage areas shall not exceed 5,000 square feet.
  - (2) The storage area shall be enclosed with a solid fence not projecting into the required front yard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and operations from view.
  - (3) Sales of auto parts shall not be permitted on the site.
- f. Pest Control is permitted in GC provided that:
  - (1) Other than vehicles, there shall be no outdoor storage of goods or equipment.
  - (2) Vehicles used in conjunction with the business shall be parked in the side and/or rear yard. Where it is impractical for business-related vehicles to be parked in the side or rear yard, such vehicles shall be allowed in the front yard provided said vehicles shall not be permitted overnight or when the business is closed.
  - (3) This use shall have a maximum allowed floor space of 5,000 square feet per acre of total building floor space.

(Ord. No. 2018-O-013, 10/16/2018)

#### 7.7-6 Personal Services (LBCS 2600)

- a. Reserved

#### 7.7-7 Pet and Animal Sales or Services, excluding Veterinary (LBCS 2700)

- a. Animal Shelters, Boarding, Breeding and Kennels for the 24-hour care of domestic pets & animals shall be permitted provided that:
  - (1) All outdoor runs and fenced exercise areas shall be setback a minimum of 75 feet from any adjacent property in residential use.
  - (2) Outdoor runs and fenced exercise areas are encouraged to be located to the side and rear of the primary building. When outdoor runs and fenced exercise areas are located in the front yard area, fencing materials will need to be approved by Planning staff.
- b. Pet Day Care, Pet Sitting, Pet Grooming, and Obedience Training with less than 24-hour care of domestic pets & animals shall be permitted provided that any outdoor fenced areas meet the primary building setbacks.

#### 7.7-8 Manufacturing Uses (LBCS 3100 - 3400)

- a. Light manufacturing establishments involved in the production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, storage, testing or repair of materials, goods or products are permitted in LI; however, the manufacturing

and production of any product which emits noxious noise, odor or fumes shall not be permitted.

- b. Heavy manufacturing establishments, other than those classified as light manufacturing, involved in the conversion of raw materials, such as ore, crude oil, timber, or unprocessed farm products, into usable finished products, are permitted in HI provided that wastes waste and air pollutants generated from the manufacturing process shall comply with all County, State and Federal anti-pollution regulations.
- c. Feed mill production and packing is permitted provided that any structure for such processing is located no closer than one hundred (100) feet to any property line.
- d. Sawmills are permitted provided that outdoor storage shall be at least fifty (50) feet from the street right-of-way line.
- e. Temporary or portable sawmills are permitted provided that:
  - (1) Except in districts AG, GC and LI such mill shall only be permitted on a lot containing not less than five (5) acres.
  - (2) A temporary use permit is required for a period not to exceed six (6) months.
  - (3) Such mill may only process timber removed from the property on which it is located.
  - (4) No machine operation is located closer than 200 feet to any property line. If the adjoining district is zoned for residential use, such use shall be set back no less than five hundred (500) feet to a residential structure on adjoining property.
- f. Farm wineries as defined and permitted under O.C.G.A. § 3-6-21.1 shall be permitted in the AG district, provided that the following additional conditions are met:
  - (1) Winery is located on a parcel of land greater than five (5) acres.
  - (2) The Winery may have a total of one tasting room on premises for purposes of on-site consumption of wine and related activities to the extent such additional activities are expressly provided in this Section (the "Tasting Room").
  - (3) The entrance and exit used for access to and from the winery and the Tasting Room shall be from a public road.
  - (4) Alcoholic beverage sales shall be limited to wine only.
  - (5) Outdoor loudspeakers shall not be permitted at any time.
  - (6) Food service shall only be permitted in the Tasting Room in conjunction with, and as a compliment to, wine tasting, and shall be limited to pre-prepared and/or pre-packaged finger foods, appetizers, cheese trays, and charcuterie boards, commonly served as an accompaniment to wine service. No ovens, fryers, grills, burners, or other commercial kitchen equipment shall be utilized in the preparation of such food.
  - (7) A retail sales area may be included in the Tasting Room, with package sales limited to wine grown and/or produced on the winery property. Retail sales other than wine shall be limited to wine-related incidental branded merchandise such as shirts, hats, glasses, and corkscrews.
  - (8) All buildings or site work not expressing involved in the agricultural operations of growing grapes, shall be subject to commercial development standards set forth



in Article 7.5-3 and the Cherokee County Development Regulations, and must have an architectural appearance of a residential or agricultural building(s).

- (9) Hosting of special events at the winery shall be governed by this Section, rather than by Section 7.7-4(b). Special events may be held at the winery, including but not limited to, personal celebrations such as weddings, birthday parties, corporate parties, fundraisers, and similar events, provided that the following additional requirements are met:
- i. The special event shall be limited to a maximum of 200 guests.
  - ii. The special event is limited to specific, scheduled event-based operations, not ongoing, repetitive events that are advertised as open to the public.
  - iii. A traffic control plan approved by the County Engineer shall be followed during the hours of any special event upon the winery property.
  - iv. Lighting shall be designed in accordance with Article 25- Outdoor Lighting and Road Glare ordinance.
  - v. Outdoor loudspeakers shall not be permitted.
  - vi. A caterer may be utilized to provide food and beverages for a special event. If a caterer is utilized and is properly licensed for the preparation and/or sale of food and alcoholic beverages, the prohibitions and limitations set forth above in this Section as to food and beverages shall not apply to catering service for special events.
- (10) Except for viticulture activities, all operations, activities, and events shall cease by 11:00 p.m. Monday-Saturday and by 8:00 p.m. on Sundays.

(Ord. No. 2018-O-003, 04/03/2018)

**7.7-9 Wholesale Trade Uses (LBCS 3500)**

- a. Wholesale trade and distribution establishments, including packing or wholesale commodities for distribution are permitted provided that:
- (1) There shall be no outdoor storage of goods unless storage is permitted elsewhere in the district.
  - (2) Unless in a district in which manufacturing is permitted, no fabricating of goods to be sold shall be permitted.
  - (3) Unless in a district in which heavy manufacturing is permitted, no wholesaling activity shall be permitted which processes the goods handled in a manner that produces liquid or solid wastes or noise, odor, fumes or dust which can be detected beyond the walls of the building in which such wholesaling activity is housed.
- b. Junk Yards, Scrap Metal Handling & Salvage are permitted provided that:
- (1) The yard shall be located not closer than three (300) feet to properties zoned or used for residential or commercial purposes.
  - (2) The yard shall be completely enclosed with a solid fence not projecting into the required front yard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and operations from view from any adjacent property or right-of-way.

- (3) The incidental sale of auto parts removed from cars on the site shall be permitted.

**7.7-10 Warehouse and Storage Service Uses (LBCS 3600)**

- a. Reserved

**7.7-11 Transportation Service Uses (LBCS 4100)**

- a. Private airstrips for personal use require approval from the Board of Commissioners.
- b. In AG, Scenic and Sightseeing Transportation is limited to hot air balloon operations.
- c. Towing Service with storage areas is permitted provided that:
  - (1) The vehicle storage areas shall not exceed 5,000 square feet.
  - (2) The vehicle storage area shall be enclosed with a solid fence not projecting into the required front yard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and operations from view.
  - (3) Sales of auto parts shall not be permitted on the site.

**7.7-12 Communications and Information Uses (LBCS 4200)**

- a. Telecommunication Towers

- (1) Applicability

- i. Public Property. Towers or antennas located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this section, provided a license or lease authorizing such tower or antenna has been approved by the governing authority.
- ii. Amateur Radio. Receive-Only Antennas. This regulation shall not govern any tower or the installation of any antenna that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio operator or is exclusively for receive only antennas.
- iii. Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this regulation shall not be required to meet the requirements of 7.7-12a(2)(v) and 7.7-12a(2)(vi).

- (2) General Guidelines and Requirements

- i. Purpose and Goals. The purpose of this regulation is to establish general guidelines for the siting of towers and antennas. The goals of this regulation are to:
  - a. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community,
  - b. Encourage strongly the joint use of new and existing tower sites throughout the county,
  - c. Encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal,
  - d. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and

- e. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- ii. Principal or Accessory Use. Towers and antennas may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire parcel of land shall control, even though the tower or antenna may be located on leased parcels within said parcel of land. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a non-conforming use or structure.
- iii. Inventory of Existing Sites. Each applicant for an antenna or tower shall provide to the Planning and Zoning Department an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter (0.25) mile of the border thereof, height and design of each tower. The Planning and Zoning Department may share such information with other applicants applying for approval under this section or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- iv. Aesthetics; Lighting. The guidelines set forth in this section 7.7-12a(2)(iv) shall govern the location of all towers and the installation of all antennas governed by this section; provided, however, that the governing authority may waive these requirements if it determines that the goals of this section are better served thereby.
  - a. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color or the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- v. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal

government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the antennas and towers governed by this section shall bring such antennas and towers into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the antenna or tower at the owners' expense. Any such removal by the governing authority shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

- vi. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owners' expense. Any such removal by the governing authority shall be in that manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

### (3) Permitted Uses

- i. General. All towers and antennas permitted by this Subsection (a)(3) shall comply with all other requirements of the zoning ordinance, including but limited to Sections 7.7-12a(2)(iv), 7.7-12a(2)(v) and 7.7-12a(2)(vi).
- ii. Location of Towers or Antennas.
  - a. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna; is permitted in GC, NC, CP, OI, OD, HI and LI zoning districts; provided, however, that such tower or antenna shall be set back from any property line a distance equal to the height of the tower or antenna.
  - b. Locating a tower or antenna, including the placement of additional building or other supporting equipment used in connection with said tower or antenna, is permitted in AG zoning district; provided, however, that:
    - 1) such tower or antenna shall be set back from any property line a distance equal to the height of the tower or antenna;
    - 2) such tower or antenna shall be an alternative tower structure as defined in Article 4; and
    - 3) such tower or antenna may not be located on AG property located in a platted residential major subdivision as defined in Article 4.

- c. Locating a tower or antenna, including the placement of additional building or other supporting equipment used in connection with said tower or antenna, is permitted in PUD zoning districts; provided, however, that such tower or antenna shall be located on portions of the property designated and approved for non-residential use and shall be set back from any property line a distance equal to the height of the tower or antenna. No tower or antenna may be located on portions of PUD zoned property designated, approved or used for residential or amenity purposes. “Amenity purposes” shall mean passive and active recreation areas, including but not limited to swimming pools, tennis courts, basketball courts, athletic fields, parks, playgrounds, golf courses, pedestrian trails, and reserved greenspace, intended for the enjoyment and benefit of residents in close proximity to the property being used for amenity purposes.
  - d. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna; is prohibited in R-80, R-60, R-40, R-30, R-20, R-15, RD-3, RZL, RA, RTH, RM-10, and RM-16 districts;
  - e. An antenna may be installed on an existing structure other than a tower (such as a building, light pole, water tower or other freestanding non-residential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.
  - f. An antenna may be installed on any existing tower, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower; provided, however, that such a specific use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.
  - g. Nonconforming Towers and Antennas. Any tower or antenna lawfully existing on the effective date of the adoption of this ordinance or any amendment thereto, and any tower or antenna for which a permit has been properly issued shall be considered a legal nonconforming use of the property on which it is permitted and erected and shall be allowed to remain despite otherwise failing to comply with the use restrictions and performance standards of the zoning district in which it is located even if such property should be rezoned in the future to a district that does not permit the tower or antenna; provided however notwithstanding the designation as a lawful nonconforming use, any addition or modification of equipment or antennae shall conform to the requirements of this section. (Ord. 2016-O-006, 12-06-16)
- iii. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant’s proposed antenna. Evidence submitted by a certified engineer to demonstrate that no existing tower or structure can accommodate the applicant’s proposed antenna shall consist of the following:

- a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure for sharing are in excess of the cost of new tower development.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- iv. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which local government approval is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this Section would be better served thereby.
- a. Towers must be set back a distance equal to the height of the tower from any on-site property line.
  - b. Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.
  - c. In zoning districts other than industrial or commercial zoning districts, towers over ninety (90) feet in height shall not be located within one-quarter (0.25) of a mile from any existing tower that is over ninety (90) feet in height.
- v. Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
- vi. Landscaping. The following requirements shall govern the landscaping surrounding towers; provided, however, that the governing authority may waive such requirements if the goals of this Section would better be served thereby.
- a. Tower facilities shall be landscaped with a buffer of plant materials that provides a solid visual screen from adjacent residential property. The standards buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound.
  - b. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived.
  - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as

towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

- (4) Removal of Abandoned Towers or Antennas. Any tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower or antenna shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia, remove such antenna or tower at the owners' expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (As amended October 25, 1996 by the Board of Commissioners).
- b. Ham Radio Operator Broadcast Towers. Poles, master towers and antennas used in operation of amateur radios licensed by the Federal Communication Commission shall be governed by the following requirements:
- (1) Amateur Radio Service Antenna Structures (not withstanding) any other code section of this Ordinance may be erected to such heights appropriate to accommodate communications provided that no such structure shall be placed less than one-half (1/2) its height from the nearest property line, provided all such structures are painted neutral colors to minimize visual intrusion and that all such structures are equipped with suitable anti-climbing devices. All antenna structures must comply with FCC and FAA regulations.
  - (2) Antennas shall meet all manufacturers' specifications. The mast or tower shall be of non-combustible and non-corrosive hardware. Hardware such as brackets, turnbuckles, clips and similar type equipment subject to rust or corrosion shall be protected with a zinc or cadmium coating by either galvanizing or a sheradizing process after forming. These finishes are selected to guard against corrosion and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.
  - (3) Every antenna must be adequately grounded.
  - (4) No antenna towers are permitted in the front yard area of any Zoning District. Guy wires, support anchor structures and a maximum of one wire antenna are permitted within the front yard area in all zoning districts. All guy wires and support anchor structures within a front yard may not be located between the front of the house and the front property line and should be as close as possible to the side property line. Guy wires and wire antennas within a front yard may be anchored to a tree located on the property instead of a support anchor structure.
  - (5) Guy wires support anchor structures and wire antennas may be located within the required setbacks in all Zoning Districts.

#### 7.7-13 Utilities and Utility Services (LBCS 4300)

- a. Public utilities such as electric transformer stations, gas regulator stations and telephone exchanges are permitted provided that:
- (1) Any building or structure, except an enclosing fence shall be set back not less than twenty (20) feet from any property line and shall meet all applicable yard requirements in excess thereof.
  - (2) Such uses shall be enclosed by a fence not less than eight (8) feet in height.

- (3) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner.
  - (4) The storage of vehicles and equipment on the premises shall be prohibited.
- b. Solid Waste Transfer Stations and Landfills are permitted in the HI district. For purposes of amendments to this Resolution, the Cherokee County Landfill and Waste Disposal Ordinance enacted July 24, 1990, is incorporated herein and made a part of this Ordinance. Where a conflict between the provisions exists, the stricter provisions shall apply.
- c. Inert Waste Landfills are permitted in district HI, provided that the following conditions have been met:
- (1) Such facility shall conform to State of Georgia Rules and Regulations for Solid Wastes Management.
  - (2) The operation can and shall be conducted in such a manner that air, land and water pollution and public health hazard nuisances are prevented.
  - (3) Such facility shall not be located in any wetland, or area being designated as 100-year floodplain.
  - (4) Such facility shall not be located near a significant groundwater recharge area.
  - (5) Such facility shall not be situated within two (2) miles up gradient of any surface water intake for a public drinking water source.
  - (6) The location, the boundaries and the proposed method of operation shall have been approved by the Cherokee County Health Department and the County Engineer. The Health Department and County Engineer shall both collect reasonable and appropriate fees for the inspection in advance.
  - (7) Such facility shall be accessible without excessive travel over residential streets. Proposed truck traffic routes and entrances to the facility shall be approved in advance of the Board's hearing by the County Engineer. Turn lanes and expansion necessary to improve sight distance and other safety requirement shall be made a condition by the Board.
  - (8) All-weather access roads shall be provided to the disposal site.
  - (9) Such facility shall be suitably fenced to prevent the spread of papers and other materials and shall be screened and planted so that it is not visible from any residential, commercial or industrial structure or from any street.
  - (10) A minimum of two (200) feet buffer area with dense natural foliage shall be provided between the property line and the operation line. No clearing and grubbing shall take place in buffer areas except as required for the construction of drainage devices, groundwater monitoring wells and access roads.
- d. Private Sewage Treatment Facilities serving multiple developments are limited to the HI zoning district.

**7.7-14 Arts, Entertainment, and Recreation Uses (LBCS 5100 - 5500)**

- a. Amusements and outdoor recreational facilities, including but not limited to, driving ranges (golf or baseball), miniature golf courses, tennis courts, sports training facilities, and shooting ranges, together with their related commercial activities are



permitted subject to the grant of a Special Use Permit or as a Restricted Use as set forth in Table 7.2, provided that the following requirements are met:

- (1) The facility shall be enclosed by a wall or fence.
  - (2) A perimeter landscape buffer area of ten (10) feet is required adjacent to the surrounding property. The buffer must meet County standards for year-round visual screening.
  - (3) Central loudspeakers shall be prohibited.
  - (4) All other requirements of this Section 7.7-14 shall be met as applicable for the specific use.
  - (5) All related commercial activities permitted under this Section shall be limited to the hours of operation for the primary amusement and recreation use.
- b. In addition to meeting the requirements of Section 7.7-14(a), if an outdoor recreational facility is in AG, the following additional conditions must be met:
- (1) Parcel must be ten (10) acres or more.
  - (2) A perimeter landscape buffer of fifty (50) feet is required adjacent to surrounding property. The buffer must meet County standards for year-round visual screening. This is in place of the ten (10) foot buffer required above.
  - (3) A traffic control plan approved by the County Engineer shall be followed during hours of operation.
- c. Indoor recreational facilities are permitted subject to the grant of a Special Use Permit or as a Restricted Use as set forth in Table 7.2, provided the following conditions are met:
- (1) Outdoor loudspeakers shall be prohibited.
  - (2) A traffic control plan may be required at the discretion of the County Engineer.
  - (3) Related commercial activities shall be permitted, but shall be within the enclosed area and limited to the hours of operation for the primary indoor recreation use.
- (Ord. No. 2018-O-003, 04/03/2018)
- d. Golf courses and clubhouses not associated with a residential neighborhood are permitted provided that:
- (1) The golf course shall be a full nine-hole or more course.
  - (2) Any building or structure established in connection with such use shall be set back no less than one hundred (100) feet from any property line except where such property line is a street line.
  - (3) Lighting shall be designed in accordance with the Article 25 – Outdoor Lighting and Road Glare Ordinance.
  - (4) Central loudspeakers shall be prohibited.
- e. Community or neighborhood centers including subdivision clubhouses with or without swimming and tennis facilities are permitted provided that:
- (1) The facility shall be designed to provide adequate screening of the facility to create a visual and sound buffer for adjacent properties. The facility shall be

designed to accommodate no more than those residing within two (2) adjoining residential developments.

- (2) Buildings and structures established in connection with such use shall be set back not less than seventy-five (75) feet from any property line:
  - i. The setback may be reduced to twenty (20) feet from an interior property line of the property line of the property on which the use is located if a ten (10) foot landscaped buffer is provided along said property line and a six (6) foot privacy fence is erected and maintained along said line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than one hundred (100) feet from an exterior property line unless also reduced in accordance with above.
- (3) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the Health Department and Cherokee County Building Inspections Department;
- (4) Outdoor activity shall cease by 11:00 p.m.
- (5) Lighting shall be designed in accordance with the Article 25 – Outdoor Lighting and Road Glare Ordinance.
- (6) Parking Spaces
  - i. A minimum of twenty (20) on-site parking spaces shall be provided for amenities which include a swim facility or swim/tennis with up to four (4) courts. Additional spaces at the minimum of four (4) spaces per court shall be provided for each court over four (4) in number. A minimum of ten (10) spaces for every two (2) courts shall be provided for amenities which include tennis courts only;
  - ii. In addition to the requirement above, a minimum of five (5) spaces for each fifty (50) residents or pro-rated portion thereof, over one hundred (100) shall be provided; and
- f. Shooting Ranges are permitted subject to the grant of a Special Use Permit, and are subject to any conditions attached to such Special Use Permit, and in addition to the requirements set forth in Section 7.7-14 (a), (b), and (c), Shooting Ranges are subject to the following additional requirements:
  - (1) Indoor Shooting Ranges.
    - i. All indoor shooting ranges shall be of soundproof construction, whereby the sound from the discharge of any firearm and the impact of any projectile shall not be plainly audible across any adjoining property line or at a distance of fifty (50) feet from the building, whichever distance is greater.
    - ii. No piece of the projectile or target shall leave the building as a result of the activities taking place therein.
    - iii. The National Association of Shooting Ranges and the Occupational Safety and Health Administration publication titled “Lead Management and the OSHA Compliance for Indoor Shooting Ranges” should be consulted in planning and constructing an indoor shooting range.
  - (2) Outdoor Shooting Ranges.

- i. All outdoor shooting ranges shall be located on property with a minimum of twenty (20) acres.
  - ii. No buildings, facilities, ranges, or lanes associated with the use shall be located closer than three hundred (300) feet from any property line. Within that three hundred (300) feet, a perimeter landscape buffer of fifty (50) feet is required adjacent to surrounding property. The buffer must meet County standards for year-round visual screening.
  - iii. Outdoor ranges shall require the preparation and submittal of a plan/study from an acoustical expert, demonstrating that the proposed range design plan is the most effective noise-diminishing plan possible to protect neighboring landowners, and shall include details as to all sound attenuation techniques used to reduce noise. Such plan shall be submitted in conjunction with the Special Use Permit process for such outdoor range to be considered for permitting.
- (3) Applicable to Indoor and Outdoor Shooting Ranges.
- i. All indoor and outdoor shooting ranges shall comply with all local, state, and/or federal regulations related to shooting ranges.
  - ii. In planning for an indoor or outdoor shooting range, the National Rifle Association publication titled “The NRA Range Sourcebook” should be consulted. (Ord. No. 2018-O-003, 04/03/2018)

#### 7.7-15 Educational Services (LBCS 6100)

- a. Group Day Care Homes are permitted within AG, R-80, R-60, R-40, R-30, R-20, R-15 districts with the following requirements:
  - (1) Group Day Care Homes must be licensed by the State of Georgia and meet all applicable requirements.
  - (2) All proposed locations for Group Day Care Homes must meet the minimum lot area requirements for the designated zoning district.
  - (3) A Group Day Care Home shall be located on an arterial, major or minor collector road.
  - (4) The Group Day Care Home shall retain the outward appearance of a single-family home.
  - (5) Outdoor loudspeakers shall not be permitted.
  - (6) All exterior play structures, such as swing sets, playground equipment, etc., shall be located at least fifty (50) feet from any side or rear property line. If a year-round vegetative screen is provided at 85% opacity the setback may be reduced to 25 feet.
  - (7) Off-street parking shall conform to the parking regulations as provided in Article 12.
- b. Commercial Day Care Centers are permitted within OI, NC, GC, CP and LI districts with the following requirements:
  - (1) Commercial Day Care Centers must be licensed by the State of Georgia and meet all applicable requirements.

- (2) Commercial Day Care Centers shall be subject to the commercial development standards set forth in Article 7.5-3 and the Cherokee County Development Regulations.
  - (3) All exterior play structures, such as swing sets, playground equipment, etc., shall be located at least fifty (50) feet from any side or rear property line. If a year-round vegetative screen is provided at 85% opacity the setback may be reduced to 25 feet.
  - (4) Outdoor loudspeakers shall not be permitted.
- c. Private or Parochial Schools are permitted provided that:
- (1) Minimum lot size for such developments located in AG and all residential districts shall be five (5) acres. Minimum lot size for such developments located in the OI, CP, NC, and GC districts shall meet the minimum area of the district as shown in Table 7.1
  - (2) The main entrance of such development shall be on an arterial, major or minor collector road.
  - (3) A Private or Parochial School shall be subject to the commercial development standards set forth in Article 7.5-3 and the Cherokee County Development Regulations.
  - (4) A Commercial Day Care Center shall be allowed to be operated in conjunction with and as an integral part of a Private or Parochial School provided that the requirements set forth in Article 7.7-15b are met.
  - (5) A Private or Parochial School may be an accessory use to an existing or planned Place of Worship provided such development has a the minimum acreage required above in addition to the area required for the Place of Worship to which the school may be accessory; and a Special Use Permit is obtained in accordance with the provisions outlined in Article 18 of the Zoning Ordinance.
- (Ord. No. 2018-O-014, 10/16/2018)

7.7-16 Public Administration, Government and Safety (LBCS 6200 - 6400)

- a. Reserved.

7.7-17 Housing Services for the Elderly (LBCS 1200) and Health and Human Services (LBCS 6500)

- a. Homes for the Elderly Without Nursing Care, Residential Mental Retardation Facilities, Residential Mental Health Facilities, Residential Substance Abuse Facilities, and Other Residential Care Facilities are permitted in AG and all residential districts only to the extent they function as Small Personal Care Homes, and subject to the following additional conditions:
- (1) The home is approved and licensed by the State of Georgia or any agency through which it acts.
  - (2) Number of Residents:
    - a. A maximum of 6 ambulatory residents and necessary staff may reside in a Small Personal Care Home.
  - (3) Small Personal Care Homes shall retain the outward appearance of a single-family home.

- (4) Off-street parking for Small Personal Care Homes shall conform to residential parking standards.
  - (5) No Small Personal Care Home shall be operated within one thousand (1,000) feet of any other residential care facility. The one-thousand-foot distance is measured by the straight line which is the shortest distance between the property lines of the two (2) tracts of land on which each facility is located.
- b. Accommodations. Notwithstanding any other provisions in this Section to the contrary, a property owner or applicant may petition the Board of Commissioners for an accommodation under either the Fair housing Act or the Americans with Disabilities Act upon a showing that, based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of this Section, that the requested accommodation does not impose an undue burden or expense on the County or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme. All procedural requirements related to consideration, approval, and appeal of hardship variances shall apply, with the exception that the request shall come before the Board of Commissioners, rather than the Zoning Board of Appeals.

(Ord. No. 2018-O-003, 04/03/2018)

**7.7-18 Religious Institutions (LBCS 6600)**

- a. Places of Worship in the AG and all residential zoning districts shall conform to the following requirements of this subsection (a) shall be allowed as a matter of right. Places of Worship in the AG or any residential zoning district that do not meet the requirements of this subsection (a) shall be allowed if a Special Use Permit is obtained in accordance with the provisions outlined in Article 18 of the Zoning Ordinance.
  - (1) The place of worship shall
    - a) Have primary access from an Arterial or Collector road,
    - b) Be located on a site of not less than two (2) acres, and
    - c) Have not less than two hundred (200) feet of road frontage.
  - (2) The aggregate square footage of all buildings on the property shall not be greater than ten thousand (10,000) square feet.
  - (3) All buildings must be setback at least fifty (50) feet from any street and at least thirty (30) feet from any side or rear property line. If located on an existing two (2) lane Arterial road, the front building setback shall be seventy-five (75) feet. If located on an existing two (2) lane Collector road, the front building setback shall be sixty-five (65) feet.
  - (4) No parking within the front yard setback area.
  - (5) If adjacent to property zoned residential, or adjacent to property zoned AG with a residential use thereon, a buffer of at least thirty (30) feet shall be provided along the property lines adjacent to said property.
  - (6) Regardless of zoning classification, all buildings and related appurtenances shall comply with the provisions of Article 7.5-3. A building used as a Parsonage associated with the Place of Worship on the property is exempt from this requirement.

- b. Places of Worship in any commercial district or the LI zoning district that conform to the requirements of this subsection (b) shall be allowed as a matter of right. Places of Worship in a commercial district or the LI zoning district that do not meet the requirements of this subsection (b) shall be allowed if a Special Use Permit is obtained in accordance with the provisions outlined in Article 18 of the Zoning Ordinance.
- (1) The Place of Worship shall have primary access from an Arterial or Collector Road, unless the Place of Worship is located within a planned industrial park.
  - (2) The buildings must be set back at least fifty (50) feet from any street and at least thirty feet (30) feet from any side or rear property line. If located on an existing two (2) lane Arterial road, the front building setback shall be seventy-five (75) feet. If located on an existing two (2) lane Collector road, the front building setback shall be sixty-five (65) feet.
  - (3) Regardless of zoning classification, all buildings and related appurtenances shall comply with the provisions of Ordinance Article 7.5-3. A buildings used as a parsonage associated with the Place of Worship on the property is exempt from this requirement.
- c. The following additional uses may be permitted as an accessory use (as defined in Article 4 of the Zoning Ordinance) to a place of worship only upon approval of a Special Use Permit in accordance with the provisions outlined in Article 18 of the Zoning Ordinance and only to the extent the purported accessory use and related accessory structure complies with the limitations for an accessory use and accessory structure as specified in Article 4 of the Zoning Ordinance:
- (1) Outdoor ball fields (lighted or unlighted), pools, or similar outdoor recreational facilities whether in conjunction with an accessory use identified herein as a daycare center, kindergarten, or private school, or whether as a separate accessory use.
  - (2) Cemeteries, mausoleums, or other legally permitted interment space or burial chamber.
  - (3) Day Care Centers.
  - (4) Kindergartens.
  - (5) Private schools (K-12).
  - (6) Health and Social Services, including but not limited to, temporary shelters, transitional housing, and other similar facilities that are provided free of charge in furtherance of the ministry and/or goals of the Place of Worship.
- d. No commercial uses or uses that result in a profit-seeking or profit based enterprise shall be permitted as an accessory use, even if the proceeds derived from the commercial use are said to be for purposes of supporting the Religious Organization.

(Ord. No. 2018-O-014, 10-16-18)

7.7-19 Death Care Services (LBCS 6700)

- a. The development of a funeral establishment is permitted provided that:
- (1) Such development may front only on a collector or major street or state highway and the entrance and exits to it shall be only from the street on which it fronts, unless the funeral establishment is part of a planned commercial center utilizing common access drives and entrances.
  - (2) Such funeral establishment shall be licensed by and comply with the rules of the State of Georgia.
  - (3) A crematory located on or adjacent to a tract of land which contains a funeral establishment is permitted in a GC (General Commercial) zoning district only as an accessory use to the funeral establishment provided the following criteria are met:
    - i. Retort exhaust not be located within 1,000 feet of the property lines of a residential subdivision platted and recorded in the office of the clerk of the superior court.
    - ii. Shall comply with all relevant requirements, including emissions, air quality and separation or distance standards established by federal or state agencies related to cremator and / or crematories.
    - iii. Shall be licensed by and comply with the rules of the State of Georgia.
- b. The development of a cemetery or mausoleum is permitted provided that:
- (1) Such development may front only on a collector or major street or state highway and the entrance and exits to it shall be only from the street on which it fronts.
  - (2) An existing cemetery in an AG zoning district may be extended in an AG, R-80 or R-60 District if a dense vegetative screen or combination screen and fence or ten-foot buffer is provided along the side and rear property lines.
- c. Crematories may be permitted in Li and HI zoning districts provided that such facility:
- (1) Shall be licensed by and comply with the rules of the State of Georgia.
  - (2) Shall comply with all relevant requirements, including emissions, air quality and separation or distance standards established by federal or state agencies related to cremator and / or crematories.

(Ord. No. 2015-O-008, 10-06-15)

7.7-20 Associations, Nonprofit Organizations, etc. (LBCS 6800)

- a. Reserved

7.7-21 Construction-Related Businesses (LBCS 7100 - 7400)

- a. Outdoor Storage Yards for vehicles, equipment and materials are permitted provided that:
- (1) The storage yard shall be enclosed with a privacy fence not projecting into the required front yard, not less than eight (8) feet high to effectively screen all storage and operations from view.
  - (2) Sales of materials shall not be permitted on the site.

7.7-22 Crop Production (LBCS 9100)

October 16, 2018

7-45

- a. Commercial horticulture, which includes the growing of fruits, trees, nuts, vegetables and plants is permitted provided that no structure used in such activity is located closer than one hundred (100) feet to any property line.

7.7-23 Support Functions for Agriculture (LBCS 9200)

- a. Livestock sales pavilions or auction facilities, show rings or other arena for the display, exhibition, training or sales of livestock are permitted provided that no animal quarters are located closer than seventy-five (75) feet to any property line. Adequate off-street parking shall be provided for livestock trailers, recreational vehicles, etc., associated with the proposed use in addition to the minimum requirements of the Zoning Ordinance.

7.7-24 Animal Production (LBCS 9300)

- a. The raising and keeping of livestock for non-commercial purposes (i.e. personal pleasure) shall be allowed in all residential districts on tracts of two (2) acres or more, but limited to one animal per acre except as otherwise allowed herein.
  - (1) Backyard chickens: The keeping of hens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. The keeping of hens also provides free nitrogen-rich fertilizer; chemical-free pest control; animal companionship and pleasure; and weed control, among other notable benefits.

This regulation is intended to make provision for the limited keeping of female chickens (*Gallus domesticus*), referred to as hens, for the health, convenience and personal enjoyment benefits afforded by such use within single family residential districts provided that:

- i. No more than 8 hens are kept on a residential lot as a non-commercial accessory use
  - (i) Said residential lot must be 20,000 sf or greater
  - (ii) Residential lots greater than 8 acres may keep one additional hen per every whole acre over 8 acres
- ii. No rooster shall be kept upon the property
- iii. The slaughter of any hen on site is strictly prohibited.
- iv. Hens shall be confined to a fenced enclosure located in backyard only. The enclosure shall be at least twenty five (25) feet from any property lines and fifty (50) feet from residential structures on adjacent properties, and shall enclose an area of not less than 10 sf per hen.
- v. Within the fenced enclosure, a well-maintained structure (henceforth referred to as a coop) shall be required for the hens. The coop must be less than 15 feet in height and impermeable to rodents, wild birds, and predators, including dogs and cats, and must contain 2 sf per hen.
- vi. The coop and area within the fenced enclosure must be clean and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- vii. Odors from hens, hen waste, or other hen-related substances shall not be perceptible at the property boundaries.



