



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, October 26, 2020 @ 6:00 PM
Town Council Chambers

THE CLAYTON PLANNING BOARD MEETING WILL BE HELD IN-PERSON.

IF YOU WISH TO OFFER COMMENTS AND DO NOT WISH TO ATTEND IN PERSON, PLEASE FORWARD YOUR COMMENTS TO THE BOARD CLERK NO LATER THAN NOON THE DAY OF THE MEETING. PLEASE INCLUDE YOUR NAME AND ADDRESS. PUBLIC COMMENTS RECEIVED WILL BE INCLUDED AS PART OF THE RECORD.

EMAIL: CFREEMAN@TOWNOFCLAYTONNC.ORG

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

IN PERSON TOWN COUNCIL / ADVISORY BOARD MEETING PROCEDURES

- ALL persons attending must wear a mask.
- We will be following proper social distancing at all times.
- We will have a separate entrance door and separate exit door.
 - Entrance will be main door on Horne Street.
 - Exit will be rear door facing Horne Street in the council chambers.
- Any member of the public attending will be asked to wait in the lobby until item they wish to address is ready for discussion.
- Lobby will be set to encourage social distancing.
 - Chairs will be at least 6' from each other.
- We will have TWO staff members attending the meeting(s) to ensure smooth transition with those attending the meeting. One person will serve as the LOBBY staff and the other will serve as the CHAMBER staff.
- The meeting will be shown on the monitor in the lobby. (YouTube)
- All council or board members will be socially distanced in the council chambers and wearing face masks.*
- Staff will be socially distanced and seated within the council chambers. Face masks will be worn.*
- Hand sanitizer will be available, both in the lobby and council chambers.
- Podium/microphone will be sanitized after each speaker.

**Face Masks May Be Removed When Speaking.*

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

- a. [Clayton Planning Board - 28 Sep 2020 - Draft Minutes](#)

POTENTIAL ACTION:
Board Draft Minutes

Approve / Deny September 28, 2020 Planning

4. PUBLIC HEARINGS

5. OLD BUSINESS

6. NEW BUSINESS

- a. Adoption of 2021 Planning Board Meeting Schedule

[Planning Board 2021 Meeting Schedule](#)

POTENTIAL ACTION:

Approve / Deny the adoption of 2021 Planning

Board Meeting Schedule

- b. 160D Work Session

[UDC Update- Article 1 Highlights - October 2020 Caines](#)

[Final UDC Update- Article 2 Highlights - October 2020](#)

[Final UDC Update- Article 3 Highlights - October 2020](#)

[UDC Update- Article 4 Highlights - October 2020 Caines](#)

[UDC Update- Article 5 Highlights - October 2020 Caines](#)

[Final UDC Update- Article 6 Highlights - October 2020](#)

[Final UDC Update - Article 7 Highlights - October 2020](#)

[Final UDC Update - Article 8 Highlights - October 2020](#)

7. INFORMAL DISCUSSION AND PUBLIC COMMENT

- a. Mountains to Sea Trail Name Recommendation

[Skip Browder Naming Recommendation](#)

- b. Planning Director Update

[PD PB Report Oct 2020 memo](#)

8. ADJOURN



**Town of Clayton
Planning Board Minutes
Monday September 28, 2020 @ 6:00 P.M.
Town Council Chambers**

BOARD MEMBERS PRESENT:

Travis Avery
Brian Tiede
Stephen Powers
James Lipscomb
Bucky Coats
Andria Merritt
Frank Price
James Moore
Marty Bizzell

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Senior Planner
Sharon Sharpe, Planner
Jeff Caines, Planner
Chrissy Freeman, Clerk to the Board
Merrick Parrott, Town Attorney
Michael Grannis, Town Councilman

MEMBERS ABSENT:

1 CALL TO ORDER

- a) Board Chair Andria Merritt called the meeting to order at 6:03 p.m. All Board Members were present.

2 ADJUSTMENT OF THE AGENDA

- a) There were no adjustments to the agenda.

3 APPROVAL OF MINUTES

- a) Approval of August 24, 2020 Planning Board Minutes

Motion: Board Member Powers
Second: Board Member Price
Vote: Unanimous

4 PUBLIC HEARINGS

- a) 2020-74-RZ O'Neil Overlook Rezoning
Tag # 05H02199I / 05H02207W
Location: South Side of North O'Neil Street; North and abutting the Rollingwood Subdivision

Planning Board Member James Lipscomb recused himself from this item.

Planner Jeff Caines presented this item. The applicant is requesting to rezone the property from Residential estates (R-E) to Residential-8 (R-8) to allow for the development of single family homes. The zoning is comparable to the zoning to the Northeast and to the South. This request is running concurrent with 2020-75-SD. The intent of this zoning district is to encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. Staff does recommend approval for the rezoning. Planning Board member Moore asked how many residences per acre are allowed in R-8 than R-E. R-E designation has 3 different lot sizes. Lots can range from 20,000 - 40,000. R-8 ranges from high density 10 units per acre and also from small lots 6,000 per unit. Depends on the type of development. Would sewer be required? Sewer will be available for this project. There were no further questions.

