



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, January 27, 2020 @ 6:00 PM
Town Council Chambers

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. ADMINISTRATION OF OATH(S)

a. Oath of Office Administered to Planning Board Members:

- Travis Avery
- Brian Tiede
- Andria Merritt

4. ELECTION OF CHAIR & CO-CHAIR

5. APPROVAL OF MINUTES

a. [Clayton Planning Board - 17 Dec 2019 - Draft Minutes](#)

POTENTIAL ACTION: Approve / Deny December 17, 2019 Planning Board Minutes

6. PUBLIC HEARINGS

7. NEW BUSINESS

a. 2019-244-OA Assembly Use - Update Ordinance Amendment
[Application - 2019-244-OA - Assembly Use - Update](#)
[Strikethrough Copy Draft - 2019-244-OA-Assembly Use - Update](#)
[Clean Copy Draft - 2019-244-OA-Assembly Use - Update](#)
[Consistency Statement - 2019-244-OA - Assembly Use - Update](#)
[Staff Report - 2019-244-OA - Assembly Use - Update Ordinance Amendment](#)

POTENTIAL ACTION: Recommend approval or denial of 2019-244-OA Assembly Use - Update Ordinance Amendment to Town Council

8. INFORMAL DISCUSSION AND PUBLIC COMMENT

a. Town Attorney's Annual Update

9. ADJOURN



**Town of Clayton
Planning Board Minutes
December 17, 2019 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Andria Merritt
Ross Benson
Stephen Powers
Bob Ahlert
Frank Price
James Moore
George "Bucky" Coats

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Jeff Caines, Planner
Chrissy Freeman, Clerk to the Board
Merrick Parrott, Town Attorney

MEMBERS ABSENT:

James Lipscomb
Marty Bizzell
Frank Price

1 CALL TO ORDER

a)

The meeting was called to order at 6:01 p.m.

Planning Board members James Lipscomb, Marty Bizzell and Frank Price were absent from this meeting.

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

a)

ACTION: Approval of November 25, 2019 Planning Board Minutes

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

4 PUBLIC HEARINGS

5 NEW BUSINESS

a) 2019-155-SP Johnston County YMCA Major Site Plan
Tag #: 05G03008B

Location: Located off Amelia Church Road

Planner Haley Hogg presented this project. The applicant is requesting to develop a 3400 square foot shelter which will include an office, storage and restrooms, located off Amelia Church Road. Four soccer fields and parking area is also proposed on the property. This will serve as the YMCA property for Johnston County. Only a half of the site will be developed at this time and the remainder of the tract may be expanded upon by the YMCA in the future. The applicant will be required to obtain approvals with a major modification. The applicant is proposing 164 parking spaces which meets the Town's code requirements. There will be a sidewalk provided internally on the site as well as along Amelia Church Road. This request is consistent with the Comprehensive Plan 2040. Staff recommends approval. There were no questions for staff.

The applicant was present and available for questions. There were no questions for the applicant.

ACTION: Approve/Deny 2019-155-SP Johnston County YMCA Major Site Plan

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

b) 2019-194-SP Ironwood Developers Major Site Plan

Tag #: 05105017H

Location: Off US Hwy 70 Bus, North of Powhatan Road

Planner Jeff Caines presented this item. The applicant is requesting to construct a 40,000 square foot warehouse for shipping and receiving purposes. The site is currently vacant and is zoned Industrial Heavy (I-2). This request is consistent with the Comprehensive Plan 2040 and Surrounding Land Uses. The proposed parking will consist of paved surface with curb and gutter as well as the required landscaping. The existing drive will run into the proposed parking lot. The applicant requested a parking modification for 29 parking spaces. Current code requires 44 parking spaces, but staff reviewed the applicant and the applicant has provided the required materials in order to grant the parking spaces request to 29. There will be an internal walk way connecting the parking lot to a small office area and there will be landscape buffers around the entire site. There is a wetland area that will be included in the landscape requirement. This request is consistent with the Comprehensive Plan 2040. Staff recommends approval.