- viii. Provision must be made for the storage and removal of hen droppings and any dead birds. All stored droppings shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure and surrounding area must be kept free from trash and accumulated droppings. Dead hens must be disposed of in a sanitary manner.
- ix. Perceptible noise from hens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity (2010-Z-002, 10/05/10).
- b. Animal quarters may be located no closer than seventy-five (75) feet to any property line when used in the care and breeding of livestock such as cattle, hogs, sheep, horses, i.e. farm animals.
- c. Commercial stables and riding academies are permitted in R-80, R-60 & R-40 districts provided that:
  - (1) The parcel is a minimum of 5 acres.
  - (2) The quantity of livestock on the parcel does not exceed 1 animal per acre.
- d. The raising and keeping of wild animals is permitted provided that the owner or custodian of such wild animals has received an appropriate permit and meets all the requirements of the State of Georgia and further provided that no animal quarters are located closer than two hundred (200) feet to any property line.

7.7-25 Forestry and Logging (LBCS 9400)

- a. Reserved

7.7-26 Fishing, Hunting and Trapping, Game Preserves (LBCS 9500)

- a. Reserved

(Ord. 2011-Z-001, 03-01-11)

## 7.7 Prohibited Uses

The following uses are prohibited in all districts:

7.8-1 Uses other than those which are permitted pursuant to this Ordinance.

7.8-2 No more than one dwelling unit in agriculture and residential zoning districts except where specifically provided or except as permitted pursuant to variance.

7.8-3 Uses by the Cherokee County governing authority for governmental purposes on behalf of Cherokee County are not prohibited in any zoned district.

**Table 7.1A: Minimum District Development Standards**

ZONE	DISTRICT	ADDIT. REQMT. GO TO SECTION	MINIMUM SITE AREA	MINIMUM LOT AREA	MAX DENSITY DU/AC	MIN LOT WIDTH <sup>1</sup>	MAX LOT COVE-RAGE	MINIMUM SETBACKS FRONT YARD <sup>2</sup>			MINIMUM SETBACKS		REQ OPEN SPACE
								ART	COL	LOC	SIDE	REAR	
AG	General Agriculture		-	2 acres	0.5	150'	20%	75'	50'	50'	50'	50'	-
R-80	Estate Residential		-	80,000 sq ft	0.5445	120'	25%	65'	50'	35'	50'	50'	-
R-60	Single-Family Residential		-	60,000 sq ft	0.726	110'	27%	50'	50'	35'	40'	40'	-
R-40	Single-Family Residential		-	40,000 sq ft	1.089	100'	30%	50'	50'	35'	15'	30'	-
R-30	Single-Family Residential		-	30,000 sq ft	1.452	100'	30%	50'	50'	35'	15'	30'	-
R-20	Single-Family Residential		-	20,000 sq ft	2.178	90'	30%	50'	40'	30'	10'	30'	-
R-15	Single-Family Residential	7.4-1	-	15,000 sq ft	2.904	80'	35%	50'	40'	25'	10'	30'	-
RD-3	Single-Family Residential	7.4-1.1	-	7,500 sq ft	3	60'	50%	-	-	20'	5'	5'	30%
RZL	Zero-Lot-Line	7.4-2	5 acres	3,800 sq ft	6	36'	50%	-	35'	20'	10'	25'	10%
RA	Single-Family Attached	7.4-3											
	Duplex w/sewer		2 acres	16,000 sq ft	5	100'	35%	50'	50'	35'	15'	30'	-
	Triplex		2 acres	22,000 sq ft	6	100'	40%	50'	50'	35'	15'	30'	-
	Quadruplex		2 acres	24,000 sq ft	8	100'	40%	50'	50'	35'	15'	30'	-
RTH	Townhouse	7.4-4	3 acres	5,000 sq ft	8	40'	60%	-	40'	20'	15'	30'	10%
RM-10	Multi-Family	7.4-5	2 acres	2 acres	10	100'	35%	50'	40'	20'	10'	25'	-
RM-16	Multi-Family	7.4-5	2 acres	2 acres	16	100'	35%	50'	40'	20'	10'	25'	-
OI	Office Institutional	7.4-6	0.5 acres	-	-	100'	-	50'	50'	50'	10'	15'	-
NC	Neighborhood Commercial	7.4-8	0.5 acres	-	-	100'	-	50'	50'	50'	15'	15'	-
GC	General Commercial	7.4-9	0.5 acres	-	-	100'	-	75'	50'	50'	10'	15'	-
HC	Highway Commercial		0.5 acres	-	-	100'	-	50'	50'	50'	10'	15'	-
OD	Office Distribution		5 acres	-	-	200'	-	50'	50'	50'	20'	15'	-
LI	Light Industrial	7.4-10	1 acre	-	-	100'	-	75'	50'	50'	25'	25'	-
HI	Heavy Industrial	7.4-11	1 acre	-	-	150'	-	75'	50'	-	25'	25'	-
PID	Planned Industrial Development		10 acres	-	-	200'	-	75'	50'	50'	25'	25'	-

43,560 sq ft = 1 acre

<sup>1</sup>Measured at building setback

<sup>2</sup>Existing two (2) lane arterial and collector roads require a 75' and 65' setback limit  
Existing four (4) lane interstate and arterial roads require a 50' setback limit

Note: See Article 8 - Traditional Neighborhood Development for TND development requirements. (Ord. 2007-Z-002, 08-07-07)

Date: 10/16/2018 (Ord. 2018-O-012)

LBCS	LBCS Description	NAICS Description	NAICS Code	Supp. Req.	AG	Res	OI	CP	NC	GC	LI	HI
<b>1000</b>	<b>Residence or Accommodation Functions</b>											
<b>1100</b>	<b>Private households</b>			7.7-1 a & b	R	R						
<b>1200</b>	<b>Housing services for the elderly</b>											
1210	Retirement housing services	Homes for the elderly without nursing care	623312	7.7-17 a & b	R	R	O		O	O		
1230	Assisted-living services	Assisted-living facilities without on-site nursing care facilities	623312				O		O	O		
1240	Life care or continuing care services	Continuing care retirement communities	623311				O		O	O		
1250	Skilled-nursing services	Assisted-living facilities with on-site nursing facilities	623311				O		O	O		
<b>1300</b>	<b>Hotels, motels or other accommodation services</b>											
1310	Bed and breakfast inn	Bed and breakfast inns	721191	7.7-2b	R	R						
1320	Rooming and boarding	Dormitories, Fraternities & Sororities	721310			S	O					
1330	Hotel, motel, or tourist court	Health spas (i.e., physical fitness facilities) with accommodations	721110	7.7-2c			R	R		R		
1330	Hotel, motel, or tourist court	Hotels (except casino hotels)	721110	7.7-2c			R	R		R		
1330	Hotel, motel, or tourist court	Motels	721110	7.7-2c			R	R		R		
1330	Hotel, motel, or tourist court	Motor courts, hotels, inns & lodges	721110	7.7-2c			R	R		R		
1330	Hotel, motel, or tourist court	Resort hotels without casinos	721110	7.7-2c			R	R		R		
1330	Hotel, motel, or tourist court	Seasonal hotels without casinos	721110	7.7-2c			R	R		R		
<b>2000</b>	<b>General Sales or Service</b>											
<b>2100</b>	<b>Retail sales or service</b>											
2110	Automobile sales or service establishment	General Automotive Repair	811111	7.7-3a						R	R	
2110	Automobile sales or service establishment	Automotive exhaust system repair and replacement shops	811112	7.7-3a						R	R	
2110	Automobile sales or service establishment	Other Automotive Mechanical and Electrical Repair and Maintenance	811113	7.7-3a						R	R	
2110	Automobile sales or service establishment	Automotive Body, Paint, and Interior Repair and Maintenance	811121	7.7-3a						S	R	
2110	Automobile sales or service establishment	Automotive Glass Replacement Shops	811122	7.7-3a						R	R	
2110	Automobile sales or service establishment	Automotive oil change and lubrication shops	811191	7.7-3a						R	R	
2110	Automobile sales or service establishment	Automotive detailing services (i.e., cleaning, polishing)	811192							O	O	
2110	Automobile sales or service establishment	Car washes (including self service and automatic)	811192							O	O	
2110	Automobile sales or service establishment	Truck and bus washes	811192							O	O	
2110	Automobile sales or service establishment	All Other Automotive Repair and Maintenance	811198	7.7-3a						R	R	
2111	Car dealer	New Car & Light Truck Dealers	441110	7.7-3b						R		
2111	Car dealer	Used Car & Light Truck Dealers	441120	7.7-3b						S		
2112	Bus, truck, mobile homes, or large vehicles	Recreational Vehicle Dealers	441210	7.7-3b						R	R	
2112	Bus, truck, mobile homes, or large vehicles	Manufactured (Mobile) Home Dealers	453930	7.7-3b						R	R	
2113	Bicycle (motorized), motorcycle, ATV, etc.	Motorcycle, ATV, and All Other Motor Vehicle Dealers	441228	7.7-3b						R	R	
2114	Boat or marine craft dealer	Boat dealers, new and used	441222	7.7-3b						R	R	
2115	Parts, accessories, or tires	Automotive Parts and Accessories Stores	441310							O	O	
2116	Gasoline service	Gasoline stations with convenience stores	447110							O	O	
2116	Gasoline service	Gasoline service stations	447190							O	O	
2116	Gasoline service	Gasoline stations without convenience stores	447190							O	O	
2116	Gasoline service	Marine service stations	447190							O	O	
2116	Gasoline service	Truck stops	447190							O	O	
2120	Heavy consumer goods sales or service	Consumer Electronics Repair and Maintenance	811211	7.7-3c						R	R	R
2120	Heavy consumer goods sales or service	Computer and Office Machine Repair and Maintenance	811212	7.7-3c						R	R	R
2120	Heavy consumer goods sales or service	Communication Equipment Repair and Maintenance	811213	7.7-3c						R	R	R
2120	Heavy consumer goods sales or service	Other Electronic and Precision Equipment Repair and Maintenance	811219	7.7-3c							R	R
2120	Heavy consumer goods sales or service	Commercial and Industrial Machinery and Equipment (except Auto. and Elec.) Repair and Maintenance	811310	7.7-3d							R	R
2120	Heavy consumer goods sales or service	Home and Garden Equipment Repair and Maintenance	811411	7.7-3d						R	R	
2120	Heavy consumer goods sales or service	Appliance Repair and Maintenance	811412	7.7-3d						R	R	R
2120	Heavy consumer goods sales or service	Reupholstery and Furniture Repair	811420	7.7-3d						R	R	
2120	Heavy consumer goods sales or service	Footwear and Leather Goods Repair	811430	7.7-3c						R	R	
2120	Heavy consumer goods sales or service	Other Personal and Household Goods Repair and Maintenance	811490	7.7-3c						R	R	
2120	Heavy consumer goods sales or service	Gunsmith shops without retailing new guns	811490	7.7-3d						R	R	
2120	Heavy consumer goods sales or service	Motorcycle repair shops without retailing new motorcycles	811490	7.7-3a						R	R	
2120	Heavy consumer goods sales or service	Pleasure boat repair and maintenance services without retailing new boats	811490	7.7-3a						R	R	
2121	Furniture or home furnishings	Furniture Stores	442110							O	O	
2121	Furniture or home furnishings	Floor covering stores (except wood or ceramic tile only)	442210							O	O	O
2121	Furniture or home furnishings	Window treatment stores	442291							O	O	
2121	Furniture or home furnishings	All Other Home Furnishings Stores	442299							O	O	
2121	Furniture or home furnishings	Wood-burning stove stores	442299							O	O	
2122	Hardware, home centers, etc.	Home improvement centers	444110	7.7-3e						R	R	
2122	Hardware, home centers, etc.	Paint and Wallpaper Stores	444120	7.7-3e						R	R	R
2122	Hardware, home centers, etc.	Hardware & Tool stores	444130	7.7-3e						R	R	
2123	Lawn and garden supplies	Outdoor power equipment stores	444210							O		
2123	Lawn and garden supplies	Feed stores (except pet)	444220							O	O	
2123	Lawn and garden supplies	Lawn and garden centers	444220	7.7-3f						R	R	
2124	Department store, warehouse club or superstore	Department Stores (except Discount Department Stores)	452111							O		
2124	Department store, warehouse club or superstore	Discount Department Stores	452111							O		
2124	Department store, warehouse club or superstore	Warehouse Clubs and Supercenters	452910							O		
2124	Department store, warehouse club or superstore	All Other General Merchandise Stores	452990							O	O	

Open Use O Restricted Use - See 7.7 R Special Use Permit S

LBCS	LBCS Description	NAICS Description	NAICS Code	Supp. Req.	AG	Res	OI	CP	NC	GC	LI	HI
2125	Electronics and Appliances	Household Appliance Stores	443141						O	O		
2125	Electronics and Appliances	Electronics Stores	443142						O	O		
2126	Lumber yard and building materials	Other Building Material Dealers	444190	7.7-3e						R	R	
2133	Clothing, jewelry, luggage, shoes, etc.	Mens Clothing Stores	448110						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Womens Clothing Stores	448120						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Childrens and Infants' Clothing Stores	448130						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Family Clothing Stores	448140						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Clothing Accessories Stores	448150						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Other Clothing Stores	448190						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Shoe Stores	448210						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Jewelry & Watch Stores	448310						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Luggage and Leather Goods Stores	448320						O	O		
2133	Clothing, jewelry, luggage, shoes, etc.	Sewing, Needlework, and Piece Goods Stores	451130						O	O		
2134	Sporting goods, toy and hobby, and musical instruments	Sporting Goods Stores	451110						O	O		
2134	Sporting goods, toy and hobby, and musical instruments	Hobby, Toy, and Game Stores	451120						O	O		
2135	Books, magazines, music, stationery	Musical Instrument and Supplies Stores	451140						O	O		
2135	Books, magazines, music, stationery	Book Stores	451211						O	O		
2135	Books, magazines, music, stationery	News Dealers and Newsstands	451212						O	O		
2135	Books, magazines, music, stationery	Office Supplies and Stationery Stores	453210						O	O		
2135	Books, magazines, music, stationery	Gift, Novelty, and Souvenir Stores	453220						O	O		
2140	Consumer goods, other	All Other Miscellaneous Store Retailers (except Tobacco Stores)	453998						O	O		
2141	Florist	Florists	453110						O	O		
2142	Art dealers, supplies, sales and service	Art Dealers	453920						O	O		
2143	Tobacco or tobacconist establishment	Tobacco Stores	453991						O	O		
2144	Mail order or direct selling establishment	Electronic Shopping	454111				O			O	O	
2144	Mail order or direct selling establishment	Electronic Auctions	454112				O			O	O	
2144	Mail order or direct selling establishment	Mail-Order Houses	454113				O			O	O	
2144	Mail order or direct selling establishment	Heating Oil Dealers	454311								O	O
2144	Mail order or direct selling establishment	Liquefied Petroleum Gas (Bottled Gas) Dealers	454312								O	O
2144	Mail order or direct selling establishment	Other Fuel Dealers	454319							O	O	
2144	Mail order or direct selling establishment	Other Direct Selling Establishments	454390							O	O	
2145	Antique shops, flea markets, etc.	Used Merchandise Stores	453310						O	O		
2151	Grocery store, supermarket, or bakery	Supermarkets and Other Grocery (except Convenience) Stores	445110						O	O		
2151	Grocery store, supermarket, or bakery	Meat Markets	445210						O	O		
2151	Grocery store, supermarket, or bakery	Fish and Seafood Markets	445220						O	O		
2151	Grocery store, supermarket, or bakery	Baked Goods Stores	445291						O	O		
2152	Convenience store	Convenience Stores Without Fuel Pumps	445120						O	O		
2153	Specialty food store	Confectionery and Nut Stores	445292						O	O		
2153	Specialty food store	All Other Specialty Food Stores	445299						O	O		
2154	Fruit and vegetable store	Fruit and Vegetable Markets	445230	7.7-3g		R			O	O		
2155	Beer, wine, and liquor store	Beer, Wine, and Liquor Stores	445310							O		
2160	Health and personal care	Food (Health) Supplement Stores	446191						O	O		
2160	Health and personal care	All Other Health and Personal Care Stores	446199						O	O		
2161	Pharmacy or drug store	Pharmacies and Drug Stores	446110						O	O		
2162	Cosmetic and beauty supplies	Cosmetics, Beauty Supplies, and Perfume Stores	446120						O	O		
2163	Optical	Optical Goods Stores	446130						O	O		
<b>2200</b>	<b>Finance and Insurance</b>											
2210	Bank, credit union, or savings institution	Commercial Banking	522110				O	O	O	O		
2210	Bank, credit union, or savings institution	Savings Institutions	522120				O	O	O	O		
2210	Bank, credit union, or savings institution	Credit unions	522130				O	O	O	O		
2210	Bank, credit union, or savings institution	Other Depository Credit Intermediation	522190				O	O	O	O		
2220	Credit and finance establishment	Credit Card Issuing	522210				O	O	O	O		
2220	Credit and finance establishment	Sales Financing	522220				O	O	O	O		
2220	Credit and finance establishment	Consumer Lending	522291						O	O		
2220	Credit and finance establishment	Real Estate Credit	522292				O	O	O	O		
2220	Credit and finance establishment	International Trade Financing	522293				O	O	O	O		
2220	Credit and finance establishment	Secondary Market Financing	522294				O	O	O	O		
2220	Credit and finance establishment	All Other Nondepository Credit Intermediation	522298						O	O		
2230	Investment banking, securities, and brokerages	Mortgage and Nonmortgage Loan Brokers	522310				O	O	O	O		
2230	Investment banking, securities, and brokerages	Financial Transactions Processing, Reserve, and Clearinghouse Activities	522320				O	O	O	O		
2230	Investment banking, securities, and brokerages	Other Activities Related to Credit Intermediation	522390						O	O		
2230	Investment banking, securities, and brokerages	Investment Banking and Securities Dealing	523110				O	O	O	O		
2230	Investment banking, securities, and brokerages	Securities Brokerage	523120				O	O	O	O		
2230	Investment banking, securities, and brokerages	Commodity Contracts Dealing	523130				O	O	O	O		
2230	Investment banking, securities, and brokerages	Commodity Contracts Brokerage	523140				O	O	O	O		
2230	Investment banking, securities, and brokerages	Securities and Commodity Exchanges	523210				O	O	O	O		
2240	Insurance-related establishment	Direct Life Insurance Carriers	524113				O	O	O	O		
2240	Insurance-related establishment	Direct Health and Medical Insurance Carriers	524114				O	O	O	O		

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2240	Insurance-related establishment	Direct Property and Casualty Insurance Carriers	524126				O	O	O	O		
2240	Insurance-related establishment	Direct Title Insurance Carriers	524127				O	O	O	O		
2240	Insurance-related establishment	Other Direct Insurance (except Life, Health, and Medical) Carriers	524128				O	O	O	O		
2240	Insurance-related establishment	Reinsurance carriers	524130				O	O	O	O		
2240	Insurance-related establishment	Insurance Agencies and Brokerages	524210				O	O	O	O		
2240	Insurance-related establishment	Claims Adjusting	524291				O	O	O	O		
2240	Insurance-related establishment	Third Party Administration of Insurance and Pension Funds	524292				O	O	O	O		
2240	Insurance-related establishment	All Other Insurance Related Activities	524298				O	O	O	O		
2250	Fund, trust, or other financial establishment	Miscellaneous Intermediation	523910				O	O	O	O		
2250	Fund, trust, or other financial establishment	Portfolio Management	523920				O	O	O	O		
2250	Fund, trust, or other financial establishment	Investment Advice	523930				O	O	O	O		
2250	Fund, trust, or other financial establishment	Trust, Fiduciary, and Custody Activities	523991				O	O	O	O		
2250	Fund, trust, or other financial establishment	Miscellaneous Financial Investment Activities	523999				O	O	O	O		
2250	Fund, trust, or other financial establishment	Pension Funds	525110				O	O	O	O		
2250	Fund, trust, or other financial establishment	Health and Welfare Funds	525120				O	O	O	O		
2250	Fund, trust, or other financial establishment	Open-End Investment Funds	525190				O	O	O	O		
2250	Fund, trust, or other financial establishment	Trusts, Estates, and Agency Accounts	525920				O	O	O	O		
2250	Fund, trust, or other financial establishment	Other Financial Vehicles	525990				O	O	O	O		
<b>2300</b>	<b>Real estate, and rental and leasing</b>											
2300	Real estate, and rental and leasing	Offices of Real Estate Agents and Brokers	531210				O	O	O	O		
2310	Real estate services	Lessors of Other Real Estate Property	531190				O	O	O	O		
2310	Real estate services	Offices of Real Estate Appraisers	531320				O	O	O	O		
2310	Real estate services	Other Activities Related to Real Estate	531390				O	O	O	O		
2320	Property management services	Residential Property Managers	531311			O						
2320	Property management services	Nonresidential Property Managers	531312				O	O	O	O	O	O
2321	Commercial property-related	Lessors of Nonresidential Buildings (except Miniwarehouses)	531120				O	O	O	O	O	O
2321	Commercial property-related	Special Event Facilities	531120	7.7-4b	S		O	O	O	O		
2321	Commercial property-related	Lessors of Miniwarehouses and Self-Storage Units	531130	7.7-4a						R	R	
2322	Rental housing-related	Lessors of Residential Buildings and Dwellings	531110			O	O	O	O	O		
2331	Cars	Passenger Car & Van Rental	532111							O		
2331	Cars	Passenger Car & Van Leasing	532112							O		
2332	Leasing trucks, trailers, RVs, etc.	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing	532120							O	O	O
2332	Leasing trucks, trailers, RVs, etc.	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	532411							O	O	O
2333	Recreational goods rental	Recreational Goods Rental	532292		O				O	O	O	
2334	Leasing commercial, industrial machinery, and equipment	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412							O	O	O
2334	Leasing commercial, industrial machinery, and equipment	Office Machinery and Equipment Rental and Leasing	532420						O	O	O	
2334	Leasing commercial, industrial machinery, and equipment	Commercial and Industrial Machinery and Equipment Rental and Leasing	532490								O	O
2335	Consumer goods rental	Consumer Electronics and Appliances Rental	532210						O	O	O	
2335	Consumer goods rental	Formal Wear and Costume Rental	532220						O	O	O	
2335	Consumer goods rental	Video Tape and Disc Rental	532230						O	O	O	
2335	Consumer goods rental	Home Health Equipment Rental	532291						O	O	O	
2335	Consumer goods rental	All Other Consumer Goods Rental	532299						O	O	O	
2335	Consumer goods rental	General Rental Centers	532310						O	O	O	
2336	Intellectual property rental (video, music, software, etc.)	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	533110				O	O	O	O		
<b>2400</b>	<b>Business, professional, scientific, and technical services</b>											
2410	Professional services	All Other Professional, Scientific, and Technical Services	541990				O	O	O	O		
2411	Legal services	Offices of Lawyers	541110				O	O	O	O		
2411	Legal services	Title Abstract and Settlement Offices	541191				O	O	O	O		
2411	Legal services	Offices of Notaries	541120				O	O	O	O		
2411	Legal services	All Other Legal Services	541199				O	O	O	O		
2412	Accounting, tax, bookkeeping, payroll services	Offices of Certified Public Accountants	541211				O	O	O	O		
2412	Accounting, tax, bookkeeping, payroll services	Tax Preparation Services	541213				O	O	O	O		
2412	Accounting, tax, bookkeeping, payroll services	Payroll Services	541214				O	O	O	O		
2412	Accounting, tax, bookkeeping, payroll services	Other Accounting Services	541219				O	O	O	O		
2413	Architectural, engineering, and related services	Architectural Services	541310				O	O	O	O		
2413	Architectural, engineering, and related services	Landscape Architectural Services	541320				O	O	O	O		
2413	Architectural, engineering, and related services	Engineering Services	541330				O	O	O	O		
2413	Architectural, engineering, and related services	Drafting Services	541340				O	O	O	O		
2413	Architectural, engineering, and related services	Building Inspection Services	541350				O	O	O	O		
2413	Architectural, engineering, and related services	Geophysical Surveying and Mapping Services	541360				O	O	O	O		
2413	Architectural, engineering, and related services	Surveying and Mapping (except Geophysical) Services	541370				O	O	O	O		
2413	Architectural, engineering, and related services	Assaying services	541380				O	O			O	
2413	Architectural, engineering, and related services	Automobile proving and testing grounds	541380								O	O
2413	Architectural, engineering, and related services	Industrial testing laboratories or services	541380								O	O
2413	Architectural, engineering, and related services	Radiography & X-ray inspection services	541380								O	O
2413	Architectural, engineering, and related services	Testing laboratories (except medical, veterinary)	541380				O	O			O	
2414	Graphic, industrial, interior design services	Interior Design Services	541410				O	O	O	O		
2414	Graphic, industrial, interior design services	Industrial Design Services	541420				O	O			O	

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2414	Graphic, industrial, interior design services	Graphic Design Services	541430				O	O	O	O		
2414	Graphic, industrial, interior design services	Other Specialized Design Services	541490				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Custom Computer Programming Services	541511				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Computer Systems Design Services	541512				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Computer Facilities Management Services	541513				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Other Computer Related Services	541519				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Administrative Management and General Management Consulting Services	541611				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Human Resources Consulting Services	541612				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Marketing Consulting Services	541613				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Process, Physical Distribution, and Logistics Consulting Services	541614				O	O	O	O	O	
2415	Consulting services (management, environmental, etc.)	Other Management Consulting Services	541618				O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Environmental Consulting Services	541620				O	O	O	O	O	
2415	Consulting services (management, environmental, etc.)	Other Scientific and Technical Consulting Services	541690				O	O	O	O	O	
2415	Consulting services (management, environmental, etc.)	Agricultural consulting services	541690		O		O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Agrology consulting services	541690		O		O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Agronomy consulting services	541690		O		O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Dairy herd consulting services	541690		O		O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Horticultural consulting services	541690		O		O	O	O	O		
2415	Consulting services (management, environmental, etc.)	Livestock breeding consulting services	541690		O		O	O	O	O		
2416	Research and development services (scientific, etc.)	Research and Development in Biotechnology	541711	7.7-5a				R			R	
2416	Research and development services (scientific, etc.)	Agriculture research and development laboratories or services	541711	7.7-5a	R			R			R	
2416	Research and development services (scientific, etc.)	Experimental farms	541711	7.7-5a	R			R				
2416	Research and development services (scientific, etc.)	Fisheries research and development laboratories or services	541711	7.7-5a	R			R			R	
2416	Research and development services (scientific, etc.)	Food research and development laboratories or services	541711	7.7-5a	R			R			R	
2416	Research and development services (scientific, etc.)	Forestry research and development laboratories or services	541711	7.7-5a	R			R			R	
2416	Research and development services (scientific, etc.)	Geological research and development laboratories or services	541711	7.7-5a				R			R	R
2416	Research and development services (scientific, etc.)	Health & medical research and development laboratories or services	541711	7.7-5a			R	R			R	R
2416	Research and development services (scientific, etc.)	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)	541712	7.7-5a				R				R
2416	Research and development services (scientific, etc.)	Guided missile and space vehicle engine research and development	541712	7.7-5a								R
2416	Research and development services (scientific, etc.)	Guided missile and space vehicle parts (except engines) research and development	541712	7.7-5a							R	R
2417	Advertising, media, and photography services	Advertising Agencies	541810				O	O	O	O		
2417	Advertising, media, and photography services	Public Relations Agencies	541820				O	O	O	O		
2417	Advertising, media, and photography services	Media Buying Agencies	541830				O	O	O	O		
2417	Advertising, media, and photography services	Media Representatives	541840				O	O	O	O		
2417	Advertising, media, and photography services	Display Advertising	541850	7.7-5b			R	R	R	R	R	R
2417	Advertising, media, and photography services	Direct Mail Advertising	541860				O			O	O	
2417	Advertising, media, and photography services	Advertising Material Distribution Services	541870				O			O	O	
2417	Advertising, media, and photography services	Other Services Related to Advertising	541890				O			O	O	
2417	Advertising, media, and photography services	Marketing Research and Public Opinion Polling	541910				O	O	O	O		
2417	Advertising, media, and photography services	Photography Studios, Portrait	541921				O	O		O	O	
2417	Advertising, media, and photography services	Commercial Photography	541922				O	O		O	O	
2417	Advertising, media, and photography services	Translation and Interpretation Services	541930				O	O	O	O		
2418	Veterinary services	Veterinary Services	541940	7.7-5c & d	R	R			R	R	R	
2421	Office and administrative services	Offices of Bank Holding Companies	551111				O	O	O	O		
2421	Office and administrative services	Offices of Other Holding Companies	551112				O	O	O	O		
2421	Office and administrative services	Corporate, Subsidiary, and Regional Managing Offices	551114				O	O	O	O		
2421	Office and administrative services	Office Administrative Services	561110				O	O	O	O		
2421	Office and administrative services	All Other Business Support Services	561499				O	O	O	O		
2422	Facilities support services	Facilities Support Services	561210								O	
2423	Employment agency	Employment Placement Agencies	561311				O			O	O	
2423	Employment agency	Executive Search Services	561312				O			O	O	
2423	Employment agency	Temporary Help Services	561320				O			O	O	
2423	Employment agency	Professional Employer Organizations	561330				O			O	O	
2424	Business support services	Document Preparation Services	561410				O	O	O	O		
2424	Business support services	Telephone Answering Services	561421				O	O	O	O		
2424	Business support services	Telemarketing Bureaus and Other Contact Centers	561422				O	O	O	O	O	
2424	Business support services	Private Mail Centers	561431				O	O	O	O	O	
2424	Business support services	Other Business Service Centers (including Copy Shops)	561439				O	O	O	O	O	
2424	Business support services	Court Reporting and Stenotype Services	561492				O	O	O	O		
2425	Collection agency	Collection Agencies	561440				O	O	O	O		
2425	Collection agency	Credit Bureaus	561450				O	O	O	O		
2425	Collection agency	Repossession Services	561491	7.7-5e							R	R
2430	Travel arrangement and reservation services	Travel Agencies	561510				O	O	O	O		
2430	Travel arrangement and reservation services	Tour Operators	561520				O	O	O	O		
2430	Travel arrangement and reservation services	Convention and Visitors Bureaus	561591				O	O	O	O		
2430	Travel arrangement and reservation services	All Other Travel Arrangement and Reservation Services	561599				O	O	O	O		
2440	Investigation and security services	Investigation Services	561611				O	O		O	O	
2440	Investigation and security services	Security Guards and Patrol Services	561612				O	O		O	O	
2440	Investigation and security services	Armored Car Services	561613				O	O		O	O	

Open Use O Restricted Use - See 7.7 R Special Use Permit S

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2440	Investigation and security services	Security Systems Services (except Locksmiths)	561621				O			O	O	
2440	Investigation and security services	Locksmiths	561622							O	O	
2450	Services to buildings and dwellings	Other Services to Buildings and Dwellings	561790								O	
2451	Extermination and pest control	Exterminating and Pest Control Services	561710	7.7-5 (f)						R	O	
2452	Janitorial	Janitorial Services	561720							O	O	
2453	Landscaping	Landscaping Services	561730							O	O	
2454	Carpet and upholstery cleaning	Carpet and Upholstery Cleaning Services	561740							O	O	
2455	Packing, crating, and convention and trade show services	Packaging and Labeling Services	561910							O	O	
2455	Packing, crating, and convention and trade show services	Convention and Trade Show Organizers	561920				O	O		O	O	
2455	Packing, crating, and convention and trade show services	All Other Support Services	561990				O			O	O	
<b>2500</b>	<b>Food Services</b>											
2510	Full-service restaurant	Full-Service Restaurants	722511					O	O	O		
2520	Cafeteria or limited service restaurant	Cafeterias, Grill Buffets, and Buffets	722514					O	O	O	O	
2520	Cafeteria or limited service restaurant	Limited-Service Restaurants	722513							O		
2530	Snack or nonalcoholic bar	Snack and Nonalcoholic Beverage Bars	722515					O	O	O	O	
2540	Bar or drinking place	Drinking Places (Alcoholic Beverages)	722410							O	O	
2550	Mobile food services	Mobile food services	722330							O	O	
2560	Caterer	Caterers	722320							O	O	
2570	Food service contractor	Food Service Contractors	722310							O	O	
2580	Vending machine operator	Vending Machine Operators	454210							O	O	
<b>2600</b>	<b>Personal Service</b>											
2600	Personal services	Barber Shops	812111							O	O	
2600	Personal services	Beauty Salons	812112							O	O	
2600	Personal services	Nail Salons	812113							O	O	
2600	Personal services	Diet and Weight Reducing Centers	812191							O	O	
2600	Personal services	Baths, steam or turkish	812199	Adult Ent. Ord.						R	R	R
2600	Personal services	Ear piercing services	812199							O	O	
2600	Personal services	Hair removal (i.e., depilatory, electrolysis) services	812199							O	O	
2600	Personal services	Hair replacement services (except by offices of physicians)	812199							O	O	
2600	Personal services	Hair weaving services	812199							O	O	
2600	Personal services	Make-up salons, permanent	812199							O	O	
2600	Personal services	Massage Parlor	812199	Adult Ent. Ord.						R	R	R
2600	Personal services	Saunas	812199	Adult Ent. Ord.						R	R	R
2600	Personal services	Scalp treating services	812199							O	O	
2600	Personal services	Tanning salons	812199							O	O	
2600	Personal services	Tattoo parlors	812199							O	O	
2600	Personal services	Coin-Operated Laundries and Drycleaners	812310							O	O	
2600	Personal services	Drycleaning and Laundry Services (except Coin-Operated)	812320							O	O	O
2600	Personal services	Drop-off and pick-up sites for laundries and drycleaners	812320					O	O	O		
2600	Personal services	Drycleaning plants (except rug cleaning plants)	812320								O	O
2600	Personal services	Linen Supply	812331								O	
2600	Personal services	Industrial Launderers	812332								O	
2600	Personal services	Photofinishing Laboratories (except One-Hour)	812921								O	
2600	Personal services	One-Hour Photofinishing	812922							O	O	
2600	Personal services	Parking Lots and Garages	812930				O			O	O	
2600	Personal services	All Other Personal Services	812990				O			O	O	
2600	Personal services	Bail bonding services	812990							O	O	
2600	Personal services	Escort services, social	812990	Adult Ent. Ord.						R	R	R
2600	Personal services	Introduction services, social	812990	Adult Ent. Ord.						R	R	R
<b>2700</b>	<b>Pet and animal sales or service (except veterinary)</b>											
2710	Pet or pet supply store	Pet and Pet Supplies Stores	453910							O	O	
2720	Animal and pet services	Animal shelters	812910	7.7-7a	S						R	
2720	Animal and pet services	Obedience training services, pet	812910	7.7-7b							R	R
2720	Animal and pet services	Pet boarding services or kennels	812910	7.7-7a	S						R	R
2720	Animal and pet services	Pet grooming services	812910	7.7-7b						R	R	R
2720	Animal and pet services	Pet sitting services	812910	7.7-7b						R	R	
<b>3000</b>	<b>Manufacturing and Wholesale Trade</b>											
<b>3100</b>	<b>Food, textiles, and related products</b>											
3110	Food and beverages	Animal Food Manufacturing	3111	7.7-8a, b & c							R	R
3110	Food and beverages	Grain and Oilseed Milling	3112	7.7-8a & b							R	R
3110	Food and beverages	Sugar and Confectionery Product Manufacturing	3113	7.7-8a & b							R	R
3110	Food and beverages	Fruit and Vegetable Preserving and Specialty Food Manufacturing	3114	7.7-8a & b							R	R
3110	Food and beverages	Dairy Product Manufacturing	3115	7.7-8a & b							R	R
3110	Food and beverages	Animal Slaughtering and Processing	3116	7.7-8a & b							R	R
3110	Food and beverages	Seafood Product Preparation and Packaging	311710	7.7-8a & b							R	R
3110	Food and beverages	Bakeries and Tortilla Manufacturing	3118	7.7-8a & b							R	R
3110	Food and beverages	Other Food Manufacturing	3119	7.7-8a & b							R	R
3110	Food and beverages	Beverage Manufacturing	3121	7.7-8a & b							R	R