The applicant, Emily Beddingfield from J&D Real Estate Consultants. Ms. Beddingfield stated there is sewer capacity. This development will require water and sewer hookup. This request is only for the rezoning, not the development of the property. The future land use map does designate as low capacity. Going to see some protections that tie into the map, through the natural development. Property in the north are more high density. This is adjacent to an existing R-8 development and close to downtown. A question was asked by a resident if this property owned by the same developers at academy point. Ms. Beddingfield stated the developer has a role in the development but not owner. The resident then asked does the zoning bring bridges or changes in topography. Ms. Beddingfield stated working around the natural development and town ordinances. It increases the density and size of the lots. With the existing zoning there could be bridges or grading on the property. R-8 has more opportunity to cluster and reserve the natural areas. There were no further questions.

A resident who lives off Oakdale Drive had another question. Is there going to be more development in the area (pointed to map) Planner Jeff Caines said at this time there is no formal application. Possible future development. There were no further comments

Planning Board Member Merritt stated this is logically makes sense to fill this area in as a R-8 than R-E. Board Member Powers commented that the majority of subdivisions have been either multi family, townhomes, starter homes, which is good but generally speaking the shelf life of subdivisions after a few owners goes downhill. We do not have many areas for people to move to and stay. Will there be consideration in this? It was mentioned in a previous meeting. Planning Board chair Merritt stated we are just looking at the rezoning part, when the site plan comes through there will be more input for that kind of decision. Planning Board member Moore stated the power is in the rezoning, if we want to establish that kind of neighborhood economic level. Larger lots, larger homes, traditional mixed use, just a reminder to look at it as long term use. Planning Board chair Merritt agrees and this has come up a few time and a valid point. There were no further comments.

ACTION: Recommend Approval of 2020-74-RZ O'Neil Overlook Rezoning to Town Council

Motion: Board Member Price
Second: Board Member Bizzell
Vote: Vote: 6-1

- b) 2020-113-PDD Ashcroft 2 Planned Development Rezoning
Tag # 05H02013A / 05H02012 / 05G02013 / 05H02009A / 05H02010A / portion of 05H02200B / 05H02015
Location: N. O'Neil Street; north of Ashcroft Subdivision

Planning Board Member James Lipscomb recused himself from this item. Senior Planner Haley Hogg presented this item. The applicant is requesting to rezone the property from Residential Estate (R-E) and Planned Development Residential (PD-R) to Planned Development Mixed Use (PD-MU). Currently all properties are zoned R-E with the exception of one parcel that is zoned Planned Development Residential (PD-R). The applicant is proposing to rezone the northern portion of that parcel to PD-MU and leave the southern portion as PD-R as that portion is a part of the Ashcroft 1 development. The properties are located off North O'Neil Street, just north of the existing Ashcroft subdivision and south of the Neuse River. This request is running concurrently with a preliminary plat application which is serving as a master plan. The master plan will outline the permitted uses and dimensional standards within the proposed Development. This request is consistent with the Comprehensive Plan 2040 and with Surrounding Land Uses.

Planning Board member Coats asked at what point when will we and when do we ask for a Traffic Impact Analysis. Ms. Hogg stated there is one currently in review with the master plan with staff and NCDOT. Planning Board Bizzell asked on the master plan and the architectural standards. Ms. Hogg stated yes the master plan will outline the dimensional standards, architectural standards and permitting uses. There were no further questions for staff.

The applicant, Stewart Engineering was present and available for questions. She went over an overview of the project request. Board Member Price asked how much of a buffer will be between the residential and sewer treatment plant? The applicant stated will show compliance with the UDC at the time of the Site Plan.

James Moore asked access road is that going to be a separate road? It will be access to subdivision and treatment plant. There were no more questions for the applicant.

Board Member Price made a comment meets development and compatible with the development that is already there. The requested mixed use is in line with what it needs to be. Planning Board Bizzell commented the plan is fitting for the mixed use development and it offers something for everyone. There were no further comments.

ACTION: Recommend Approval/of 2020-113-PDD Ashcroft 2 Planned Development Rezoning to Town Council

Motion: Board Member Moore
Second: Board Member Powers
Vote: Unanimous

5 NEW BUSINESS

- a) 2020-81-SP Government Road Handy Mart Major Site Plan
Tag #: 05F02019B / 05F02019C / 05F02019E
Location: 2900 NC Hwy 42 W

Planner Sharon Sharpe presented this item. The applicant is requesting approval to develop a 5150 square foot convenience store with food and gas sales on the property. The fuel canopy is 5976 square feet. There will be parking to north, east of the property and meets UDC Standards. This request is consistent with the Comprehensive Plan 2040 and meets all applicable requirements of the Unified Development Code. Staff does recommend approval. There were no questions for staff.