Planning Board Member Moore asked about the parking space ratio. Long term impact with the impervious surface of the storm water runoff can out way cost. This can have a significant impact on storm water system in the future. The ratio for office is one space per 200 square feet and the ratio for warehouse is one space for every 1000 square feet. There were no further questions.

The applicant Norwood Thompson was present and available for questions. He stated that they have the land to add more parking spaces than they need to. It is a spec building and working with a number of tenants. There were no questions for the applicant.

ACTION: Approve the request as presented by staff.

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

c) 2019-243-OA Access & Sidewalk Ordinance Amendment

Planning Director Samantha Wullenwaber presented this item. This ordinance amendment modifies Section 400 of the Unified Development Code which pertains to general development standards. Throughout the UDC re-write a few items will become before the Board for some amendments. Any subdivision over 30 lots would be required to have two constructed access points serving the development. This request for the amendments mimic the town's fire code. These changes are proposed for safety reasons. If a subdivision is constructed with only one access point there is a risk if that access point is blocked for any reason then emergency services would not be able to get to residents within the development. This also allows for looping of utility lines which is necessary for water quality and flow. Staff is requesting to remove the proposed separation request from the UDC. Clarification of when sidewalks to be constructed, the builder will have to build sidewalks or pay fee-in-lieu, fee-in lieu of sidewalk may be accepted if there is no existing sidewalk within 300 feet. Staff recommends approval.

Andria Merritt asked would this be prior to construction. Ms. Wullenwaber stated once approved they would turn in three final sets of plans, planning would sign off. Then the construction documents would be turned in. Once all streets are installed, the final plat would need to be signed. Then houses can be built. Ms. Merritt also asked if there was no existing sidewalk within 300 feet then the fee in lieu would kick in. Ms. Wullenwaber stated originally it was 200 feet, 300 feet is about 3-4 blocks and there will be less gaps between sidewalks. Mr. Moore asked would there be some parcels that could accommodate 30 houses or more, from a developers stand point, will this limit development in the future. Ms. Wullenwaber stated it is more about the road frontage. This has already been established in this ordinance. If we do not put in the code now, we will have issues with stub outs in the future. Mr. Moore stated it is a rarity to need two ways out and most incidents are temporary. On sidewalks why do we require sidewalks on both sides. Ms. Wullenwaber stated that is in the subdivision ordinance.

Fire Chief Lee Barbee was present. He agrees there are few and far between

of incidents. But in his years of service he has seen incidents that would be good if there was another access point. When there is a major incident, it takes multiple emergency response units to respond. He also needs to get an apparatus vehicle to be available to get out to other calls within the Town if another incident is happening at the same time. The area is growing and supports this change. There were no further questions.

Ms. Wullenwaber stated we are here to make safe decisions and best practices. There was no further questions.

ACTION: Recommendation to Town Council to approve the request.

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

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

- a) Planning Director Samantha Wullenwaber thanked board members Bob Ahlert and Ross Benson for their service with the Town of Clayton.

7 ADJOURN

- a) With there being nothing further, the meeting was adjourned at 6:37 p.m.

Motion: Board Member Merritt
Second: Board Member Benson
Vote: Unanimous

_____, Chair

ATTEST:

Chrissy Freeman, Clerk to the Board



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

ORDINANCE AMENDMENT APPLICATION

Pursuant to Article 7, Section 155.703 of the Unified Development Code, the Town Council, Board of Adjustment, Planning Board, Planning Director, or the general public may petition the Town Council to amend the Code of Ordinances.

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Assembly Use - Update

Existing title of Code Section(s): Land Use Regulations (202); Public and Civic Use Standards (302)

Code Section Number(s): Sec. 155.202

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton, Planning Department

Mailing Address: PO Box 879 Clayton, NC 27528

Phone Number: 919-553-5002

Fax: _____

Contact Person: Samantha Wullenwaber, Planning Director / Jeff Caines, Planner

Email Address: swullenwaber@townofclaytonnc.org; jcaines@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

Please provide a general justification of the requested ordinance amendment. Attach additional sheets if necessary.