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3110	Food and beverages	Breweries	312120	7.7-8a & b						S	R	R
3110	Food and beverages	Wineries	312130	7.7-8a & b							R	R
3110	Food and beverages	Farm Wineries	312130	7.7-8 f	R							
3110	Food and beverages	Distilleries	312140	7.7-8a & b							R	R
3120	Tobacco manufacturing establishment	Tobacco Manufacturing	312230	7.7-8a & b							R	R
3130	Textiles	Fiber, Yarn, and Thread Mills	3131	7.7-8a & b							R	R
3130	Textiles	Fabric Mills	3132	7.7-8a & b							R	R
3130	Textiles	Textile and Fabric Finishing and Fabric Coating Mills	3133	7.7-8a & b							R	R
3130	Textiles	Textile Furnishings Mills	3141	7.7-8a & b							R	R
3130	Textiles	Other Textile Product Mills	3149	7.7-8a & b							R	R
3130	Textiles	Apparel Knitting Mills	3151	7.7-8a & b							R	R
3130	Textiles	Cut and Sew Apparel Manufacturing	3152	7.7-8a & b							R	R
3140	Leather and allied products	Leather and Hide Tanning and Finishing	316110	7.7-8a & b							R	R
3140	Leather and allied products	Footwear Manufacturing	316210	7.7-8a & b							R	R
3140	Leather and allied products	All Other Leather Good and Allied Product Manufacturing	316998	7.7-8a & b							R	R
<b>3200</b>	<b>Wood, paper and printing products</b>											
3210	Wood products establishment	Sawmills and Wood Preservation	3211	7.7-8 a, b, d & e							R	R
3210	Wood products establishment	Veneer, Plywood, and Engineered Wood Product Manufacturing	3212	7.7-8a & b							R	R
3210	Wood products establishment	Other Wood Product Manufacturing	3219	7.7-8a & b							R	R
3220	Paper and printing materials	Pulp, Paper and Paperboard Mills	3221	7.7-8a & b							R	R
3220	Paper and printing materials	Converted Paper Product Manufacturing	3222	7.7-8a & b							R	R
3220	Paper and printing materials	Printing and Related Support Activities	3231	7.7-8a & b							R	R
3230	Furniture and related products	Household and Institutional Furniture and Kitchen Cabinet Manufacturing	3371	7.7-8a & b							R	R
3230	Furniture and related products	Office Furniture (including Fixtures) Manufacturing	3372	7.7-8a & b							R	R
3230	Furniture and related products	Other Furniture Related Product Manufacturing	3379	7.7-8a & b							R	R
<b>3300</b>	<b>Chemicals, and metals, machinery, and electronics manufacturing</b>											
3310	Petroleum and coal products	Petroleum and Coal Products Manufacturing	3241	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Basic Chemical Manufacturing	3251	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	3252	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing	3253	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Pharmaceutical and Medicine Manufacturing	3254	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Paint, Coating and Adhesive Manufacturing	3255	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	3256	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Other Chemical Product and Preparation Manufacturing	3259	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Plastics Product Manufacturing	3261	7.7-8a & b							R	R
3320	Chemicals, plastics, and rubber products	Rubber Product Manufacturing	3262	7.7-8a & b							R	R
3330	Nonmetallic mineral products	Clay Product and Refractory Manufacturing	3271	7.7-8a & b							R	R
3330	Nonmetallic mineral products	Glass and Glass Product Manufacturing	3272	7.7-8a & b							R	R
3330	Nonmetallic mineral products	Cement and Concrete Product Manufacturing	3273	7.7-8a & b							R	R
3330	Nonmetallic mineral products	Lime and Gypsum Product Manufacturing	3274	7.7-8a & b							R	R
3330	Nonmetallic mineral products	Other Nonmetallic Mineral Product Manufacturing	3279	7.7-8a & b							R	R
3340	Primary metal manufacturing	Iron and Steel Mills and Ferroalloy Manufacturing	331110	7.7-8a & b							R	R
3340	Primary metal manufacturing	Steel Product Manufacturing from Purchased Steel	3312	7.7-8a & b							R	R
3340	Primary metal manufacturing	Alumina and Aluminum Production and Processing	3313	7.7-8a & b							R	R
3340	Primary metal manufacturing	Nonferrous Metal (except Aluminum) Production and Processing	3314	7.7-8a & b							R	R
3340	Primary metal manufacturing	Foundries	3315	7.7-8a & b							R	R
3340	Primary metal manufacturing	Forging and Stamping	3321	7.7-8a & b							R	R
3340	Primary metal manufacturing	Cutlery and Handtool Manufacturing	3322	7.7-8a & b							R	R
3340	Primary metal manufacturing	Architectural and Structural Metals Manufacturing	3323	7.7-8a & b							R	R
3340	Primary metal manufacturing	Boiler, Tank, and Shipping Container Manufacturing	3324	7.7-8a & b							R	R
3340	Primary metal manufacturing	Spring and Wire Product Manufacturing	3326	7.7-8a & b							R	R
3340	Primary metal manufacturing	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327	7.7-8a & b							R	R
3340	Primary metal manufacturing	Coating, Engraving, Heat Treating, and Allied Activities	3328	7.7-8a & b							R	R
3340	Primary metal manufacturing	Other Fabricated Metal Product Manufacturing	3329	7.7-8a & b							R	R
3350	Machinery manufacturing	Agriculture, Construction, and Mining Machinery Manufacturing	3331	7.7-8a & b							R	R
3350	Machinery manufacturing	Industrial Machinery Manufacturing	3332	7.7-8a & b							R	R
3350	Machinery manufacturing	Commercial and Service Industry Machinery Manufacturing	3333	7.7-8a & b							R	R
3350	Machinery manufacturing	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing	3334	7.7-8a & b							R	R
3350	Machinery manufacturing	Metalworking Machinery Manufacturing	3335	7.7-8a & b							R	R
3350	Machinery manufacturing	Engine, Turbine, and Power Transmission Equipment Manufacturing	3336	7.7-8a & b							R	R
3350	Machinery manufacturing	Other General Purpose Machinery Manufacturing	3339	7.7-8a & b							R	R
3360	Electronics & Computers	Computer and Peripheral Equipment Manufacturing	3341	7.7-8a & b							R	R
3360	Electronics & Computers	Communications Equipment Manufacturing	3342	7.7-8a & b							R	R
3360	Electronics & Computers	Semiconductor and Other Electronic Component Manufacturing	3344	7.7-8a & b							R	R
3360	Electronics & Computers	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	3345	7.7-8a & b							R	R
3360	Electronics & Computers	Manufacturing and Reproducing Magnetic and Optical Media	3346	7.7-8a & b							R	R
3360	Electronics & Computers	Electric Lighting Equipment Manufacturing	3351	7.7-8a & b							R	R
3360	Electronics & Computers	Household Appliance Manufacturing	3352	7.7-8a & b							R	R



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3360	Electronics & Computers	Electrical Equipment Manufacturing	3353	7.7-8a & b							R	R
3360	Electronics & Computers	Other Electrical Equipment and Component Manufacturing	3359	7.7-8a & b							R	R
3370	Transportation equipment, automobiles, etc.	Motor Vehicle Manufacturing	3361	7.7-8a & b							R	R
3370	Transportation equipment, automobiles, etc.	Motor Vehicle Body and Trailer Manufacturing	3362	7.7-8a & b							R	R
3370	Transportation equipment, automobiles, etc.	Motor Vehicle Parts Manufacturing	3363	7.7-8a & b							R	R
3370	Transportation equipment, automobiles, etc.	Aerospace Product and Parts Manufacturing	3364	7.7-8a & b							R	R
3370	Transportation equipment, automobiles, etc.	Ship and Boat Building	3366	7.7-8a & b							R	R
3370	Transportation equipment, automobiles, etc.	Other Transportation Equipment Manufacturing	3369	7.7-8a & b							R	R
<b>3400</b>	<b>Miscellaneous manufacturing</b>											
3400	Miscellaneous manufacturing	Medical Equipment and Supplies Manufacturing	3391	7.7-8a & b							R	R
3400	Miscellaneous manufacturing	Other Miscellaneous Manufacturing	3399	7.7-8a & b							R	R
<b>3500</b>	<b>Wholesale trade establishment</b>											
3510	Durable goods	Automobile and Other Motor Vehicle Merchant Wholesalers	423110								O	
3510	Durable goods	Motor Vehicle Supplies and New Parts Merchant Wholesalers	423120								O	
3510	Durable goods	Tire and Tube Merchant Wholesalers	423130								O	
3510	Durable goods	Motor Vehicle Parts (Used) Merchant Wholesalers	423140	7.7-9b								R
3510	Durable goods	Furniture Merchant Wholesalers	423210								O	
3510	Durable goods	Home Furnishing Merchant Wholesalers	423220								O	
3510	Durable goods	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	423310	7.7-3e							R	R
3510	Durable goods	Brick, Stone, and Related Construction Material Merchant Wholesalers	423320	7.7-3e							R	R
3510	Durable goods	Roofing, Siding, and Insulation Material Merchant Wholesalers	423330	7.7-3e							R	R
3510	Durable goods	Other Construction Material Merchant Wholesalers	423390	7.7-3e							R	R
3510	Durable goods	Photographic Equipment and Supplies Merchant Wholesalers	423410								O	
3510	Durable goods	Office Equipment Merchant Wholesalers	423420								O	
3510	Durable goods	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	423430								O	
3510	Durable goods	Other Commercial Equipment Merchant Wholesalers	423440								O	
3510	Durable goods	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	423450								O	
3510	Durable goods	Ophthalmic Goods Merchant Wholesalers	423460								O	
3510	Durable goods	Other Professional Equipment and Supplies Merchant Wholesalers	423490								O	
3510	Durable goods	Metal Service Centers and Other Metal Merchant Wholesalers	423510								O	
3510	Durable goods	Coal and Other Mineral and Ore Merchant Wholesalers	423520								O	
3510	Durable goods	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	423610								O	
3510	Durable goods	Household appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers	423620								O	
3510	Durable goods	Other Electronic Parts and Equipment Merchant Wholesalers	423690								O	
3510	Durable goods	Hardware Merchant Wholesalers	423710								O	
3510	Durable goods	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	423720								O	
3510	Durable goods	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	423730								O	
3510	Durable goods	Refrigeration Equipment and Supplies Merchant Wholesalers	423740								O	
3510	Durable goods	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers	423810								O	
3510	Durable goods	Farm and Garden Machinery and Equipment Merchant Wholesalers	423820								O	
3510	Durable goods	Industrial Machinery and Equipment Merchant Wholesalers	423830								O	
3510	Durable goods	Industrial Supplies Merchant Wholesalers	423840								O	
3510	Durable goods	Service Establishment Equipment and Supplies Merchant Wholesalers	423850								O	
3510	Durable goods	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers	423860								O	
3510	Durable goods	Sporting and Recreational Goods and Supplies Merchant Wholesalers	423910								O	
3510	Durable goods	Toy and Hobby Goods and Supplies Merchant Wholesalers	423920								O	
3510	Durable goods	Recyclable Material Merchant Wholesalers	423930	7.7-9b								R
3510	Durable goods	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	423940								O	
3510	Durable goods	Other Miscellaneous Durable Goods Merchant Wholesalers	423990								O	
3520	Nondurable goods	Printing and Writing Paper Merchant Wholesalers	424110								O	
3520	Nondurable goods	Stationery and Office Supplies Merchant Wholesalers	424120								O	
3520	Nondurable goods	Industrial and Personal Service Paper Merchant Wholesalers	424130								O	
3520	Nondurable goods	Drugs and Druggists' Sundries Merchant Wholesalers	424210								O	
3520	Nondurable goods	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	424310								O	
3520	Nondurable goods	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	424320								O	
3520	Nondurable goods	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	424330								O	
3520	Nondurable goods	Footwear Merchant Wholesalers	424340								O	
3520	Nondurable goods	General Line Grocery Merchant Wholesalers	424410								O	
3520	Nondurable goods	Packaged Frozen Food Merchant Wholesalers	424420								O	
3520	Nondurable goods	Dairy Product (except Dried or Canned) Merchant Wholesalers	424430								O	
3520	Nondurable goods	Poultry and Poultry Product Merchant Wholesalers	424440	7.7-23a							R	
3520	Nondurable goods	Confectionery Merchant Wholesalers	424450								O	
3520	Nondurable goods	Fish and Seafood Merchant Wholesalers	424460								O	
3520	Nondurable goods	Meat and Meat Product Merchant Wholesalers	424470								O	
3520	Nondurable goods	Fresh Fruit and Vegetable Merchant Wholesalers	424480								O	
3520	Nondurable goods	Other Grocery and Related Products Merchant Wholesalers	424490								O	
3520	Nondurable goods	Grain and Field Bean Merchant Wholesalers	424510								O	
3520	Nondurable goods	Livestock Merchant Wholesalers	424520	7.7-23a							R	

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3520	Nondurable goods	Other Farm Product Raw Material Merchant Wholesalers	424590	7.7-23a							R	
3520	Nondurable goods	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	424610								O	
3520	Nondurable goods	Other Chemical and Allied Products Merchant Wholesalers	424690								O	
3520	Nondurable goods	Petroleum Bulk Stations and Terminals	424710								O	
3520	Nondurable goods	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)	424720								O	
3520	Nondurable goods	Beer and Ale Merchant Wholesalers	424810								O	
3520	Nondurable goods	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	424820								O	
3520	Nondurable goods	Farm Supplies Merchant Wholesalers	424910								O	
3520	Nondurable goods	Book, Periodical, and Newspaper Merchant Wholesalers	424920								O	
3520	Nondurable goods	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	424930								O	
3520	Nondurable goods	Tobacco and Tobacco Product Merchant Wholesalers	424940								O	
3520	Nondurable goods	Paint, Varnish, and Supplies Merchant Wholesalers	424950								O	
3520	Nondurable goods	Other Miscellaneous Nondurable Goods Merchant Wholesalers	424990								O	
<b>3600</b>	<b>Warehouse and storage services</b>											
3600	Warehouse and storage services	Packing and Crating	488991								O	O
3600	Warehouse and storage services	General Warehousing and Storage	493110								O	O
3600	Warehouse and storage services	Refrigerated Warehousing and Storage	493120								O	O
3600	Warehouse and storage services	Farm Product Warehousing and Storage	493130								O	O
3600	Warehouse and storage services	Other Warehousing and Storage	493190								O	O
<b>4000</b>	<b>Transportation, Communication, Information, and Utilities</b>											
<b>4100</b>	<b>Transportation services</b>											
4111	Air passenger transportation	Scheduled Passenger Air Transportation	481111								O	O
4111	Air passenger transportation	Nonscheduled Chartered Passenger Air Transportation	481211	7.7-11a	S	S					O	O
4112	Air freight transportation	Scheduled Freight Air Transportation	481112								O	O
4112	Air freight transportation	Nonscheduled Chartered Freight Air Transportation	481212								O	O
4113	Airport and support establishment	Other Nonscheduled Air Transportation	481219								O	O
4113	Airport and support establishment	Air Traffic Control	488111								O	O
4113	Airport and support establishment	Other Airport Operations	488119								O	O
4114	Aircraft and accessories	Other Support Activities for Air Transportation	488190								O	O
4115	Other air transportation (including scenic, balloon, etc.)	Scenic and Sightseeing Transportation, Other	487990	7.7-11b	S						O	O
4120	Rail transportation	Line-Haul Railroads	482111								O	O
4120	Rail transportation	Short Line Railroads	482112								O	O
4121	Rail passenger transportation	Line-Haul Railroads	482111							O	O	O
4122	Rail freight transportation	Line-Haul Railroads	482111								O	O
4122	Rail freight transportation	Short Line Railroads	482112								O	O
4123	Rail transportation support establishment	Support Activities for Rail Transportation	488210								O	O
4130	Road, ground passenger, and transit transportation	All Other Transit and Ground Passenger Transportation	485999							O	O	O
4130	Road, ground passenger, and transit transportation	Other Support Activities for Road Transportation	488490							O	O	O
4131	Local transit systems - mixed mode	Mixed Mode Transit Systems	485111							O	O	O
4131	Local transit systems - mixed mode	Other Urban Transit Systems	485119							O	O	O
4132	Local transit systems - commuter rail	Commuter Rail Systems	485112							O	O	O
4133	Local transit systems - bus, special needs, and other motor vehicles	Bus and Other Motor Vehicle Transit Systems	485113							O	O	O
4133	Local transit systems - bus, special needs, and other motor vehicles	Special Needs Transportation	485991							O	O	O
4134	Interurban, charter bus and other similar establishments	Interurban and Rural Bus Transportation	485210							O	O	O
4134	Interurban, charter bus and other similar establishments	Charter Bus Industry	485510							O	O	O
4135	School and employee bus transportation	School and Employee Bus Transportation	485410							O	O	O
4136	Special purpose transit transportation (including scenic, sightseeing, etc.)	Scenic and Sightseeing Transportation, Land	487110		S					O	O	O
4137	Taxi and limousine service	Taxi Service	485310							O	O	
4137	Taxi and limousine service	Limousine Service	485320							O	O	
4138	Towing and other road and ground services	Motor Vehicle Towing	488410	7.7-11c							R	R
4141	General freight trucking, local	General Freight Trucking, Local	484110								O	O
4142	General freight trucking, long-distance	General Freight Trucking, Long-Distance, Truckload	484121								O	O
4142	General freight trucking, long-distance	General Freight Trucking, Long-Distance, Less Than Truckload	484122								O	O
4143	Freight trucking, specialized (used household and office goods)	Used Household and Office Goods Moving	484210								O	O
4144	Freight trucking, specialized (except used goods)	Specialized Freight (except Used Goods) Trucking, Local	484220								O	O
4144	Freight trucking, specialized (except used goods)	Specialized Freight (except Used Goods) Trucking, Long-Distance	484230								O	O
4151	Marine passenger transportation	Inland Water Passenger Transportation	483212		O					O		
4151	Marine passenger transportation	Scenic and Sightseeing Transportation, Water	487210		O					O		
4160	Courier and messenger services	Couriers and Express Delivery Services	492110				O	O		O	O	
4160	Courier and messenger services	Local Messengers and Local Delivery	492210				O	O		O	O	
4170	Postal services	Postal Service	491110				O	O	O	O		
4180	Pipeline transportation	Pipeline Transportation of Crude Oil	486110									O
4180	Pipeline transportation	Pipeline Transportation of Natural Gas	486210									O
4180	Pipeline transportation	Pipeline Transportation of Refined Petroleum Products	486910									O
4180	Pipeline transportation	All Other Pipeline Transportation	486990									O
<b>4200</b>	<b>Communications and information</b>											
4211	Newspapers, books, periodicals, etc.	Newspaper Publishers	511110				O	O	O	O		
4211	Newspapers, books, periodicals, etc.	Periodical Publishers	511120				O	O	O	O		

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4211	Newspapers, books, periodicals, etc.	Book Publishers	511130				O	O	O	O		
4211	Newspapers, books, periodicals, etc.	Directory and Mailing List Publishers	511140				O	O	O	O		
4211	Newspapers, books, periodicals, etc.	Greeting Card Publishers	511191				O	O	O	O		
4211	Newspapers, books, periodicals, etc.	All Other Publishers	511199				O	O	O	O		
4212	Software publisher	Software Publishers	51210				O	O	O	O		
4221	Motion picture and video production, publishing and distribution	Motion Picture and Video Production	512110				O	O		O	O	
4221	Motion picture and video production, publishing and distribution	Motion Picture and Video Distribution	512120				O	O		O	O	
4221	Motion picture and video production, publishing and distribution	Teleproduction and Other Postproduction Services	512191				O	O		O	O	
4221	Motion picture and video production, publishing and distribution	Other Motion Picture and Video Industries	512199				O	O		O	O	
4222	Motion picture viewing and exhibition services	Motion Picture Theaters (except Drive-Ins)	512131							O		
4222	Motion picture viewing and exhibition services	Drive-In Motion Picture Theaters	512132							O		
4223	Sound recording, production, publishing, and distribution	Record Production	512210				O	O		O	O	
4223	Sound recording, production, publishing, and distribution	Integrated Record Production/Distribution	512220				O	O		O	O	
4223	Sound recording, production, publishing, and distribution	Music Publishers	512230				O	O		O	O	
4223	Sound recording, production, publishing, and distribution	Sound Recording Studios	512240				O	O		O	O	
4223	Sound recording, production, publishing, and distribution	Other Sound Recording Industries	512290				O	O		O	O	
4230	Telecommunications and broadcasting	All Other Telecommunications	517919				O	O		O	O	
4231	Radio and television broadcasting	Radio Networks	515111	7.7-12a	R	R	R	R	R	R	R	R
4231	Radio and television broadcasting	Radio Stations	515112				O	O		O	O	
4231	Radio and television broadcasting	Television Broadcasting	515120	7.7-12a	R	R	R	R	R	R	R	R
4232	Cable networks and distribution	Cable and Other Subscription Programming	515210				O	O		O	O	
4233	Wireless telecommunications	Wireless Telecommunications Carriers (except Satellite)	517210	7.7-12a	R	R	R	R	R	R	R	R
4233	Wireless telecommunications	Telecommunications Resellers	517911				O	O		O	O	
4233	Wireless telecommunications	Satellite Telecommunications	517410				O	O		O	O	
4234	Telephone and other wired telecommunications	Wired Telecommunications Carriers	517110	7.7-13a	R	R	R	R	R	R	R	R
4240	Information services and data processing industries	Data Processing, Hosting, and Related Services	514210				O	O		O	O	
4241	Online information services	Internet Publishing and Broadcasting and Web Search Portals	519130				O	O		O	O	
4242	Libraries and archives	Libraries and Archives	519120				O	O		O	O	
4243	News syndicate	News Syndicates	519110				O	O		O	O	
4243	News syndicate	All Other Information Services	519190				O	O		O	O	
<b>4300 Utilities and utility services</b>												
4310	Electric power	Electric Bulk Power Transmission and Control	221121	7.7-13a	R	R	R	R	R	R	R	R
4310	Electric power	Electric Power Distribution	221122	7.7-13a	R	R	R	R	R	R	R	R
4311	Hydroelectric Power Generation	Hydroelectric Power Generation	221111									O
4312	Fossil Fuel Power Generation	Fossil Fuel Electric Power Generation	221112									O
4313	Nuclear Electric Power Generation	Nuclear Electric Power Generation	221113									O
4314	Alternative energy sources	Solar Electric Power Generation	221114			O						O
4314	Alternative energy sources	Wind Electric Power Generation	221115			O						O
4314	Alternative energy sources	Geothermal Electric Power Generation	221116									O
4314	Alternative energy sources	Biomass Electric Power Generation	221117									O
4314	Alternative energy sources	Other Electric Power Generation	221118									O
4320	Natural gas, petroleum, fuels, etc.	Natural Gas Distribution	221210	7.7-13a	R	R	R	R	R	R	R	R
4331	Drinking water	Water Supply and Irrigation Systems	221310				O	O	O	O	O	O
4340	Sewer, solid waste, and related services	Sewage Treatment Facilities	221320	7.7-13d	R	R	R	R	R	R	R	R
4341	Hazardous waste collection	Hazardous Waste Collection	562112									O
4342	Hazardous waste treatment and disposal	Hazardous Waste Treatment and Disposal	562211									O
4342	Hazardous waste treatment and disposal	Remediation Services	562910								O	O
4343	Solid waste collection	Solid Waste Collection	562111	7.7-13b & c								R
4343	Solid waste collection	Other Waste Collection	562119								O	O
4344	Solid waste combustor or incinerator	Solid Waste Combustors and Incinerators	562213									O
4345	Solid waste landfill	Solid Waste Landfill	562212	7.7-13b & c								R
4346	Waste treatment and disposal	Materials Recovery Facilities	562920									O
4347	Septic tank and related services	Septic Tank and Related Services	562991								O	O
4347	Septic tank and related services	All Other Miscellaneous Waste Management Services	562998								O	O
<b>5000 Arts, Entertainment, and Recreation</b>												
<b>5100 Performing arts or supporting establishment</b>												
5110	Theater, dance or music establishment	Theater Companies and Dinner Theaters	711110				O		O	O		
5110	Theater, dance or music establishment	Dance Companies	711120				O		O	O		
5110	Theater, dance or music establishment	Musical Groups and Artists	711130				O		O	O		
5110	Theater, dance or music establishment	Other Performing Arts Companies	711190						O	O		
5120	Sports team or club	Sports Teams and Clubs	711211	7.7-14a & b	S					R	R	
5130	Racetrack establishment	Racetracks	711212	7.7-24b							R	R
5130	Racetrack establishment	Other Spectator Sports	711219	7.7-7a & 7.7-24b	S						O	
5140	Promoter of performing arts, sports and similar events	Promoters of Performing Arts, Sports, and Similar Events with Facilities	711310	7.7-23a	S					O	O	
5140	Promoter of performing arts, sports and similar events	Promoters of Performing Arts, Sports, and Similar Events without Facilities	711320				O	O	O	O		
5150	Agent for management services	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	711410				O	O	O	O		
5160	Independent artist, writer or performer	Independent Artists, Writers, and Performers	711510				O		O	O	O	
<b>5200 Museums and other special purpose recreational institutions</b>												

LBCS	LBCS Description	NAICS Description	NAICS Code	Supp. Req.	AG	Res	OI	CP	NC	GC	LI	HI
5210	Museum	Museums	712110				O		O	O		
5220	Historical or archeological institution	Historical Sites	712120		O	O	O	O	O	O	O	O
5230	Zoos, botanical gardens, arboreta, etc.	Zoos and Botanical Gardens	712130		S				O	O		
<b>5300</b>	<b>Amusement, sports, or recreation establishment</b>											
5300	Amusement, sports, or recreation establishment	All Other Amusement and Recreation Industries	713990	7.7-14a, b & c	S	S			R	R	R	
5300	Amusement, sports, or recreation establishment	Shooting Ranges	713990	7.7-14 a, b, c & f	S					S	S	S
5310	Amusement or theme park establishment	Amusement and Theme Parks	713110	7.7-14a						R	R	
5320	Games arcade establishment	Amusement Arcades	713120	7.7-14a & c						R	R	
5340	Miniature golf establishment	Miniature Golf	713990	7.7-14a					R	R	R	
5360	Marina or yachting club facility operators	Marinas	713930	7.7-14b	S					O		
5370	Fitness, recreational sports, gym, or athletic club	Golf Courses and Country Clubs	713910	7.7-14d & e	S	R				R		
5370	Fitness, recreational sports, gym, or athletic club	Fitness and Recreational Sports Centers	713940	7.7-14c			R		R	R	R	
5380	Bowling, billiards, pool, etc.	Bowling Centers	713950	7.7-14c						R	R	
5380	Bowling, billiards, pool, etc.	Billiards & Pool	713990	7.7-14c						R	R	
5390	Skating rinks, roller skates, etc.	Rinks, ice or roller skating	713940	7.7-14c						R	R	
<b>5400</b>	<b>Camps, camping and related establishments</b>											
5400	Camps, camping and related establishments	RV (Recreational Vehicle) Parks and Campgrounds	721211	7.7-2a	S					R		
5400	Camps, camping and related establishments	Recreational and Vacation Camps (except Campgrounds)	721214	7.7-2a	S					R		
<b>5500</b>	<b>Natural and other recreational parks</b>	Nature Parks and Other Similar Institutions	712190		O	O	O	O	O	O	O	O
<b>6000</b>	<b>Education, Public Administration, Health Care and Other Institutions</b>											
<b>6100</b>	<b>Educational services</b>											
6100	Educational services	Educational Support Services	611710				O	O	O	O		
6110	Nursery and preschool	Child Day Care Services	624410	7.7-15a & b	R	R	R	R	R	R		
6120	Grade schools	Elementary and Secondary Schools	611110	7.7-15c	R	R	R	R	R	R		
6121	Elementary	Elementary and Secondary Schools	611110	7.7-15c	R	R	R	R	R	R		
6122	Middle	Elementary and Secondary Schools	611110	7.7-15c	R	R	R	R	R	R		
6123	Senior	Elementary and Secondary Schools	611110	7.7-15c	R	R	R	R	R	R		
6125	Alternate education services	Elementary and Secondary Schools	611110	7.7-15c	R	R	R	R	R	R		
6126	Adult education services	Exam Preparation and Tutoring	611691				O	O	O	O		
6130	Colleges and Universities	Junior Colleges	611210				O	O				
6130	Colleges and Universities	Colleges, Universities, and Professional Schools	611310				O	O				
6140	Technical, trade and other specialty schools	Professional and Management Development Training	611430				O	O	O	O		
6140	Technical, trade and other specialty schools	Apprenticeship Training	611513							O	O	O
6140	Technical, trade and other specialty schools	Other Technical and Trade Schools	611519							O	O	O
6140	Technical, trade and other specialty schools	Language Schools	611630				O	O	O	O		
6140	Technical, trade and other specialty schools	Exam Preparation and Tutoring	611691				O	O	O	O		
6140	Technical, trade and other specialty schools	All Other Miscellaneous Schools and Instruction	611699				O		O	O		
6141	Beauty schools	Cosmetology and Barber Schools	611511				O		O	O		
6142	Business management	Business and Secretarial Schools	611410				O	O	O	O		
6143	Computer training	Computer Training	611420				O	O	O	O	O	
6144	Driving education	Large Vehicle Driving Schools	611519								O	O
6144	Driving education	Automobile Driving Schools	611692							O	O	O
6145	Fine and performing arts education	Fine Arts Schools	611610				O		O	O		
6146	Flight training	Flight Training	611512								O	
6147	Sports and recreation education	Sports and Recreation Instruction	611620	7.7-14a, b & c	S				R	R	R	
<b>6200</b>	<b>Public administration</b>											
6200	Public administration	Other Justice, Public Order, and Safety Activities	922190				O	O	O	O	O	O
6200	Public administration	Administration of Education Programs	923110				O	O	O	O	O	O
6200	Public administration	Administration of Public Health Programs	923120				O	O	O	O	O	O
6200	Public administration	Administration of Human Resource Programs (except Education, Public Health, and Veterans Affairs Programs)	923130				O	O	O	O	O	O
6210	Legislative and executive functions	Executive Offices	921110				O	O	O	O	O	O
6210	Legislative and executive functions	Legislative Bodies	921120				O	O	O	O	O	O
6210	Legislative and executive functions	Public Finance Activities	921130				O	O	O	O	O	O
6210	Legislative and executive functions	Executive and Legislative Offices, Combined	921140				O	O	O	O	O	O
6210	Legislative and executive functions	Other General Government Support	921190				O	O	O	O	O	O
6210	Legislative and executive functions	Administration of Air and Water Resource and Solid Waste Management Programs	924110				O	O	O	O	O	O
6210	Legislative and executive functions	Administration of Conservation Programs	924120				O	O	O	O	O	O
6210	Legislative and executive functions	Administration of Housing Programs	925110				O	O	O	O	O	O
6210	Legislative and executive functions	Administration of Urban Planning and Community and Rural Development	925120				O	O	O	O	O	O
6210	Legislative and executive functions	Administration of General Economic Programs	926110				O	O	O	O	O	O
6210	Legislative and executive functions	Regulation and Administration of Transportation Programs	926120							O	O	O
6210	Legislative and executive functions	Regulation and Administration of Communications, Electric, Gas, and Other Utilities	926130				O	O	O	O	O	O
6220	Judicial functions	Legal Counsel and Prosecution	922130				O	O	O	O	O	O
6220	Judicial functions	Parole Offices and Probation Offices	922150							O	O	O
6221	Courts	Courts	922110				O	O	O	O	O	O
6222	Correctional institutions	Correctional Institutions	922140		S						O	O
<b>6300</b>	<b>Other government functions</b>											
6300	Other government functions	Regulation of Agricultural Marketing and Commodities	926140		O		O		O	O	O	O