The applicant and property owners were present and available for questions. The applicant went over a brief overview of the request. Planning Board Bizzell asked about NCDOT requirements. The applicant stated there will be a right in right out and there will be a right hand turn lane off Highway 42. Government Road will have full access with a left lane turn. There were no further questions for the applicant.

ACTION: Approve 2020-81-SP Government Road Handy Mart Major Site Plan

Motion: Board Member Coats
Second: Board Member Lipscomb
Vote: Unanimous

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

- a) Planner Sharon Sharpe announce her resignation by the end of October. Planning Director Wullenwaber mentioned in October will have a work session for changes that are mandated by law.

7 ADJOURN

- a) With there being nothing further the meeting was adjourned at 7:06 p.m.

Motion: Board Member Powers
Second: Board Member Price
Vote: Unanimous

Andria Merritt, Chair

ATTEST:

Chrissy Freeman, Clerk to the Board

**September 28, 2020
Minutes**



TOWN OF CLAYTON PLANNING BOARD 2021 MEETINGS

January 25, 2021

February 22, 2021

March 22, 2021

April 26, 2021

May 24, 2021

June 28, 2021

July 26, 2021

August 23, 2021

September 27, 2021

October 25, 2021

November 22, 2021

December 21, 2021

Meetings are held on the FOURTH Monday of the month at 6:00 p.m. in the Council Chambers in Town Hall located at 111 East Second Street, unless otherwise noted.*

In according with NC GS 143-318.10, this is an official meeting of the board and is open to the public.

ADOPTED BY THE TOWN OF CLAYTON PLANNING BOARD: DATE

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**Unified Development Code
Article 1 Update – Highlights
October 2020**

Section	Section Title	Proposed Change	Reason
155.100	Title	This Code, this Ordinance, this UDC, or the UDC.	Makes the chapter more inclusive of the UDC rather than one specific chapter.
155.101	Authority and Enhancement	160D generally, and more specifically § 160D-702 and 103	Updates Chapter per State Law
155.104(A)(1)	Zoning Districts	1. Remove General Use District, and replace it with Conventional Districts 2. Include Conditional Zoning Districts	Planning Department is proposing to have conditional zoning.
155.104(B)(1)	Future Land Use Districts	1. Add “most current” and “comprehensive plan” while removing “Comprehensive Plan 2040”. 2. Remove ‘and presented with the Official Zoning Map as appropriate’	1. Allows updates to the comprehensive plan map without updating the UDC. 2. The zoning map is a separate map which was addressed in the previous section
155.104(C)(1)	Other Maps and Ordinances	New language to include other documents that could affect development (e.g., USGS, FEMA, watershed, etc.).	As new resources become available, the Department can reference these documents and maps to ensure appropriate development.
155.105(A)(2)	Legal Status Provisions	Removed “conditional use permit” and replace with ‘conditional zoning’.	Planning Department is proposing to have conditional zoning and 160D removes conditional use permit process.
155.105(D)(2)	Administrator	Add new language: “The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.”	Add language to allow the Director to appoint a member of the Planning Department to function on their behalf. Final action shall remain with the Director.
155.109(E)	Examples and Illustrations	Adds language “In instances with contradictions, the text always supersedes illustrations or graphics.	Establishes a hierarchy and order in case of code contradictions.

Section	Section Title	Proposed Change	Reason
155.109(C)(2)(a)	Application Submitted Prior to Effective Date	Add language "Pursuant to G.S. §160D-108, any"	Update per State Statute
155.109(C)(3)(b)	Prior Approvals	Add language to allowing any Conditional Use Permit to transform into a Special Use Permit "Pursuant to Section 2.9(b) of S.L. 2019-111, any Conditional Use Permit approved prior to the adoption of this subsection that is valid and legal as of (Effective Date) is hereby transformed into an identical Special Use Permit on (Effective Date) , subject to all established conditions and applicable standards of this Chapter."	Update Town UDC to match 160(D) State Law which does away with Conditional Use Permits
155.109(C)(3)(c)	Prior Approvals	Add language to allowing any land use district to transform into a Conditional Zoning District. "Pursuant to Section 2.9(b) of S.L. 2019-111, any special use district, conditional use district, or Planned Development districts (formerly identified as PD-R, PD-C, PD-I, or PD-MU) that is valid and legal as of (Effective Date) is hereby transformed into an identical Conditional Zoning District on (Effective Date) , subject to all established conditions and applicable standards of this Chapter."	Update Town UDC to match 160(D) State Law