Amend the UDC, specifically the Use Table (Table 2-1) to include Assembly as a Special Use (S) and to change all Conditional Use (C) to Special Use (S) within the Assembly Use Type.

FOR OFFICE USE ONLY

Date Received: 12-3-19

Amount Paid: N/A

File Number: 2019-244-0A

July 2018

Page 1 of 2

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application for it to be deemed complete.

To be completed by the applicant:	Yes	N/A	For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff			Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	X			
2. Review Fee and Advertisement Fee	☐	x			
3. Completed application	☒				
4. A bound strikethrough/underline copy of the Code section(s) proposed for revision	☒				
5. A bound "clean" copy of the Code section(s) proposed for revision	☒				

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The proposed text update is consistent with the remainder of the chapter. The purpose is to add/change the Assembly use in specific use zones.
2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.
The proposed amendment is not necessarily a new idea in the existing chapter. It is an update both based in change in State law as well as a small change in circumstances, allowing Assembly in the B-1 District.
3. Whether or not the proposed text amendment corrects an error in the chapter.
The proposed text amendment does not correct an existing code error, it does bring the development code up to State compliance with upcoming State law which is mandated. In addition, it includes a new use to a zoning district.
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The revision changing Assembly from a Conditional Use to a Special Use is required to comply with State statutes.
The addition to allow Assembly in the B-1 zoning district is not in response to state or federal statutes.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Code of Ordinances as requested. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Jeff Caines

Print Name

Version 05/10/2016


Signature of Applicant

12/3/19

Date

Page 2 of 2

§ 155.202 LAND USE REGULATIONS

(A) USE REGULATIONS TABLE

The use regulations table is subject to the explanation as set forth below.

(1) **Key to Types of Use**

- (a) **Permitted.** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.
- (b) **Conditional Use Review.** A "C" indicates a use that may be permitted in the respective general use district only where approved by the Board of Adjustment in accordance with § 155.710. Conditional uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Board of Adjustment as part of the conditional use approval.
- (c) **Special Use Review.** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.
- (d) **Specific Use Section.** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.
- (e) **Uses Not Permitted.** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:
 - 1. Open dump;
 - 2. Outdoor gun range; and
 - 3. Any use prohibited by an applicable overlay zoning district.

(2) **Uses**

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for general use districts. For special use districts see § 155.200(B), for overlay districts see § 155.204, for planned development districts see § 155.203(L), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Residential Uses													
Adult Care Home (2-6 Adults)	P	P	P	P									\$155.301(A)
Adult Care Home (7-12 Adults)	S	S	S	S	S	S		S					\$155.301(A)
Adult Care Home (13+ Adults)						S		S					\$155.301(A)
Apartments		S	S	S	S	S	S	S	S				\$155.301(B)
Boarding House				C		C		C					\$155.301(C)
Child Care Home	C	C	C	C	C								\$155.301(D)
Duplex		S	S	S	S								\$155.301(H)
Manufactured Home	P												\$155.301(E)
Manufactured Home Park	S												\$155.301(F)
Nursing Home (Congregate Living Facility)	C					P		S	P				\$155.301(G)
Townhouse		S	S	S	S	S		S	S				\$155.301(I)
Security/Caretaker Quarters	C								C			C	\$155.301(J)
Single Family House	P	P	P	P	P								\$155.301(K)
Upper-story Residence	S	S	S	S	S	P	P	P	P				\$155.301(L)
Zero Lot Line House		P	P	P									\$155.301(M)
Public and Civic Uses													
Assembly	C					P	S	C	C			P	\$155.302(A)
Cemetery	S								S			P	\$155.302(B)
Church or Place of Worship	C	C	C	C		C		C	C				\$155.302(C)
College or University						P						P	\$155.302(D)
Day Care Facility	C	C	C	C	C	P		P	P				\$155.302(E)
Government Service	S	S	S	S	P	P	P	P	P	P	P	P	\$155.302(F)
Hospital or Medical Center						P			P			P	\$155.302(G)

Commented [JC1]: Change all "C" Conditional Use to "S" Special Use. Add "S" to the B-1 district making Assembly a Special Use. All Special Use permit are to be approved by Town Council.