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6300	Other government functions	Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors	926150				O	O	O	O	O	O
6300	Other government functions	International Affairs	928120				O	O	O	O	O	O
6310	Military and national security	National Security	928110							O	O	O
6320	Space research and technology	Space Research and Technology	927110								O	O
<b>6400</b>	<b>Public safety</b>											
6410	Fire and rescue	Fire Protection	922160			O	O	O	O	O	O	O
6420	Police	Police Protection	922120			O	O	O	O	O	O	O
6430	Emergency response	Ambulance Services	621910						O	O	O	
<b>6500</b>	<b>Health and human services</b>											
6500	Health and human services	All Other Miscellaneous Ambulatory Health Care Services	621999				O	O	O	O		
6510	Ambulatory or outpatient care services	Offices of Physicians (except Mental Health Specialists)	621111				O	O	O	O		
6511	Clinics	Offices of Physicians, Mental Health Specialists	621112				O	O	O	O		
6511	Clinics	Offices of Dentists	621210				O	O	O	O		
6511	Clinics	Offices of Optometrists	621320				O	O	O	O		
6511	Clinics	Offices of Mental Health Practitioners (except Physicians)	621330				O	O	O	O		
6511	Clinics	Offices of Physical, Occupational and Speech Therapists, and Audiologists	621340				O	O	O	O		
6511	Clinics	Offices of Podiatrists	621391				O	O	O	O		
6511	Clinics	Offices of All Other Miscellaneous Health Practitioners	621399				O	O	O	O		
6511	Clinics	HMO Medical Centers	621491				O	O	O	O		
6511	Clinics	Kidney Dialysis Centers	621492				O	O	O	O		
6511	Clinics	Freestanding Ambulatory Surgical and Emergency Centers	621493				O	O	O	O		
6511	Clinics	All Other Outpatient Care Centers	621498				O	O	O	O		
6512	Family planning and outpatient care centers	Family Planning Centers	621410				O					
6512	Family planning and outpatient care centers	Outpatient Mental Health and Substance Abuse Centers	621420				O					
6513	Medical and diagnostic laboratories	Medical Laboratories	621511				O	O		O		
6513	Medical and diagnostic laboratories	Diagnostic Imaging Centers	621512				O	O		O		
6513	Medical and diagnostic laboratories	Home Health Care Services	621610				O	O				
6514	Blood and organ banks	Blood and Organ Banks	621991				O	O				
6520	Nursing, supervision, and other	Nursing Care Facilities	623110				O		O	O		
6520	Nursing, supervision, and other	Residential Mental Retardation Facilities	623210	7.7-17 a & b	R	R	O		O	O		
6520	Nursing, supervision, and other	Residential Mental Health Facilities	623220	7.7-17 a & b	R	R	O		O	O		
6520	Nursing, supervision, and other	Residential Substance Abuse Facilities	623220	7.7-17 a & b	R	R	O		O	O		
6530	Hospital	General Medical and Surgical Hospitals	622110				O	O		O		
6530	Hospital	Psychiatric and Substance Abuse Hospitals	622210				O	O		O		
6530	Hospital	Specialty (except Psychiatric and Substance Abuse) Hospitals	622310				O	O		O		
6560	Social assistance, welfare and charitable services	Other Individual and Family Services	624190				O		O	O		
6560	Social assistance, welfare and charitable services	Temporary Shelters	624221				O		O	O		
6560	Social assistance, welfare and charitable services	Other Community Housing Services	624229				O		O	O		
6561	Child and youth services	Other Residential Care Facilities	623990	7.7-17 a & b	R	R	O					
6561	Child and youth services	Child and Youth Services	624110				O		O	O		
6563	Community food services	Community Food Services	624210				O		O	O	O	
6564	Emergency and relief services	Emergency and Other Relief Services	624230				O		O	O	O	
6565	Other family services	Other Individual and Family Services	624190				O	O	O	O	O	
6566	Services for elderly and disabled	Services for the Elderly and Persons with Disabilities	624120				O	O	O	O		
6567	Veterans affairs	Administration of Veterans Affairs	923140				O	O	O	O		
6568	Vocational rehabilitation	Vocational Rehabilitation Services	624310				O	O	O	O	O	
<b>6600</b>	<b>Religious institutions</b>	Place of Worship	813110	7.7-18 a, b, c, d	R	R	R	R	R	R	R	
<b>6700</b>	<b>Death care services</b>											
6710	Funeral homes and services	Funeral Establishments	812210	7.7-19a					R	R		
6720	Cremation services and cemeteries	Cemeteries	812220	7.7-19b						R	R	
6720	Cremation services and cemeteries	Crematories	812220	7.7-19 a & c						R	R	R
<b>6800</b>	<b>Associations, nonprofit organizations, etc.</b>											
6800	Associations, nonprofit organizations, etc.	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	813990				O	O	O	O	O	
6810	Labor and political organizations	Labor Unions and Similar Labor Organizations	813930				O	O	O	O	O	
6810	Labor and political organizations	Political Organizations	813940				O	O	O	O	O	
6820	Business associations and professional membership organizations	Business Associations	813910				O	O	O	O	O	
6820	Business associations and professional membership organizations	Professional Organizations	813920				O	O	O	O	O	
6830	Civic, social and fraternal organizations	Grantmaking Foundations	813211				O	O	O	O	O	
6830	Civic, social and fraternal organizations	Voluntary Health Organizations	813212				O	O	O	O	O	
6830	Civic, social and fraternal organizations	Other Grantmaking and Giving Services	813219				O	O	O	O	O	
6830	Civic, social and fraternal organizations	Human Rights Organizations	813311				O	O	O	O	O	
6830	Civic, social and fraternal organizations	Environment, Conservation and Wildlife Organizations	813312				O	O	O	O	O	
6830	Civic, social and fraternal organizations	Other Social Advocacy Organizations	813319				O	O	O	O	O	
6830	Civic, social and fraternal organizations	Civic and Social Organizations	813410		S		O	O	O	O	O	
<b>7000</b>	<b>Construction-Related Businesses</b>											
<b>7100</b>	<b>Building, developing and general contracting</b>											
7110	Residential construction	New Single-Family Housing Construction (except Operative Builders)	236115	7.7-21a							R	R
7110	Residential construction	New Multifamily Housing Construction (except Operative Builders)	236116	7.7-21a							R	R

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LBCS	LBCS Description	NAICS Description	NAICS Code	Supp. Req.	AG	Res	OI	CP	NC	GC	LI	HI
7110	Residential construction	New Housing Operative Builders	236117	7.7-21a							R	R
7110	Residential construction	Residential Remodelers	236118	7.7-21a							R	R
7120	Land development and subdivision	Land Subdivision	237210	7.7-21a							R	R
7130	Industrial, commercial and institutional building construction	Industrial Building Construction	236210	7.7-21a							R	R
7130	Industrial, commercial and institutional building construction	Commercial and Institutional Building Construction	236220	7.7-21a							R	R
<b>7200 Machinery related</b>												
7210	Building equipment and machinery installation contractors	Other Building Equipment Contractors	238290	7.7-21a							R	R
7220	Excavation contractor	Site Preparation Contractors	238910	7.7-21a							R	R
7230	Water well drilling contractor	Site Preparation Contractors	238910	7.7-21a							R	R
7240	Wrecking and demolition establishment	Site Preparation Contractors	238910	7.7-21a							R	R
7250	Structural steel erection contractor	Structural Steel and Precast Concrete Contractors	238120	7.7-21a							R	R
<b>7300 Special trade contractor</b>												
7300	Special trade contractor	Other Foundation, Structure, and Building Exterior Contractors	238190	7.7-21a						S	R	R
7310	Carpentry, floor and tile contractor	Framing Contractors	238130	7.7-21a							R	R
7310	Carpentry, floor and tile contractor	Finish Carpentry Contractors	238350	7.7-21a						S	R	R
7310	Carpentry, floor and tile contractor	Flooring Contractors	238330	7.7-21a						S	R	R
7310	Carpentry, floor and tile contractor	Tile and Terrazzo Contractors	238340	7.7-21a						S	R	R
7320	Concrete contractor	Poured Concrete Foundation and Structure Contractors	238110	7.7-21a							R	R
7330	Electrical contractor	Electrical Contractors and Other Wiring Installation Contractors	238210	7.7-21a						S	R	R
7340	Glass and glazing contractor	Glass and Glazing Contractors	238150	7.7-21a							R	R
7350	Masonry and drywall contractors	Masonry Contractors	238140	7.7-21a							R	R
7350	Masonry and drywall contractors	Drywall and Insulation Contractors	238310	7.7-21a							R	R
7360	Painting and wall covering	Painting and Wall Covering Contractors	238320	7.7-21a						S	R	R
7370	Plumbing, heating and air-conditioning	Plumbing, Heating, and Air-Conditioning Contractors	238220	7.7-21a						S	R	R
7380	Roofing, siding and sheet metal contractors	Roofing Contractors	238160	7.7-21a							R	R
7380	Roofing, siding and sheet metal contractors	Siding Contractors	238170	7.7-21a							R	R
<b>7400 Heavy construction</b>												
7410	Highway and street construction	Highway, Street, and Bridge Construction	237310	7.7-21a								R
7420	Bridge and tunnel construction	Highway, Street, and Bridge Construction	237310	7.7-21a								R
7430	Water, sewer and pipeline construction	Water and Sewer Line and Related Structures Construction	237110	7.7-21a								R
7430	Water, sewer and pipeline construction	Oil and Gas Pipeline and Related Structures Construction	237120	7.7-21a								R
7440	Power lines, communication and transmission lines	Power and Communication Line and Related Structures Construction	237130	7.7-21a								R
7450	Industrial and other nonbuilding construction	Other Heavy and Civil Engineering Construction	237990	7.7-21a								R
<b>8000 Mining and Extraction Establishments</b>												
<b>8000 Mining and extraction establishments</b>												
8000	Mining and extraction establishments	Drilling Oil and Gas Wells	213111									O
8000	Mining and extraction establishments	Support Activities for Oil and Gas Operations	213112									O
8000	Mining and extraction establishments	Support Activities for Coal Mining	213113									O
8000	Mining and extraction establishments	Support Activities for Metal Mining	213114									O
8000	Mining and extraction establishments	Support Activities for Nonmetallic Minerals (except Fuels) Mining	213115									O
<b>8100 Oil and natural gas</b>												
8100	Oil and natural gas	Crude Petroleum and Natural Gas Extraction	211111									O
8100	Oil and natural gas	Natural Gas Liquid Extraction	211112									O
<b>8200 Metals (iron, copper, etc.)</b>												
8200	Metals (iron, copper, etc.)	Iron Ore Mining	212210									O
8200	Metals (iron, copper, etc.)	Gold Ore Mining	212221									O
8200	Metals (iron, copper, etc.)	Silver Ore Mining	212222									O
8200	Metals (iron, copper, etc.)	Lead Ore and Zinc Ore Mining	212231									O
8200	Metals (iron, copper, etc.)	Copper Ore and Nickel Ore Mining	212234									O
8200	Metals (iron, copper, etc.)	Uranium-Radium-Vanadium Ore Mining	212291									O
8200	Metals (iron, copper, etc.)	All Other Metal Ore Mining	212299									O
<b>8300 Coal</b>												
8300	Coal	Bituminous Coal and Lignite Surface Mining	212111									O
8300	Coal	Bituminous Coal Underground Mining	212112									O
8300	Coal	Anthracite Mining	212113									O
<b>8400 Nonmetallic mining</b>												
8400	Nonmetallic mining	Dimension Stone Mining and Quarrying	212311									O
8400	Nonmetallic mining	Crushed and Broken Limestone Mining and Quarrying	212312									O
<b>8500 Quarrying and stone cutting establishment</b>												
8500	Quarrying and stone cutting establishment	Crushed and Broken Granite Mining and Quarrying	212313									O
8500	Quarrying and stone cutting establishment	Other Crushed and Broken Stone Mining and Quarrying	212319									O
8500	Quarrying and stone cutting establishment	Construction Sand and Gravel Mining	212321									O
8500	Quarrying and stone cutting establishment	Industrial Sand Mining	212322									O
8500	Quarrying and stone cutting establishment	Kaolin and Ball Clay Mining	212324									O
8500	Quarrying and stone cutting establishment	Clay and Ceramic and Refractory Minerals Mining	212325									O
8500	Quarrying and stone cutting establishment	Potash, Soda, and Borate Mineral Mining	212391									O
8500	Quarrying and stone cutting establishment	Phosphate Rock Mining	212392									O
8500	Quarrying and stone cutting establishment	Other Chemical and Fertilizer Mineral Mining	212393									O

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8500	Quarrying and stone cutting establishment	All Other Nonmetallic Mineral Mining	212399									O
<b>9000</b>	<b>Agriculture, Forestry, Fishing and Hunting</b>											
<b>9100</b>	<b>Crop Production</b>											
9110	Grain and oilseed	Oilseed and Grain Combination Farming	111191		O	O						
9110	Grain and oilseed	All Other Grain Farming	111199		O	O						
9111	Wheat	Wheat Farming	111140		O	O						
9112	Corn	Corn Farming	111150		O	O						
9113	Rice	Rice Farming	111160		O	O						
9114	Soybean and oilseed	Soybean Farming	111110		O	O						
9114	Soybean and oilseed	Oilseed (except Soybean) Farming	111120		O	O						
9115	Dry pea and bean	Dry Pea and Bean Farming	111130		O	O						
9120	Vegetable farming or growing services	Potato Farming	112121	7.7-22a	R	R						
9120	Vegetable farming or growing services	Other Vegetable (except Potato) and Melon Farming	112129	7.7-22a	R	R						
9130	Fruits and trees	Orange Groves	111310	7.7-22a	R	R						
9130	Fruits and trees	Citrus (except Orange) Groves	111320	7.7-22a	R	R						
9130	Fruits and trees	Apple Orchards	111331	7.7-22a	R	R						
9130	Fruits and trees	Grape Vineyards	111332	7.7-22a	R	R						
9130	Fruits and trees	Strawberry Farming	111333	7.7-22a	R	R						
9130	Fruits and trees	Berry (except Strawberry) Farming	111334	7.7-22a	R	R						
9130	Fruits and trees	Tree Nut Farming	111335	7.7-22a	R	R						
9130	Fruits and trees	Fruit and Tree Nut Combination Farming	111336	7.7-22a	R	R						
9130	Fruits and trees	Other Noncitrus Fruit Farming	111339	7.7-22a	R	R						
9141	Food crops grown under cover	Mushroom Production	111411	7.7-22a	R	R					R	
9141	Food crops grown under cover	Other Food Crops Grown Under Cover	111419	7.7-22a	R	R					R	
9142	Nursery and tree production	Nursery and Tree Production	111421	7.7-22a	R	R					R	
9143	Floriculture production	Floriculture Production	111422	7.7-22a	R	R					R	
9150	All other crops	Sugar Beet Farming	111991		O	O						
9150	All other crops	All Other Miscellaneous Crop Farming	111998		O	O						
9151	Tobacco crop	Tobacco Farming	111910		O	O						
9152	Cotton crop	Cotton Farming	111920		O	O						
9153	Sugarcane crop	Sugarcane Farming	111930		O	O						
9154	Hay	Hay Farming	111940		O	O						
9155	Peanut crop	Peanut Farming	111992		O	O						
<b>9200</b>	<b>Support functions for agriculture</b>											
9210	Farm and farm labor management services	Farm Labor Contractors and Crew Leaders	115115		O							
9210	Farm and farm labor management services	Farm Management Services	115116		O							
9220	Spraying, dusting and other related services	Soil Preparation, Planting, and Cultivating	115112		O							
9230	Crop harvesting and post harvest crop activities (including drying, siloing, etc.)	Crop Harvesting, Primarily by Machine	115113		O							
9230	Crop harvesting and post harvest crop activities (including drying, siloing, etc.)	Postharvest Crop Activities (except Cotton Ginning)	115114		O						O	O
9240	Cotton ginning, grist milling, etc.	Cotton Ginning	115111		O							
<b>9300</b>	<b>Animal production including slaughter</b>											
9310	Cattle range and crops	Dual-Purpose Cattle Ranching and Farming	112130	7.7-24b	R	R						
9311	Beef cattle ranch establishments	Beef Cattle Ranching and Farming	112111	7.7-24b	R	R						
9312	Cattle feedlot establishment	Cattle Feedlots	112112	7.7-24b							R	
9320	Dairy cattle and milk production	Dairy Cattle and Milk Production	112120	7.7-24b	R	R						
9330	Hog and pig farm	Hog and Pig Farming	112210	7.7-24b	R	R						
9340	Poultry and egg production and hatcheries	Chicken Egg Production	112310	7.7-24b	R	R						
9340	Poultry and egg production and hatcheries	Broilers and Other Meat Type Chicken Production	112320	7.7-24b	R	R						
9340	Poultry and egg production and hatcheries	Turkey Production	112330	7.7-24b	R	R						
9340	Poultry and egg production and hatcheries	Poultry Hatcheries	112340	7.7-24b	R	R						
9340	Poultry and egg production and hatcheries	Other Poultry Production	112390	7.7-24b	R	R						
9350	Sheep and goat farming establishments	Sheep Farming	112410	7.7-24b	R	R						
9350	Sheep and goat farming establishments	Goat Farming	112420	7.7-24b	R	R						
9360	Fish hatcheries, fisheries, and aquaculture	Finfish Farming and Fish Hatcheries	112511	7.7-24b	R	R						
9360	Fish hatcheries, fisheries, and aquaculture	Shellfish Farming	112512	7.7-24b	R	R						
9360	Fish hatcheries, fisheries, and aquaculture	Other Aquaculture	112519	7.7-24b	R	R						
9370	All other animal production	All Other Animal Production	112990	7.7-7a & 7.7-24d	R							
9371	Apiculture (bees, wax, and related)	Apiculture	112910	7.7-24b	R	R						
9372	Horse and equine production	Horses and Other Equine Production	112920	7.7-24b	R	R						
9380	Support functions for agriculture	Support Activities for Animal Production	115210	7.7-24b & c	R	R						
<b>9400</b>	<b>Forestry and logging</b>											
9410	Logging	Logging	113310	7.7-8e	R						R	
9410	Logging	Timber Tract Operations	113110		O							
9420	Forest nurseries	Forest Nurseries and Gathering of Forest Products	113210		O							
9430	Support functions for forestry	Support Activities for Forestry	115310		O							
<b>9500</b>	<b>Fishing, hunting and trapping, game preserves</b>											
9510	Fishing	Finfish Fishing	114111		O							
9510	Fishing	Shellfish Fishing	114112		O							

LBCS	LBCS Description	NAICS Description	NAICS Code	Supp. Req.	AG	Res	OI	CP	NC	GC	LI	HI
9510	Fishing	Other Marine Fishing	114119		O							
9520	Hunting and trapping, game retreats, game and fishing preserves	Hunting and Trapping	114210		S							



## APPENDIX B - TREE DENSITY CALCULATION

A basic requirement of the Tree Conservation and Replacement Ordinance is that all applicable sites maintain a minimum tree density of 20 units per acre. The term "unit" is an expression of the Basal area (a standard forest inventory measurement), and is not synonymous with "tree". **This density requirement must be met whether or not a site had trees prior to development.** The density may be achieved by counting existing trees to be preserved, planting new trees, or some combination of the two as represented by the formula.

**SDF - EDF = RDF**

Where:

SDF (Site Density Factor)—The minimum tree density required to be maintained on a developed site (units per acre).

EDF (Existing Density Factor)—Density of existing trees to be preserved on a site.

RDF (Replacement Density Factor)—Density of new trees to be planted on a site.

The SDF is calculated by multiplying the number of acres by the tree density requirement;

EXAMPLE: A 2.2 acre site has a SDF of  $2.2 \times 20 = 44$

The EDF is calculated by converting the diameter of individual trees to density factor units. Table B.1 below show this calculation.

EXAMPLE: A total of 15 trees will remain on the 2.2 acre site. The tree inventory is as follows:

7—12 inch diameter pines    1—21 inch diameter hickory

3—14 inch diameter pines    1—30 inch diameter oak

3—18 inch diameter pines

Converting diameters (DBH) to density units, the EDF is determined as follows:

<b>TABLE B.1 EXAMPLE CONVERSION</b>					
DBH	UNITS		NO. OF TREES		TOTALS
12 inch	0.8	×	7	=	5.6
14 inch	1.2	×	3	=	3.6
18 inch	1.8	×	3	=	5.4
21 inch	2.6	×	1	=	2.6
30 inch	4.4	×	1	=	4.4
					21.6

See section 18.7.B for Tree Density Requirements and calculation for "For-Sale" residential lots.

**TABLE B.2 TREE DENSITY CONVERSION CHART**  
Conversion of Tree Diameters (DBH) to Density Factor Units

<b>Tree Size (DBH)</b>	<b>Unit Value</b>	<b>Tree Size (DBH)</b>	<b>Unit Value</b>
2"	0	26"	3.8
3"	0	27"	3.8
4"	.1	28"	4.0
5"	.1	29"	4.0
6"	.2	30"	4.4
7"	.2	31"	4.4
8"	.4	32"	4.6
9"	.4	33"	4.6
10"	.6	34"	5.0
11"	.6	35"	5.0
12"	.8	36"	5.4
13"	.8	37"	5.4
14"	1.2	38"	5.8
15"	1.2	39"	5.8
16"	1.8	40"	6.2
17"	1.8	41"	6.2
18"	1.8	42"	7.0
19"	1.8	43"	7.0
20"	2.6	44"	8.0
21"	2.6	45"	8.0
22"	2.8	46"	9.0
23"	2.8	47"	9.0
24"	3.4	48" or greater	10.0
25"	3.4		

Note: DBH is rounded to nearest inch (.5 and higher to next full inch, .4 and lower is truncated to lower inch).  
 Note: Values for tree sizes 24 inch and greater are for trees that do not qualify as Specimen Trees and are not subject to Specimen Tree designation under Appendix A. Trees qualifying as Specimen Trees are subject to the benefits and restrictions note in the previously cited section.

The RDF is calculated by subtracting the EDF from the SDF.

EXAMPLE: RDF = 44 - 21.6 = 22.4

The density factor credit for each Caliper size of replacement (new) trees is shown in TABLE B.3.

<p align="center"><b>TABLE B.3 TREE REPLACEMENT CHART</b> Conversion of Replacement Tree Caliper to Density Factor Units</p>		
Caliper Size(at 12 inches height)	Density Credit	Number of trees required to meet 20 units/acre standard <sup>(1)</sup>
1	0	N/A
2	.4	50
3	.5	40
4	.6	33
5	.7	29
6	.8	25
7	1.0	20
8	1.1	19
Greater than 8	1.1	19

<sup>(1)</sup>Note: This column represents the number of trees that would need to be replanted if all one-size tree was used. This is provided for information purposes only, as it is likely that a variety of tree sizes would be used.

**Tree Replacement Requirements:**

1. No more than 30% of all trees planted for replacement density credit may be of any one species.
2. Seven-gallon Pine trees to be planted to meet required replacement densities must be at least one-inch (1") in Caliper and greater than or equal to four feet (4') tall.
3. Specimen Tree replacement/recompense trees must be at least four-inch (4") Caliper.

## APPENDIX C - SPECIMEN TREES

Some trees on a site warrant special consideration and encouragement for conservation. These trees are referred to as Specimen Trees. The following criteria are used by the Director to identify specimen trees:

A Specimen Tree is any tree which qualifies for special consideration for preservation due to its size, type, condition, location, or historical significance and is determined by the City Arborist, prior to development, to be in overall good health without the aid of a specialized care plan according to accepted ISA practices, and which also meets the minimum size criteria set forth below.

### Size Criteria:

Pine Trees: 30-inch (30") diameter or larger.

Overstory Trees: 24-inch (24") diameter or larger.

Understory Trees: 8-inch (8") diameter or larger.

In order to encourage the conservation of Specimen Trees and the incorporation of these trees into the design of projects, additional density credit will be given for Specimen Trees, which are successfully saved by a design feature specifically designated for such purpose. Credit for any Specimen Tree thus saved would be two (2) times the assigned unit value shown in Table B.3. The Critical Root Zone of Specimen Trees will be protected with hog-back/wire-back tree save fencing with metal support poles or as described in section 18.11.

If a Specimen Tree is to be removed, a plan or written document indicating the reason for the removal must be submitted to the Director.

Specimen Trees that cannot be saved (see Section 18.11) must be replaced with trees having two (2) times the unit value of the tree removed with a minimum four-inch (4") tree caliper by species with potentials for comparable size and quality.

Any Specimen Tree which is removed without the appropriate review and approval of the Director must be replaced by trees with a total density equal to eight (8) times the unit value of the tree removed with a minimum four-inch (4") tree caliper. Size alone will determine whether a tree was a specimen quality if the tree is removed without approval and there is no evidence of its condition. Violations will be subject to the applicable penalties as described in Section 18.19.

Specimen trees removed on "For-Sale" Residential lots not in conjunction with construction projects shall follow sections 18.13 and 18.19 for approval, replanting, and violation requirements.

## APPENDIX D-TIMBER HARVEST PERMITTING

Tree cutting, clearing, or clearing and grubbing projects, which result in the sale of timber, shall conform to state law regarding payment of taxes. A Georgia Department of Revenue Form PT-283T, along with the required payment, must be submitted to the Cherokee County Tax Assessor's Office within the time frame prescribed by law. Failure to do so shall be considered a violation of the Cherokee County Erosion and Sedimentation Control Ordinance as well as the tax law. Call the Cherokee County Tax Assessor's Office for more information.

- Provided documentation regarding the type of timber sale, estimated date of purchase, and estimated PT-283T submittal date when submitting plans to the Community Development Department for review.

Applications for tree cutting, clearing, or clearing and grubbing shall be in accordance with current land disturbance permit plan review procedures.

Plans and other supportive documents submitted for a land disturbance permit for tree cutting in areas greater than five (5) acres shall bear the signature of a Georgia Registered Forester.

The minimum size of plans shall be 11 × 17 inches. The maximum size shall be 24 × 36 inches.

Plans shall include the following information:

- Owner's name, address and phone number.
- Consultant's and Contractor's names, addresses and phone numbers.
- Location/vicinity map.
- Land Lot(s) and Districts(s).
- North Arrow.
- Scale (minimum 1" = 100').
- Closed property boundary showing bearings and distances of all property lines.
- Current zoning of property.
- Current zoning of adjacent properties.
- Total acreage of property and approximate acreage of area to be disturbed.
- 24-hour emergency contact name and phone number(s) in bold type (no smaller than 20 point type).
- Names of adjoining roadways.
- Location of and detail for the trunk exit (Co or crushed stone pad).

- Approximate location of the following land features:
  - **All state waters.**
  - **Topography at 20 ft. intervals (U.S.G.S. Quadrangle Map).**
  - **Forest cover areas.**
  - **100-year floodplain.**
  - **Wetlands.**
    - Limits of land disturbance.
    - Approximate locations and dimensions of any logging decks.
    - Location of any state water buffers (dimension 25 ft. undisturbed zones from the top of each bank).
    - Approximate locations of any haul roads.
    - Approximate locations of any stream crossings showing approximate width of crossing (bank to bank) and method of sediment control (rock riprap or culvert).
    - Approximate locations of any historical features including cemeteries; or, a note indicating the absence of such on the site.
    - Delineation and labeling of any required buffer zones around the perimeter of the property.
    - A detail of the method to be used to delineate all buffers on the site.
    - Expected time frame in which the operation will occur.
    - Additional information as may be required by City of Holly Springs staff to perform a proper review of the project and assure that the intent of the Soil and Erosion and Sediment Control Ordinance is met.

The Following Notes:

- The City of Holly Springs Community Development Department reserves the right to require additional erosion and sedimentation control measures deemed necessary.
- The contractor shall implement all Best Management Practices for forestry as prescribed by the Georgia Forestry Commission and the U.S. Environmental Protection Agency.
- **No trees may be cut in buffer zones marked "undisturbed."** Tree cutting shall be limited to the non-mechanical removal of pine (*Pinus* spp.) or yellow-poplar (*Liriodendron tulipifera*) trees with stump diameters greater than fifteen (15) inches; provided that a minimum of fifty (50) square feet of basal area remains in good

condition in the buffer area at completion of the project. The non-mechanical removal of dead, diseased or insect infested trees is also allowed in this buffer (subject to verification by the City of Holly Springs Arborist).

- All buffers of state waters shall remain undisturbed except for haul road crossing points.
- Projects, which are restricted to a "Residential Thinning", must leave a minimum density of thirty (30) square feet of basal area throughout all areas not designated as buffers or logging decks. Trees to be preserved to meet this requirement must be identifiable both before and after the harvest either by species or by a continuous marking around the trunk at 4.5 feet and at .5 feet above the ground. These trees must be left in good condition with no injuries to the trunk, crown or root system, which would predispose them to disease or pest infestation.

All pine logging slash with stems larger than five (5) inches in diameter shall be chipped and returned to the site or removed from the site to reduce the possibility of insect infestation.

- Logging decks, temporary haul roads, skid trails and any other disturbed areas left idle for two to four weeks will be restored to their contours and established to temporary vegetation (DsD). These disturbed areas left idle for four weeks or more will be established to permanent vegetation (Ds3). All areas remaining at the end of the project will be established to permanent vegetation within two weeks.
- When hand planting, mulch (hay or straw) should be uniformly spread over seeded area within 24 hours of seeding.
- During unstable growing seasons, mulch will be used as a temporary cover (Ds1). On slopes that are 4:1 or steeper, mulch will be anchored.
- The City of Holly Springs Land Disturbance Permit must be displayed on site at all times during the project operation and in plain view from an adjacent county road or street.

Before any activity can begin an inspection must be performed for basal area confirmation, erosion control devices and buffer area delineation. At this time, the contractor must show a current City of Holly Springs occupational tax certificate or registration certificate. At completion of the project, a final inspection must be performed.

**APPENDIX E**



**Guidance Document**  
**For**  
**Tree Conservation, Landscape,**  
**and Buffer Requirements**

**Adopted 12/18/2017**



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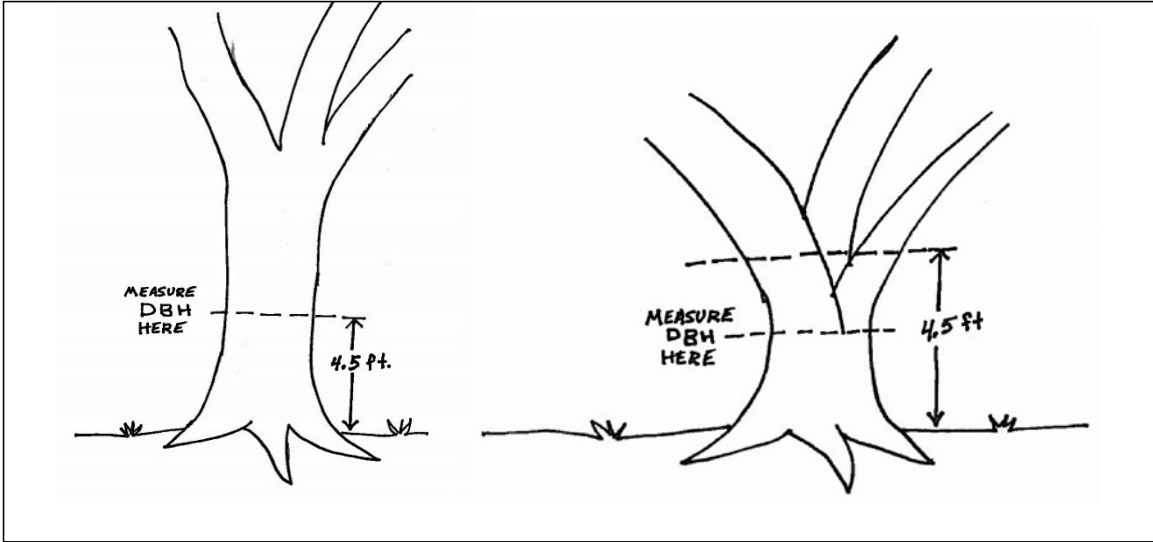
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Informational Links .....E-30

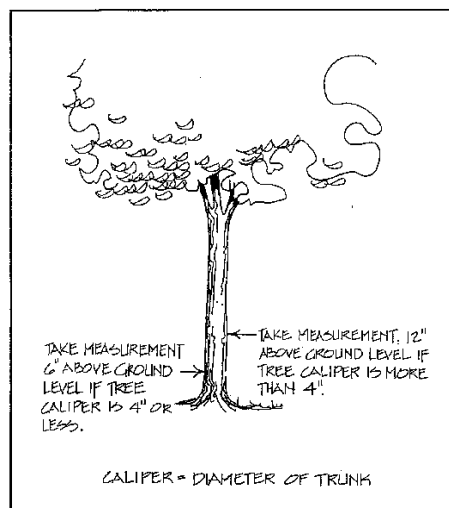
## Technical Standards

### 1. Tree Measurements

- a. Diameter at Breast Height (DBH): The standard measure of tree size (for trees existing on a site). The tree trunk is measured at a height of 4 1/2 feet above the ground. If a tree splits into multiple trunks below 4 1/2 feet, the trunk is measured at its most narrow point beneath the split.



- b. Caliper: A standard of trunk measurement for replacement trees. Caliper inches are measured at the height of 6 inches above the ground for trees up to and including 4 inch caliper and 12 inches above the ground for trees larger than 4 inch caliper.



c. Critical Root Zone (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths (1.3) times the number of inches of the trunk diameter.

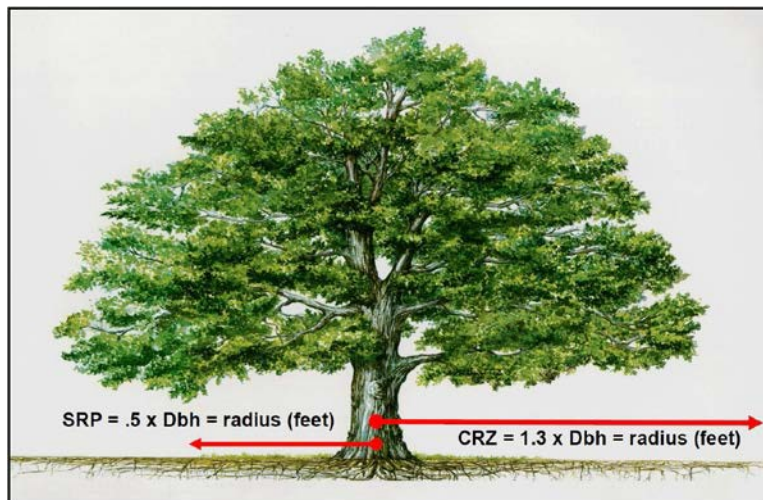
i. EXAMPLE: The CRZ radius of a twenty (20) inch diameter tree is twenty-six

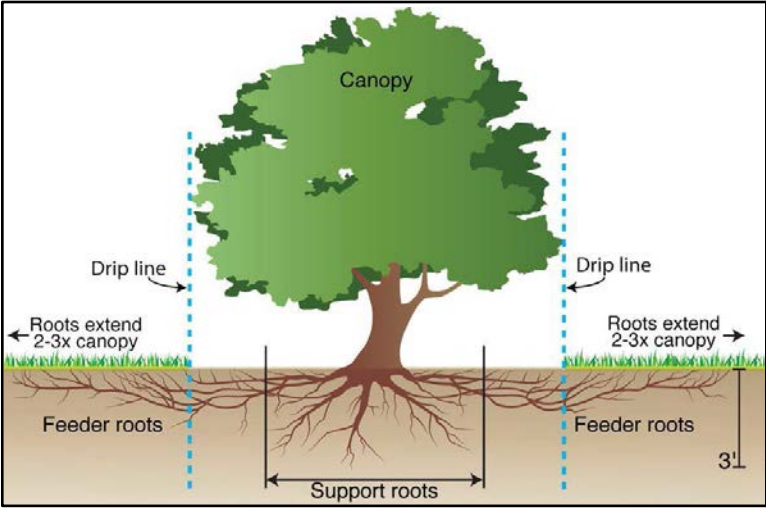
(26) feet.

d. Structural Root Plate (SRP): The zone of rapid root taper that provides the tree stability against wind throw. The radius of the structural root plate is equal to 0.5 feet per inch of DBH.

i. EXAMPLE: The SRP radius of a twenty (20) inch diameter tree is ten (10) feet.

ii.