**Unified Development Code
Article 2 Update- Highlights
October 2020**

Section	Section Title	Proposed Change	Reason
155.201(C)(3)	Board of Adjustment may grant a CUP to allow structures to exceed height allowances	Remove this language.	160D does away with Conditional Use Permits.
155.201(C)(4)	Town Council may grant a SUP for structures exceeding maximum height limits.	Modified to require a Variance issued by Board of Adjustment	Variance process is better suited for this purpose.
155.202(1)(b)	Outlined Conditional Use Review	Removed Conditional Use language	160D does away with Conditional Use Permits.
155.202(2) Table 2-1 Use Regulations	Outlines permitted, conditional, and special uses	1. Remove all Conditional Use Permits 2. Modified some uses to be permitted outright and others to required Special Use Permits 3. Removed Video Sweepstakes Operations and Storage Yard uses	1. 160D does away with CUPs 2. Updated to reflect recommended changes 3. Video sweepstakes not permitted anywhere, and storage yard is covered under accessory uses already
155.203(C)	States the Clayton General Design guidelines “should” be utilized	Modified to state that the guidelines “shall” be utilized	Modified to provide language to better assist in enforcement of the design guidelines
155.203(G) Table 2-2 155.203(H) Table 2-3	Sections and tables outline minimum dwelling unit sizes for Conventional & Open Space subdivisions	Removed “Minimum dwelling unit size” columns	Per state statutes, municipalities cannot regulate dwelling unit sizes.
155.203(L)	Planned Development Districts section	Removed PDD language and modified to “Conditional Zoning Districts”	Modified to reflect transition from PDD to Conditional Zoning districts
155.204(C)(4)(b)(A)(iii) 155.204(C)(4)(b)(A)(IV) 155.204(C)(5)(b)(1)(A) 155.204(C)(5)(b)(1)(3)(B) 155.204(C)(5)(c)(1) 155.204(C)(6)(a)(7)(A) 155.204(C)(6)(a)(8)(D)(iii)	In Downtown Overlay, the Planning director/PB has authority to: 1. Allow alternate building setbacks 2. Waive the maximum building setback requirement	Modified each section to require the following (in order of code sections listed): 1. Variance from Board of Adjustment 2. Variance from Board of Adjustment 3. Variance from Board of	Legal concerns related to staff administratively granting code waivers/variances on a case-by-case basis

Section	Section Title	Proposed Change	Reason
155.204(C)(6)(10)(C) 155.204(C)(6)(a)(7)(B)(1)	3. Waive required cross-access between parking lots 4. Allow uses to be established without meeting minimum parking standards, provided that as much off-street parking that can be provided is provided 5. Allow new uses to be established even if landscaping, screening, and buffering requirements cannot be met. 6. Approve prohibited materials from use on case-by-case basis 7. Approve horizontal massing of upper floor windows, which is typically prohibited 8. Authority to require a site plan for outdoor seating instead of allowing outdoor seating by issuance of a zoning compliance permit	Adjustment 4. Variance from Board of Adjustment 5. Variance from Board of Adjustment 6. Materials that are listed as prohibited are strictly prohibited. 7. Horizontal massing is strictly prohibited. 8. Zoning Compliance permit is outlined as the only requirement for outdoor seating. An additional minor site plan application is not required	

**Unified Development Code
Article 3 Update - Highlights
October 2020**

Section	Section Title	Proposed Change	Reason
155.301(A)	Adult Care Home Use Requirements	Modified to be "Group Care Home" to include adults and child care homes into one definition/use	Clean up
155.301(B)	Child Care Home Use Requirements	Removed and combined language with new "Group Care Home" section	Clean up
155.301(F)	Nursing Home Use Requirements (Congregate Living Facility)	Added requirement that nursing homes located in R-E zoning district must provide Class "C" landscape buffer along all property lines	Proposed this to be permitted outright in use table. Additional language will mitigate impacts on adjacent properties.
155.301(I)	Security or Caretaker Quarters Use requirements	Added language to clarify that if this occurs on the same parcel as a primary dwelling, it will be subject to the requirements of an "accessory dwelling unit".	Updated to provide clarification
155.302(C)	Church or Place of Worship Use Requirements	Modified to change "Conditional Use" language to "Special Use"	160D does away with Conditional Use permits
155.302(E)	Daycare Facility Use Requirements	1. Added language to specify that this section pertains to non-residential day cares for children or adults. 2. Added language to require a Class "C" landscape buffer (previously stated "visual buffer" was required) 3. Removed language pertaining to in-home daycares (relocated to accessory use section)	Clean up
155.303(G)	Private Stable Use Requirements	Added a minimum acreage for a private stable. As currently written, horses may be permitted on any acreage	Clean up
155.304(A)	Agriculture, Livestock Use Requirements	Language added to clarify that this section is separate from a private stable	Clean up; used to contradict with "private stable" use.

