



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, June 24, 2019 @ 6:00 PM
Town Council Chambers

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

- a. Approval of May 28, 2019 Planning Board Minutes
[Clayton Planning Board - 28 May 2019 - Draft Minutes](#)

4. PUBLIC HEARINGS

5. NEW BUSINESS

- a. 2019-118-RZ 412 W. Stallings Rezoning
NC PIN: 165916-94-9681
Tag # 05030011
Location: 412 W. Stallings Street
[Application - 2019-118-RZ - 412 W. Stallings](#)
[Neighborhood Meeting Materials - 2019-118-RZ - 412 W. Stallings](#)
[Adjacent Property Letter - 2019-118-RZ - 412 W. Stallings Rezoning](#)
[Revised Neighborhood Meeting Materials - 2019-118-RZ - 412 W. Stallings](#)
[Site Plan - 2019-118-RZ - 412 W. Stallings](#)
[Staff Report - 2019-118-RZ - 412 W. Stallings](#)
[Staff Report Map - 2019-118-RZ - W. Stallings](#)

POTENTIAL ACTION: Approve/Deny 2019-118-RZ 412 W. Stallings Rezoning

- b. 2019-90-SP Hardee's at Spring Branch Major Site Plan
NC PIN: 164800-73-1926
Tag #: 05F02035F
Location: Lot 1 of Spring Branch Medical Park
[Application - 2019-90-SP - Hardee's at Spring Branch](#)
[Owner's Consent - 2019-90-SP - Hardee's at Spring Branch](#)
[4th Submittal Site Plan-2019-90-SP Hardee's at Spring Branch](#)
[6-20-19 Site Plan With NCDOT Note - 2019-90-SP Hardee's](#)
[Stormwater Statement-2019-90-SP-Hardee's \(1\)](#)
[Staff Report - 2019-90-SP - Hardee's SP](#)
[Staff Report Map - 2019-90-SP - Hardee's Major Site Plan](#)

POTENTIAL ACTION: Approve/Deny 2019-90-SP Hardee's at Spring Branch Major Site Plan

- c. 2019-91-SP GCF Donation Center and Store
NC PIN: 167800-29-7804
Tag #: 05I04004A
Location: Lot 7 - The Shoppes at Glen Laurel
[Application - 2019-91-SP - GCF Donation Center and Store](#)
[Owner's Consent - 2019-91-SP - GFC Donation Center and Store](#)
[Site Plan - 2019-91-SP - Goodwill GCF Donation](#)
[Neighborhood Meeting Materials - 2019-91-SP - GCF Donation Center and Store](#)
[Stormwater Statement - 2019-91-SP - GCF Donation Center and Store](#)
[Staff Report - 2019-91-SP - GCF Donation Center and Store](#)
[Staff Report Map - 2019-91-SP - GCF Donation Center and Store](#)
- POTENTIAL ACTION:** Approve/Deny 2019-91-SP GCF Donation Center and Store Major Site Plan
- d. 2019-106-OA Accessory Uses Ordinance Amendment
[Application - 2019-106-OA - Accessory Use](#)
[Strikethrough Copy - Use Table 155.202 - 2019-106-OA - Accessory Use OA](#)
[Clean Copy Draft - Use Table 155.202 - 2019-106-OA - Accessory Use OA](#)
[Strikethrough Copy - Use Definitions 155.308 - 2019-106-OA - Accessory Use OA](#)
[Clean Copy - Use Definitions 155.308 - 2019-106-OA - Accessory Use OA](#)
[Staff Report - 2019-106-OA - Accessory Use Ordinance Amendment](#)
- POTENTIAL ACTION:** Approve/Deny 2019-106-OA Accessory Uses Ordinance Amendment

6. INFORMAL DISCUSSION AND PUBLIC COMMENT

7. ADJOURN



**Town of Clayton
Planning Board Minutes
May 28, 2019 @ 6 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Damiere Powell, Planner
Bob Satterfield, Council Member
Merrick Parrott, Town Attorney

MEMBERS ABSENT:

1 CALL TO ORDER

Bob Ahlert called the meeting to order at 6:00 p.m.

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

a)

ACTION: Approval of April 22, 2019 minutes

Motion: Stephen Powers
Second: Andria Merritt
Vote: Unanimous

4 PUBLIC HEARINGS

- a) 2019-65-VAR 501 Lakeview Drive Variance **(Quasi-Judicial)**
NC PIN: 165807-68-9571
Tag #: 05H03029
Location: 501 Lakeview Drive

Town Attorney Merrick Parrott explained the Quasi-Judicial process. Town Clerk Kimberly Moffett gave the affirmation of oaths for all variances to be heard at this meeting.

Planner Damiere Powell, presented this project. This request is for a variance from the minimum lot requirements in the UDC. 501 Lakeview Drive, is zoned R-E. The existing lot is 8885 square feet, minimum requirement is 20,000 square feet. The applicant is requesting a variance to be able to develop on the lot.

Mr. Powell addressed the Findings. This lot is an existing non-conforming lot. The applicant would meet all setbacks. The surrounding lots also do not meet the minimum lot size requirements of the district. The variance request is in compliance with UDC to allow a variance for lot size if created prior to minimum lot size being set.

Stephen Powers asked why each lot had to get a variance in this subdivision, and why the Town cannot rezone the entire subdivision (Clayton Estates) to a district that had smaller minimum lot sizes and would not require applicants to go through a variance each time.

Samantha Wullenwaber stated that double wide mobile homes are only permitted in this zoning district, which most lots have at this time. If rezoned the existing dwellings would become non-conforming. Mrs. Wullenwaber stated that the Town had historically handled situations in this area through the variance process, but staff is re-evaluating how to address these lots. The primary reason staff does not rezone them though is because double wide's are only permitted in the R-E district.

Curk Lane, on behalf of the applicant, addressed the board. He stated that he has had a history obtaining variances for this reason in the Clayton Estates subdivision. He stated that if the property were rezoned then the manufactured homes would not be able to be replaced, as they would be non-conforming. This is why the applicant has chosen to proceed with a variance request instead for the minimum lot size.

Mr. Ahlert closed the hearing. James Lipscomb motioned to approve the variance application. He read the Findings of Facts. It was seconded by Stephen Powers. The board voted to approve.

ACTION: Approve the request with the conditions presented by staff.

Motion: James Lipscomb
Second: Stephen Powers
Vote: Unanimous

- b) 2019-66-VAR 507 Lakeview Drive Variance **(Quasi-Judicial)**
NC PIN: 165807-78-0267
Tag #: 05H03197E
Location: 507 Lakeview Drive

Planner Damiere Powell, presented this project. The request is for a variance of 507 Lakeview Drive. It is a variance request from minimum lot size

requirements. The lot is located in Clayton Estates, zoned RE and is existing.

Mr. Powell went over the Findings of Facts. The subject property and other lots within the Clayton Estates are non-conforming lots. Mr. Powell stated the UDC does permit variances for non-conforming lot sizes. The applicant has addressed the Findings of Facts.

There were no questions for staff. Mr. Ahlert called upon the applicant to address the board. Curk Lane spoke on behalf of the applicant and offered to answer any questions the board may have.

Frank Price asked if the lot backed up to the condos. Mr. Lane said it did. Mr. Price asked if a buffer was there to separate the two lots. Mr. Lane stated there is vegetation, but it is not a specific buffer in the UDC.

Andria Merritt read the Findings of Facts and motioned to approve the variance request. George Coates seconded the motion. The board passed the variance request.

ACTION: Approve the request with the conditions presented by staff.

Motion: Andria Merritt

Second: George Coats

Vote: Unanimous

- c) 2019-67-VAR 601 Lakeview Drive Variance **(Quasi-Judicial)**
NC PIN: 165807-78-0281
Tag #: 05H03190A
Location: 601 Lakeview Drive

Planner Damiere Powell presented this project. He stated the applicant is requesting a variance from minimum lot area and lot width requirements outlined in the UDC section.

The minimum lot requirement is 20,000 square feet, and the existing lot does not meet this. The existing lot width is 72' and the code requires 80'. The proposed side setback is 14.1' and the code requires min. 15' setback.

The lots in this area do not meet the minimum lot area and width requirements. The variance request is in accordance with a section in the UDC that addresses nonconforming lots, and allows for variance requirements for lots that were created before the code was established.

The board did not have any questions for staff. Curk Lane, on behalf of the applicant, addressed the board. There were no questions from the board for Mr. Lane.

Ross Benson made a motion to approve the variance request. James Lipscomb seconded the motion. The board approved.

ACTION: Approve the request with the conditions presented by staff.

Motion: Ross Benson
Second: James Lipscomb
Vote: Unanimous

- d) 2019-64-VAR 703 Lakeview Drive Lots 80 & 81 Variance (Quasi-Judicial)
NC PIN: 165807-77-0962
Tag #: 05E99005N
Location: 703 Lakeview Drive

Damiere Powell, Planner, presented this variance request. The request is for a variance that is running concurrently with a minor subdivision application. The applicant is requesting to subdivide an existing lot into two separate lots. A variance is requested for the minimum lot area requirements and setback requirements for the new lot created.

Lot 81 is a proposed new lot. The interior setback proposed is 10' with less than 8000 square foot lot area proposed. The lot width proposed also does not meet the minimum standards of the R-E district. Lot 80, the existing lot, already has an existing home located on it. This lot would need a variance for decreasing the lot size further.

The lot is an existing non-conforming lot and the applicant is requesting to subdivide it. This would expand the nonconforming lot status, which is not permitted by the UDC. The variance would further expand the nonconforming lot and would create an additional nonconforming lot. There appears to be financial gain as the purpose for the variance request, which is not a valid reason for a variance to be granted. The proposed lot would be smaller than other lots within the neighborhood. The proposed variance contradicts the language in the UDC to not further expand a non-conformity. There were no questions for staff.

Curk Lane, on behalf of the applicant, addressed the board. Mr. Lane confirmed that he is requesting a variance for a new lot in the neighborhood. Previously there were two lots in this location, but they were recombined into one lot. They are now proposing to subdivide back into two separate lots. The new lot would be slightly smaller than the original lot 81.

Mr. Ahlert asked when the original lot 81 was created. Mr. Lane responded it was part of the original subdivision of Clayton Estates. He did not state when the lots were recombined into lot 80.

Mr. Moore asked if it was definitely two separate lots. Staff comments state that they may have been two separate but it is not a validation. Mr. Powell stated that based on Johnston County Map Click it appears that there were two separate lots at one point due to the line on the map. Mr. Moore asked for validation that there were actually two separate lots. Mrs. Wullenwaber stated that Johnston County keeps the old lot lines on the maps, but there is no record of when it was subdivided. She stated that the UDC states that two existing lots

adjacent to one another must be combined to meet minimum requirements. She stated that the proposed lot is substantially smaller than the existing, and would have to be altered from set standards. She stated that this request does not meet any of the Findings of Fact, especially Finding #4.

Stephen Powers requested clarification on where the new property line is located. Mr. Lane addressed the question to provide clarification. He confirmed the new lot width is 70 feet. Mr. Powers asked if the new lot is going to be smaller, and Mr. Lane confirmed it would.

Mr. Price stated that it is difficult to determine what the hardship for this variance would be. The lot is currently in use and can continue to be used. He stated that it appears to be a request for financial purposes.

Mr. Lane stated that since the applicant recombined the properties to be one lot, per the UDC requirements, they are no longer able to develop lot 81. He stated that the code requires two non-conforming lots to be recombined into one to create a conforming lot. However, this recombination still did not create a conforming lot since the single lot still does not meet the minimum lot size requirements. He stated that if they kept both lots separate, they would be asking for the variance still tonight.

Mr. Powers asked if the house was existing when the applicant was asked to recombine the lots. Mr. Lane stated he believes it was existing. Mr. Powers stated that the house should have been relocated to be within the lot lines it was supposed to be in on lot 80. He does not believe making the new lot smaller to accommodate the existing residence is acceptable. It would create a more nonconforming lot than what it would have been originally when lot 81 was originally created. Mr. Lane stated that his client did not own the land when it was recombined. Mr. Powers stated he was not sure if a variance should be granted and continue to be granted just because others have been granted in the past.

Mrs. Wullenwaber stated that the Town does not know why the properties were recombined. She does not know if the Town requested the recombination to occur, or if the owner did. She stated that the Town does not typically ask for lots to be recombined, but would enforce the current requirements if the owner requested. Mr. Lane concurred and stated that he does not know why the properties were recombined either, but stated that he is only basing this off past cases he has seen in this area.

Marty Bizzell asked if Mr. Lane had found an actual recombination during his research. Mr. Lane stated that he did find a deed, from the individual homeowner.

The applicant addressed the board. She is the owner of the lot and currently lives at the existing residence. She stated that when she purchased the lot they were combined together. She does not have any use for the additional land, which is why she would like to subdivide it. She stated the area is collecting weeds at this time and is an eyesore. She plans to develop the additional lot so

that it can be of use and it will help beautify the area. She stated that if the variance wasn't approved then she would have extra land that she doesn't need that would be collecting weeds. She would like to encourage more tenants in this location.

Mr. Ahlert closed the hearing. He stated that he has a difficult time seeing how the applicant meets Finding of Fact #3. The applicant would be creating a hardship by subdividing the lot. Ms. Merritt stated that she agreed and felt that the applicant would be creating a hardship for herself by subdividing. Mr. Lipscomb stated he could be more supportive if the applicant was subdividing back to the original lot lines. He stated the applicant purchased the property in its existing condition.

Andria Merritt motioned to deny the variance request. George Coats seconded the motion to deny. The board voted to deny.

ACTION: Denied the request.

Motion: Andria Merritt
Second: George Coats
Vote: Unanimous

5 NEW BUSINESS

a) 2019-86-OA Recreation/Open Space Ordinance Amendment

Mrs. Wullenwaber presented the staff report. She stated that this is a code amendment for the recreation and open space standards in the ordinance. She stated staff has been working on this for a while now, in relation to the budget as well.

The request is to amend the requirements of the open space standards to require all subdivisions, including open space, pay 100% of recreation fees. Open Space subdivisions are given a density bonus by providing additional recreation within the subdivision. Right now, those subdivisions only pay 50% of recreation fees. Most ordinances statewide require open space for subdivisions to have higher density development and clustering of units, which is what open space subdivisions do. The amendment requests that the 50% credit towards recreation fees not be permitted, unless the recreation is dedicated and accepted by the Town...in this case those subdivisions would receive 100% credit.

The attorneys for the Town have reviewed the amendment and declared that it is legal. This is running concurrently with a fee adjustment that is underway to begin July 1st, 2019. Mrs. Wullenwaber stated that the open space subdivisions receive a density bonus already, but this should not allow them a reduction in recreation fees. These fees would be paid at the time of final plat. If passed, it would apply to new subdivisions only.

Mr. Lipscomb asked if subdivisions approved previously would be subject to these fees. Mrs. Wullenwaber stated that if a subdivision previously approved submitted a plat application for a phase after this amendment is passed then that subdivision would be subject to pay 100%. Mr. Lipscomb discussed the large increase in recreation fees, based upon what he saw in the proposed budget for 2019-2020. He stated he is concerned about the large increase in recreation fees for the development community. Mrs. Wullenwaber stated that she understands the concern and that his concerns are linked to the budget. She stated that the Town's recreation fees have not increased in 20 years and that the Town is currently behind the rising costs in recreation facilities to keep up with the rapid growth in the Town. She stated that the fee increase is large, and the Town is planning to implement the fees slowly to help the development community adjust to the rising costs.

Mr. Lipscomb asked if a developer is required to install a walking trail for the Town, such as extending Sam's Branch Greenway, would they be required to pay the full cost of the fee since the greenway cost is significant and is for the Town. Mrs. Wullenwaber stated that she is unsure of the process in this situation, but that there would be discussions in unique situations.

Ms. Merritt asked for clarification on the timeline of the new fees. Mrs. Wullenwaber stated July 1st the fees would increase to \$1000, and by July 2020 the fees would go up to \$2000. Ms. Merritt stated she has seen an increase in use of Town recreation facilities and believes that the Town needs to have the money to maintain these facilities to continue a high quality of life for residents. Mr. Lipscomb agreed, but stated that the fees increasing from \$375 to \$2000 within one year is drastic and is why he has concerns. He stated that the open space subdivisions do receive a density bonus and he understands why they should pay the full 100%. He is concerned that the compounding of this change plus the fee increase will harm the development community, and that this change is too substantial to occur in just two fiscal years.

Ms. Merritt asked how many subdivisions were previously approved but have yet to plat, and would be subject to this fee. Mrs. Wullenwaber stated there are 5000 units entitled but not built. Mr. Benson asked why the Town would require platted lots to pay this fee. Mrs. Wullenwaber stated that this is not for existing lots. It is only for new lots that have yet to be platted. Sometimes these subdivisions will have been approved 2 years ago, but wait to plat. Mr. Lipscomb asked if someone submitted an application prior to July 1st then would that subdivision be subject to the new fee if they do not receive approval until after July 1st. Mrs. Wullenwaber stated that most final plats do not take very long to obtain approval following submittal, so she does not feel that will be an issue. She also reminded the board that this amendment is only for the increase from 50% of fees to 100% of fees for open space subdivisions; the fee is a budget request.

Mr. Ahlert stated that the fee increase is not part of the request. The fee is not determined by the Town Council. Mr. Price stated that he understands why fees are required, but is concerned about requiring open space subdivisions to

pay the full fee even when providing private recreation. He stated this may deter developers from developing open space subdivisions. Mrs. Wullenwaber stated that she understood, but that the open space subdivisions must provide private recreation in order to receive higher density allowances. This typically is favorable for developers because it allows them to develop more lots. Mr. Price stated that some subdivisions have golf courses, pools, and clubhouses. He stated he is concerned developers would be less likely to have those types of amenities if they have to pay higher recreation fees regardless.

Mr. Bizzell stated that he supports this amendment, but does have concerns that previous subdivisions approved would not be grandfathered. He stated most developers do budgets up front, and that this could cause issues for them if they plat after the new fees go into effect. He stated that he feels there should be some type of grandfathering language in the ordinance to protect previously approved subdivisions. Mrs. Wullenwaber stated that she will review with staff and would be open to potentially allowing developments with approved construction drawings to be grandfathered into the old fee. She stated this will be discussed internally prior to the hearing.

Mr. Lipscomb asked for clarification that the subdivisions can offer to dedicate recreation to the Town. Mrs. Wullenwaber stated that is correct, and if the Council accepts the dedication then they would not have to pay the full amount of recreation fees.

Andria Merritt motioned to recommend approval. Ross Benson seconded.

ACTION: Recommendation to Town Council

Motion: Andria Merritt
Second: Ross Benson
Vote: Unanimous

b) 2019-101-OA Architectural Standards Ordinance Amendment

Samantha Wullenwaber presented the staff report. Staff is proposing to have all structures be architecturally consistent on all sides visible from right of ways or adjacent properties. This is in the Town's design guidelines currently, but is not a code requirement. This would apply to nonresidential and multi-family residential development. This does not apply to townhomes built to single-family building code standards. She stated that it will help the community aesthetically and is a common standard.

Ms. Merritt asked how often this gets used since it is in the Clayton design guidelines. Mrs. Wullenwaber stated most applicants already comply, but it has come up in the past as a concern from applicants. Mr. Lipscomb asked if all sides must match in materials. Mrs. Wullenwaber stated that is correct. He asked if a feature on the front of the building has a mix of materials, could the rear of the building consist of one of those materials. Mrs. Wullenwaber stated

that the intent is not ensure that quality materials and facades are on all sides and is consistent. She stated that if the features are on one side then it is definitely something that can be continued on all sides.

Mr. Price stated that this was an issue in the past when a building was proposed to be masonry on one facade with metal on all other sides. He stated that the building did not meet architectural standards in the guidelines. Mr. Bizzell stated that the board in the past has tried to implement this in the past for applications, and that this amendment seems to just reinforce the guidelines to create code. Mrs. Wullenwaber stated that this does not dictate materials or design, but only dictates consistency.

George Coats motioned to recommend approval. Stephen Powers seconded the motion.

ACTION: Recommendation to Town Council

Motion: George Coats
Second: Stephen Powers
Vote: Unanimous

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

Mrs. Wullenwaber updated the board on upcoming ordinance amendments. She stated that an amendment in June will be in front of the board to add accessory use standards to the UDC. She also stated that if Council approves the budget as presented, the Planning Department will begin a full rewrite of the UDC starting late summer.

Mr. Moore asked who holds developers accountable for erosion and runoff issues in subdivisions. Mrs. Wullenwaber stated that erosion control with Johnston County handles these concerns. She stated that Town staff alerts the county when these complaints are received. Mr. Moore stated that there is a significant amount of runoff and debris on the Lionsgate greenway trail. Mrs. Wullenwaber stated she will alert the County.

7 ADJOURN

With there being nothing further, the meeting was adjourned at 7:30 p.m.

Robert J. Ahlert, Chair

ATTEST:

May 28, 2019
Minutes

Haley Hogg, Clerk to the Board

**May 28, 2019
Minutes**



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION COVER SHEET

Name of Project: 412 W. Stallings Rezoning Date: 6-3-19
Applicant Name: Todd Stutts

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: May 2, 2019
- ☒ Review Fee
- ☒ Advertisement Fee
- ☒ Completed Application
- ☒ Owner's Consent Form n/a
- ☒ Adjacent Property Owner's List
- ☒ Neighborhood Meeting Notice Letter (1 copy)
- ☒ 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
- ☒ Signed & Sealed Boundary Survey
- ☒ Copy of signed & sealed boundary survey in PDF on USB

RECEIVED

wed by: _____ JUN 03 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

1 of 10



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION

- ☒ Standard Rezoning Fee: \$500.00
☐ Planned Development Rezoning Fee: \$1,000 + \$5.00 per acre
☒ Advertisement Fee: \$200.00

SITE INFORMATION

Name of Project: 412 W. Stallings Rezoning
Acreage of Property: .34 Zoning District: R-8
County Tag #: 05030011 NC Pin #: 165916-94-9681
Address/Location: 412 W. Stallings
Existing Zoning District: R-8 Proposed Zoning District: R-4

APPLICANT INFORMATION

Applicant: Todd Stutts
Mailing Address: 435 E. 2nd Street, Clayton
Phone Number: 919-390-5169 Fax: _____
Contact Person: Todd Stutts
Email Address: todd@claytonglassandmirror.com

PROPERTY OWNER INFORMATION

Name: Same as applicant info above
Mailing Address: _____
Phone Number: _____ Fax: _____
Email Address: _____

RECEIVED

OFFICE USE ONLY

Date Received: JUN 03 2019 Amount Paid: \$700 File Number: 2019-118-RZ

TOWN OF CLAYTON
PLANNING DEPARTMENT

April 2019

2 of 10

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

Applicant would like to rezone from R-8 to R-4.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
This request is consistent with the adopted plans of the Town.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
Subject property is suitable for proposed district and will stay within permitted use.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed change will improve the balance of uses as there is already R-6 near this property.
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
The proposed use will not increase the capacity of public facilities/services.
5. It has been determined that the legal purposes for which zoning exists are not violated.
This request does not violate any legal purposes for which zoning exists.
6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.
There will be no adverse effect to adjoining property owners by this request. R-6 already exists in this area.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No one property owner or group will benefit
from the Zoning request change.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Zoning Ordinance and change the Official Zoning Map of the Town of Clayton 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.

Todd Stutts
Print Name

[Signature]
Signature of Applicant

5-29-19
Date

ADJACENT PROPERTY OWNERS LIST

Project Name: See attached GIS Sheet

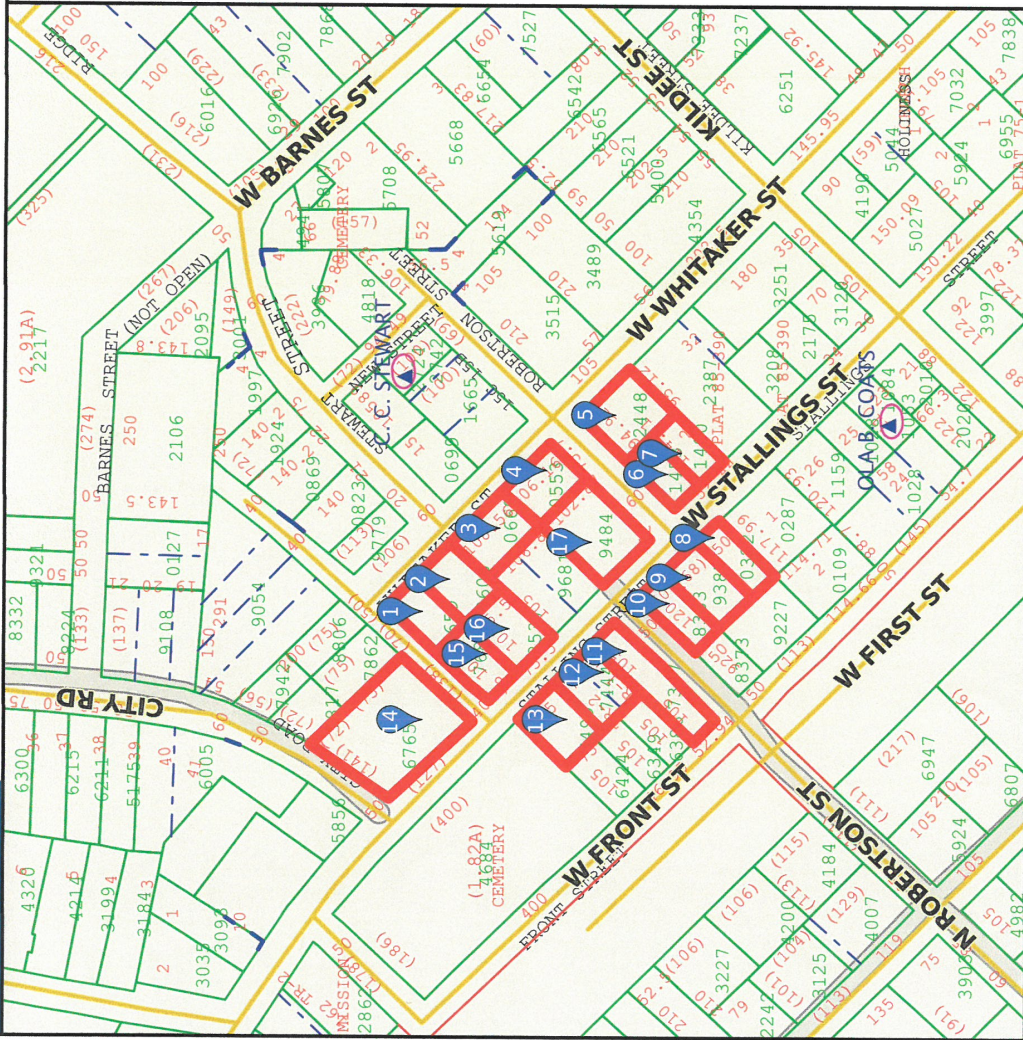
The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS



Johnston County assumes no legal responsibility for the information represented here.



Result 1

id: 05030014
Tag: 05030014
Owner Name 1: PARRISH, ALDINE ELLIS

Owner Name 2:

Mail Address 1: 427 WHITAKER ST

Mail Address 2:

Mail Address 3: CLAYTON, NC 27520-0000

Book: 00518

Page: 0614

Result 2

id: 05030015
Tag: 05030015
Owner Name 1: LEE, JONATHAN

Owner Name 2:

Mail Address 1: 427 WEST MAIN STREET

Mail Address 2:

Mail Address 3: CLAYTON, NC 27520-0000

Book: 03419

Page: 0923

Scale: 1:2865 - 1 in. = 238.76 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
June 3, 2019





*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 3

id: 05030016
Tag: 05030016
Owner Name 1: STUTTS, RICHARD TODD
Owner Name 2:
Mail Address 1: 435 E 2ND ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2534
Book: 04275
Page: 0470

Result 4

id: 05030017
Tag: 05030017
Owner Name 1: BUESO, CELEA PATRICIA
Owner Name 2:
Mail Address 1: 10936 STAGE DR
Mail Address 2:
Mail Address 3: RALEIGH, NC 27603-9697
Book: 04670
Page: 0743

Result 5

id: 05031031B
Tag: 05031031B
Owner Name 1: BLUE AND WHITE, LLC
Owner Name 2:
Mail Address 1: 114 W MAIN ST STE 102
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2397
Book: 05301
Page: 0400

Result 6

id: 05031031
Tag: 05031031
Owner Name 1: FORRESTER, JAMES
Owner Name 2:
Mail Address 1: 330 W STALLINGS ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1726
Book: 05317
Page: 0842

Result 7

id: 05031031A
Tag: 05031031A
Owner Name 1: LONDON, EARL S.
Owner Name 2: LONDON, ELIZABETH W.
Mail Address 1: 326 W STALLINGS ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1726
Book: 05297
Page: 0466

Result 8

id: 05031028
Tag: 05031028
Owner Name 1: KIMBLE, PAUL L JR
Owner Name 2: KIMBLE, LAURIE A
Mail Address 1:
Mail Address 2: PO BOX 875
Mail Address 3: CLAYTON, NC 27528-0875
Book: 02713
Page: 0510

Result 9

id: 05031029
Tag: 05031029
Owner Name 1: SPENCE, AVA C
Owner Name 2: COLLINS, EARL J
Mail Address 1: 4579 C BARBER MILL RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03612
Page: 0106

Result 10

id: 05030001
Tag: 05030001
Owner Name 1: SPENCE, AVA C
Owner Name 2: COLLINS, EARL J
Mail Address 1: 4579 C BARBER MILL RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03612
Page: 0106



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 11

id: 05030003
Tag: 05030003
Owner Name 1: RD CONSTRUCTION INC
Owner Name 2:
Mail Address 1: 106 S EAST STREET
Mail Address 2:
Mail Address 3: RALEIGH, NC 27601-0000
Book: 05175
Page: 0698

Result 12

id: 05030081
Tag: 05030081
Owner Name 1: 919 PROPERTIES, LLC
Owner Name 2:
Mail Address 1: 476 SHOTWELL RD STE 102
Mail Address 2: BOX 273
Mail Address 3: CLAYTON, NC 27520-3506
Book: 04823
Page: 0661

Result 13

id: 05030005
Tag: 05030005
Owner Name 1: KETNER, HARRY B
Owner Name 2:
Mail Address 1: 413 W STALLINGS ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1737
Book: 03834
Page: 0887

Result 14

id: 05030043
Tag: 05030043
Owner Name 1: WHITE, STEVEN WAYNE
Owner Name 2: WHITE, PATRICIA HARGIS
Mail Address 1: 308 N DODD ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1708
Book: 04773
Page: 0998

Result 15

id: 05030013
Tag: 05030013
Owner Name 1: PACE, JOSHUA
Owner Name 2:
Mail Address 1: 422 W STALLINGS ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1727
Book: 05352
Page: 0154

Result 16

id: 05030012
Tag: 05030012
Owner Name 1: FERGUSON PROPERTIES AND INVESTMENTS, LLC
Owner Name 2:
Mail Address 1: 143 PALMER DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-7540
Book: 05221
Page: 0183

Result 17

id: 05030010
Tag: 05030010
Owner Name 1: CHAMPION, ROBIN DENISE
Owner Name 2:
Mail Address 1: 310 N ROBERTSON ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1720
Book: 05236
Page: 0383

June 10, 2019

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use change or development proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Tuesday, June 20, 2019

Meeting Time: 6:00 pm

Meeting Location: 328 E. Main Street, 2nd floor conference room

Type of Application: Rezoning Application

Project/proposal property address: 412 W. Stallings Street, Clayton

Description of project/proposal: Applicant is requesting re-zoning of property at 412 W. Stallings Street from R-8 to R-6.

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application. 2. A map at a scale that is appropriate to the project and shows neighboring properties and roads. 3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-390-5769. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Todd Stutts

Cc: Town of Clayton Planning Dept.



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

June 11, 2019

NOTICE

SUBJECT: **Project:** 2019-118-RZ 412 W. Stallings Rezoning
 Address: 412 W. Stallings, Clayton, North Carolina, 27520
 TAG #: 05030011
 Applicant: Todd Stutts

Dear Clayton Area Property Owner:

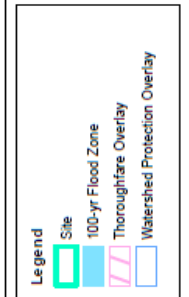
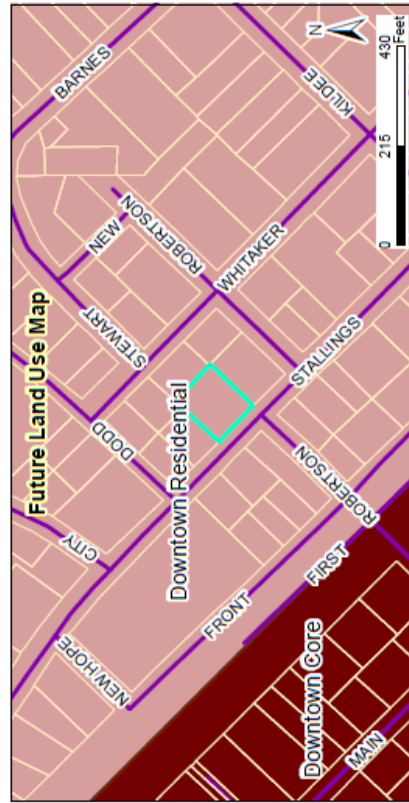
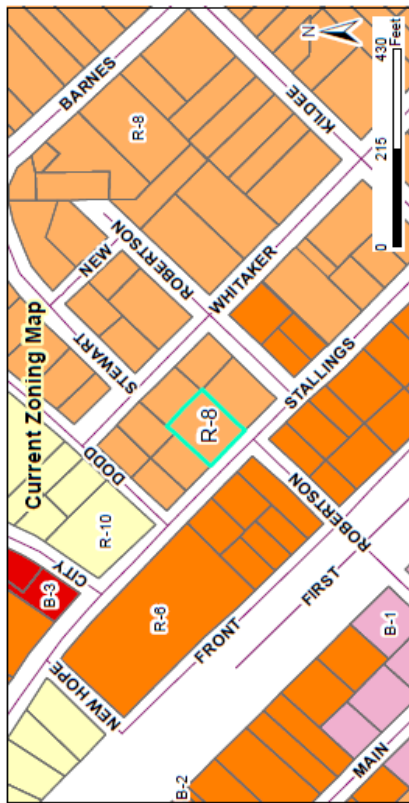
Notice is hereby given that the Clayton Planning Board will hold a public meeting on **Monday, June 24th, 2019 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a recommendation on the above referenced Rezoning application. This application will proceed to Town Council for a public hearing following Planning Board recommendation. Another notice will be sent prior to the date of the scheduled public hearing. The applicant is requesting to rezone 0.34 acres from Residential-8 (R-8) to Residential-6 (R-6). Please see the map on the back of this letter.

Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this proposed rezoning request. You are invited to attend this meeting and express your opinions on this request to the Planning Board.

If you should need additional assistance or information, please contact the Planning Department at (919) 553-5002 or email at dpowell@townofclaytonnc.org.

Sincerely,

Damiere Powell
Planner



Staff Report Map

08/11/2019
 Produced by: TOD Planning
 Checked by: Todd Stutts
 Disclaimer: These maps are for informational purposes only. The City of St. Louis assumes no responsibility for the quality or the date of the information represented here.

Document Path: C:\P\LAN\MORE20\MapDocs\Rezoning\2019-118-RZ - 412 W. Stallings MapStaff Report Map - 2019-118-RZ - W. Stallings Rezoning.mxd

Request:
 2019-118-RZ, 412 W. Stallings Rezoning
 Request to Rezone Existing R-8 Zoning to R-6

Applicant: Todd Stutts
 Property Owner: Todd Stutts
 Parcel ID: 185918-04-0081
 Tag #: 05030011

ADJACENT PROPERTY OWNERS LIST

Project Name: See attached GIS Sheet

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

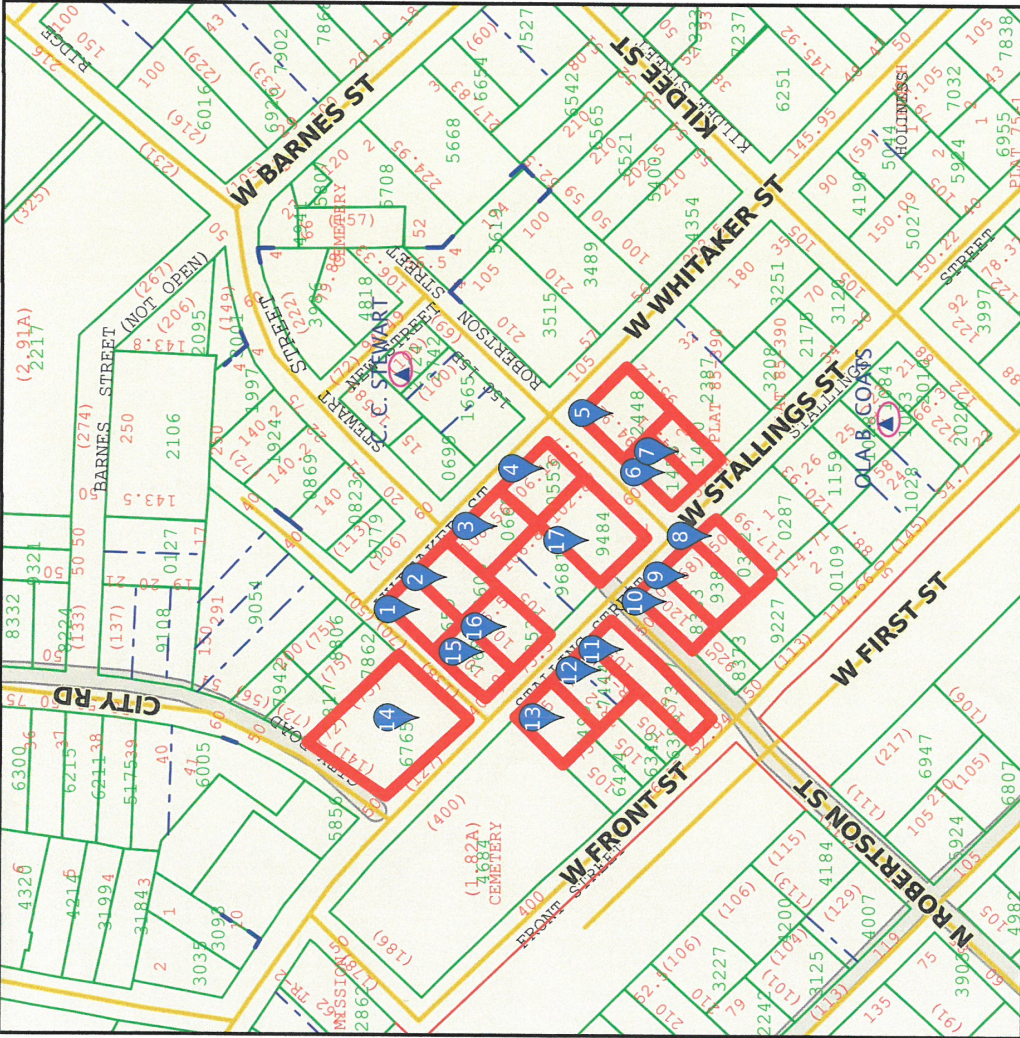
It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result 1

id: 05030014
Tag: 05030014
Owner Name 1: PARRISH, ALDINE ELLIS
Owner Name 2:
Mail Address 1: 427 WHITAKER ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00518
Page: 0614

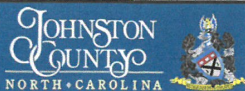
Result 2

id: 05030015
Tag: 05030015
Owner Name 1: LEE, JONATHAN
Owner Name 2:
Mail Address 1: 427 WEST MAIN STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03419
Page: 0923

Scale: 1:2865 - 1 in. = 238.76 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
June 3, 2019



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 3

id: 05030016
Tag: 05030016
Owner Name 1: STUTTS, RICHARD TODD
Owner Name 2:
Mail Address 1: 435 E 2ND ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2534
Book: 04275
Page: 0470

Result 4

id: 05030017
Tag: 05030017
Owner Name 1: BUESO, CELEA PATRICIA
Owner Name 2:
Mail Address 1: 10936 STAGE DR
Mail Address 2:
Mail Address 3: RALEIGH, NC 27603-9697
Book: 04670
Page: 0743

Result 5

id: 05031031B
Tag: 05031031B
Owner Name 1: BLUE AND WHITE, LLC
Owner Name 2:
Mail Address 1: 114 W MAIN ST STE 102
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2397
Book: 05301
Page: 0400

Result 6

id: 05031031
Tag: 05031031
Owner Name 1: FORRESTER, JAMES
Owner Name 2:
Mail Address 1: 330 W STALLINGS ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1726
Book: 05317
Page: 0842

Result 7

id: 05031031A
Tag: 05031031A
Owner Name 1: LONDON, EARL S.
Owner Name 2: LONDON, ELIZABETH W.
Mail Address 1: 326 W STALLINGS ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1726
Book: 05297
Page: 0466

Result 8

id: 05031028
Tag: 05031028
Owner Name 1: KIMBLE, PAUL L JR
Owner Name 2: KIMBLE, LAURIE A
Mail Address 1:
Mail Address 2: PO BOX 875
Mail Address 3: CLAYTON, NC 27528-0875
Book: 02713
Page: 0510

Result 9

id: 05031029
Tag: 05031029
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Owner Name 2: COLLINS, EARL J
Mail Address 1: 4579 C BARBER MILL RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03612
Page: 0106

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Owner Name 2: COLLINS, EARL J
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Owner Name 2:
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Mail Address 2: BOX 273
Mail Address 3: CLAYTON, NC 27520-3506
Book: 04823
Page: 0661

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Owner Name 2:
Mail Address 1: 413 W STALLINGS ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1737
Book: 03834
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Tag: 05030043
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Tag: 05030013
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Owner Name 2:
Mail Address 1: 422 W STALLINGS ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1727
Book: 05352
Page: 0154

Result 16

id: 05030012
Tag: 05030012
Owner Name 1: FERGUSON PROPERTIES AND INVESTMENTS, LLC
Owner Name 2:
Mail Address 1: 143 PALMER DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-7540
Book: 05221
Page: 0183

Result 17

id: 05030010
Tag: 05030010
Owner Name 1: CHAMPION, ROBIN DENISE
Owner Name 2:
Mail Address 1: 310 N ROBERTSON ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1720
Book: 05236
Page: 0383

June 10, 2019

Dear Clayton Area Property Owner:

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Meeting Date: Tuesday, June 20, 2019

Meeting Time: 6:00 pm

Meeting Location: 328 E. Main Street, 2nd floor conference room

Type of Application: Rezoning Application

Project/proposal property address: 412 W. Stallings Street, Clayton

Description of project/proposal: Applicant is requesting re-zoning of property at 412 W. Stallings Street from R-8 to R-6.

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application. 2. A map at a scale that is appropriate to the project and shows neighboring properties and roads. 3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-390-5769. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Todd Stutts

Cc: Town of Clayton Planning Dept.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 412 W. Stallings Rezoning

Application: 412 W. Stallings Rezoning

Location/Date: HRP upstairs conference room, 328 E. main St.

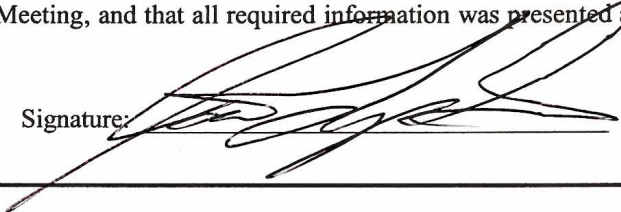
	NAME	ADDRESS
1	James Lipscomb	328 E. main St.
2	Paul & Laurie Kimble	331 W. Stallings St.
3	James Baltzer	213 W. Barnes St.
4	John Dand Millican	204 W. Stallings St.
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 412 W. Stallings Rezoning Date of Mailing: 6-10-19
Date of Meeting: 6-20-19 Time of Meeting: 6:00 pm
Location of Meeting: HTP upstairs Conference room, 328 E. main St.

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: James Lipscomb Signature: 

Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.*

Please See attached.

Please write clearly (or submit a typed summary). Use additional sheets if necessary.

June 20, 2019

Neighborhood meeting notes for 412 W. Stallings Street Clayton NC 27520

Attendees:

James H Lipscomb 328 East Main Street Clayton NC 27520 for applicant

Paul and Laurie Kimble 331 W. Stallings Street Clayton NC 27520

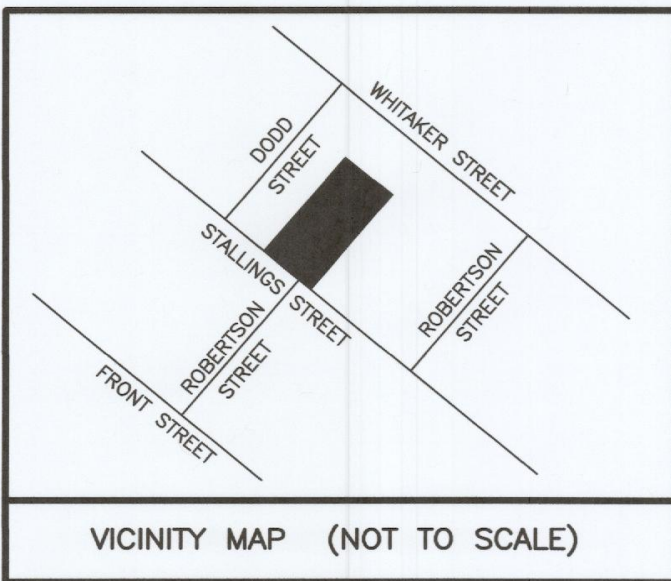
James Baltzer 213 W. Barnes Street Clayton NC 27520

John David Millican 204 W. Stallings Street Clayton NC 27520

Meeting started at approximately 6:05 pm. After presentation and general conversation about the proposed rezoning the attendees agreed that the following issues are their major concern.

- Questions about potential new home styles, driveway and parking
- Concerns about traffic on street and on lack of on street parking
- Concerns about driveway depth and adequate parking for homeowners and guest
- Concerns about street narrowing
- James H Lipscomb stated applicant will research possibility of providing parking pad at the rear of home so owners cars can turn around and leave driveway facing out and guess will have ability to park in the driveway.
- Major concerns parking, backing out onto street from driveway, parked cars possibly blocking sidewalk, overall vehicle and pedestrian safety.
- Residents noted need for Town of Clayton to provide bike lanes on Stallings Street to access neighborhood parks etc.....

Minutes submitted by James Lipscomb 6.20.2019



CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF JOHNSTON COUNTY AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISHED MINIMUM SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____ OWNER _____

THIS SURVEY:

- ☐ A. CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ☐ B. IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ☒ C. IS ONE OF THE FOLLOWING:
- 1) IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - 2) IS OF AN EXISTING FEATURE, SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
 - 3) IS A CONTROL SURVEY
 - 4) IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
- ☐ D. IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- ☐ E. THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

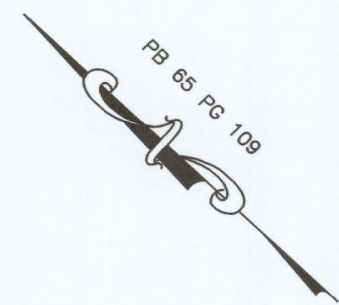
DATE _____ SURVEYOR _____

SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

DATE _____ SURVEYOR _____

STATE OF NORTH CAROLINA, JOHNSTON COUNTY
I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____, PAGE _____, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____, PAGE _____, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____ DAY OF _____, A.D., 2019

SURVEYOR
L - 3990
LICENSE NUMBER



N/F
JONATHAN LEE
DB 3419 PG 923
PIN 165916-94-9605

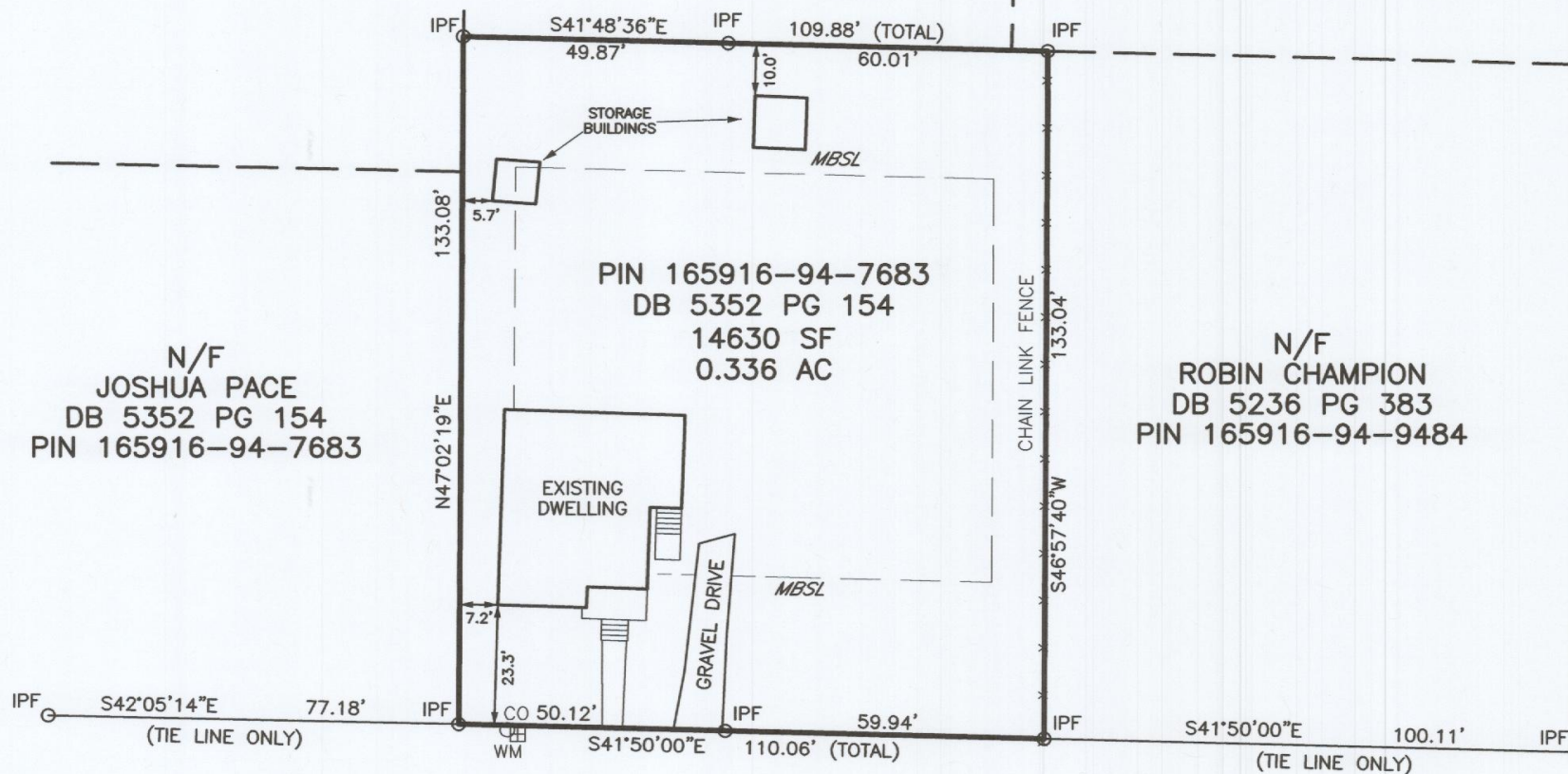
N/F
RICHARD STUTTS
DB 4275 PG 470
PIN 166913-04-0668

N/F
CELEA BUESO
DB 4670 PG 743
PIN 166913-04-0553

N/F
JOSHUA PACE
DB 5352 PG 154
PIN 165916-94-7683

PIN 165916-94-7683
DB 5352 PG 154
14630 SF
0.336 AC

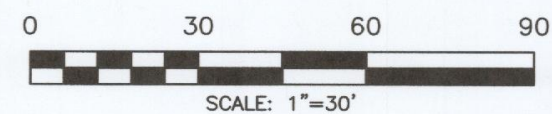
N/F
ROBIN CHAMPION
DB 5236 PG 383
PIN 165916-94-9484



STALLINGS STREET 50' R/W (PUBLIC)

ROBERTSON STREET
50' R/W (PUBLIC)

OWNER: RICHARD TODD STUTTS
435 E. 2ND STREET
CLAYTON, NC 27520
SITE ADDRESS: 412 W STALLING ST.
CLAYTON, NC. 27520



PROPERTY SHOWN HEREON IS XXXX IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE. FEMA FLOOD HAZARD PANEL NO. 3720166900 K EFFECTIVE DATE: APRIL 30, 2014

LEGEND

- IPF IRON PIPE FOUND
IPF IRON PIN SET
CMF CONCRETE MONUMENT FOUND
PKNF PARKER-KALON NAIL FOUND
PKNS PARKER-KALON NAIL SET
RRS RAILROAD SPIKE
CP COMPUTED POINT
P/P POWER POLE
R/W RIGHT OF WAY
S.F. SQUARE FEET
AC ACRE
TM TAX MAP
DB DEED BOOK
PB PLAT BOOK
PG PAGE
BOM BOOK OF MAPS
LF LINEAL FEET
OPW OVER HEAD POWER
WIRE
100 STREET ADDRESS
--- LINES NOT SURVEYED

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) PARENT DEED TRACT: DB 5354 PG 536
- 6) PN NUMBER: 05030011
- 7) ZONING: R-8
- 8) NO HORIZONTAL CONTROL FOUND WITHIN 2000' OF SURVEY

REFERENCES:

DB 5354 PG 536
DB 4275 PG 470
DB 4670 PG 743
DB 3419 PG 923
DB 5236 PG 383
DB 5352 PG 154
PB 65 PG 109
PB 7 PG 107

MINIMUM BUILDING SETBACKS
ZONING: R-8
FRONT.....25'
SIDE.....10'
REAR.....25'

RECEIVED

JUN 03 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

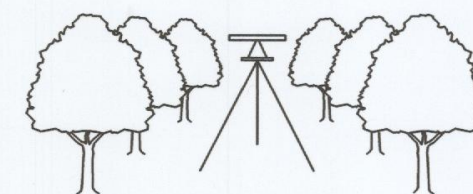
RECOMBINATION PLAT
FOR

RICHARD TODD STUTTS

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
MAY 31, 2019

SURVEYED BY:
TLS
DRAWN BY:
KAMAL
CHECKED BY:
CURK
DRAWING NAME:
BOUNDARY.DWG
SURVEY DATE:
05/30/19
JOB NO.
522.038

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545

*Planning Board
June 24, 2019*

STAFF REPORT

Application Number: 2019-118-RZ
Project Name: 412 W. Stallings Rezoning

TAG #s: 05030011
Town Limits/ETJ: Town Limits
Applicant: Todd Stutts
Owner: Todd Stutts
Location: 412 W. Stallings Street

Public Noticing:

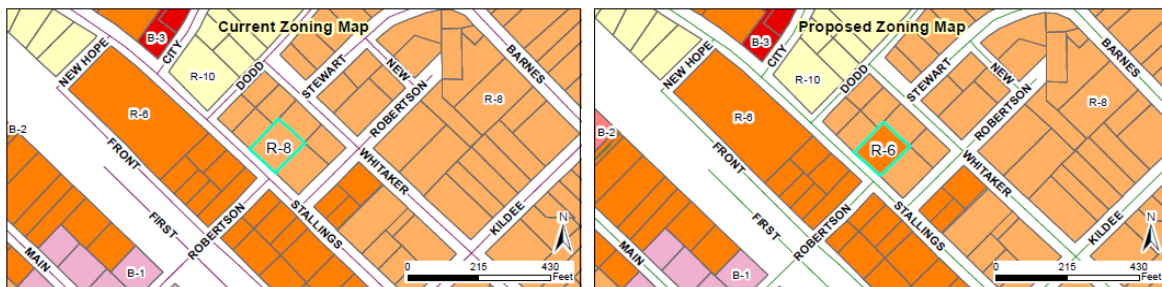
- Neighborhood meeting held on June 20, 2019
- Sign posted June 11, 2019
- Planning Board letters mailed June 11, 2019

REQUEST: Request to rezone from Residential-8 (R-8) to Residential-6 (R-6).