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
School (Elementary or Secondary)	S	S	S	S		S						P	\$155.302(H)
School (Technical, Trade or Business)	S	S	S	S		P			P	P	P	P	\$155.302(I)
Recreational Uses													
Entertainment, Indoor						C	C	C	P	P		P	\$155.303(A)
Entertainment, Outdoor									C	P		P	\$155.303(B)
Fitness/Recreation Center						P	C	P	P	P		P	\$155.303(C)
Golf Course	P	P	P	P								P	\$155.303(D)
Gun Range							S		S	S	S	S	\$155.303(E)
Park	P	P	P	P	S	P	S	P				P	\$155.303(F)
Stable, Private	P												\$155.303(G)
Agricultural Uses													
Agriculture, Livestock	C										C		\$155.304(A)
Agriculture, Sales and Service	P										C		\$155.304(B)
Nursery	P					C	S	C	P			P	\$155.304(C)
Commercial Uses													
Adult Oriented Business										S			\$155.305(A)
Bed and Breakfast	P			C	C	P	S	P					\$155.305(B)
Car Wash/Auto Detailing						C		P	P				\$155.305(C)
Contractor Office						C			C	P	P		\$155.305(D)
Convenience Store with Gas Sales								C	P	P			\$155.305(F)
Creative Studio					P	P	P	P	P				\$155.305(G)
Financial Institution					C	P	S	P	P				\$155.305(H)
Funeral Home	C				C	P							\$155.305(I)
Hotel/Motel						S	S	S	P				\$155.305(J)
Kennel	C							C	C				\$155.305(K)

Use Type	Zoning Districts													Specific Use Section
	Residential				Nonresidential									
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Laundry Services								C	C	P	P		\$155.305(L)	
Lounge, Cocktail							S	S	S	S			\$155.305(M)	
Microbrewery							P	S	P	P	P		\$155.305(N)	
Publisher						P			P	P	P		\$155.305(O)	
Office, General					P	P	P	P	P	P		P	\$155.305(P)	
Office, Medical					P	P	S	P	P				\$155.305(Q)	
Outdoor Seating/Sidewalk Cafe						C	P	P	C				\$155.305(R)	
Parking Lot						S	S	S	S	S	S	S	\$155.305(S)	
Pawn Shop									C	P			\$155.305(T)	
Radio or Television Studio									P	P	P		\$155.305(U)	
Restaurant						C	P	P	P				\$155.305(T)	
Retail Sales							P	P	P	P			\$155.305(U)	
Self-storage Facility									C	P			\$155.305(V)	
Service					S	S	P	P	P				\$155.305(W)	
Storage Yard										C	P	P	\$155.305(E)	
Tattoo Parlor									S				\$155.305(X)	
Towing Service and Storage									S	C	C		\$155.305(Y)	
Vehicle Repair or Service									S	P	C		\$155.305(Z)	
Vehicle Sales and Rental									S	P	C		\$155.305(AA)	
Veterinary Clinic						C		C	P				\$155.305(BB)	
Video Sweepstakes Operations										S			\$155.305(CC)	
Industrial Uses														
Building Supplies, Wholesale										P	P		\$155.306(A)	
Crematorium										P	P		\$155.306(B)	
Gas and Fuel, Wholesale										P	P	P	\$155.306(C)	