2. Specimen Trees: Any tree which qualifies for special consideration for preservation due to its size, type, condition, location or historical significance and which also meets the minimum size criteria set forth below.

Pine Trees: 30-inch diameter or larger for trees in the *Pinus* (Pine) genus.

Coniferous Trees: 20" diameter or larger for trees in the *cedrus* (deodar cedar), *Thuja* (Arborvitae), or other ecologically similar trees,

Overstory Trees: 30-inch diameter or larger for trees in the *Liquidambar* (Sweetgum) or *Liriodendron* (Tulip poplar) genus

20-inch diameter or larger for trees in the *Fagus* (Beech), *Nyssa* (Tupelo), *Diospyros* (Persimmon), *Sassafras* (Sassafras), or other ecologically similar trees

20-inch diameter or larger for *Magnolia grandiflora* (Southern magnolia) and those cultivars that generally reach a mature height over 40'

24-inch (24") diameter or larger for trees in all other genera

Understory Trees: 8-inch (8") diameter or larger.

10-inch diameter or larger for *Oxydendron arboretum* (Sourwood).

### 3. Tree Density Calculation:

Trees located on the subject property or those found in the right-of way in front of the property may count towards your required tree density or canopy coverage.

#### a. Standard Tree Density Calculation (130 inches per acre)

To calculate the Required Tree Density on all properties within the City use the formula below:

$$\mathbf{SDF - EDF = RDF}$$

Where:

SDF (Site Density Factor): The minimum tree density required to be maintained on a developed property in inches per acre. The SDF is calculated by multiplying the number of acres by 130 inches.

EDF (Existing Density Factor): The density of the existing trees to be conserved measured in inches at DBH (Diameter at Breast Height)

RDF (Replacement Density Factor): Density in inches of new trees to be planted on a property

**Example A:** 15,000 square foot lot (.34 acres)

$$\text{SDF} = .34 \text{ (acres)} \times 130 \text{ (inches)} = 44.2 \text{ inches}$$

With no existing trees:

$$44.2 \text{ (SDF)} - 0 \text{ (EDF)} = 44.2 \text{ (RDF)}$$

You will need to plant:

11 – 4” caliper trees or 22 – 2” caliper trees.

With 2 existing 15” trees:

$$44.2 \text{ (SDF)} - 30 \text{ (EDF)} = 14.2 \text{ (RDF)}$$

You will need to plant:

3 – 4” caliper trees and 1 - 2” caliper tree.

**Example B:** 4,000 square foot lot (.09 acres)

$$\text{SDF} = .09 \text{ (acres)} \times 130 \text{ (inches)} = 11.7 \text{ inches}$$

With no existing trees:

$$11.7 \text{ (SDF)} - 0 \text{ (EDF)} = 11.7 \text{ (RDF)}$$

You will need to plant:

3 – 4” caliper trees or 6 – 2” caliper trees. With 1 existing

8” tree:

$$11.7 \text{ (SDF)} - 8 \text{ (EDF)} = 3.7 \text{ (RDF)}$$

You will need to plant:

1 – 4” caliper tree or 2 - 2” caliper trees.

- b. Alternate Tree Density Calculation (30% Canopy Coverage). This calculation is only for detached single family residential properties and can be accomplished through the preservation or planting of any combination of Large, Medium, Small, or Very Small canopy trees as defined in the City of Holly Springs Tree List:

To calculate the alternative tree density based upon canopy coverage use the formula below:

$$\text{SCC} - \text{ECC} = \text{RCC}$$

Where:

SCC (Site Canopy Coverage): The minimum canopy coverage required to be maintained on developed detached single family residential properties in square feet. The SCC is calculated by multiplying the area of the property in square feet by 30%.

ECC (Existing Canopy Coverage): The canopy coverage in square feet of the existing trees to be conserved, obtained from the City of Holly Springs Tree List.

RDF (Replacement Canopy Coverage): The canopy coverage in square feet of the new trees to be planted on a property, obtained from the City of Holly Springs Tree List.

**Example A: 15,000 square foot lot with no existing trees**

$$\text{SCC} = 15,000 \text{ (square feet)} \times .30 \text{ (30\%)} = 4,500 \text{ square feet}$$

$$4,500 \text{ (SCC)} - 0 \text{ (ECC)} = 4,500 \text{ (RCC)}$$

You will need to plant:

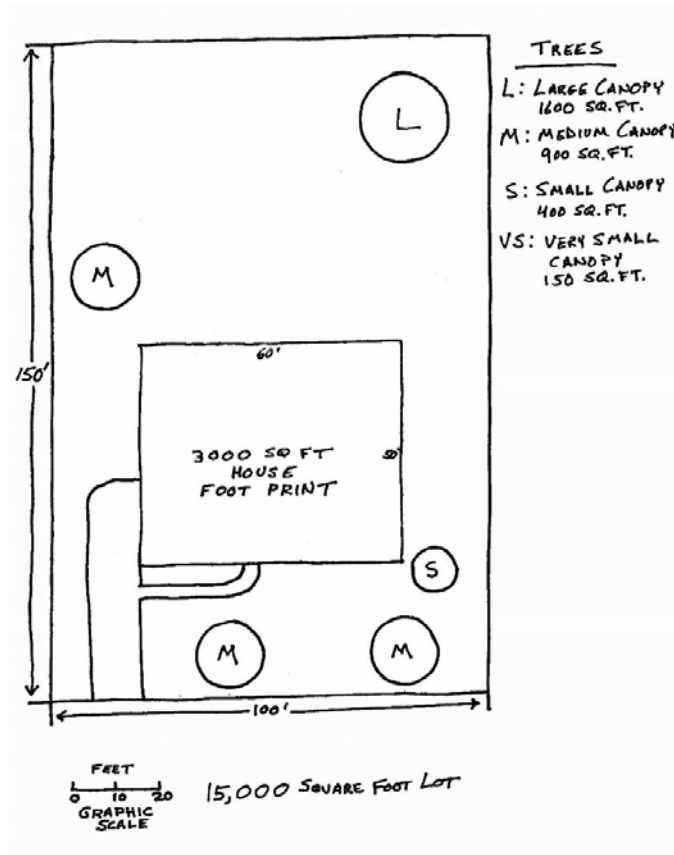
3 large canopy trees:  $1,600 \text{ (square feet)} \times 3 = 4,800 \text{ square feet, or}$

1 large canopy tree (1,600 square feet)

3 medium canopy trees ( $900 \text{ square feet} \times 3 = 2,700 \text{ square feet}$ )

1 small canopy tree (400 square feet)

Total: 4700 square feet. (See Diagram)





**Example B: 15,000 square foot lot with 2 existing medium canopy trees:**

$$\text{SCC} = 15,000 \text{ (square feet)} \times .30 \text{ (30\%)} = 4,500 \text{ square feet}$$

$$4,500 \text{ (SCC)} - 1,800 \text{ (ECC)} = 2,700 \text{ (RCC)}$$

You will need to plant:

1 large canopy tree (1,600 square feet)

1 medium canopy tree (900 square feet)

2 small canopy trees (150 square feet X 2 = 300 square feet)

Total 2800 square feet

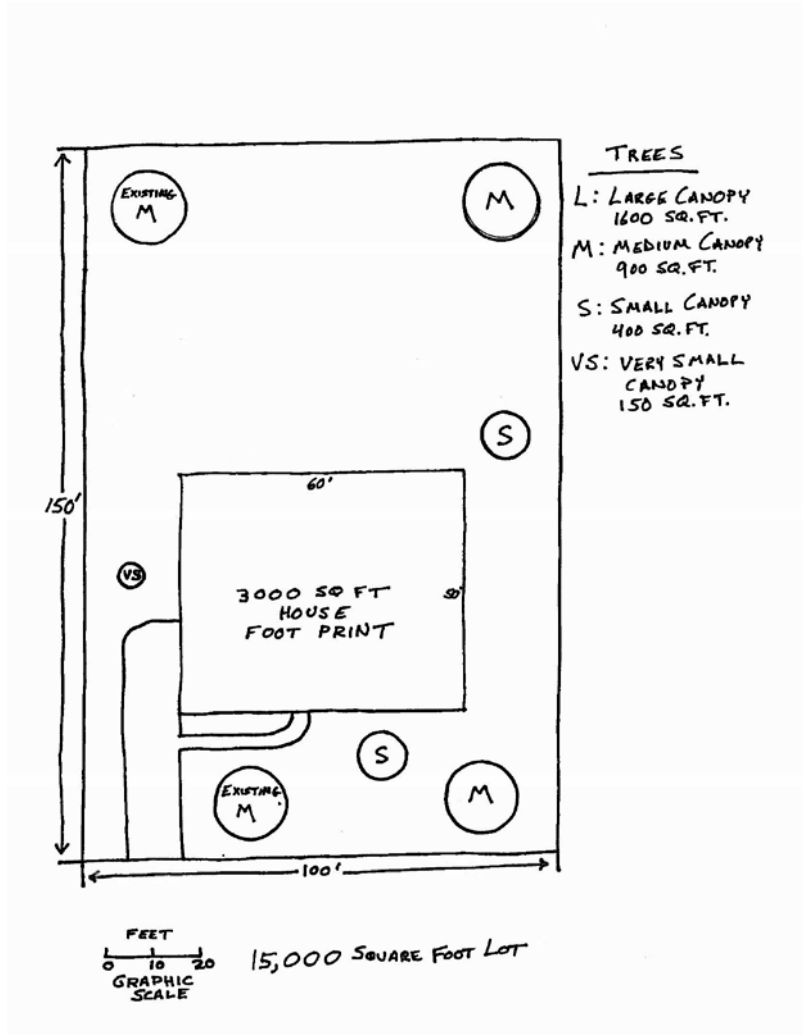
Or

2 medium canopy trees (900 square feet X 2 = 1,800 square feet)

2 small canopy trees (400 square feet X 2 = 800 square feet)

1 very small canopy tree (150 square feet)

Total 2750 square feet (See Diagram)



**Example C: 4,000 square foot lot with no existing trees:**

$$\text{SCC} = 4,000 \text{ (square feet)} \times .30 \text{ (30\%)} = 1,200 \text{ square feet}$$

$$1,200 \text{ (SCC)} - 0 \text{ (ECC)} = 1,200 \text{ (RCC)}$$

You will need to plant:

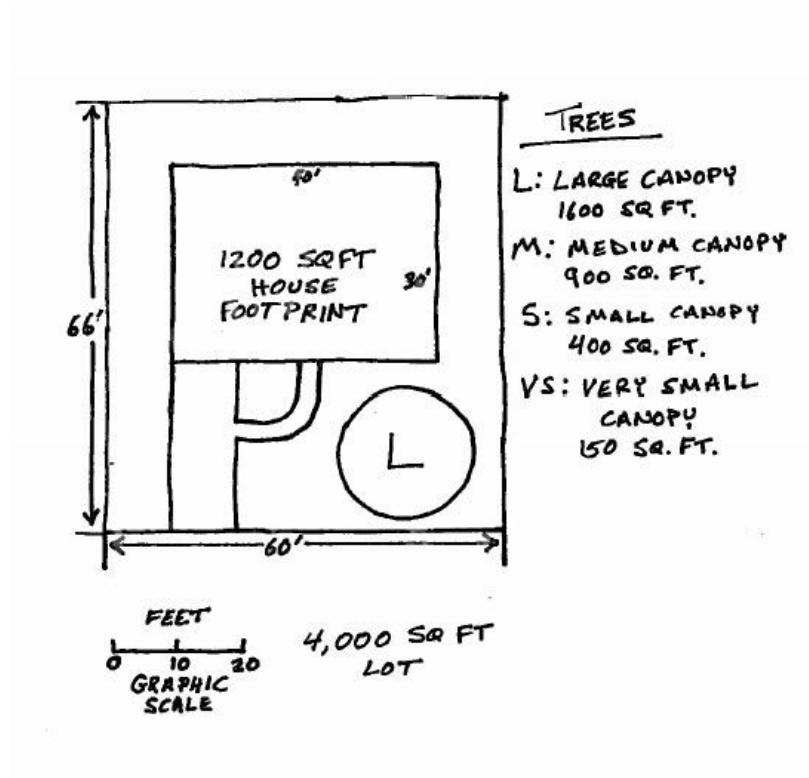
1 large canopy tree (1,600 square feet)  $\times 1 = 1,600$  square feet.

Or

1 medium canopy tree (900 square feet)

2 very small canopy trees (150 Square feet  $\times 2 = 300$  square feet)

Total 1200 square feet (See Diagram)



**Example D:** 4,000 square foot lot with 1 existing medium canopy tree SCC = 4,000 (square

feet) X .30 (30%) = 1,200 square feet

1,200 (SCC) – 900 (ECC) = 300 (RCC)

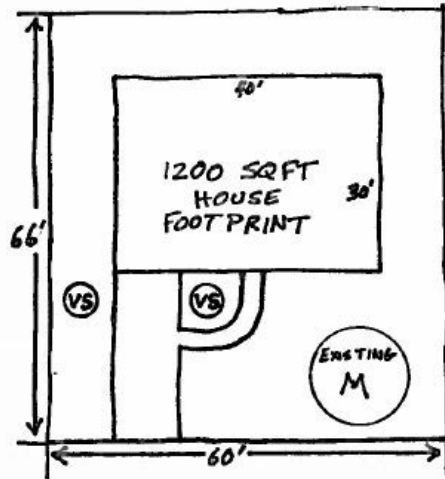
You will need to plant:

1 small canopy tree (400 square feet)

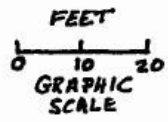
Or

2 very small canopy trees (150 Square feet X 2 = 300 square feet)

(See Diagram)



- TREES
- L: LARGE CANOPY  
1600 SQ. FT.
  - M: MEDIUM CANOPY  
900 SQ. FT.
  - S: SMALL CANOPY  
400 SQ. FT.
  - VS: VERY SMALL  
CANOPY  
150 SQ. FT.



4,000 SQ FT LOT

## Tree Removal Requirements

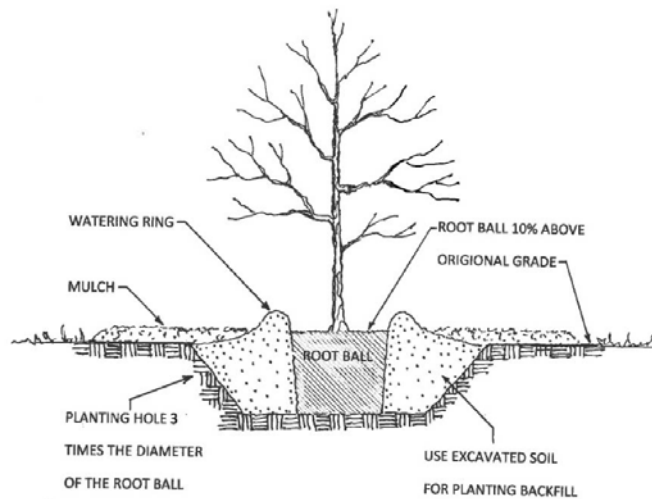
The City of Holly Springs Tree Removal Permitting Process is listed below:

1. Detached Single Family Residential:
  - a. A tree permit is required for the removal of all trees that are alive.
  - b. A tree removal permit is not required for dead trees or trees that have already fallen. It is recommended to take photos of these trees for your records.
  - c. Replacement trees may be required.
2. Commercial and Attached or Multi-Family Residential:
  - a. All commercial properties are required to apply for a tree removal permit for the removal of any trees dead or alive.
  - b. Replacement trees may be required.
3. Emergency Removals:
  - a. Emergency removals will be handled on a case by case basis.
    - i. During normal business hours please contact the City Arborist by phone at (770)345-5536.
    - ii. If an emergency tree removal must occur during non-business hours, provide the City Arborist with a voice message as soon as possible. Take pictures documenting the removal and submit them to the City Arborist as soon as possible but no later than the next business day.
  - b. If a tree is in imminent danger of falling and causing damage to person or property a permit is not required. Examples include broken trunks and uprooting trees. Please schedule the removal, take photographs, and provide notification to the City including address and date removal is going to take place.
4. Storm-Damaged Tree Removals:
  - a. From time to time a storm will pass through Holly Springs that will topple trees. In this instance the City may decide to suspend tree removal requirements. If this happens please check the City of Holly Springs website ([www.hollyspringsga.us](http://www.hollyspringsga.us)) for information.

## Tree Care

### 1. Planting:

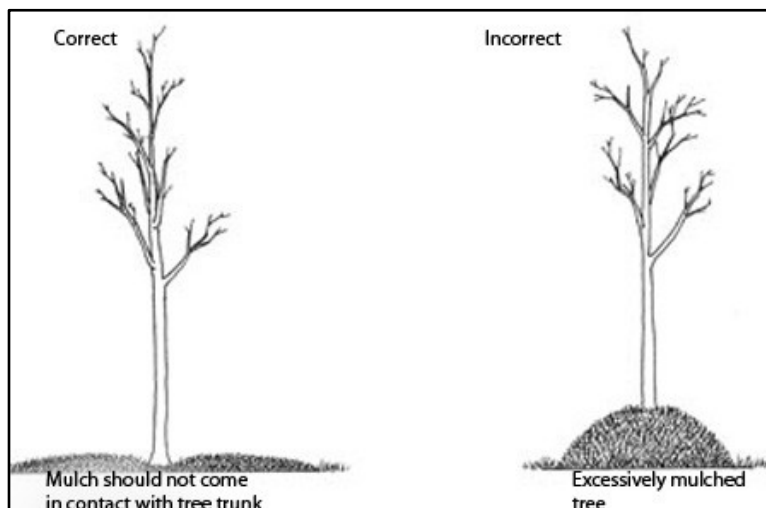
- a. A properly planted tree has a better chance of survival.



TREE PLANTING DETAIL

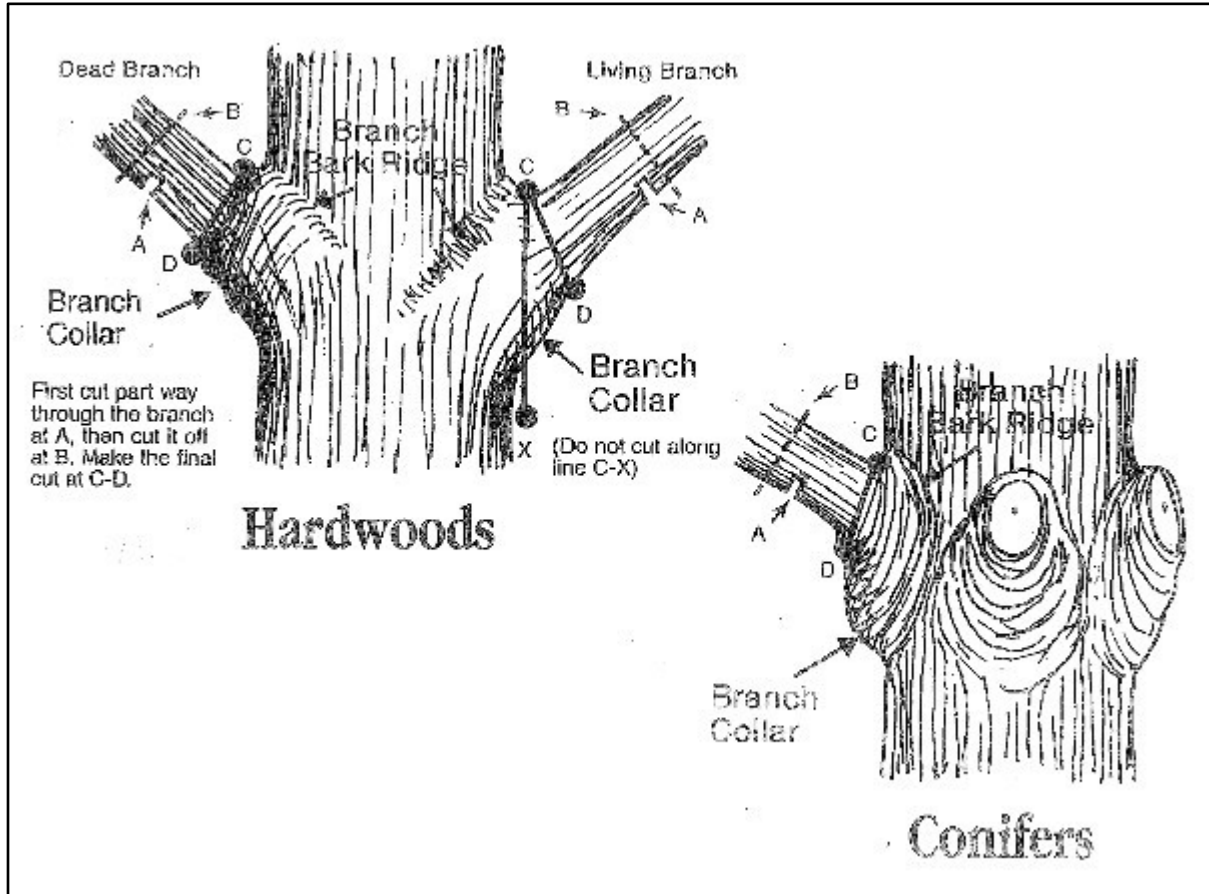
### 2. Mulching:

- a. Organic non-synthetic mulch should be applied to the rooting zone of all trees and be refreshed as needed.
- b. Mulch helps to keep the soil moist over the roots, minimizes weeds, and provides nutrients as the mulch breaks down.
- c. Mulch should be placed at a depth of 2-4 inches and should never touch the trunk of a tree.



3. Pruning:

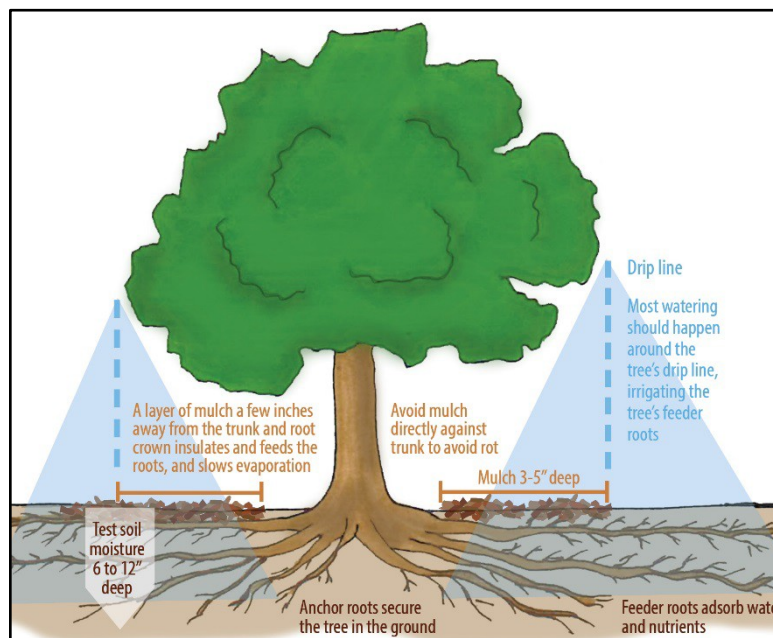
- a. Trees should be pruned to remove dead, dying, or diseased branches.
- b. Shaped for aesthetic reasons.
- c. Provide clearance for pedestrians, vehicles, structures, or light.



The basic pruning of trees should follow the Three Cut Method. First cut should be made at location A. Second cut should be made along line B. Final cut should be made along line C-D. Never cut along line X.

#### 4. Watering

- a. Newly planted trees should be watered until fully established with drip irrigation or watering bags. If watering bags are used manufacturers recommendations should be used to determine the size of the watering bag and the schedule to fill the watering bags.
- b. Established trees should be watered during times of drought or lower than normal rainfall. During droughts please make sure to follow local water usage regulations.
- c. Watering should simulate at least 1” of rainfall per week and be long and slow so the water can infiltrate through the soil to the roots of the trees.





## Landscape Design Guidelines

### 1. Tree Selection

- a. It is recommended to use the City of Holly Springs Tree List when selecting trees for planting.
  - i. No more than 25% of any one genus may be included in any replanting plan.
  - ii. Greater than 50% of all trees planted shall be native tree species.
  - iii. It is recommended to include at least 40% overstory trees in any replanting plan.
- b. Trees should be chosen that are of a high quality and able to grow into a specimen tree.
  - i. Free of disease and pests
  - ii. A Single main leader
  - iii. Good form and structure
  - iv. Solid root ball
  - v. Overstory trees shall be a minimum of 6 feet tall and have a minimum trunk caliper of 2 inches
  - vi. Understory trees shall be a minimum of 4 feet tall and have a minimum trunk caliper of 2 inches.
- c. Trees should be selected that are ecologically compatible with the site conditions such as:
  - i. Soil moisture
  - ii. Sunlight
  - iii. Rooting space and soil volume
- d. Trees should also be selected that are compatible with the built environment based upon size, form, and structure.
  - i. Georgia Power: Planting the Right Tree in the Right Place:

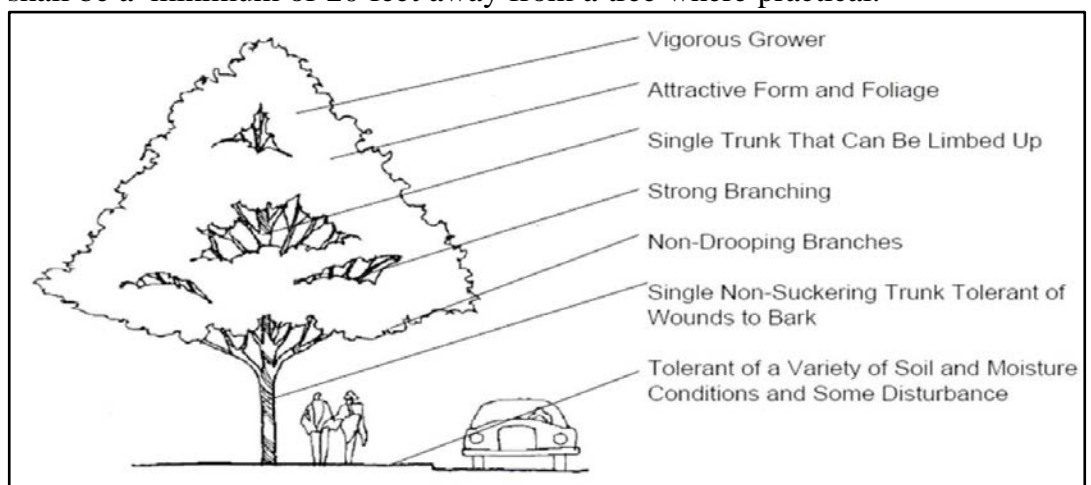
<https://www.georgiapower.com/in-your-community/includes/planting-guide.html>

- ii. National Arbor Day Foundation: The Right Tree in the Right Place:

<https://www.arborday.org/trees/righttreeandplace/>

## 2. Streetscape and Landscape Strips

- a. Streetscapes and landscape strips shall be provided as listed in Article 19 of the Holly Springs Zoning Ordinance, Model Guidelines for Overlay Districts.
- b. Actual spacing of street trees is based on the average canopy spread of the species selected as detailed in the Tree List.
- c. If the spacing of shade trees exceeds 25 feet on center it is recommended to fill in the gaps between each shade tree with understory trees.
- d. Spacing of shade trees shall not exceed 40 feet on center.
- e. Shade trees shall be a minimum 4" caliper; ornamental trees shall be a minimum 3" caliper. The use of a combination of shade trees and ornamental trees is recommended.
- f. It is desirable to plant trees and shrubs within the beauty strip along roadways to provide a separation between pedestrians and vehicular traffic.
- g. Street trees shall be pruned or have a clear trunk to a minimum height of 7 feet.
- h. For commercial development and for master plan subdivisions, a minimum of five (5) foot landscape strip shall be provided along all property lines which do not adjoin a public right-of-way or private road. One (1) shade tree, minimum 4" caliper, shall be provided for every fifty (50) linear feet of landscape strip. For master plan subdivisions, this requirement is only required along the external property line of the overall project.
- i. Shrubs shall be provided in all landscape strips. Shrubs shall be a minimum of 2 in height at time of planting. Shrubs located in landscape strips may be used to meet the parking lot screening requirement.
- j. Street lights and pedestrian lights shall not conflict with tree locations and shall be a minimum of 20 feet away from a tree where practical.



### 3. Parking Lot Landscaping

a. Interior Parking Lot Planting Requirements – If any parking lot contains twenty (20) or more parking spaces, interior parking lot landscaping shall be required as follows:

- i. There shall be a minimum curb radii of three (3) feet required on the corners of all landscape islands and medians to allow for free movement of motor vehicles around planting materials. All islands and medians shall have raised curbs around them to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Striping of parking islands is not permitted.
  - ii. All rows of parking spaces shall be provided a terminal island to protect parked vehicles, confine moving traffic to aisles and driveways, and provide space for landscaping. A terminal island for a single row of parking spaces shall be planted with at least one (1) canopy/shade tree. A terminal island for a double row of parking spaces shall contain not less than two (2) shade/canopy trees.
  - iii. All landscape islands within parking lots shall be one hundred (100) percent landscaped with deciduous trees, evergreen shrubs (not to exceed three (3) feet high at maturity), ground cover (which does not require mowing) and/or flowers in mulched beds.
  - iv. Interior landscape islands shall be provided within parking areas of twelve (12) or more spaces. Parking areas designated to accommodate more than twelve (12) motor vehicles must install interior landscape islands so that no more than twelve (12) adjacent parking spaces exist without a landscaped separation of at least eight (8) feet in width. If significant tree-save areas or natural areas exist within a parking area, the City Zoning Administrator may make an exception to this requirement, as appropriate.
  - v. Each island or strip shall contain a minimum of one hundred twenty-five (125) square feet. All landscape islands shall be reasonably dispersed throughout the parking lot, and shall have a minimum width of eight (8) feet measured from back of curb. There shall be a minimum eight (8) foot wide (back of curb to back of curb) curbed landscape island at the end of every row of parking, equal in length to the adjoining parking space. A parking island must be located no further apart than every twelve (12) parking spaces.
  - vi. Landscaped areas between parking areas and buildings shall not be considered as interior landscaping.
- b. Areas used principally for storage of vehicles or display areas do not require interior islands if such areas are screened from adjacent properties and public streets.

- c. Peripheral Parking Lot Planting Requirements - If any parking lot contains ten (10) or more parking spaces, peripheral parking lot landscaping shall be required as follows:
1. The perimeter of all parking areas shall be landscaped.
  2. Except where otherwise stated in the City of Holly Springs Zoning Ordinance, a landscaping strip ten (10) feet in width measured from the back of curb shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.
  3. Peripheral plantings shall include one (1) shrub per twenty (20) linear feet of abutting land and one of, or a combination of the following, which need not necessarily be installed on center:
    - a) One (1) under story/flowering tree per twenty (20) linear feet
    - b) One (1) shade canopy tree per thirty-five (35) linear feet.
  4. Trees shall be planted at a minimum of three (3) feet from any curb, so as to prevent injury to trees by vehicle bumpers. Where landscaped areas are located adjacent to vehicle overhangs, the trees shall be planted in line with the striping between parking spaces in order to avoid injury to trees by vehicle bumpers.
- d. Utilities and lighting shall not be allowed within required parking lot landscape islands or other areas trees are planted and shall not conflict with tree locations.
- e. The required tree area shall be protected against compaction and shall provide sufficient area for tree growth.
- f. Trees planted at the head of any parking stalls must be located in line with the parking stall striping to prevent damaging the trunks of the trees by cars.
- g. Trees shall be maintained in accordance with best management practices as defined by the International Society of Arboriculture guidelines.
- h. Shrubs shall be provided to screen paved areas and parking lots from the public right of way, private drives and adjacent property year-round. Shrubs shall be 2 feet tall at time of planting, 2 rows deep and shall provide a screen within 3 years of planting.
- i. Alternate landscape configurations may be approved if the Director determines that the alternate design exceeds the standards above. An

alternate configuration could include a stormwater component or the preservation and enhancement of existing trees which are provided above and beyond other tree preservation requirements; which are deemed of community value by the Director; and shall result in a minimum of 50% parking lot canopy coverage within 15 years.

#### Example Parking Lot Layouts and Configurations:



#### 4. Screening Requirements

- a. Additional screening shall be provided around all utility areas, detention facilities, dumpster/refuse areas, drive through areas, loading and unloading zones, etc. to screen views from the public right of way, private roads, drives, and adjacent properties year-round. Screening shall be provided in any combination of the standards below or as approved by the Director:
  - i. Plant selection will consist of eighty (80) percent evergreen species and twenty (20) percent deciduous species;
  - ii. Deciduous trees must be a minimum of 2-inch caliper at time of installation;
  - iii. Evergreen trees must be a minimum of 6 feet in height at time of installation;
  - iv. Shrubs must be a minimum of 4 feet in height at time of installation;

- v. Screening for detention facilities must incorporate an alternating double row of evergreen shrubs 4 feet in height at time of planting.
- vi. A combination of decorative walls, fences, and landscape material may be used with the approval of the Director.

## 5. Buffers

Buffer requirements are outlined under Article 9, Buffer Requirements, of the Holly Springs Zoning Ordinance.

## 6. Maintenance

- a. Two full growing seasons after the date of the inspection of new tree installations, the City Zoning Administrator will inspect all trees on the project site. Any trees planted to meet the required Tree Density Factor, which are dead or near death must be replaced. Trees preserved to meet the required site density, which are dead or near death at the time of the maintenance inspection must be replaced if there is evidence that the demise of such trees was due to construction injury.
- b. Trees, which are used to meet the density requirements for this Ordinance, shall be maintained for twenty-four (24) months after the date of the final inspection. The property owner shall maintain the required tree density.
- c. It shall be the duty of any person or persons owning or occupying property subject to this Ordinance to maintain said property in good condition so as to present a healthy, neat, and orderly appearance. Property shall be kept free from refuse and debris. Planting beds shall be mulched to prevent weed growth and maintain soil moisture. Plant materials shall be pruned as required to maintain good health and character. Turf areas shall be mowed periodically. All roadways, curbs, and sidewalks shall be edged when necessary in order to prevent encroachment from adjacent grassed areas.