SITE DATA:**Acres:** 0.34 acres**Existing Use:** Single-Family Residential**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Residential-8 (R-8), Residential-10 (R-10), Highway-Business (B-3)	Single-Family Residential
South	Residential-8 (R-8), Residential-6 (R-6), Central-Business (B-1)	Single-Family Residential, Multi-Family Residential, Commercial
East	Residential-8 (R-8), Residential-6 (R-6)	Single-Family Residential
West	Residential-6 (R-6), Central Business (B-1)	Single-Family Residential, Cemetery

**STAFF ANALYSIS AND COMMENTARY:****Overview**

The applicant is requesting to rezone 0.34 acres of land from Residential-8 (R-8) to Residential-6 (R-6). The existing use is Single-Family Residential and is primarily surrounded by other Single-Family Residential uses. The proposed rezoning is considered “spot zoning,” which isolates a relatively small tract with different zoning regulations than the surrounding, uniformly zoned area. Valid spot zoning proposals must be thoroughly analyzed to assure that the request is consistent with the comprehensive plan, and that adverse impacts on neighboring properties will not result from approval of the rezoning request.

Zoning

All surrounding properties on the same block as the subject property are zoned Residential-8. In the greater neighborhood area, most properties are zoned Residential-8. However, there are other properties that have been spot zoned along Robertson Street. Furthermore, the subject property is across from Residential-6 zoned properties. The R-8 district is established to provide orderly suburban residential development at suburban densities characterized predominantly by owner-occupied, single-family detached units. A Special Use Permit process is allowed for higher intensity development. The Residential-6 zoning district is intended to provide for residential development with higher density, which includes multi-family dwellings mixed with other housing types.

Consistency with the Comprehensive Plan 2040

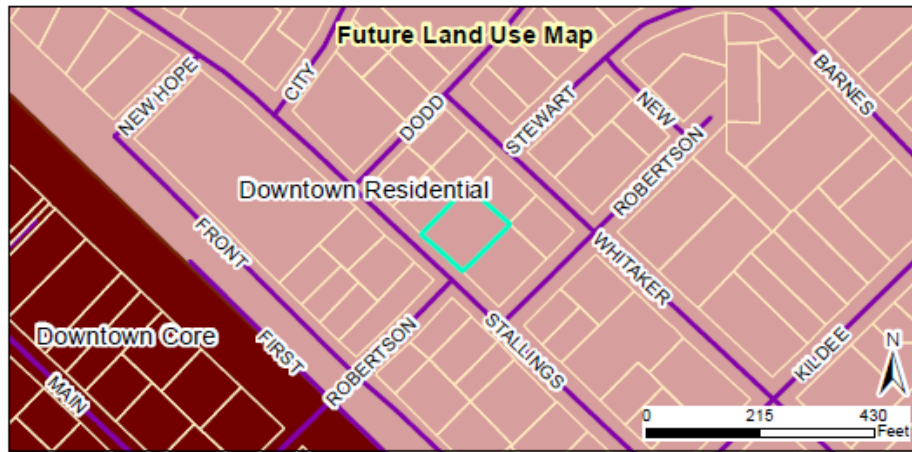
The subject property is located in an area that has been designated as Downtown Residential in the Future Land Use Map of the Comprehensive Plan. The Downtown Residential land use designation is designed to retain established neighborhoods while allowing a variety of higher-density housing types that support and foster growth of the Downtown Core. Higher-density development should be directly bordering the Downtown Core.

Comprehensive Plan Goals supporting the rezoning request include:

- LU1.1.1 – Review development proposals for consistency with the Future Land Use Map.
- LU1.1.2 – Support residential development at varying densities based on the Future Land Use Map

Comprehensive Plan Goals not supporting the rezoning request include:

- None



CONSIDERATIONS:

- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.

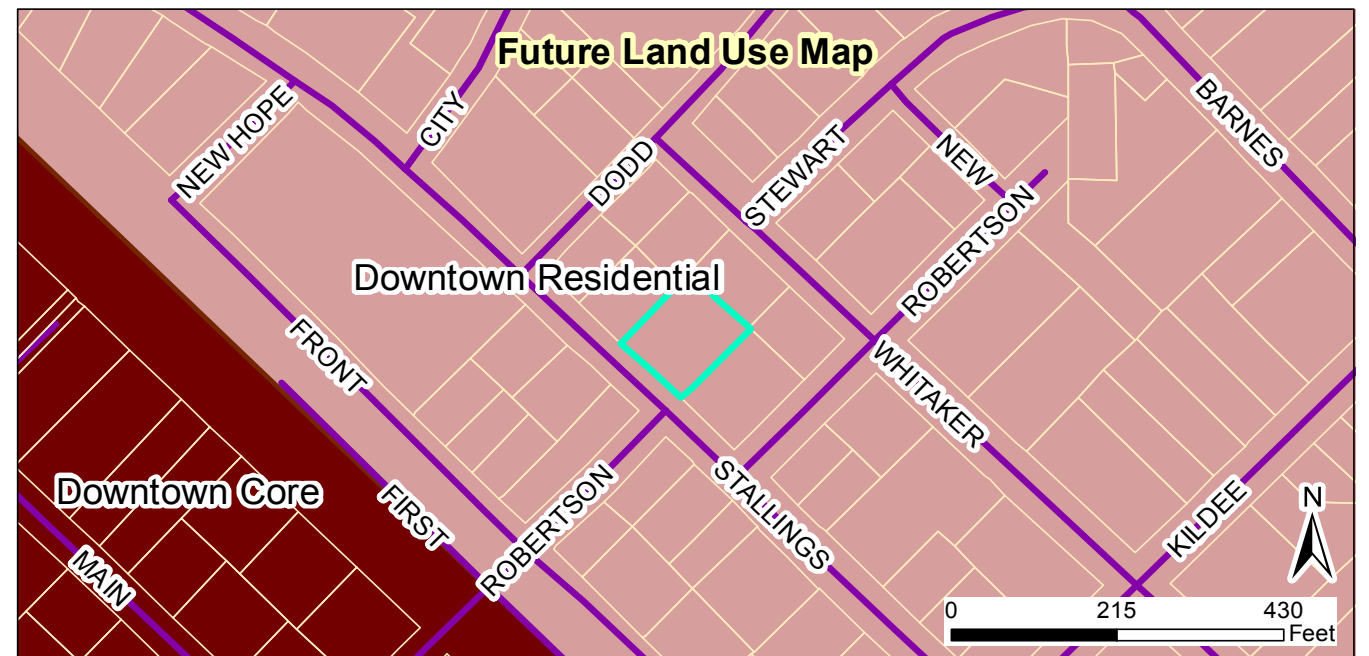
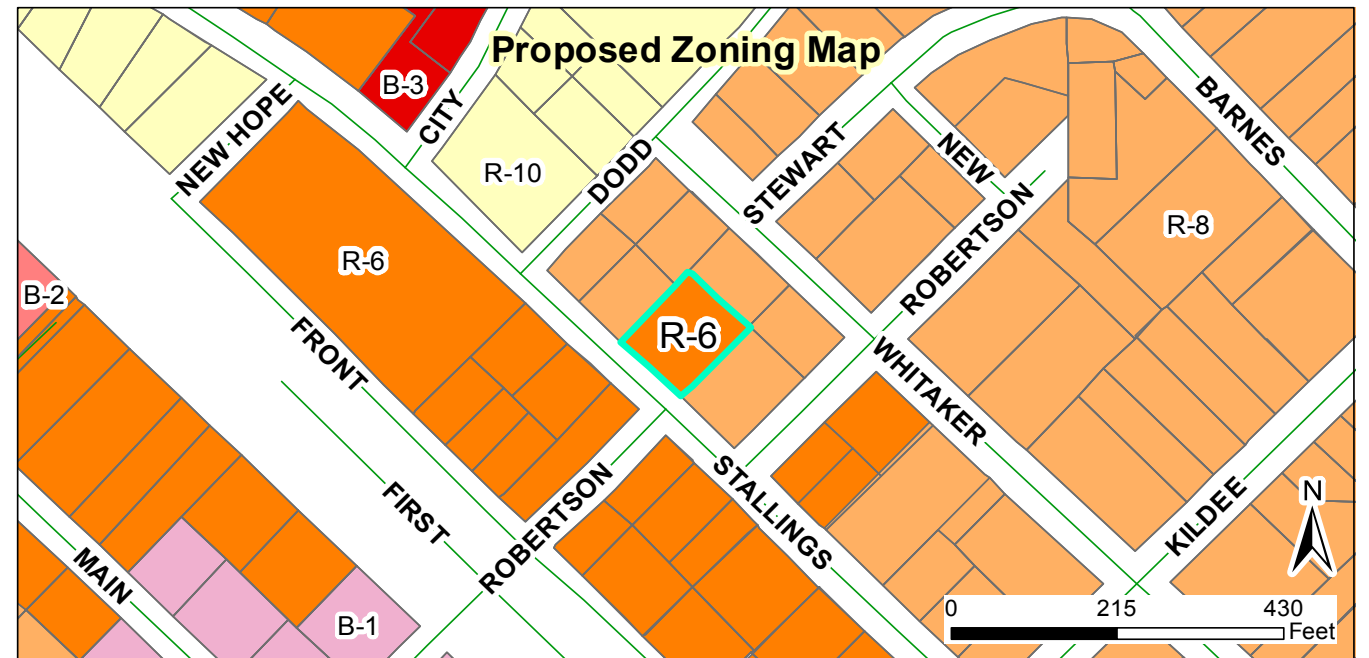
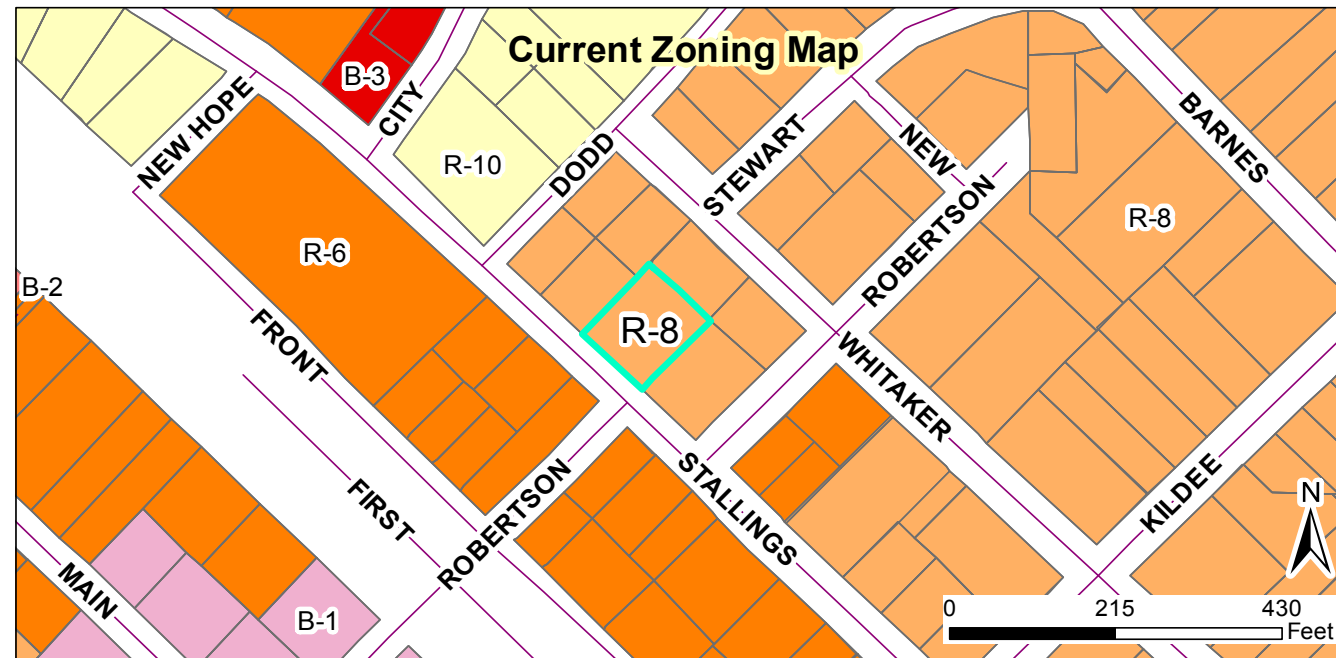
STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps

- 3) Site Plan
- 4) Neighborhood Meeting Materials
- 5) PB Adjacent Property Letter



Request:
2019-118-RZ, 412 W. Stallings Rezoning
Request to Rezone Existing R-8 Zoning to R-6

Applicant: Todd Stutts
 Property Owner: Todd Stutts
 Parcel ID: 165916-94-9681
 Tag #: 05030011

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2019\2019-118-RZ - 412 W. Stallings\Map\Staff Report Map - 2019-412-RZ - W. Stallings Rezoning.mxd

Legend

- Site
- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay

06/11/2019

Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

MAJOR SITE PLAN APPLICATION COVER SHEET

Name of Project: Hardee's at Spring Branch

Date: 4/30/19

Applicant Name: Boddie-Noell Enterprises, Inc.

The following checklist to be completed by applicant:

[☒] Pre-Application Meeting on: 1/7/19

[☒] Review fee

[☒] Copy of plan sets in PDF on USB

11 copies of the following:

[☒] Completed Application

[☒] Owner's Consent Form

[N/A] Adjacent Property Owner's List

[☒] Wastewater Allocation Request Form

[N/A] Neighborhood Meeting Notice Letter (1 copy)

[N/A] Stormwater Management Statement

[N/A] Signed/Sealed Traffic Impact Analysis (if applicable)

11 copies of the plan set which includes the following:

[☒] Cover Sheet

[☒] Existing Conditions Sheet

[☒] Lighting Plan Sheet

[☒] Site Plan Sheet

[☒] Landscaping Plan Sheet

[☒] Preliminary Grading Plan Sheet

[☒] Preliminary Engineering Plan Sheet

[☒] Signed & Sealed Boundary Survey

[☒] Architectural Elevations Sheet

RECEIVED

MAY 01 2019

Reviewed by: _____

TOWN OF CLAYTON
PLANNING DEPARTMENT

January 2019

1 of 15



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

MAJOR SITE PLAN APPLICATION

Application Fee: \$500.00 + \$5 an acre

☒ New Major Site Plan

☐ Major Modification to an approved site plan
Permit Modified: _____

SITE INFORMATION

Name of Project: Hardee's at Spring Branch

Acreage of Property: 1.19 Ac. Zoning District: PD-MU

County Tag #: 05F02035F NC Pin #: 164800-73-1926

Address/Location: Lot 1 of Spring Branch Commercial Park

Existing Use: Vacant Proposed Use: Restaurant

Is project within a Planned Development? ☒ Yes ☐ No If yes, which: Spring Branch Park

Is project within an Overlay District? ☐ Yes ☒ No If yes, which: _____

Is a site plan being concurrently submitted? ☒ Yes ☐ No

APPLICANT INFORMATION

Applicant: Boddie-Noell Enterprises, Inc.

Mailing Address: PO Box 1908 Rocky Mount, NC 27802

Phone Number: 252-937-2800 ext. 1350 Fax: _____

Contact Person: Reggie Barnacascel

Email Address: reggiebarnacascel@boddienoell.com

OFFICE USE ONLY

Date Received: MAY 01 2019

Amount Paid: \$510

File Number: 2019-90-SP

TOWN OF CLAYTON
PLANNING DEPARTMENT

January 2019

2 of 15

PROPERTY OWNER INFORMATION

Name: UACFE, LLC

Mailing Address: 219 Muirfield Lane, Clayton NC 27527

Phone Number: 910-964-7116

Fax: _____

Email Address: swirth001@nc.rr.com

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

Boddie-Noell Enterprises, Inc. is seeking to construct a Hardee's quick serve restaurant on Lot 1 of the Spring Branch Commercial Park. This lot was approved for restaurant use in the initial Spring Branch Commercial Park master plan. The Hardee's will be a 3,200 SF building and the total site will remain below the 75% maximum impervious requirement.

MAJOR SITE PLAN REQUIREMENT CHECKLIST

PLAN FORMAT

These standards are established to provide information pertaining to the graphic and format presentation of plans. The following is required for all types of plans, except where otherwise noted:

- All plans and architectural elevations shall be limited to 24" x 36" in size, and folded to an 8.5" x 11" format.
- Plans are to be drawn at the same engineering scale of 1" = 20'; 30'; 40'; 50'; 60' (architectural elevations and details are exempt from this requirement) with north oriented in the same direction.
- Plans may be drawn at an engineering scale of 1" = 100', if approved by the Planning Department or the Technical Review Committee (TRC).

- Architectural plans and elevations shall be drawn at an architectural scale of 1" = 3/32', 3/16', 1/8', 1/4', or 3/8'.
- All drawings, except elevations, isometric drawings, and renderings, shall be in two dimensional plan views.
- All text shall be clear and legible.
- Line weight hierarchy on all plans shall be consistent with common drafting standards.
- Multiple sheets shall be consecutively numbered (e.g. Sheet 1 of 4).
- All numerical references shall be rounded up to a maximum of two decimal points.

PLAN ELEMENTS AND GRAPHIC DATA

The following items include general and project information. This information is required to be present on all plans, except where otherwise noted.

Provided		
Yes	N/A	
☒		Consultant Logo Box (name, address, phone number, fax, email, firm and license number)
☒		Project/Application Name
☒		Type of plan
☒		Signature and Professional Seal with date (landscape plans, engineering plans and surveys)
☒		Original/Submittal Date and Revision Date
☒		Sheet Number
☒		Vicinity Map
☒		North Arrow with NC Grid System
☒		Graphic Scale (engineering or architectural graphic and written scale)

SURVEY

Provided		
Yes	N/A	
☒		A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department) with the bearings and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.

EXISTING CONDITIONS SHEET

Provided		
Yes	N/A	
☒		The existing topographical conditions of the property with a two foot contour interval.
☒		The existing streets and roadway improvements (medians, landscaping, signage, driveways, etc.) within 100 feet of project boundary.
☒		The existing structures located on the subject property.
☒		The existing structures within 100 feet of project boundary.
☒		The existing utilities (including inverts of pipes, rim elevations, wells and septic tanks, etc.) within 100 feet of project site.

SITE PLAN

The items listed below are required to be delineated (in tabular format) on the site plan.

Provided		
Yes	N/A	
☒		Site data table
☒		Name of project (AKA names if applicable)
☒		Parcel identification number (and/or Tag number)
☒		Property size (acres and square feet)
☒		Property location (Town limits or ETJ)
☒		Existing zoning district
☐	☒	Proposed zoning district (if applicable)
☐	☒	Overlay (if applicable)
☒		Existing use
☒		Proposed use
☒	☐	Number of seats/students/fueling positions (as applicable).
☐	☒	Number of housing units proposed, per housing unit type.
☒		Existing density (number of units per acre)
☐	☒	Proposed density (number of units per acre)
☒		Existing intensity (gross floor area)
☐	☒	Proposed intensity (gross floor area)
☒		Floor area ratio
☒		Building coverage (as percentage of total site)

Provided		
Yes	N/A	
☒		Pervious surface area (square feet and as percentage of total site)
☒	☐	Impervious surface area (square feet and as percentage of total site)
☒	☐	Building height (number of stories and in feet)
☒	☐	Required parking (list requirement i.e. 1 space per 300 SF)
☒	☐	Proposed parking
☒	☐	Required/proposed handicap accessible parking
☒	☐	Required loading space(s)
☒	☐	Provide name of Electric Provider.
☒	☐	Provide name of Water Provider.
☒	☐	Provide name of Sewer Provider.

Other site plan elements:

Provided		
Yes	N/A	
☒		Identify adjacent property owners, their parcel ID number, current zoning and present use.
☐	☒	Identify the affected area for amendments to previously approved projects.
☒		Identify the location of lots, buildings and structures with finished floor elevations and applicable setbacks.
☒		Identify existing right of ways.
☐	☒	Identify Watershed Protection Areas.
☒	☐	Identify existing (public and private) easements.
☒	☐	Identify proposed (public and private) easements.
☐	☒	Identify Open Space/Common Areas.
☒		Identify and dimension clear sight triangle at project ingress/egress points.
☒		Identify driveways, curb and gutter, cross section with ROW.
☐	☒	Provide boundaries of Resource Conservation Areas (see UDC Section 155.500).
☒		Provide an off-street parking and loading layout (with details, dimensions and access location). Accessible parking requirements are listed in NCSBC Volume 1C, 1999 edition. Show traffic circulation arrows.
☒	☐	Provide queuing details for drive-up/drive-thru facilities (if applicable).
☒		Provide the locations and dimensions of existing and proposed sidewalks.
☒		Provide the location and details of refuse collection areas.
☒	☐	Provide the location, size and orientation of freestanding signs.

Provided		
Yes	N/A	
☐	☒	Identify the location and nature of all recreational facilities and common areas.
☒	☐	Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and associated racks.
☐	☒	Identify proposed phasing (phasing lines) of construction.
☐	☒	Cul-de-sacs must be dimensioned.
☐	☒	Identify cluster mailbox unit (CBU) locations and details.

CONCEPTUAL ENGINEERING PLANS

Note: Conceptual engineering plans are deemed preliminary in nature. Review and approval of public infrastructure construction plans is a separate process performed by Public Works Engineering Division.

Provided		
Yes	N/A	
☐	☒	Identify proposed streets and roadways (public and private) with dimensions and cross sections.
☒	☐	Identify the curve radii for all internal and external vehicular use areas.
☒	☐	Identify access to the project.
☒	☐	Identify existing conditions and proposed grading plans.
☒	☐	Identify Tree Conservation Areas shown on grading plan.
☒	☐	Show proposed flow of traffic.
☒	☐	Identify proposed traffic control signs and striping.
☒	☐	Identify the proposed water distribution system (including size) with location of fire hydrants and point of connection.
☒	☐	Identify the proposed sanitary sewer collection system (including size) and point of connection. If a municipal sewer connection is not available, please provide documentation from Johnston County Department of Environmental health that the location of septic tank and drain field is acceptable.
☐	☐	Provide preliminary wastewater allocation calculation.
☒	☐	Identify proposed grease traps, if applicable.
☒	☐	Identify backflow prevention, if applicable.
☐	☒	If a pool is present, show drainage plan. Pumping to storm drain is not allowed.
☒	☐	Identify the Utility Plan.
☒	☐	Identify soil erosion control measures including impoundment structures.
☐	☒	Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.

☒	☐	Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.
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Fire Rescue (information to be shown on conceptual engineering plans)

Provided		
Yes	N/A	
☒	☐	Identify fire hydrant distribution (distance of hose lay).
☐	☒	Identify the sprinkler connection locations and size, if applicable.
☐	☒	Identify fire lane designations and circulation around buildings (stripe fire lanes and show minimum stabilized access around all structures).
☐	☒	Identify the emergency evacuation route (access in and out of the property).
☒	☐	Identify fire apparatus turning radius, including streets and cul-de-sacs.
☒	☐	Verify the location of fire hydrants is not interfering with required landscaping (must be 24" clearance of landscaping from bottom of steam fitting).
☒	☐	Identify the Lock Box/Knox Box locations.
☐	☒	Identify placard locations for hazardous materials.

LANDSCAPE PLAN

Provided		
Yes	N/A	
☒	☐	Provide a landscape plan identifying the location of all proposed landscaping (must be prepared by a landscape architect registered in North Carolina).
☒	☐	Indicate the location, width and type of all required buffers.
☒	☐	Indicate the location, width and type of landscaping within vehicular use areas.
☒	☐	Indicate the location, width and type of landscaping used to screen drive-thru areas, service areas, loading areas, mechanical equipment and above ground utilities.
☒	☐	Provide a plant list summary table which includes: 1. A planting key identifying the various planting elements 2. The quantity of each type of plant material proposed 3. The size, height, caliper and spacing of plant material proposed 4. The Botanical and common names of plant material proposed
☒	☐	Verify/identify clear sight distances at project ingress/egress points.
☒	☐	Provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant species must be used).

Provided		
Yes	N/A	
☒		Provide a landscape maintenance note which states: "All landscaped areas shall be maintained in an attractive and healthy condition. Dead or diseased plantings shall be removed and replaced in a timely fashion".
☒		Identify and list any existing plant material which will be used to satisfy landscape requirements.

LIGHTING PLAN

Provided		
Yes	N/A	
☒	☐	Conceptual Lighting Plan
☒	☐	Identify the light source and provide a detail of the fixture.
☒		Identify the proposed height of fixtures.

ARCHITECTURAL ELEVATIONS AND FLOORPLAN

Provided		
Yes	N/A	
☒		Provide floor plans, elevations, construction materials, finishes and colors, along with type of construction of all buildings per North Carolina Building Code prepared by a professional architect registered in North Carolina.
☒		Indicate the height and number of stories for each structure.
☒		Indicate the location and screening method for all roof mounted structures or equipment.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Board of the Town of Clayton to approve the subject Major Site Plan. 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.

William R. Barnacascel, Jr.

 Print Name

William R.
 Barnacascel, Jr.

 Signature of Applicant

Digitally signed by William R.
 Barnacascel, Jr.
 Date: 2019.04.29 16:53:29
 +04'00'

4-29-2019

 Date



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Hardee's Spring Branch Address or PIN #: 36 Springbrook Ave.

AGENT/APPLICANT INFORMATION:

Boddie-Noell Enterprises, Inc.
(Name - type, print clearly)

PO Box 1908
(Address)
Rocky Mount, NC, 27802
(City, State, Zip)

I hereby give CONSENT to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (list applicable requests):

Hardee's Spring Branch Major Site Plan Application

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

VACFE STEVE WIRTH
(Name - type, print clearly) MANAGER

[Signature]
(Owner's Signature)

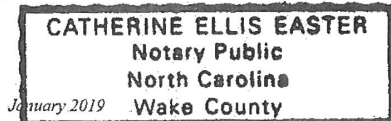
219 MAINFIELD LANE
(Address)

CLAYTON NC 27527
(City, State, Zip)

STATE OF NC
COUNTY OF WAKE

Sworn and subscribed before me Steve Wirth, a Notary Public for the above State and County, this the 30th day of April, 20 19.

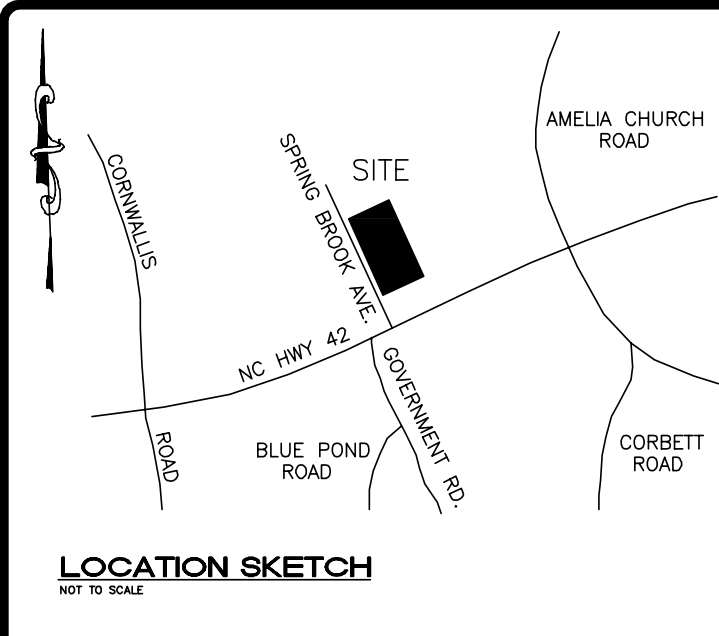
SEAL



[Signature]
Notary Public

My Commission
Expires:

December 12, 2022
15 of 15



HARDEE'S - SPRING BRANCH

36 SPRINGBROOK AVE

CLAYTON, NORTH CAROLINA

MAJOR SITE PLAN

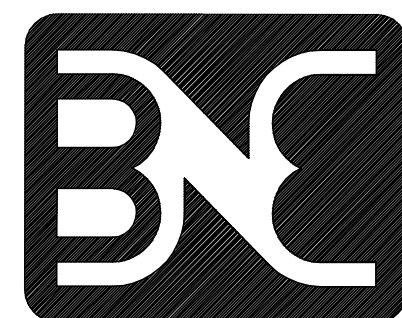
TOWN OF CLAYTON RE-SUBMITTAL 6/18/2019
TOWN OF CLAYTON PROJECT NUMBER: 2019-90-SP



INDEX OF SHEETS

COVER	COVER SHEET
CE-01	EXISTING CONDITIONS
CE-02	DEMOLITION PLAN
CE-03	SITE PLAN
CE-04	UTILITY PLAN
CE-05	GRADING and DRAINAGE PLAN
CE-06	LANDSCAPE PLAN
CE-07	EROSION CONTROL PLAN
CE-08	EROSION NOTES AND DETAILS
CE-09	LIGHTING PLAN
CE-10	SITE NOTES
CE-11	SITE DETAILS

Owner/Developer:



BODDIE-NOELL
ENTERPRISES, INC.
P.O. BOX 1908
ROCKY MOUNT, N.C.
27802-1908
(252) 937-2800

Contact: Reggie Barnasciel
reggiebarnasciel@boddienoell.com

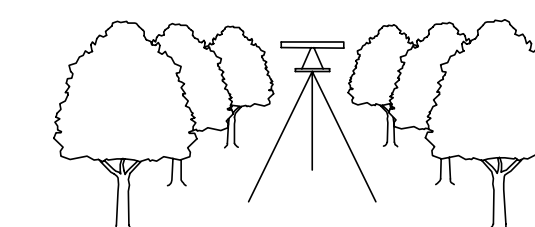
Civil Engineering:



Contact: J. Michael Stocks, PE
mstocks@stocksengineering.com
License Number: 19843

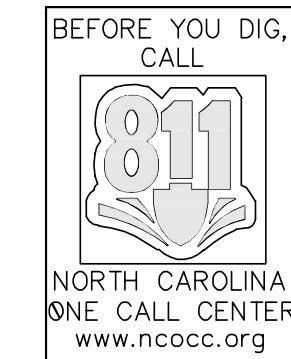
Surveyor:

TRUE LINE SURVEYING, P.C.



Contact: Curk Lane, PLS
curk@truelinesurveying.com
License Number: L-3990

205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com



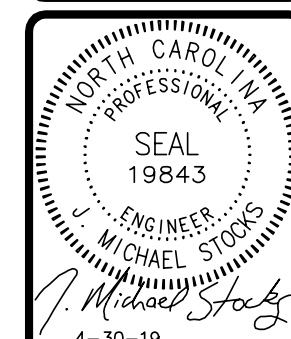
BLN-C-1874



BODDIE-NOELL
ENTERPRISES, INC.
P.O. BOX 1908
ROCKY MOUNT, N.C.
27802-1908
(252) 937-2800



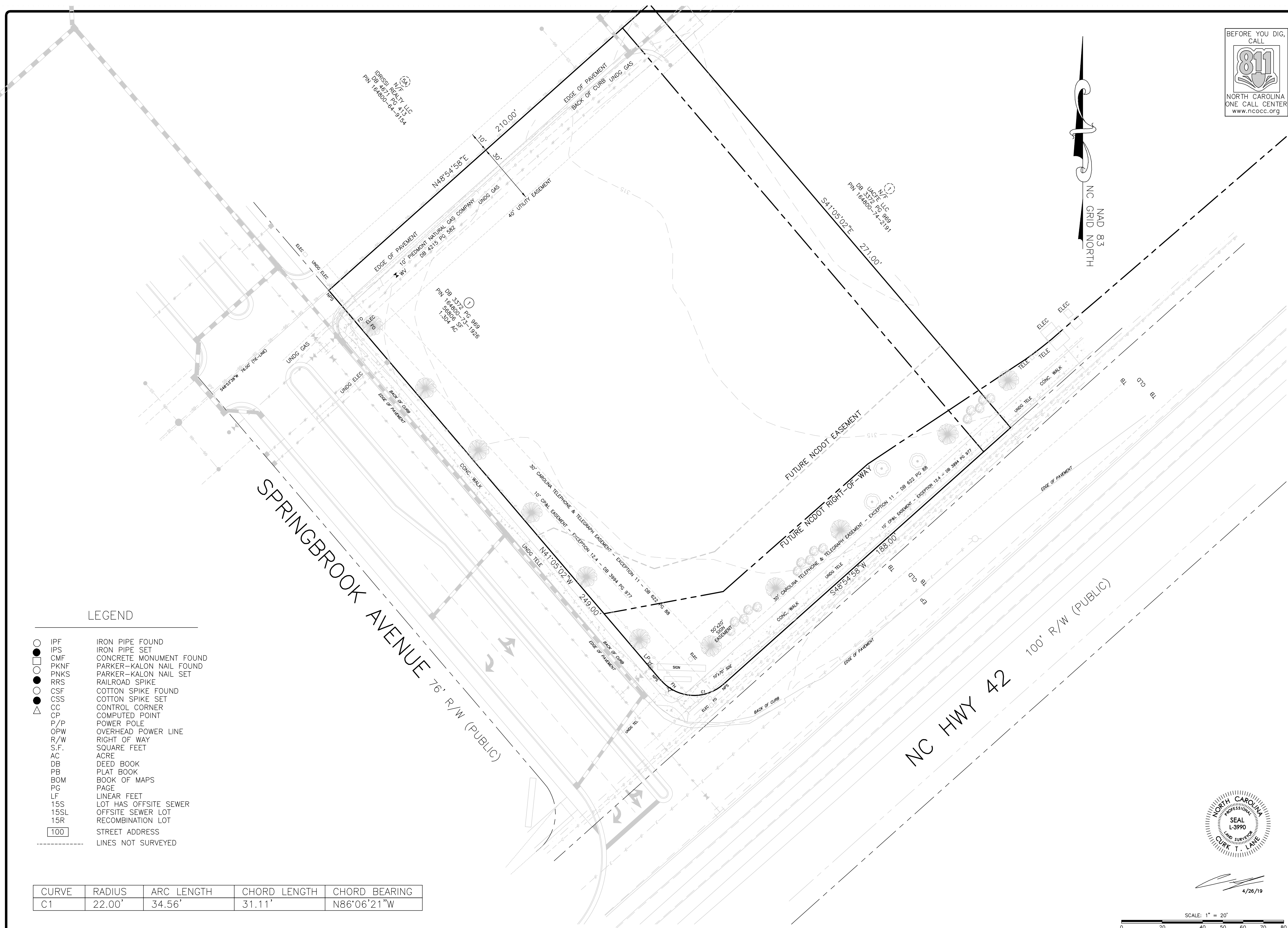
HARDEE'S at
SPRING BRANCH
CLAYTON, N.C.



COVER

REVISIONS
5/30/19 - TRC Comments
5/31/19 - Engineering Comm
6/18/19 - TRC Comments
FILE NO. 2017-013
HORIZ. SCALE: NONE
VERT. SCALE: NONE

COVER

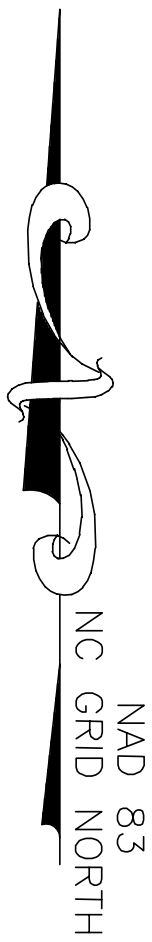


LEGEND

○	IPF	IRON PIPE FOUND
●	IPS	IRON PIPE SET
□	CMF	CONCRETE MONUMENT FOUND
◻	PKNF	PARKER-KALON NAIL FOUND
◻	PNKS	PARKER-KALON NAIL SET
●	RRS	RAILROAD SPIKE
●	CSF	COTTON SPIKE FOUND
●	CSS	COTTON SPIKE SET
△	CC	CONTROL CORNER
○	CP	COMPUTED POINT
△	P/P	POWER POLE
—	OPW	OVERHEAD POWER LINE
—	R/W	RIGHT OF WAY
—	S.F.	SQUARE FEET
—	AC	ACRE
—	DB	DEED BOOK
—	PB	PLAT BOOK
—	BOM	BOOK OF MAPS
—	PG	PAGE
—	LF	LINEAR FEET
—	15S	LOT HAS OFFSITE SEWER
—	15SL	OFFSITE SEWER LOT
—	15R	RECOMBINATION LOT
100		STREET ADDRESS
---		LINE NOT SURVEYED

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	22.00'	34.56'	31.11'	N86°06'21"W

THEN JESUS DECLARED, "I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY. JOHN 6:35

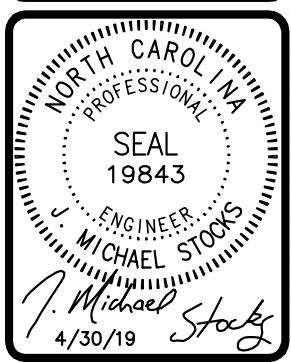


STOCKS ENGINEERING
801 EAST WASHINGTON STREET
RALEIGH, NC 27601
PHONE: (919) 455-8188
WWW.STOCKSENGINEERING.COM

BLN-C-1874

Hardee's
BODDIE-NOELL ENTERPRISES, INC.
P.O. BOX 1848
ROCKY MOUNT, NC 27802-3048
(252) 837-2800

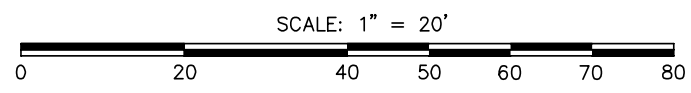
Hardee's at SPRING BRANCH CLAYTON, N.C.

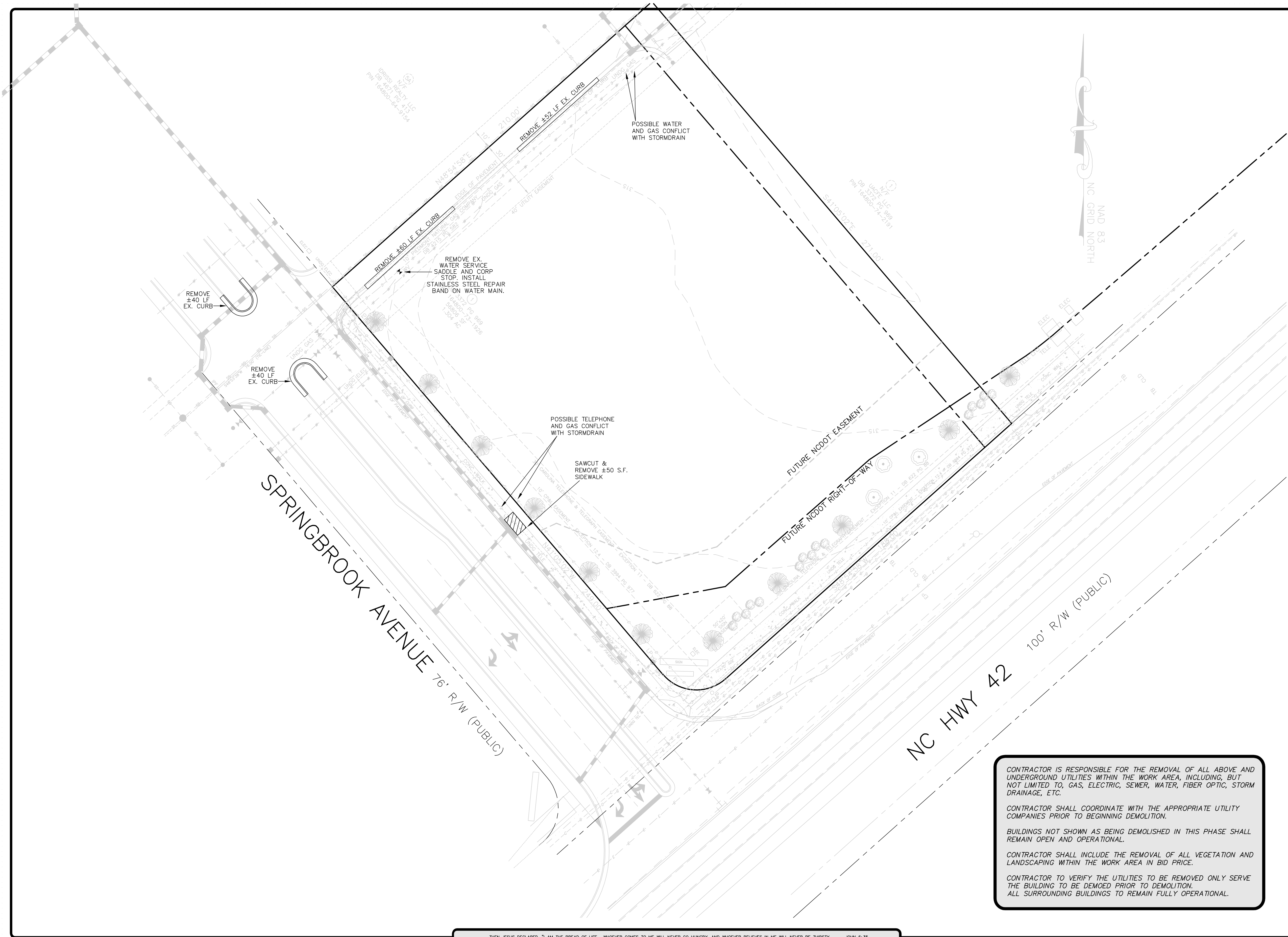


EXISTING CONDITIONS

REVISIONS

CE-01





CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL OF ALL ABOVE AND UNDERGROUND UTILITIES WITHIN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, GAS, ELECTRIC, SEWER, WATER, FIBER OPTIC, STORM DRAINAGE, ETC.

CONTRACTOR SHALL COORDINATE WITH THE APPROPRIATE UTILITY COMPANIES PRIOR TO BEGINNING DEMOLITION.

BUILDINGS NOT SHOWN AS BEING DEMOLISHED IN THIS PHASE SHALL REMAIN OPEN AND OPERATIONAL.

CONTRACTOR SHALL INCLUDE THE REMOVAL OF ALL VEGETATION AND LANDSCAPING WITHIN THE WORK AREA IN BID PRICE.

CONTRACTOR TO VERIFY THE UTILITIES TO BE REMOVED ONLY SERVE THE BUILDING TO BE DEMOED PRIOR TO DEMOLITION.
ALL SURROUNDING BUILDINGS TO REMAIN FULLY OPERATIONAL.

THEN JESUS DECLARED, "I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY. JOHN 6:35

STOCKS ENGINEERING
801 EAST WASHINGTON STREET
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P.O. BOX 1108
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PHONE: (256) 455-8188
WWW.STOCKSENGINEERING.COM

BLN-C-1874

HARDEE'S
CLAYTON, N.C.

BCE

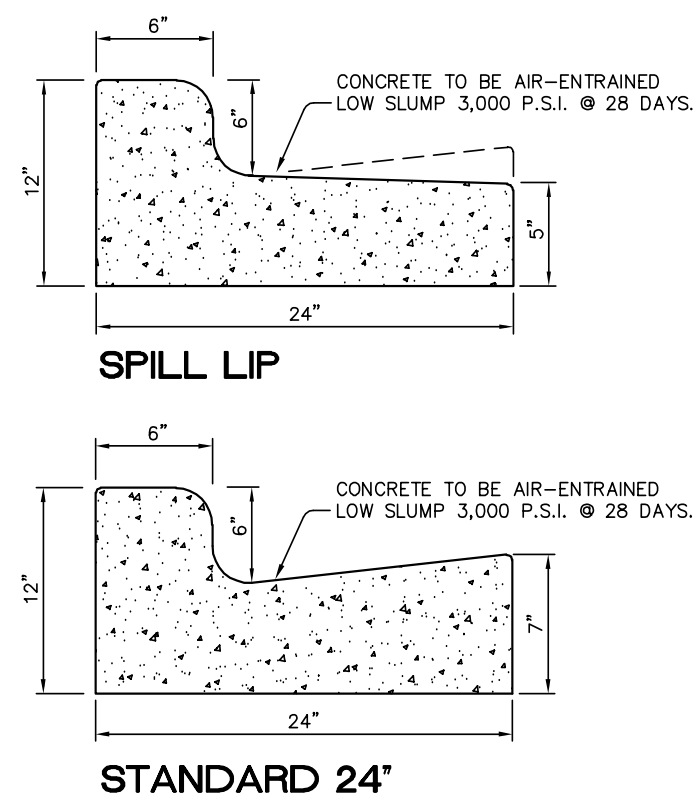
HARDEE'S at
SPRING BRANCH
CLAYTON, N.C.

DEMOLITION PLAN

REVISIONS
5/31/19 - Engineering Comm.

FILE NO. 2017-013
HORZ. SCALE: 1"=20'
VERT. SCALE: NONE

CE-02



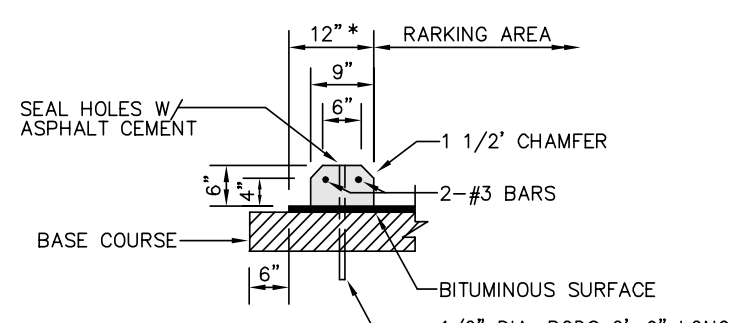
CONCRETE CORNER DETAIL

N.T.S.

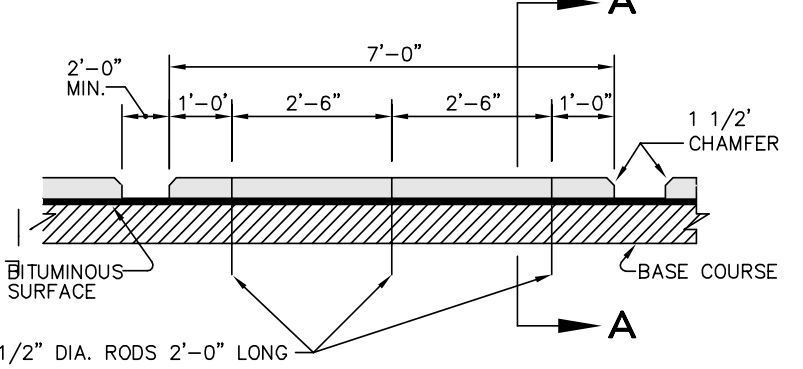
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	22.00'	34.56'	31.11'	N86°05'02"W

WHEEL STOP DETAIL

SCALE: N.T.S.



NOTE: AT H.C. SPACES USE 30"



ELEVATION

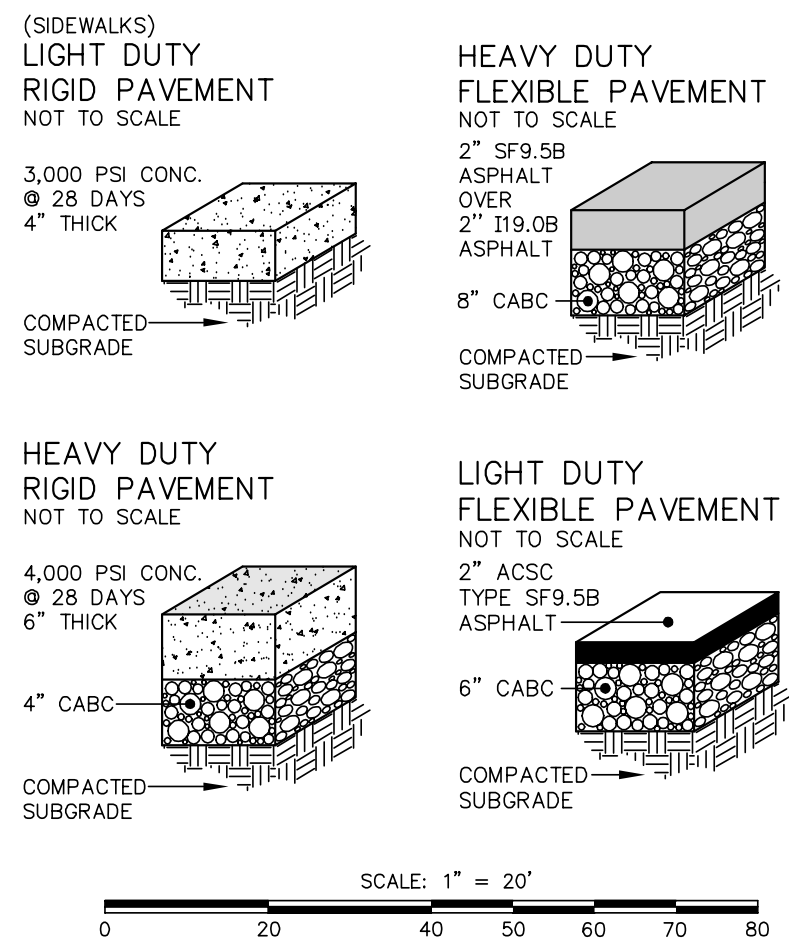
NOTE: ALL PARKING STRIPES SHALL BE STANDARD WHITE TRAFFIC PAINT AND 4" WIDE. LETTERING, PAINTED ISLANDS AND DIRECTIONAL ARROWS SHALL BE WHITE. MINIMUM HEIGHT OF LETTERS SHALL BE 18". PROVIDE 2 COATS OF PAINT.

SITE INFORMATION

PROJECT NAME: HARDEE'S AT SPRING BRANCH
LOCATION: 36 SPRINGBROOK AVE. CLAYTON, N.C. 27520 CLAYTON TOWN LIMITS
COUNTY: JOHNSTON COUNTY
PIN: 164800-73-1926
TOTAL SITE ACREAGE: 1.19 Ac. (52,032 SF)
ZONING: PD-MU (SPRING BRANCH PARK)
OVERLAY DISTRICT: THOROUGHFARE OVERLAY
EXISTING USE: VACANT
PROPOSED USE: RESTAURANT
TOTAL BUILDING SIZE: 3,200 Sq. Ft.
TOTAL SEATS: 69 SEATS
FLOOR AREA RATIO: 0.062
BUILDING COVERAGE: 6.2%
EX. IMPERVIOUS AREA: 0 Ac.
PRO. IMPERVIOUS AREA: 33,985 SF (65.3%)
PRO. PERVIOUS AREA: 18,047 SF (34.7%)
BUILDING HEIGHT: 24'-8"
BUILDING SETBACK REQUIRED:
STREET YARD: 25'
SIDE STREET: 25'
SIDE (INTERIOR): 15'
REAR: 30'
REQUIRED PARKING: 1 SPACE PER 3 SEATS
PARKING PROVIDED: 69 SEATS/3 SEATS = 23 SPACES
REGULAR 9x19' 42
H.C. (REGULAR) 1
H.C. (VAN ACCESSIBLE) 1
TOTAL PROVIDED: 44
BICYCLE PARKS: 1 RACK
LANDSCAPE AREA: 12,300 SF (23.6%)
DISTURBED AREA: ±0.98 AC.
ELECTRIC PROVIDER: DUKE ENERGY PROGRESS
WATER AND SEWER: TOWN OF CLAYTON
PROPOSED WASTEWATER ALLOCATION: 20 GPD PER SEAT
(RESTAURANT SINGLE SERVICE) 20 GPD X 69 SEATS = 1,380 GPD

SPRINGBROOK AVENUE
76' R/W (PUBLIC)

NC HWY 42
100' R/W (PUBLIC)

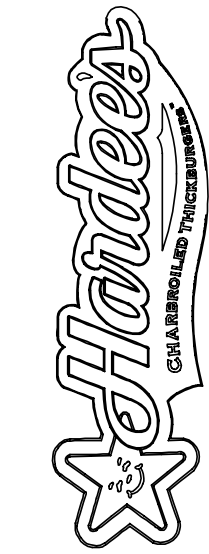


SCALE: 1" = 20'



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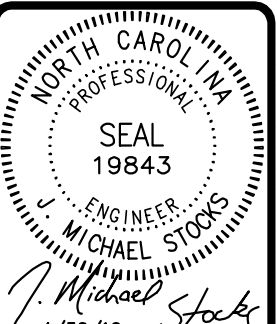
BLN-C-1874



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ENTERPRISES, INC.
P.O. BOX 908
ROCKY MOUNT, NC
27602-9008
(252) 937-2800



HARDEE'S at
SPRING BRANCH
CLAYTON, N.C.