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Laboratory, Research						P				P	P		\$155.306(D)
Manufacturing, Light										P	P		\$155.306(E)
Manufacturing, Heavy											P		\$155.306(F)
Research and Development						P				P	P		\$155.306(G)
Warehouse, Freight Movement									C	P	P		\$155.306(H)
Utilities													
Recycling Center										S	P	P	\$155.307(A)
Renewable Energy Facility	S									S	S	S	\$155.307(B)
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	S	\$155.307(C)
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	\$155.307(D)
Utility, Major										P	P	P	\$155.307(E)
Waste Service										C	P	P	\$155.307(F)
Accessory Uses													
Accessory Dwelling Unit	C	C	C	C									155.308(C)(1)
Food Truck						P	P	P	P	P		P	155.308(D)(2)
Day Care Facility	C	C	C	C		P		P	P	P	P		155.308(E)(3) 155.308(D)(3)
Park									P			P	155.308(D)(4)
Outdoor Display/Sales							P	P	P				155.308(D)(5)
Outdoor Dining						P	P	P	P				155.308(D)(6)
Outdoor Storage, Limited									S	P	P	P	155.308(D)(7)
Outdoor Storage, General										P	P	P	155.308(D)(8)
	Key:												
	P – Permitted												

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	C – Conditional Use permitted in the zoning district only if approved by the Board of Adjustment (BOA) (§ 155.710)												
	S – Special Use permitted in the zoning district only if approved by the Town Council (TC) (§ 155.711)												

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.202 LAND USE REGULATIONS

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(2) **Uses**

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§ 155.202 - Table 2-1 Use Regulations

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
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Residential Uses													
Adult Care Home (2-6 Adults)	P	P	P	P									§155.301(A)
Adult Care Home (7-12 Adults)	S	S	S	S	S	S		S					§155.301(A)
Adult Care Home (13+ Adults)						S		S					§155.301(A)
Apartments		S	S	S	S	S	S	S	S				§155.301(B)
Boarding House				C		C		C					§155.301(C)
Child Care Home	C	C	C	C	C								§155.301(D)
Duplex		S	S	S	S								§155.301(H)
Manufactured Home	P												§155.301(E)
Manufactured Home Park	S												§155.301(F)
Nursing Home (Congregate Living Facility)	C					P		S	P				§155.301(G)
Townhouse		S	S	S	S	S		S	S				§155.301(I)
Security/Caretaker Quarters	C								C			C	§155.301(J)
Single Family House	P	P	P	P	P								§155.301(K)
Upper-story Residence	S	S	S	S	S	P	P	P	P				§155.301(L)
Zero Lot Line House		P	P	P									§155.301(M)
Public and Civic Uses													
Assembly	S					P	S	S	S			P	§155.302(A)
Cemetery	S								S			P	§155.302(B)
Church or Place of Worship	C	C	C	C		C		C	C				§155.302(C)
College or University						P						P	§155.302(D)
Day Care Facility	C	C	C	C	C	P		P	P				§155.302(E)
Government Service	S	S	S	S	P	P	P	P	P	P	P	P	§155.302(F)
Hospital or Medical Center						P			P			P	§155.302(G)

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
School (Elementary or Secondary)	S	S	S	S		S						P	§155.302(H)
School (Technical, Trade or Business)	S	S	S	S		P			P	P	P	P	§155.302(I)
Recreational Uses													
Entertainment, Indoor						C	C	C	P	P		P	§155.303(A)
Entertainment, Outdoor									C	P		P	§155.303(B)
Fitness/Recreation Center						P	C	P	P	P		P	§155.303(C)
Golf Course	P	P	P	P								P	§155.303(D)
Gun Range							S		S	S	S	S	§155.303(E)
Park	P	P	P	P	S	P	S	P				P	§155.303(F)
Stable, Private	P												§155.303(G)
Agricultural Uses													
Agriculture, Livestock	C										C		§155.304(A)
Agriculture, Sales and Service	P										C		§155.304(B)
Nursery	P					C	S	C	P			P	§155.304(C)
Commercial Uses													
Adult Oriented Business										S			§155.305(A)
Bed and Breakfast	P			C	C	P	S	P					§155.305(B)
Car Wash/Auto Detailing						C		P	P				§155.305(C)
Contractor Office						C			C	P	P		§155.305(D)
Convenience Store with Gas Sales								C	P	P			§155.305(F)
Creative Studio					P	P	P	P	P				§155.305(G)
Financial Institution					C	P	S	P	P				§155.305(H)
Funeral Home	C				C	P							§155.305(I)
Hotel/Motel						S	S	S	P				§155.305(J)
Kennel	C							C	C				§155.305(K)