## 7. Irrigation Requirements

- a. Irrigation is to provide for landscaped areas fronting multi-family, commercial and industrial developments. Irrigation is also to be provided along all road frontages for these types of developments.
- b. Irrigation systems can be beneficial in efficiently adding water to the landscape. Landscaped areas shall be irrigated by the use of an automatic irrigation system with controllers. The water demand of lawn areas is significantly greater than the water demand of most trees, shrubbery, or ground cover areas. Wherever feasible, sprinkler head irrigating lawns or other head water demand landscape areas shall be circuited so that they are on a separate zone or zones for those irrigating trees, shrubbery or other reduced water requirement areas.

- c. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering high water requirement areas on a different schedule from low water requirements areas.
- d. No significant overthrow shall be allowed onto non-pervious areas. Irrigation circuits shall apply water onto lawn areas on a different schedule than those irrigating the planting beds. Low trajectory heads or low volume water distributing devices shall be used. Irrigation controllers shall be capable of irrigating grass and tree-shrub zones on different schedules.

## **Tree List**

The City of Holly Springs Tree List is intended to support the Unified Development Code, site planning and design activities for tree conservation and establishment, and tree maintenance planning and decision-making. In the list trees are arranged alphabetically by the tree's common name with the "genus" listed first. For example, red maple is listed as "Maple, Red" (maple is the genus name). The Latin name is also listed for more definitive species identification. In some cases, the commonly planted variety or cultivar of the species has also been included apart from the species. This is a recommended tree list and not a required tree list.



## Key to Symbols and Tree Species Characteristic Descriptions

TREE	DESCRIPTION and ENTRY CHOICES
<b>Species Common Name</b>	Entered with genus common name first, then species, then cultivar if applicable. For some species an alternate common name is included in parentheses.
<b>Latin Name</b>	Genus, species, and variety or cultivar; always italicized or underlined.
CANOPY AREA FOR DEVELOPMENT CODE	
<b>Square Feet of Canopy</b>	The total area projection of the crown onto the ground in square feet as typically achieved in urban situations with less than optimal growing conditions.
<b>Parking Lot Canopy</b>	<p><b>Trees approved for planting in parking lots.</b></p> <p><u>1 = trees that will project significant shade, intercept enough water, substantially filter out pollutants, and survive the conditions within a parking area to the extent they could be considered a "canopy" tree.</u></p> <p><u>2 = the same as 1, except these trees are ONLY appropriate for large, expanded tree islands or landscape strips, swales, or moist soil conditions with plenty of rooting space.</u></p>
<b>Canopy Size Category</b>	<p>Very Small - 150 square feet with a 15-foot crown diameter</p> <p>Small – 400 square feet with a 25-foot crown diameter</p> <p>Medium – 900 square feet with a 35-foot crown diameter</p> <p>Large – 1,600 square feet with a 45-foot crown diameter</p>
RECOMMENDED USES	
<b>Level of Use</b>	<p><b>The level of use that the tree should receive.</b></p> <p>P = Plant New Trees and Conserve Existing Trees</p> <p>C = Conserve Existing Trees</p> <p>L = For Limited Planting or Conservation Only</p> <p>N = Do Not Plant</p>
<b>Large Landscape Areas Road Frontages – Street Road Frontages – Yard Parking Lots Plazas and Downtown Settings</b>	<p><b>Recommendations on the site situation where the tree may be planted and/or conserved; locations where the tree would adapt well.</b></p> <p>O = tree to avoid; not suitable</p> <p>Blank = may or may not be suitable</p> <p>x = good choice</p> <p>XX = excellent choice</p>

TREE	DESCRIPTION and ENTRY CHOICES
<b>PHYSICAL CHARACTERISTICS</b>	
<b>Height Class in Urban Conditions</b>	<p><b>Height class (ground to tip of leader or tallest branch) of a mature tree commonly achieved in urban situations with less than optimal growing conditions.</b></p> <p>S = Small: 15-25 feet  M = Medium: 25-40 feet  L = Large: 40 feet and taller</p>
<b>Crown Class in Urban Conditions</b>	<p><b>The width of the crown (at its widest point) commonly achieved in urban situations with less than optimal growing conditions.</b></p> <p>VS = Very Small (150 square feet with a 15-foot crown diameter)  S = Small (400 square feet with a 25-foot crown diameter)  M = Medium (900 square feet with a 35-foot crown diameter)  L = Large (1,600 square feet with a 45-foot crown diameter)</p>
<b>Mature Crown Form</b>	<p><b>General shape of the tree crown (leaves and branches) when fully leafed out.</b></p> <p>Irregular  Multi-Stemmed  Oval (Columnar)  Pyramidal  Rounded  Spreading  Upright (Vase)</p>
<b>Typical Range of Mature Tree Height</b>	<b>Typical range of height of tree in feet from ground to bud at tip of leader or tallest branch under various conditions.</b>
<b>Typical Range of Mature Crown Width</b>	<b>Typical range of spread of branches in feet at the widest diameter across the crown under various conditions.</b>
<b>Leaf Type</b>	<p><b>Persistence and type of leaf on the tree. Deciduous trees lose their leaves in the fall.</b></p> <p>DB = Deciduous Broadleaf  DC = Deciduous Conifer  EB = Evergreen Broadleaf  EC = Evergreen Conifer</p>
<b>Leaf Texture</b>	<p><b>Relative size and appearance of leaves.</b></p> <p>F = Fine  M = Medium  C = Coarse</p>
<b>Fall Leaf Color</b>	<p><b>The typical color of the tree's fall foliage.</b></p> <p>EV = evergreen  BR = bronze or brown  MA = maroon  MU = multi-colored: maroon, red, orange, yellow  OR = orange  RE = red  YE = yellow  I = insignificant color change</p>

TREE	DESCRIPTION and ENTRY CHOICES
<b>PHYSICAL CHARACTERISTICS (continued)</b>	
<b>Flower Color</b>	<b>For trees with showy flowers, indicates the typical flower color.</b> B = blue L = purple M = multiple colors: white, pink, purple, red, or others P = pink R = red W = white Y = yellow I = insignificant flowers: small with an unremarkable color
<b>Flowering Time</b>	<b>For trees with showy flowers, the general season of blooming for the species.</b>
<b>Wildlife Value</b>	<b>Indicates with an "X" if the tree produces flowers (nectar) or fruits that are consumed by insects, birds, or mammals.</b>
<b>Excessive Litter</b>	<b>Indicates with an "X" if the tree produces large or hazardous leaves, fruit, or other litter.</b>
<b>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES</b>	
<b>Native Tree to Holly Springs</b>	<b>Indicates whether or not the tree is found naturally growing in the Holly Springs area.</b> Y = Yes N = No
<b>Growth Rate</b>	<b>Typical rate of growth under urban conditions.</b> S = Slow: 1/2 to 1-1/2 feet/year M = Moderate: 1-1/2 to 2-1/2 feet/year F = Fast: 2-1/2 to 3+ feet/year
<b>Average Life Span</b>	<b>The average life span (useful service life) of the species when growing under average urban conditions. A tree is at the end of its useful service life when its risk of failure becomes unacceptable and cannot be improved or when the tree is no longer an asset due to its appearance or condition.</b>  S = Short: less than 25 years useful service life. M = Moderate: 25 to 40 years useful service life. L = Large: 50 years or greater useful service life.
<b>Net Effect on Air Quality</b>	<b>The net monetary effects in cents attributable to the species on air quality; listed as a benefit (positive) or cost (negative). Includes the species net effect on ozone, sulfur dioxide, nitrogen dioxide, particulate matter (PM10), and carbon monoxide.</b>
<b>Soil Moisture</b>	<b>The typical soil moisture conditions for the species in its native habitat.</b> H = Hydric: wet and may be occasionally flooded for short M = Mesic: moist but moderately well- to well-drained X = Xeric: dry and very well-drained

TREE	DESCRIPTION and ENTRY CHOICES
<b>ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES (continued)</b>	
<b>Drought Tolerance</b>	<p><b>Tolerance of the species to infrequent rain, low soil moisture, full sun, and high temperatures.</b></p> <p>Low = not tolerant to drought conditions</p> <p>Moderate = tolerant to mild drought conditions; moderately tolerant to severe drought conditions</p> <p>High = very tolerant to mild to severe and prolonged drought conditions</p>
<b>Preferred Soil pH</b>	<p><b>Relative soil acidity or alkalinity preferred by the species. In many cases, a range of pH preference is given if it was available. In other cases, a general level is given. A pH of 7.0 is neutral, a pH of less than 7.0 is acidic, and a pH of greater than 7.0 is alkaline.</b></p> <p>ac = acidic (5.0 to 6.0)</p> <p>sl ac = slightly acidic (6.0 to 7.0)</p> <p>nu = neutral (7.0)</p> <p>sl al = sl alkaline (7.0 to 8.0)</p> <p>al = alkaline (8.0 to 8.5)</p> <p>n/a = no information available</p>
<b>Light Requirement</b>	<p><b>The amount of sunlight the species prefers or will tolerate. Trees that are typically found in the understory or are characteristic of late forest successional stages prefer shade or at least partial shade, while trees that typically form the overstory or are characteristic of early successional stages prefer full sun.</b></p> <p>FS = Full Sun</p> <p>PS = Partial Shade</p> <p>SH = Shade</p>
<b>Construction Tolerance/Limitations</b>	<p><b>The broad tolerance of the species in its home range to construction damage, and the limitations that constrain a species tolerance to damage.</b></p> <p>P = Poor</p> <p>M = Moderate</p> <p>G = Good</p> <p>I = physical injury, wood compartmentalization and decay</p> <p>P = pest complications, including chronic and acute attacks</p> <p>S = soil conditions, including aeration and water availability</p> <p>C = limited climatic tolerances, including native range, hardiness, and micro-climate change</p> <p>A = all of the limitations described above</p>
<b>Urban Tolerant Tree</b>	<p><b>Based upon other characteristics and tolerances to urban conditions; an "X" indicates the species is suitable for planting under "tough" urban conditions</b></p>

City of Holly Springs Tree List

COMMON NAME	LATIN NAME	CANOPY AREA FOR DEVELOPMENT CODE		RECOMMENDED USES								PHYSICAL CHARACTERISTICS										ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES												
		Square Feet of Canopy	Canopy Size Category	Level of Use	Large Landscape Areas	Road Frontages - Street	Road Frontages - Yard	Parking Lots	Plazas and Downtown Settings	Buffers	Riparian Zones and Drainage Areas	Utility Corridors	Height Class in Urban Conditions	Crown Class in Urban Conditions	Mature Crown Form	Typical Range of Mature Tree Height	Typical Range of Mature Crown Width	Leaf Type	Leaf Texture	Fall Leaf Color	Flower Color	Flowering Time	Wildlife Value	Excessive Litter	Native Tree to Holly Springs	Growth Rate	Average Life Span	Net Effect on Air Quality	Soil Moisture	Drought Tolerance	Preferred Soil pH	Light Requirement	Construction Tolerance/Limitations	Urban Tolerant Tree
Alder, Hazel (Tag)	<i>Alnus serrulata</i>	150	Very Small	P	XX					x	XX	x	S	VS	Multi-Stemmed	10-20	10-20	DB	M	YE	I				Y	F	S	n/a	W	M	acidic	FS	G/	X
Arborvitae, Eastern (Northern Whitecedar)	<i>Thuja occidentalis</i>	400	Small	L	x	0	x	0		x		0	M	S	Pyramidal	25-40	10-15	EC	F	EV	I		X	N	S	M	n/a	M	M	ac-alk	FS	G/	X	
Arborvitae, Giant (Western Redcedar)	<i>Thuja plicata</i>	400	Small	L	x	0	x	0		XX		0	M	S	Pyramidal	50-75	15-20	EC	F	EV	I		X	N	M	M	n/a	H	M	ac-alk	FS	M/	X	
Ash, Green	<i>Fraxinus pennsylvanica</i>	1,600	Large	P	XX	x	XX		x				L	L	Rounded	60-100	40-50	DB	M	MU	I		X	Y	F	M	0.090	W	H	sl ac-sl alk	FS	G/		
Ash, White	<i>Fraxinus americana</i>	1,600	Large	P	XX	x	XX		x				L	L	Rounded	50-80	30-60	DB	M	MA	I		X	Y	M	M	0.100	M	L	sl ac-sl alk	FS	M/IS		
Baldcypress	<i>Taxodium distichum</i>	900	Medium	P	x		XX			XX	XX		L	M	Pyramidal	50-100	20-50	DC	F	BR	I		X	N	M	L	0.032	M	H	ac-sl alk	FS	G/	X	
Basswood, American (Linden)	<i>Tilia americana</i>	1,600	Large	C	x						x		M	L	Irregular	60-100	35-50	DB	C	YE	Y	Summer	X	Y	F	M	0.144	M	L	ac-alk	PS	P/A		
Beech, American	<i>Fagus grandifolia</i>	1,600	Large	P	XX					0	x		L	L	Oval	80-100	50-70	DB	M	YE	I		X	Y	S	L	0.160	M	L	acidic	FS	P/A		
Birch, River	<i>Betula nigra</i>	900	Medium	P	XX	x	XX	x	XX	XX	XX	0	M	M	Pyramidal	50-90	40-60	DB	F/M	YE	I			Y	F	M	0.117	M	L	acidic	PS	G/		
Birch, River 'Heritage'	<i>Betula nigra</i> 'Heritage'	900	Medium	P	XX	x	XX	x	XX	XX	XX	0	M	M	Pyramidal	50-90	40-60	DB	F/M	YE	I			Y	F	M	n/a	M	L	acidic	PS	n/a		
Blackgum (Tupelo)	<i>Nyssa sylvatica</i>	900	Medium	P	XX	x	XX				x		M	M	Oval	50-100	20-35	DB	M	RE	I		X	Y	S	M	-0.053	M	M	sl ac-sl alk	FS	G/	X	
Boxelder	<i>Acer negundo</i>	900	Medium	C	x						x	0	L	M	Rounded	50-75	40-50	DB	M	YE	I		X	Y	F	S	0.036	W	M	adapt	FS	G/		
Buckeye, Bottlebrush	<i>Aesculus parviflora</i>	150	Very Small	P								x	S	VS	Multi-Stemmed	15-20	10-15	DB	M	YE	W	Summer	X	N	M	S	n/a	M	L	ac-adapt	SH	n/a		
Buckeye, Painted	<i>Aesculus sylvatica</i>	150	Very Small	P	x						x	x	S	VS	Rounded	15-25	5-15	DB	M	YE	P/Y	Spring	X	Y	M	S	n/a	M	L	ac-adapt	SH	n/a		
Buckeye, Red	<i>Aesculus pavia</i>	150	Very Small	P								x	S	VS	Rounded	10-15	10-15	DB	M	YE	R	Spring	X	N	M	S	n/a	M	L	ac	PS	M/I		
Buckthorn, Carolina	<i>Rhamnus caroliniana</i>	900	Medium	P	x	x	x				x		M	M	Oval	30-40	10-30	DB	M	OR	I		X	Y	M	S	n/a	M	M	ac-alk	FS	M/IS		
Buckthorn, Common	<i>Rhamnus cathartica</i>	900	Medium	L								x	S	M	Rounded	20-25	20-25	DB	M	YE	I		X	N	M	S	n/a	M	H	adapt	FS	n/a	X	
Buttonbush, Common	<i>Cephalanthus occidentalis</i>	150	Very Small	P	x						x	x	S	VS	Multi-Stemmed	10-15	10-15	DB	M	YE	W	Late Summer	X	Y	M	S	n/a	W	L	n/a	FS	G/I		
Catalpa, Southern	<i>Catalpa bignonioides</i>	900	Medium	C	x	0		0			x		M	M	Rounded	30-40	30-40	DB	C	YE	W	Spring	X	X	Y	F	S	0.014	M	M	sl ac-sl alk	FS	G/	
Cedar, Deodar	<i>Cedrus deodara</i>	900	Medium	L	x								L	M	Pyramidal	40-100	40-100	EC	F	EV	I			N	M	L	-0.031	D	H	ac-sl alk	FS	g		
Cedar, Japanese	<i>Cryptomeria japonica</i>	900	Medium	L	x		x			x			L	M	Pyramidal	40-60	15-20	EC	F	EV	I			N	S	M	0.084	M	H	ac	FS	n/a	X	
Chastetree (Vitex)	<i>Vitex agnus-castus</i>	150	Very Small	P		x	x	x	x			x	S	VS	Multi-Stemmed	15-20	10-20	DB	M	I	B/L/W	Summer	X	N	M	S	n/a	D	H	ac-alk	FS	n/a	X	
Cherry, Black	<i>Prunus serotina</i>	900	Medium	C	x		x				x		L	M	Oval	50-90	15-50	DB	M	YE	W	Early Spring	X	Y	F	M	0.083	M	M	sl ac	FS	M/I		
Cherrylaurel, Carolina	<i>Prunus caroliniana</i>	900	Medium	C		0	x	0	0	XX	0		M	M	Oval	20-40	15-25	EB	M	EV	W	Spring	X	N	M	M	n/a	M	H	ac-sl alk	FS	G/	X	
Cherry, Japanese Flowering	<i>Prunus serrulata</i>	400	Small	L			x		x	XX	XX		S	S	Rounded	20-30	20-30	DB	M	OR	P	Spring		N	F	S	0.013	M	L	ac-alk	FS	n/a		
Cherry, Yoshino	<i>Prunus x yedoensis</i>	400	Small	L			XX		XX	XX	XX		S	S	Rounded	20-45	20-40	DB	M	YE	P/W	Spring	X	N	F	S	n/a	M	L	ac	FS	n/a		
Chestnut, American	<i>Castanea dentata</i>	1,600	Large	N									L	L	-	-	-	-	-	-	-	-	-		Y									
Chestnut, Chinese	<i>Castanea mollissima</i>	1,600	Large	P	x		x						L	L	Rounded	40-60	40-60	DB	M	BR	W	Summer	X	N	S	L	n/a	D	M	ac-sl alk	FS	n/a	X	
Chinaberry	<i>Melia azedarach</i>	900	Medium	N									M	M											N									
Chinquapin, Allegheny	<i>Castanea pumila</i>	400	Small	N									S	S	Rounded	10-25	10-25	DB	M	BR	I		X	Y	S	S	n/a	D	H	n/a	FS	P/P		
Cottonwood, Eastern	<i>Populus deltoides</i>	1,600	Large	C	x					0	x		L	L	Pyramidal	50-100	20-75	DB	C	YE	I		X	X	Y	F	M	-0.708	M	M	sl ac-sl alk	FS	G/	X
Crabapple, Japanese Flowering	<i>Malus floribunda</i>	400	Small	L		x	x		x	XX	XX		S	S	Rounded	15-25	15-25	DB	M	YE	P	Spring	X	N	M	S	n/a	M	L	sl ac-sl alk	FS	n/a		
Crabapple, Southern	<i>Malus angustifolia</i>	400	Small	C	x	x	x				x	XX	S	S	Spreading	20-25	10-20	DB	M	YE	P	Spring	X	X	Y	M	S	n/a	M	L	sl ac-sl alk	FS	M/ICP	
Crapemyrtle, Common	<i>Lagerstroemia indica</i>	150	Very Small	L								x	S	VS	Multi-Stemmed	15-30	10-25	DB	F	RE	M	Summer		N	F	M	0.004	M	H	ac-sl alk	FS	n/a	X	
Cypress, Leyland	<i>Cupressocyparis leylandii</i>	400	Small	L	x	0	x	x		x		0	M	S	Pyramidal	50-60	20-30	EC	F	EV	I			N	F	M	0.053	M	M	ac-alk	FS	g		
Devil's Walking Stick	<i>Aralia spinosa</i>	150	Very Small	C		0	0	0	0	x	XX		S	VS											Y									
Devilwood	<i>Osmanthus americanus</i>	400	Small	C	x		x						S	S	Rounded	15-25	10-15	DB	M	YE	W	Spring	X	Y	M	M	n/a	M	M		PS	M/I		
Dogwood, Flowering	<i>Cornus florida</i>	400	Small	P	XX	XX	XX	0	0	XX	XX		S	S	Spreading	15-30	15-30	DB	M	RE	W	Spring	X	Y	M	M	0.021	M	L	ac-nu	PS	M/IP		
Dogwood, Flowering Pink	<i>Cornus florida</i> var. <i>rubra</i>	400	Small	P	XX	XX	XX	0	0	XX	x		S	S	Spreading	15-30	15-30	DB	M	RE	P	Spring	X	Y	M	M	n/a	M	L	n/a	PS	n/a		
Dogwood, Kousa	<i>Cornus kousa</i>	400	Small	P		x	x			x	x		S	S	Rounded	10-20	10-20	DB	M	RE	W	Spring	X	N	S	S	n/a	M	L	ac	PS	n/a		
Dogwood, Swamp	<i>Cornus stricta</i>	400	Small	C	x						x	x	S	S	Rounded	10-25	10-25	DB	M	RE	W	Spring	X	Y	S	S	n/a	W	L	n/a	PS	G/I		
Elm, American	<i>Ulmus americana</i>	1,600	Large	C	x		x				x		L	L	Upright	50-100	30-70	DB	M	YE	I		X	Y	M	M	0.143	M	H	sl ac-sl alk	FS	M/P		
Elm, Chinese (Lace Bark)	<i>Ulmus parvifolia</i>	900	Medium	L	0	XX	XX	XX	XX	0	0		M	M	Upright	40-60	30-50	DB	F/M	YE	I			N	F	M	0.058	M	H	sl ac-sl alk	FS	n/a	X	
Elm, Siberian	<i>Ulmus pumila</i>	900	Medium	N									L	M											N									
Elm, Slippery	<i>Ulmus rubra</i>	1,600	Large	C	x	x	x				x		L	L	Upright	70-80	30-50	DB	M	YE	I		X	Y	F	M	0.086	M	M	sl ac-sl alk	FS	M/P		
Elm, Winged	<i>Ulmus alata</i>	1,600	Large	P	XX	XX	XX	XX		0	0		L	L	Upright	70-80	30-50	DB	F	YE	I			Y	M	M	0.034	M	H	sl ac-sl alk	FS	G/	X	
Flametree, Chinese (Bougainvillea)	<i>Koelreuteria bipinnata</i>	400	Small	P			x						M	S	Rounded	20-40	20-40	DB	M	YE	Y	Summer		N	M	M	n/a	M	H	sl ac-sl alk	FS	n/a	X	

City of Holly Springs Tree List

COMMON NAME	LATIN NAME	CANOPY AREA FOR DEVELOPMENT CODE		RECOMMENDED USES								PHYSICAL CHARACTERISTICS										ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES											
		Square Feet of Canopy	Canopy Size Category	Level of Use	Large Landscape Areas	Road Frontages - Street	Road Frontages - Yard	Parking Lots	Plazas and Downtown Settings	Buffers	Riparian Zones and Drainage Areas	Utility Corridors	Height Class in Urban Conditions	Crown Class in Urban Conditions	Mature Crown Form	Typical Range of Mature Tree Height	Typical Range of Mature Crown Width	Leaf Type	Leaf Texture	Fall Leaf Color	Flower Color	Flowering Time	Wildlife Value	Excessive Litter	Native Tree to Holly Springs	Growth Rate	Average Life Span	Net Effect on Air Quality	Soil Moisture	Drought Tolerance	Preferred Soil pH	Light Requirement	Construction Tolerance/Limitations
Fringetree (Grancy Gray Beard)	<i>Chionanthus virginicus</i>	150	Very Small	P	x	x	x			x	x	S	VS	Oval	10-30	5-15	DB	M/C	YE	W	Spring	X		Y	M	S	n/a	M	L	acidic	PS	M/S	
Fringetree, Chinese	<i>Chionanthus retusus</i>	150	Very Small	P		x	x					S	VS	Rounded	15-25	10-15	DB	M/C	YE	W	Spring	X		N	S	S	n/a	M	M	acidic	PS	n/a	
Ginkgo (Female)	<i>Ginkgo biloba</i>	1,600	Large	L	x	0	x	0	0	0	0	M	L	Pyramidal	50-75	30-60	DB	C	YE	I			X	N	S	L	0.108	M	H	sl ac	FS	g	X
Ginkgo (Male)	<i>Ginkgo biloba</i>	1,600	Large	P	x	XX	XX	x	XX	0		M	L	Pyramidal	50-75	30-60	DB	C	YE	I				N	S	L	0.108	M	H	sl ac	FS	g	X
Goldenraintree	<i>Koelreuteria paniculata</i>	400	Small	P		x	x	x	x	x		M	S	Rounded	20-40	20-40	DB	M	YE	Y	Summer			N	M	M	-0.087	M	H	sl ac-sl alk	FS	n/a	
Hackberry, Common	<i>Celtis occidentalis</i>	1,600	Large	C	x		x				x	L	L	Spreading	60-90	25-60	DB	F/M	YE	I		X	Y	M	M	0.060	M	H	sl ac-sl alk	FS	n/a	X	
Hackberry, Georgia	<i>Celtis tenuifolia</i>	1,600	Large	C	x		x				x	M	L	Spreading	25-35	25-35	DB	F/M	YE	I		X	Y	S	M	n/a	D	H	sl ac-sl alk	FS	M/S		
Hawthorne, Washington	<i>Crataegus phaenopyrum</i>	400	Small	P		x	x		x		x	S	S	Rounded	10-30	5-25	DB	F	MU	W	Late Spring	X		N	S	S	0.017	M	M	sl ac-sl alk	FS	g	
Hemlock, Eastern	<i>Tsuga canadensis</i>	1,600	Large	C	x		XX	0	0	x	0	L	L											N									
Hickory, Bitternut	<i>Carya cordiformis</i>	1,600	Large	C	x	0	x	0	0			L	L	Oval	50-100	50-75	DB	M	YE	I		X	Y	F	L	0.069	M	L	acidic	FS	P/S		
Hickory, Mockernut	<i>Carya tomentosa</i>	1,600	Large	C	x	0	x	0	0			L	L	Oval	50-100	50-75	DB	M/C	YE	I		X	X	Y	S	L	0.059	D	H	sl ac	FS	MP/S	
Hickory, Pignut	<i>Carya glabra</i>	1,600	Large	C	x	0	x	0	0			L	L	Oval	50-100	50-75	DB	M	YE	I		X	Y	S	L	0.058	M	H	sl ac	FS	M/S		
Hickory, Sand	<i>Carya pallida</i>	1,600	Large	C	x	0	x	0	0			L	L	Oval	40-90	20-40	DB	M	YE	I		X	Y	S	M	n/a	D	H	sl ac	FS	M/		
Hickory, Shagbark	<i>Carya ovata</i>	1,600	Large	C	x	0	x	0	0			L	L	Oval	70-100	50-75	DB	M	YE	I		X	Y	S	L	0.064	M	M	sl ac	FS	P/S		
Hickory, Southern Shagbark	<i>Carya ovata var. australis</i>	1,600	Large	C	x	0	x	0	0			L	L	Oval	60-80	40-60	DB	M	YE	I		X	Y	S	L	n/a	M	M	sl ac	FS	n/a		
Holly, American	<i>Ilex opaca</i>	400	Small	P	x		XX	x		XX	0	M	S	Pyramidal	20-70	15-25	EB	M	EV	I		X	Y	S	L	0.013	M	H	acidic	PS	G/	X	
Holly, Deciduous (Possumhaw)	<i>Ilex decidua</i>	150	Very Small	C	x		x			x	x	S	VS	Rounded	10-20	10-20	DB	F	I	I		X	Y	M	S	n/a	W	H	ac-alk	PS	G/		
Holly, Fosters	<i>Ilex x attenuata 'Foster'</i>	150	Very Small	P			x	x	x	x		S	VS	Pyramidal	15-25	10-15	EB	F/M	EV	I		X	N	S	S	n/a	M	H	sl ac	FS	n/a	X	
Holly, Ornamental Variety	<i>Ilex species</i>	150	Very Small	L			x	x	x	x	x	S	VS	Rounded	10-20	10-15	EB	M	EV	I			N	S	S	n/a	M	H	ac	FS	n/a		
Holly, Savannah	<i>Ilex x attenuata 'Savannah'</i>	150	Very Small	P	x		x	x	x	x	0	M	VS	Pyramidal	30-45	10-15	EB	M	EV	I		X	Y	M	S	n/a	M	H	ac-sl alk	FS	n/a		
Holly, Yaupon	<i>Ilex vomitoria</i>	150	Very Small	P		x	x	x	x		x	S	VS	Irregular	10-25	5-10	EB	F	EV	I		X	Y	S	S	n/a	D	H	ac-alk	FS	G/	X	
Honeylocust	<i>Gleditsia triacanthos</i>	900	Medium	C	x		x	0	0			L	M	Irregular	60-80	30-50	DB	F	YE	I			Y	F	S	0.009	M	H	sl ac-sl alk	FS	G/	X	
Hophornbeam, American	<i>Ostrya virginiana</i>	900	Medium	P	x		x	x			x	M	M	Oval	15-40	10-30	DB	F/M	YE	W	Summer	X	Y	S	M	0.032	M	H	ac-alk	SH	M/S	X	
Hornbeam, Am. (Ironwood, Blue Beech)	<i>Carpinus caroliniana</i>	900	Medium	P	XX	XX	XX	x	XX	XX	XX	M	M	Oval	20-35	15-30	DB	F/M	YE	I		X	Y	S	M	0.009	M	M	sl ac-sl alk	PS	M/SC		
Hornbeam, European	<i>Carpinus betulus</i>	900	Medium	P		XX	XX	XX	XX	x		M	M	Oval	40-60	35-40	DB	F/M	YE	I		X	N	S	M	0.037	M	H	ac-alk	PS	n/a	X	
Hornbeam, Japanese	<i>Carpinus japonica</i>	400	Small	L		x	x	x	x	x		M	S	Oval	20-30	20-30	DB	M	RE	I			N	S	M	n/a	M	M	adapt	PS	n/a		
Katsuratre	<i>Cercidiphyllum japonicum</i>	900	Medium	L	x		x					M	M	Spreading	40-60	35-60	DB	M	YE	I			N	F	L	n/a	M	L	ac-sl alk	FS	pm		
Locust, Black	<i>Robinia pseudoacacia</i>	900	Medium	C	x			0	0		x	L	M	Spreading	40-90	20-40	DB	F	YE	W	Spring	X	Y	F	M	-0.123	M	H	sl ac-sl alk	FS	G/P	X	
Magnolia, Cucumber	<i>Magnolia acuminata</i>	1,600	Large	C	x		x	0			x	L	L	Upright	60-80	20-60	DB	C	YE	W	Spring	X	Y	F	M	n/a	M	L	acidic	PS	M/I		
Magnolia, Japanese (Saucer)	<i>Magnolia x soulangiana</i>	900	Medium	L			x	0			x	M	M	Upright	20-30	10-30	DB	C	YE	P	Late Winter		N	M	S	0.009	M	L	acidic	FS	n/a		
Magnolia, Southern	<i>Magnolia grandiflora</i>	1,600	Large	P	XX		XX	0		XX	0	L	L	Pyramidal	80-100	30-50	EB	C	EV	W	Late Spring	X	X	Y	M	L	0.002	M	M	acidic	FS	M/I	
Magnolia, Southern 'Little Gem'	<i>Magnolia grandiflora 'Little Gem'</i>	150	Very Small	P			x	0		x	XX	M	VS	Pyramidal	40-60	20-30	EB	C	EV	W	Late Spring	X	X	Y	S	M	n/a	M	L	acidic	FS	n/a	
Magnolia, Star	<i>Magnolia stellata</i>	150	Very Small	L		x	x				x	S	VS	Multi-Stemmed	15-20	15-20	DB	M	YE	W	Late Winter	X	N	S	S	n/a	M	M	acidic	PS	n/a		
Magnolia, Sweetbay	<i>Magnolia virginiana</i>	900	Medium	P	XX		x			XX	XX	M	M	Oval	30-60	20-40	EB	C	EV	W	Summer	X	Y	F	M	n/a	W	L	acidic	PS	G/		
Maple, Amur	<i>Acer ginnala</i>	400	Small	P		x	x				x	S	S	Rounded	15-25	15-25	DB	M	RE	W	Spring		N	M	M	0.008	M	M	adapt	FS	n/a		
Maple, Chalk	<i>Acer leucoderme</i>	900	Medium	P	x	x	x	x		x		M	M	Spreading	20-40	10-30	DB	M	I	I			Y	M	M	n/a	M	H	ac-sl alk	FS	P/A	X	
Maple, Hedge	<i>Acer campestre</i>	900	Medium	P		x	x	x		x		M	M	Rounded	25-35	25-35	DB	M	YE	I			N	S	S	0.017	M	H	ac-alk	FS	n/a	X	
Maple, Japanese	<i>Acer palmatum</i>	400	Small	L	0		x	0			x	S	S	Oval	15-25	10-25	DB	M	RE	I			N	S	S	0.008	M	L	sl ac-sl alk	PS	n/a		
Maple, Norway	<i>Acer platanoides</i>	900	Medium	N								M	M										N										
Maple, Red	<i>Acer rubrum</i>	900	Medium	P	XX	XX	XX	XX	XX	XX	XX	0	M	M	Rounded	40-90	20-35	DB	M	RE	R	Late Winter	X	Y	F	L	0.084	M	L	sl ac	FS	G/	
Maple, Silver	<i>Acer saccharinum</i>	1,600	Large	L	0		x	0	0			L	L	Rounded	50-80	40-60	DB	M	YE	I			N	F	S	0.084	M	H	ac	FS	P/A		
Maple, Southern Sugar (Florida Sugar)	<i>Acer barbatum</i>	900	Medium	P	XX	x	XX	x	XX	XX	x	M	M	Rounded	40-70	25-60	DB	M	OR	I			Y	M	M	n/a	M	H	ac	FS	M/S	X	
Maple, Sugar	<i>Acer saccharum</i>	1,600	Large	P	XX	XX	XX				x	L	L	Oval	60-80	30-50	DB	M	OR	I		X	Y	M	L	0.100	M	M	sl ac-sl alk	PS	pm		
Maple, Sugar 'Green Mountain'	<i>Acer saccharum 'Green Mountain'</i>	1,600	Large	P	XX	XX	XX				0	L	L	Oval	60-80	30-50	DB	M	OR	I		X	Y	F	L	0.100	M	M	sl ac-sl alk	PS	n/a		
Maple, Sugar 'Legacy'	<i>Acer saccharum 'Legacy'</i>	1,600	Large	P	XX	XX	XX				0	L	L	Oval	60-80	30-50	DB	M	OR	I		X	Y	F	L	0.100	M	M	sl ac-sl alk	PS	n/a		
Maple, Trident	<i>Acer buergeranum</i>	900	Medium	P	0	XX	XX	XX	XX	XX	x	M	S	Rounded	20-45	20-30	DB	M	MU	I			N	F	M	n/a	M	M	ac-alk	FS	n/a	X	
Mimosa	<i>Albizia julibrissin</i>	900	Medium	N								M	M										N										