155.304(B)	Agriculture, Sales and Service Use Requirements	Language added to clarify that outdoor storage of materials is considered an accessory use and permitted as set forth in the Use Table	Clean up
155.304(C)	Nursery Use Requirements	Language added to specify that outdoor storage considered an accessory use and permitted as set forth in the Use Table	Clean up
155.305(D)	Contractor Office Use Requirements	Language added to specify that outdoor storage considered an accessory use and permitted as set forth in the Use Table	Clean up; current language references code section that no longer exists (155.311)
155.305(E)	Contractor Storage Yard Use Requirements	Removed Section	Clean up; storage yard is permitted as an accessory use
155.305(E)	Convenience Store with Gas Sales Use Requirements	Removed language pertaining to outdoor storage being permitted subject to Planning Board approval	Clean up; current language references code section that no longer exists (155.311)
155.305(G)	Financial Institution Use Requirements	Modified to allow drive-through service in O-I and B-2 districts so long as lanes are not located along residentially zoned property. Currently drive through are only permitted in B-3 districts.	Most financial institutions have drive-throughs. This will expand opportunities for these uses, while still protecting residential properties.
155.305(O)	Kennel Use Requirements	Modified to add: 1. All animal boarding shall occur indoors. All kennels/runs shall be located in an enclosed structure. 2. Outdoor pen may be provided for relief/exercise only. This area shall be located on the side or rear of the building, and no closer than 50' from residentially zoned properties. The area shall be securely fenced by a minimum 6' opaque fence. 3. Animal waste shall not be stored within 50' from adjacent property. 4. Outdoor runs may be permitted subject to Town Council approval of a Special Use Permit.	Proposed this to be a permitted use in the use table update. Many kennels are indoor only. Added language to ensure that a kennel is indoor-only, has sufficient screening, and that residential impacts are mitigated. Added SUP requirement in instances where outdoor runs are proposed as those will have more impact on surrounding properties.
155.305(T)	Pawn Shop Use Requirements	Language added to specify that outdoor storage considered an accessory use and permitted as set forth in the Use Table	Clean up; current language references code section that no longer exists (155.311)

155.305(V)	Restaurant Use Requirements	Remove language that only allows drive-through in the B-3 district	
155.305(W)	Retail Sales Use Requirements	1. Removed language pertaining to outdoor storage and modified code section reference outdoor storage accessory uses. 2. Removed drive through language.	1. Clean up; current language referenced code section that no longer exists (155.311) 2. Retail establishments do not typically have drive through services
155.305(X)	Self-Storage Facility Use Requirements	Removed limited outdoor storage reference. Added general language pertaining to accessory outdoor storage and referenced section	Clean up; current language referenced code section that no longer exists (155.311)
155.305(Y)	Service Use Requirements	Removed limited outdoor storage reference. Added general language pertaining to accessory outdoor storage and referenced section	Clean up; current language referenced code section that no longer exists (155.311)
155.305(AA)	Towing Service & Storage Use Requirements	Removed limited outdoor storage reference. Added general language pertaining to accessory outdoor storage and referenced section	Clean up; current language referenced code section that no longer exists (155.311)
155.305(BB)	Vehicle Repair or Service Use Requirements	Removed limited outdoor storage reference. Added general language pertaining to accessory outdoor storage and referenced section	Clean up; current language referenced code section that no longer exists (155.311)
155.305(CC)	Vehicle Sales & Rental Use Requirements	Removed limited outdoor storage reference. Added general language pertaining to accessory outdoor storage and referenced section	Clean up; current language referenced code section that no longer exists (155.311)
155.305(DD)	Veterinary Clinic Use Requirements	Added the following: 1. Animal boarding may be permitted but shall occur entirely indoors. 2. Outdoor pen may be provided for relief/exercise only. This area shall be located on the side or rear of the building, and no closer than 50' from residentially zoned properties. The area shall be securely fenced by a minimum 6' opaque fence.	Proposed this to be a permitted use in the use table update. Most vet clinics are indoor only. Added language to clarify that boarding is permitted but only if indoors. Added language regarding outdoor relief areas and screening to mitigate potential impacts to residential properties. Added SUP requirement in instances where outdoor runs are proposed as those will have more impact on surrounding properties. Removed language

		3. Animal waste shall not be stored within 50' from adjacent property. 4. Outdoor runs may be permitted subject to Town Council approval of a Special Use Permit. Removed references to CUPs	regarding CUPs due to 160D changes.
155.305(E)	Video Sweepstakes Operation Use Requirements	Removed section entirely.	Not a permitted use
155.306(E)	Manufacturing, Light Use Requirements	Modified formatting and updated outdoor storage language	Modified formatting and clarified outdoor storage as the current language references section that does not exist (155.311)
155.308(B)(2)(b)	Accessory Structures- Setbacks	Currently allows setback modification through Conditional Use Permit . Modified to be permitted through issuance of a variance	160D does away with CUPs
155.308(B)(3)	Accessory Structures- Height	Currently allows height modifications through Conditional Use Permit. Modified to be permitted through issuance of a variance	160D does away with CUPs
155.308(C)(2)(c)	Home Occupations- Class “B” – Accessory Use	1. Add language to clarify that in-home daycares are not included in this use 2. Modified the Conditional Use requirement to be a Special Use Permit requirement	1. In-Home daycares are now a separate proposed accessory use 2. 160D does away with CUPs
155.308(C)(3)	Day Care Facility- Accessory Use	Relocated	Clean up; this was listed under “residential accessory structures and uses” but was meant for “non-residential accessory uses”
155.308(C)(3)	In-Home Daycare- Accessory Use	Added language to allow in-home daycares as an accessory use subject to the Use Table and specific requirements. Requirements taken from home occupation section, which has been historically used to govern in-home daycares. Added language to limit hours of operation and require specific visual buffers from neighboring properties.	Will make the process of operating an in-home daycare easier for residents, while also ensuring that impacts to adjacent properties are mitigated. The limit on the number of children on-site is consistent with building code restrictions for in-home daycares
155.308(D)(3)	Day Care Facility- Accessory Use	Added language to specify this is for non-residential accessory day cares and that it is separate from in-home daycares. Removed	Clean up to the language to be consistent with other sections of UDC. Removal of CUP language due to 160D