SITE PLAN

REVISIONS
5/30/19 - TRC Comments
6/5/19 - Engineering Comm.
6/13/19 - Roof Drain
6/14/19 - TRC Comments

FILE NO. 2017-013
HORZ. SCALE: 1"=20'
VERT. SCALE: NONE

CE-03

THEN JESUS DECLARED, 'I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY. JOHN 6:35

MAD 83
NC GRID NORTH

SPRINGBROOK AVENUE
76' R/W (PUBLIC)

NC HWY 42 100' R/W (PUBLIC)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	22.00'	34.56'	31.11'	N86°05'02"W

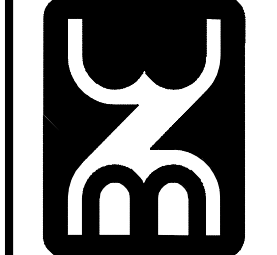


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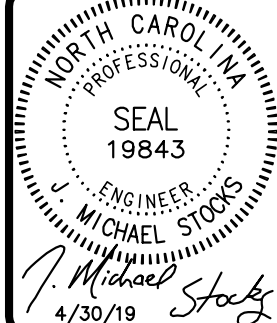
BLN-C-1874



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ENTERPRISES, INC.
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ROCKY MOUNT, NC
27602-1908
(252) 837-2800



**HARDEE'S at
SPRING BRANCH
CLAYTON, N.C.**

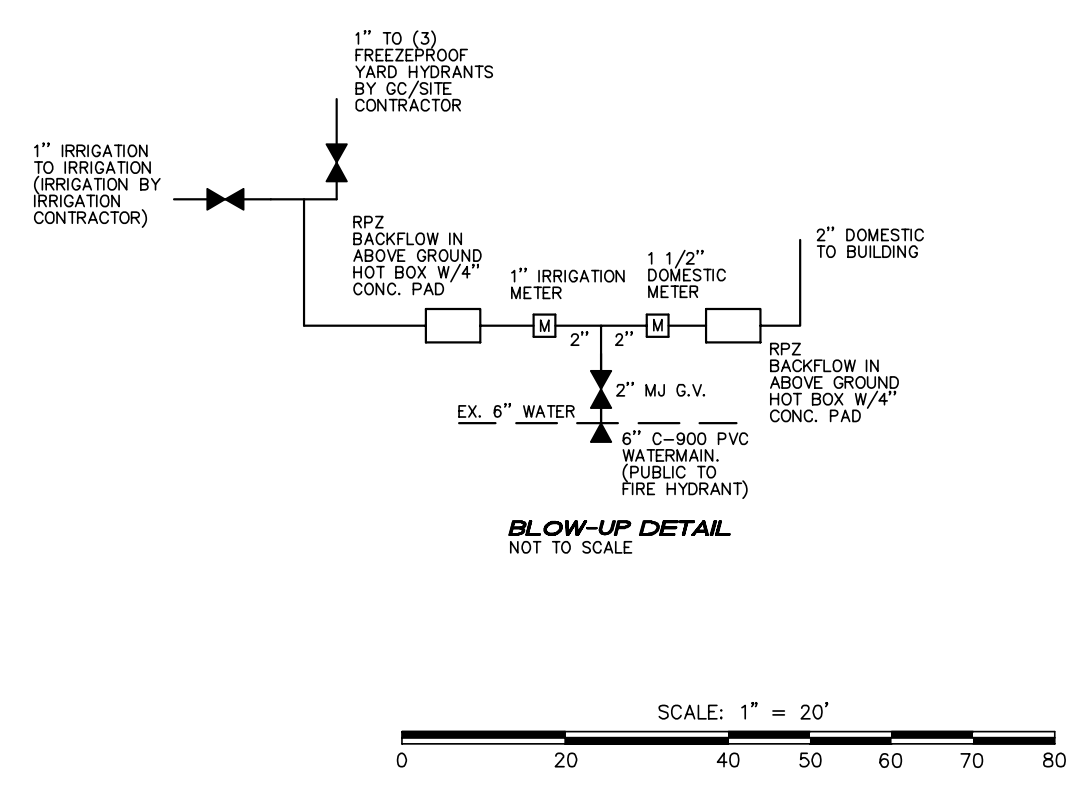


UTILITY PLAN

REVISIONS
5/30/19 - TRC Comments
6/5/19 - Engineering Comm.
6/13/19 - Roof Drain
6/14/19 - TRC Comments

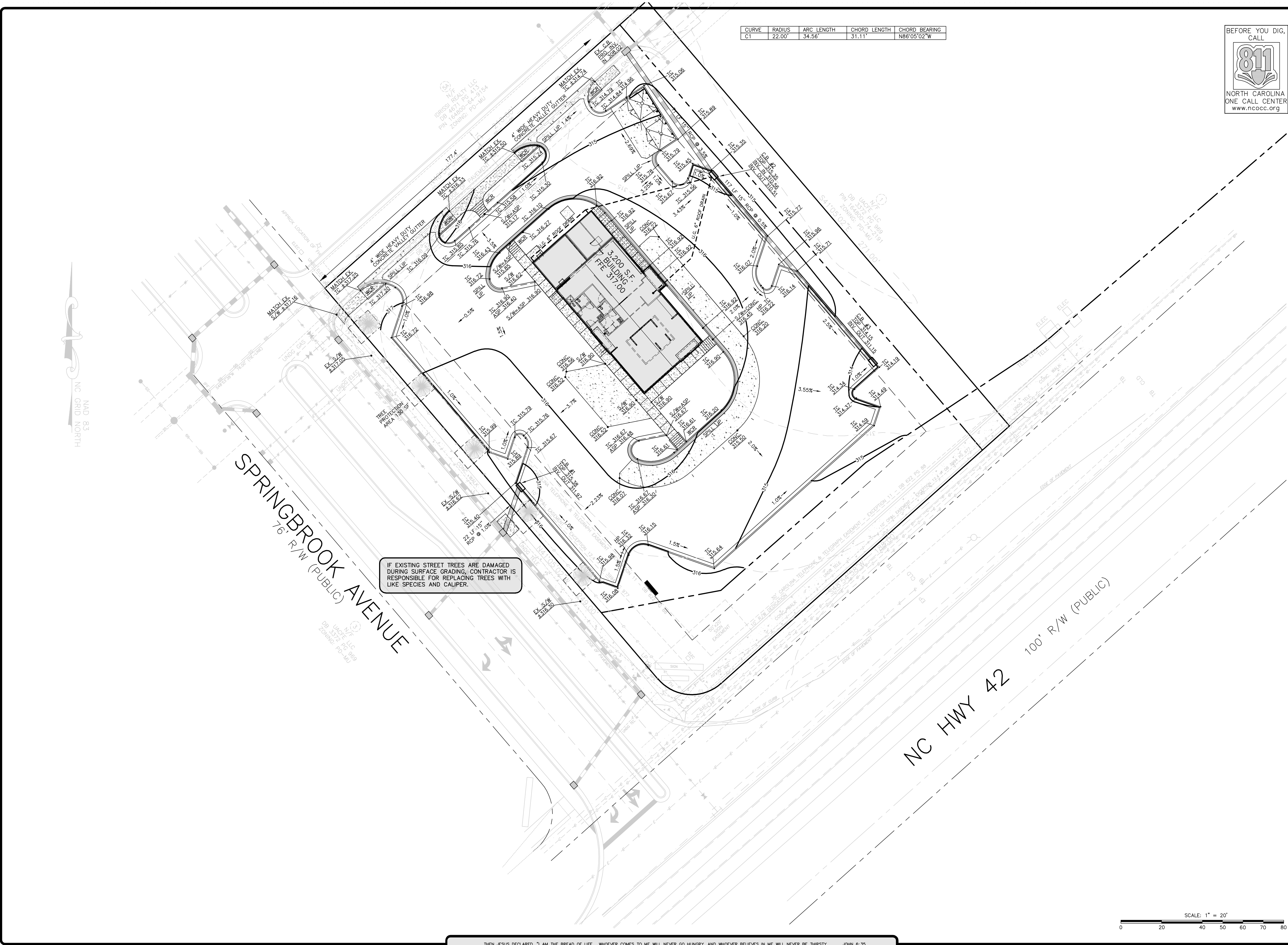
FILE NO. 2017-013
HORZ. SCALE: 1"=20'
VERT. SCALE: NONE

CE-04



SCALE: 1" = 20'
0 20 40 50 60 70 80

THEN JESUS DECLARED, "I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY. JOHN 6:35



BEFORE YOU DIG,
CALL
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NORTH CAROLINA
ONE CALL CENTER
www.ncocc.org

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RASTVILLE, NC 27686
P.O. BOX 1108
PHONE: (252) 455-8188
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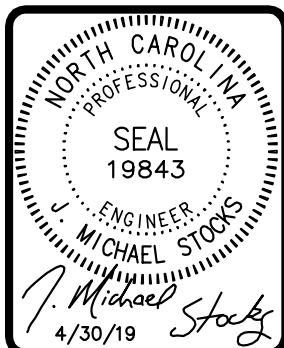
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ENTERPRISES, INC.
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27602-1908
(252) 937-2800



**HARDEE'S at
SPRING BRANCH
CLAYTON, N.C.**

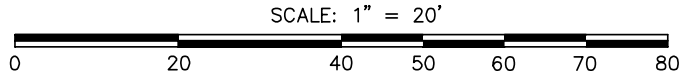


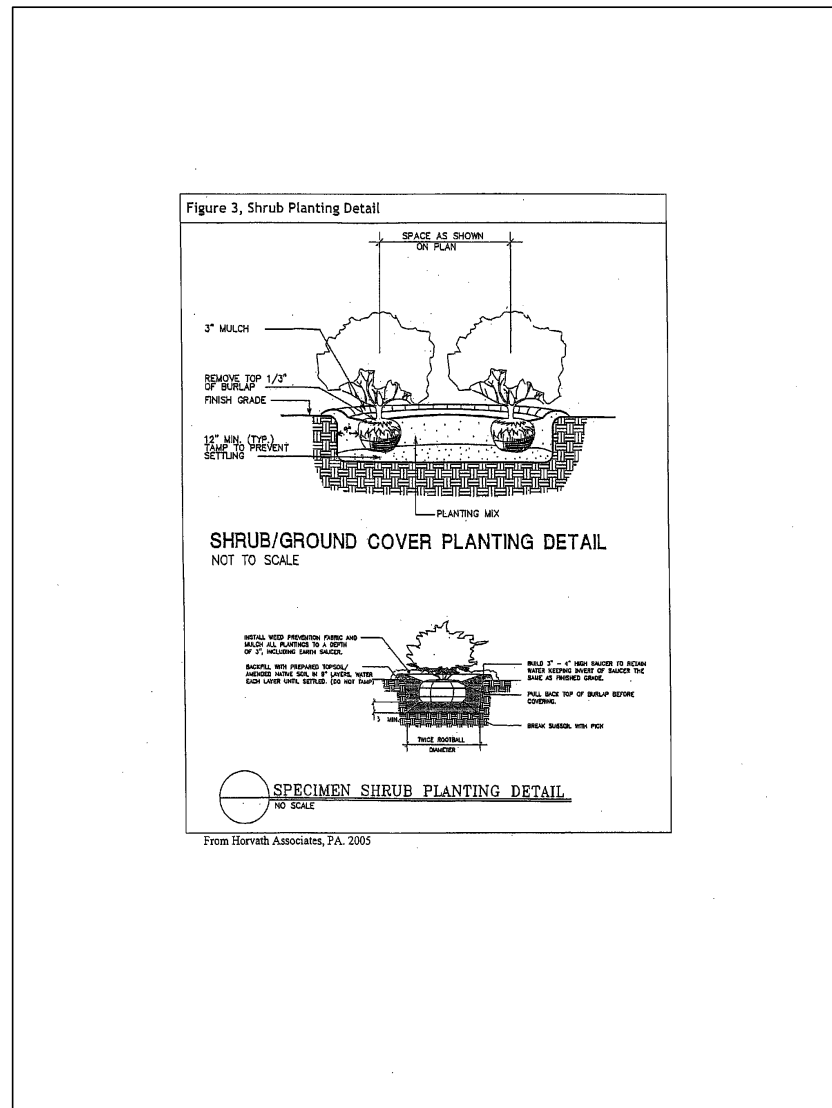
**GRADING and
DRAINAGE PLAN**

REVISIONS	
5/30/19	TRC Comments
6/5/19	Engineering Comm.
6/13/19	Roof Drains
6/14/19	TRC Comments
FILE NO.	2017-013
HORIZ. SCALE:	1"=20'
VERT. SCALE:	NONE

CE-05

THEN JESUS DECLARED, "I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY. JOHN 6:35





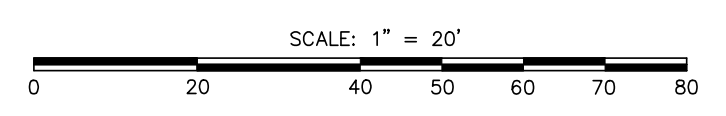
PLANTING SCHEDULE

QUANTITY	COMMON NAME	LATIN NAME	SIZE @ PLANTING
15	RED MAPLE	Acer rubrum	2 1/2" CALIPER AND 8" TALL
16	EASTERN REDBUD	Cercis canadensis	2" CALIPER AND 6" TALL
81	DWARF BURFORD HOLLY	Ilex cornuta 'Burford Nano'	34" TALL (3 GAL.)
17	INKBERRY HOLLY	Ilex glabra	36" TALL (3 GAL.)

PLANTING LEGEND

- CANOPY TREE (35' MATURE HEIGHT)
2 1/2" CALIPER AND 8" TALL @ PLANTING
(RED MAPLE)
- UNDERSTORY TREE (25'-30' MATURE HEIGHT)
2" CALIPER AND 6" TALL @ PLANTING
(EASTERN REDBUD)
- DWARF BURFORD HOLLY
- INKBERRY HOLLY
- EX. RED MAPLE CANOPY TREE (40' MATURE HEIGHT)
- EX. PIN OAK CANOPY TREE (70' MATURE HEIGHT)
- EX. MAGNOLIA UNDERSTORY TREE (20' MATURE HEIGHT)
- FESCUE SOD
- TAN RIVER ROCK

SPRINGBROOK AVENUE 76' R/W (PUBLIC)



ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH AN AUTOMATICALLY OPERATED IRRIGATION SYSTEM THAT WILL ADEQUATELY COVER ALL LIVING PLANT MATERIAL. SUCH SYSTEM SHALL INCLUDE A RAIN SENSOR.

THIS PLAN IS INTENDED TO CONVEY THE MINIMUM LANDSCAPING REQUIRED BY CODE. ADDITIONAL PLANTINGS MAY BE ADDED AT THE OWNERS DISCRETION.

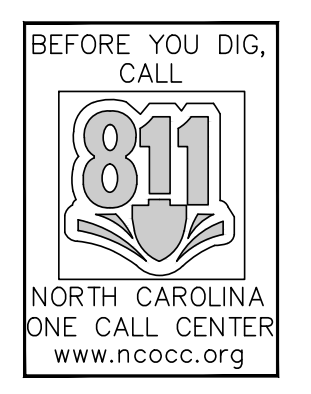
NOTES:
ALL AREAS WITHIN SITE NOT LANDSCAPED SHALL RECEIVE FESCUE SOD. LANDSCAPED AREAS ADJACENT TO BUILDING SHALL INCLUDE 1 1/2" TO 3" RIVER ROCK IN A LIGHT BROWN COLOR.

LANDSCAPER SHALL TREAT ROCK BEDS WITH AN APPROPRIATE PRE-EMERGENT HERBICIDE TO PREVENT WEEDS.

CONTRACTOR TO PROVIDE DESIGN OF IRRIGATION SYSTEM TO BE APPROVED BY OWNER IN BASE BID. (ALL GRASS AREAS AND ALL PLANTS) NO SPRAY ONTO THE BUILDING, SIGNS OR SIDEWALKS. NO SPRAY HEADS WITHIN 3' OF RADIUS CURB.

CONTRACTOR TO PROVIDE NON-WOVEN GEOTEXTILE UNDER ALL MULCH AND ROCK BEDS.

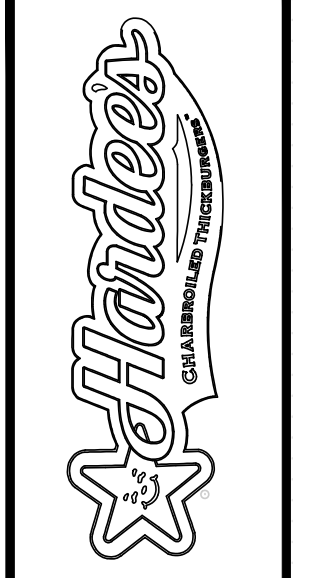
ALL MECHANICAL EQUIPMENT, INCLUDING GROUND AND ROOFTOP EQUIPMENT, WILL BE COMPLETELY SCREENED FROM VIEW AS REQUIRED BY THE UDC.



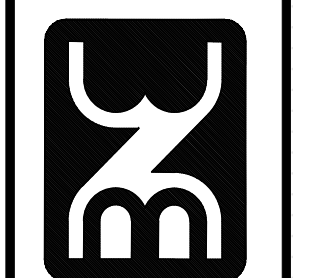
STOCKS
ENGINEERING

P.O. BOX 1108
NASHVILLE, NC 27556
PHONE: (252) 459-8186
WWW.STOCKSENGINEERING.COM

BLN-C-1874



RODIE NOELL
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ROCKY MOUNT, NC
27602-0908
(252) 857-2800



HARDEE'S at
SPRING BRANCH
CLAYTON, N.C.

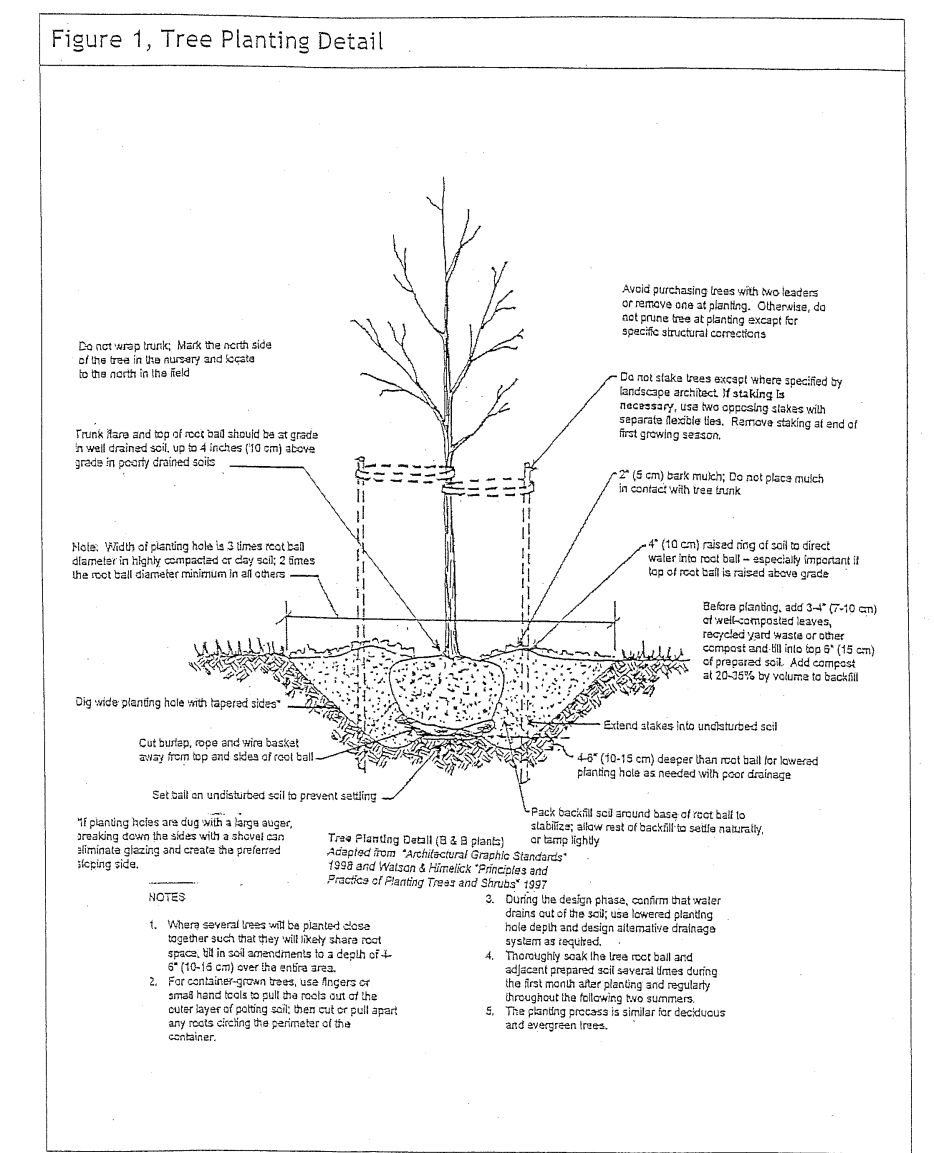


LANDSCAPE
PLAN

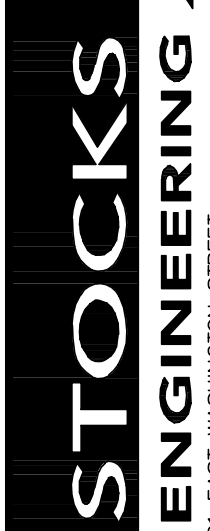
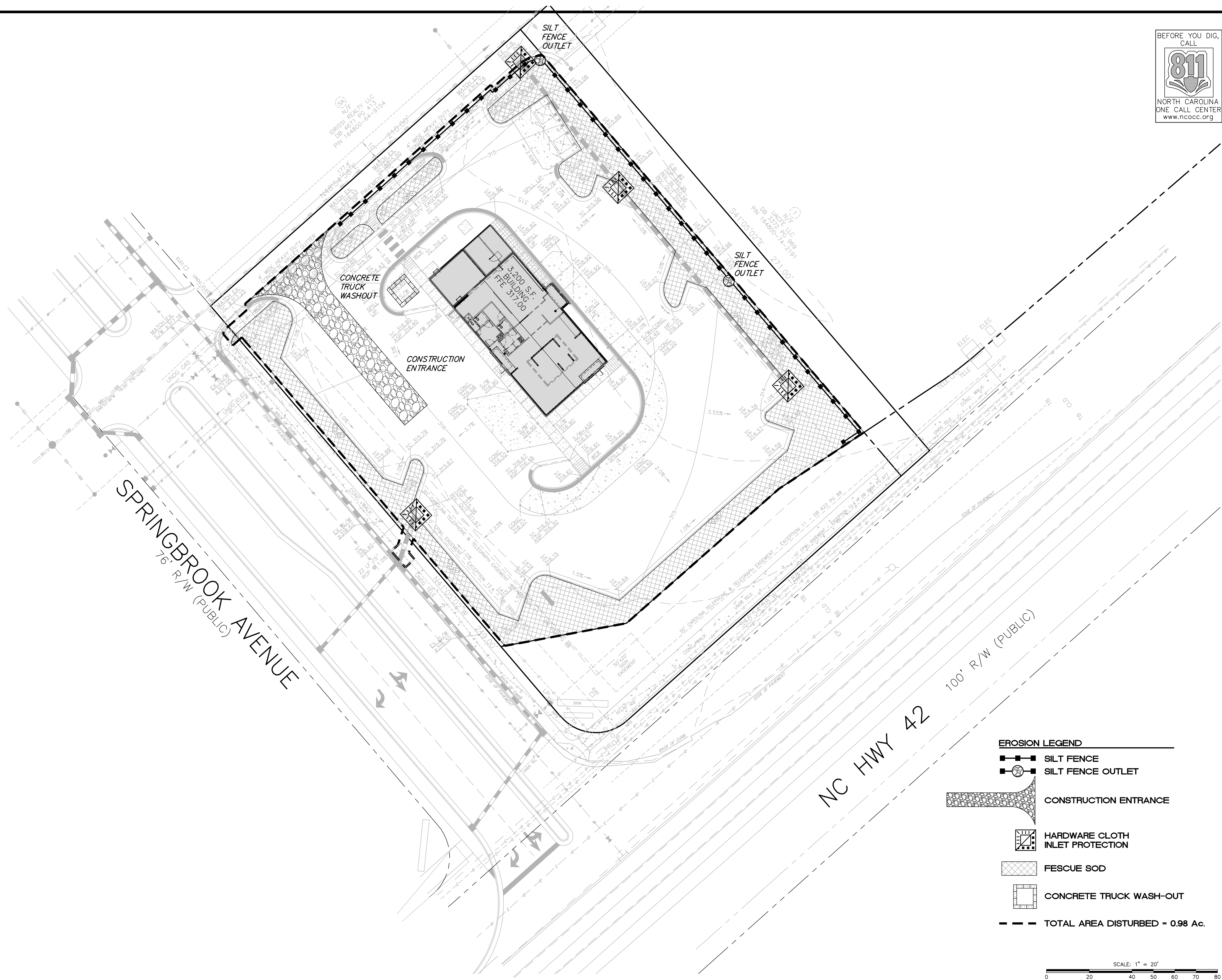
REVISIONS
5/30/19 - TRC Comments
6/14/19 - TRC Comments

FILE NO. 2017-013
HORZ. SCALE: 1"=20'
VERT. SCALE: NONE

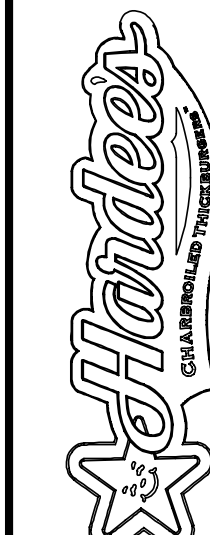
CE-06



THEN JESUS DECLARED, "I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY." JOHN 6:35



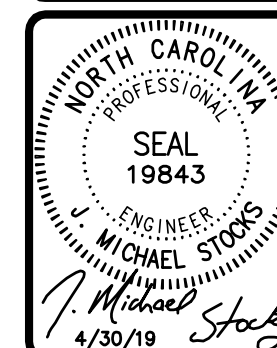
BLN=C-1874



**BODDIE-NOELL
ENTERPRISES, INC.
P.O. BOX 1908
ROCKY MOUNT, N.C.
27802-1908
(252) 937-2800**



**HARDEE'S at
SPRING BRANCH
CLAYTON, N.C.**



**EROSION
CONTROL PLAN**

REVISIONS	
FILE NO. 2017-013	
HORZ. SCALE:	1"=20'
VERT. SCALE:	NONE

CE-07

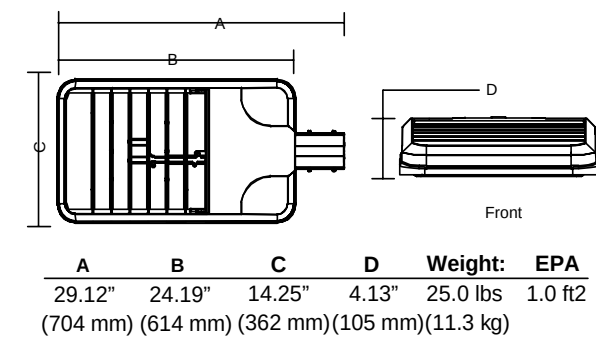
THEN JESUS DECLARED, "I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY. JOHN 6:35

NOTES:

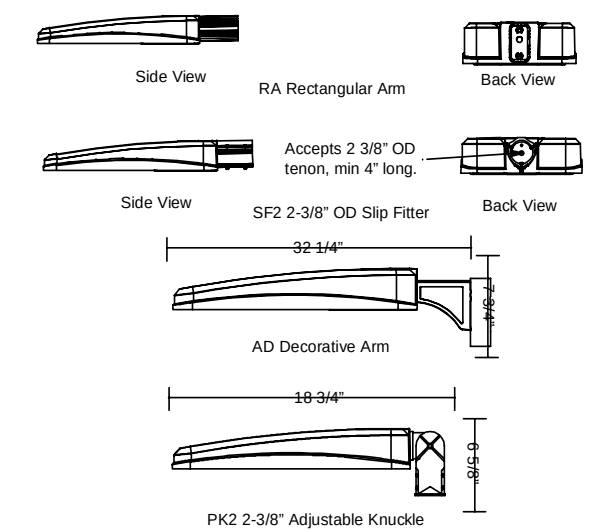
1. THE FOOTCANDLE LEVELS AS SHOWN ARE BASED ON THE FOLLOWING CRITERIA: ANY SUBSTITUTIONS IN SPECIFIED FIXTURES OR CHANGES TO LAYOUT WILL AFFECT LIGHTING LEVELS SHOWN AND WILL NOT BE THE RESPONSIBILITY OF SECURITY LIGHTING.
2. DISTANCE BETWEEN READINGS _____ 10'

VIPER L SERIES

DIMENSIONS



MOUNTING OPTIONS



* PROJECT WIND LOAD CRITERIA BASED ON:
ASCE 7-10 WIND SPEEDS (3-SEC PEAK GUST MPH)
50 YEAR MEAN RECURRENCE INTERVAL

LABEL	FIXTURE TYPE:	SYMBOL	FIXTURE QUANTITY	CONFIG	QUANTITY	TERRON TOP FITTERS	QUANTITY	EPA	MOUNTING HEIGHT	LLF	POLE TYPE:	QUANTITY	WIND LOAD	ALLOWED EPA
A	VPL-80NB-235-5k-T4-UNV-RA-*		12	DBL90	6	TTFVIPER	6	2.00	20'	0.9	SES-18-40-1-TA-** (4')	6	90mph	7.2
B	RWSC-72L-5K-UD-U-PS		22						9'	0.9				
C	RWSC-36L-5K-DO-U-PS		3						9'	0.9				

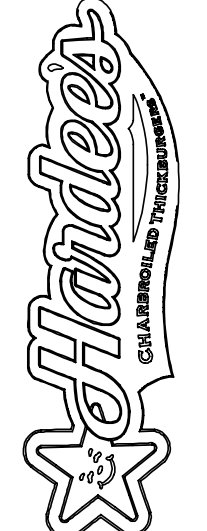
Calculation Summary		Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
PAVED SURFACE READINGS			Illuminance	Fc	5.83	18.6	1.4	4.16	13.29
PROPERTY LINE READINGS			Illuminance	Fc	2.03	4.9	0.3	6.77	16.33

1. THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS TO SECURITY LIGHTING SYSTEMS. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A VISUALIZATION AID. FIELD DEVIATIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, CRITICAL SITE INFORMATION (POLE LOCATIONS, ORIENTATION, MOUNTING HEIGHT, ETC.) SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT.
2. LUMINAIRE DATA IS TESTED TO INDUSTRY STANDARDS UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NORMAL MANUFACTURING TOLERANCES OF LAMP, BALLAST, AND LUMINAIRE MAY AFFECT FIELD RESULTS.
3. CONFORMANCE TO FACILITY CODE AND OTHER LOCAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.
4. THIS LAYOUT MAY NOT MEET TITLE 24 OR LOCAL ENERGY REQUIREMENTS. IF THIS LAYOUT NEEDS TO BE COMPLIANT WITH TITLE 24 OR OTHER ENERGY REQUIREMENTS, PLEASE CONSULT FACTORY WITH SPECIFIC DETAILS REGARDING PROJECT REQUIREMENTS SO THAT REVISIONS MAY BE MADE TO THE DRAWING.

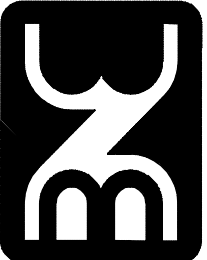
SCALE: 1" = 20'

STOCKS
ENGINEERING
801 EAST WASHINGTON STREET
MUSTAMILL, N.C. 27556
P.O. BOX 1108
PHONE: (252) 452-8188
WWW.STOCKENGINEERING.COM

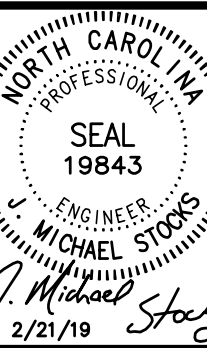
BLN-C-1874



BODIE-NOELL
ENTERPRISES, INC.
P.O. BOX 9048
ROCKY MOUNT, NC
27602-1908
(252) 837-2800



HARDEE'S at
SPRING BRANCH
CLAYTON, N.C.



LIGHTING PLAN

REVISIONS

FILE NO.	HORIZ. SCALE:	VERT. SCALE:
2017-013	1"=20'	NONE

CE-09

Initial Cement Concrete Testing Requirements
Section 609-1.1: The initial test (from first ready-mix truck) is to be taken after the second cubic yard is discharged. The mixer and it is to consist of the following:
 1. One slump test
 2. Three cylinders pulled, prepared and stored on-site for 24 hours
 3. Temperature recording
Subsequent Tests: After the above tests are pulled from the initial truck, every 5th truck thereafter is to be tested in the same manner as noted above.

Asphalt Concrete Testing Requirements
Compaction: Testing for asphalt density is to follow NCDOT "Standard Specifications for Roads and Structures", Section 609-9.3, "Field Compaction Quality Management," latest revision.
Thickness: Thickness frequency measurements are to be taken on the basis of test sections consisting of not more than 1500 linear feet of lay down width, exclusive of intersections and irregularities. A minimum sample is to be a 6-inch core sample. The sample is to be numbered and logged for identification purposes.
Contractor's Quality Control System: Follow NCDOT "Standard Specifications for Roads and Structures", Section 609-2.1, "Contractor's Quality Control System," latest revision.
Mixture and Job Mix Formula Adjustments: Follow NCDOT "Standard Specifications for Roads and Structures", Section 609-4.4, "Field Verification of Mixture and Job Mix Formula Adjustments," latest revision.
Quality Control: The Quality Control section of Section 609 of the NCDOT "Standard Specifications for Roads and Structures" shall apply relating to Quality Control Plan, mix design, control limits, corrective action, equipment and measurement.
Testing Cost: Site Contractor is responsible for cost of testing.

2. All construction, placing, curing and curing concrete is to conform to the latest edition of ACI 318.
3. All reinforcing steel is to be cold cut and bent in conformance with the latest edition of ACI 318 and ASTM A-618.
4. Portland Cement Concrete shall have a minimum 28-day compressive strength of 4,000 PSI (or), a non-vibrated slump between 2.5 and 4-inches, a minimum cement content of 1545 pounds per cubic yard, a maximum water-cement ratio of 0.45, and a minimum air content of 6% (or) 7% (or) 8% (or) 9% (or) 10% (or) 11% (or) 12% (or) 13% (or) 14% (or) 15% (or) 16% (or) 17% (or) 18% (or) 19% (or) 20% (or) 21% (or) 22% (or) 23% (or) 24% (or) 25% (or) 26% (or) 27% (or) 28% (or) 29% (or) 30% (or) 31% (or) 32% (or) 33% (or) 34% (or) 35% (or) 36% (or) 37% (or) 38% (or) 39% (or) 40% (or) 41% (or) 42% (or) 43% (or) 44% (or) 45% (or) 46% (or) 47% (or) 48% (or) 49% (or) 50% (or) 51% (or) 52% (or) 53% (or) 54% (or) 55% (or) 56% (or) 57% (or) 58% (or) 59% (or) 60% (or) 61% (or) 62% (or) 63% (or) 64% (or) 65% (or) 66% (or) 67% (or) 68% (or) 69% (or) 70% (or) 71% (or) 72% (or) 73% (or) 74% (or) 75% (or) 76% (or) 77% (or) 78% (or) 79% (or) 80% (or) 81% (or) 82% (or) 83% (or) 84% (or) 85% (or) 86% (or) 87% (or) 88% 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1. Boxes may be reinforced using masonry, precast concrete or cast-in-place reinforced concrete.
2. The maximum height of an unreinforced masonry drainage structure with 8" walls shall be limited to 8' - 0".
3. The maximum height of a precast concrete drainage structure with 8" walls shall be limited to 8' - 0".
4. Bases over 12" in total depth shall be designed by a NC Professional Engineer. 8" walls are not permitted.
5. Steps are to be provided on all basins deeper than 42".
6. All steel, L or SSI shall be approved by M. A. Industries or an approved equal. Locate on non-pipe.
7. Reinforce all masonry boxes to be type M.
8. Clay brick structures are not allowed.
9. The minimum 12" reinforced concrete meeting ASTM C-76, -76 test, release.
10. Concrete building brick is to meet ASTM C-55, Grade, Type 1.
11. Drainage structures are to be affixed and lagged to the drainage structure. The drainage structure is to be to be drilled.
12. The maximum concrete thickness is 12" thick. The concrete shall be poured areas accessible to loadings to be designed to meet AASHTO HS 20-44 loading. See manufacturers details for top, and bottom thickness.
11. All frames, grids, and hoods to receive a blumumatic coating.

5. Site Contractor to Inform General Contractor to verify finished grade at building before digging footings.
6. Site Contractor to confirm building footings are on desired grade. If necessary, need to return building pad to flow water grade to desired elevation. In this case, the contractor will be responsible for the desired grade.
7. New finished contours shown are top of future paving in areas to receive pavement and top of topsoil.
8. Areas outside of the parking lot perimeter shown to be seeded shall receive 4 inches of topsoil.
9. Areas shown to be seeded shall be seeded with a seed mix of 100% grass seed.
10. Dimensions on buildings are for processing purposes only and are not to be used to lay-off footings. See drawings for building dimensions.
11. Contractor shall notify and cooperate with all utility companies or firms having facilities on or adjacent to the project site. Contractor shall be responsible for the location and depth of all existing utilities.
12. Contractor shall repair or raise the tops of existing manholes, as required, to match finished grade.
13. Contractor shall be responsible for the location and depth of all existing utilities. Elevation heights on castings are not exceeded in critical areas before ordering submittal castings.
14. Contractor shall be responsible for the location and depth of all existing utilities. Elevation heights on castings are not exceeded in critical areas before ordering submittal castings.
15. Unusable excavated materials and all waste resulting from clearing and grubbing shall be disposed of at an approved location.
16. All excavation is unclassified and shall include all materials encountered.
17. All work shall be done in accordance with the applicable codes and the time established by the Site Plan. Control points shall be preserved at all times during the course of the project. Lads of proper dimensions shall be placed to indicate the cessation of operations until such points and grades have been placed to the Owner's satisfaction.