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		Square Feet of Canopy	Canopy Size Category	Level of Use	Large Landscape Areas	Road Frontages - Street	Road Frontages - Yard	Parking Lots	Plazas and Downtown Settings	Buffers	Riparian Zones and Drainage Areas	Utility Corridors	Height Class in Urban Conditions	Crown Class in Urban Conditions	Mature Crown Form	Typical Range of Mature Tree Height	Typical Range of Mature Crown Width	Leaf Type	Leaf Texture	Fall Leaf Color	Flower Color	Flowering Time	Wildlife Value	Excessive Litter	Native Tree to Holly Springs	Growth Rate	Average Life Span	Net Effect on Air Quality	Soil Moisture	Drought Tolerance	Preferred Soil pH	Light Requirement	Construction Tolerance/Limitations	Urban Tolerant Tree	
Mulberry, Red	<i>Morus rubra</i>	900	Medium	C	x	0		0	0		x	L	M	Rounded	40-70	20-50	DB	C	YE	I			X	X	Y	F	S	0.099	M	H	sl ac-sl alk	FS	G/		
Oak, Black	<i>Quercus velutina</i>	1,600	Large	C	x		x				x	L	L	Rounded	70-90	50-60	DB	M	RE	I			X		Y	M	L	-0.253	D	H	sl ac	FS	G/		
Oak, Cherrybark	<i>Quercus falcata var. pagodifolia</i>	1,600	Large	P	x		x				x	L	L	Rounded	60-100	30-50	DB	M	RE	I			X		Y	M	L	n/a	M	M	ac	FS	G/		
Oak, Chestnut	<i>Quercus prinus</i>	1,600	Large	P	x	0	XX	0	0	0		L	L	Rounded	50-80	30-60	DB	M	RE	I			X	X	Y	S	L	-0.342	D	H	acidic	FS	GM/S		
Oak, Diamond Leaf (Laurel)	<i>Quercus laurifolia</i>	1,600	Large	P	x	x	x					L	L	Rounded	60-80	50-60	DB	M	YE	I			X		N	M	L	n/a	M	M	ac-sl alk	FS	G/		
Oak, English	<i>Quercus robur</i>	1,600	Large	L		x	x					L	L	Rounded	40-60	40-60	DB	M	BR	I			X		N	S	M	-0.275	M	M	sl ac-sl alk	FS	n/a		
Oak, Georgia	<i>Quercus georgiana</i>	1,600	Large	L	x		x					L	L	Rounded	20-40	10-30	DB	M	BR	I			X		Y	M	M	n/a	D	H	ac-alk	FS	n/a		
Oak, Laurel	<i>Quercus hemisphaerica</i>	1,600	Large	P	x	x	x					L	L	Rounded	60-90	50-60	DB	M	BR	I			X		N	F	M	-0.314	D	H	adapt	FS	n/a		
Oak, Laurel 'Darlington'	<i>Quercus hemisphaerica</i> 'Darlington'	1,600	Large	P	x	XX	XX					L	L	Rounded	60-90	50-60	DB	F	BR	I			X		N	F	M	n/a	D	H	adapt	FS	n/a		
Oak, Live	<i>Quercus virginiana</i>	1,600	Large	C				out of range					L	L																					
Oak, Northern Red	<i>Quercus rubra</i>	1,600	Large	P	XX	x	XX					L	L	Rounded	60-100	30-60	DB	M	RE	I			X		Y	F	L	-0.503	M	M	ac-sl ac	FS	GM/SC		
Oak, Nuttall	<i>Quercus nuttalli</i>	1,600	Large	P	x	x	x					L	L	Rounded	60-80	35-50	DB	M	RE	I			X		Y	M	L	n/a	M	M	ac	FS	n/a		
Oak, Oglethorpe	<i>Quercus oglethorpensis</i>	1,600	Large	C	x	x	x					M	L	Rounded	40-70	30-50	DB	M	RE	I			X		Y	S	M	n/a	W	M	n/a	FS	n/a		
Oak, Overcup	<i>Quercus lyrata</i>	1,600	Large	P	XX	XX	XX				x	L	L	Rounded	30-45	30-45	DB	M	BR	I			X		Y	M	L	-0.159	W	M	ac-sl alk	FS	G/		
Oak, Pin	<i>Quercus palustris</i>	1,600	Large	L	0	x	x	0	0	0		L	L	Pyramidal	40-100	20-50	DB	M	RE	I			X		N	M	M	-0.483	M	M	acidic	FS	mg		
Oak, Post	<i>Quercus stellata</i>	1,600	Large	L	x	x	XX					L	L	Rounded	40-50	35-40	DB	M/C	BR	I			X		Y	M	L	-0.327	D	H	ac-sl alk	FS	G/		
Oak, Sawtooth	<i>Quercus acutissima</i>	1,600	Large	L	0	0	x	0	0	0		M	L	Oval	50-60	30-60	DB	M	YE	I			X	X	N	F	M	-0.159	M	M	ac-sl alk	FS	n/a		
Oak, Scarlet	<i>Quercus coccinea</i>	1,600	Large	P	XX	XX	XX	x	x			L	L	Rounded	50-80	30-50	DB	M	RE	I			X		Y	M	L	-0.592	D	H	sl ac	FS	G/		
Oak, Shumard	<i>Quercus shumardii</i>	1,600	Large	P	XX	XX	XX	XX	XX			L	L	Rounded	60-100	30-70	DB	M	RE	I	ac-alk			X		Y	F	L	-0.265	M	H	ac-alk	FS	G/	
Oak, Southern Red	<i>Quercus falcata</i>	1,600	Large	P	XX	x	XX				x	L	L	Rounded	60-100	30-70	DB	M	OR	I			X		Y	M	L	-0.576	M	H	ac	FS	G/		
Oak, Swamp Chestnut	<i>Quercus michauxii</i>	1,600	Large	P	x	0	x	0	0		x	L	L	Oval	70-90	30-60	DB	M	YE	I			X		Y	M	L	-0.544	M	M	n/a	FS	G/		
Oak, Swamp White	<i>Quercus bicolor</i>	1,600	Large	P	x	x	x				x	L	L	Oval	70-90	30-60	DB	M	YE	I			X		Y	M	L	-0.457	M	M	n/a	FS	G/		
Oak, Water	<i>Quercus nigra</i>	1,600	Large	P	XX	x	XX				XX	0	L	L	Rounded	50-100	30-70	DB	M	YE	I			X		Y	F	M	-0.451	M	M	ac-sl alk	FS	G/	
Oak, White	<i>Quercus alba</i>	1,600	Large	P	XX	x	XX					L	L	Rounded	60-100	30-80	DB	M	RE	I			X		Y	S	L	-0.348	M	M	acidic	FS	GM/S		
Oak, Willow	<i>Quercus phellos</i>	1,600	Large	P	XX	XX	XX	XX	XX	0	XX	0	L	L	Rounded	40-100	30-60	DB	F/M	YE	I			X		Y	F	L	-0.314	M	H	acidic	FS	GM/S	X
Orange, Osage	<i>Maclura pomifera</i>	900	Medium	L	x	0	x	0	0	0		M	M	Spreading	30-40	30-40	DB	M/C	YE	I			X	X	N	F	L	0.000	D	H	sl ac-sl alk	FS	n/a	X	
Parrotia	<i>Parrotia persica</i>	400	Small	L		x	x				x	S	S	Rounded	20-40	20-35	DB	M	OR	R	Spring				N	F	S	n/a	M	M	ac-sl alk		n/a		
Pear, Callery	<i>Pyrus calleryana</i>	900	Medium	C				defective branch structure					M	M	Oval									X	X										
Pear, Common	<i>Pyrus communis</i>	900	Medium	C	x	0	x	0	0	0	0	M	M	Oval	35-45	35-50	DB	M	MA	W	Spring			X	X	N	F	M		M	L	sl ac-sl alk	FS	M/S	
Pecan	<i>Carya illinoensis</i>	1,600	Large	P	x	0	x	0	0	0		L	L	Upright	60-100	30-75	DB	M/C	YE	I			X	X	N	S	M	0.088	M	L	sl ac-sl alk	FS	mg		
Persimmon, Common	<i>Diospyros virginiana</i>	900	Medium	P	x	0	x	0	0		x	L	M	Oval	70-80	40-60	DB	M	RE	I			X	X	Y	M	S	0.058	M	H	ac-alk	FS	G/P	X	
Pine, Eastern White	<i>Pinus strobus</i>	1,600	Large	C				not heat tolerant					L	L																					
Pine, Loblolly	<i>Pinus taeda</i>	1,600	Large	P	XX	x	x	XX		XX	x	0	L	L	Pyramidal	80-100	20-40	EC	F	EV	I			X		Y	F	M	0.016	M	M	acidic	FS	G/	
Pine, Longleaf	<i>Pinus palustris</i>	1,600	Large	C			x	x		x	0	L	L	Pyramidal	60-100	20-40	EC	F	EV	I			X		N	M	L	0.010	M	H	ac-sl alk	FS	GM/C		
Pine, Shortleaf	<i>Pinus echinata</i>	1,600	Large	P	XX	x	x	x		x	x	0	L	L	Pyramidal	60-100	20-40	EC	F	EV	I			X		Y	M	L	0.008	M	H	ac	PS	GM/P	
Pine, Slash	<i>Pinus elliotii</i>	1,600	Large	C			x	x		x	0	L	L	Pyramidal	60-100	20-50	EC	F	EV	I			X		N	F	M	0.010	M	M	ac-sl alk	FS	G/		
Pine, Virginia	<i>Pinus virginiana</i>	900	Medium	P	x		x	x		XX	x	L	M	Pyramidal	15-70	10-35	EC	F	EV	I			X		Y	F	S	0.003	M	H	ac	FS	G/	X	
Pistache, Chinese	<i>Pistacia chinensis</i>	900	Medium	L		x	XX	x	x	x	0	M	M	Rounded	60-80	40-50	DB	M	RE	G	Spring			X		N	M	M	n/a	M	H	ac-alk	FS	n/a	X
Planetree, London	<i>Platanus x acerifolia</i>	1,600	Large	P	x	XX	XX	XX	x			L	L	Irregular	60-100	20-80	DB	C	YE	I					N	F	M	-0.415	M	H	sl ac-sl alk	FS	pg	X	
Plum, Chickasaw	<i>Prunus angustifolia</i>	150	Very Small	C	x	0	x			x	x	S	VS	Rounded	10-20	10-20	DB	F	I	W	Late Winter			X		Y	M	S	n/a	M	H	sl ac-sl alk	FS	M/IS	
Plum, Purpleleaf	<i>Prunus cerasifera</i>	400	Small	L		x	x			XX	x	S	S	Rounded	10-25	10-25	DB	F	RE	P/W	Spring			X		N	M	S	0.014	M	M	sl ac-sl alk	FS	mg	
Poplar, Lombardy	<i>Populus nigra var. italica</i>	900	Medium	N				not heat tolerant					L	M																					
Poplar, White	<i>Populus alba</i>	900	Medium	C			x					L	M	Oval	40-100	20-60	DB	C	YE	I					N	F	M	-0.417	M	H	ac-alk	FS	n/a		
Poplar, Yellow (Tuliptree)	<i>Liriodendron tulipifera</i>	1,600	Large	P	XX		x				XX	0	L	L	Oval	80-150	30-60	DB	C	YE	Y	Spring		X	Y	M	L	0.171	M	L	sl ac	FS	P/IS		
Redbud, Eastern	<i>Cercis canadensis</i>	400	Small	P	XX	XX	XX		XX	XX	x	XX	S	S	Spreading	25-50	15-25	DB	M	YE	P	Spring		X	Y	F	S	0.012	M	M	ac-sl ac	PS	M/S		
Redbud, Eastern White	<i>Cercis canadensis var. alba</i>	400	Small	P	x	XX	XX		XX	x	x	XX	S	S	Spreading	20-30	15-25	DB	M	YE	W	Spring		X	Y	F	S	n/a	M	M	ac-sl ac	PS	n/a		
Redbud, 'Forest Pansy'	<i>Cercis canadensis</i> 'Forest Pansy'	400	Small	P	x	XX	XX		XX	x	x	XX	S	S	Spreading	20-30	15-25	DB	M	YE	P	Spring		X	Y	F	S	n/a	M	L	ac-sl ac	PS			

City of Holly Springs Tree List

COMMON NAME	LATIN NAME	CANOPY AREA FOR DEVELOPMENT CODE		RECOMMENDED USES								PHYSICAL CHARACTERISTICS										ENVIRONMENTAL CHARACTERISTICS AND TOLERANCES													
		Square Feet of Canopy	Canopy Size Category	Level of Use	Large Landscape Areas	Road Frontages - Street	Road Frontages - Yard	Parking Lots	Plazas and Downtown Settings	Buffers	Riparian Zones and Drainage Areas	Utility Corridors	Height Class in Urban Conditions	Crown Class in Urban Conditions	Mature Crown Form	Typical Range of Mature Tree Height	Typical Range of Mature Crown Width	Leaf Type	Leaf Texture	Fall Leaf Color	Flower Color	Flowering Time	Wildlife Value	Excessive Litter	Native Tree to Holly Springs	Growth Rate	Average Life Span	Net Effect on Air Quality	Soil Moisture	Drought Tolerance	Preferred Soil pH	Light Requirement	Construction Tolerance/Limitations	Urban Tolerant Tree	
Redbud, 'Oklahoma'	<i>Cercis reniformis</i> 'Oklahoma'	400	Small	P		XX	XX	x	XX			S	S	Rounded	20-25	15-20	DB	M	YE	P	Spring	X		N	M	S	n/a	D	H	ac-sl ac	FS	n/a	X		
Redbud, 'Texas White'	<i>Cercis reniformis</i> 'Texas White'	400	Small	P		XX	XX	x	XX			S	S	Rounded	20-25	15-20	DB	M	YE	W	Spring	X		N	M	S	n/a	D	H	ac-sl ac	FS	n/a			
Redcedar, Eastern	<i>Juniperus virginiana</i>	900	Medium	P	x		XX	x		XX	x	0	M	M	Pyramidal	40-60	10-20	EC	F	EV	I		X		Y	S	M	-0.010	M	H	ac-nu	FS	M/IS		
Redwood, Dawn	<i>Metasequoia glyptostroboides</i>	900	Medium	P	x		XX	x		XX			L	M	Pyramidal	75-100	25-30	DC	F	BR	I				N	F	L	0.163	M	M	n/a	FS	n/a	X	
Royal Paulownia (Princess-Tree)	<i>Paulownia tomentosa</i>	900	Medium	C		0	x	0	0	0			M	M	Irregular	30-50	20-50	DB	C	YE	P	Spring		X		N	F	S	0.022	M	M	ac-sl alk	FS	g	
Sassafras	<i>Sassafras albidum</i>	900	Medium	C	x		x			x	x		M	M	Oval	30-60	20-40	DB	M	OR	Y	Spring	X			Y	M	M	0.069	M	H	sl ac	FS	G/	
Serviceberry, Downy	<i>Amelanchier arborea</i>	400	Small	P	XX	XX	XX		XX	XX	x	x	S	S	Irregular	15-40	10-20	DB	M	OR	W	Spring	X			Y	S	M	0.004	M	M	acidic	PS	M/IS	
Silverbell, Carolina	<i>Halesia tetraptera</i>	900	Medium	P	XX	x	x				x		M	M	Irregular	30-60	20-35	DB	M	YE	W	Spring				Y	M	M	n/a	M	L	ac-sl alk	PS	M/ISC	
Silverbell, Two-Winged	<i>Halesia diptera</i>	400	Small	L	XX	x	x				x	XX	S	S	Rounded	15-20	15-20	DB	M	YE	W	Spring	X			N	M	M	n/a	M	M	ac-sl alk	PS	M/SC	
Smoketree, American	<i>Cotinus obovatus</i>	150	Very Small	L			x					x	S	VS	Oval	15-30	10-25	DB	M	MU	P	Spring				Y	M	S	n/a	D	H	sl ac-sl alk	PS	n/a	X
Smoketree, Common	<i>Cotinus coggygria</i>	150	Very Small	L			x					x	S	VS	Oval	10-15	10-15	DB	M	MU	P	Late Spring				N	M	S	n/a	D	H	sl ac-sl alk	FS	n/a	X
Sourwood	<i>Oxydendrum arboreum</i>	900	Medium	C	XX		x						M	M	Spreading	30-60	20-30	DB	M	RE	W	Summer				Y	M	S	0.018	M	M	ac-sl ac	FS	P/A	
Sparkleberry, Tree	<i>Vaccinium arboreum</i>	150	Very Small	C			x				x	x	S	VS	Irregular	10-20	5-10	DB	F	RE	W	Late Spring	X			Y	S	S	n/a	M	M	ac-sl alk	S	M/A	
Spruce Varieties	<i>Picea</i> species	900	Medium	N									L	M												N									
Sugarberry	<i>Celtis laevigata</i>	1,600	Large	C	x		x			0	x		L	L	Spreading	60-80	25-60	DB	F/M	YE	I		X			Y	M	M	0.118	M	M	ac	FS	G/I	
Sweetgum	<i>Liquidambar styraciflua</i>	1,600	Large	C	x	0	x	0	0		x		L	L	Oval	60-80	40-60	DB	M	MU	I		X	X		Y	F	L	-0.488	M	L	sl ac	FS	G/	
Sycamore	<i>Platanus occidentalis</i>	1,600	Large	P	x		x				x	0	L	L	Oval	70-100	30-70	DB	C	BR	I		X			Y	F	M	-0.789	M	M	sl ac-sl alk	FS	G/	
Tallowtree, Chinese	<i>Sapium sebiferum</i>	900	Medium	N									M	M												N									
Tree-of-Heaven (Ailanthus)	<i>Ailanthus altissima</i>	900	Medium	N									M	M												N									
Walnut, Black	<i>Juglans nigra</i>	1,600	Large	C	x	0	x	0	0		x		L	L	Rounded	60-70	50-70	DB	M	YE	I		X	X		Y	M	L	0.086	M	L	acidic	FS	P/IS	
Waxmyrtle, Southern	<i>Myrica cerifera</i>	150	Very Small	P			x	x		x	0	x	S	VS	Multi-Stemmed	10-30	10-30	EB	F	EV	I		X			N	M	S	n/a	M	M	ac-alk	FS	G/	
Willow, Black	<i>Salix nigra</i>	900	Medium	C	x	0		0	0		x	0	M	M	Irregular	30-40	30-40	DB	F/M	YE	I					Y	F	S	-0.177	W	L	n/a	FS	G/	
Willow, Weeping	<i>Salix babylonica</i>	1,600	Large	L	x	0	x	0	0			0	L	L	Rounded	30-70	20-70	DB	F/M	YE	I					N	F	M	-0.096	W	M	acidic	FS	mg	
Winterberry, Common	<i>Ilex verticillata</i>	150	Very Small	P	x	x	x			x	x	x	S	VS	Multi-Stemmed	5-15	5-10	DB	M	I	I		X			Y	M	S	n/a	M	L	ac	FS	G/	
Witchhazel, Common	<i>Hamamelis virginiana</i>	400	Small	P	x		x		x		x	x	S	S	Spreading	20-35	20-35	DB	M/C	YE	Y	Fall				Y	M	M	-0.009	M	M	sl ac	PS	M/IS	
Yellowwood, American	<i>Cladrastis kentukea</i>	900	Medium	L	x		x						M	M	Upright	30-50	40-50	DB	M/C	YE	W	Spring				N	M	M	0.013	M	M	n/a	PS	P/A	
Zelkova, Japanese	<i>Zelkova serrata</i>	1,600	Large	L			x		x		0	0	L	L	Upright	40-80	30-75	DB	M	RE	I					N	M	M	0.084	M	H	ac-sl alk	FS	n/a	X



## Informational Links

Georgia Forestry Commission

<http://www.gfc.state.ga.us/>

Georgia Urban Forest Council

<http://www.gufc.org/>

National Arbor Day Foundation

<https://www.arborday.org/>

University of Georgia Extension

<http://extension.uga.edu/>

APPENDIX E

# CITY OF HOLLY SPRINGS LANDSCAPE STANDARDS INDEX

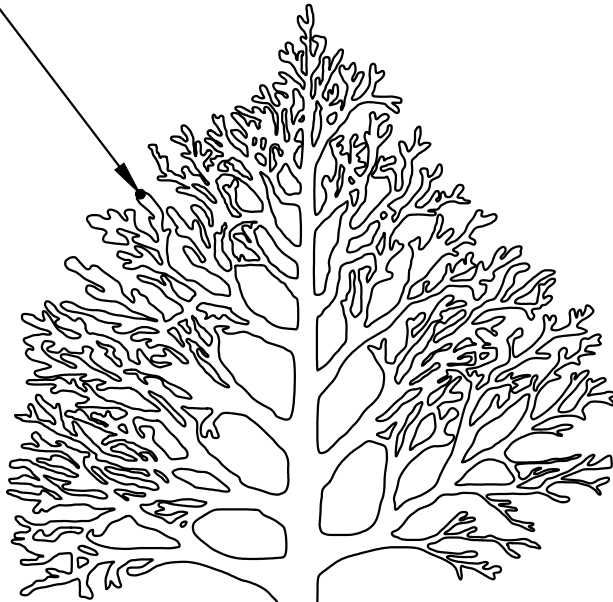


- L-1 TREE PLANTING  
(TYPICAL SECTION)
- L-2 TREE ANCHORING - TYPE A  
(FOR TREES LARGER THAN 2 INCHES CALIPER)
- L-3 TREE ANCHORING - TYPE B  
(FOR TREES UP TO 2 INCHES CALIPER)
- L-4 TREE ANCHORING - TYPE C  
(FOR CONTAINER GROWN TREES OR B&B TREES UP TO 2 INCHES CALIPER)
- L-5 TREE PLANTING IN PARKING LOTS  
(TYPICAL SECTION)
- L-6 TREE PROTECTION / L.O.D. FENCING
- L-7 SHRUB PLANTING BED
- L-8 ROOT BARRIER DETAIL  
(FOR PUBLIC SIDEWALKS OR CURBING)
- L-9 TREE PROTECTION - WOOD SLATS
- L-10 TREE WELL IN BRICK SIDEWALK

TREE GRADING CUE CARD  
(PROVIDED BY ROOTS PLUS FIELD GROWERS ASSOCIATION OF FLORIDA)

			COVER SHEET
			12/18/2017
			INDEX
BY	REVISION	DATE	

**CROWN**  
 SET AND MAINTAIN IN A PLUMB VERTICAL POSITION. PRUNE ALL DEAD, DAMAGED OR CROSSING BRANCHES AND ALL WATERSPOUTS AND SUCKERS. DO NOT CUT CENTRAL LEADER OR OTHER BRANCH TIPS.

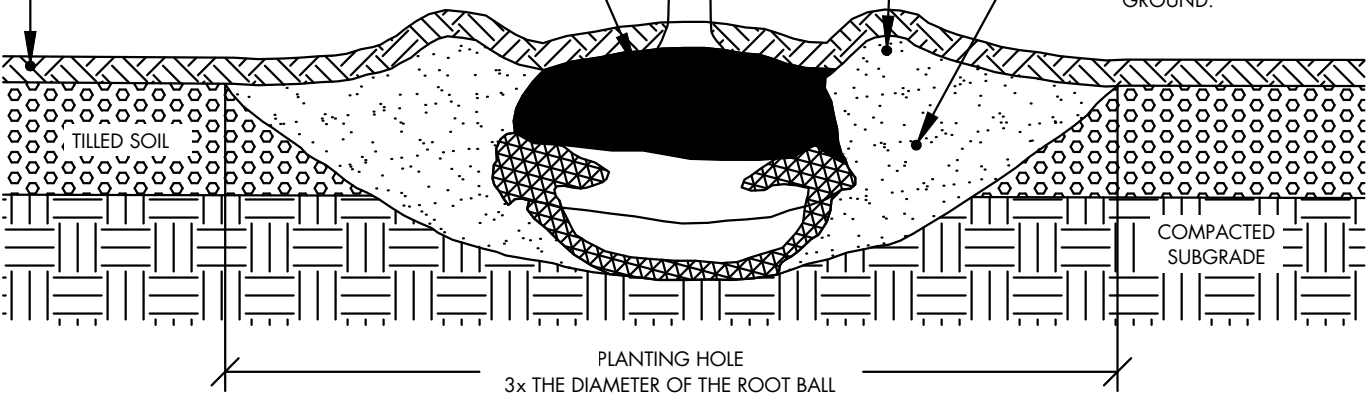


**ORGANIC MULCH**  
 2" TO 4" DEEP TO LIMITS OF CULTIVATED AREA. KEEP 2" AWAY FROM TRUNK.

**ROOT BALL**  
 REMOVE ALL STRAPPING. CUT AND REMOVE AT LEAST TOP 2 RINGS OF WIRE BASKET. CUT AND REMOVE AT LEAST TOP 12" OF BURLAP. CUT ENCIRCLING ROOTS (CONTAINER-GROWN TREES).

**WATER RING**  
 USE ONLY IF TREES ARE TO BE HAND WATERED WITH A HOSE. BUILD NO HIGHER THAN 3" AND PLACE JUST BEYOND ROOT BALL. DESTROY AFTER ONE GROWING SEASON.

**PLANTING HOLE**  
 DIG ONLY DEEP ENOUGH TO HAVE TOP OF ROOT BALL AT GRADE OR 2" HIGHER IN HEAVY OR POORLY DRAINED SOILS. SLOPE SIDES 45° AND SCARIFY IF NECESSARY. SET ROOT BALL ON SOLID GROUND.

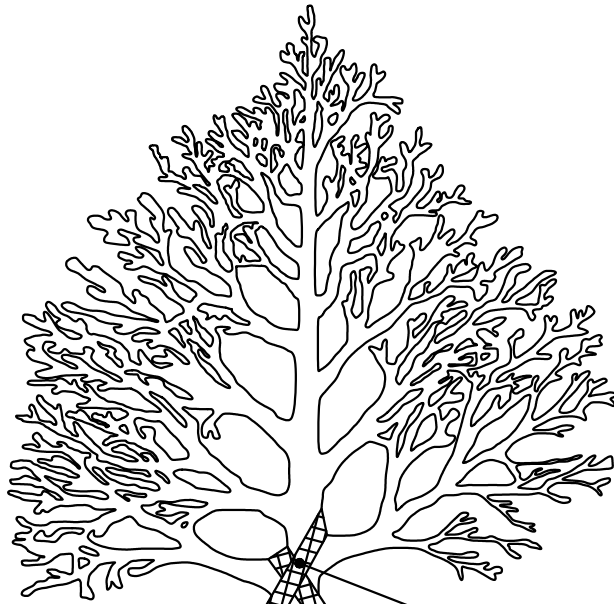


BY	REVISION	DATE

**TREE PLANTING  
 (TYPICAL SECTION)**

12/18/2017

**STD. L-1**



**STAKES**

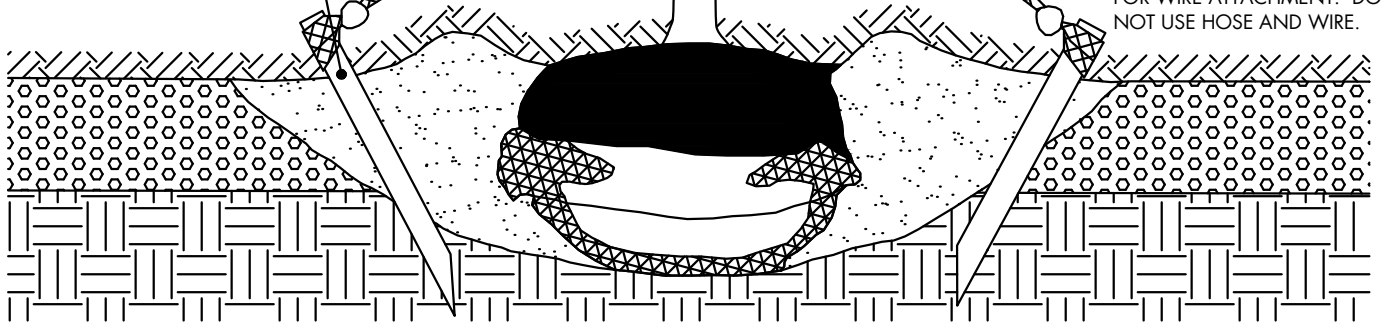
2"x2" WOODEN STAKES OR METAL ANCHORS. CUT STAKES LONG ENOUGH FOR SECURE GRIP IN SUBGRADE. ANGLE STAKES 20-30° OFF VERTICAL. USE 3 STAKES PLACED EQUAL DISTANCE APART (120°). 4 STAKES MAY BE NECESSARY FOR TREES GREATER THAN 4" CALIPER.

**ATTACHMENT HEIGHT**

ATTACH IN A BRANCH CROTCH APPROXIMATELY 1/3 THE HEIGHT OF THE MAIN STEM, OR AT FIRST AVAILABLE BRANCH CROTCH ABOVE THAT POINT.

**STRAPS**

WIDE, SOFT, FLEXIBLE MATERIAL MANUFACTURED FOR THE PURPOSE OF TREE ANCHORING SUCH AS WOVEN POLYPROPYLENE WEBBING OR RUBBER STRIPS WITH GROMMETS FOR WIRE ATTACHMENT. DO NOT USE HOSE AND WIRE.



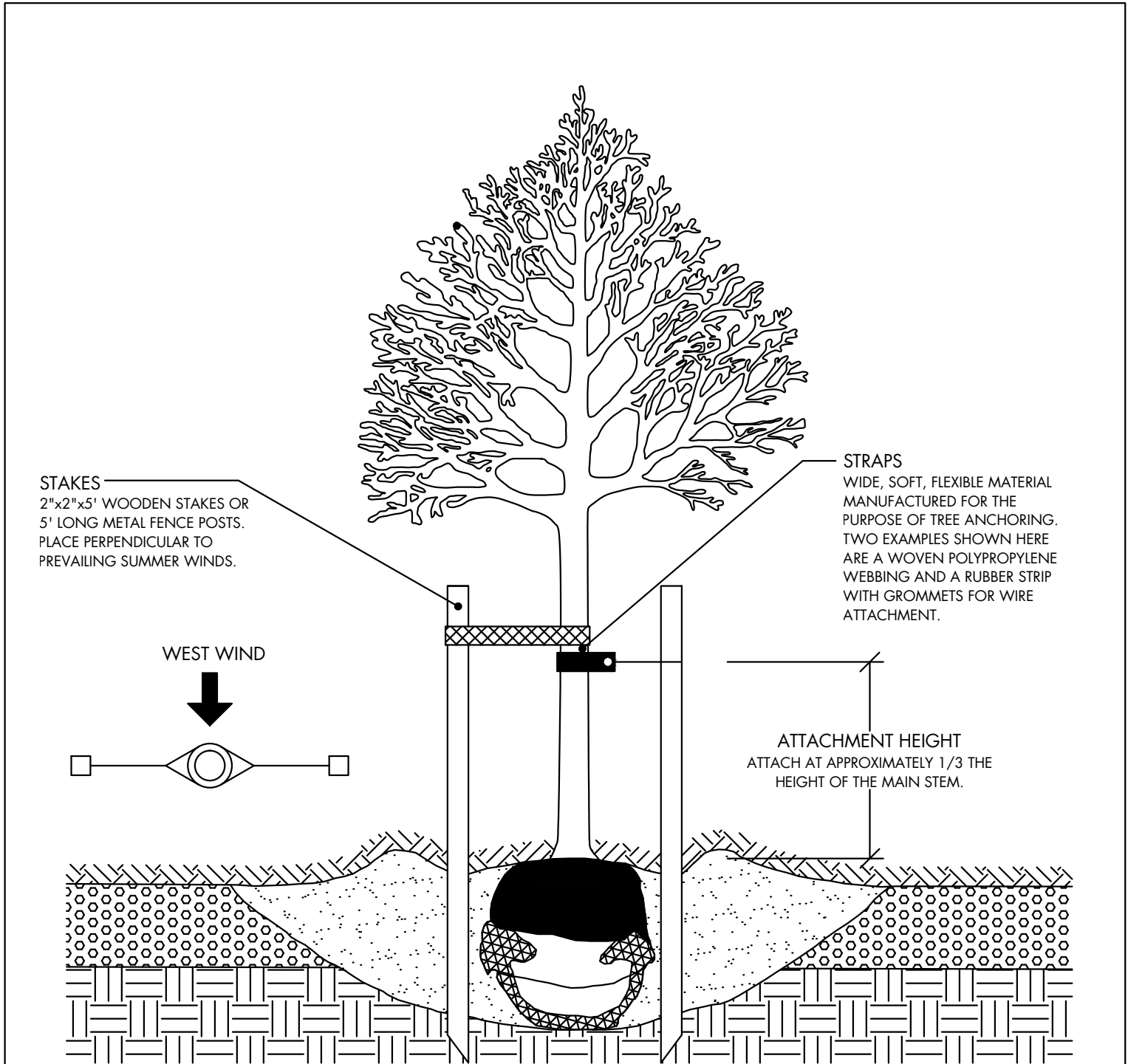
USE ANCHORING SYSTEMS ONLY WHERE WIND OR SOIL CONDITIONS MAKE IT NECESSARY OR AS REQUIRED BY CITY ARBORIST. REMOVE AFTER ONE YEAR.

BY	REVISION	DATE

**TREE ANCHORING - TYPE A**  
(FOR TREES LARGER THAN 2 INCHES CALIPER)

12/18/2017

**STD. L-2**



USE ANCHORING SYSTEMS ONLY WHERE WIND OR SOIL  
CONDITIONS MAKE IT NECESSARY. REMOVE AFTER ONE YEAR.