		requirement for churches to obtain a Conditional Use Permit for accessory daycare facility.	changes
155.308(D)(5)	Outdoor Display and Sales-Accessory Use	Added language to specify that merchandise on display cannot exceed 5' in height and reference the outdoor storage section of the UDC.	Clean up and clarification
155.308(D)(7)	Accessory Limited Outdoor Storage	Added language to reference the use regulations table.	Clean up
155.308(8)	Accessory General Outdoor Storage	Added language to reference the use regulations table	Clean up

**Unified Development Code
Article 4 Update – Highlights
October 2020**

Section	Section Title	Proposed Change	Reason
155.400(C)(2)	Access Required	1. Remove “Planning Director” and “in specific situations”. 2. Add “Board of Adjustments” and “as a Variance”	Allows the Board of Adjustments (Planning Board) to use discretion on the access requirements.
155.400(C)(2) Table 4-1 Dimensional Standards of Access Ways	Table 4-1 Note 1	Add language: “by up to 20%” and “elsewise a Variance is required”.	Allows the Director to make minor discretionary decisions.
155.400(E)(2)(b)	Access to Residential Subdivisions	Remove “the Town Council may waive” Add “the Board of Adjustment may grant a Variance”	Allows the Board of Adjustments (Planning Board) to grant use discretion on the access point requirements
155.400(E)(2)(d)	Access to Residential Subdivisions	Remove language in reference to a waiver of points by the Town Council due to specific situations that do not impact emergency service delivery.	Assess point requirements are specifically defined in other adopted code sections (i.e., subsection (a) and (b) above).
155.400(I)(3)	Cross Access Connection	Remove text that states the Planning Board or Town Council to remove a driveway requirement where site conditions are not feasible.	Where connections are not reasonable, there would be no need to go to a public hearing.
155.401 Part 1, Table 4-2	Parking Standards – Telecommunication Facility	Remove any parking requirement	Only maintenance vehicles park at telecommunication facilities a few times a year.
155.401(I)(3)(c)	Bicycle Parking Facilities	Remove language: “Alternative bicycle parking facilities which meet the intent of the listed requirements in Table 4-2 may be provided subject to Planning Director approval.	There is no need to have an Alternative Bicycle parking plan.
155.405(F)	Design Standards – Non Residential & Multi-Family; Building Materials	Add text: “Metal is prohibited as the primary exterior building material in any zone except in the I-1, I-2, and PF districts. Decorative metal or metal façade elements may be permitted as an accent but not exceed more than 10% of any façade.”	Create a more appealing visually built environment, especially along major vehicular corridors (e.g., Business 70 and Highway 42).

**Unified Development Code
Article 5 Update – Highlights
October 2020**

Section	Section Title	Proposed Change	Reason
155.500(A)(2)	Resource Conservation Areas – Defined	Add language: 1. “from development, although they may still be used for other more passive uses pursuant to this Ordinance.” 2. “with the exception for stream buffers pursuant to G.S. §143-214.23A	Brings this section up to current State standards.
155.500(A)(3)	Resource Conservation Areas – Defined	Add language: 1. “with the exceptions for stream buffers pursuant to G.S. §143-214.23A, except developed trails or trail-access or water-access facilities may be counted provided they are developed to the standards of this Ordinance. .”	Brings this section up to current State standards.
155.500(B)	Determination of Resource Conservation Areas	Remove language: “unless the applicant demonstrates to the Planning Board that” Adds language: “and meets the standards outlined in Article 7, the applicant may pursue a Variance.”	Defines what specific process the applicant must follow in order to meet this section of the UDC.
155.500(C)(4)	Permitted uses of Resource Conservation areas.	Remove language: “provided they are constructed of pervious paving materials.”	Allows the applicant and staff the ability to design a trail that is best suited for the site.
155.500(C)(7)	Permitted uses of Resource Conservation areas.	Adds language: “Public infrastructure projects and supporting facilities.”	Allows public projects to be designed and constructed in Conservation Areas.
155.501(B)	Watershed Protection – Intent	Adds language: “which serves as a public water source for the town and other jurisdictions.”	Clearly defines the importance of protecting the Neuse River and the associated watershed area.
155.502(A)(2)	Stream Buffers – Buffer Required	Remove language: “A;; designated floodways and flood fringe areas as defined by the Federal Emergency Management Agency (FEMA) are also subject to these restrictions.	More clearly defines how to delineate the stream buffer corridor.