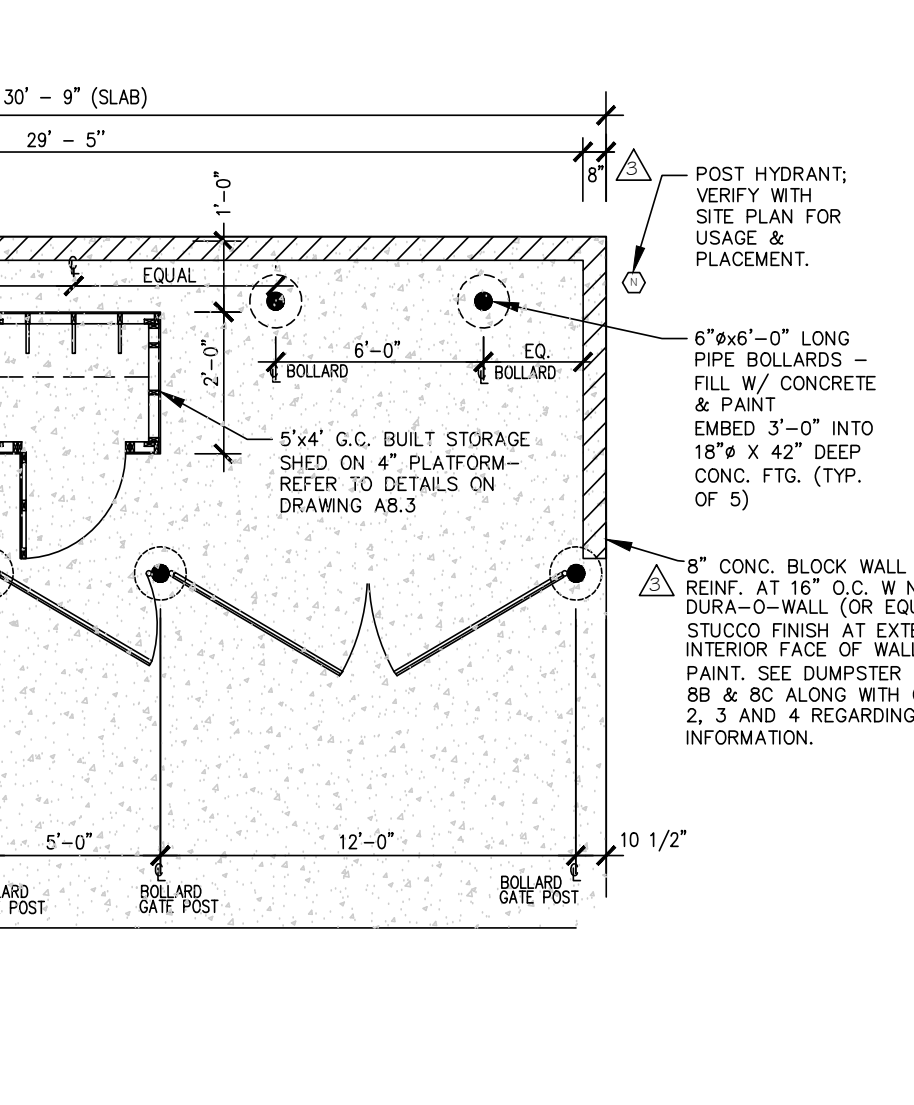
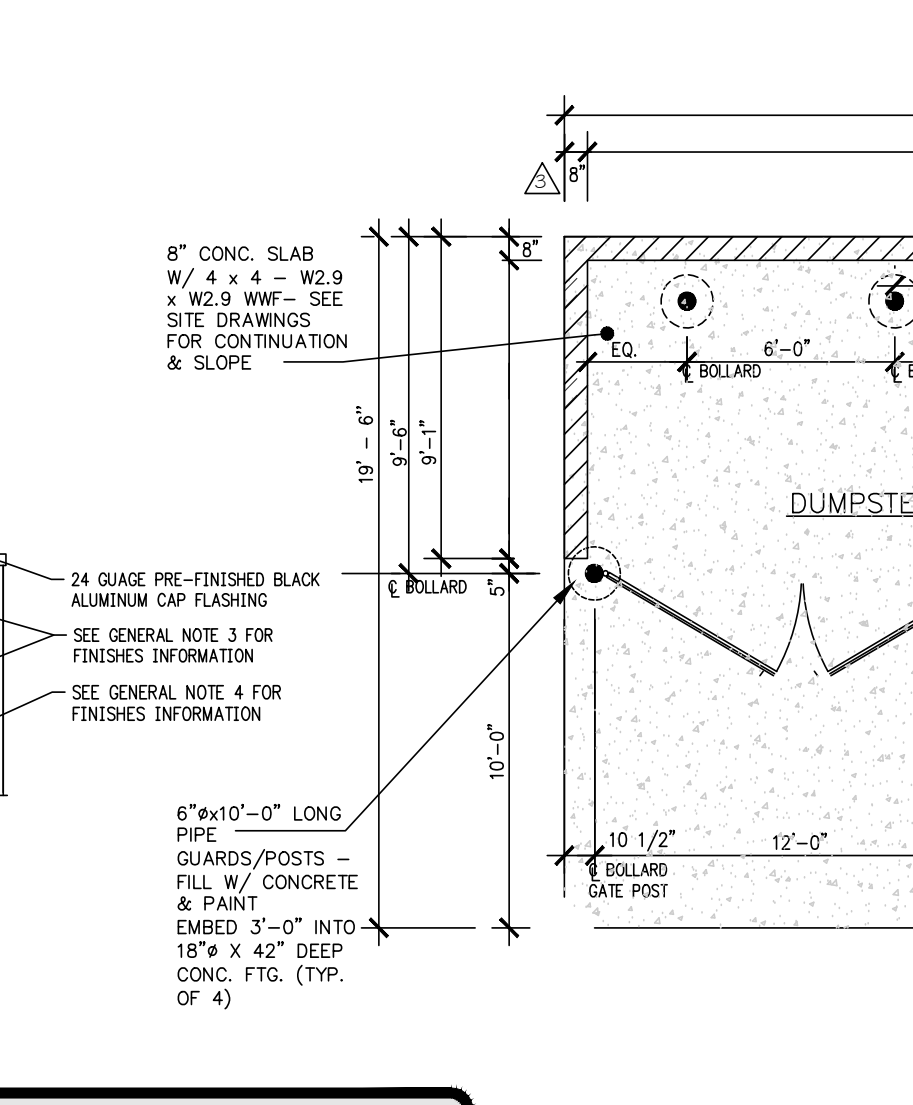
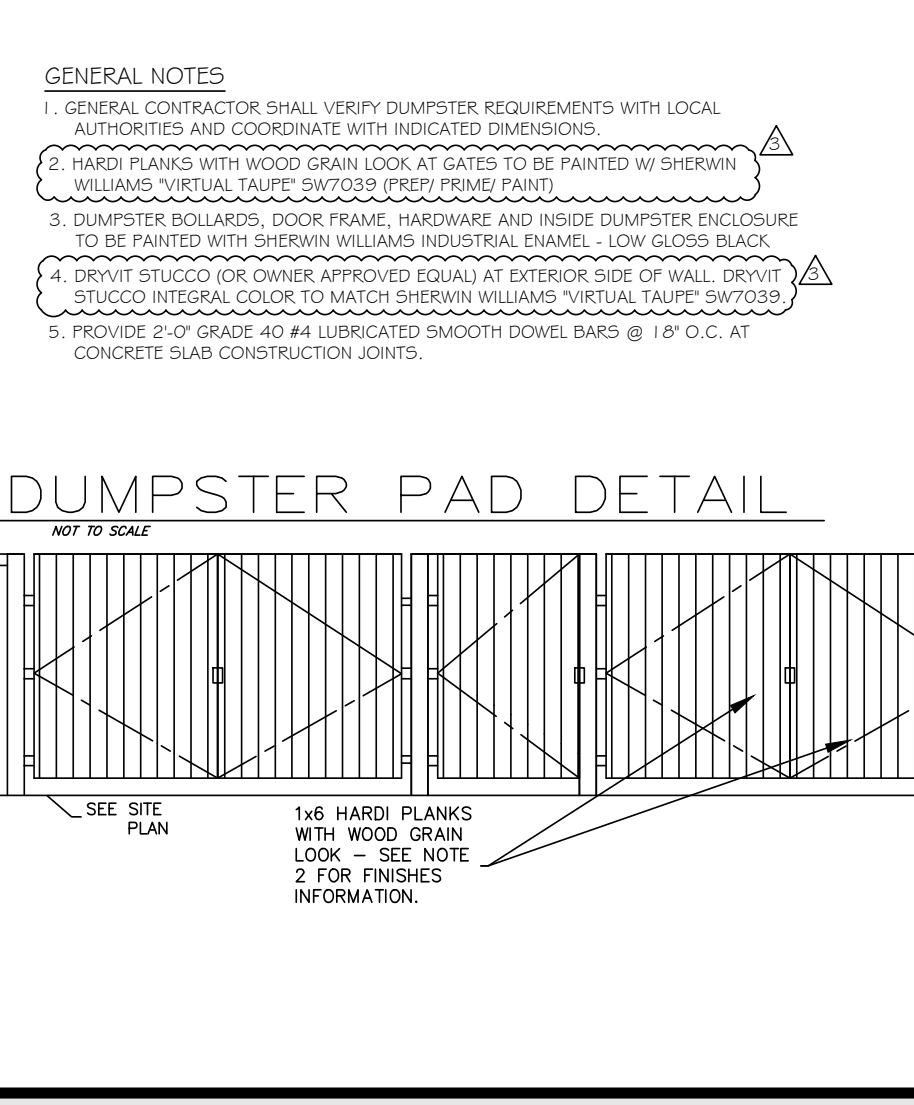
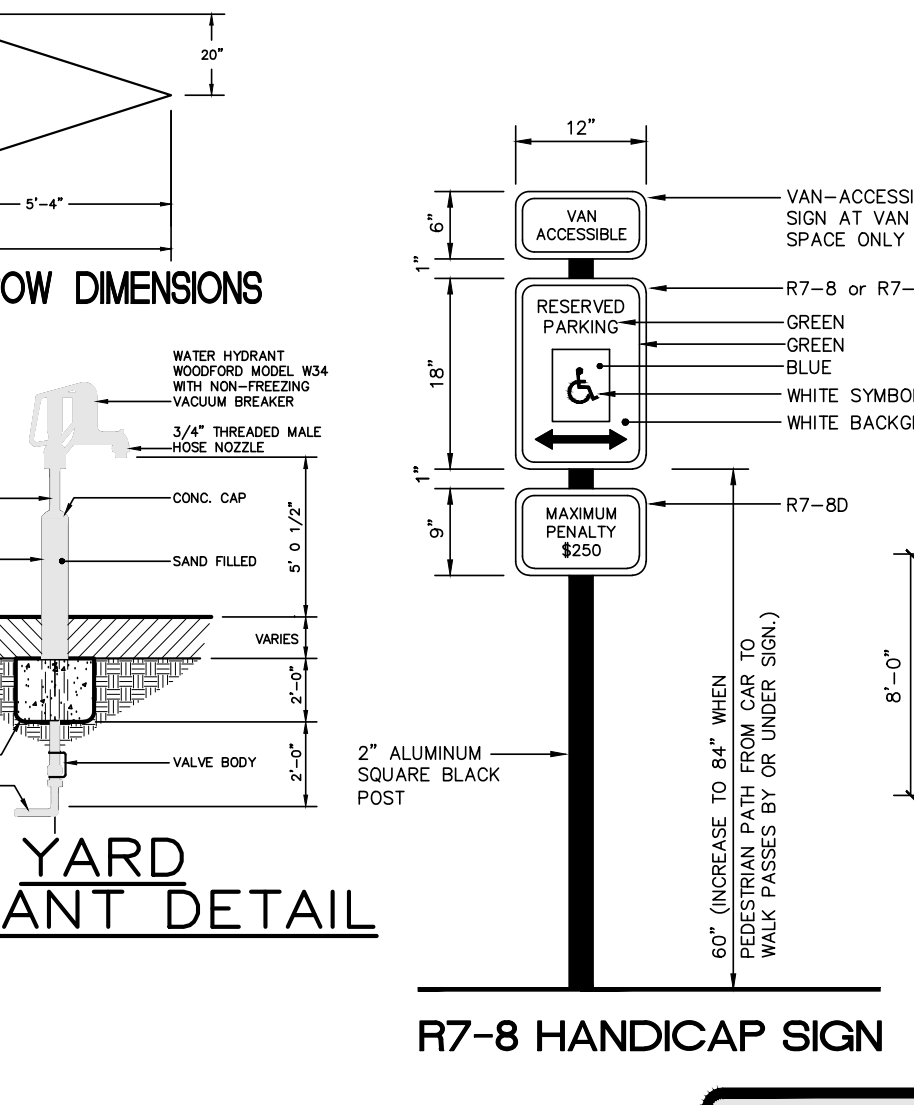
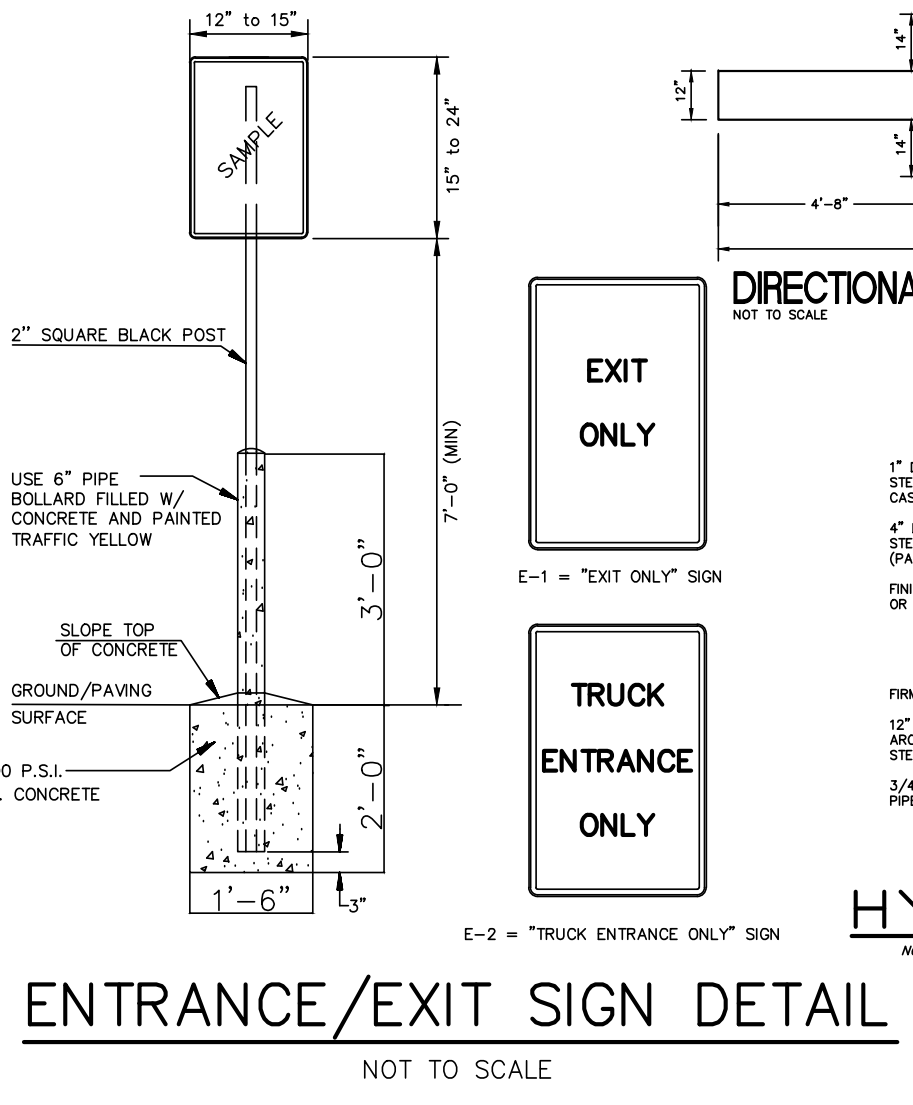
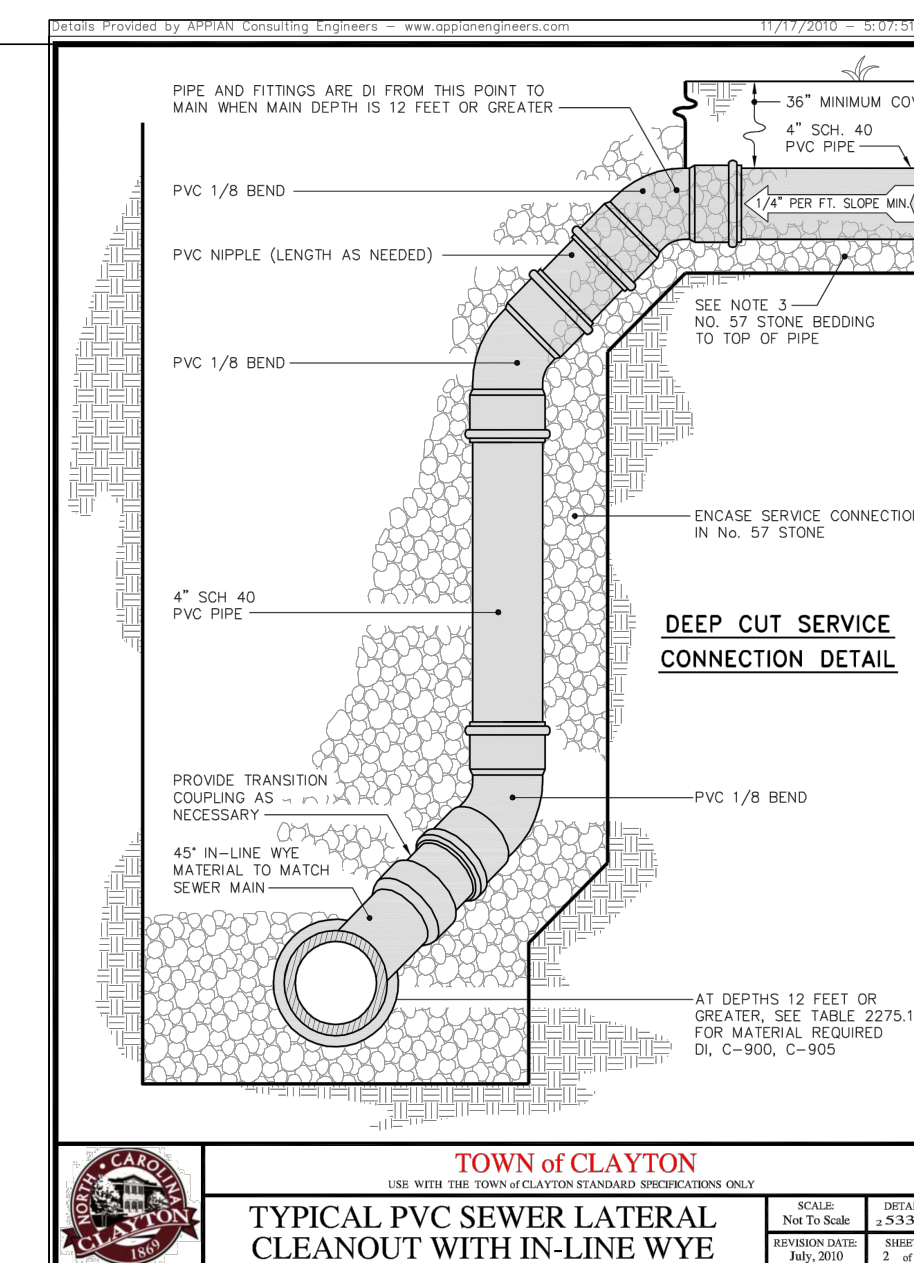
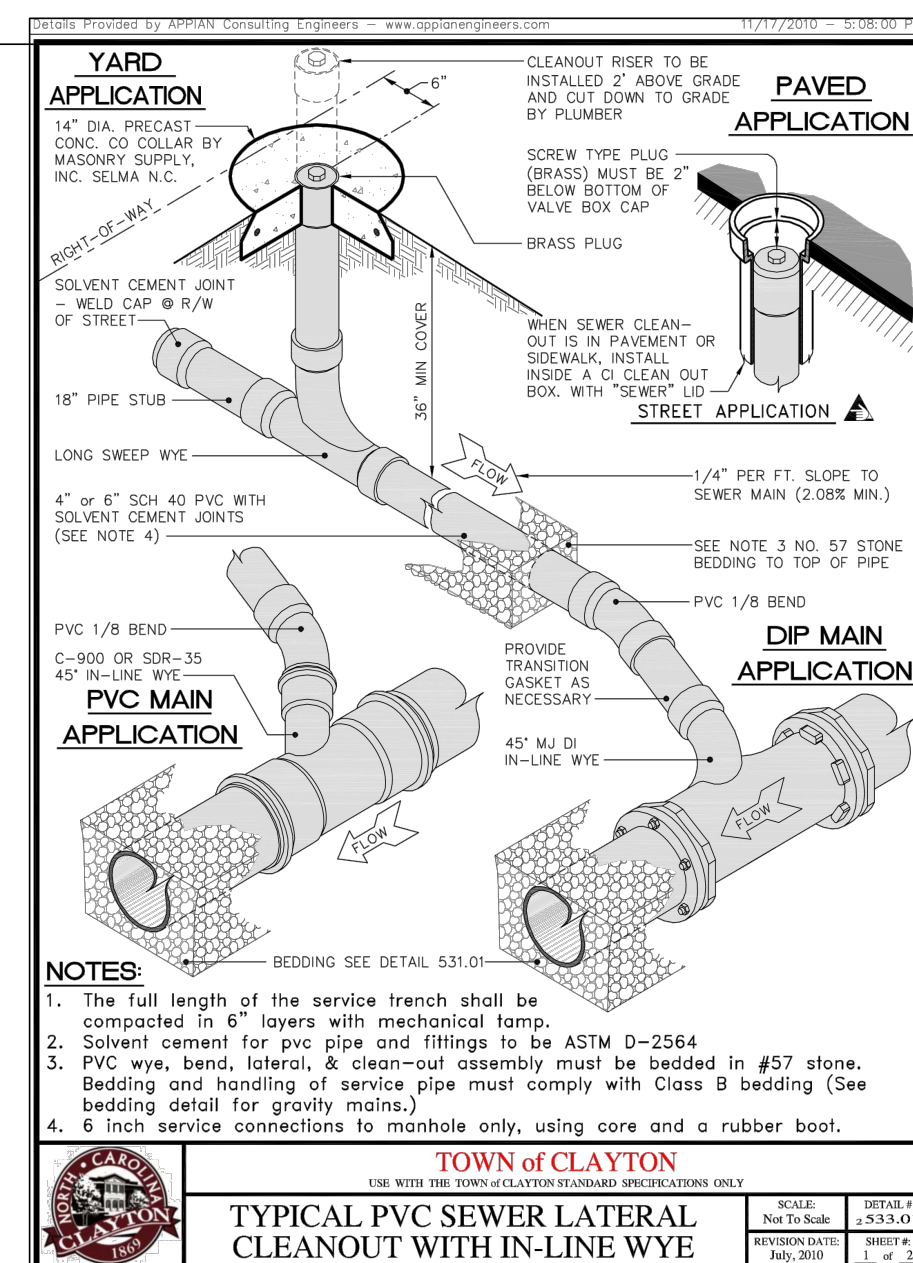
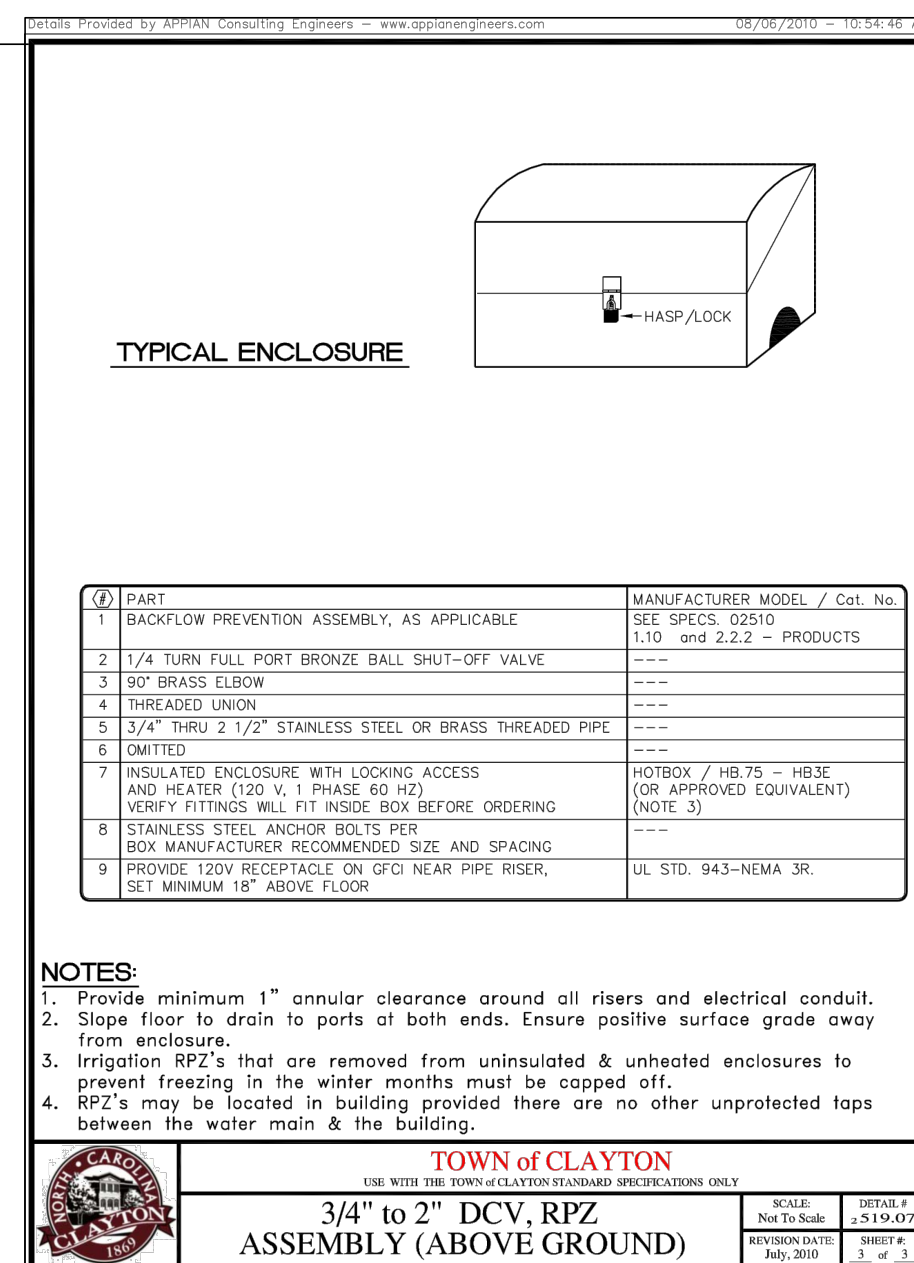
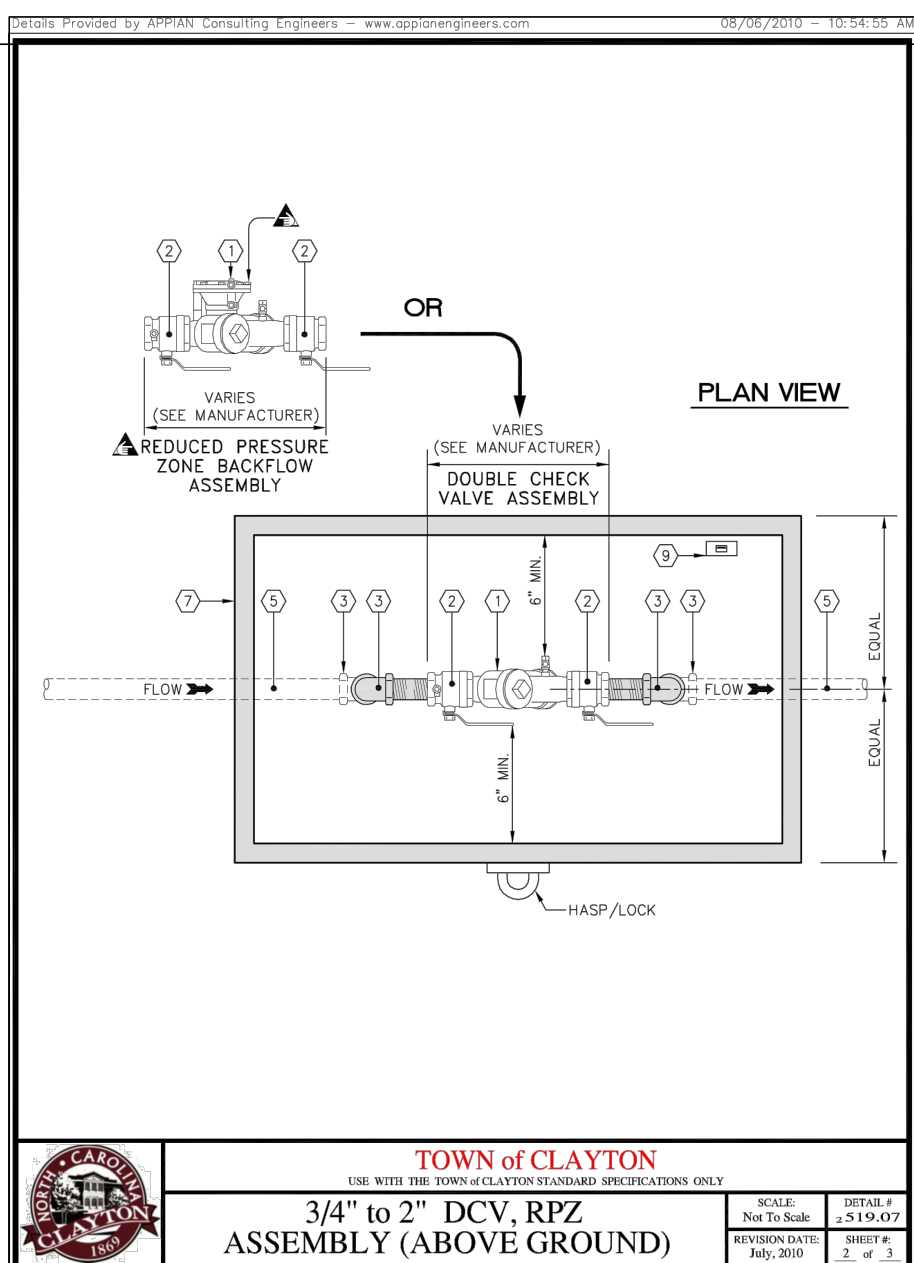
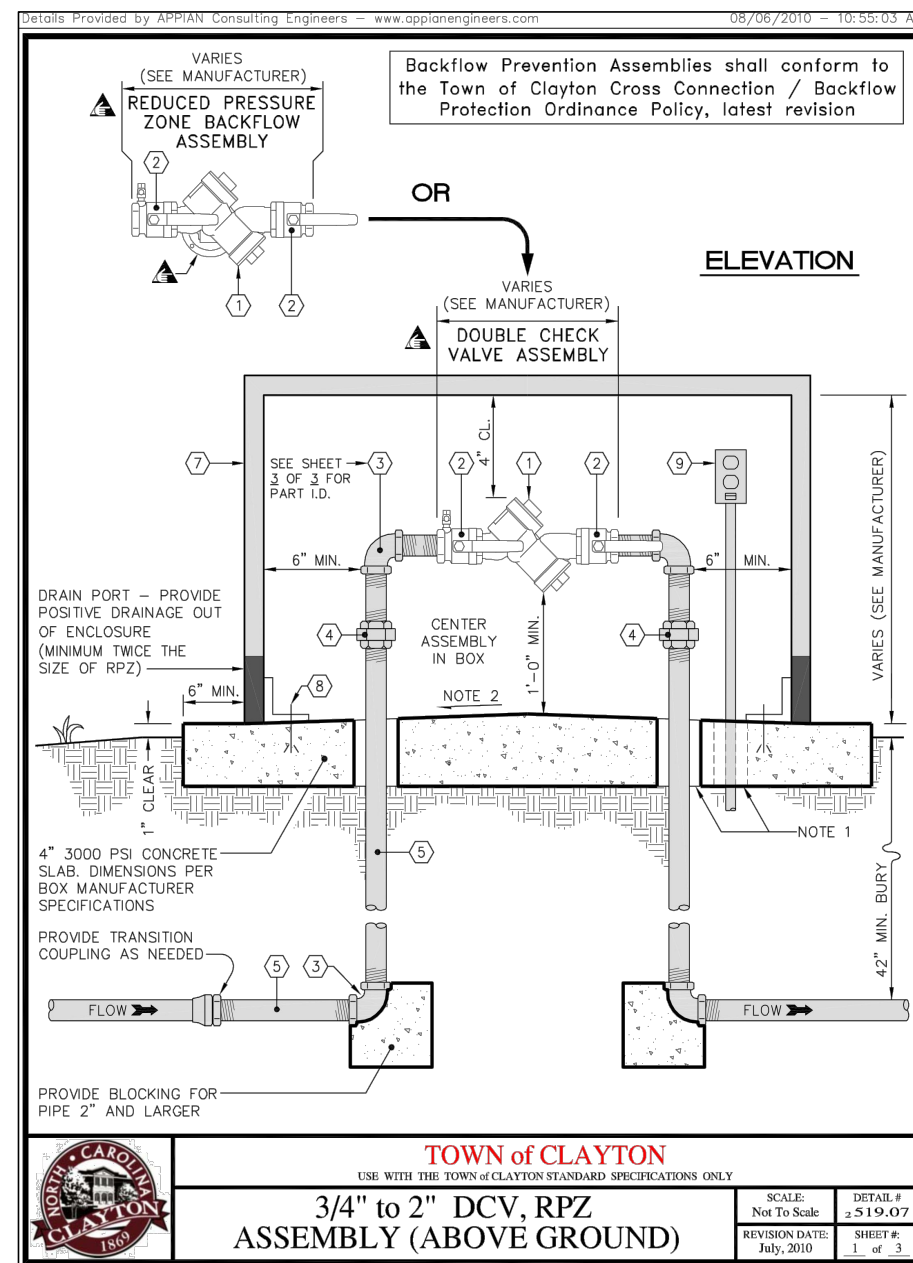
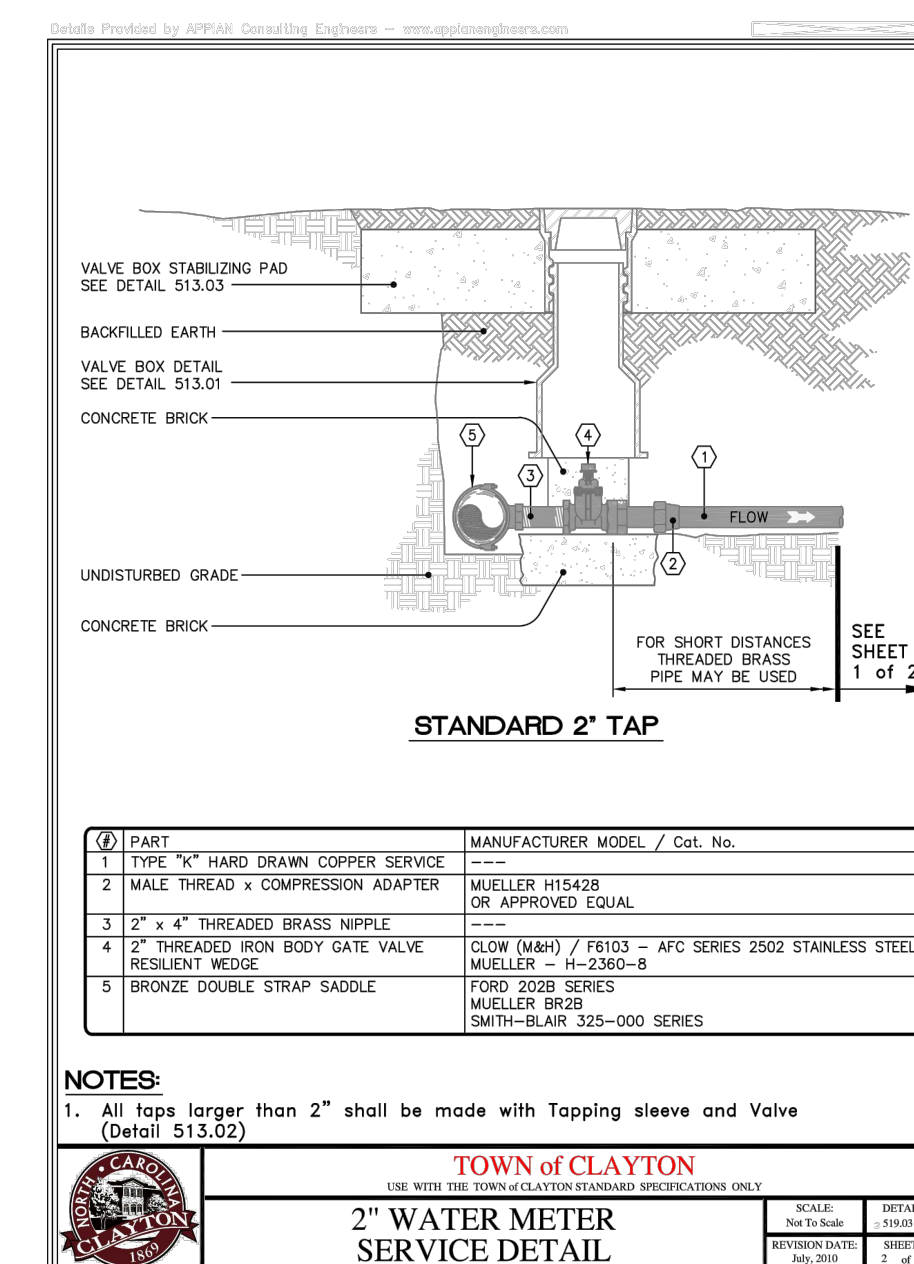
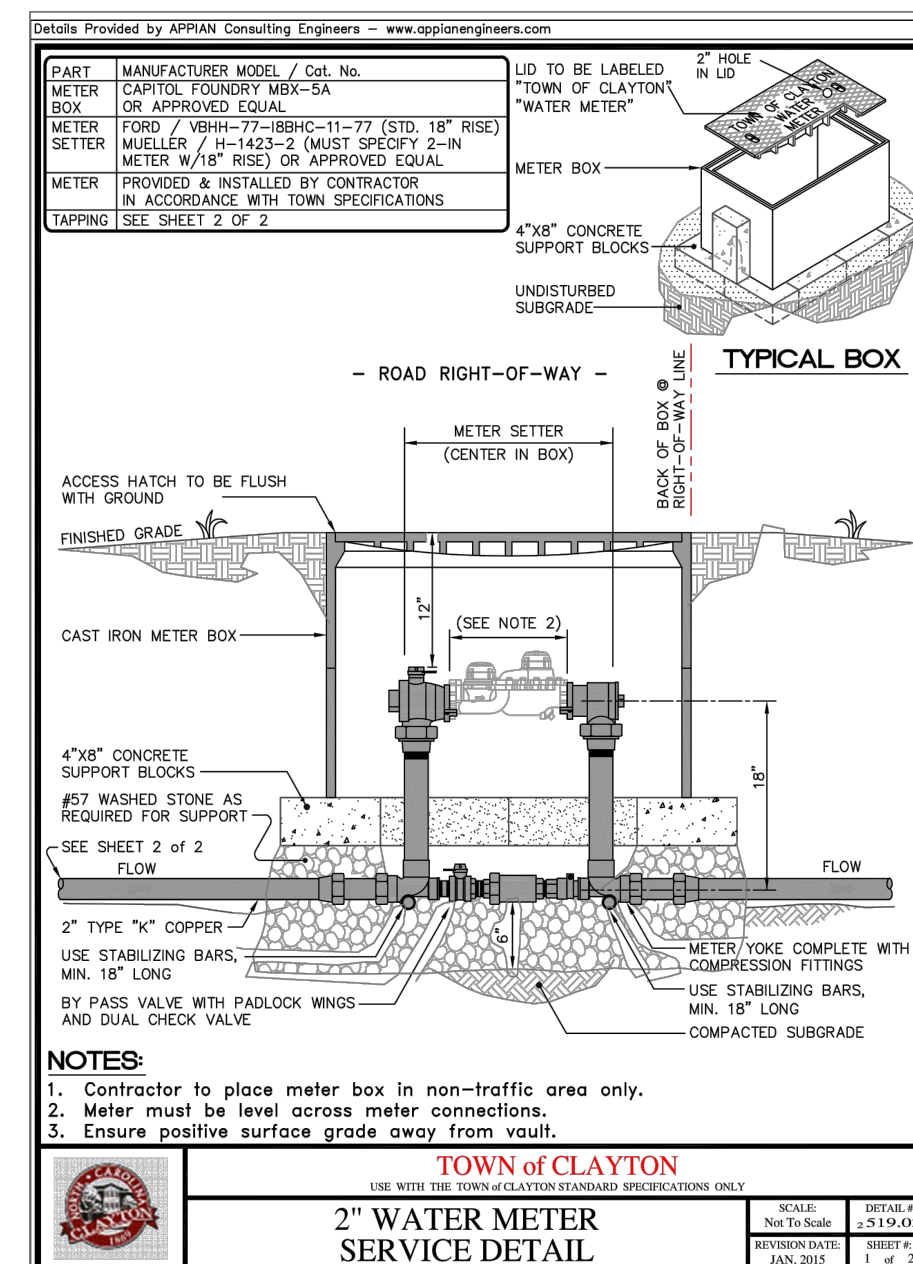
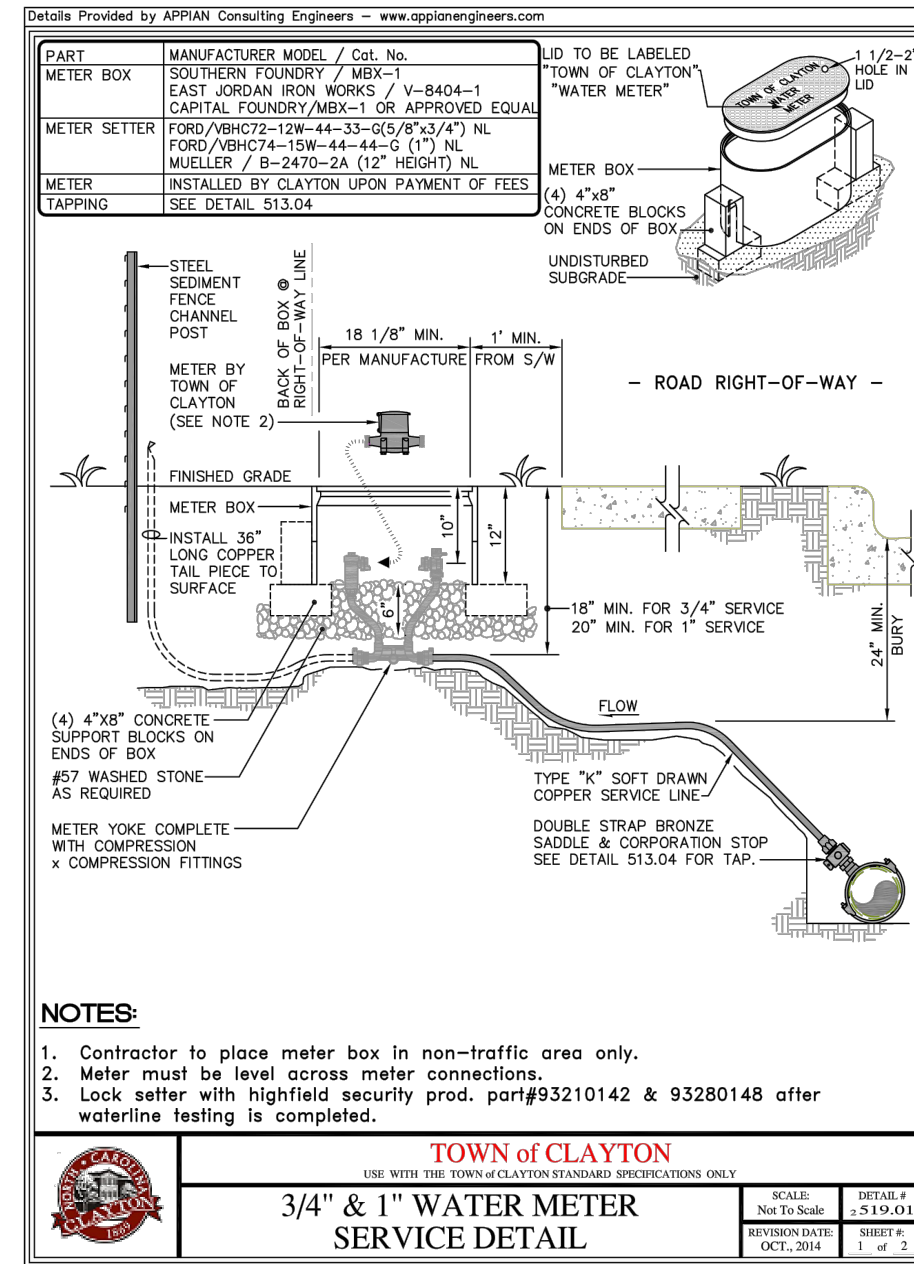
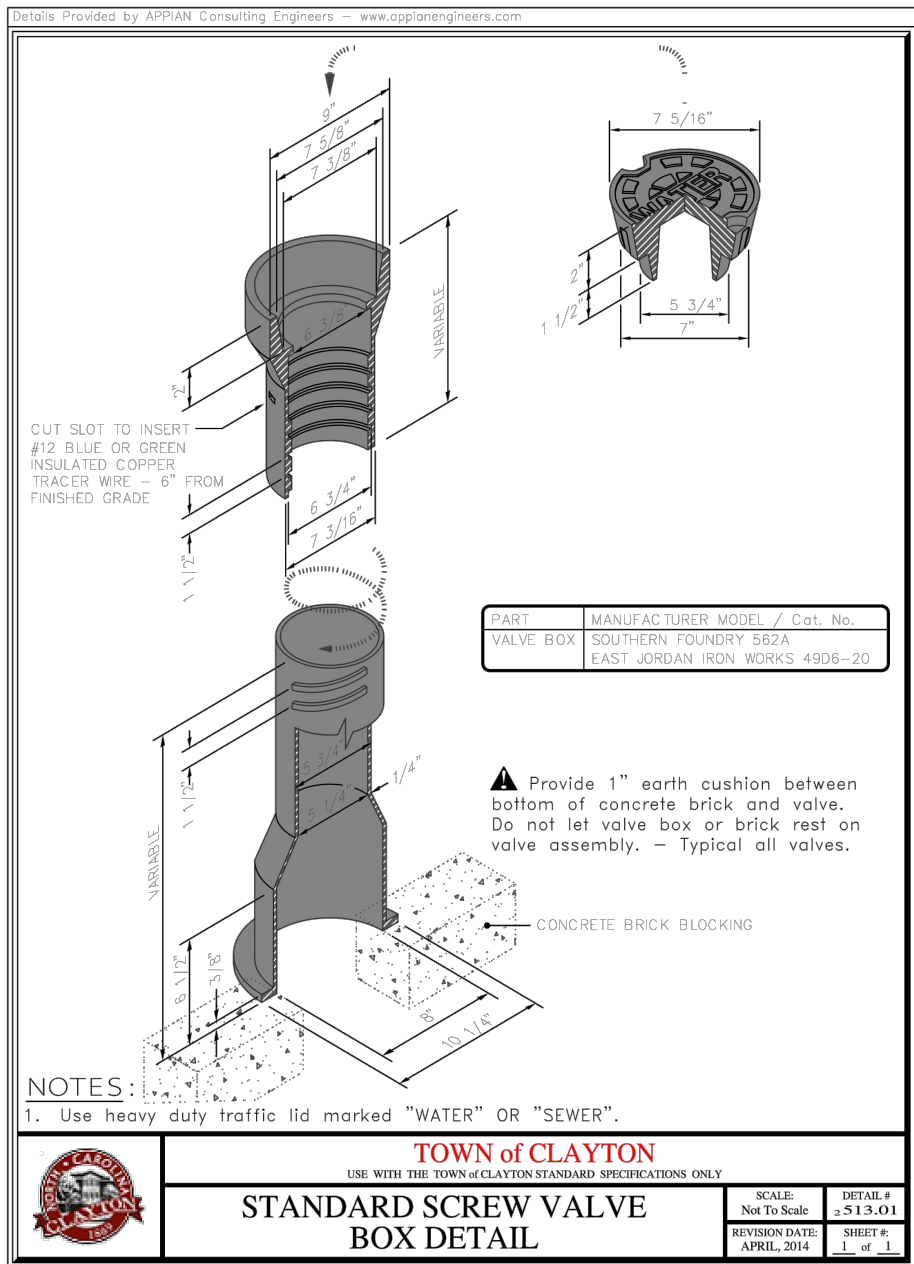
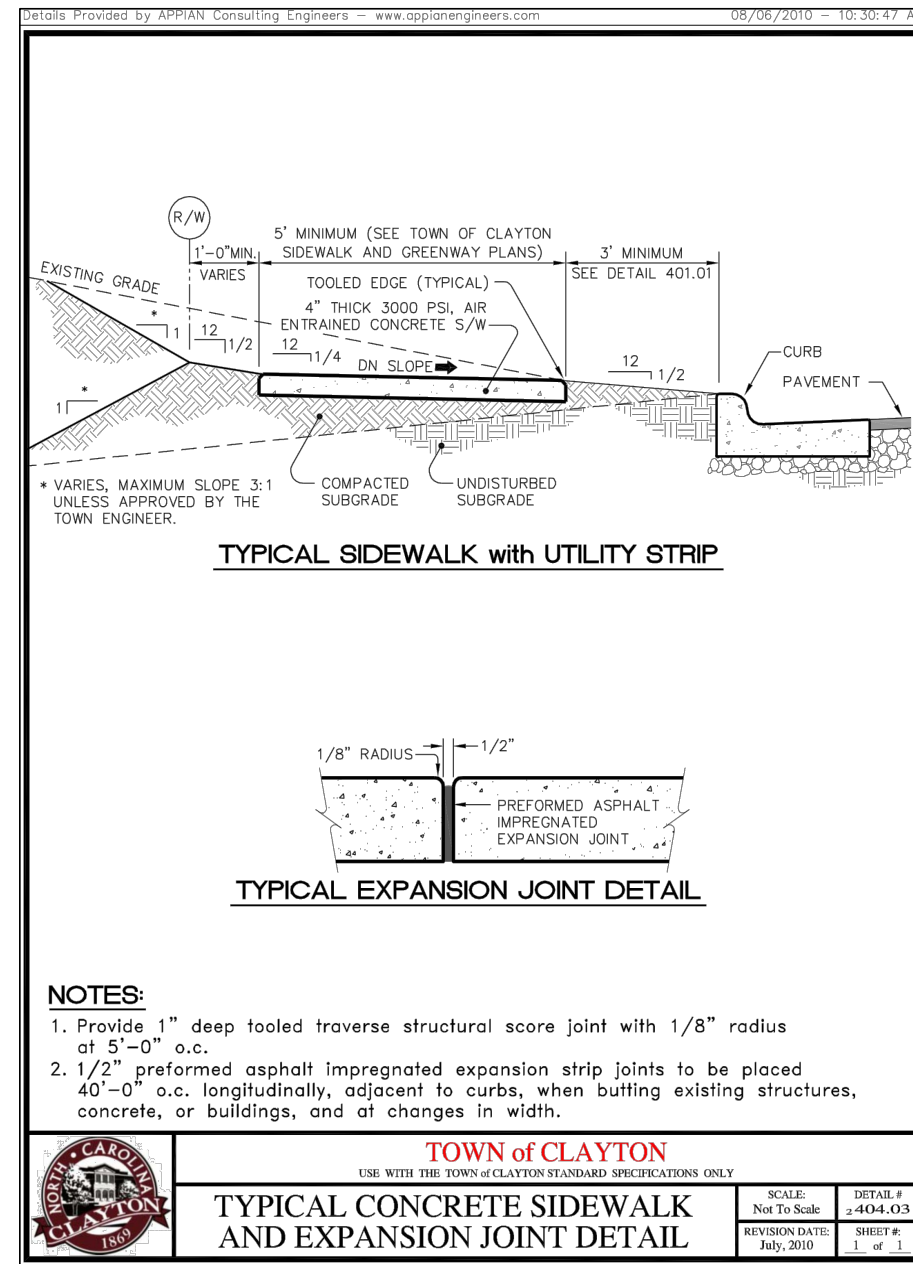
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6. Contractor to provide full site access to site including meter, setting, and connection fees in his bid.
7. The Site Contractor is to assume responsibility for all water and sewer utilities from a point 5' outside of the building to the point of public connection.
8. Contractor to furnish all permits required by City.
9. Owner to purchase or lease dumpsters & recycle bins. This will not be provided by City.
10. A geotechnical investigation was prepared for this project. Contractor is responsible for digging site to confirm all contact points and depths as shown on drawings.
11. All work to meet the minimum standards set forth in the "Manual of Uniform Practice of Water Access." Contact Danny Mueyes to obtain copy of Geotech Report # 770 (723-5700).
12. Water service lines to be HDPE 1/4 inch w/1 inch main and backflow preventor.
13. Sewer services to be PVC, separate storm and sanitary, with manholes for 4-inch lines to be 2.08-percent.
14. Pressure reducing valve, if needed, to be located in building and is not Site Contractor's responsibility.
15. Provide handrails, signs, markings and ramp per the details.
16. All signs, pavement markings, and other traffic control devices are the Site Contractor's responsibility.
17. All construction shall conform to the following codes and regulations: Florida Building Code, Florida Building Code, and ANSI A17.1.
18. Dimensions of concrete installation of all signs per uniform indicators. Staking plan coordinates are to back of curb.
19. Contractor shall conduct installation of all signs, pavement markings, and other traffic control devices with other Contractors on the site.
20. Contractor shall saw-cut to provide smooth transition at tie-in to existing edge of pavement when applicable.
21. Do not put any concrete before forms are inspected and approved by Engineer./Owner.
22. Do not fail to comply with all rules and regulations of the "Manual of Uniform Practice of Construction" issued by AGC of America, Inc., and the Safety and Health Regulations for Construction issued by the U.S. Department of Labor.
23. All work to conform to the Florida Reinforced Concrete Building ASTM C-76, latest revision.
24. All handicap ramps to be meet "ADA Accessibility Guidelines for Buildings and Facilities" as detailed in the ADAAG, 1990, published by the U.S. Architectural and Transportation Barriers Compliance Board, 1992, latest revision. Also, refer to North Carolina State Building Code Volume 1-C, "Making Buildings Accessible and Usable by the Physically Handicapped," 1991, latest edition and ANSI A117.1, current edition, if amended.

3. This plan must be approved by the Town of Clayton prior to construction of any street, water, storm drainage or other site improvements on this plan.
4. The contractor shall obtain all applicable State, Federal, State and County Standards and Specifications or NCDOT, as applicable.
5. Disturbed area is greater than 1 acre and formal Sedimentation & Erosion Control plan approval is required.
6. The approved Erosion & Sedimentation Control Plan shall be regarded as minimum.
7. The contractor shall be responsible for obtaining all necessary permits. No sediment is released from the site.
8. The contractor is responsible for installing and maintaining all measures necessary to ensure that all sediment is contained or sited.
9. Utilities
10. Stormwater detection and nutrient management has previously been approved and addressed.
11. The contractor shall be responsible for obtaining all necessary permits for all underground services from the Town of Clayton for payment information.
12. The contractor shall be responsible for obtaining all local utility authority for connection to existing mains. Do NOT operate any existing valves without permission of the Town of Clayton.
13. The contractor shall provide a radio, a two-way radio, a color-coded register and module for radio transmission meter reading per the Town of Clayton Standard.
14. For the installation of electric services, local utility authority shall be obtained if needed and to coordinate temporary relocation of existing Public Utilities in the Town of Clayton.
15. Any relocation of existing utilities will be at the cost of the General Contractor. The Town will not accept the cost of relocation of existing utilities. The contractor shall be responsible for obtaining all necessary permits, nor will the Town absorb the cost for pavement patching, damages to landscaping or bringings to existing services.
16. The contractor shall be responsible for all work zone traffic control in or adjacent to ROW. All work zone traffic control shall be in accordance with the current edition of the Manual for Uniform Traffic Control Devices (MUTCD), latest edition is amended.
17. The contractor shall be responsible for obtaining all necessary permits to be installed in and service prior to recording the subdivision, or, if no subdivision is awarded, shall be installed prior to the placing of the concrete. The contractor shall be responsible for obtaining all necessary permits to be installed on the project site or utilizing them in the construction of building structures. If phased construction is required, the contractor shall be responsible for obtaining all necessary permits.
18. Fire department vehicle access to all structures under construction shall be provided at all times.
19. Fire department vehicle surfaces are soft or likely to become soft, hard all weather surface roads shall be provided and maintained.
20. The contractor shall be responsible for obtaining all necessary permits.
21. Commercial property Address Numbers shall be a minimum of ten (10) inches in height with a minimum stroke width of one (1) inch. These numbers shall contrast with their background and shall be Arabic numerals.
22. Address Numbers must be posted on the front of the structure nearest to the main entrance in a location that is clearly visible to the public.
23. Any change or deviation from this plan, prior to or during construction, will cause addressing and/or street name to be changed.
24. Plans are based on an actual field survey performed by BURT LINE SURVEYING, P.C.
25. The contractor shall be responsible for obtaining all necessary permits, local and state, from the HAVS District Contractor to verify all building dimensions and/or location(s) with architectural drawings before construction.
26. All discrepancies are found, cause construction and contact the architect and civil site engineer for resolution.
27. Utilities
28. All HVAC equipment shall be screened from the view of all public street rights-of-way for their entire life span.
29. For the installation of gas services, contact Public Utilities.
30. The customer is required to provide a 24-hour emergency contact.
31. Right-of-Way Easement must be signed prior to installation of utilities.
32. The contractor shall be responsible for obtaining all necessary permits for installing utilities.
33. If overhead primary electric lines are present, mature tree height shall not exceed 15 feet.
34. The contractor shall be responsible for obtaining all necessary permits for installing all structures located and easily accessible during construction. This includes approved construction permits, approved building permits, and all necessary permits, water/sewer permits, etc.
35. Plan approval is valid for two (2) years from approved date.

No sewer line installation shall take place until an approved Site Plan has been issued.		
2. Saver Pipe	Saver Pipe shall be installed in accordance with the following:	
a. SDR-35 SMOOTHWALL	Pipe shall conform to ASTM D-3034 type PSM, SDR-35.	
b. Pipe bedding shall be Class II	in accordance with the following:	
1. All wet pitting, dewatering, etc. needed during SDR construction is to be included in the cost of the pipe bedding.		
2. The bedding shall be compacted to the required trench bottom when installed. If material of a select nature is not available, bring in from off-site.		
c. The minimum clearances for water, sewer and storm drainage lines shall be as follows:		
Between	Horizontal	Vertical
Water and Sewer	10"	18" w/ sewer above sewer
Water and Storm/Drainage		12" w/ water above storm drainage
Sewer and Storm/Drainage		24" w/ storm drainage above sewer
6. The Contractor shall make arrangements with the local utility authority when connecting to existing manholes and lines.		
7. Location, site and invert elevations of clean outs upon "privies" services are to be coordinated with the approved Planning Plans for the building. All plumbing is to meet the requirements of the NC State Plumbing Code, Version 18. Plumbing, electrical and fire alarm condition until a stand of grace is established and the area is capable of resisting erosion by wind and rain. All erosion control measures shall be implemented and enforced by the local authority after completion.		
8. All excavated wood and rocks shall be disposed of offsite by the Contractor. Bury will not be accepted.		
9. Contractor shall take proper precautions not to disturb existing property corner markers. All property corner markers shall be located and marked by the Contractor.		
10. All cost for the provision of erosion control and rip, pile meshing, matting, grass seeding and silt fence shall be included in total bid.		
11. The Contractor shall be necessary to protect workers, other system is operational, from hydrogen-sulfide gas build-up or an otherwise oxygen-less environment.		
12. The Contractor shall be responsible for the protection of water and sewer construction, record drawings of the sewer installation specifically showing/depicting any deviations from the permitted plans. Plans are to be marked reviewed and submitted to Engineer. The final payment request will not be paid until the Engineer has approved the construction and the plans are issued until these "surveyed plans" have been completed and received by the Engineer.		
13. The Contractor is responsible for notifying the local authority of the time and date he plans to commence construction.		
14. The Contractor shall cross gravel/aspphalt driveways, Contractor is to restore driveways to the original condition. Drives shall be repaired within 7-days of open cut.		
15. All Sanitary Sewer shall be in accordance to Town of Clayton Standards and Specifications.		

3. No existing valves and fire hydrants shall be operated without the explicit permission from the Public Works Department. The Contractor shall make arrangements with the local utility authority prior to connecting to existing mains.
4. All excavations shall be shored and braced in accordance with the relevant standards. An adequate sedimentation control measures shall be kept in operable condition until a stand of control measures is installed.
5. All excavated wood and rocks shall be disposed off-site by the Contractor. Bury will not be acceptable.
6. Water line crossing existing asphalt pavement shall be installed by the Open Cut method.
7. Where lines cross gravel asphalt pavements, Contractor is to restore driveways to the original condition.
8. Contractor shall provide adequate shoring and bracing to support the existing ground.
9. Contractor shall take proper precautions not to disturb existing property corner markers. All existing property corner markers shall be protected and clearly marked.
10. All cast for the provision of erosion control rip rap, lime mashing, mottos, grass seeding and soil stabilization shall be done in accordance with the relevant standards.
11. Utility Contractor is responsible for notifying local authority of time and date he plans to commence construction.
12. Any well pointing, dewatering, etc. needed during construction shall be the responsibility of the Contractor. The Contractor shall be responsible for any damage to the existing ground of the land, unless otherwise specified.
13. The Contractor shall provide a survey of the site with a topographic map with concrete cover when not in pavement.
14. The Contractor shall provide all the material and appliances necessary for the complete installation of the utility.
15. All lines shall be flushed thoroughly to remove all dirt and debris. Chlorine shall be applied to all water lines for 24 hours prior to the start of the work. The chlorine residual shall be at least 100 ppm in the lines for 24 hours of the end of which the chlorine residual shall be at least 10 ppm. The Contractor shall provide a written report of the chlorine residual test results to be collected for bacteriological analysis.
16. The Contractor shall provide bacteriological testing of water lines, which have successfully passed hydrostatic testing and have been disinfected in conformance with AWWA Standards. This procedure shall be done to the satisfaction of the City.
17. No contractors are authorized to use un-miner water during construction. All pipe and valves shall be tested and approved by the City. All valves shall be tested and approved by the City. Even gages and all joints shall be perfectly fitted. During periods when pipe is not being laid, open ends shall be capped.
18. All excavation is unsurfaced and shall include all materials encountered.
19. All excavations shall be shored and braced in accordance with the relevant standards.
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STOCKS ENGINEERING
801 EAST WASHINGTON STREET
NASHVILLE, TN 37203
PHONE: (615) 429-8186
WWW.STOCKSENGINEERING.COM

BLN-C-1874

Hardee's
RODIE NOELL
ENTERPRISES, INC.
P.O. BOX 908
ROCKY MOUNT, NC
27602-9008
(252) 857-2800

Hardee's at Spring Branch Clayton, N.C.