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Laundry Services								C	C	P	P		\$155.305(L)
Lounge, Cocktail							S	S	S	S			\$155.305(M)
Microbrewery							P	S	P	P	P		\$155.305(N)
Publisher						P			P	P	P		\$155.305(O)
Office, General					P	P	P	P	P	P		P	\$155.305(P)
Office, Medical					P	P	S	P	P				\$155.305(Q)
Outdoor Seating/Sidewalk Cafe						C	P	P	C				\$155.305(R)
Parking Lot						S	S	S	S	S	S	S	\$155.305(S)
Pawn Shop									C	P			\$155.305(T)
Radio or Television Studio									P	P	P		\$155.305(U)
Restaurant						C	P	P	P				\$155.305(T)
Retail Sales							P	P	P	P			\$155.305(U)
Self-storage Facility									C	P			\$155.305(V)
Service					S	S	P	P	P				\$155.305(W)
Storage Yard										C	P	P	\$155.305(E)
Tattoo Parlor									S				\$155.305(X)
Towing Service and Storage									S	C	C		\$155.305(Y)
Vehicle Repair or Service									S	P	C		\$155.305(Z)
Vehicle Sales and Rental									S	P	C		\$155.305(AA)
Veterinary Clinic						C		C	P				\$155.305(BB)
Video Sweepstakes Operations										S			\$155.305(CC)
Industrial Uses													
Building Supplies, Wholesale										P	P		\$155.306(A)
Crematorium										P	P		\$155.306(B)
Gas and Fuel, Wholesale										P	P	P	\$155.306(C)

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Laboratory, Research						P				P	P		\$155.306(D)
Manufacturing, Light										P	P		\$155.306(E)
Manufacturing, Heavy											P		\$155.306(F)
Research and Development						P				P	P		\$155.306(G)
Warehouse, Freight Movement									C	P	P		\$155.306(H)
Utilities													
Recycling Center										S	P	P	\$155.307(A)
Renewable Energy Facility	S									S	S	S	\$155.307(B)
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	S	\$155.307(C)
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	\$155.307(D)
Utility, Major										P	P	P	\$155.307(E)
Waste Service										C	P	P	\$155.307(F)
Accessory Uses													
Accessory Dwelling Unit	C	C	C	C									155.308(C)(1)
Food Truck						P	P	P	P	P		P	155.308(D)(2)
Day Care Facility	C	C	C	C		P		P	P	P	P		155.308(E)(3) 155.308(D)(3)
Park									P			P	155.308(D)(4)
Outdoor Display/Sales							P	P	P				155.308(D)(5)
Outdoor Dining						P	P	P	P				155.308(D)(6)
Outdoor Storage, Limited									S	P	P	P	155.308(D)(7)
Outdoor Storage, General										P	P	P	155.308(D)(8)
	Key:												
	P – Permitted												

Use Type		Zoning Districts												Specific Use Section
		Residential				Nonresidential								
		R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
		C – Conditional Use permitted in the zoning district only if approved by the Board of Adjustment (BOA) (§ 155.710)												
		S – Special Use permitted in the zoning district only if approved by the Town Council (TC) (§ 155.711)												

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

TOWN OF CLAYTON
ORDINANCE AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2019-244-OA Assembly Use Ordinance Amendment]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced ordinance amendment IS APPROVED.