**Unified Development Code
Article 6 Update - Highlights
October 2020**

Section	Section Title	Proposed Change	Reason
155.602(B)(2)(a)	Street Improvements- Fee-in-Lieu	Added that fee-in-lieu collected is 125% of estimated cost	Clarification of existing fee-in-lieu policy
155.602(B)(2)(b) 155.602(B)(2)(b)(4) 155.602(B)(2)(b)(5)	Street Improvements- Fee-in-Lieu	Removed "Council" from final decision of allowing fee-in-lieu for street improvements in specific situations. Instead the "Town", "Planning Director", and "Town Engineer" will have the authority to approve fee-in-lieu under clear/specific situations outlined in this section.	Revised due to proposed code changes alongside 160D update
155.602(D)(1) & (2)	Street Types	1. Require that residences "shall" not front on major thoroughfare, rather than "should" 2. When a parcel of land to be subdivided adjoins a major thoroughfare, residential lots shall be provided access by a frontage road and no driveways shall be located within 150' of the intersection.	Revised to provide clear and objective standards
155.602(F)(2)	Cross-Sections	Removed language allowing cul-de-sacs only when Council determines that extension of a street is impractical or unnecessary. Requires that alternative designs readily accommodate emergency vehicles and sanitation trucks.	Revised to provide clear and objective standards
155.602(G)(3)	Cul-de-Sac Length	Language added to outline situations in which a cul-de-sac may be permitted and process.	Revised due to proposed code changes alongside 160D update
155.602(I)	Curb & Gutter	Remove potential for a waiver from curb and gutter	Revised due to proposed code changes alongside 160D update
155.602(K)(3)	Street Layout	Remove waiver language and instead outline potential for obtaining a variance from BOA	Revised due to proposed code changes alongside 160D update
155.602(K)(7) 155.602(K)(8)	Street Layout	1. Modifies final authority for allowing a street connecting between two public streets to be private vs. public	Revised due to proposed code changes alongside 160D update

		2. Modifies final authority for requiring additional public through streets in certain situations	
155.603(B)(4) & (5)	Lots and Blocks – Blocks	1. Modified to require pedestrian connections not less than 10 feet in width near the center and entirely across any block in excess of 900 feet, except in the R-E, I-1, and I-2 zoning districts. 2. Require pedestrian connection not less than 10 feet wide through a residential cul-de-sac. Outlines when this is required specifically.	Revised to provide clear and objective standards
155.603(C)	Required Additional Capacity	Specifies that reimbursements shall be mutually agreed upon through a development agreement.	Clarification
155.603(E)(1) & (5)	Storm Drainage	1. Modifies final approval authority of drainage systems from Council to Public Works Director/designee 2. Modifies approval authority for cross pipes under streets/driveways from Council to Public Works Director/designee	Revised due to proposed code changes alongside 160D

**Unified Development Code
Article 7 Update - Highlights
October 2020**

Section	Section Title	Proposed Change	Reason
155.700(B)	Review Bodies – Planning Board	Added language to reference 160d-307	160D
155.701 Table 7-1	Summary of Review Authority	1. Removed PDDs and replaced with conditional zoning 2. Removed CUPs 3. Modified application titles 4. Updated decision types and review authority	1. Reflects the proposed process of conditional zoning 2. 160D does away with CUPs 3. Application titles are part of clean up 4. Updated decisions/review authority to reflect proposed changes in section
155.702(A)(1)	Common Review Procedures- Pre-application conference	Added language requiring pre-apps to be held within 6 months prior to application submittal	Ensures applicant has most up-to-date feedback from staff prior to submittal to help expedite review process.
155.702(B)	Common Review Procedures- Neighborhood Meeting	1. Requires neighborhood meetings be held at least 10 days prior to first public meeting 2. Added conditional zoning 3. Removed neighborhood meeting requirements for: major subdivisions, major site plans 4. Added neighborhood meeting requirement for variances	1. Ensures neighborhood meetings are held ahead of board hearings so that neighbors have time to plan to attend and the board has materials in agenda packets. Right now, meetings can be held up to the Friday prior to the hearing. 2. Replacement of PDDs 3. Removed to correspond with these becoming administrative items and changes in review authority 4. Variances currently do not require neighborhood meetings. Added to ensure neighbors are aware of proposals.