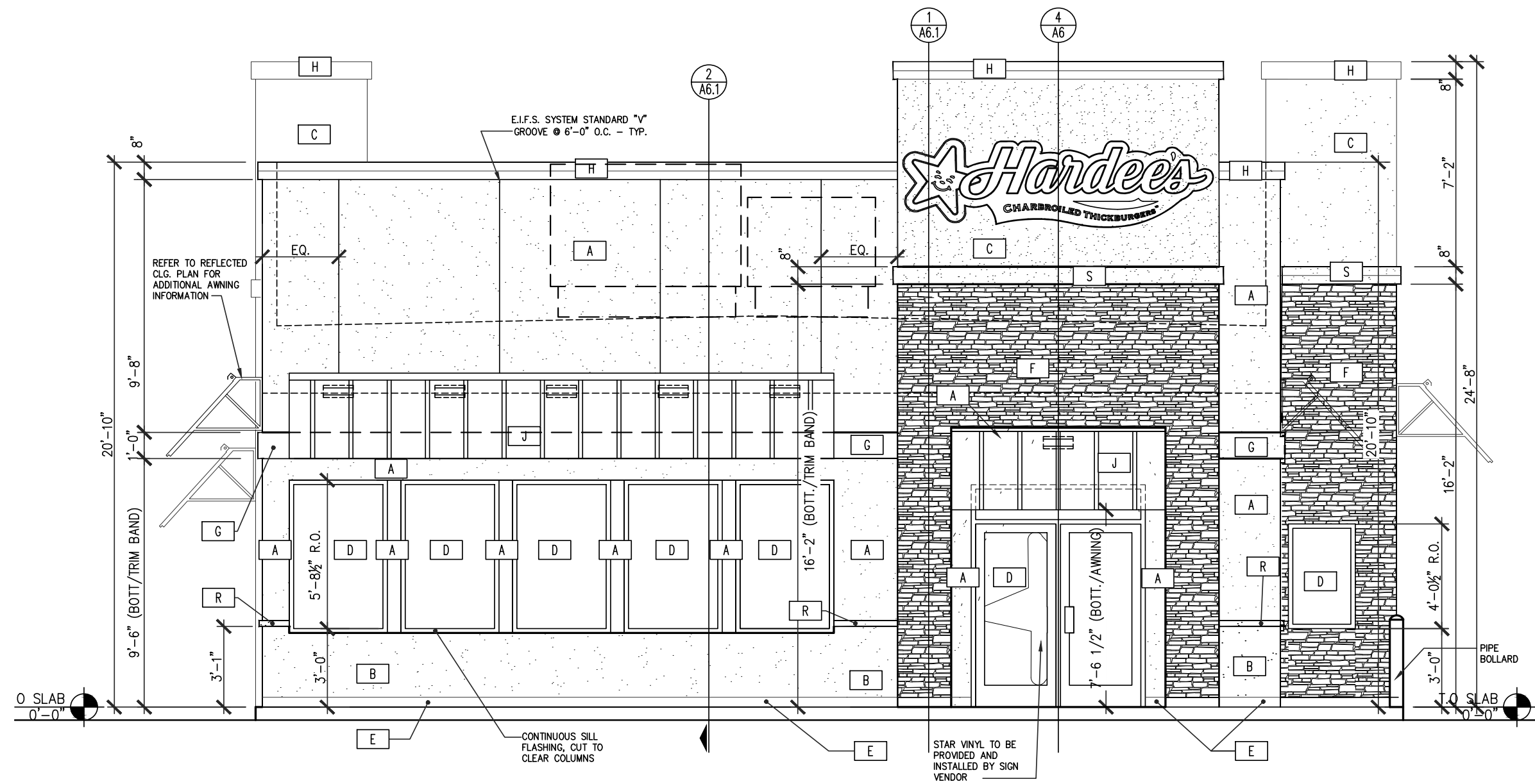
SEAL 19843
ENGINEER
MICHAEL STOKES
4/30/19

SITE DETAILS

REVISIONS
5/30/19 - TRC Comments
6/14/19 - Engineering Comm.
6/14/19 - TRC Comments
6/17/19 Dumpster Enclosure

FILE NO. 2017-013
HORIZ. SCALE: 1"=20'
VERT. SCALE: NONE
CE-11

THEN JESUS DECLARED, "I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY." JOHN 6:35



FRONT ELEVATION - SOUTHEAST FACING ELEVATION

SCALE: 1/4" = 1'-0"

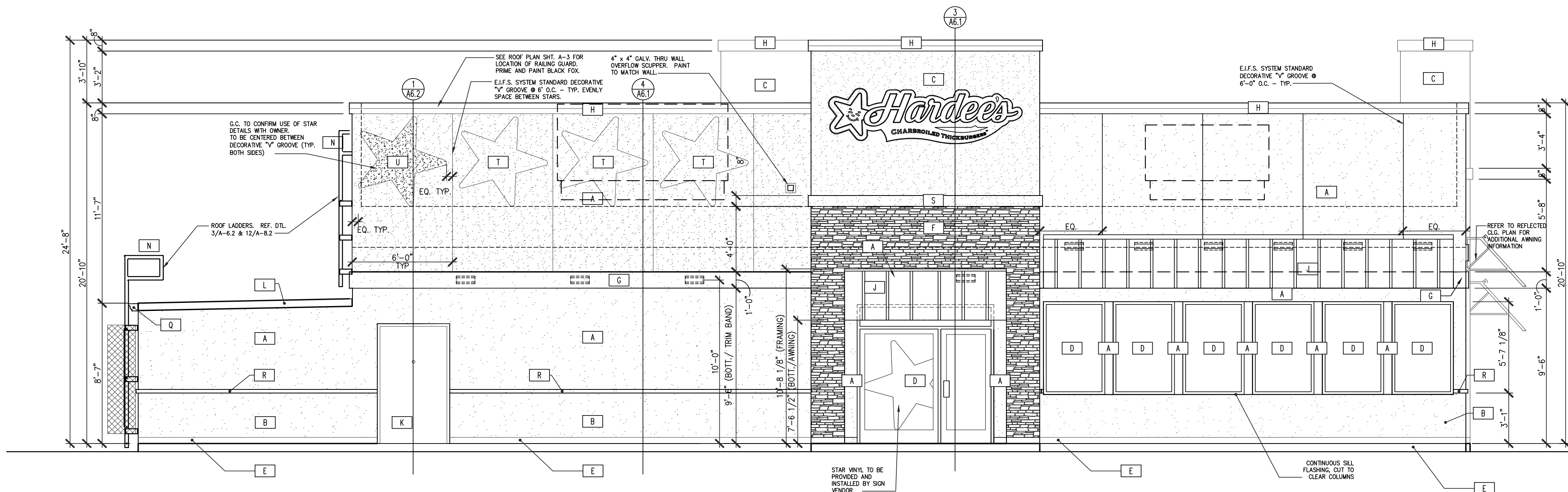
EXTERIOR FINISH SCHEDULE

NTS

E.I.F.S. SPECIFICATION

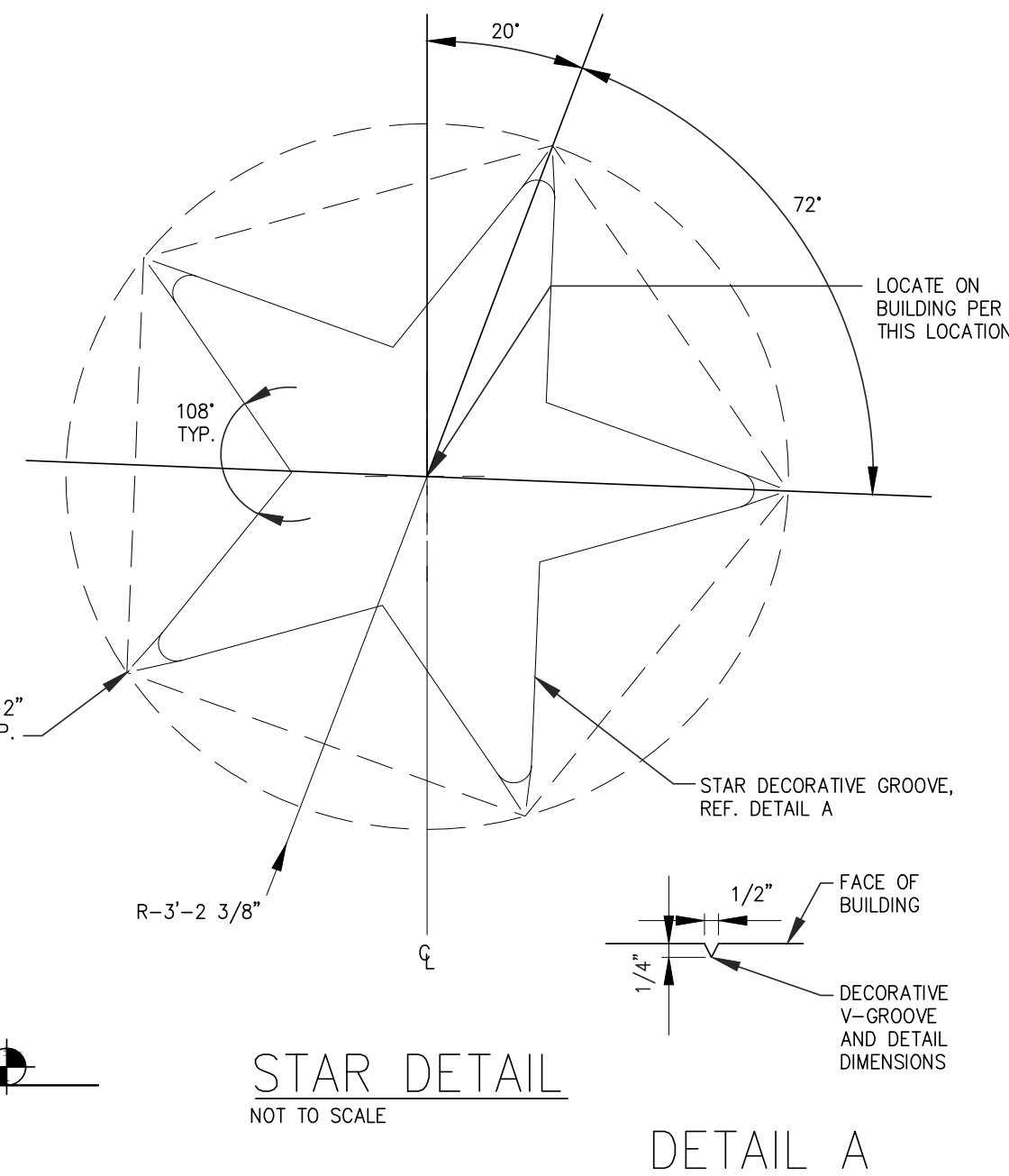
1. E.I.F.S. SYSTEM BASED ON DRYVIT SYSTEMS INC. - NOTE THAT STO IS ALSO A APPROVED E.I.F.S. VENDOR.
2. PROVIDE THE FOLLOWING SYSTEM: OUTSULATION PLUS MD SYSTEM.
3. PROVIDE OUTSULATION PLUS MD SYSTEM WITH DRYVIT'S RECOMMENDED COMPONENTS AND INSTALLED PER DRYVIT'S RECOMMENDED INSTALLATION TECHNIQUES AND RECOMMENDED DETAILS.
4. SYSTEM SHALL BE INSTALLED BY QUALIFIED INSTALLER(S).
5. FROM GRADE TO A HEIGHT OF 6'-0" - INSTALL IN ADDITION TO STANDARD REINFORCING MESH, ALSO INSTALL DRYVIT PANZER REINFORCING MESH.
6. FINISH SHALL BE FREESTYLE AND SAND PEBBLE FINE
7. WARRANTY: PROVIDE MANUFACTURER'S 10 YEAR SYSTEM WARRANTY.
8. OTHER E.I.F.S. MANUFACTURERS: TOTAL WALL INC.; STO CORP.; AND OTHERS ARE ACCEPTABLE UPON SUBMITTAL OF EQUAL E.I.F.S. SYSTEM AND REVIEWED/APPROVED BY THE OWNER.

SYMBOL	MATERIAL	DESCRIPTION	REMARKS
A	E.I.F.S.	BALANCED BEIGE (MATCH SHERWIN WILLIAMS COLOR SW7037) - FREESTYLE FINISH	TYPICAL NOTE: PREPARE ALL SURFACES TO BE PAINTED AS PER MANUFACTURER'S RECOMMENDATIONS
B	E.I.F.S.	BLACK FOX - MATCH (SHERWIN WILLIAMS COLOR SW 7020) - FREESTYLE FINISH	
C	E.I.F.S.	DOVE TAIL - MATCH (SHERWIN WILLIAMS COLOR SW 7018) - FREESTYLE FINISH	
D	STOREFRONT DOORS AND WINDOWS	COLUMBIA WOOD AND TRIM: BLACK ANODIZED ALUMINUM WITH BLACK POWDER COAT TO MATCH SHERWIN WILLIAMS SW6258, "TRICORN BLACK"	
E	PARGE COAT E.I.F.S.	BLACK FOX - MATCH (SHERWIN WILLIAMS COLOR SW7020) - SAND PEBBLE FINE	
F	STONE VENEER	CORONADO EASTERN MOUNTAIN LEDGE; COLOR - CARMEL MOUNTAIN	
G	E.I.F.S. TRIM BAND	BLACK FOX - MATCH (SHERWIN WILLIAMS COLOR SW7020) - SAND PEBBLE FINE	
H	PARAPET CAP FLASHING	24 GAUGE PREFINISHED BLACK ALUMINUM CAP FLASHING ON 6" E.I.F.S. TRIM BAND - PAINT E.I.F.S. BAND SHERWIN WILLIAMS SW6258, "TRICORN BLACK" - SAND PEBBLE FINE	
J	AWNING	AWNING AND FRAME TO MATCH PANTONE RED #193C	
K	KITCHEN ACCESS DOOR	INSULATED METAL DOOR WITH HOLLOW METAL FRAME PAINTED SHERWIN WILLIAMS SW6258 TRICORN BLACK SATIN ENAMEL	
L	ROOF EDGE FLASHING	24 GAUGE PREFINISHED BLACK ALUMINUM FOR EDGE FLASHING	
M	STOREFRONT MULLION CASING	BLACK ANODIZED BRASS METAL BY STOREFRONT MANUFACTURER TO MATCH SHERWIN WILLIAMS SW6258, "TRICORN BLACK"	
N	METAL WALL MOUNTED ROOF LADDER W/ SECURITY GATE	PAINT SHERWIN WILLIAMS SW6258 TRICORN BLACK SATIN ENAMEL	
P	FREEZER/COOLER	PAINTED TO MATCH E.I.F.S. PAINT COLORS; REFERENCE NOTES AT EXTERIOR ELEVATIONS OF FREEZER / COOLER.	
Q	SEAMLESS GUTTER & DOWN SPOUT	6" SEAMLESS GUTTER & DOWNSPOUT SYSTEM. PAINT SW6258 TRICORN BLACK SATIN ENAMEL	
R	E.I.F.S. WAINSCOT BAND	BLACK FOX - MATCH (SHERWIN WILLIAMS COLOR SW7020) - SAND PEBBLE FINE	
S	E.I.F.S. TOWER BAND	BLACK FOX - MATCH (SHERWIN WILLIAMS COLOR SW7020) - SAND PEBBLE FINE	
T	E.I.F.S. STAR	BALANCED BEIGE (MATCH SHERWIN WILLIAMS COLOR SW7037) - SAND PEBBLE FINE	
U	E.I.F.S. STAR	BLACK FOX - MATCH (SHERWIN WILLIAMS COLOR SW7020) - SAND PEBBLE FINE	



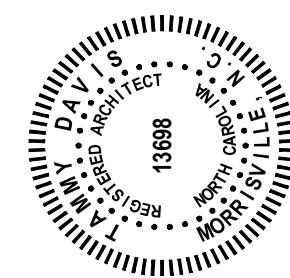
LEFT SIDE (MAIN ENTRANCE) ELEVATION - SOUTHWEST FACING ELEVATION

SCALE: 1/4" = 1'-0"



NRD Project # 18225

NRD national
restaurant
designers
ARCHITECTS & ENGINEERS
3005 CARRINGTON MILL BLVD., SUITE 105
MORRISVILLE, NORTH CAROLINA 27560
PH: 919 544 7251 FAX: 919 544 5399
A Division of LHM Associates



OWNER:
BOODE-NOBLE
ENTERPRISES, INC.
P.O. BOX 808
ROCKY MOUNT, NC
27902-808
(252) 867-2800

NO.	DESCRIPTION	DATE
1	REVISIONS	5/28/19

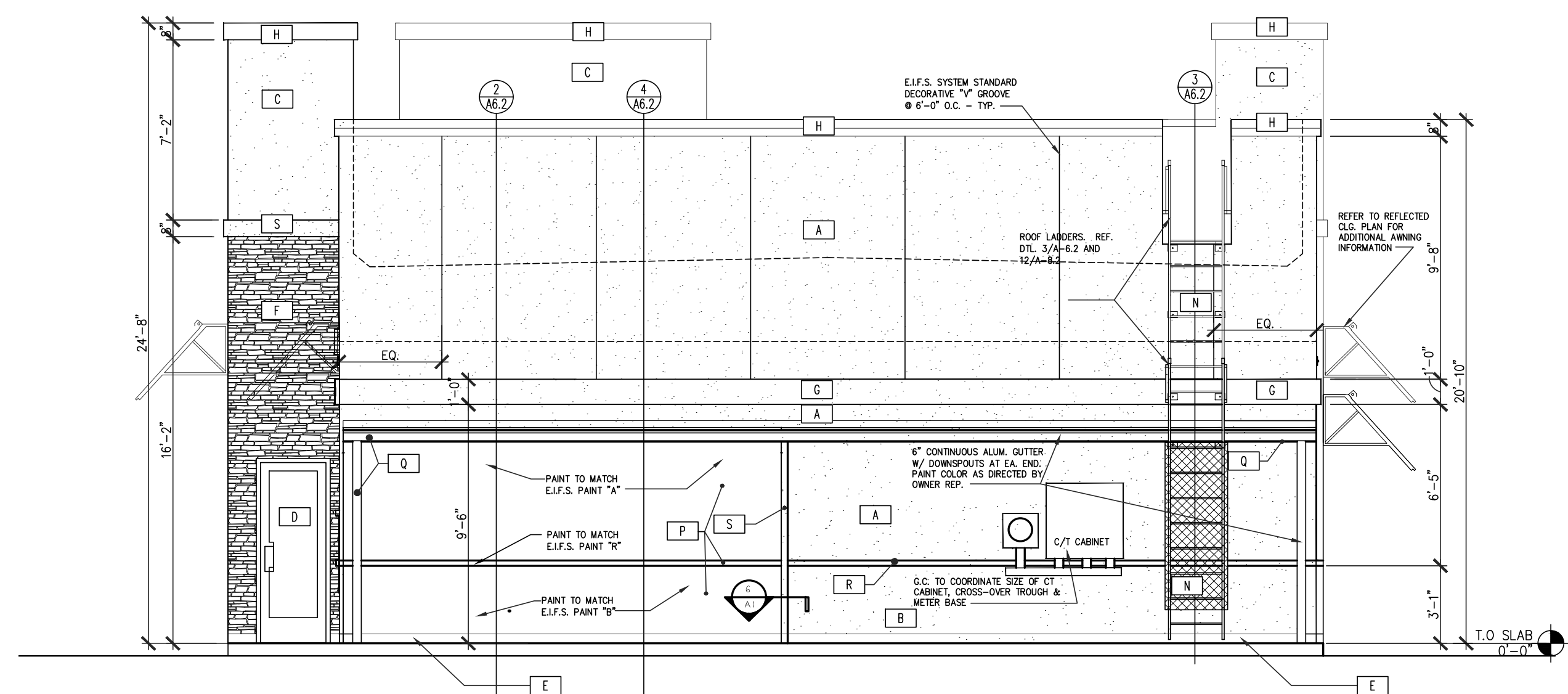
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EXTERIOR ELEVATIONS

DATE: 4-11-2019

SHEET NUMBER:

A-4.0

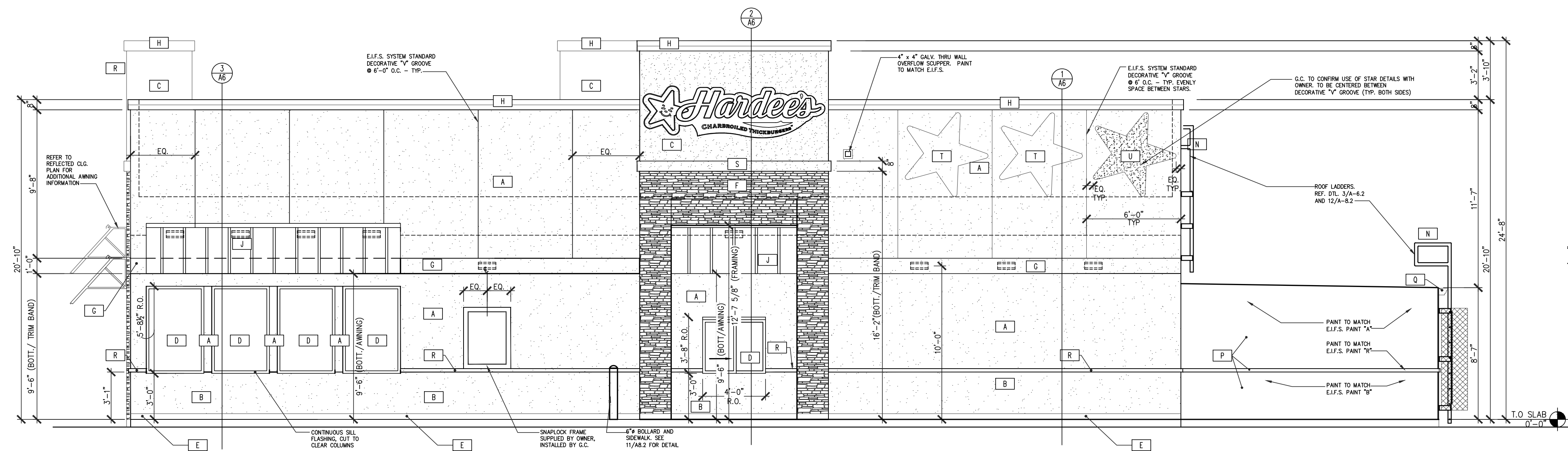


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SYMBOL	MATERIAL	DESCRIPTION	REMARKS
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REAR ELEVATION - NORTHWEST FACING ELEVATION

SCALE: 1/4" = 1'-0" 1 EXTERIOR FINISH SCHEDULE

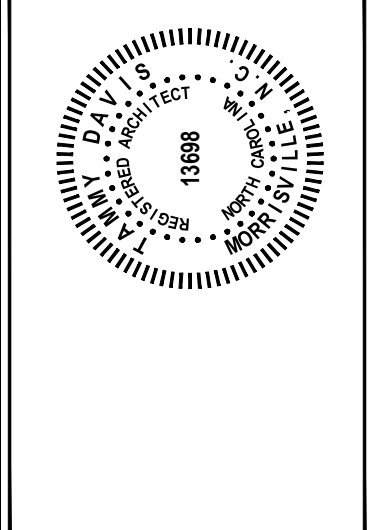


RIGHT SIDE (DRIVE-THRU) ELEVATION - NORTHEAST FACING ELEVATION

SCALE: 1/4" = 1'-0" 3

NRD Project # 18225

NRD national
restaurant
architects & engineers
3005 CARRINGTON MILL BLVD., SUITE 105
MORRISVILLE, NORTH CAROLINA 27560
PH: 919 544 7251 FAX: 919 544 5399
A Division of LHM Associates



Starbuck's
CHARACTERISTICS
HARDEE'S REVERSE PROTOTYPE
8 SPRINGDALE
CLAYTON, NC 27520

OWNER:
BOODE-NOBLE
ENTERPRISES, INC.
P.O. BOX 808
ROCKY MOUNT, NC
27802-808
(252) 987-2800

NO.	DESCRIPTION	DATE
1	DRB COMMENTS	5/28/19

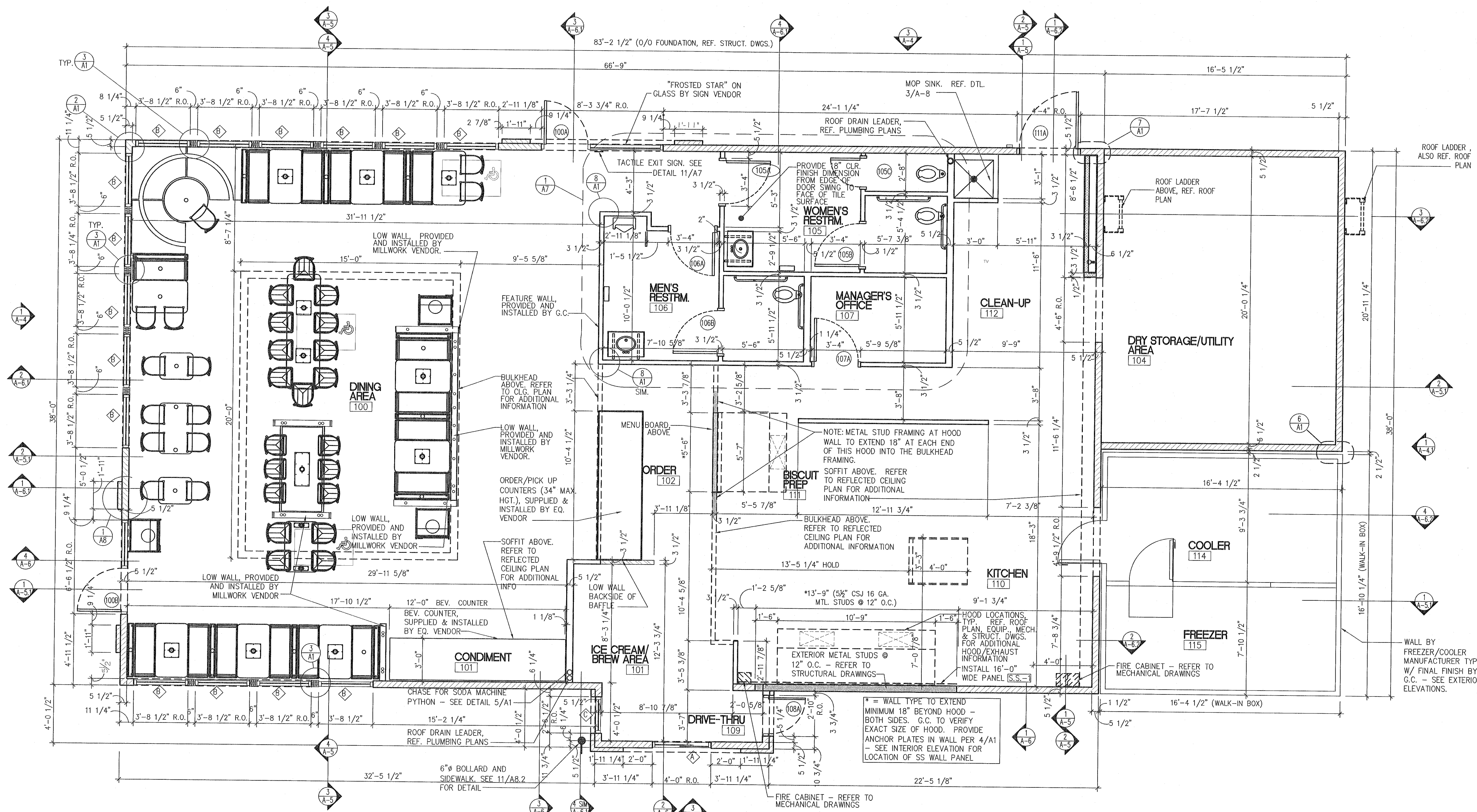
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EXTERIOR
ELEVATIONS

DATE: 4-11-2019

SHEET NUMBER:

A-4.1

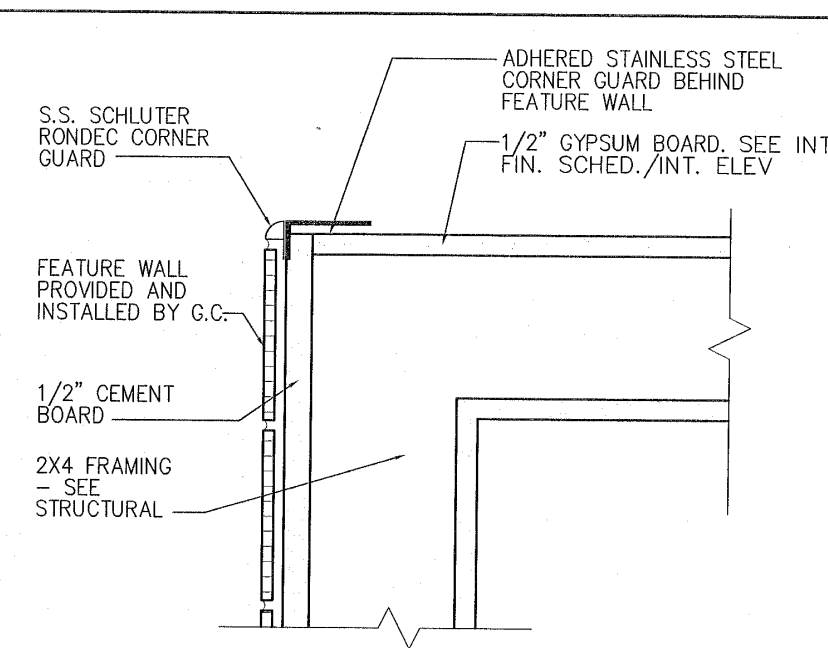


- LEGEND**
- 2x WOOD STUDS @ 16" O.C. UNLESS NOTED OTHERWISE. REF. PLAN FOR SIZES
 - 2x WOOD STUDS @ 16" O.C. TO STRUCTURE ABOVE UNLESS NOTED OTHERWISE. REF. PLAN FOR SIZES
 - 3/4" x 20 GA. METAL STUDS @ 16" O.C. TO STRUCTURE ABOVE UNLESS NOTED OTHERWISE. REF. PLAN FOR SIZES
 - LOW WALL: 2x WOOD STUDS @ 16" O.C. REFER TO PLAN FOR HEIGHT OF LOW WALL
 - BULKHEAD ABOVE. REF. REFLECTED CEILING PLAN FOR HEIGHTS

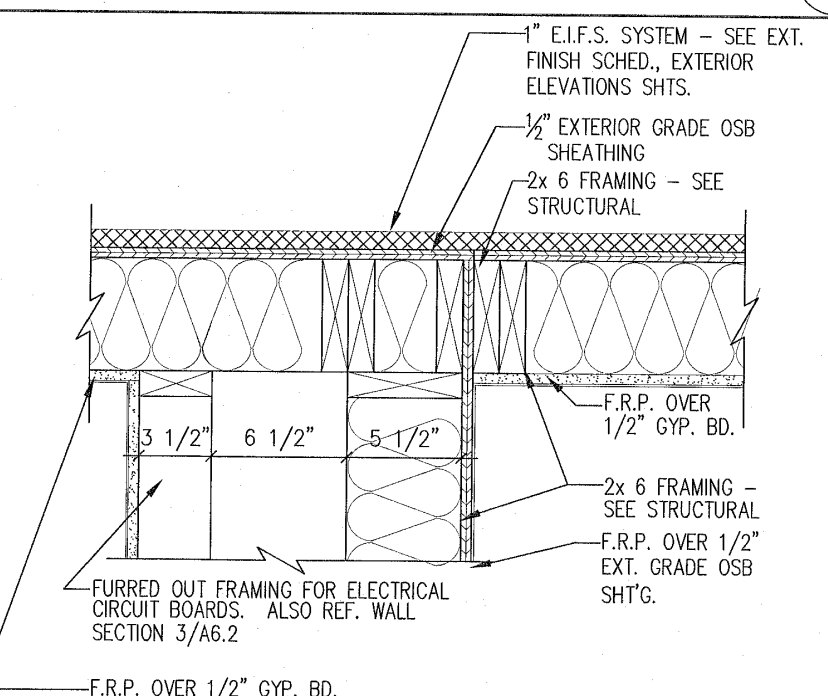
- GENERAL NOTES**
- DIMENSIONS SHOWN ARE FRAMING DIMENSIONS, UNLESS NOTED OTHERWISE. REFER TO FINISHES PLAN, SHEET A1.1 FOR REQUIRED INTERIOR WALL SUBSTRATES.
 - REFER TO FINISHES PLAN, SHEET A1.1 LOCATIONS OF FLOOR DRAINS AND SINKS.
 - REFER TO FINISHES PLAN, SHEET A1.1 FOR INTERIOR ELEVATION MARKERS.
 - REFER TO SHEET A-1.1 FOR DOOR AND WINDOW SCHEDULES.
 - PROVIDE 1/2" EXTERIOR GRADE OSB SHEATHING AT BUILDING EXTERIOR. TYPICAL UNLESS NOTED OTHERWISE. OSB SHEATHING SHALL BE STRUCTURALLY RATED AT SHEAR WALLS AS NOTED IN THE STRUCTURAL DRAWINGS.
 - UNDERCUT ALL INTERIOR DOORS 3/4" TO ALLOW FOR AIR CIRCULATION.

NOTE:
* = WALL TYPE TO EXTEND MINIMUM 18" BEYOND HOOD - BOTH SIDES. G.C. TO VERIFY EXACT SIZE OF HOOD. PROVIDE ANCHOR PLATES IN WALL PER 4/A1 - SEE INTERIOR ELEVATION FOR LOCATION OF SS WALL PANEL.

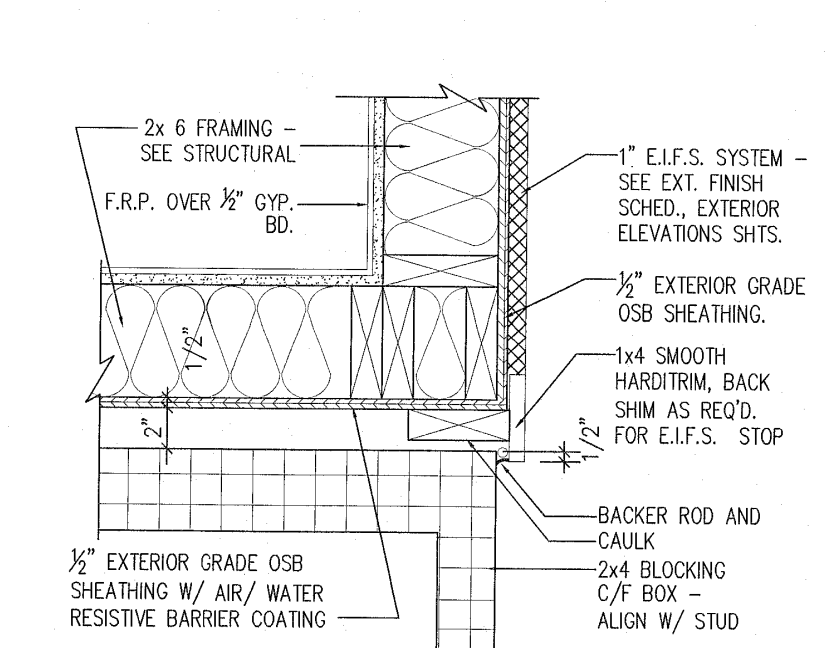
NOTE:
SEE STRUCTURAL DRAWINGS FOR SHEAR WALL LOCATIONS AND SHEAR WALL REQUIREMENTS



CORNER DETAIL 3" = 1'-0" 8

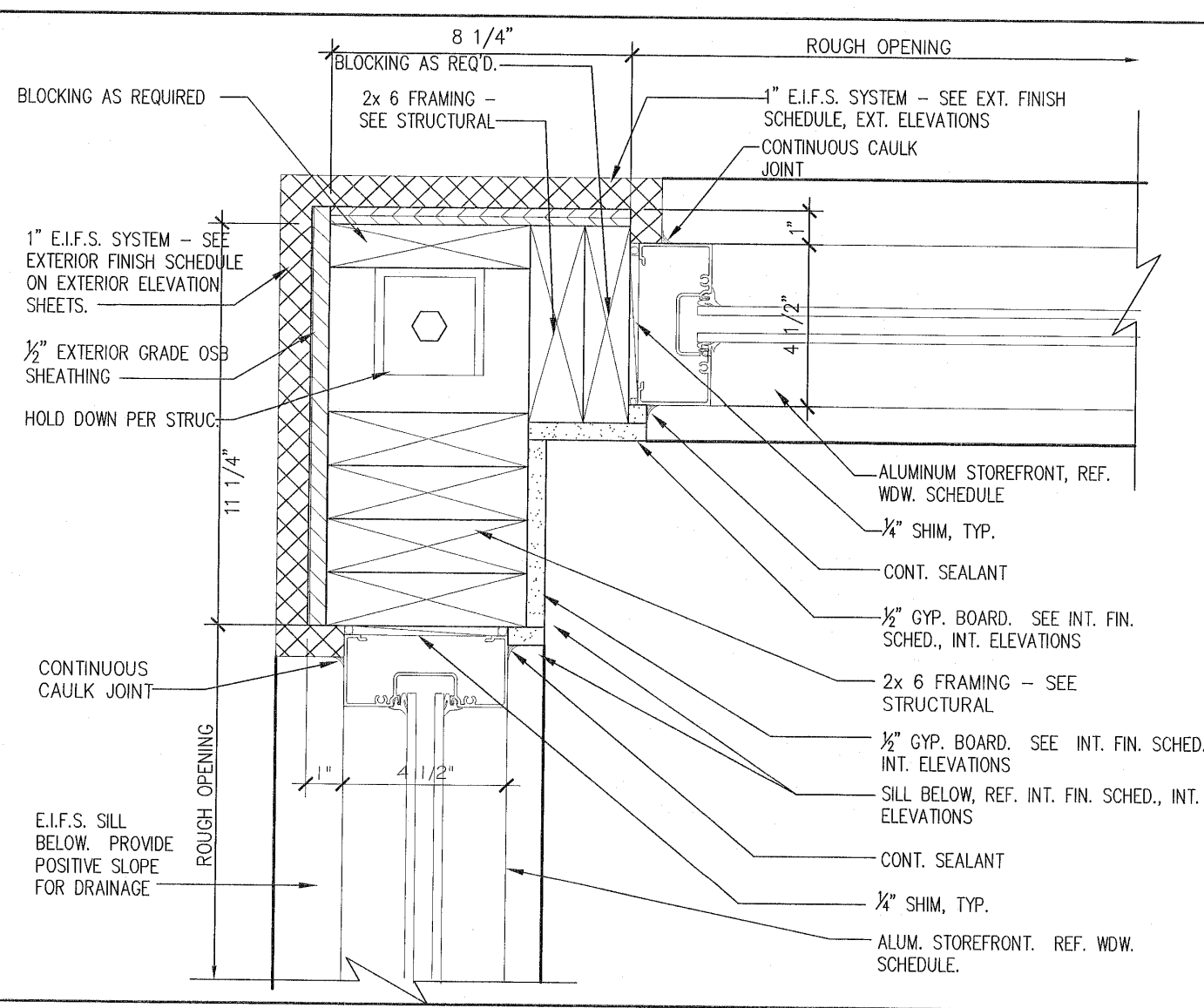


WALL DETAIL - REAR BUILDING WALL AND DRY STORAGE ROOM 1 1/2" = 1'-0" 7

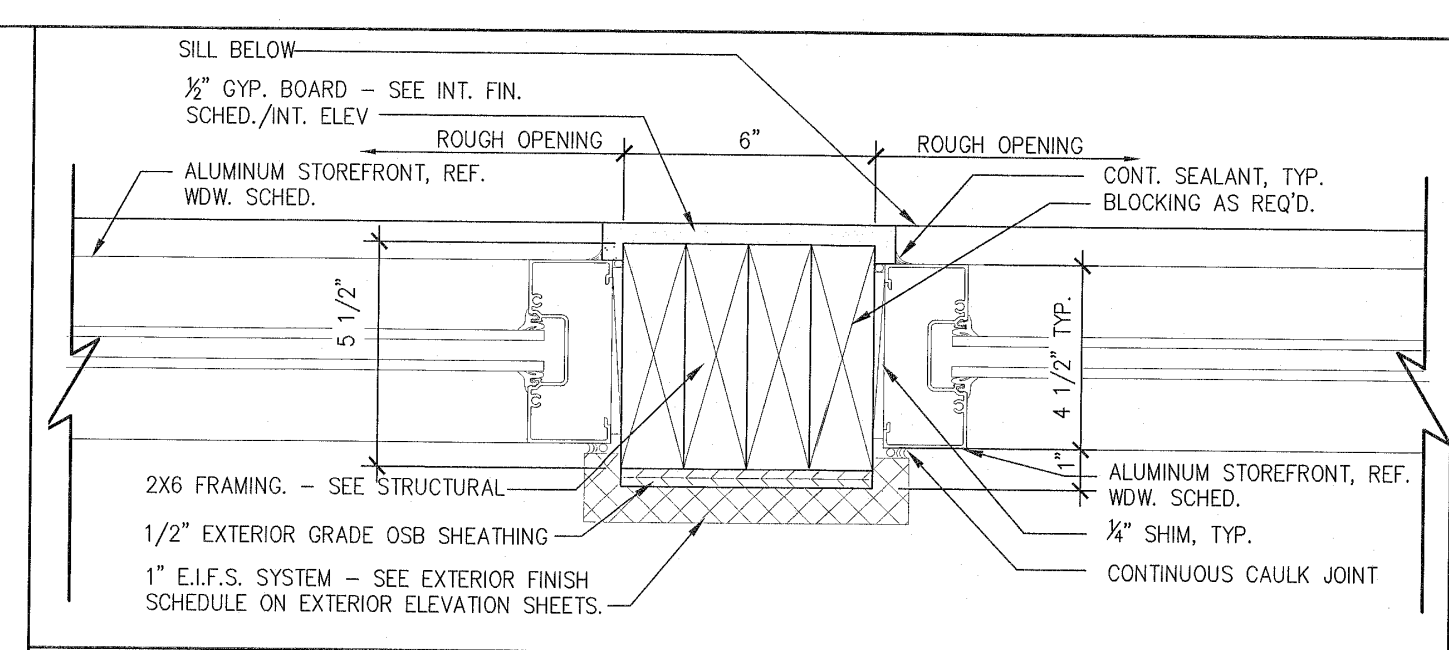


PLAN DETAIL - UTILITY/WALK-IN BOX 1 1/2" = 1'-0" 6

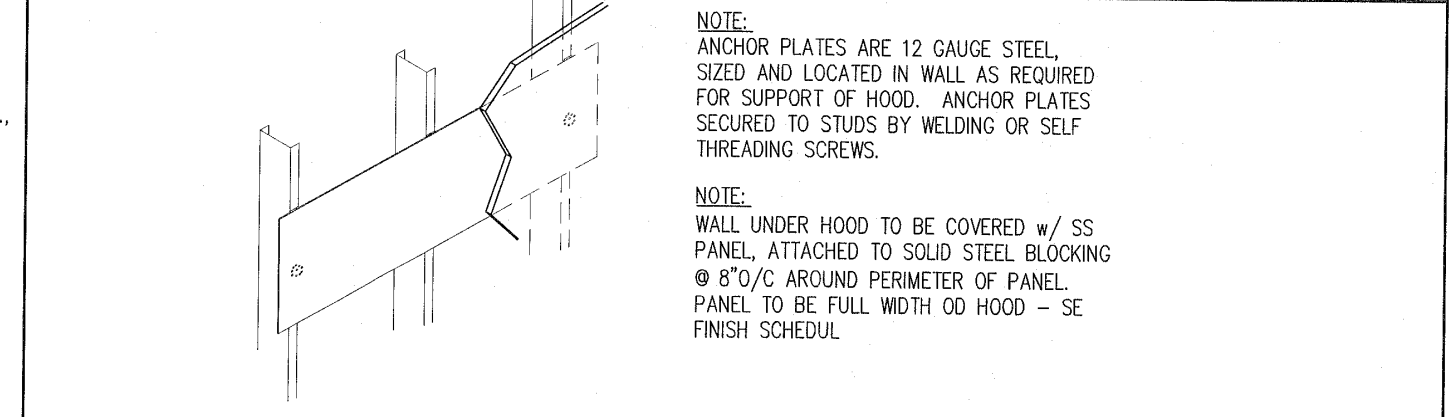
CONSTRUCTION PLAN



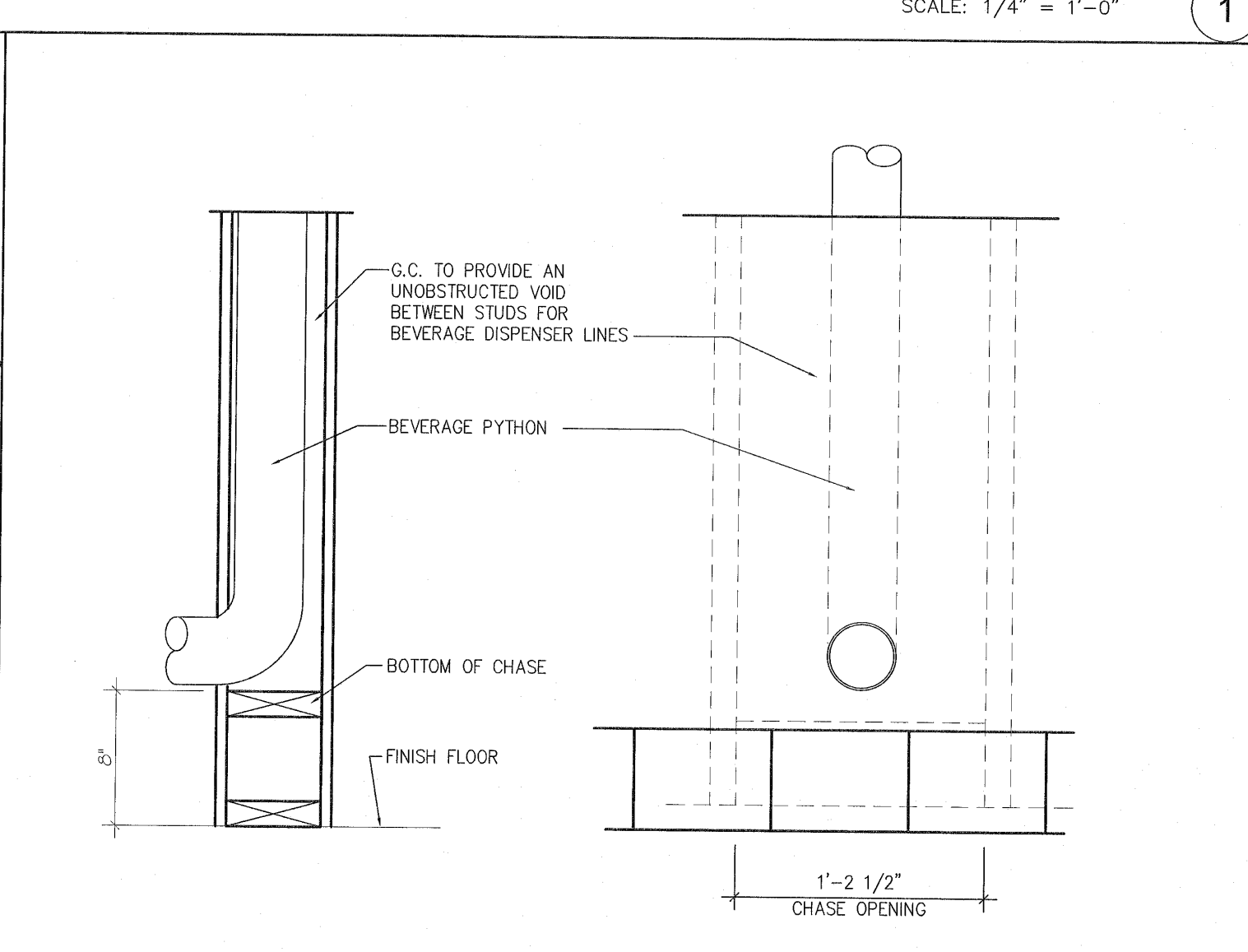
CORNER PLAN DETAIL SCALE: 3" = 1'-0" 2



POST PLAN DETAIL SCALE: 3" = 1'-0" 3



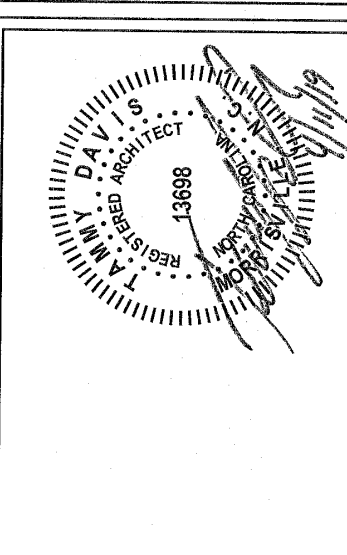
ANCHOR PLATE DETAIL - HOODS N.T.S. 4



WALL CHASE DETAIL FOR SODA STATION PYTHON N.T.S. 5

NRD Project # 18225

national restaurant designers
ARCHITECTS & ENGINEERS
3005 CARRINGTON MILL BLVD., SUITE 105
NORTH CAROLINA 27560
PHONE 919 544 7251
FAX 919 544 7251
A DIVISION OF LAMT ASSOCIATES



BODDE-NOELL ENTERPRISES, INC.
P.O. BOX 8008
ROCKY MOUNT, NC 27802-8008
(252) 837-2800

OWNER: **BX**

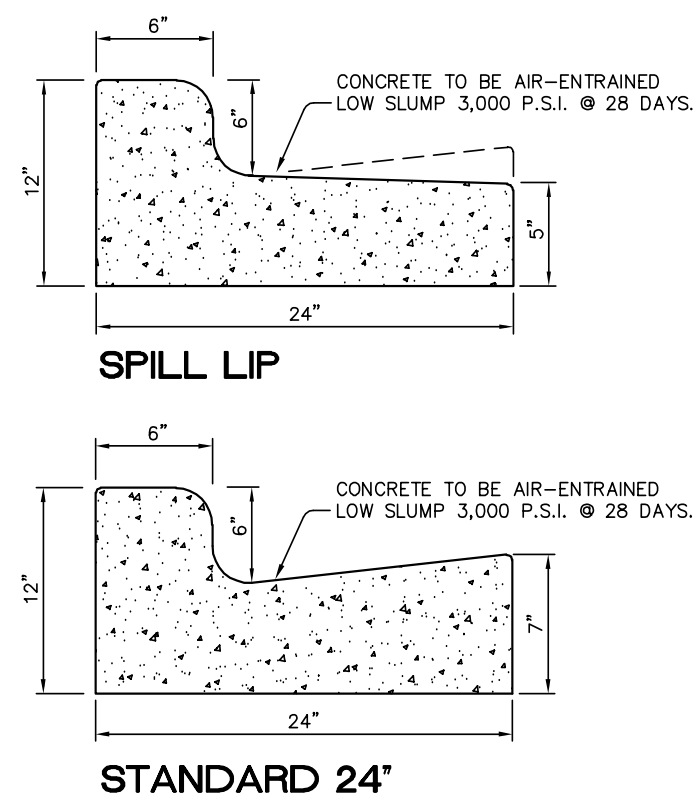
NO.	DATE	DESCRIPTION

CONSTRUCTION PLAN

DATE: 4-11-2019

SHEET NUMBER:

A-1.0



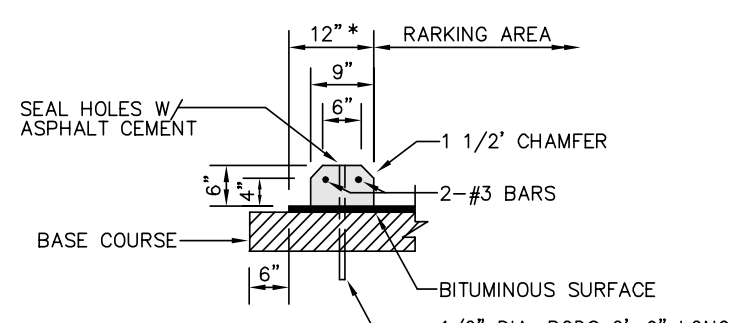
CONCRETE CORNER DETAIL

N.T.S.

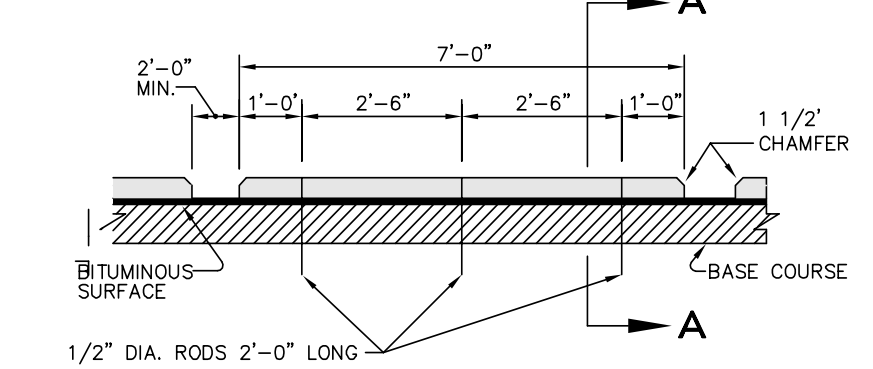
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	22.00'	34.56'	31.11'	N86°05'02"W

WHEEL STOP DETAIL

SCALE: N.T.S.



NOTE: AT H.C. SPACES USE 30"



ELEVATION

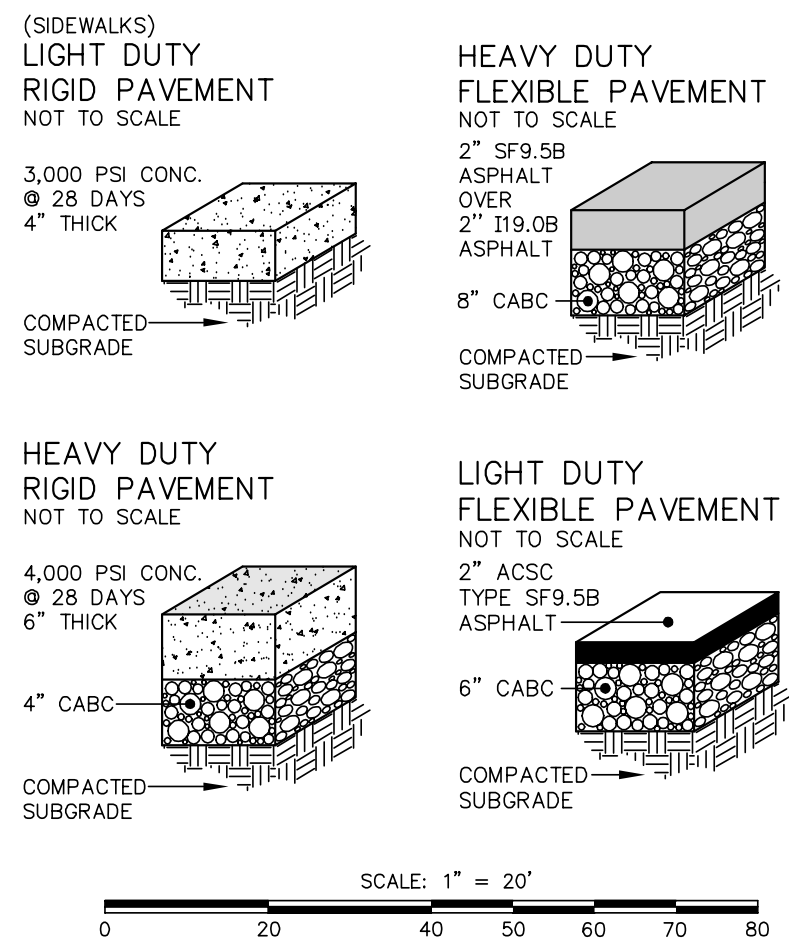
NOTE: ANCHOR RODS TO BE SLEEVED OR GREASED THRU CONC. CURBS TO PERMIT RELOCATION OF CURBS.

NOTE: ALL PARKING STRIPES SHALL BE STANDARD WHITE TRAFFIC PAINT AND 4" WIDE. LETTERING, PAINTED ISLANDS AND DIRECTIONAL ARROWS SHALL BE WHITE. MINIMUM HEIGHT OF LETTERS SHALL BE 18". PROVIDE 2 COATS OF PAINT.