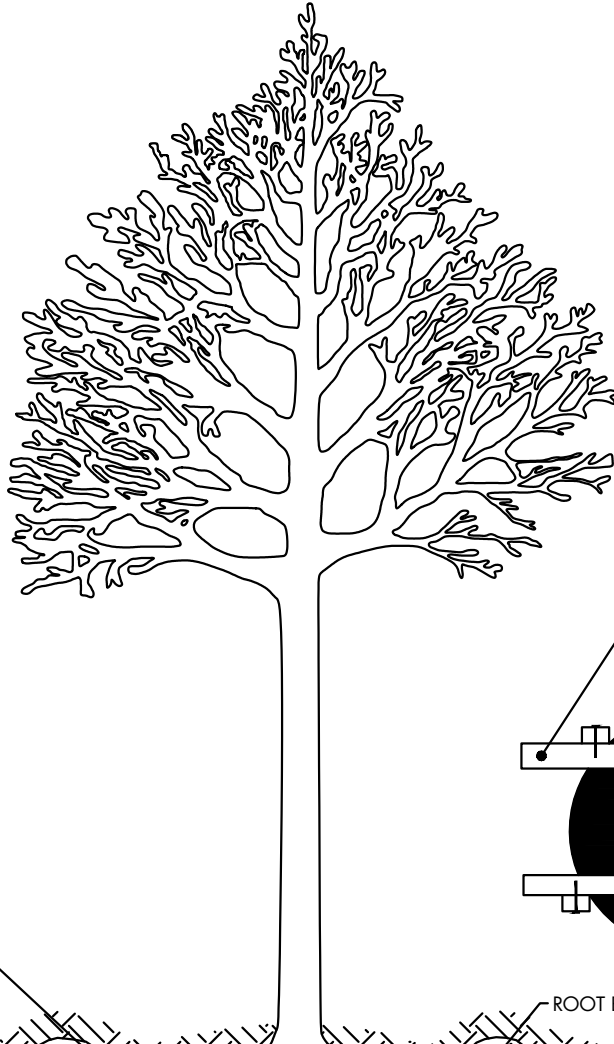
NOTE: THIS DETAIL MAY BE UTILIZED FOR TREES  
GREATER THAN 2 INCHES CALIPER WHICH ARE TO BE  
PLANTED IN BEAUTY STRIPS, SIDEWALK CUTOUTS,  
PLANTING PITS, AND SIMILAR LOCATIONS WHERE  
THERE IS NO ROOM FOR STRAPPING AS PER STD. L-2.

BY	REVISION	DATE

**TREE ANCHORING - TYPE B**  
(FOR TREES UP TO 2 INCHES CALIPER OR FOR  
TREES IN BEAUTY STRIPS, SIDEWALK CUTOUTS,  
PLANTING PITS, ETC.)

12/18/2017

**STD. L-3**



CROSS STAKES  
2"x2" UNTREATED WOOD. CUT  
STAKES LONG ENOUGH TO  
PROVIDE STABILITY.

ANCHOR STAKES  
2"x2" UNTREATED WOOD. CUT  
STAKES LONG ENOUGH FOR  
SECURE GRIP IN SUBGRADE.

ROOT BALL

DRYWALL  
SCREWS - 2-1/2"

USE ANCHORING SYSTEMS ONLY WHERE WIND OR SOIL  
CONDITIONS MAKE IT NECESSARY. REMOVE AFTER ONE YEAR.

BY	REVISION	DATE

**TREE ANCHORING - TYPE C**  
(FOR CONTAINER GROWN TREES OR  
B&B TREES UP TO 2 INCHES CALIPER)

12/18/2017

**STD. L-4**

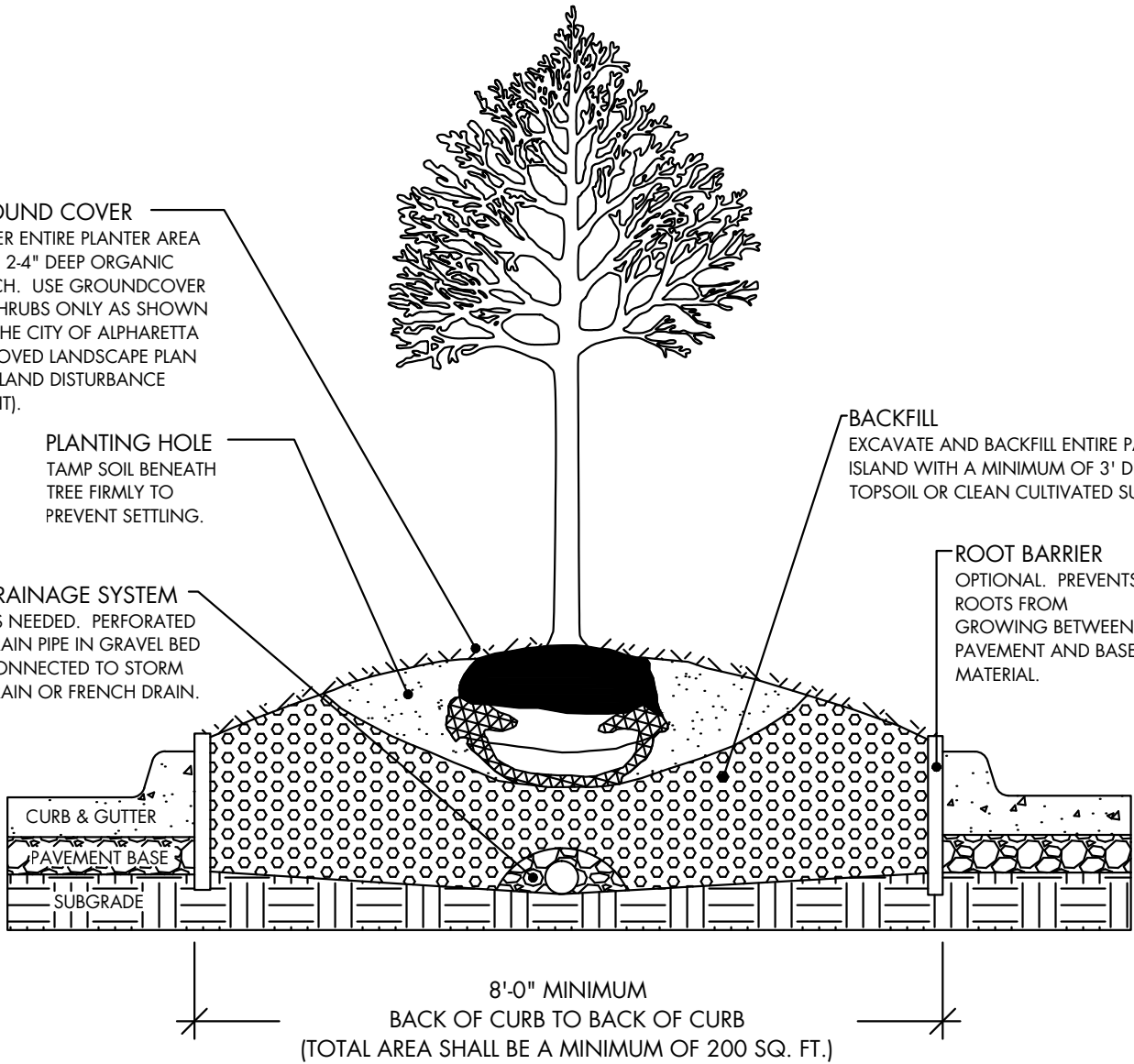
**GROUND COVER**  
COVER ENTIRE PLANTER AREA WITH 2-4" DEEP ORGANIC MULCH. USE GROUND COVER OR SHRUBS ONLY AS SHOWN ON THE CITY OF ALPHARETTA APPROVED LANDSCAPE PLAN (FOR LAND DISTURBANCE PERMIT).

**PLANTING HOLE**  
TAMP SOIL BENEATH TREE FIRMLY TO PREVENT SETTLING.

**DRAINAGE SYSTEM**  
AS NEEDED. PERFORATED DRAIN PIPE IN GRAVEL BED CONNECTED TO STORM DRAIN OR FRENCH DRAIN.

**BACKFILL**  
EXCAVATE AND BACKFILL ENTIRE PARKING LOT ISLAND WITH A MINIMUM OF 3' DEEP FRIABLE TOPSOIL OR CLEAN CULTIVATED SUBSOIL.

**ROOT BARRIER**  
OPTIONAL. PREVENTS ROOTS FROM GROWING BETWEEN PAVEMENT AND BASE MATERIAL.



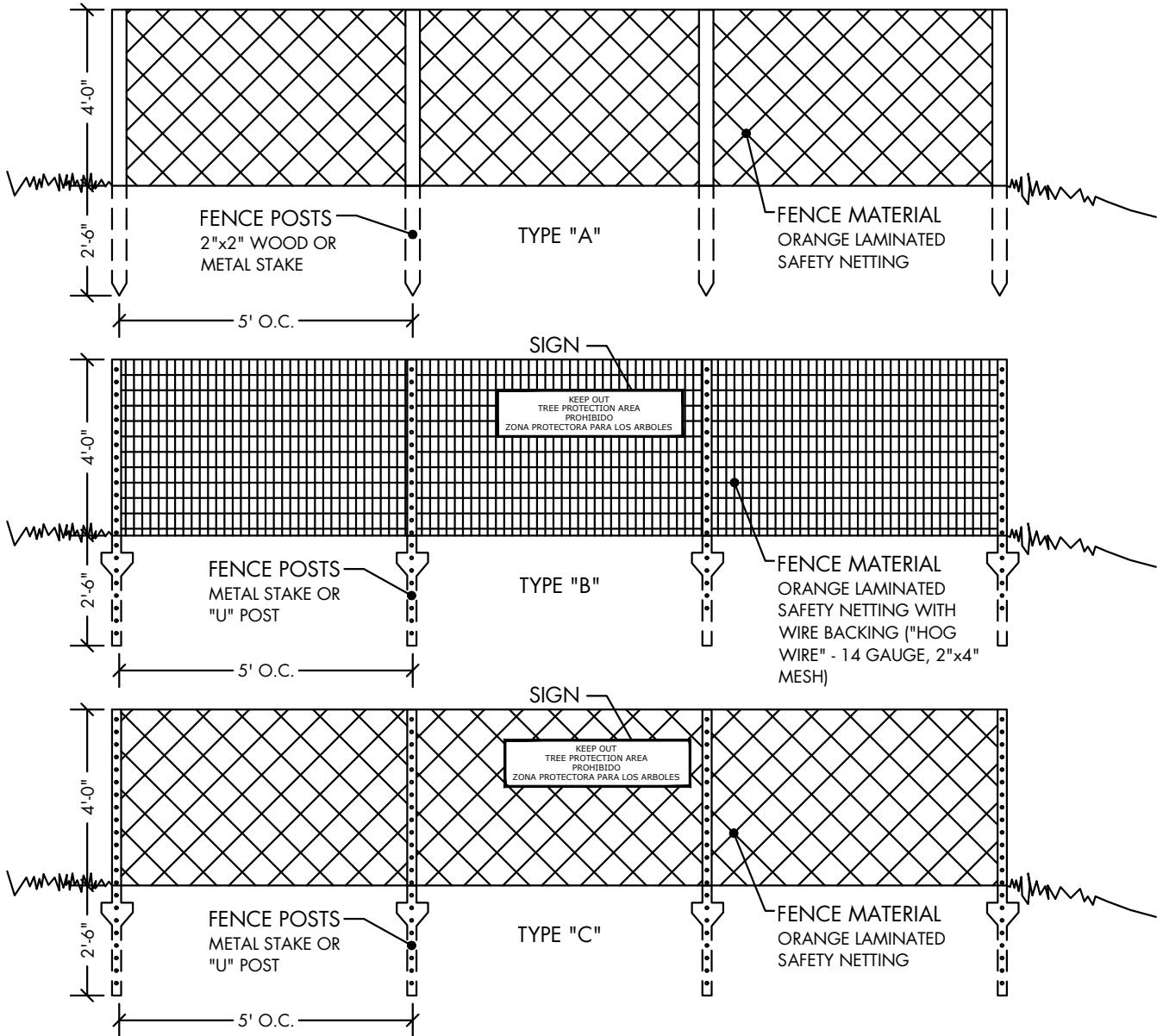
BY	REVISION	DATE

**TREE PLANTING  
IN PARKING LOTS**  
(TYPICAL SECTION)

12/18/2017

**STD. L-5**

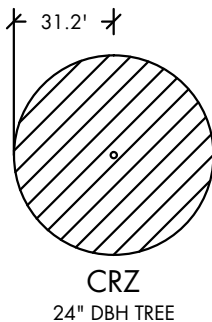
FENCE LOCATION  
 AT LIMITS OF CRITICAL ROOT ZONE  
 (CRZ RADIUS = 1.3' PER 1" DBH)  
 OR AS SHOWN ON THE TREE PROTECTION PLAN



NOTES:

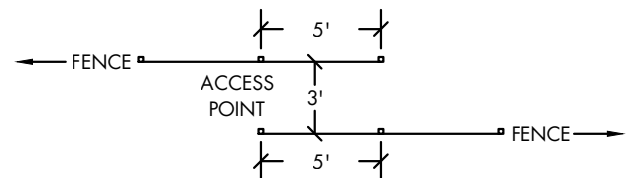
- ALL TREE PROTECTION DEVICES ARE TO BE INSTALLED PRIOR TO THE START OF LAND DISTURBANCE AND MAINTAINED UNTIL FINAL LANDSCAPING IS INSTALLED. NO PARKING, STORAGE OR OTHER CONSTRUCTION SITE ACTIVITIES ARE TO OCCUR WITHIN THE TREE PROTECTION AREA.
- PROVIDE 4" DEEP WOOD CHIP MULCH OVER ANY UNPROTECTED ROOT ZONE.
- MAKE CLEAN CUTS ON ROOTS EXPOSED BY GRADING AND BACKFILL IMMEDIATELY.
- INSTALLATION SHALL INVOLVE NO TRENCHING.
- SIGNS TO BE PLACED AT 50' INTERVALS ALONG FENCING. SIGNS TO BE A MINIMUM OF 8½" X 11". SIGNS TO READ:

KEEP OUT  
 TREE PROTECTION AREA  
 PROHIBIDO  
 ZONA PROTECTORA PARA LOS ARBOLES



ACCESS POINT

ALL TREE PROTECTION/LOD FENCING MUST HAVE A MINIMUM OF ONE ACCESS POINT EVERY 200' OF FENCING. ACCESS POINT SHALL BE CONSTRUCTED AS BELOW.



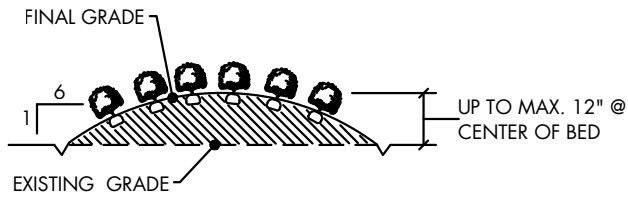
BY	REVISION	DATE

TREE PROTECTION / L.O.D.  
 FENCING

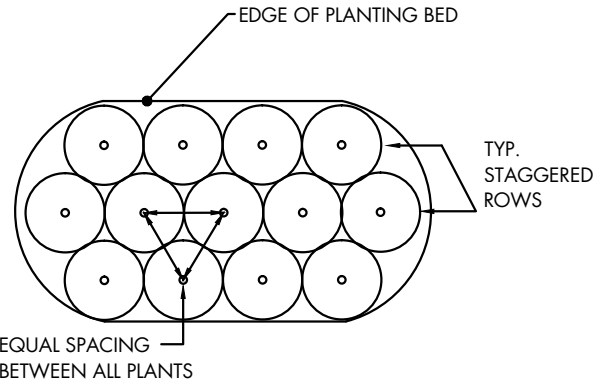
12/18/2017

STD. L-6

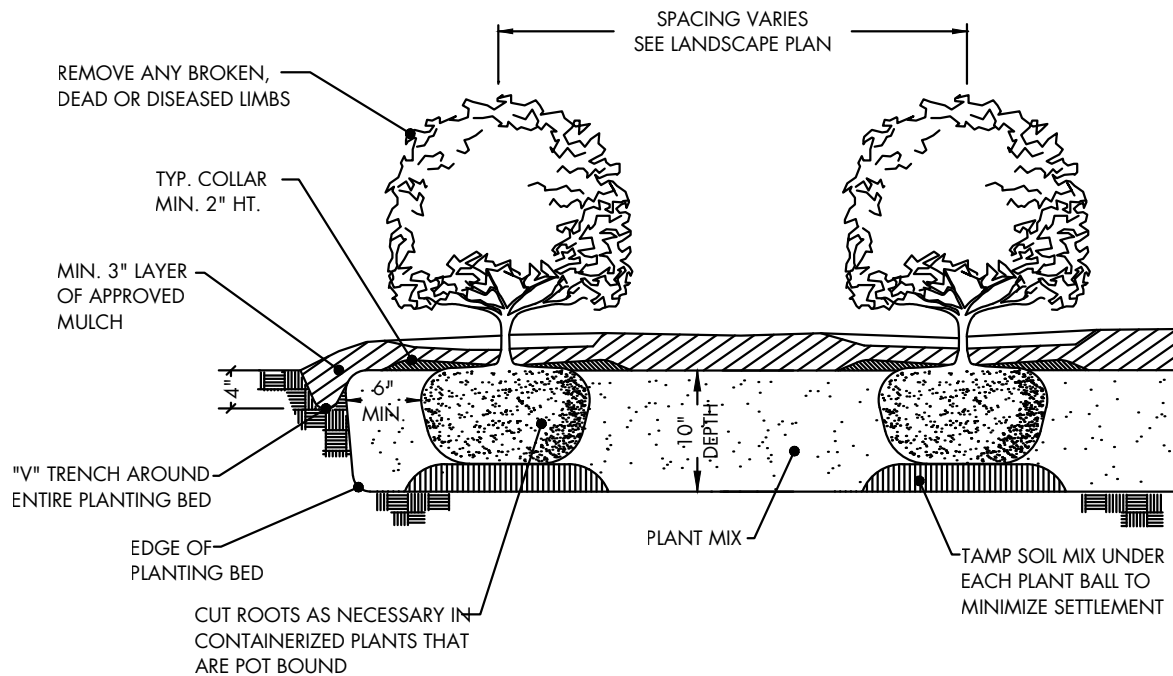




TYPICAL BED MOUNDING



TYPICAL PLANTING BED PLAN

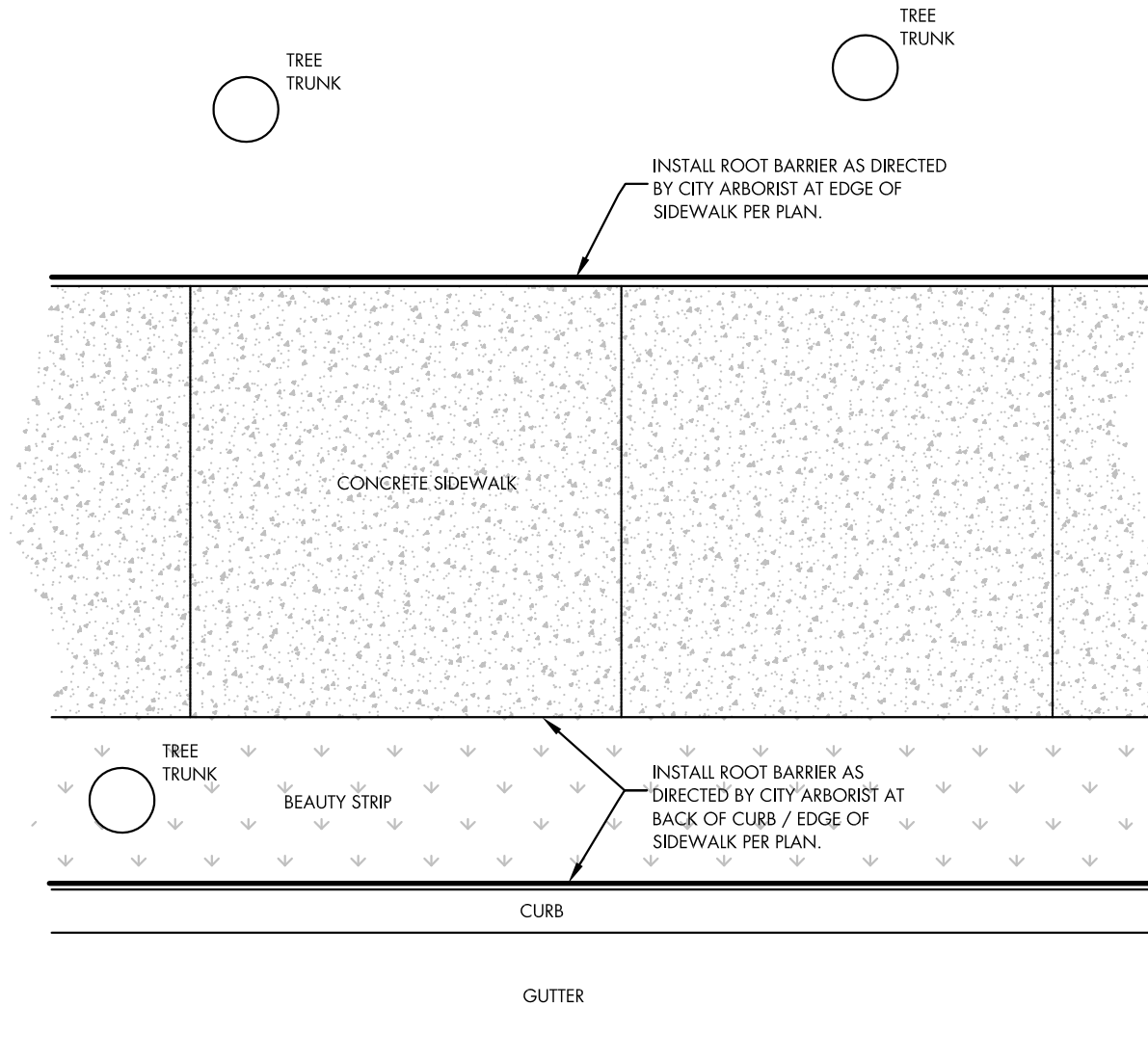


TYPICAL PLANTING BED DETAIL

NOTES:

1. OMIT COLLAR AROUND EACH SHRUB WHEN IRRIGATION SYSTEM IS PRESENT.
2. INSTALL TOP OF PLANT BALL 2"-3" ABOVE ADJACENT GRADE.
3. TAMP PLANTING MIX FIRMLY AS PIT IS FILLED AROUND EACH PLANT BALL.
4. SOAK EACH PLANT BALL AND PIT IMMEDIATELY AFTER INSTALLATION.

			SHRUB PLANTING BED
			12/18/2017
			STD. L-7
BY	REVISION	DATE	



**NOTES:**

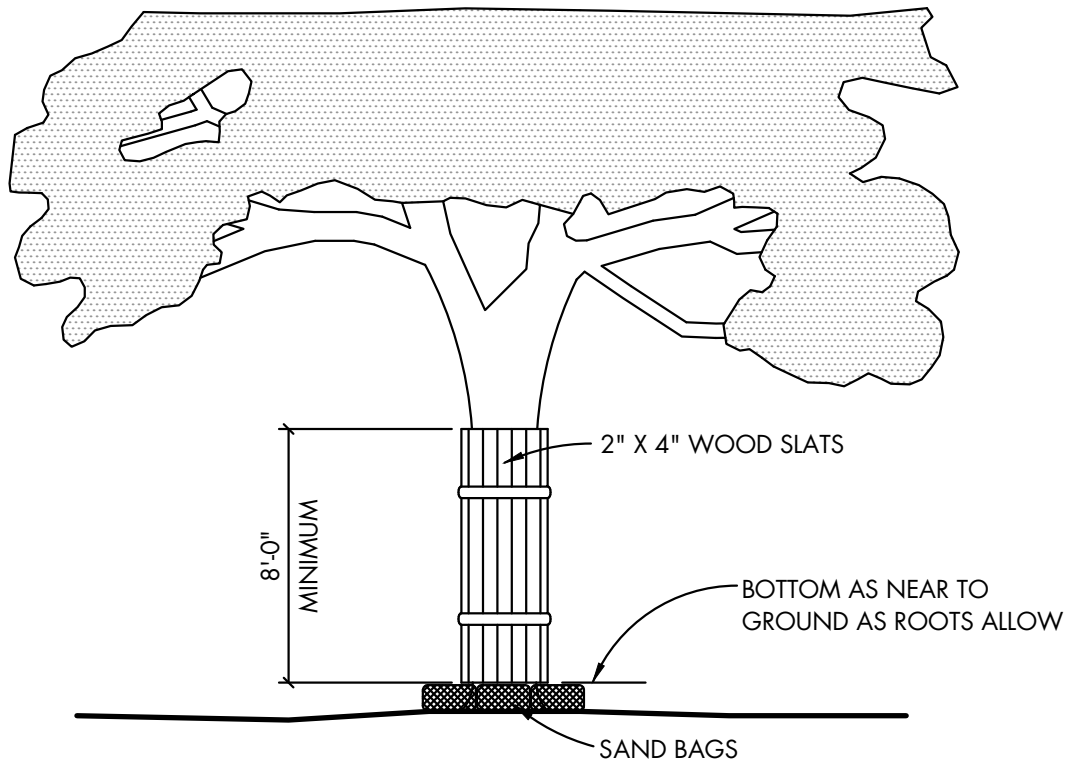
1. ROOT BARRIERS SHALL BE REQUIRED WHEN TREES ARE PLANTED OR ARE EXISTING WITHIN 10' OF ALL CITY OWNED AND MAINTAINED HARDSCAPES.
2. ROOT BARRIERS SHALL BE INSTALLED ALONG THE LENGTH OF THE HARDSCAPES FOR THE EXPECTED CRZ OF THE TREE AT MATURITY OR ALONG THE ENTIRE LENGTH OF THE HARDSCAPE.
3. ROOT BARRIER SHALL BE HIGH DENSITY AND HIGH IMPACT PLASTIC, A MINIMUM 18" DEEP, AS AVAILABLE FROM "DEEP ROOT", VESPRO, INC, OR EQUIVALENT AS APPROVED BY CITY OF ALPHARETTA. BIO BARRIER OR SIMILAR MAY BE SUBSTITUTED, AS APPROVED BY THE CITY.
4. TOP OF ROOT BARRIER SHALL BE SET A MINIMUM OF 1/2" ± ABOVE FINISHED GRADE OF SOIL. HOWEVER, UNDER NO CIRCUMSTANCES SHALL THE TOP OF ROOT BARRIER EXTEND ABOVE ADJACENT CURB, SIDEWALK OR OTHER HARD SURFACING, AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS. PLEASE PROVIDE MANUFACTURER'S INSTRUCTIONS.

PCB	REVISE NOTE #1	8/24/16
BY	REVISION	DATE

**ROOT BARRIER DETAIL**  
(FOR PUBLIC SIDEWALKS OR CURBING)

12/18/2017

**STD. L-8**



**NOTES:**

1. WHERE ANY EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN TEN FEET (10'-0") TO A TREE TRUNK; PROTECT THE TRUNK WITH STRAPPED-ON-PLANKING TO A HEIGHT OF EIGHT FEET (8'-0"), OR TO THE LIMITS OF LOWER BRANCHING, IN ADDITION TO THE REQUIRED ORANGE LAMINATE FENCING.
2. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED FLUSH WITH THE SOIL. BACKFILL ROOT AREAS WITH GOOD QUALITY TOP SOIL AS SOON AS POSSIBLE. IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN TWO (2) DAYS, COVER THEM WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE, AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
3. PRIOR TO EXCAVATION OR GRADE CUTTING WITHIN TREE CRZ, MAKE A CLEAN CUT BETWEEN THE DISTURBED AND UNDISTURBED ROOT ZONES WITH A PRUNING SAW, DITCH WITCH OR SIMILAR EQUIPMENT, TO MINIMIZE DAMAGE TO REMAINING ROOTS.
4. TREES MOST HEAVILY IMPACTED BY CONSTRUCTION ACTIVITIES SHALL BE WATERED DEEPLY ONCE A WEEK DURING PERIODS OF HOT, DRY WEATHER.
5. SAND BAGS OR HAY BALES SHALL BE PLACED ON THE ROOT FLARES AND ANY EXPOSED STRUCTURAL ROOTS.
6. ALL EXPOSED, RIPPED, AND TORN ROOTS GREATER THAN ONE-HALF INCH (1/2") SHALL BE CLEAN CUT.
7. NO LANDSCAPE TOPSOIL DRESSING GREATER THE FOUR INCHES (4") SHALL BE PERMITTED WITHIN THE CRZ OF A TREE. NO SOIL IS PERMITTED ON THE ROOT FLARE OF ANY TREE.
8. PRUNING TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC AND EQUIPMENT SHALL TAKE PLACE BEFORE CONSTRUCTION BEGINS.

BY	REVISION	DATE

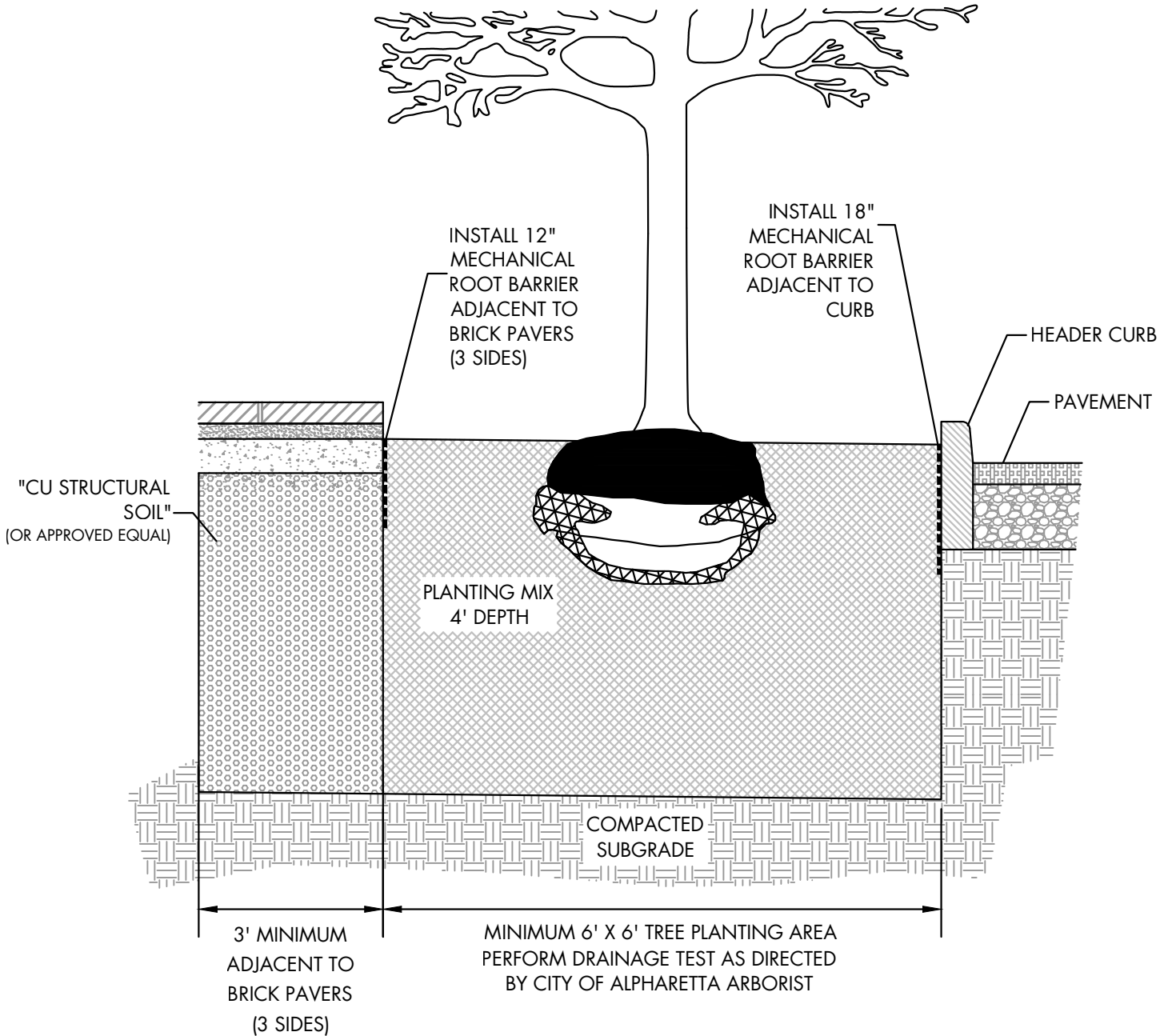
**TREE PROTECTION -  
WOOD SLATS**

12/18/2017

**STD. L-9**

NOTES:

1. INSTALLATION OF "CU STRUCTURAL SOIL" (OR APPROVED EQUAL) AND BRICK PAVING MUST BE UNDERTAKEN BY AN EXPERIENCED CONTRACTOR. THE CONTRACTOR MUST HAVE EXPERIENCE WORKING WITH THE SPECIFIED MATERIALS AND BE ABLE TO SHOW PROOF OF THIS EXPERIENCE. SAMPLES OF ALL MATERIALS MUST BE SUBMITTED AND BE APPROVED BY THE CITY. THIS WORK WILL BE SUPERVISED BY THE CITY OF ALPHARETTA.
2. IN AREAS NOT ADJACENT TO A TREE PLANTING AREA, THE "CU STRUCTURAL SOIL" (OR APPROVED EQUAL) EXTENDS TO THE BACK OF CURB.
3. LOCATE ALL UTILITIES PRIOR TO DIGGING TREE PITS. DO NOT SPRAY PAINT NEW PAVERS AND CONCRETE INDICATED TO REMAIN. IF AT ALL POSSIBLE WHEN LOCATING UTILITIES, NOTIFY ENGINEER OF ANY CONFLICTS WITH UTILITY LINES.
4. REFERENCE CITY OF ALPHARETTA LANDSCAPE DETAILS L1, L2, L3, L4 AND L8 FOR ADDITIONAL INFORMATION ON TREE PLANTING, ANCHORING AND ROOT BARRIER.



BY	REVISION	DATE

**TREE WELL IN  
BRICK SIDEWALK**

12/18/2017

**STD. L-10**