155.702(D) Table 7-2	Common Review Procedures- Notice & Public Hearings	Remove the following from public notice & hearing requirements: preliminary plat, major site plan, conditional use permits, Planned developments. Added conditional zoning.	Updated to reflect new review procedures proposed. Removed PDDs and replaced with Conditional Zoning
155.705	Planned Development Review (Modified to “Conditional Zoning Review”)	Replaced PDD language with language pertaining to Conditional Zoning. Primarily the same requirements are in effect for CZ as PDDs.	Updated to reflect replacement of PDDs with Conditional Zoning
155.706(B)	Preliminary Plat Review – Actions Exempt from Preliminary Plat Review	Language added referencing 160D & what constitutes a subdivision of land	160D reference and clarification of requirements
155.706(I)	Preliminary Plat Review – Major Preliminary Plat Review	1. Removed language pertaining to waivers in Article 5. 2. Removed requirement of neighborhood meeting. 3. Added language outlining Planning Director decision following TRC review 4. Removed waiver language/criteria for subdivisions 5. Removed language pertaining to action taken by Town Council 6. Removed required Findings of Fact section 7. Added language pertaining to vested rights	1. Modified to be consistent with Article 5, which no longer allows waivers for removal of sidewalk and instead requires a variance 2. Removed neighborhood meetings since this is proposed to be an administrative process without a public hearing. 3. Language added as this is proposed to be an administrative process 4. Removed waiver language to encourage variance submittals in lieu of waivers 5. Removed language as review authority is proposed to be administrative with final decision by Planning Director/TRC 6. Removed Findings as this is proposed to be administrative with no public hearing 7. Clean up to clarify validity period for preliminary plats
155.707	Site Plan Review	1. Removed the different types of site plans (major vs. minor) 2. Removed “Major Site Plan” review	1. Site plans are administrative process regardless of major vs. minor. Revised to just title “site

		requirements	plan” review instead of including a threshold for major vs. minor 2. Removed “major” site plans. These are administrative processes and proposed to be reviewed by staff/TRC to ensure compliance with code standards and expedite review process.
155.708	Traffic Impact Analysis	1. Updated to include language pertaining to Conditional Zoning District Master Plans, and remove language associated with PDDs 2. Removed language pertaining to waivers from Planning Director	1. Updated to reflect transition of PDDs to Conditional Zoning 2. Removed waiver language because TIAs should be required for all developments that exceed the threshold
155.710	Conditional Use Permit Review	Removed language and now titled “Reserved”	Removed due to 160D changes; reserved section for future use
155.711	Special Use Permit Review	Added language stating that all previously approved and valid Conditional Use Permits are subject to 155.109 (Transitional Provisions)	Clean up to reference 160D removal of CUPs
155.716	Variance Review	Added requirements of neighborhood meetings	Added to encourage public participation/transparency on variance applications since they are quasi-judicial processes

**Unified Development Code
Article 8 Update - Highlights
October 2020**

Section	Section Title	Proposed Change	Reason
155.802	Defined Terms	Added/Modified definitions for the following: 1. Administrative decision 2. Administrative hearing 3. Building 4. Conditional Zoning 5. Development 6. Development Approval 7. Dwelling 8. Dwelling Unit 9. Evidentiary Hearing 10. Legislative Hearing 11. Lot, Nonconforming 12. Nonconforming Site Element 13. Nonconforming Structure 14. Nonconforming Use 15. Quasi-Judicial Decision 16. Site Element, Nonconforming 17. Site Plan 18. Special Use Permit 19. Structure, Nonconforming 20. Use, Nonconforming 21. Zoning Vested Right	Updated language to provide clarity and reference 160D



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27520
Phone: 919-553-5000
Fax: 919-553-1720

PLANNING BOARD

Item for Discussion:

Greenway Bridge Naming

Planning Board Chairwoman Merritt will discuss a proposal to name a portion of the Mountains to Sea Trail after Skip Browder.





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PLANNING BOARD DIRECTOR REPORT

Planning Department Update September 2020

Project Type	Number
Annexations	1
Plats	7
Major Site Plan	1
Minor Site Plan	2
Minor Subdivision	3
Administrative Amendment	3
Rezoning	4
CUP	1
SUP	2
Major Subdivisions	4
Planned Development Sub	2

- **Building Permits Issued for Single-Family Dwelling and Townhomes:** 103
- **Upcoming Meetings**
 - October 27: Town Council 160D Work Session
 - November 10: Comp Plan and 160D Open House/Community Visioning Meeting
 - 160D Presentation & Q/A: 4:00-5:00pm. (This will be live streamed on our YouTube Channel as well).
 - Floating open house for the comp plan update from 5:00-7:00pm.
- **160D Update:**
 - All articles have been through one full round of revisions with the consultant and town staff. The work sessions are intended to get input from board members regarding the changes and how they would like to see the ordinance changed. Some changes are mandated by law and others have flexibility.
- **Comp Plan Update:**
 - The survey is live!! Click here to access it and share with all of your friends (and email groups) <https://www.surveymonkey.com/r/claytonplan>
 - We will be having a downtown walking tour on November 20. More information to come.
- **Pedestrian Planning Grant Update:**
 - NCDOT has not released the funds, so the project will continue to be on hold.