SITE INFORMATION

PROJECT NAME: HARDEE'S AT SPRING BRANCH
LOCATION: 36 SPRINGBROOK AVE. CLAYTON, N.C. 27520 CLAYTON TOWN LIMITS
COUNTY: JOHNSTON COUNTY
PIN: 164800-73-1926
TOTAL SITE ACREAGE: 1.19 Ac. (52,032 SF)
ZONING: PD-MU (SPRING BRANCH PARK)
OVERLAY DISTRICT: THOROUGHFARE OVERLAY
EXISTING USE: VACANT
PROPOSED USE: RESTAURANT
TOTAL BUILDING SIZE: 3,200 Sq. Ft.
TOTAL SEATS: 69 SEATS
FLOOR AREA RATIO: 0.062
BUILDING COVERAGE: 6.2%
EX. IMPERVIOUS AREA: 0 Ac.
PRO. IMPERVIOUS AREA: 33,985 SF (65.3%)
PRO. PERVIOUS AREA: 18,047 SF (34.7%)
BUILDING HEIGHT: 24'-8"
BUILDING SETBACK REQUIRED:
STREET YARD: 25'
SIDE STREET: 25'
SIDE (INTERIOR): 15'
REAR: 30'
REQUIRED PARKING: 1 SPACE PER 3 SEATS
PARKING PROVIDED: 69 SEATS/3 SEATS = 23 SPACES
REGULAR 9x19': 42
H.C. (REGULAR): 1
H.C. (VAN ACCESSIBLE): 1
TOTAL PROVIDED: 44
BICYCLE PARKS: 1 RACK
LANDSCAPE AREA: 12,300 SF (23.6%)
DISTURBED AREA: ±0.98 AC.
ELECTRIC PROVIDER: DUKE ENERGY PROGRESS
WATER AND SEWER: TOWN OF CLAYTON
PROPOSED WASTEWATER ALLOCATION: 20 GPD PER SEAT
(RESTAURANT SINGLE SERVICE) 20 GPD X 69 SEATS = 1,380 GPD

NOTE: A SIGNAL AT THE INTERSECTION OF NC 42 AND SPRINGBROOK AVENUE MAY BE REQUIRED BY NCDOT PRIOR TO APPROVAL.

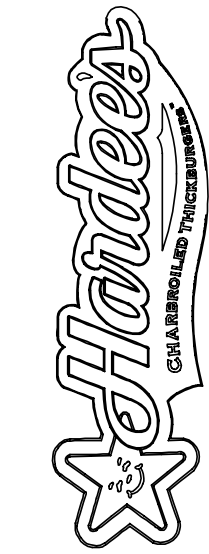


SCALE: 1" = 20'



STOCKS ENGINEERING

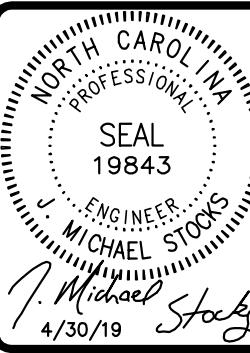
BLN-C-1874



BODIE-NOELL ENTERPRISES, INC. P.O. BOX 908 ROCKY MOUNT, NC 27602-9008 (252) 837-2800



HARDEE'S at SPRING BRANCH CLAYTON, N.C.



SITE PLAN

REVISIONS
5/30/19 - TRC Comments
6/5/19 - Engineering Comm.
6/13/19 - Road Drain
6/14/19 - TRC Comments
FILE NO. 2017-013
HORIZ. SCALE: 1"=20'
VERT. SCALE: NONE

CE-03

THEN JESUS DECLARED, 'I AM THE BREAD OF LIFE. WHOEVER COMES TO ME WILL NEVER GO HUNGRY, AND WHOEVER BELIEVES IN ME WILL NEVER BE THIRSTY. JOHN 6:35

Received By:
Town of Clayton
5/2/19



May 2nd 2019

Town of Clayton
Planning Department
111 E. Second St, PO Box 879
Clayton, NC 27528

Hardee's at Spring Branch Stormwater Management Statement

This project is a Hardee's quick serve restaurant located at 36 Springbrook Avenue in Clayton, NC. The site is also described as Lot 1 of the Spring Branch Medical and Commercial Park off NC Hwy 42 W. Lot 1 was originally platted with an area of 1.30 Ac. However, the total site area of Lot 1 has now been reduced to 1.19 Ac. (52,032 S.F.)

The development of Lot 1 has been considered within the master plan for the Spring Branch Medical and Commercial Park. Stormwater treatment within Spring Branch has been designed and is treated for up to 75% impervious coverage on this site. The Hardee's restaurant will include 65.3% impervious coverage and is therefore covered under the stormwater treatment of Spring Branch Park.

If you have any further questions, please contact Stocks Engineering at (252)-459-8196.
Thanks!

Sincerely,
Stocks Engineering, P.A.

J. Michael Stocks
5/2/19

A circular red stamp is placed over the signature. The outer ring of the stamp contains the text "NORTH CAROLINA" at the top and "ENGINEER" at the bottom. Inside the ring, the word "PROFESSIONAL" is at the top, "SEAL" is in the center, and the license number "19343" is below it. The name "J. MICHAEL STOCKS" is written along the bottom inner edge of the stamp.



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

Planning Board
June 24, 2019

STAFF REPORT

Application Number: 2019-90-SP

Project Name: Hardee's at Spring Branch Major Site Plan

NC PIN / Tag #: 05F02035F

Applicant: Boddie-Noell Enterprises, Inc.

Owner: UACFE, LLC

Location: Lot 1 of Spring Branch Medical Park

Public Noticing:

- Sign posted on June 14, 2019

A neighborhood meeting was not required for this project. Per UDC 155.702, only the initial application for a Planned Development shall require a neighborhood meeting. Subsequent applications for site plan review do not require further neighborhood meetings.

REQUEST: The applicant is requesting major site plan approval to develop a 3,200 square foot drive-thru restaurant on the subject property.

SITE DATA:

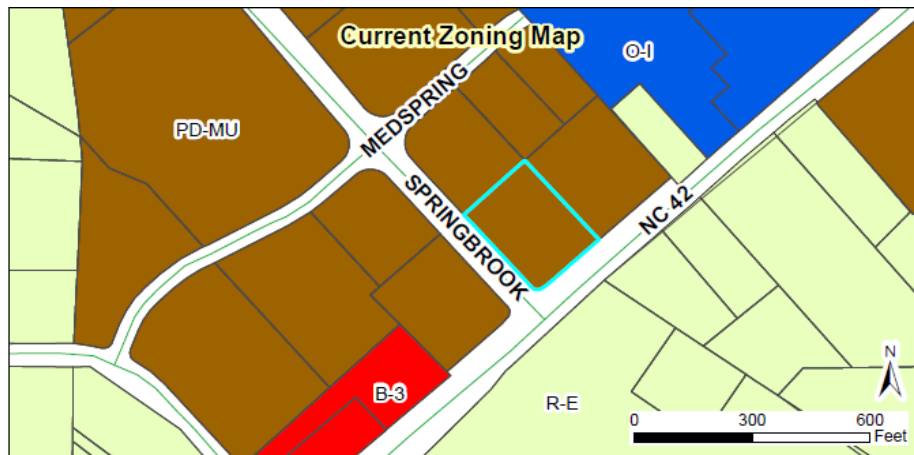
Acreage: 1.19 acres

Existing Use: Vacant



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Planned Development Mixed Use (PD-MU)	Medical Offices
South	Residential-Estate	Single-Family Residential
East	Planned Development Mixed Use (PD-MU)	Vacant
West	Planned Development Mixed Use (PD-MU)	Vacant



DEVELOPMENT DATA:

Proposed Uses:	Drive-thru Restaurant
Buildings:	1 building
Number of Stories:	1 story
Impervious Surface:	65.3%
Required Parking:	1 space per 3 seats (69 seats proposed) = 23 spaces
Proposed Parking:	42 spaces; including 2 handicap spaces
Access/Streets:	Accessed via an existing private access drive located to the north. The restaurant will have two access points.

STAFF ANALYSIS:**Overview**

The applicant is requesting major site plan approval for the development of a 3,200 square foot drive-thru restaurant. The property is zoned Planned Development Mixed-Use, and is a part of the Spring Branch Master Plan. On the approved master plan for Spring Branch, this property was designated for restaurant use. The

development also adheres to all required setbacks and impervious surface limitations included in the approved master plan.

The restaurant will be accessed via an existing private access drive to the north. There will be two driveways off this access drive, one of which will be the entrance and the second will be the exit. The internal parking area will include angled parking with one-way traffic circulating the building. The drive-thru will be wrapped around the building with the menu board located to the south. The applicant meets all required queuing standards of the Unified Development Code for drive-thru facilities. The proposed driveway widths and aisle widths do exceed the requirements of the UDC. The restaurant is proposing larger widths in these areas to accommodate future delivery trucks. Per the UDC, widths larger than the standard are permitted per Planning Director approval.

The property has frontage on NC HWY 42 W, and when designing the site the applicant has coordinated with NCDOT regarding the future widening of the highway. There is existing sidewalk along Springbrook Avenue. The existing sidewalk along NC HWY 42 W will remain, and will be replaced by NCDOT when the widening project occurs.

Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

The proposed use and site plan is consistent with the Comprehensive Plan 2040, which designates this parcel as “High Density Residential” and “Community Center”. When overlapping one another, these designations are labeled as “Community Mixed-Use”. This designation typically includes high density residential development, as well as the establishment of neighborhood community commercial uses that are compatible with higher density residential uses.



- **Unified Development Code**

The proposed development meets all requirements of the Unified Development Code (UDC).

Landscaping and Screening

The site will include 20% of the interior landscaped, as required within the UDC. An existing landscape buffer along HWY 42 W will remain. When the highway is widened in the future, the landscape buffer will be relocated.

Additional shrubs have been added along all parking areas that are visible from the public ROW, and to screen the drive-thru lane from the ROW.

Multi-Modal Access

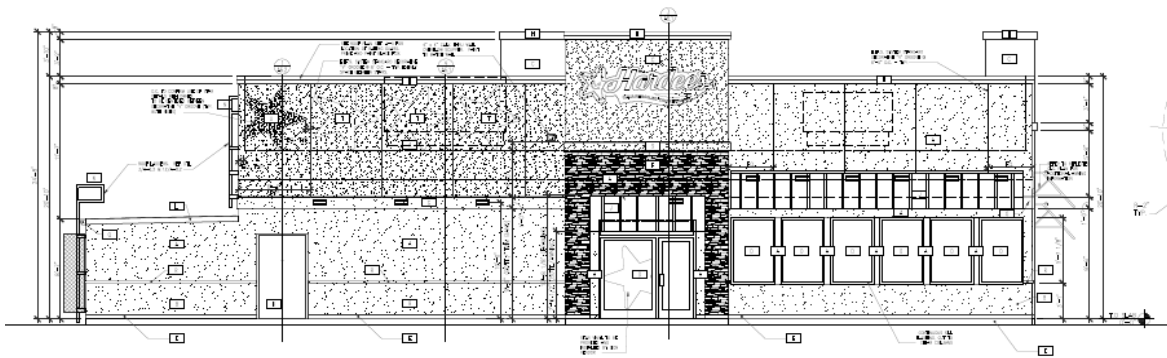
Existing sidewalk is provided along Springbrook Avenue and NC HWY 42 W. This sidewalk will remain in its existing location. When HWY 42 W is widened in the future, the existing sidewalk will be replaced.

Garbage / Recycling

A dumpster is proposed in the northeastern portion of the site. This dumpster will be located within an enclosure that is a minimum of 8' in height and matches the materials of the primary building. The enclosure will be screened from view by shrubs.

Architecture/Design

The building will consist of EIFS in primarily a beige color. Decorative stone veneer will also be utilized primarily at all entrances and the drive-thru window. All sides of the proposed building will match.



CONSIDERATIONS:

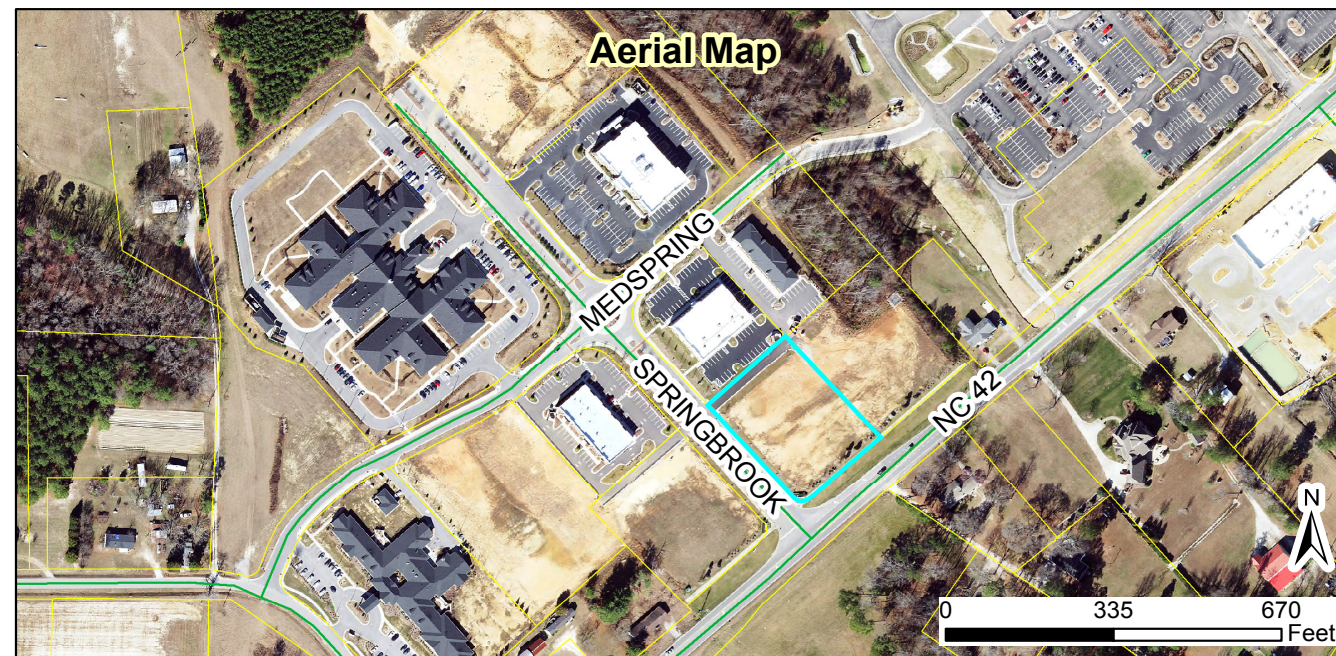
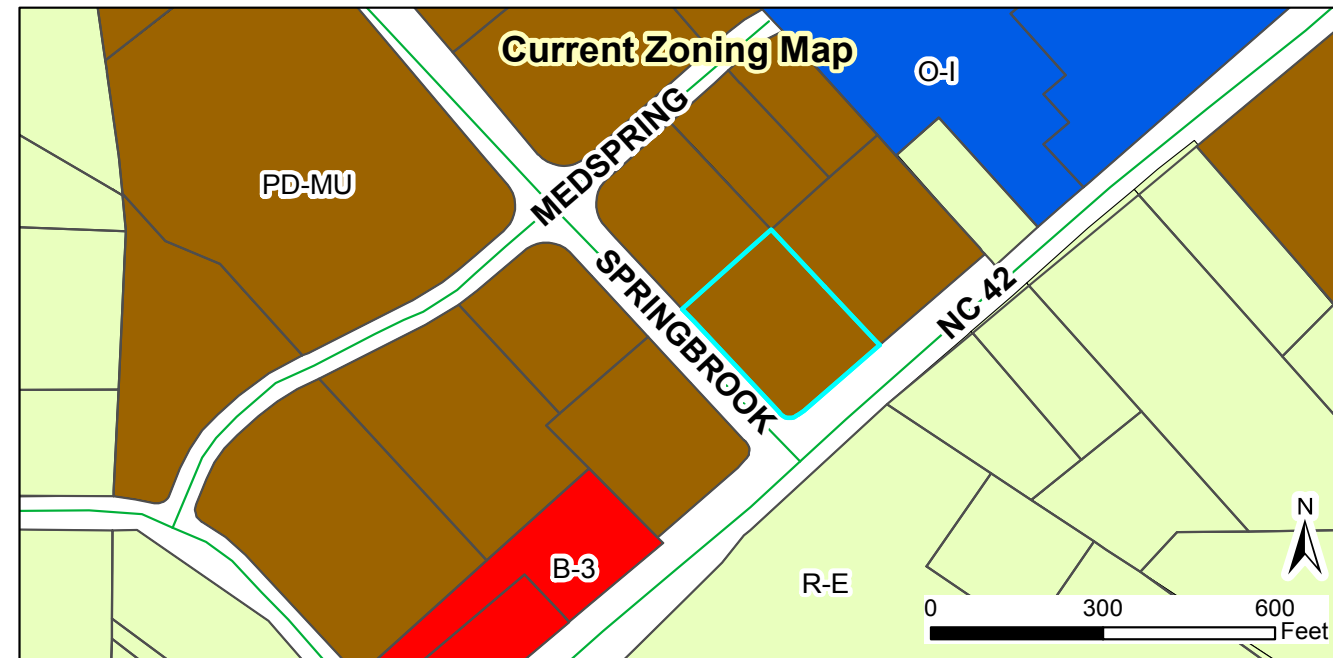
- The Planning Board shall make a final decision regarding Major Site Plans.

APPROVAL CRITERIA:

The applicant has addressed the Major Site Plan Approval Criteria outlined in the Unified Development Code. The applicant's responses are incorporated into the record as an attachment to the Staff Report.

ATTACHMENTS:

- 1) Staff report maps
- 2) Application
- 3) Site Plan



**2019-90-SP
Hardee's Major Site Plan
Request to develop a drive-thru restaurant**

Applicant: Boddie-Noell Enterprises, Inc.
Property Owners: UACFE, LLC
Tag #: 05F02035F

Staff Report Map



05/31/2019

Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2019\2019-90-SP - Hardee's at Spring Branch\Maps\Staff Report Map.mxd

Legend

- Site
- 100-yr Flood Zone



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

MAJOR SITE PLAN APPLICATION

Application Fee: \$500.00 + \$5 an acre

☒ New Major Site Plan

☐ Major Modification to an approved site plan
Permit Modified: _____

SITE INFORMATION

Name of Project: GCF Donation Center and Store

Acreage of Property: 1.56 Zoning District: PD-MU

County Tag #: 05I04003V NC Pin #: 167900-30-4169

Address/Location: Lot 7 - The Shoppes at Glen Laurel

Existing Use: Vacant Proposed Use: Retail

Is project within a Planned Development? ☒ Yes ☐ No If yes, which: The Pines at Glen Laurel

Is project within an Overlay District? ☒ Yes ☐ No If yes, which: Water Supply Watershed

Is a site plan being concurrently submitted? ☒ Yes ☐ No

APPLICANT INFORMATION

Applicant: Bass, Nixon and Kennedy, Inc.

Mailing Address: 6310 Chapel Hill Road, Ste. 250, Raleigh, NC

Phone Number: 919-851-4422 Fax: 919-851-8968

Contact Person: Marty D. Bizzell, PE

Email Address: marty.bizzell@bnkinc.com

RECEIVED

OFFICE USE ONLY

Date Received: MAY 01 2019

Amount Paid: \$510

File Number: 2019-91-50

TOWN OF CLAYTON
PLANNING DEPARTMENT

April 2019

2 of 15



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

MAJOR SITE PLAN APPLICATION COVER SHEET

Name of Project: Goodwill Industries **Date:** 5/1/19

Applicant Name: Bass, Nixon and Kennedy, Inc.

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: April 4, 2019
- [☒] Review fee
- [☒] Copy of plan sets in PDF on USB

11 copies of the following:

- [☒] Completed Application
- [☒] Owner's Consent Form
- [☒] Adjacent Property Owner's List
- [☒] Wastewater Allocation Request Form
- [☐] Neighborhood Meeting Notice Letter (1 copy) To Follow
- [☐] Stormwater Management Statement Previously Approved
- [☐] Signed/Sealed Traffic Impact Analysis (if applicable) N/A

11 copies of the plan set which includes the following:

- | | |
|---|---|
| [☒] Cover Sheet | [☒] Preliminary Grading Plan Sheet |
| [☒] Existing Conditions Sheet | [☐] Preliminary Engineering Plan Sheet |
| [☐] Lighting Plan Sheet | [☒] Signed & Sealed Boundary Survey |
| [☒] Site Plan Sheet | [☒] Architectural Elevations Sheet |
| [☒] Landscaping Plan Sheet | |

Reviewed by: _____

**TOWN OF CLAYTON
PLANNING DEPARTMENT**

PROPERTY OWNER INFORMATION

Name: Shoppes at Glen Laurel, LLC

Mailing Address: 1004 Wake forest Road, Raleigh, NC 27604-1358

Phone Number: 919-872-5702

Fax: N/A

Email Address: brantley@commprop.net

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

Request for Major Site Plan approval for a new GCF - Goodwill Industries Store to be located on Lot 7 at the Shoppes at Glen Laurel.

MAJOR SITE PLAN REQUIREMENT CHECKLIST

PLAN FORMAT

These standards are established to provide information pertaining to the graphic and format presentation of plans. The following is required for all types of plans, except where otherwise noted:

- All plans and architectural elevations shall be limited to 24" x 36" in size, and folded to an 8.5" x 11" format.
- Plans are to be drawn at the same engineering scale of 1" = 20'; 30'; 40'; 50'; 60' (architectural elevations and details are exempt from this requirement) with north oriented in the same direction.
- Plans may be drawn at an engineering scale of 1" = 100', if approved by the Planning Department or the Technical Review Committee (TRC).

- Architectural plans and elevations shall be drawn at an architectural scale of 1" = 3/32', 3/16', 1/8', 1/4', or 3/8'.
- All drawings, except elevations, isometric drawings, and renderings, shall be in two dimensional plan views.
- All text shall be clear and legible.
- Line weight hierarchy on all plans shall be consistent with common drafting standards.
- Multiple sheets shall be consecutively numbered (e.g. Sheet 1 of 4).
- All numerical references shall be rounded up to a maximum of two decimal points.

PLAN ELEMENTS AND GRAPHIC DATA

The following items include general and project information. This information is required to be present on all plans, except where otherwise noted.

Provided		
Yes	N/A	
☒		Consultant Logo Box (name, address, phone number, fax, email, firm and license number)
☒		Project/Application Name
☒		Type of plan
☒		Signature and Professional Seal with date (landscape plans, engineering plans and surveys)
☒		Original/Submittal Date and Revision Date
☒		Sheet Number
☒		Vicinity Map
☒		North Arrow with NC Grid System
☒		Graphic Scale (engineering or architectural graphic and written scale)

SURVEY

Provided		
Yes	N/A	
☒		A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department) with the bearings and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.

EXISTING CONDITIONS SHEET

Provided		
Yes	N/A	
☒		The existing topographical conditions of the property with a two foot contour interval.
☒		The existing streets and roadway improvements (medians, landscaping, signage, driveways, etc.) within 100 feet of project boundary.
☐		The existing structures located on the subject property.
☐		The existing structures within 100 feet of project boundary.
☒		The existing utilities (including inverts of pipes, rim elevations, wells and septic tanks, etc.) within 100 feet of project site.

SITE PLAN

The items listed below are required to be delineated (in tabular format) on the site plan.

Provided		
Yes	N/A	
☒		Site data table
☒		Name of project (AKA names if applicable)
☒		Parcel identification number (and/or Tag number)
☒		Property size (acres and square feet)
☒		Property location (Town limits or ETJ)
☒		Existing zoning district
☐	☒	Proposed zoning district (if applicable)
☒	☐	Overlay (if applicable)
☒		Existing use
☒		Proposed use
☐	☒	Number of seats/students/fueling positions (as applicable).
☐	☒	Number of housing units proposed, per housing unit type.
☐		Existing density (number of units per acre)
☐	☒	Proposed density (number of units per acre)
☐		Existing intensity (gross floor area)
☐	☒	Proposed intensity (gross floor area)
☐		Floor area ratio
☒		Building coverage (as percentage of total site)

Provided		
Yes	N/A	
☐	☐	Pervious surface area (square feet and as percentage of total site)
☐	☐	Impervious surface area (square feet and as percentage of total site)
☒	☐	Building height (number of stories and in feet)
☒	☐	Required parking (list requirement i.e. 1 space per 300 SF)
☒	☐	Proposed parking
☒	☐	Required/proposed handicap accessible parking
☒	☐	Required loading space(s)
☐	☐	Provide name of Electric Provider.
☐	☐	Provide name of Water Provider.
☐	☐	Provide name of Sewer Provider.

Other site plan elements:

Provided		
Yes	N/A	
☒	☐	Identify adjacent property owners, their parcel ID number, current zoning and present use.
☐	☒	Identify the affected area for amendments to previously approved projects.
☒	☐	Identify the location of lots, buildings and structures with finished floor elevations and applicable setbacks.
☐	☐	Identify existing right of ways.
☒	☐	Identify Watershed Protection Areas.
☒	☐	Identify existing (public and private) easements.
☒	☐	Identify proposed (public and private) easements.
☐	☒	Identify Open Space/Common Areas.
☐	☐	Identify and dimension clear sight triangle at project ingress/egress points.
☒	☐	Identify driveways, curb and gutter, cross section with ROW.
☐	☒	Provide boundaries of Resource Conservation Areas (see UDC Section 155.500).
☒	☐	Provide an off-street parking and loading layout (with details, dimensions and access location). Accessible parking requirements are listed in NCSBC Volume 1C, 1999 edition. Show traffic circulation arrows.
☐	☒	Provide queuing details for drive-up/drive-thru facilities (if applicable).
☒	☐	Provide the locations and dimensions of existing and proposed sidewalks.
☒	☐	Provide the location and details of refuse collection areas.
☐	☒	Provide the location, size and orientation of freestanding signs.

Provided		
Yes	N/A	
☐	☒	Identify the location and nature of all recreational facilities and common areas.
☐	☒	Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and associated racks.
☐	☒	Identify proposed phasing (phasing lines) of construction.
☐	☒	Cul-de-sacs must be dimensioned.
☐	☒	Identify cluster mailbox unit (CBU) locations and details.

CONCEPTUAL ENGINEERING PLANS

Note: *Conceptual engineering plans are deemed preliminary in nature. Review and approval of public infrastructure construction plans is a separate process performed by Public Works Engineering Division.*

Provided		
Yes	N/A	
☒	☐	Identify proposed streets and roadways (public and private) with dimensions and cross sections.
☐	☐	Identify the curve radii for all internal and external vehicular use areas.
☒	☐	Identify access to the project.
☒	☐	Identify existing conditions and proposed grading plans.
☐	☒	Identify Tree Conservation Areas shown on grading plan.
☒	☐	Show proposed flow of traffic.
☒	☐	Identify proposed traffic control signs and striping.
☒	☐	Identify the proposed water distribution system (including size) with location of fire hydrants and point of connection.
☒	☐	Identify the proposed sanitary sewer collection system (including size) and point of connection. If a municipal sewer connection is not available, please provide documentation from Johnston County Department of Environmental health that the location of septic tank and drain field is acceptable.
☒	☐	Provide preliminary wastewater allocation calculation.
☐	☒	Identify proposed grease traps, if applicable.
☐	☒	Identify backflow prevention, if applicable.
☐	☒	If a pool is present, show drainage plan. Pumping to storm drain is not allowed.
☒	☐	Identify the Utility Plan.
☐	☒	Identify soil erosion control measures including impoundment structures.
☐	☒	Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.

☒	☐	Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.
-------------------------------------	--------------------------	--

Fire Rescue (information to be shown on conceptual engineering plans)

Provided		
Yes	N/A	
☒	☐	Identify fire hydrant distribution (distance of hose lay).
☐	☒	Identify the sprinkler connection locations and size, if applicable.
☐	☒	Identify fire lane designations and circulation around buildings (stripe fire lanes and show minimum stabilized access around all structures).
☐	☒	Identify the emergency evacuation route (access in and out of the property).
☐	☐	Identify fire apparatus turning radius, including streets and cul-de-sacs.
☒	☐	Verify the location of fire hydrants is not interfering with required landscaping (must be 24" clearance of landscaping from bottom of steam fitting).
☐	☐	Identify the Lock Box/Knox Box locations.
☐	☒	Identify placard locations for hazardous materials.

LANDSCAPE PLAN

Provided		
Yes	N/A	
☒	☐	Provide a landscape plan identifying the location of all proposed landscaping (must be prepared by a landscape architect registered in North Carolina).
☐	☐	Indicate the location, width and type of all required buffers.
☒	☐	Indicate the location, width and type of landscaping within vehicular use areas.
☒	☐	Indicate the location, width and type of landscaping used to screen drive-thru areas, service areas, loading areas, mechanical equipment and above ground utilities.
☒	☐	Provide a plant list summary table which includes: 1. A planting key identifying the various planting elements 2. The quantity of each type of plant material proposed 3. The size, height, caliper and spacing of plant material proposed 4. The Botanical and common names of plant material proposed
☐	☐	Verify/identify clear sight distances at project ingress/egress points.
☐	☐	Provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant species must be used).

Provided		
Yes	N/A	
☐		Provide a landscape maintenance note which states: "All landscaped areas shall be maintained in an attractive and healthy condition. Dead or diseased plantings shall be removed and replaced in a timely fashion".
☐		Identify and list any existing plant material which will be used to satisfy landscape requirements.

LIGHTING PLAN

Provided		To be provided by Town of Clayton
Yes	N/A	
☐	☐	Conceptual Lighting Plan
☐	☐	Identify the light source and provide a detail of the fixture.
☐		Identify the proposed height of fixtures.

ARCHITECTURAL ELEVATIONS AND FLOORPLAN

Provided		
Yes	N/A	
☒		Provide floor plans, elevations, construction materials, finishes and colors, along with type of construction of all buildings per North Carolina Building Code prepared by a professional architect registered in North Carolina.
☒		Indicate the height and number of stories for each structure.
☐		Indicate the location and screening method for all roof mounted structures or equipment.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Board of the Town of Clayton to approve the subject Major Site Plan. 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.

Marcy D. Breen
Print Name

Marcy D. Breen
Signature of Applicant

5/1/19
Date



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Goodwill Industries, Inc. Address or PIN #: 167800-29-7804

AGENT/APPLICANT INFORMATION:

Marty D. Bizzell
(Name - type, print clearly)

6310 Chapel Hill Road, Ste. 250
(Address)
Raleigh, NC 27607
(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (*list applicable requests*):

Major Site Plan Construction Plans

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

Shoppes at Glen Laurel, LLC (Attn: Eric Brownlee)
(Name - type, print clearly)
Eric V Brownlee
(Owner's Signature)

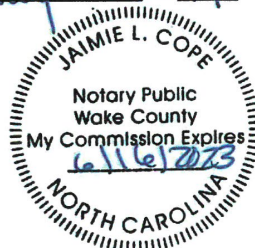
1004 Wake Forest Road
(Address)
Raleigh, NC 27604-1358
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me Jaimie L. Cope, a Notary Public for the above State and County, this the 1 day of May, 2019.

SEAL

April 2019



Jaimie L. Cope
Notary Public

My Commission
Expires:

6/16/2023
15 of 15



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

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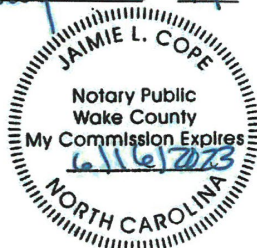
Shoppes at Glen Laurel, LLC (Attn: Eric Brownlee)
(Name - type, print clearly)
Eric V Brownlee
(Owner's Signature)
1004 Wake Forest Road
(Address)
Raleigh, NC 27604-1358
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me Jaimie L. Cope, a Notary Public for the above State and County, this the 1 day of May, 2019.

SEAL

April 2019



Jaimie L. Cope
Notary Public

My Commission
Expires:

6/16/2023
15 of 15

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT TOWN OF CLAYTON STANDARDS AND SPECIFICATIONS

GCF® SHOPPES AT GLEN LAUREL
DONATION CENTER & STORE
212 BRIARCLIFF DRIVE, CLAYTON, NC 27527
MAJOR SITE PLAN SUBMITTAL FOR LOT-7

TOWN OF CLAYTON PROJECT NO. 2019-91-SP

ASSOCIATED PROJECT NUMBERS;
2019-15-SDM GLEN LAUREL MIXED USE, 2019-89-SP SHOPPES AT GLEN LAUREL LOT 6, 2018- 134-SDM GLEN
LAUREL MIXED USE, 15-48-01 PDD NC 42 EAST MIXED USE, AND 2017-87-SDM SHOPPES AT GLEN LAUREL

SHEET INDEX

COVER	
C1.0	EXISTING CONDITIONS
C1.1	SITE PLAN
C2.1	UTILITY & STORM DRAINAGE PL
L1.1	LANDSCAPE PLAN
ARCHITECTURAL ELEVATIONS	

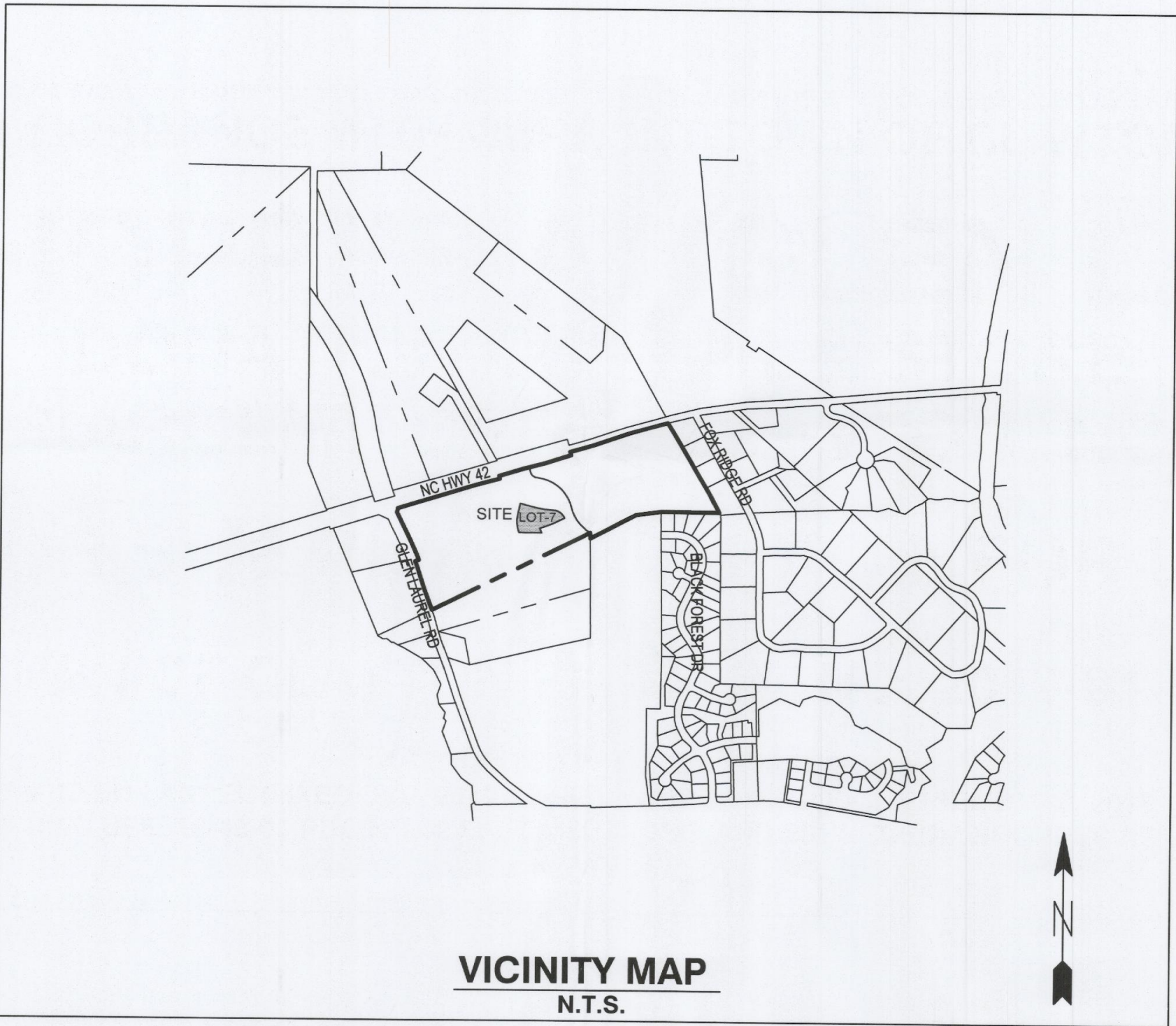
SYMBOLS AND ABBREVIATIONS

ABC	AGGREGATE BASE COURSE	EXISTING CURB INLET
ALUM	ALUMINUM	EXISTING GRATE INLET/YARD INLET
AST2	ALUMINIZED STEEL - TYPE 2	EXISTING FLARED END SECTION
B-B	BACK TO BACK	EXISTING FIRE HYDRANT
BOA	BLOW-OFF ASSEMBLY	EXISTING BLOW-OFF ASSEMBLY
C&G	CURB AND GUTTER	EXISTING GATE VALVE
CFS	CUBIC FEET PER SECOND	EXISTING REDUCER
CI	CURB INLET	EXISTING WATER METER
CL	CENTER LINE	EXISTING SAN SEWER MANHOLE
CMP	CORRUGATED METAL PIPE	EXISTING CLEAN OUT
CO	CLEAN OUT	EXISTING POWER POLE
COM	COMMUNICATION	EXISTING TELEPHONE PEDESTAL
CONC	CONCRETE	EXISTING AREA LIGHT
DCV	DOUBLE CHECK VALVE	EXISTING SIGN
DDCV	DOUBLE DETECTOR CHECK VALVE	NEW CURB INLET
DI	DROP INLET	NEW GRATE INLET/YARD INLET
DIP	DUCTILE IRON PIPE	NEW FLARED END SECTION
EASE	EASEMENT	NEW FIRE HYDRANT
ELEC	ELECTRIC	NEW BLOW-OFF ASSEMBLY
EX	EXISTING	NEW GATE VALVE
FES	FLARED END SECTION	NEW REDUCER
FM	FORCE MAIN	NEW WATER METER
FT	FEET	NEW TEE
FT/SEC	FEET PER SEC	NEW PLUG
GALV	GALVANIZED	NEW MANHOLE
GV	GATE VALVE	NEW CLEAN OUT
HDPE	HIGH DENSITY POLYETHYLENE	NEW SIGN
L	LENGTH	IRON PIPE
LF	LINEAR FEET	BENCHMARK
MH	MANHOLE	TEMP SILT FENCE
PAVE	PAVEMENT	TPF
PE	FINISHED PAD ELEVATION	TEMP TREE PROTECTION FENCE
PP	POWER POLE	TEMP COMBINATION SILT/TREE PROTECTION FENCE
PVC	POLYVINYL CHLORIDE	TEMP DIVERSION DITCH
R	RADIUS	DISTURBED LIMITS
R/W	RIGHT-OF-WAY	STREAM
RED	REDUCER	EXISTING GAS LINE
RCP	REINFORCED CONCRETE PIPE	EXISTING COMMUNICATIONS LINE
RPZ	REDUCED PRESSURE ZONE	EXISTING UNDERGROUND TELEPHONE
SS	SANITARY SEWER	EXISTING UNDERGROUND ELECTRIC
STA	STATION	EXISTING OVERHEAD ELECTRIC
TDD	TEMPORARY DIVERSION DITCH	EXISTING WATER LINE
TELE	TELEPHONE	EXISTING FM
TSB	TEMPORARY SEDIMENT BASIN	EXISTING SS
UG	UNDERGROUND	EXISTING SANITARY SEWER
WCR	WHEELCHAIR RAMP	EXISTING STORM DRAINAGE
W/L	WATER LINE	NEW STORM DRAINAGE
WM	WATER METER	NEW WATER LINE
YI	YARD INLET	NEW SANITARY SEWER
		NEW FM
		NEW G
		NEW GAS MAIN
		HANDICAPPED ACCESSIBLE ROUTE

ALL INTERNAL STREETS ARE TO BE PRIVATELY
MAINTAINED BY OTHERS AND NOT TOWN OF
CLAYTON

PAVEMENT AND BASE SECTIONS SHOWN ARE
MINIMUM THICKNESS. PRIOR TO FINAL GRADING
OR ROADWAY, THE OWNER SHALL PROVIDE A
DESIGN DETAIL OF THE PAVEMENT AND BASE
SECTIONS IN ACCORDANCE WITH THE CURRENT
TOWN OF CLAYTON MANUAL OF SPECIFICATIONS
& DESIGN FOR REVIEW AND APPROVAL.

NOTE: ALL CONSTRUCTION ACTIVITY MUST BE
IN ACCORDANCE WITH THE ACCEPTED
POLICIES OF THE TOWN OF CLAYTON AND
NCDOT



VICINITY MAP
N.T.S.

DEVELOPER:

GOODWILL COMMUNITY FOUNDATION, INC.
4808 CHIN PAGE ROAD
DURHAM, NC 27703

CONTACT: DENNIS McLAIN
PHONE: (919) 941-9600

OWNER:

SHOPPES AT GLEN LAUREL, LLC
1004 WAKE FOREST ROAD
RALEIGH, NC 27604

CONTACT: BRANTLEY TILLMAN, CCIM
PHONE: (919) 872-5702

ARCHITECT:

DESIGN DEVELOPMENT ARCHITECTS
800 SALEM WOODS DRIVE, SUITE 102
RALEIGH, NC 27615

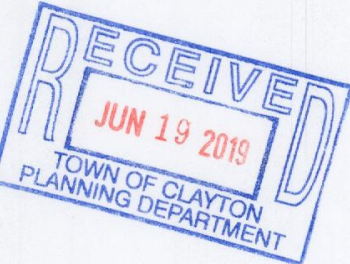
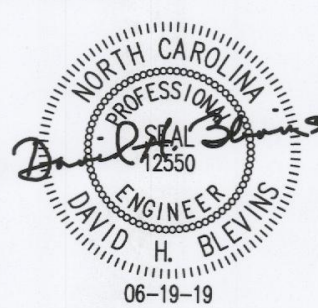
CONTACT: T.J. (TOM) MULDER
PHONE: (919) 848-4474

ENGINEER:

BNK

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
TELEPHONE: (919) 851-4422 or (800) 354-1879
FAX: (919) 851-8968

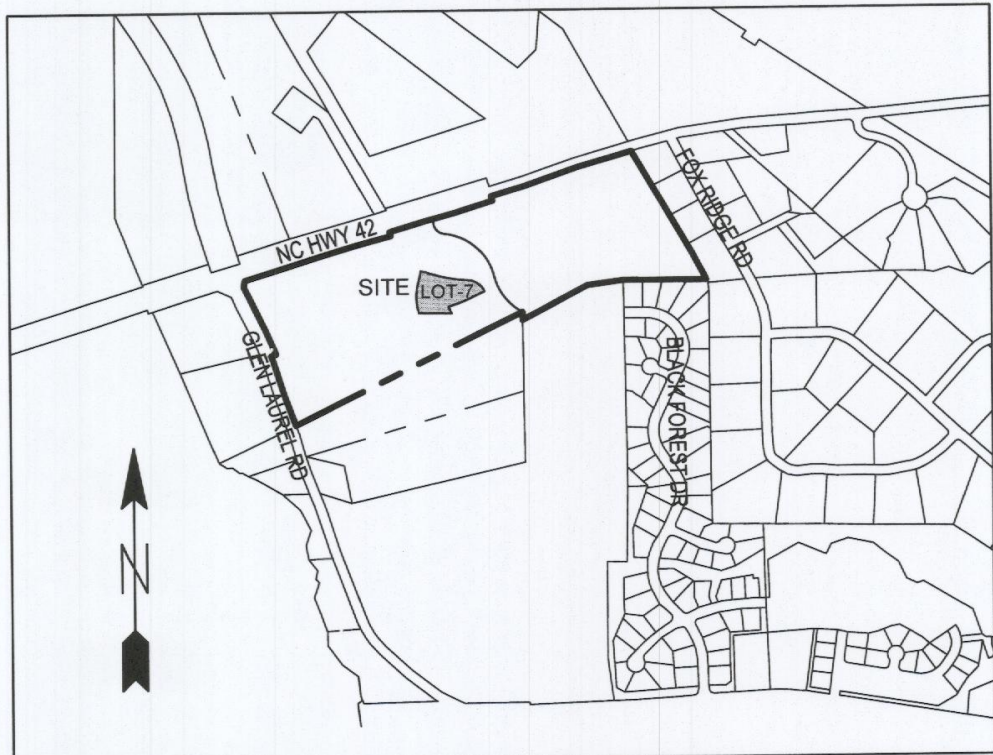
CONTACT: David H. Blevins, P.E.
EMAIL: David.Blevins@BNKinc.com



NO.	DATE	DESCRIPTION
2	06-19-19	PER ToC 2nd REVIEW
1	05-31-19	PER ToC 1ST REVIEW

REVISIONS

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VICINITY MAP
N.T.S.

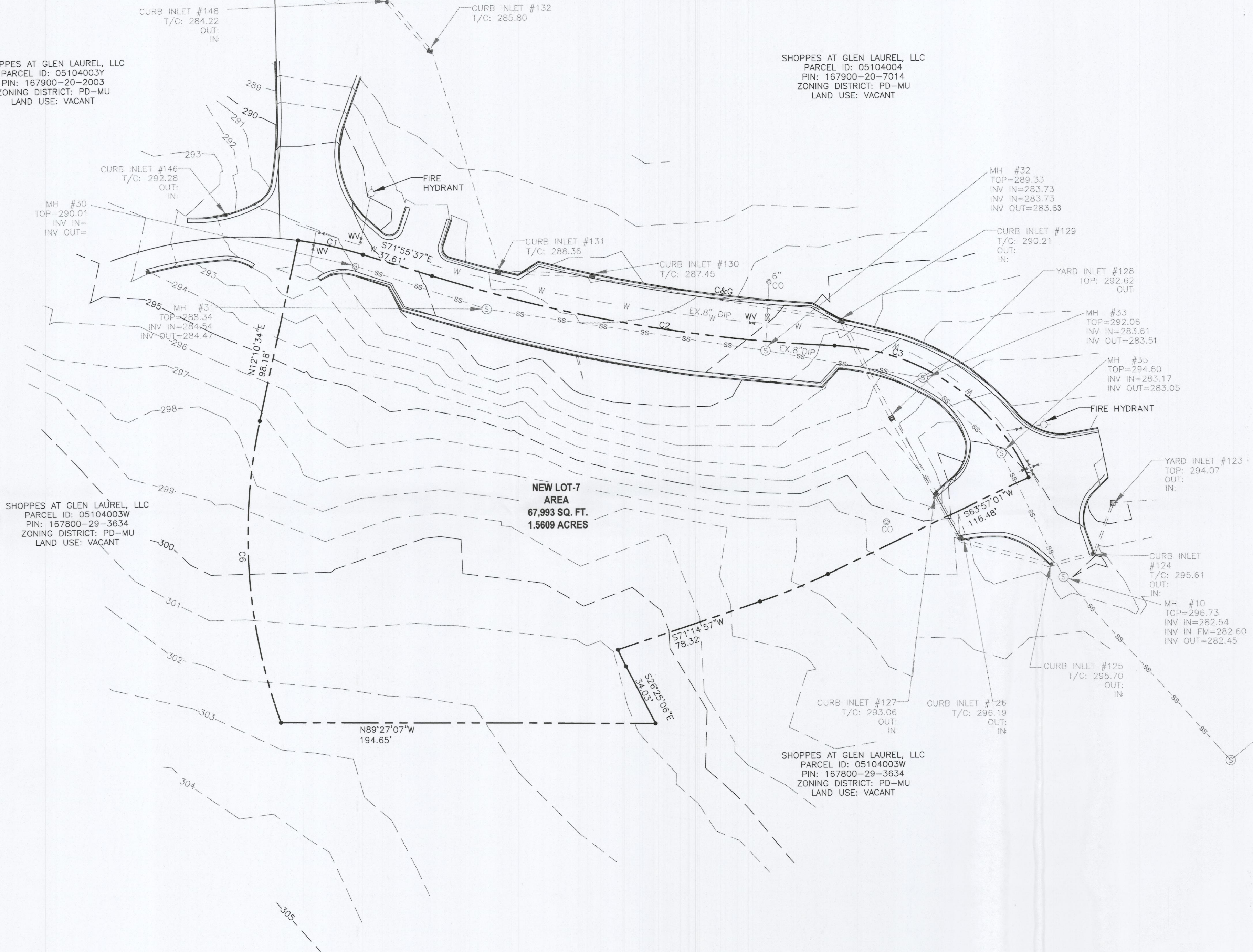
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 5. NO TITLE SEARCH PERFORMED FOR THIS SURVEY.
 6. NO NCSS MONUMENT WITHIN 2,000 FEET OF PROPERTY.
 7. NO FEMA FLOOD HAZARD AREAS PER FIRM NUMBERS 3720167900K & 3720167800K DATED JUNE 20, 2018.
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CURVE TABLE				
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C6	300.00	163.24	N03°24'43"W	161.23

B/NK EX TREE TYPE ABBREVIATIONS

APPLE	AP
ASH	AS
BEECH	BE
BLACK WALNUT	BW
BRADFORD PEAR	BP
BURFORD HOLLY	BH
CATALPA	CP
CEDAR	CE
COTTONWOOD	CW
CRABAPPLE	CA
CREPE MYRTLE	CM
CYPRESS	CY
DOGWOOD	DW
ELM	EL
GUM	GM
HACKBERRY	HB
HICKORY	HK
HOLLY	HY
IRONWOOD	IW
LOCUST	LC
MAGNOLIA	MG
MAPLE	MP
MIMOSA	MM
PEAR	PE
PECAN	PC
PERSIMMON	PS
REDTIP	RT
PINE	PN
POPLAR	PP
REDBUD	RB
RED OAK	RO
SOURWOOD	SW
SWEETBAY	SB
SYCAMORE	SY
WAX MYRTLE	WM
WHITE OAK	WO
WILD CHERRY	WC
WILLOW	WW
ZELKOVA	ZA

SHOPPES AT GLEN LAUREL, LLC
PARCEL ID: 05104003Y
PIN: 167900-20-2003
ZONING DISTRICT: PD-MU
LAND USE: VACANT



SHOPPES AT GLEN LAUREL, LLC
PARCEL ID: 05104003W
PIN: 167800-29-3634
ZONING DISTRICT: PD-MU
LAND USE: VACANT

NEW LOT-7
AREA
67,993 SQ. FT.
1.5609 ACRES

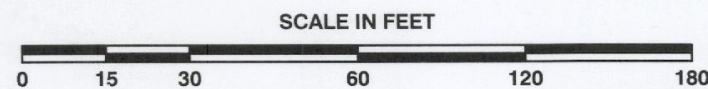
SHOPPES AT GLEN LAUREL, LLC
PARCEL ID: 05104004
PIN: 167900-20-7014
ZONING DISTRICT: PD-MU
LAND USE: VACANT

SHOPPES AT GLEN LAUREL, LLC
PARCEL ID: 05104003W
PIN: 167800-29-3634
ZONING DISTRICT: PD-MU
LAND USE: VACANT

NO WETLANDS EXIST ON-SITE

NO FLOODPLAINS EXIST ON-SITE

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POLICIES OF THE TOWN OF CLAYTON AND
NCDOT



TOWN OF CLAYTON PROJECT NO. 2019-91-SP

B/NK

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
TELEPHONE: (919)851-4422 OR (800)354-1879 FAX: (919)851-9868
CERTIFICATION NUMBERS: NCBELS (C-0110); NCBOLA (C-0267)

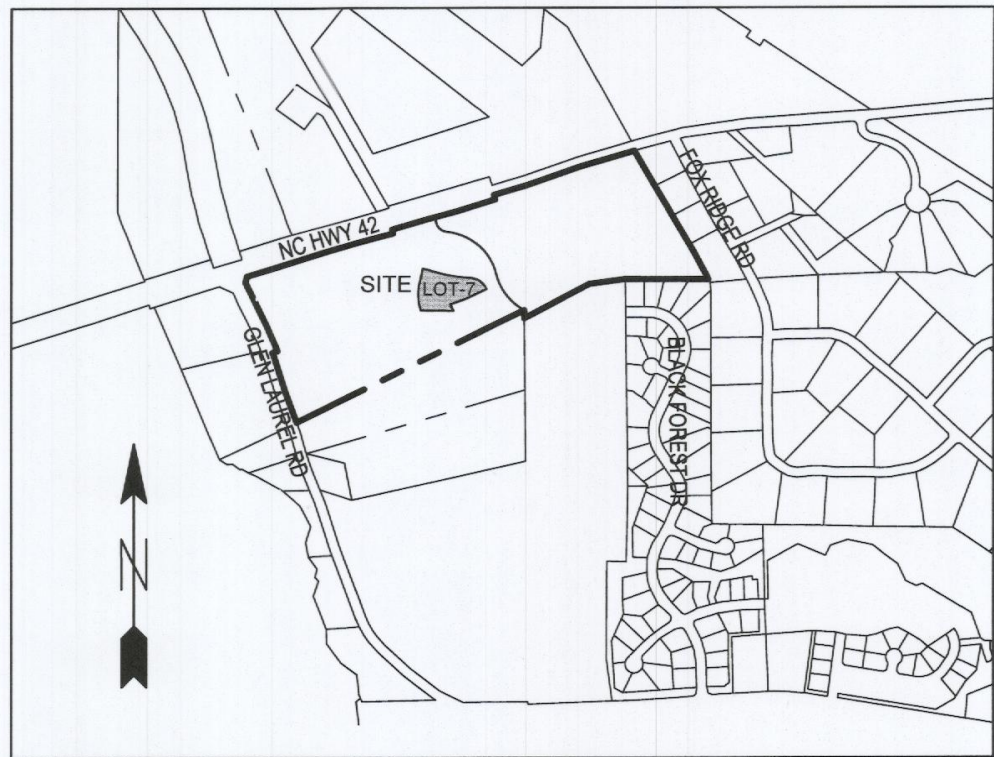
EXISTING CONDITIONS PLAN		PER TOC 2nd REVIEW COMMENTS (BTO)	
NO.	DATE	DESCRIPTION	BY
1	05-31-19	PER TOC 1ST REVIEW COMMENTS (BTO)	
2	06-19-19	PER TOC 2nd REVIEW COMMENTS (BTO)	