Section 2: The above referenced ordinance amendment IS CONSISTENT with:

The Town of Clayton's Comprehensive Plan 2040, specifically:

- Goal LU1: Preserve Clayton's small-town character while allowing for growth and development in appropriate areas.
- Objective LU 1.1: Objective LU1.1 Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC),
- Strategy LU1.1.1: Review development proposals for consistency with the Future Land Use Map.
- Objective LU1.2: Encourage the redevelopment or adaptive reuse of under-utilized commercial development.
- Strategy LU1.2.1: Consider increased densities and intensities to encourage existing under-utilized commercial properties to redevelop.
- Objective LU1.3: Encourage a mix of residential and non-residential land uses within Neighborhood and Community centers identified on the Future Land Use Map.
- Strategy LU 1.3.1: Create and implement small area plans to attract infill development and redevelopment to areas identified as Neighborhood and Community centers on the Future Land Use Map.

The requested ordinance amendment is consistent with the above referenced goal within the Comprehensive Plan 2040. The proposed amendment seeks to modify the UDC to not only update specific activities in the Public and Civic Uses section of the UDC but also add as new zoning district (B-1) which may allow Assembly as a Special Use Permit. By having all three Business zoning districts the Goals and strategies have been met because both Neighborhood Centers and Community Centers state that civic uses are appropriate uses in the Comprehensive Plan designation. In addition, the Future Land Use Map categories (designation) chart located in the Comprehensive Plan identifies the B-1, B-2, and B-3 zoning districts as compatible with the Neighborhood and Community Center designations.

This amendment will allow for additional growth and development opportunities within the Town.

Section 3: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically:

- **that the ordinance amendment is consistent with the Comprehensive Plan 2040,**
- the above referenced ordinance amendment is reasonable and in the public interest.



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

*Town Council - February 17, 2020
Planning Board – January 27, 2020*

STAFF REPORT

Application Number: 2019-244-OA **Project Name: Assembly Use – Update Ordinance Amendment**

Applicant: Town of Clayton

Public Noticing:

- Newspaper ad published February 5, 2020 & February 12, 2020

REQUEST: Request to amend the Unified Development Code Title XV, §155.202. This amendment seeks to revise the UDC in order to establish Assembly as a Special Use in the following Zoning Districts: R-E, B-1, B-2, and B-3 within the Use Table.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 155 and their general description are proposed for amendment:

- 202- Use Table

STAFF ANALYSIS AND COMMENTARY:

Overview

This amendment seeks to modify the Unified Development Code (UDC) to change the Assembly use category from a Conditional Use Permit to a Special Use Permit. State law is requiring all jurisdictions to remove Conditional Uses from their UDOs and replace it with the Special Use review process. Assembly is currently permitted via a Conditional Use Permit in the R-E, B-2, and B-3 zoning districts and will simply be modified to require a Special Use Permit instead. Additionally, staff is also proposing to add Assembly to the B-1 zoning district, permitted via issuance of a Special Use Permit. The use of Assembly is currently not permitted at all in the B-1 zoning district. The proposed changes can be seen in Table 2-1 Use Regulations, as submitted.

All other land use categories in the UDC and their associated definitions will remain as written and adopted by the Town Council. No other modifications are being processed with the Text Amendment.

Approval Criteria:

- **Consistency with remainder of the Chapter**

The request is consistent with the remainder of Chapter 155.

- **Novelty of the request**

The request does not represent novel changes to the Code. The Amendment simply changes the development review type from Conditional Use to Special Use and add a new zoning district to the Special Use district.

CONSIDERATIONS

- The Planning Board shall make a recommendation to Town Council. The Town Council shall make a final decision regarding revisions to the Town Code.
-

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed amendment.

ATTACHMENTS:

- 1) Application
- 2) Draft Ordinance Amendment, in strikethrough/underline
- 3) Draft Ordinance- Clean Copy