GCF SHOPPES AT GLEN LAUREL
MAJOR SITE PLAN SUBMITTAL FOR LOT-7
TOWN OF CLAYTON, JOHNSON COUNTY, NORTH CAROLINA

SHEET
C1.0
2 OF 5

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION

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VICINITY MAP
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C6	300.00	163.24	N03°24'43"W	161.23

SHOPPES AT GLEN LAUREL, LLC
PARCEL ID: 05104003Y
PIN: 167900-20-2003
ZONING DISTRICT: PD-MU
LAND USE: VACANT

SHOPPES AT GLEN LAUREL, LLC
PARCEL ID: 05104003W
PIN: 167800-29-3634
ZONING DISTRICT: PD-MU
LAND USE: VACANT

UTILITY PROVIDERS

ELECTRIC: CLAYTON POWER
WATER: TOWN OF CLAYTON
SEWER: TOWN OF CLAYTON

SITE DATA

PROJECT NAME: GCF SHOPPES AT GLEN LAUREL
PIN: PORTION OF 167800-29-7804
REAL ID NUMBER: 0504004A
ADDRESS: 212 BRIARCLIFF DRIVE
CLAYTON, NC 27527
ZONING: (EXISTING) PD-MU
ZONING OVERLAY: THOROUGHFARE OVERLAY II (NC 42) & WATERSHED PROTECTION
SITE LOCATED IN TOWN LIMITS: YES
GCF LOT-7 SITE AREA (GROSS): 1.56 ACRES
EXISTING USE: VACANT
PROPOSED USE: RETAIL
BUILDING SIZE: 11,920 S.F.
FLOOR AREA RATIO: 17.55%
MAXIMUM BUILDING HEIGHT: 31'-1"
NUMBER OF STORIES: 1
PARKING REQUIREMENTS:
RETAIL - 1 SPACE PER 200 S.F.: 8,559 / 200 = 43
WAREHOUSE - 1 SPACE PER 1,000 S.F.: 3,212 / 1,000 = 4
OFFICE - 1 SPACE PER 200 S.F.: 149 / 200 = 1
TOTAL REQUIRED PARKING: 48
TOTAL PROPOSED PARKING: 51
REQUIRED ACCESSIBLE PARKING: 3
PROVIDED ACCESSIBLE PARKING: 3
EXISTING IMPERVIOUS AREA: 8,287 S.F. 12%
PROPOSED IMPERVIOUS AREA: 52,263 S.F. 77%
SETBACKS:
STREET YARD: 30'
SIDE YARD: 20'
REAR YARD: 20'
MAX. BUILDING HEIGHT: 50'

BNK

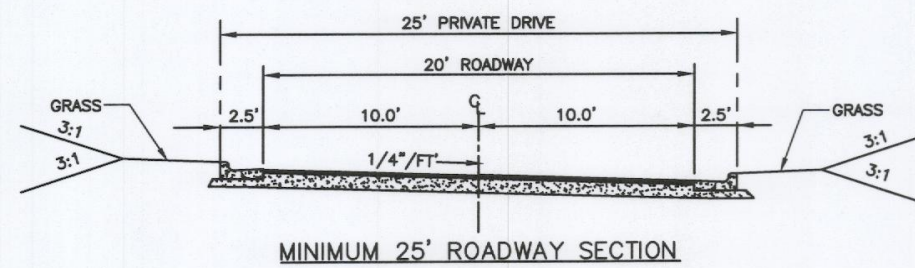
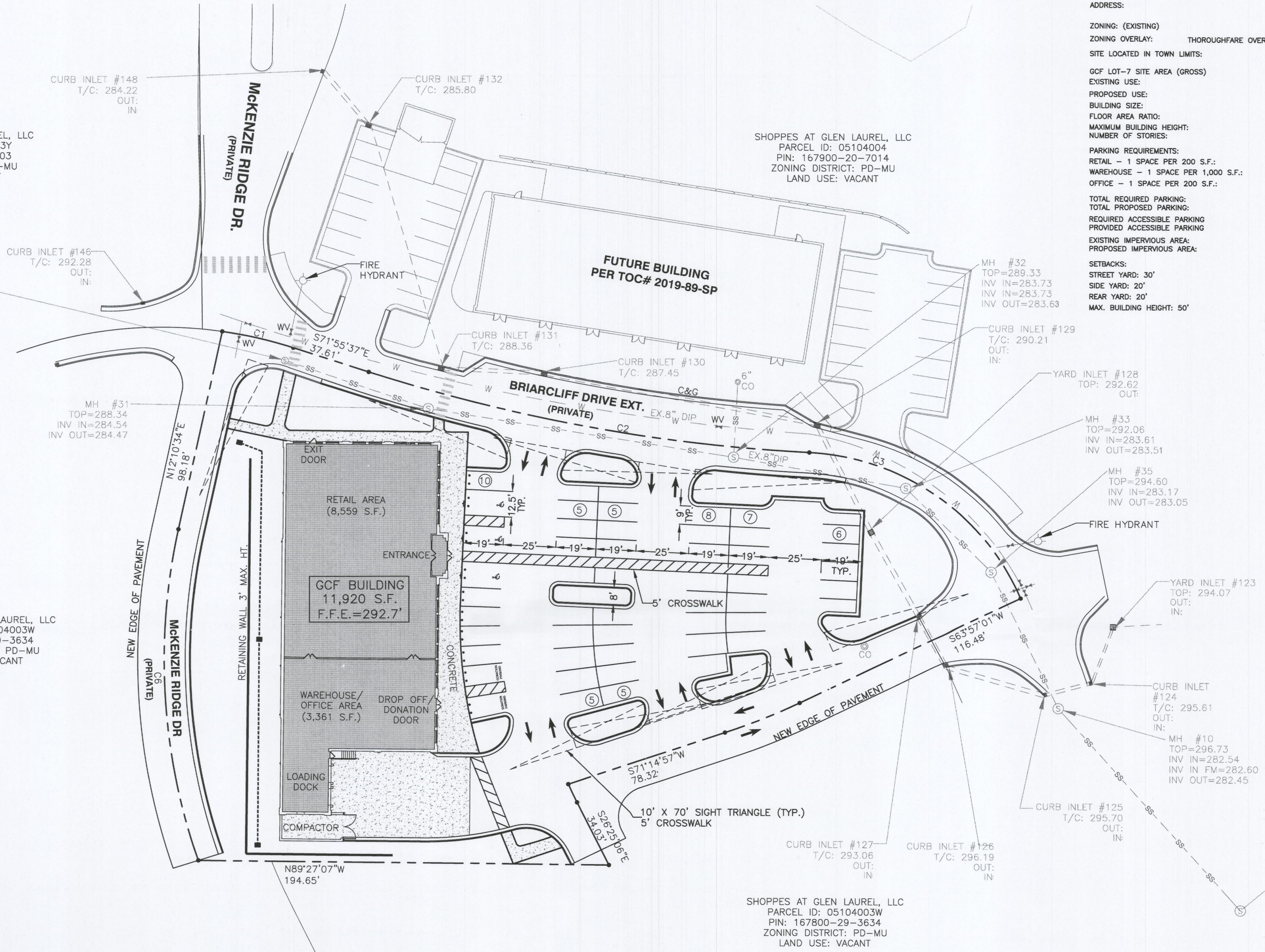
BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
TELEPHONE: (919)851-4422 OR (800)854-1879 FAX: (919)851-8968
CERTIFICATION NUMBERS: NCBELS (C-0110); NCBOLA (C-0267)

DATE	DESCRIPTION	BY
06-19-19	PER TAC 2nd REVIEW COMMENTS BTO	
06-31-19	PER TAC 1ST REVIEW COMMENTS BTO	
NO.	DATE	REVISIONS

GCF SHOPPES AT GLEN LAUREL
MAJOR SITE PLAN SUBMITTAL FOR LOT-7
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

SHEET
C1.1
3 OF 5

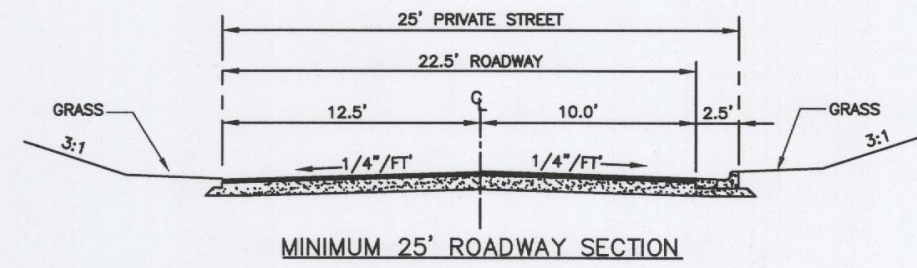
NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION



* RECOMMENDED PAVEMENT DESIGN TO BE 3" 59.58, AND 8" ABC MINIMUM.
ACTUAL DESIGN SHALL BE PROVIDED BY PROFESSIONAL TESTING COMPANY
BASED ON ACTUAL SOIL CONDITIONS.

NOTE:
PAVEMENT SLOPE SHALL BE 1/4"/FT MINIMUM TO DIRECT DRAINAGE
FROM THE PAVEMENT TO THE DRAINAGE COLLECTION SYSTEM.

BRIARCLIFF DRIVE - PRIVATE STREET



* RECOMMENDED PAVEMENT DESIGN TO BE 3" 59.58, AND 8" ABC MINIMUM.
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MCKENZIE RIDGE DRIVE - PRIVATE STREET

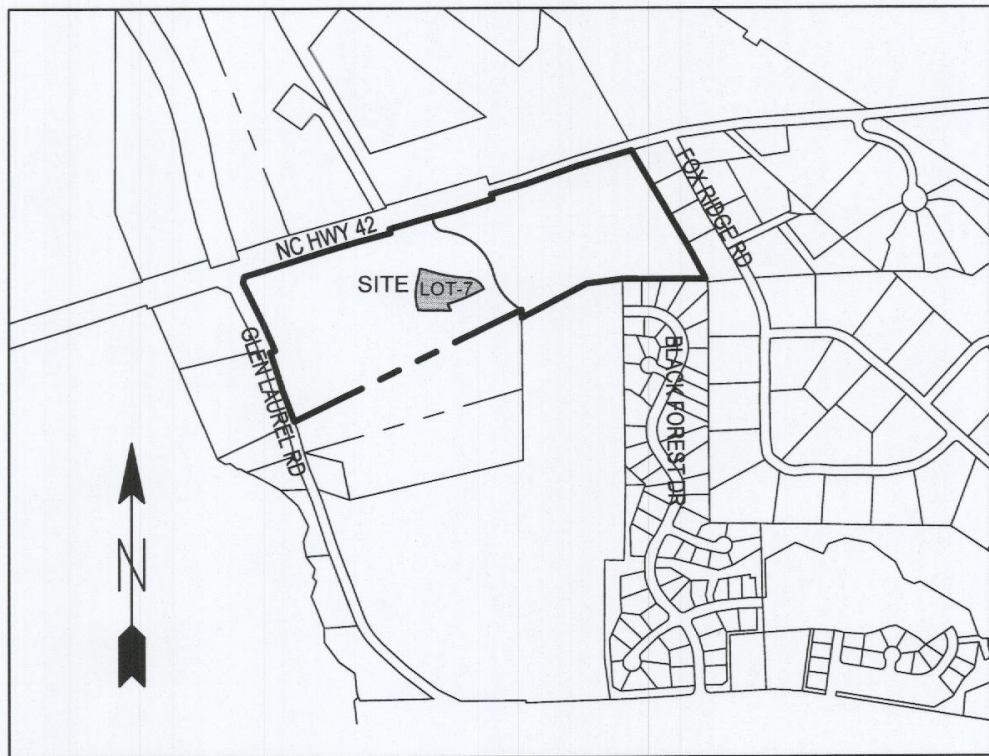
NO WETLANDS EXIST ON-SITE

NO FLOODPLAINS EXIST ON-SITE

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POLICIES OF THE TOWN OF CLAYTON AND
NCDOT

SCALE IN FEET
0 15 30 60 120 180

TOWN OF CLAYTON PROJECT NO. ----



VICINITY MAP
N.T.S.

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BLACK WALNUT	BW
BRADFORD PEAR	BP
BURFORD HOLLY	BH
CATALPA	CP
CEDAR	CE
COTTONWOOD	CW
CRABAPPLE	CA
CRETE MYRTLE	CM
CYPRESS	CY
DOGWOOD	DW
ELM	EL
GUM	GM
HICKBERRY	HB
HICKORY	HK
HOLLY	HY
IRONWOOD	IW
LOCUST	LC
MAGNOLIA	MG
MAPLE	MP
MIMOSA	MM
PEAR	PR
PECAN	PC
PERSEMON	PS
REDTIP	RT
PINE	PN
POPLAR	PP
REDBUD	RB
RED OAK	RO
SOURWOOD	SW
SWEETBAY	SB
STYAMORE	SY
WAX MYRTLE	WM
WHITE OAK	WO
WILD CHERRY	WC
WILLOW	WW
YELKOW	YA

SHOPPES AT GLEN LAUREL, LLC
PARCEL ID: 05104003Y
PIN: 167900-20-2003
ZONING DISTRICT: PD-MU
LAND USE: VACANT

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ZONING DISTRICT: PD-MU
LAND USE: VACANT

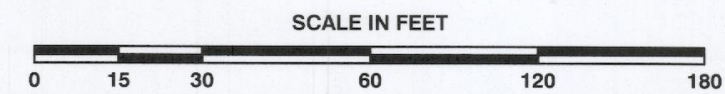
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TOWN OF CLAYTON PROJECT NO.



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CONSULTING ENGINEERS
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CERTIFICATION NUMBERS: NCBELS (C-0110); NCBOLA (C-0267)

NO.	DATE	DESCRIPTION	BY
1	05-11-19	PER TAC 1ST REVIEW COMMENTS BTO	
2	06-19-19	PER TAC 2ND REVIEW COMMENTS BTO	

SCALE: 1" = 30'

CHK BY: DHB

GCF SHOPPES AT GLEN LAUREL
MAJOR SITE PLAN SUBMITTAL FOR LOT-7
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

SHEET
C2.1
4 OF 5

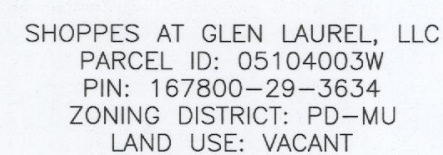
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PARCEL ID: 05104004
PIN: 167900-20-7014
ZONING DISTRICT: PD-MU
LAND USE: VACANT

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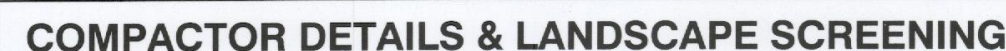
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NO FLOODPLAINS EXIST ON-SITE

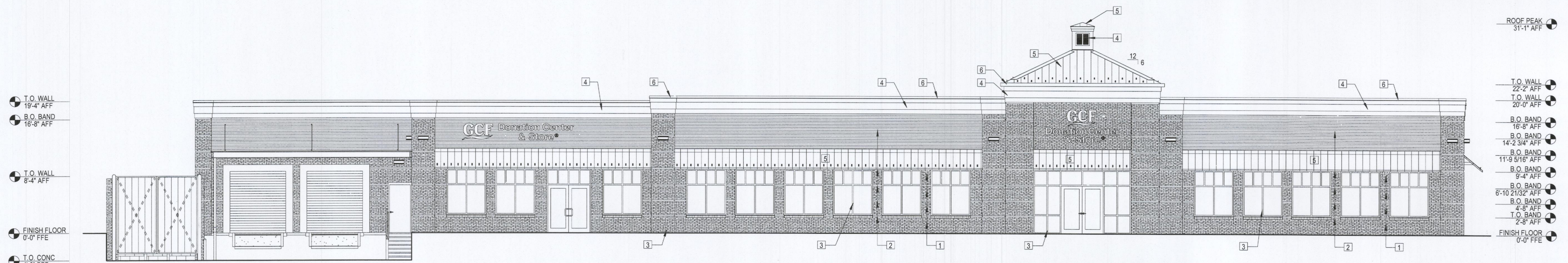
A north arrow pointing upwards and a scale bar labeled "SCALE IN FEET" with markings at 0, 15, 30, 60, 120, and 180.

KEY	SCIENTIFIC NAME	COMMON NAME	QUAN.	CAL	HT	ROOT	MARKERS
	SHADE TREES						
AR	<i>Acer rubrum</i> 'Sun Valley'	Sun Valley Maple	4	2.5"	10'	B&B	
UT	<i>Ulmus</i> 'Tulipifera'	Tulip Poplar	4	2.5"	10'	B&B	
QR	<i>Quercus</i> 'shumardi'	Shumard Oak	6	2.5"	10'	B&B	
ZS	<i>Zelkova serrata</i> 'Village Green'	Village Green Zelkova	6	2.5"	10'	B&B	
		Total Shade Trees	20				
	UNDERSTORY TREES						
AP	<i>Acer palmatum</i> 'Bloodgood'	Bloodgood Japanese Map	4	1.5"	6'	B&B	
CC	<i>Cercis canadensis</i> 'Forest Pansy'	Eastern Redbud	5	2"	8'	B&B	
CR	<i>Cornus x 'Rutban'</i>	Aurora Dogwood	5	2"	8'	B&B	
		Total Understory Trees	14				
	SHRUBS						
GJ	<i>Gardenia jasminoides</i> 'Klemm's Hardy'	Gardenia	7	15"		Cont	
LC	<i>Loropetalum chinensis</i> 'Chang's Ruby'	Loropetalum	7	15"		Cont	
VD	<i>Viburnum davidii</i>	David Viburnum	6	15"		Cont	
YJ	<i>Yucca japonica</i>	Japanese Yuccabum	30		24"	Cont	
HC	<i>Ilex Cornuta</i> 'Burfordii Nana'	Burford Nana Holly	13		24"	Cont	
		Total Shrubs	63				

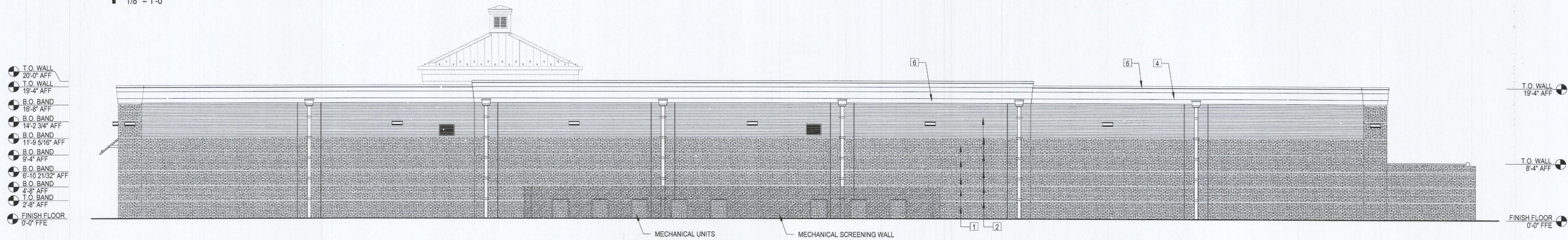


SHEET
L1.1

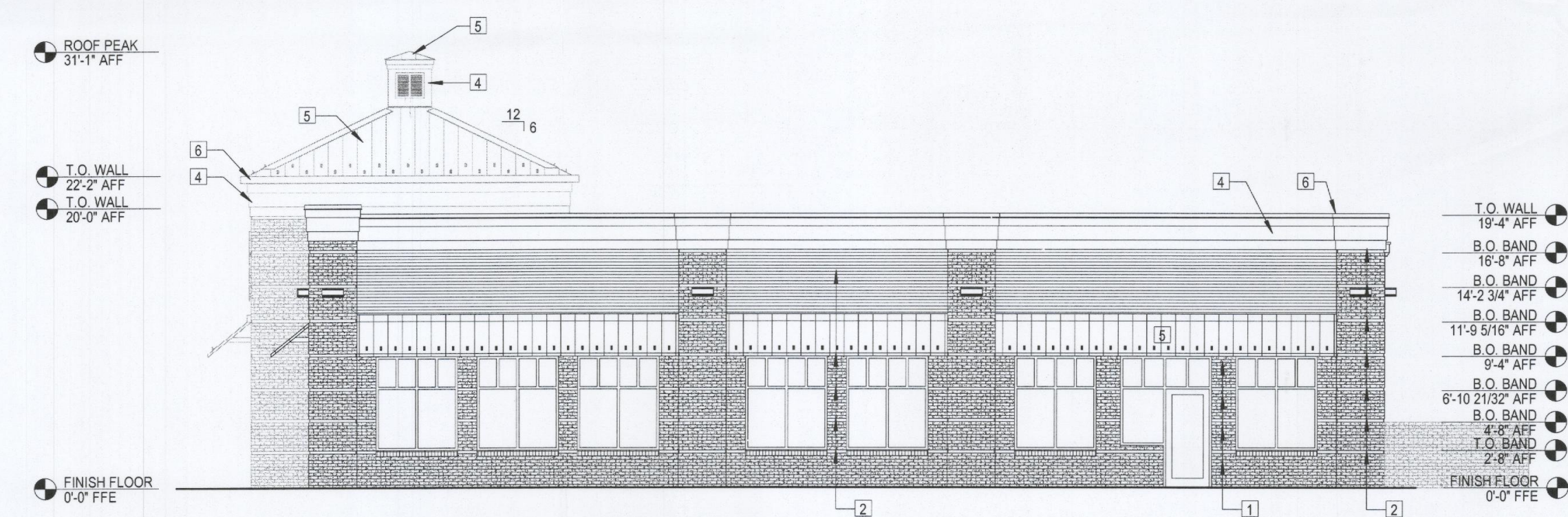
TOWN OF CLAYTON PROJECT NO. ---



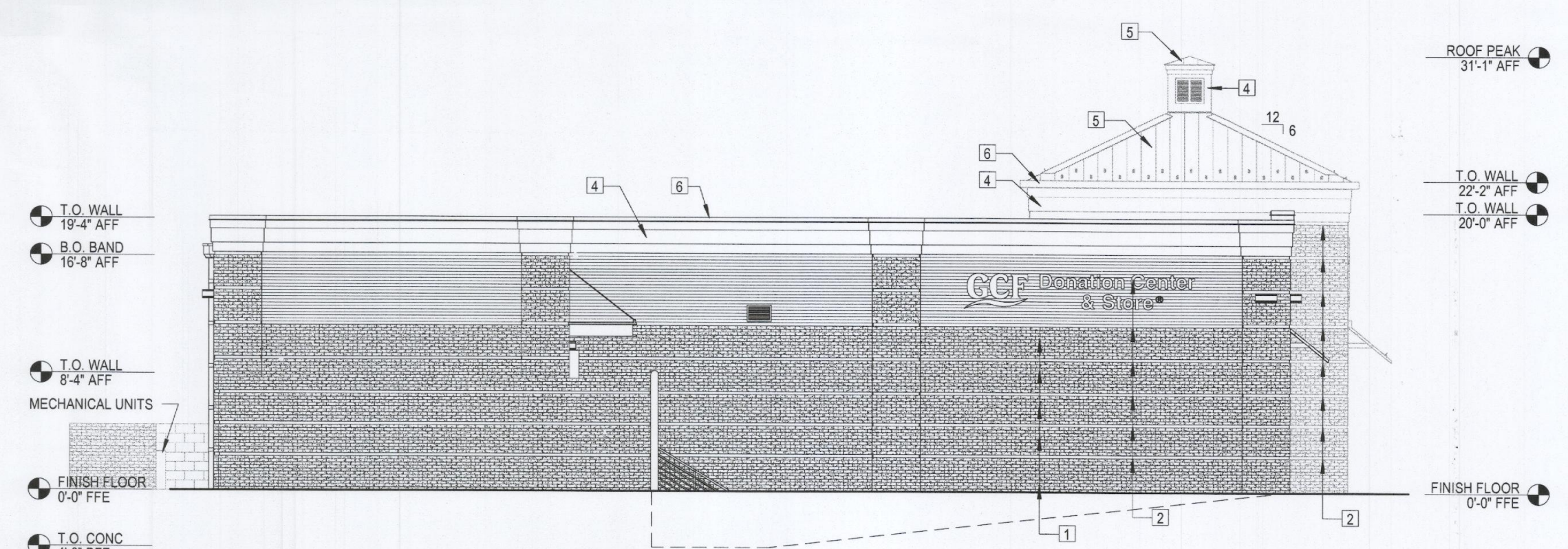
1 EAST ELEVATION
1/8" = 1'-0"



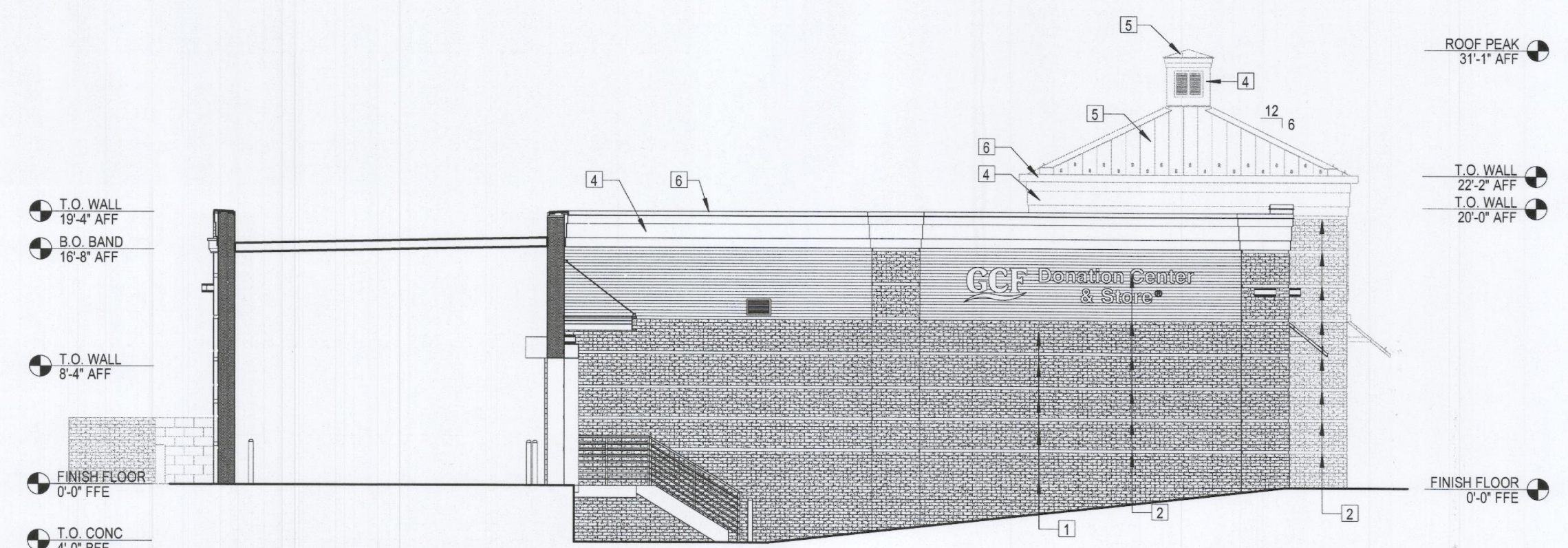
2 WEST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



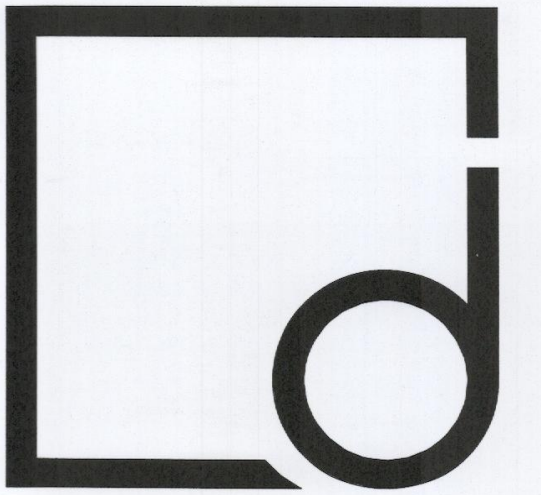
4 SOUTH ELEVATION
1/8" = 1'-0"



5 SOUTH ELEVATION - LOADING DOCK
1/8" = 1'-0"

MATERIALS:

- MASONRY (BRICK-1)** - MAIN BRICK COLOR
- MASONRY (BRICK-2)** - ACCENT BRICK COLOR
- STOREFRONT** - ANODIZED ALUMINUM STOREFRONT WITH LOW-E INSULATING GRAY TINTED GLASS.
- EIFS CORNICE** - COLOR BEIGE (TO MATCH BRICK ACCENT) - PROVIDE COLOR SAMPLES FOR ARCHITECTS APPROVAL.
- METAL ROOF / AWNINGS** - REGAL BLUE
- METAL COPING AND DOWNSPOUTS** - COLOR BEIGE (TO MATCH BRICK-2)



FOR REFERENCE ONLY

THE DRAWINGS AND DESIGN SHOWN ARE THE PROPERTY OF DESIGN DEVELOPMENT. THE REPRODUCTION OR USE OF THIS PROPERTY WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED AND ANY INFINGEMENT OF THESE RIGHTS IS SUBJECT TO LEGAL ACTION.

Designdevelopment
ARCHITECTS

800 Salem Woods Drive
Suite 102
Raleigh, NC 27615
919.848.4474

**GCF RETAIL
PROGRAM
CENTER - GLEN
LAUREL**

CLAYTON, NC

No.	Description	Date
-----	-------------	------

PROJECT #: 180088

DATE:

BUILDING ELEVATIONS

A1

DIGITAL PRINT DATE: 5/1/2019 11:37:58 AM



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result 1

id: 05I04004A
Tag: 05I04004A
Owner Name 1: SHOPPES AT GLEN LAUREL, LLC
Owner Name 2:
Mail Address 1: 1004 WAKE FOREST RD
Mail Address 2: ATTN: C. BRANTLEY
TILLMAN, JR.
Mail Address 3: RALEIGH, NC 27604-1358
Book: 04835
Page: 0316

Result 2

id: 05I04004
Tag: 05I04004
Owner Name 1: SHOPPES AT GLEN LAUREL, LLC
Owner Name 2:
Mail Address 1: 1004 WAKE FOREST RD
Mail Address 2: ATTN: C. BRANTLEY
TILLMAN, JR.
Mail Address 3: RALEIGH, NC 27604-1358
Book: 04835
Page: 0316



Scale: 1:4667 - 1 in. = 388.92 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
June 12, 2019



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 3

id: 05I04003V
Tag: 05I04003V
Owner Name 1: LWB PROPERTIES, LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 1328
Mail Address 3: CARY, NC 27512-1328
Book: 05213
Page: 0565

Result 4

id: 05I04003Y
Tag: 05I04003Y
Owner Name 1: SHOPPES AT GLEN LAUREL,
LLC
Owner Name 2:
Mail Address 1: 1004 WAKE FOREST RD
Mail Address 2: ATTN: C. BRANTLEY
TILLMAN, JR.
Mail Address 3: RALEIGH, NC 27604-1358
Book: 04835
Page: 0316

Result 5

id: 05I04003W
Tag: 05I04003W
Owner Name 1: SHOPPES AT GLEN LAUREL,
LLC
Owner Name 2:
Mail Address 1: 1004 WAKE FOREST RD
Mail Address 2: ATTN: C. BRANTLEY
TILLMAN, JR.
Mail Address 3: RALEIGH, NC 27604-1358
Book: 04835
Page: 0316



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 FAX 919/851-8968 BNK@BNKinc.com

May 31, 2018

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use change or development proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: June 14, 2019

Meeting Time: 6:30 PM

Meeting Location: Pines at Glen Laurel Apartments Clubhouse
20 Pine Hall Drive, Clayton, NC

Type of Application: Major Site Plan

Project/proposal property address: GCF – Goodwill Industries Donation Center and Store
Lot 7 – The Shoppes at Glen Laurel (Intersection of Glen
Laurel Rd. and Hwy. 42 West)

Upcoming Public Meetings for this Application: Planning Board – July 22, 2019

Description of project/proposal: Donation Center and Store

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-851-4422. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Marty D. Bizzell, PE
Bass, Nixon & Kennedy, Inc

Cc: Town of Clayton Planning Department

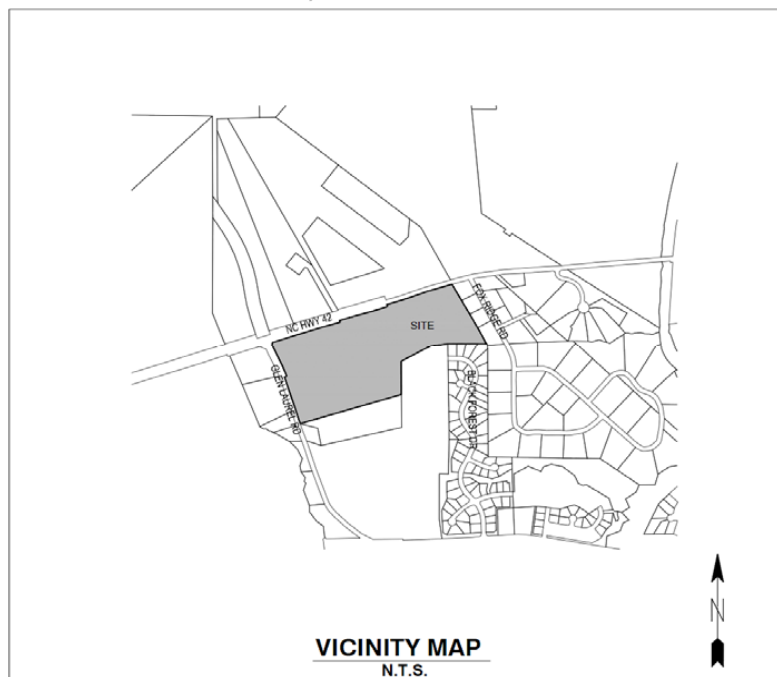
Received By:
Town of Clayton



5/2/19
BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 ■ FAX 919/851-8968 BNK@BNKinc.com

STORMWATER CALCULATIONS

GLEN LAUREL MIXED USE
1430 NC HWY 42
CLAYTON, NORTH CAROLINA



PREPARED BY
EVA KING, PE
BASS, NIXON & KENNEDY, INC.
APRIL 2017



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 FAX 919/851-8968 www.bnkinc.com

Glen Laurel Mixed Use
1430 NC HWY 42
Clayton, North Carolina
Stormwater Control Calculations
April 2017

The site for The Pines at Glen Laurel Development is located on the north side of Glen Laurel Drive and east of Highway 42 in Clayton, North Carolina. The entire project consists of three parcels, a 4.18 ac tract designated for the Storage Facility at Glen Laurel, Pin. No. 167800-49-9383, a 21.32 ac tract designated to the Shoppes at Glen Laurel, Pin. No. 167800-29-3708, and a 20.15 ac tract designated to the Pines at Glen Laurel, a multi building apartment complex, Pin. No. 167900-30-4169. Stormwater management for all three parts of the project is overlapping and will all be presented in this report. Total Site acreage is 45.65 ac.

The existing site is wooded with no streams or wetlands on site. The site soils are predominately Cecil (Type A), Norfolk (Type A) and Wedowee (Type B) soils (see attached soils report), and the site is located within the Neuse River basin.

For Stormwater control as well as Nutrient reduction, a total of four (4) 85%TSS Removal Wet Ponds are proposed.

Wet Pond 1, 2 and 3 serve the apartment site of the project, Wetpond 1 and 4 serve the Shopped at Glen Laurel, and Wetpond 4 will serve the Storage facility and part of the Shoppes at Glen Laurel.

The Point of Analysis are located along HWY 42 for Wetpond 1 and 2, at the northeastern corner of the property for Wetpond 3, and along Glen Laurel Road for Wetpond 4.

Since each wetpond reduces Nitrogen by 30%, no diffuse flow is required.

For the purpose of determining existing flows, the rational method was used, since the SCS method determined no flow until the 25-year storm due to the good infiltration rates for A soils in a wooded condition.

For Post Development Calculations, water being routed through each pond was calculated via SCS method, however, water bypassing the ponds was calculated using rational methods.

Since the final design on the Shoppes at Glen Laurel is not available at this point, an impervious amount of 80% was used for all calculations pertaining to this area. Final calculations will be updated once actual development plans are available.

The outlet control structures for each pond were designed to control the peak stormwater run-off for the 1-year, 24 hour storm to be below pre-existing conditions.

The outlet control structure also reduces the post-development peak discharge of the 2-year, 5-year, and 10-year storm below pre-existing conditions after combining it with the bypassed flow.

In addition to this, Wetpond 3 is designed to reduce all storms up to the 100-year storm to below existing conditions. Wetpond 3 is located near the property of Mr Dempster who expressed concern about the increased flow to his property and a pond he established on the project property. Our calculation show there won't be any increased flow to this pond, hence there should be no concern to any flooding issues on Mr. Dempster's property.

Since there was no net increase for any of the mentioned storms, no Downstream Impact Analysis will be required.

With the installation of the Wet Ponds and a grass swale along Glen Laurel Rd, Nitrogen levels are reduced by 30% to 9.96 lbs/ac/yr, at the Storage Facility, and 7.91 lbs/ac/yr at the apartments, which brings both sites within compliance to reduce the remaining nitrogen load via off-set payment.

STORMWATER RUNOFF

10-YEAR PIPE SIZING

Glen Laurel Mixed Use
May 2017

10-Year Storm Routing Results

Wetpond 1

Inlet ID	Inlet ID	Drainage Area	Total Area	Runoff Coeff	iSys	Line Length	Line Size	Line Slope	CapacityF ull	FlowR ate	Invert Up	InvertD n	Top Elev Up	HGLUp	HGLDn	VelAve
UP	DN	(ac)	(ac)	(C)	(in/hr)	(ft)	(in)	(%)	(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft/s)
101	103	0.28	0.28	0.72	7.20	28.35	15	0.70	5.40	1.47	275.32	275.12	278.77	275.80	275.77	2.83
102	103	0.15	0.15	0.88	7.20	10.17	15	0.70	5.40	0.98	275.19	275.12	279.59	275.58	275.77	2.25
103	104	0.23	0.67	0.66	7.07	96.59	15	0.70	5.42	3.50	275.02	274.34	280.36	275.77	275.07	4.61
104	118	0.13	0.80	0.84	6.90	35.92	15	0.70	5.40	4.17	274.24	273.99	281.05	275.07	275.07	4.27
105	118	0.15	0.15	0.88	7.20	10.17	15	2.00	9.13	0.96	277.94	277.74	282.85	278.32	278.01	3.90
106	108	0.55	0.55	0.42	7.20	86.60	15	0.70	5.40	1.68	284.00	283.39	288.27	284.51 j	283.96	3.33
107	108	0.32	0.32	0.30	7.20	28.18	15	0.70	5.40	0.70	283.59	283.39	289.75	283.91	283.96	2.02
108	110	0.10	0.98	0.69	6.87	78.11	15	0.70	5.40	2.75	283.29	282.74	290.44	283.96 j	283.54	3.74
109	110	0.12	0.12	0.84	7.20	19.50	15	0.70	5.40	0.70	283.15	283.01	288.06	283.48	283.54	2.08
110	113	0.38	1.47	0.84	6.70	66.74	18	0.70	8.79	5.46	282.64	282.17	288.02	283.54	283.03	5.08
111	112	0.09	0.09	0.42	7.20	99.02	15	2.93	11.05	0.27	288.90	286.00	292.50	289.10	286.14	2.96
112	113	0.02	0.11	0.90	5.41	42.12	15	4.51	13.71	0.30	285.90	284.00	290.50	286.11	284.13	3.37
113	114	0.18	1.77	0.54	5.05	50.14	18	1.87	14.38	4.90	282.07	281.13	289.92	282.92	281.93	4.91
114	116	0.17	1.94	0.75	5.02	60.25	18	3.63	20.02	5.50	281.03	278.84	288.75	281.93 j	279.82	4.72
115	116	0.09	0.09	0.82	7.20	10.18	15	1.57	8.10	0.51	279.00	278.84	286.32	279.28	279.82	1.50
116	117	0.17	2.19	0.75	4.98	15.50	18	0.70	8.79	6.45	278.84	278.73	286.98	279.82	279.69	5.35
117	118	0.11	2.30	0.78	4.98	86.50	18	0.70	8.79	6.87	278.42	277.81	286.38	279.43	278.81	5.45
118	119	0.08	3.34	0.78	4.94	85.96	24	0.70	18.90	10.77	273.89	273.29	287.08	275.07	274.37	5.91
119	120	0.03	0.03	0.30	7.20	14.80	12	0.68	2.93	0.07	277.21	277.11	282.43	277.32	277.22	1.56
120	121	0.00	3.37	0.00	4.89	74.29	24	0.70	18.92	10.72	273.19	272.67	284.60	274.36	273.83	5.64
121	128	0.37	3.74	0.90	4.85	212.17	24	0.70	18.92	12.26	272.57	271.08	283.00	273.83 j	272.77	5.12
122	128	0.28	0.28	0.75	7.20	64.05	15	5.00	14.44	1.51	280.00	276.80	284.86	280.49	277.07	5.51
123	124	3.64	3.64	0.78	7.20	23.75	30	0.72	34.70	20.44	291.00	290.83	296.95	292.53	292.28	6.69
124	125	0.13	3.77	0.60	7.17	27.09	30	0.70	34.35	20.91	290.73	290.54	297.08	292.28	291.99	6.81
125	127	0.00	3.77	0.00	7.13	49.94	30	4.97	91.39	20.81	290.44	287.96	295.75	291.99	289.14	7.82
126	127	0.06	0.06	0.84	7.20	25.98	18	1.00	10.51	0.36	288.00	287.74	292.69	288.22	289.14	1.22
127	128	0.02	3.85	0.84	6.57	148.21	30	6.00	100.44	19.60	287.64	278.75	293.15	289.14	279.50	11.11
128	129	0.08	7.95	0.84	4.76	41.00	30	0.71	34.49	27.54	270.98	270.69	291.82	272.77	272.38	7.56
129	131	0.05	8.00	0.84	4.75	108.66	30	0.70	34.30	27.66	270.59	269.83	291.71	272.38	271.53	7.56
130	131	0.08	0.08	0.84	7.20	40.84	15	5.00	14.43	0.48	282.89	280.85	287.81	283.16	281.01	3.95
131	132	0.08	8.16	0.50	4.71	138.96	30	0.70	34.27	27.97	269.73	268.76	287.85	271.53	270.48	7.58
132	136	0.92	9.08	0.78	4.67	42.95	36	0.70	55.80	31.06	268.66	268.36	282.90	270.46	270.62	6.21
133	135	0.08	0.08	0.78	7.20	57.33	24	0.70	18.89	0.45	278.61	278.21	285.52	278.84	279.99	1.20
134	135	6.90	6.90	0.78	7.20	88.55	30	6.34	103.23	38.75	283.82	278.21	290.10	285.92	279.99	9.60
135	136	0.06	7.04	0.54	5.55	50.31	30	6.00	100.48	30.36	278.11	275.09	284.18	279.99	276.03	12.80
136	137	0.14	16.25	0.84	4.65	37.28	42	0.70	84.17	56.96	268.26	268.00	282.16	270.62	270.26	8.45
137	139	0.05	16.30	0.90	4.64	36.24	42	0.69	83.57	57.03	267.90	267.65	281.12	270.26	270.23	7.87
138	139	2.69	2.69	0.78	7.20	60.83	24	2.42	35.16	15.11	272.71	271.24	279.03	274.11	272.16	8.60
139	140	0.02	19.01	0.90	4.63	72.03	42	1.26	113.08	66.71	265.91	265.00	277.79	268.70	268.65	7.53
141	142	0.00	0.00	0.00	0.00	132.26	30	3.06	71.77	11.73	250.00	245.95	268.00	251.15	246.63	8.05

10-Year Storm Routing Results

Glen Laurel Wetpond 1

10-Year Storm Routing Results

Wetpond 2

Inlet ID	Inlet ID	Drainage Area	Total Area	Runoff Coeff	iSys	Line Length	Line Size	Line Slope	Capacity Full	Flow Rate	Invert Up	Invert Down	Top Elev Up	HGL Up	HGL Down	Vel Ave
UP	DN	(ac)	(ac)	(C)	(in/hr)	(ft)	(in)	(%)	(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft/s)
201	202	0.18	0.18	0.72	7.20	15.38	15	1.02	6.53	0.94	273.18	273.02	277.81	273.56	273.40	2.96
202	203	0.10	0.28	0.78	7.09	84.00	15	1.12	6.83	1.50	272.92	271.98	277.70	273.40	272.55	3.07
203	204	0.25	0.53	0.84	6.75	24.99	15	0.71	5.43	2.84	271.88	271.70	274.92	272.55	272.35	4.31
204	205	0.12	0.65	0.78	6.70	51.12	15	0.70	5.40	3.43	271.60	271.24	277.02	272.35	272.21	3.93
205	207	0.20	0.85	0.84	6.61	10.18	15	0.70	5.40	4.48	271.14	271.07	275.96	272.01	271.94	4.92
206	207	0.12	0.12	0.84	7.20	16.99	15	1.06	6.65	0.75	272.50	272.32	275.68	272.84	272.60	3.19
207	208	0.34	1.31	0.88	6.60	176.03	15*	1.00	6.46	7.14	261.26	259.50	275.26	264.55	262.40	5.82
209	211	0.19	0.19	0.48	7.20	97.52	15	0.73	5.53	0.65	286.00	285.28	288.27	286.31	285.57	2.85
210	212	0.09	0.28	0.72	6.32	72.22	15	0.71	5.43	0.98	282.18	281.67	289.34	282.57	282.09	2.87
211	214	0.17	0.45	0.75	6.00	20.70	15	0.67	5.27	1.70	281.57	281.43	286.89	282.09	281.98	3.42
212	214	0.21	0.21	0.45	7.20	54.25	15	2.00	9.13	0.69	282.52	281.43	285.50	282.84	281.98	2.03
213	215	0.10	0.76	0.66	5.96	107.62	15	1.00	6.46	2.64	281.33	280.25	286.50	281.98	280.95	3.93
214	216	0.09	0.85	0.84	5.80	77.19	15	4.16	13.17	3.03	280.25	277.04	284.70	280.95	277.69	4.48
215	217	0.11	0.97	0.84	5.71	20.26	15	5.01	14.46	3.53	276.94	275.92	283.02	277.69	276.89	4.00
216	218	0.28	1.25	0.65	5.69	22.97	15	0.70	5.40	4.56	275.82	275.66	281.78	276.70	276.54	4.94
217	219	0.07	1.32	0.85	5.67	35.63	15	1.99	9.12	4.88	275.56	274.85	280.93	276.46	275.50	6.37
218	220	0.14	1.46	0.48	5.65	27.06	18	0.70	8.79	5.23	271.78	271.59	278.95	272.66	272.43	5.00
219	222	0.16	1.62	0.78	5.62	22.87	18	0.70	8.78	5.91	271.49	271.33	277.49	272.43	272.25	5.14
220	222	0.17	0.17	0.66	7.20	84.01	15	1.00	6.46	0.82	272.17	271.33	276.50	272.53	272.25	1.86
221	224	0.10	1.89	0.78	5.60	117.06	18	4.50	22.28	6.97	271.23	265.96	277.43	272.25	266.96	5.50
222	224	0.21	0.21	0.75	7.20	39.14	15	3.00	11.18	1.12	267.13	265.96	274.34	267.55	266.96	2.10
223	233	0.11	2.21	0.60	5.52	26.61	18	1.99	14.82	8.09	265.86	265.33	271.62	266.96	266.12	7.20
224	226	0.19	0.19	0.50	7.20	16.64	15	3.00	11.18	0.68	281.22	280.72	286.48	281.54	281.08	2.50
225	227	0.20	0.39	0.50	7.04	42.30	15	3.00	11.18	1.38	280.62	279.35	285.57	281.08	279.65	4.76
226	228	0.14	0.53	0.50	6.85	106.72	15	1.74	8.52	1.82	278.51	276.65	285.61	279.05	277.15	3.80
227	230	0.16	0.69	0.50	6.52	62.57	15	2.10	9.35	2.26	276.55	275.24	280.21	277.15	275.95	3.49
228	230	0.29	0.29	0.33	7.20	72.68	15	1.02	6.52	0.69	275.98	275.24	280.97	276.30	275.95	1.84
229	231	0.24	1.22	0.82	6.38	103.43	15	1.97	9.07	4.05	275.14	273.10	279.00	275.95	274.04	4.45
230	232	0.60	1.81	0.72	6.26	93.53	15	7.92	18.18	6.67	273.00	265.59	278.50	274.04	266.11	9.89
231	233	0.23	2.04	0.72	6.20	23.07	18	0.69	8.74	7.62	264.72	264.56	269.91	265.80	265.64	5.58
232	234	0.03	4.28	0.44	5.51	31.96	24	1.00	22.63	14.92	261.32	261.00	269.91	262.71	262.40	6.37
234	236	0.00	0.00	0.00	0.00	90.77	18	0.71	8.82	0.36	250.00	249.36	256.00	250.22	249.89	1.43
236	238	0.22	0.22	0.38	7.20	34.54	15*	0.69	5.38	0.60	259.70	259.46	264.15	262.42	262.41	0.49
237	239	0.06	0.28	0.48	6.83	51.95	15*	0.69	5.38	0.77	259.36	259.00	264.16	262.41	262.40	0.63
*Provide O-Ring Gasket																

10-Year Storm Routing Results

Glen Laurel Wetpond 2

10-Year Storm Routing Results

Wetpond 3

Inlet ID	Inlet ID	Drainage Area	Total Area	Runoff Coeff	iSys	Line Length	Line Size	Line Slope	Capacity Full	Flow Rate	Invert Up	Invert Down	Top Elev Up	HGL Up	HGL Down	Vel Ave
UP	DN	(ac)	(ac)	(C)	(in/hr)	(ft)	(in)	(%)	(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft/s)
301	303	0.48	0.48	0.80	7.24	71.00	15	2.72	10.65	2.79	275.86	273.93	279.36	276.53	274.64	4.01
302	303	0.16	0.16	0.85	7.24	10.17	15	0.70	5.40	0.99	274.00	273.93	276.94	274.39	274.64	2.19
303	305	0.14	0.79	0.78	7.09	90.00	18	0.70	8.79	4.50	273.83	273.20	277.04	274.64	274.05	4.47
304	305	0.07	0.07	0.84	7.24	10.68	15	2.00	9.13	0.44	273.41	273.20	279.34	273.67	274.05	1.46
305	306	0.22	1.08	0.82	6.93	69.14	18	0.70	8.79	6.09	273.10	272.62	279.17	274.05	273.61	5.02
306	315	0.09	1.17	0.90	6.84	62.26	18	0.71	8.83	6.58	272.62	272.18	280.58	273.61	273.30	4.98
307	315	0.18	0.18	0.98	7.24	78.68	18	3.00	18.19	1.26	274.54	272.18	280.41	274.96	273.30	2.00
308	309	0.16	0.16	0.53	7.24	92.69	15	2.00	9.13	0.61	277.97	276.12	285.50	278.28	276.34	3.42
309	310	0.11	0.27	0.70	6.43	75.48	15	2.00	9.13	1.04	275.92	274.41	283.25	276.32	274.73	3.61
310	314	0.17	0.44	0.71	6.15	37.41	15	2.00	9.13	1.74	274.21	273.46	281.89	274.73	274.21	2.92
311	313	0.16	0.16	0.50	7.24	56.87	15	0.70	5.39	0.60	274.43	274.03	276.70	274.73	274.58	1.90
312	313	0.24	0.24	0.84	7.24	10.17	15	5.90	15.68	1.47	276.07	275.47	281.51	276.55	275.73	5.71
313	314	0.13	0.54	0.78	6.71	67.45	15	0.70	5.39	2.60	273.93	273.46	281.70	274.58	274.21	3.72
314	315	0.06	1.04	0.98	6.07	127.61	15	0.92	6.21	4.43	273.36	272.18	283.48	274.21	273.30	4.39
315	316	0.09	2.48	0.88	5.97	105.27	24	0.74	19.42	11.58	272.08	271.30	282.50	273.30	272.48	5.90
316	317	0.28	2.76	0.77	5.89	76.53	24	0.74	19.52	12.69	271.20	270.63	280.50	272.48	271.83	6.21
317	318	0.10	2.86	0.90	5.84	60.92	24	0.87	21.10	13.10	270.53	270.00	274.38	271.83	271.14	6.57
319	320	0.00	0.00	0.00	0.00	109.59	15	1.05	6.61	1.56	251.50	250.35	271.35	251.99	251.49	2.39

10-Year Storm Routing Results

Glen Laurel Wetpond 3

10-Year Storm Routing Results

Wetpond 4

Inlet ID	Inlet ID	Drainage Area	Total Area	Runoff Coeff	iSys	Line Length	Line Size	Line Slope	Capacity Full	Flow Rate	Invert Up	Invert Down	Top Elev Up	HGL Up	HGL Down	Vel Ave
UP	DN	(ac)	(ac)	(C)	(in/hr)	(ft)	(in)	(%)	(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft/s)
401	402	0.15	0.15	0.90	7.20	116.48	15	0.70	5.42	0.97	296.68	295.86	299.50	297.07 j	296.37	2.53
402	403	0.27	0.42	0.84	6.48	129.68	15	0.70	5.41	2.34	295.76	294.85	299.50	296.37 j	295.55	3.62
403	404	0.30	0.72	0.90	6.21	39.23	15	0.69	5.36	3.93	294.75	294.48	302.46	295.55	295.28	4.75
404	411	2.22	2.94	0.78	6.17	239.69	24	0.70	18.94	14.58	291.36	289.68	302.41	292.73 j	291.22	5.98
405	406	0.34	0.34	0.90	7.20	95.51	15	1.75	8.54	2.20	296.00	294.33	299.00	296.59 j	295.08	3.36
406	407	0.37	0.71	0.90	6.92	100.00	15	1.76	8.57	4.42	294.23	292.47	299.00	295.08 j	293.45	4.63
407	408	0.56	1.27	0.90	6.78	79.13	18	1.57	13.15	7.75	292.37	291.13	299.00	293.45 j	292.90	5.05
408	409	0.12	1.39	0.54	6.70	109.09	18	0.70	8.77	8.09	291.03	290.27	300.13	292.17	291.41	5.63
409	410	0.20	1.59	0.84	6.59	18.74	24	0.69	18.84	9.06	290.17	290.04	298.14	291.24	291.03	5.56
410	411	0.06	1.65	0.72	6.56	36.78	24	0.71	19.02	9.31	289.94	289.68	298.09	291.03	291.22	4.46
411	412	0.14	4.73	0.66	5.99	51.83	30	0.69	34.18	23.21	289.58	289.22	298.22	291.22 j	291.01	6.48
412	413	2.36	7.09	0.78	5.95	17.32	36	0.69	55.52	34.02	289.12	289.00	299.26	291.01	290.70	7.74
414	415	0.16	0.16	0.54	7.20	28.83	15	0.69	5.38	0.62	287.80	287.60	290.78	288.11	288.61	1.62
415	416	0.03	0.19	0.90	6.90	83.86	15	0.70	5.42	0.78	287.50	286.91	290.78	288.60	288.59	0.66
416	417	0.07	0.26	0.83	6.32	50.24	15	0.70	5.39	1.08	286.81	286.46	294.46	288.58	288.57	0.88
418	419	0.00	0.00	0.00	0.00	95.26	36	1.05	74.03	6.36	282.00	281.00	289.30	282.79	281.79	4.27

10-Year Storm Routing Results

Glen Laurel Wetpond 4

MAPS

DRAINAGE AREA MAPS

Glen Laurel Mixed Use
May, 2017

03-15060	PROGRESS	EK
JOB NO.	DATE	DRAWN BY
INLET DRAINAGE AREA MAP		
WETPOND 1		
NO.	DATE	DESCRIPTION
		REVISIONS

SCALE: 1" = 100'

CHK BY: KRB

TOWN OF CLAYTON JOHNSTON COUNTY NORTH CAROLINA

TOWN OF CLAYTON

XXXX OF XXXXX PROJECT NO. XX-XX-XX

Net ID	Inlet ID	Drainage Area	Total Runoff	ISys	Line Length	Line Slope	Capacity Flow	Invert Elev.	Invert DN	Top Elev.	HG100	HG100n	Velave
IP	DN	ac	cu	cu	cu	(in/hr)	(%)	(ft/s)	(ft/s)	(ft/s)	(ft/s)	(ft/s)	
102	03	0.28	0.28	0.72	7.70	28.35	1.5	0.70	147	275.275	275.275	278.77	275.00 27.77 2.83
122	003	0.15	0.15	0.88	7.70	28.35	1.5	0.70	148	275.275	275.275	278.77	275.00 27.77 2.25
103	004	0.23	0.67	0.66	7.07	96.59	1.5	0.70	542	330	270.029	274.34	280.36 275.77 25.07 4.61
104	005	0.15	0.15	0.88	7.70	28.35	1.5	0.70	149	275.275	275.275	278.77	275.00 27.77 2.25
116	118	0.15	0.15	0.88	7.70	28.35	1.5	2.00	913	966	277.274	277.284	280.37 278.00 27.33 3.03
106	008	0.55	0.55	0.42	7.70	86.60	1.5	0.50	1.68	204.083	204.083	208.27	204.51 26.93 3.33
108	010	0.32	0.32	0.30	7.70	28.18	1.5	0.70	140	283.939	283.939	288.75	283.939 28.75 2.00
108	100	0.30	0.69	0.69	78.11	1.5	0.50	2.75	28.929	28.924	28.924	28.924	28.924 28.924 3.74 3.74
109	011	0.30	0.30	0.30	7.70	28.18	1.5	0.70	141	283.939	283.939	288.75	283.939 28.75 2.00
110	113	0.38	147	0.84	6.70	66.74	1.8	0.70	8.79	546	282.624	282.624	282.624 283.44 28.03 5.08
111	112	0.09	0.09	0.42	7.70	99.02	1.5	2.91	1105	102	288.900	288.900	292.50 288.00 28.14 2.96
112	103	0.01	0.01	0.90	54.1	42.12	1.5	4.51	13.71	3.90	285.800	284.000	290.50 286.11 28.414 1.37
113	104	0.01	0.01	0.90	54.1	42.12	1.5	4.51	13.71	3.90	285.800	284.000	290.50 286.11 28.414 1.37
114	116	0.17	1.94	0.75	6.02	60.25	1.8	3.63	2002	1.50	280.783	280.783	288.75 281.93 27.92 4.72
115	116	0.09	0.09	0.82	7.70	10.18	1.5	1.57	8.10	251.790	278.834	286.32	279.28 27.92 3.98
116	117	0.17	2.19	0.75	4.08	15.50	1.8	0.70	8.79	645	284.684	278.784	286.32 279.28 27.92 5.35
117	118	0.17	2.19	0.75	4.08	15.50	1.8	0.70	8.79	645	284.684	278.784	286.32 279.28 27.92 5.35
118	119	0.08	3.34	0.78	4.54	85.96	2.4	0.70	18.90	107	273.889	273.889	278.00 275.00 27.474 5.91
119	120	0.03	0.03	0.30	7.70	14.80	1.2	0.68	9.19	277.271	277.271	282.43	277.271 27.272 1.56
120	121	0.37	3.37	0.00	4.89	74.29	2.4	0.70	18.92	107	273.889	273.889	278.00 275.00 27.474 5.91
121	122	0.08	0.08	0.75	7.70	64.02	1.5	5.00	1444	1.51	280.000	278.688	284.00 280.00 27.677 5.51
122	128	0.28	0.28	0.72	7.70	28.35	1.5	0.70	147	275.275	275.275	278.77	275.00 27.77 2.83
123	124	3.64	3.64	0.78	7.70	23.75	1.0	0.72	304	204.000	203.083	206.95	202.523 20.26 6.91
124	125	3.13	3.13	0.76	7.17	27.09	1.0	0.70	345	203.250	203.250	207.98	202.29 20.19 6.81
125	127	0.07	0.07	0.73	49.94	3.90	4.97	19.99	80.00	280.264	276.974	285.75	281.919 28.04 1.82
126	128	0.07	0.07	0.73	49.94	3.90	4.97	19.99	80.00	280.264	276.974	285.75	281.919 28.04 1.82
127	120	0.2	3.85	0.84	6.57	148.21	1.0	0.60	100.44	19.80	284.64	278.75	291.34 281.94 27.90 11.11
128	129	0.08	7.95	0.84	4.76	41.00	1.0	0.71	34.50	275.275	270.088	270.089	271.82 27.27 27.38 5.56
129	131	0.05	8.00	0.75	4.53	108.66	1.0	0.70	34.34	276.8	270.088	270.089	271.82 27.28 27.51 7.56
130	132	0.05	8.00	0.75	4.53	108.66	1.0	0.70	34.34	276.8	270.088	270.089	271.82 27.28 27.51 7.56
131	132	0.08	8.16	0.50	4.71	118.96	1.0	0.72	34.27	277.97	276.286	276.287	277.153 27.40 7.58
132	136	0.92	0.98	0.78	4.67	42.95	1.6	0.58	31.10	266.866	266.866	282.90	260.24 27.62 6.21
133	135	0.08	0.08	0.78	7.70	57.33	1.0	0.70	18.89	45.618	278.613	278.613	285.25 278.84 27.99 12.80
134	136	0.08	0.08	0.78	7.70	57.33	1.0	0.70	18.89	45.618	278.613	278.613	285.25 278.84 27.99 12.80
135	136	0.06	7.04	0.54	5.01	30.31	1.0	0.60	100.48	30.85	278.121	279.079	294.18 279.00 27.90 12.80
136	137	0.14	16.25	0.84	4.65	37.28	4.2	0.81	56.19	266.866	266.866	282.16	270.02 27.26 8.45
137	139	0.14	65.00	0.90	4.64	36.24	4.2	0.68	53.57	57.03	269.80	267.665	281.11 27.06 27.20 7.87
138	140	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00 0.00 0.00 0.00
139	140	0.02	19.01	0.90	4.23	62.03	1.2	1.13	113.08	66.17	265.95	265.95	272.70 268.00 26.86 7.53
141	142	0.00	0.00	0.00	0.00	132.26	3.0	3.76	71.77	11.73	250.20	250.20	251.15 24.66 3.05

[illegible]

03-15060	PROGRESS	EK
JOB NO.	DATE	DRAWN BY
INLET DRAINAGE AREA MAP WETPOND 2		
SCALE: 1" = 100'		CHK BY: KRB

GLEN LAUREL MIXED USE
1430 NC HWY 42
JOHNSTON COUNTY
TOWN OF CLAYTON
NORTH CAROLINA

SHEET
12
XX

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION



Inlet ID	Inlet ID	Drainage Area	Total Area	Runoff Coeff	iSs	Line Length	Line Slope	Capacity Full	Flow Rate	Invert Dn	Invert Dn	Top Elev Up	HGLUp	HGLDn	VelEave	
UP	DN	(ac)	(ac)	(c)	(in/hr)	(ft)	(in)	(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft/s)	
201	202	0.18	0.18	0.72	7.20	15.38	1.5	1.02	6.53	0.94	273.18	273.02	277.81	273.56	273.40	2.96
202	203	0.10	0.28	0.78	7.09	84.00	1.5	1.12	6.83	1.50	272.92	271.98	277.70	274.03	272.55	3.07
203	204	0.25	0.53	0.84	6.75	24.99	1.5	0.71	5.43	2.84	271.84	271.70	274.92	272.55	272.21	4.31
204	205	0.12	0.65	0.78	6.70	51.12	1.5	0.70	5.40	3.43	271.60	271.24	274.02	272.55	272.21	3.93
205	207	0.20	0.85	0.84	6.61	10.18	1.5	0.70	5.40	4.48	271.14	271.07	275.96	272.01	271.94	4.32
206	207	0.12	0.12	0.84	7.20	16.99	1.5	1.06	6.65	0.75	272.50	272.32	275.68	272.84	272.60	3.19
207	208	0.34	1.31	0.88	6.60	176.03	151	1.00	6.46	7.14	261.26	259.50	275.26	264.55	262.40	5.82
209	211	0.19	0.41	0.88	7.20	97.52	1.5	0.73	5.55	0.65	286.00	285.28	288.27	286.31	285.57	2.85
210	212	0.09	0.28	0.72	6.32	72.22	1.5	0.71	5.43	0.98	282.18	281.67	289.34	282.57	282.09	2.87
211	214	0.17	0.45	0.75	6.00	20.70	1.5	0.67	5.27	1.70	281.87	281.43	286.89	282.09	281.98	3.42
212	214	0.21	0.21	0.72	7.20	54.25	1.5	2.00	9.13	0.69	282.52	281.43	285.50	282.84	281.98	2.93
213	215	0.10	0.76	0.66	5.96	107.62	1.5	1.00	6.46	2.84	281.33	280.25	286.58	281.98	280.95	3.03
214	216	0.08	0.85	0.84	5.80	19.91	1.5	1.31	3.03	28.88	280.34	280.24	284.70	280.77	277.69	4.48
215	217	0.11	0.87	0.84	5.71	20.26	1.5	1.04	14.46	3.52	279.94	279.57	284.70	277.69	276.94	4.48
216	218	0.28	1.25	0.65	6.99	22.97	1.5	0.50	5.40	3.83	278.82	275.66	281.78	276.76	275.49	5.06
217	219	0.07	1.32	0.85	6.67	35.63	1.5	1.99	9.12	4.88	275.56	274.85	280.93	276.46	275.43	6.37
218	220	0.14	1.46	0.48	5.65	27.06	1.8	0.70	8.79	5.23	271.78	271.59	278.95	272.66	272.43	5.00
219	222	0.16	1.62	0.78	5.62	22.87	1.8	0.70	8.78	5.91	271.49	271.33	277.49	272.43	272.25	5.14
220	222	0.17	0.17	0.66	7.20	84.01	1.5	1.00	6.46	0.82	272.17	271.33	276.50	272.53	272.25	1.86
221	224	0.10	1.89	0.78	5.60	117.06	1.5	4.50	22.28	6.97	271.23	265.96	274.43	272.25	266.96	5.50
222	224	0.21	0.21	0.75	7.20	39.14	1.5	3.00	11.18	1.12	267.13	265.96	273.34	267.55	266.96	2.10
223	233	0.11	2.21	0.60	5.52	26.61	1.8	1.99	9.82	0.69	265.86	265.33	271.62	266.96	266.12	7.20
224	226	0.19	0.19	0.50	7.20	16.64	1.5	3.00	11.18	0.68	281.22	280.72	286.48	281.54	281.08	2.50
225	227	0.20	0.39	0.50	7.04	42.30	1.5	3.00	11.18	0.80	280.62	279.35	285.57	281.08	279.65	4.76
226	228	0.14	0.53	0.50	6.85	106.72	1.5	1.74	8.52	1.82	278.51	276.65	285.61	279.05	275.05	3.80
227	230	0.16	0.69	0.50	6.52	62.57	1.5	2.10	9.35	2.26	276.55	275.24	280.21	277.15	275.95	3.94
228	230	0.29	0.29	0.33	7.20	72.68	1.5	1.02	6.52	0.69	275.98	275.24	279.07	276.30	275.95	1.84
229	231	0.24	1.22	0.82	6.38	103.43	1.5	1.97	9.80	0.45	275.14	273.10	279.00	275.95	274.04	4.45
230	232	0.60	1.81	0.72	6.26	93.53	1.5	7.92	18.18	6.67	273.00	265.95	278.50	274.04	266.11	9.89
231	233	0.23	0.24	0.72	6.20	73.07	1.8	0.69	8.74	7.62	274.27	264.56	269.51	265.80	265.64	5.58
232	234	0.23	0.48	0.50	5.51	31.96	2.4	1.00	22.63	14.93	262.31	260.50	269.91	262.37	262.40	6.37
233	236	0.00	0.00	0.00	0.00	0.00	1.5	0.00	0.00	0.00	250.00	249.99	260.00	262.22	249.89	0.43
236	238	0.22	0.22	0.38	7.20	34.54	151	0.69	5.38	0.60	259.79	259.46	264.15	262.42	262.41	0.49
237	239	0.06	0.28	0.48	6.83	51.95	151	0.69	5.38	0.77	259.36	259.00	264.16	262.41	262.40	0.63
*Provide O-Ring Gasket																

*Provide O-Ring Gasket

SCALE IN FEET



0 50 100 200 300 400

XXXX OF XXXXX PROJECT NO. XX-XX-XX

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Inlet ID	Inlet DN	Drainage Area (ac)	Total Area (ac)	Runoff Coeff (C)	iSys (in/hr)	Line Length (ft)	Line Size (in)	Line Slope (%)	Capacity Full (cfs)	Flow Rate (cfs)	Invert Up (ft)	Invert Dn (ft)	Top Elev Up (ft)	HGLUp (ft)	HGLDn (ft)	VelAve (ft/s)
UP	DN	(ac)	(ac)	(C)	(in/hr)	(ft)	(in)	(%)	(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft/s)
301	303	0.48	0.48	0.80	7.24	71.00	15	2.72	10.65	2.79	275.86	273.93	279.36	276.53	274.64	4.01
302	303	0.16	0.16	0.85	7.24	10.17	15	0.70	5.40	0.99	274.00	273.93	276.94	274.39	274.64	2.19
303	305	0.14	0.79	0.78	7.09	90.00	18	0.70	8.79	4.50	273.83	273.20	277.04	274.64	274.05	4.47
304	305	0.07	0.07	0.84	7.24	10.68	15	2.00	9.13	0.44	273.41	273.20	279.34	273.67	274.05	1.46
305	306	0.22	1.08	0.82	6.93	69.14	18	0.70	8.79	6.09	273.10	272.62	279.17	274.05	273.61	5.02
306	315	0.09	1.17	0.90	6.84	62.26	18	0.71	8.83	6.58	272.62	272.18	280.58	273.61	273.30	4.98
307	315	0.18	0.18	0.98	7.24	78.68	18	3.00	18.19	1.26	274.54	272.18	280.41	274.96	273.30	2.00
308	309	0.16	0.16	0.53	7.24	92.69	15	2.00	9.13	0.61	277.97	276.12	285.50	278.28	276.34	3.42
309	310	0.11	0.27	0.70	6.43	75.48	15	2.00	9.13	1.04	275.92	274.41	283.25	276.32	274.73	3.61
310	314	0.17	0.44	0.71	6.15	37.41	15	2.00	9.13	1.74	274.21	273.46	281.89	274.73	274.21	2.92
311	313	0.16	0.16	0.50	7.24	56.87	15	0.70	5.39	0.60	274.43	274.03	276.70	274.73	274.58	1.90
312	313	0.24	0.24	0.84	7.24	10.17	15	5.90	15.68	1.47	276.07	275.47	281.51	276.55	275.73	5.71
313	314	0.13	0.54	0.78	6.71	67.45	15	0.70	5.39	2.60	273.93	273.46	281.70	274.58	274.21	3.72
314	315	0.06	1.04	0.98	6.07	127.61	15	0.92	6.21	4.43	273.36	272.18	283.48	274.21	273.30	4.39
315	316	0.09	2.48	0.88	5.97	105.27	24	0.74	19.42	11.58	272.08	271.30	282.50	273.30	272.48	5.90
316	317	0.28	2.76	0.77	5.89	76.53	24	0.74	19.52	12.69	271.20	270.63	280.50	272.48	271.83	6.21
317	318	0.10	2.86	0.90	5.84	60.92	24	0.87	21.10	13.10	270.53	270.00	274.38	271.83	271.14	6.57
319	320	0.00	0.00	0.00	0.00	94.77	15	1.06	17.55	1.56	252.00	251.00	272.00	258.49	251.49	3.47



BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
TELEPHONE: (919)851-4422 OR (800)354-1879 FAX: (919)851-8968
CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0267)

NO.	DATE	DESCRIPTION	BY

JOB NO.	DATE	PROGRESS	CHK BY

GLEN LAUREL MIXED USE
1430 NC HWY 42
JOHNSTON COUNTY
NORTH CAROLINA
TOWN OF CLAYTON

SHEET
13
XX

XXXX OF XXXXX PROJECT NO. XX-XX-XX

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION

401	0.15	0.15	0.90	7.20	116.48	15	0.70	5.42	0.97	296.68	295.86	299.50	297.07	296.37	2.53
402	0.27	0.42	0.84	6.48	129.68	15	0.70	5.41	2.34	295.76	294.85	299.50	296.37	295.55	3.62
403	0.30	0.72	0.90	6.21	39.23	15	0.69	5.36	3.93	294.75	294.48	302.46	295.55	295.28	4.75
404	2.22	2.94	0.78	6.17	239.69	24	0.70	18.94	14.58	291.36	289.68	302.41	292.73	291.22	5.98
405	0.34	0.34	0.90	7.20	95.51	15	1.75	8.54	2.20	296.00	294.33	299.00	296.59	295.08	3.36
406	0.37	0.71	0.90	6.92	100.00	15	1.76	8.57	4.42	294.23	292.47	299.00	295.08	293.45	4.63
407	0.56	1.27	0.90	6.78	79.13	18	1.57	13.15	7.75	292.37	291.13	299.00	293.45	292.90	5.05
408	0.12	1.39	0.54	6.70	109.09	18	0.70	8.77	8.09	291.03	290.27	300.13	292.17	291.41	5.63
409	0.20	1.59	0.84	6.59	18.74	24	0.69	18.84	9.06	290.17	290.04	298.14	291.24	291.03	5.56
410	0.06	1.65	0.72	6.56	36.78	24	0.71	19.02	9.31	289.94	289.68	298.09	291.03	291.22	4.46
411	0.14	4.73	0.66	5.99	51.83	30	0.69	34.18	23.21	289.58	289.22	298.22	291.22	291.01	6.48
412	2.36	7.09	0.78	5.95	17.32	36	0.69	55.52	34.02	289.12	289.00	299.26	291.01	290.70	7.74
414	0.16	0.16	0.54	7.20	28.83	15	0.69	5.38	0.62	287.80	287.60	290.78	288.11	288.61	1.62
415	0.03	0.19	0.90	6.90	83.86	15	0.70	5.42	0.78	287.50	286.91	290.78	288.60	288.59	0.66
416	0.07	0.26	0.83	6.32	50.24	15	0.70	5.39	1.08	286.81	286.46	294.46	288.58	288.57	0.88
418	0.00	0.00	0.00	0.00	95.26	36	1.05	74.03	6.36	282.00	281.00	289.30	282.79	281.79	4.27

The figure is a topographic map of a site, likely for a water management project. It features several drainage areas (DA) defined by dashed lines, each with a label box containing its area, runoff coefficient (C), and time of concentration (Tc). The areas are as follows:

- DA 401: Area: 0.15 ac, C=0.90, Tc=5 min
- DA 402: Area: 0.27 ac, C=0.84, Tc=5 min
- DA 403: Area: 0.30 ac, C=0.90, Tc=5 min
- DA 404: Area: 2.22 ac, C=0.78, Tc=5 min
- DA 405: Area: 0.34 ac, C=0.90, Tc=5 min
- DA 406: Area: 0.37 ac, C=0.90, Tc=5 min
- DA 407: Area: 0.56 ac, C=0.90, Tc=5 min
- DA 408: Area: 0.12 ac, C=0.54, Tc=5 min
- DA 409: Area: 0.20 ac, C=0.84, Tc=5 min
- DA 410: Area: 0.06 ac, C=0.72, Tc=5 min
- DA 411: Area: 0.14 ac, C=0.66, Tc=5 min
- DA 412: Area: 2.36 ac, C=0.78, Tc=5 min
- DA 414: Area: 0.16 ac, C=0.54, Tc=5 min
- DA 415: Area: 0.03 ac, C=0.90, Tc=5 min
- DA 416: Area: 0.07 ac, C=0.83, Tc=5 min

A Best Management Practice (BMP) area is also indicated, labeled "BMP #4". The map includes contour lines representing elevation, a north arrow in the bottom right corner, and a scale bar in feet (0 to 300) at the bottom right. A thick dashed line outlines a large boundary on the left side of the map. A road or path is visible on the right side, labeled "DAYCARE" and "ATLANTA".

XXXX OF XXXXX PROJECT NO. XX-XX-XX

BZNK

[illegible]

1430 NC HWY 42

W

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545
Fax: 919-553-1720

Planning Board
June 24, 2019

STAFF REPORT

Application Number: 2019-91-SP
Project Name: GCF Donation Center and Store

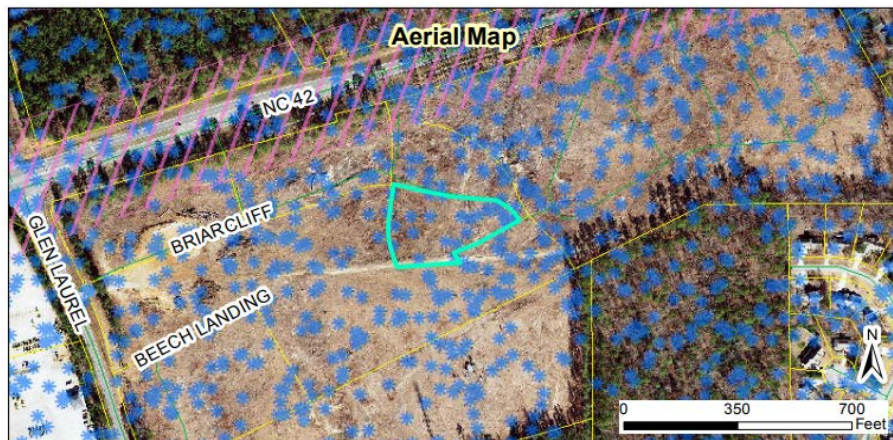
Tag #: 05I04004A

Town Limits/ETJ: Clayton Town Limits
Overlay: Watershed Protection Overlay
Applicant: Bass, Nixon and Kennedy, Inc.
Owner: Shoppes at Glen Laurel, LLC
Location: Lot 7 – The Shoppes at Glen Laurel

Public Noticing:

- Sign posted June 12, 2019

REQUEST: The applicant is requesting site plan approval to construct a new Goodwill Industries Store to be located on Lot 7 at the Shoppes at Glen Laurel. This site plan is associated with an approved Planned Development Master Plan.



SITE DATA:

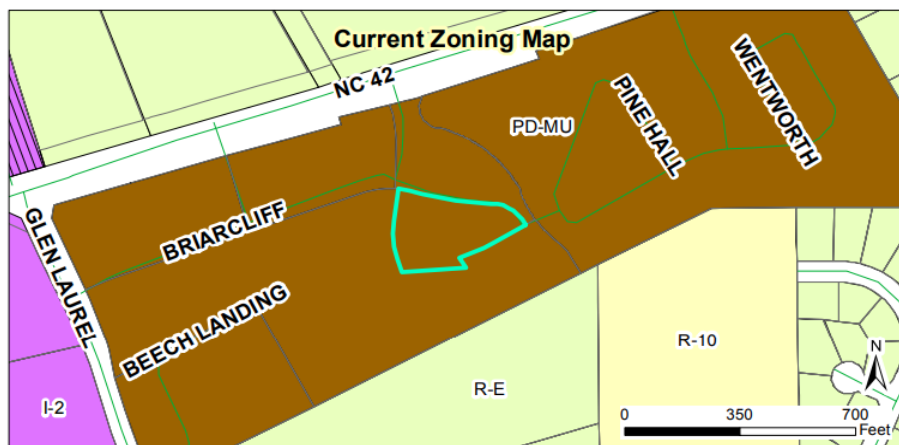
Acreage: 1.56 Acres
Present Zoning: Planned Development-Mixed Use
Existing Use: Vacant

DEVELOPMENT DATA:

Proposed Uses: Retail
Parking: Required – Retail: 1 Space Per 200 SF = 43
– Warehouse: 1 Space Per 1,000 SF = 4
– Office: 1 Space Per 200 SF = 1
– Total: 48 spaces
Proposed – 51 spaces
Access/Streets: Two access points off Briarcliff Drive Ext.

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E), Planned Development-Mixed Use (PD-MU) & Planned Development-Residential (PD-R)	Vacant & Single-Family Residential
South	Residential-Estate (R-E), Planned Development-Mixed Use (PD-MU), & Residential-10 (R-10)	Vacant & Single-Family Residential
East	Residential-Estate (R-E) & Planned Development-Mixed Use (PD-MU)	Apartments
West	Industrial-Heavy (I-2) & Planned Development-Mixed Use (PD-MU)	Commercial & Industrial



STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting site plan approval to develop an 11,920 SF Goodwill Industries Store on lot 7 of the Glen Laurel Mixed Use subdivision. This project is associated with the originally approved NC 42 East Mixed Use Planned Development project 15-48-01-PDD and minor subdivision project 2019-15-SDM. An adjacent property of the planned development is simultaneously applying for site plan approval; project 2019-89-SP The Shoppes at Glen Laurel.

Parking

The applicant meets the 1 space per 200 square feet parking requirement for General Retail Sales, 1 space per 1,000 square feet requirement for Warehouses, and 1 space per 200 square feet requirement for Offices outlined in section 155.401(C)(2) of the UDC. 51 parking spaces have been provided, including 3 handicap parking spaces. Terminal and median landscape islands have been provided to meet standards in section 155.402(D)(2)(b).

Access

There are two proposed vehicular access points for the site off Briarcliff Drive Ext. The property is adjacent to the primary access point for the entire mixed-use development, McKenzie Ridge Drive.

Landscaping/Screening

Street trees have been provided along Briarcliff Dr. in accordance with section 155.402(F) of the UDC, as well as terminal and interior landscape islands for each parking row. The applicant intends to have a uniform typology of canopy trees within the entire NC 42 East Planned Development for the street tree requirement, and is coordinating this with the developer.

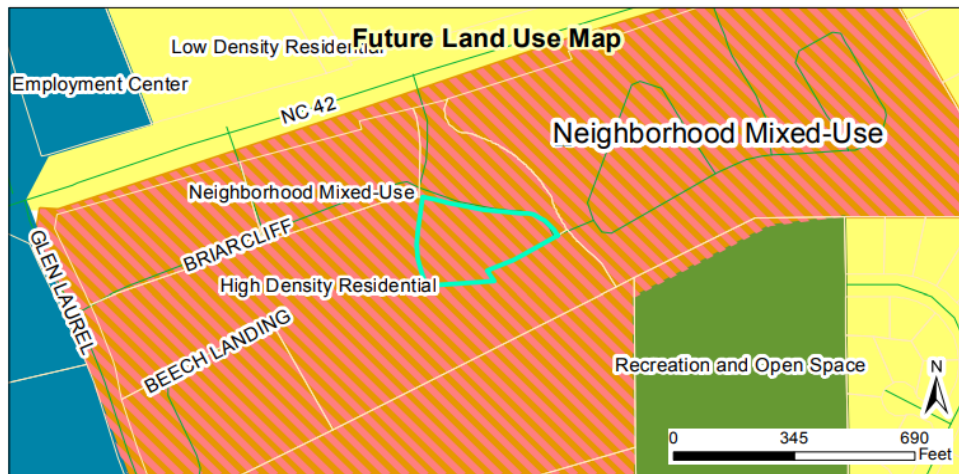
The compactor will be screened with masonry walls to match the building and shrubs. A decorative, brick retaining wall with a maximum height of 3 feet is proposed along the rear of the building in order to screen the building and the compactor.

Consistency with the Unified Development Code

The proposed use and associated site plan is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

Compatibility with Surrounding Land Uses

The proposed use is generally compatible with the surrounding land uses, which include apartments, commercial, and a proposed mix of other compatible uses. The subject property is part of the NC 42 East Mixed Use Planned Development.

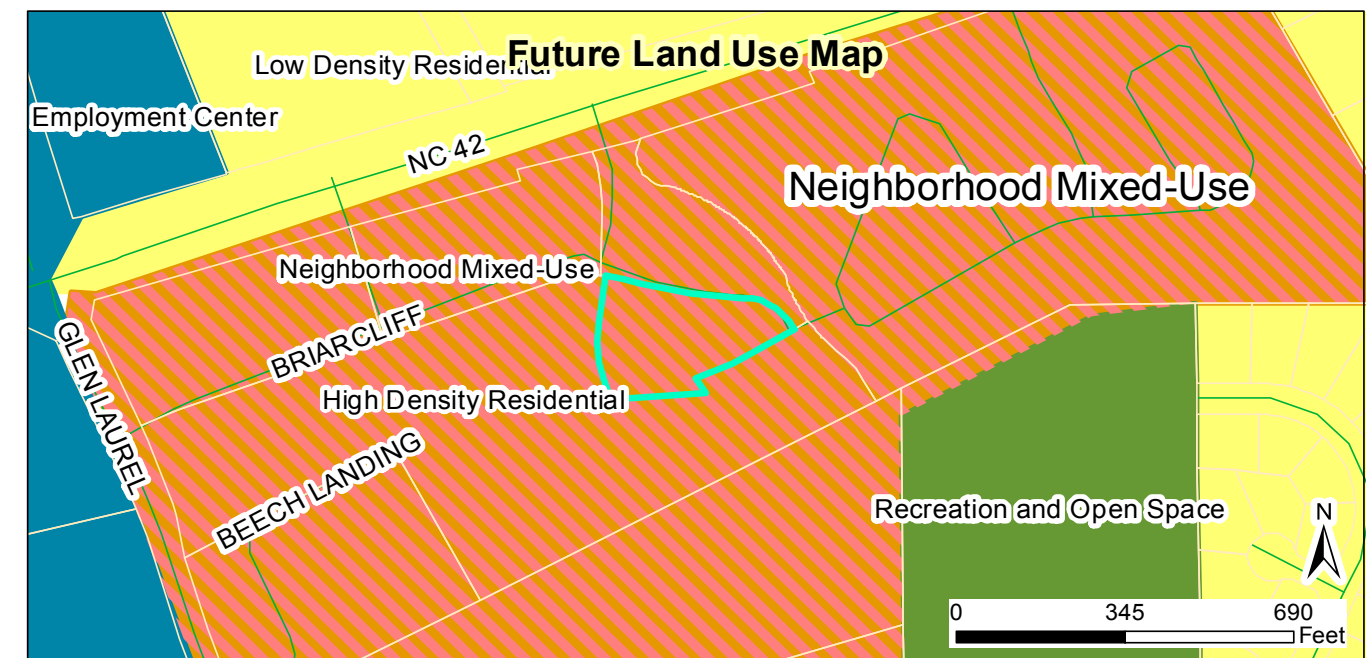
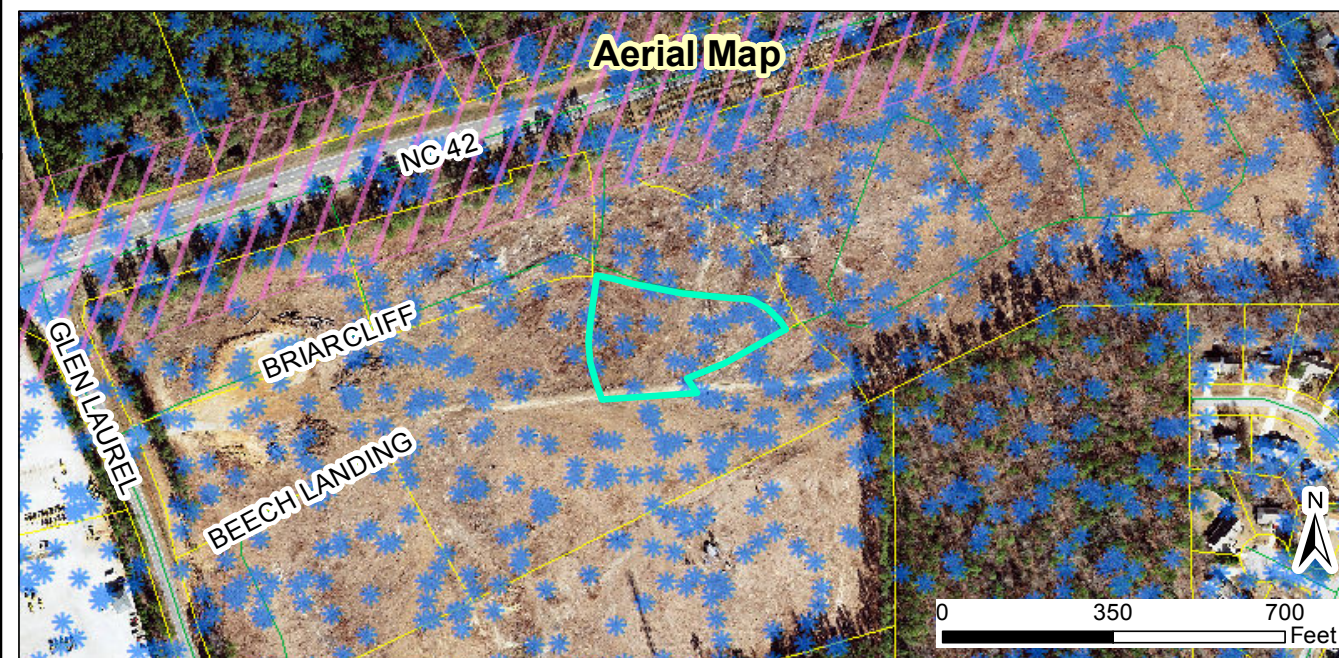
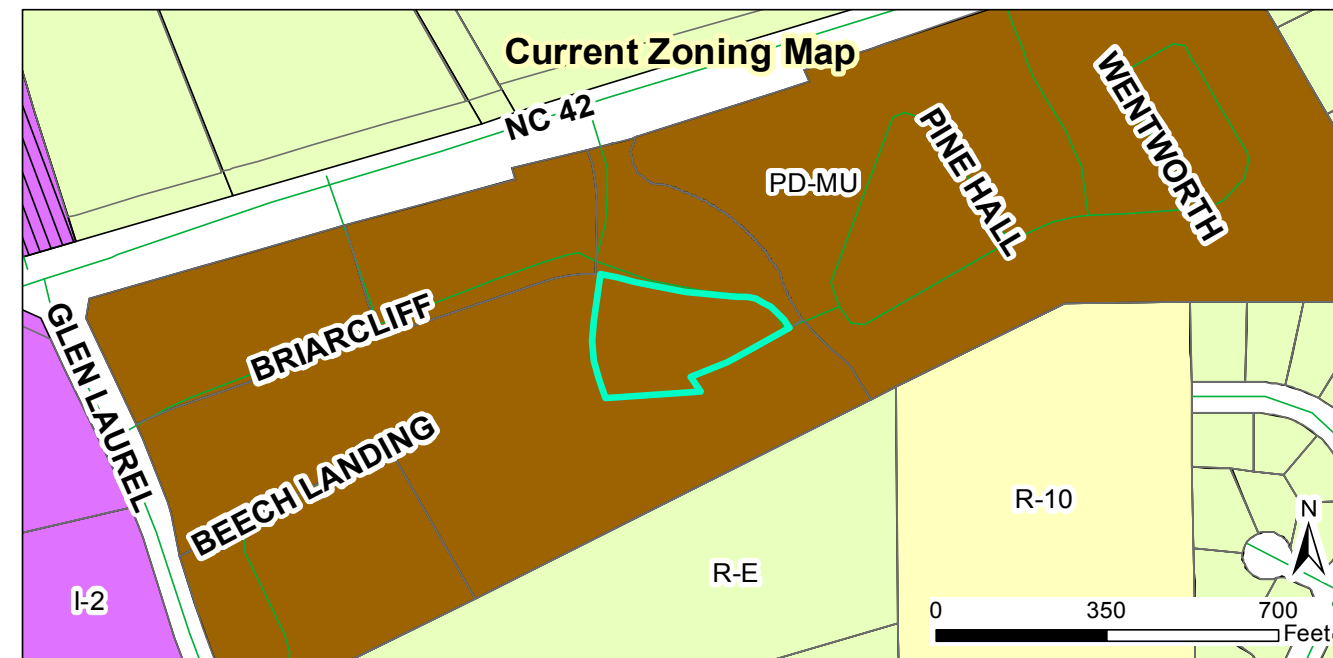


CONSIDERATIONS:

- The Planning Board reviews and makes a final decision regarding Major Site Plans.

ATTACHMENTS:

- 1) Application
- 2) Owner's Consent
- 3) Staff Report Maps
- 4) Neighborhood Meeting Materials
- 5) Site Plan
- 6) Stormwater Management Plan



Request:
2019-91-SP - GCF Donation Center and Store

Applicant: Bass, Nixon and Kennedy, Inc.
Property Owners: Shoppes at Glen Laurel, LLC
Tag #: 05104004A

Staff Report Map



Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2019\2019-91-SP - GCF Donation Center and Store\Map\Staff Report Map - 2019-91-SP - GCF Donation Center and Store.mxd

Legend

- Site
- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay

06/12/2019

Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.



TOWN OF CLAYTON
Planning Department
111 E. Second St., 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: Accessory Use Ordinance Amendment

Existing title of Code Section(s): Land Use Regulations (202) & Accessory Structures and Uses (308), Outdoor Dining, Display, and Storage (311)

Code Section Number(s): 155.202, 155.308, 155.311

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton Planning Department

Mailing Address: PO Box 879

Phone Number: 919-553-5002

Fax: _____

Contact Person: Haley Hogg, Planner / Samantha Wullenwaber, Planning Director

Email Address: hhogg@townofclaytonnc.org / swullenwaber@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

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

Amend UDC to add accessory uses to the use table. Most of the uses added already exist in section 308 of the UDC. Day Care Facilities and Parks are a new accessory use proposed. The amendment relocates outdoor dining, display, and storage to the accessory use section (previously its own section) and includes these uses in the table as well to establish what accessory uses are permitted and in which districts.

FOR OFFICE USE ONLY

Date Received: July 28 2018

Amount Paid: N/A

Town initiated

File Number: 2019-106-0A

July 2018 TOWN OF CLAYTON
PLANNING DEPARTMENT

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:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	☒			
2. Review Fee and Advertisement Fee	☐	☒			
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

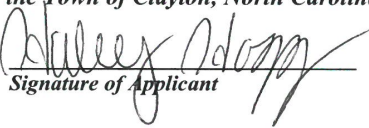
All applications for Ordinance Amendment must address the following criteria:

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 amendment is consistent with the remainder of the chapter. Most of the language is being relocated from 155.311 to 155.308, and referenced in the use table for clarification purposes.
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 does not represent a new idea. Accessory uses are outlined in 155.308. This amendment simply requests to add additional accessory uses, and include them in the use table for clarification purposes.
3. Whether or not the proposed text amendment corrects an error in the chapter.
The proposed amendment does not correct an error in the chapter.
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed amendment does not revise the chapter to comply with state or federal statutes or case law.

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.

Haley Hogg
Print Name


Signature of Applicant

5/28/19
Date

§ 155.200 DISTRICTS ESTABLISHED

To carry out the provisions of this Chapter, within the jurisdiction of the Town, the following zoning districts are established.

<some text omitted for purposes of brevity>

(B) GENERAL USE DISTRICTS

(1) Residential Districts

- (a) ***R-E / Residential-Estate.*** The R-E district is comprised of low density, single-family dwellings, and other selected uses which are compatible with the open and rural character of the area. The established regulations for this district are designed to promote and encourage an environment for family life and agriculture. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted.
- (b) ***R-10 / Single-Family Residential-10.*** The R-10 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at relatively low densities characterized predominantly by owner-occupied, single-family detached units. The district requirements protect existing neighborhoods from undesirable or incompatible uses. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (c) ***R-8 / Single-Family Residential-8.*** The R-8 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at suburban densities characterized predominantly by owner-occupied, single-family detached units. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (d) ***R-6 / Single-Family Residential-6.*** The R-6 district is established to provide for orderly suburban residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density, which includes multi-family dwellings mixed with other housing types. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(2) Nonresidential Districts

- (a) ***O-R / Office-Residential.*** The O-R district is intended to accommodate modest-scale professional occupations, along with single-family and multi-family residential units, to serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.

- (b) **O-I / Office-Institutional.** The O-I district is intended to permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. Such offices and institutional uses are generally located along or proximate to major roadways or adjacent to commercial uses and may act as a buffer between such areas and residential uses.
- (c) **B-1 / Central-Business.** The B-1 district is intended to foster a vibrant, safe, central business district and town center by encouraging dense residential development while retaining and further developing a broad range of commercial, retail, service, office, institutional, public, cultural, and entertainment uses and activities. The district is intended to define and promote the town center as a desirable place to live, work, shop, and recreate.
- (d) **B-2 / Neighborhood-Business.** The B-2 district provides opportunities for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation, and utilities.
- (e) **B-3 / Highway-Business.** The B-3 district provides opportunities for offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on major and minor thoroughfares, this district is accessible to and serves the entire community. Site design and buffering mitigate impacts of traffic, operations, and scale on adjacent businesses and residential neighborhoods.
- (f) **I-1 / Industrial-Light.** The I-1 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create very minor nuisance to surrounding properties.
- (g) **I-2 / Industrial-Heavy.** The I-2 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Intended for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.
- (h) **PF / Public Facilities.** The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PF district is primarily intended for, although not limited to, public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature. (*Ord. 2015-09-03, adopted 09/28/2015*)

(3) **Planned Development Districts**

- (a) **PD-R | Planned Development-Residential.** The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the Town due to their scale.
- (b) **PD-C | Planned Development-Commercial.** The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of open space.
- (c) **PD-I | Planned Development-Industrial.** The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.
- (d) **PD-MU | Planned Development-Mixed Use.** The PD-MU district is intended to provide coordinated mixed use developments, which includes light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

<some text omitted for purposes of brevity>

(D) **OVERLAY DISTRICTS**

(1) **Thoroughfare Overlay District (TOD)**

The Thoroughfare Overlay District is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares, while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in § 155.204(A) shall be applied to properties which adjoin major thoroughfares, as designated on the Town's Overlay Zoning Map.

(2) **Watershed Protection Overlay (WPO)**

- (a) The Watershed Protection Overlay (WPO) is hereby established as a district that overlays the designated water supply watershed. The designated water supply watershed under this district is defined and established by the overlay district "Watershed Protection Overlay" on the zoning map. Land use and development within the WPO must comply with all the requirements of both the underlying zoning district and the watershed overlay.
- (b) The designated water supply watershed within the Town is designated by the state as a Class IV watershed protected area (WS-IV PA) and is referred to as the Neuse River (Smithfield) watershed within the Neuse River basin. Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this program. See § 155.501 for watershed protection standards.

(3) Scenic Highway Overlay (SHO)

The Scenic Highway Overlay is established for the purpose of protecting the visual qualities of the scenic US Highway 70 West corridor, as further described in this Article, specifically in §155.204.

(4) Downtown Overlay District (DOD)

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries, as well as the aesthetics and character of the district as further described in this Article, specifically in §155.204.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09, Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 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		S		S					\$155.301(A)
Adult Care Home (7-12 Adults)	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				\$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		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)
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				C						S			\$155.305(A)
Bed and Breakfast	P				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)
Laundry Services									C	C	P	P	\$155.305(L)
Lounge, Cocktail							S	S	S	S			\$155.305(M)

Article 8 / Definitions
§155.802 Defined Terms

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	
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		\$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	\$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	\$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	\$155.306(C)
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	\$155.307(A)
Renewable Energy Facility	S									S	S	\$155.307(B)
Telecommunication Facility	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	\$155.307(D)
Utility, Major										P	P	\$155.307(E)
Waste Service										C	P	\$155.307(F)
Accessory Dwelling Unit												
Food Truck	C	C	C	C								155.308(C)(1)
Day Care Facility	C	C	C	C		P		P	P	P	P	155.308(D)(2)
Park									P			155.308(D)(3)
Outdoor Display/Sales							P	P	P			155.308(D)(4)
Outdoor Dining						P	P	P	P			155.308(D)(5)
Outdoor Storage, Limited									S	P	P	155.308(D)(6)
Outdoor Storage, General										P	P	155.308(D)(7)
										P	P	155.308(D)(8)
Key:												
P – Permitted												
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

Commented [HH1]: Existing requirement....adding to table for clarification

Commented [HH2]: Existing requirements....adding to table for clarification

Commented [HH3]: Currently permitted in all districts, including residential....proposing to limit to B-3, I-1, I-2

Commented [HH4]: Existing requirement....adding to table for clarification

Article 8 / Definitions
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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)

§ 155.200 DISTRICTS ESTABLISHED

To carry out the provisions of this Chapter, within the jurisdiction of the Town, the following zoning districts are established.

<some text omitted for purposes of brevity>

(B) GENERAL USE DISTRICTS

(1) Residential Districts

- (a) ***R-E / Residential-Estate.*** The R-E district is comprised of low density, single-family dwellings, and other selected uses which are compatible with the open and rural character of the area. The established regulations for this district are designed to promote and encourage an environment for family life and agriculture. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted.
- (b) ***R-10 / Single-Family Residential-10.*** The R-10 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at relatively low densities characterized predominantly by owner-occupied, single-family detached units. The district requirements protect existing neighborhoods from undesirable or incompatible uses. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (c) ***R-8 / Single-Family Residential-8.*** The R-8 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at suburban densities characterized predominantly by owner-occupied, single-family detached units. To encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.
- (d) ***R-6 / Single-Family Residential-6.*** The R-6 district is established to provide for orderly suburban residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density, which includes multi-family dwellings mixed with other housing types. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities.

(2) Nonresidential Districts

- (a) ***O-R / Office-Residential.*** The O-R district is intended to accommodate modest-scale professional occupations, along with single-family and multi-family residential units, to serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.

- (b) ***O-1 | Office-Institutional.*** The O-1 district is intended to permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. Such offices and institutional uses are generally located along or proximate to major roadways or adjacent to commercial uses and may act as a buffer between such areas and residential uses.
- (c) ***B-1 | Central-Business.*** The B-1 district is intended to foster a vibrant, safe, central business district and town center by encouraging dense residential development while retaining and further developing a broad range of commercial, retail, service, office, institutional, public, cultural, and entertainment uses and activities. The district is intended to define and promote the town center as a desirable place to live, work, shop, and recreate.
- (d) ***B-2 | Neighborhood-Business.*** The B-2 district provides opportunities for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation, and utilities.
- (e) ***B-3 | Highway-Business.*** The B-3 district provides opportunities for offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on major and minor thoroughfares, this district is accessible to and serves the entire community. Site design and buffering mitigate impacts of traffic, operations, and scale on adjacent businesses and residential neighborhoods.
- (f) ***I-1 | Industrial-Light.*** The I-1 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create very minor nuisance to surrounding properties.
- (g) ***I-2 | Industrial-Heavy.*** The I-2 district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Intended for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.
- (h) ***PF | Public Facilities.*** The PF district is established to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PF district is primarily intended for, although not limited to, public parks and recreation areas, public buildings and facilities, and other capital improvements of a significant nature. (*Ord. 2015-09-03, adopted 09/28/2015*)

(3) **Planned Development Districts**

- (a) ***PD-R | Planned Development-Residential.*** The PD-R district provides opportunities for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in a residential district or greater scrutiny by the Town due to their scale.
- (b) ***PD-C | Planned Development-Commercial.*** The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of open space.
- (c) ***PD-I | Planned Development-Industrial.*** The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.
- (d) ***PD-MU | Planned Development-Mixed Use.*** The PD-MU district is intended to provide coordinated mixed use developments, which includes light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

<some text omitted for purposes of brevity>

(D) **OVERLAY DISTRICTS**

(1) **Thoroughfare Overlay District (TOD)**

The Thoroughfare Overlay District is established for the purpose of maintaining a safe, efficient, and functional development pattern adjacent to major thoroughfares, while maintaining an aesthetic streetscape environment. It is recognized that an enhanced development quality in areas of high visibility promotes economic development and stability in the entire community. The standards established in § 155.204(A) shall be applied to properties which adjoin major thoroughfares, as designated on the Town's Overlay Zoning Map.

(2) **Watershed Protection Overlay (WPO)**

- (a) The Watershed Protection Overlay (WPO) is hereby established as a district that overlays the designated water supply watershed. The designated water supply watershed under this district is defined and established by the overlay district "Watershed Protection Overlay" on the zoning map. Land use and development within the WPO must comply with all the requirements of both the underlying zoning district and the watershed overlay.
- (b) The designated water supply watershed within the Town is designated by the state as a Class IV watershed protected area (WS-IV PA) and is referred to as the Neuse River (Smithfield) watershed within the Neuse River basin. Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this program. See § 155.501 for watershed protection standards.

(3) Scenic Highway Overlay (SHO)

The Scenic Highway Overlay is established for the purpose of protecting the visual qualities of the scenic US Highway 70 West corridor, as further described in this Article, specifically in §155.204.

(4) Downtown Overlay District (DOD)

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries, as well as the aesthetics and character of the district as further described in this Article, specifically in §155.204.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09, Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 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		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)
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)
Laundry Services								C	C	P	P		\$155.305(L)
Lounge, Cocktail							S	S	S	S			\$155.305(M)

Article 8 / Definitions
§155.802 Defined Terms

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	
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)
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												
	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)

ARTICLE 3: SPECIFIC USE STANDARDS

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§ 155.300 USE INTERPRETATION

(A) USES

- (A) The list of uses included in the Use Regulations Table (Table 2-1 in §155.202) and defined in this subsection is intended to classify uses on the basis of common functional characteristics (activity, type of customers, goods or services) and land use compatibility. Other uses not specifically listed in the Use Table, but exhibiting similar characteristics to a listed use, shall be so classified by the interpretation of the Planning Director pursuant to the procedures and standards set forth in 155.300(B) below.

(B) USES NOT SPECIFICALLY LISTED

- (1) Any use not specifically listed in this chapter is expressly prohibited, unless the Planning Director determines in accordance with § 155.715, that the use is similar to a use or uses listed in this chapter. Where an unlisted use is similar to a use listed in Table 2-1 (§ 155.202), the unlisted use shall also be subject to the similar uses standards and approval process. The Planning Director shall not amend this chapter by adding to or eliminating any use standard for the unlisted use.
- (2) Where an unlisted use is found by the Planning Director not to be similar to any other use listed in Table 2-1 (§ 155.202), the use shall be permitted only following a text amendment

in accordance with § 155.703. The decision of the Planning Director may not be appealed to the Board of Adjustment.

- (3) When considering the appropriate districts for a use not listed in the Use Regulations Table, the district intent statements (see §155.200) shall be taken into consideration.
- (4) Determination of an appropriate category for a proposed use not currently listed shall be made by applying the following criteria.
 - (a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 - (b) The relative amount of site area or floor space and equipment devoted to the activity.
 - (c) Relative amounts of sales from each activity.
 - (d) The customer type for each activity.
 - (e) The relative number of employees in each activity.
 - (f) Hours of operation.
 - (g) Building and site arrangement.
 - (h) Types of vehicles used and their parking requirements.
 - (i) The relative number of vehicle trips generated.
 - (j) Signs.
 - (k) How the use is advertised.
 - (l) The likely impact on surrounding properties.
 - (m) Whether the activity is likely to be found independent of the other activities on the site.

(C) **DEVELOPMENTS WITH MULTIPLE USES**

- (1) Nonresidential, townhouse, and apartment complexes may be established on a single unified parcel, provided that the following requirements are met. Except as set forth above, no more than one principal building or use may be erected on a single lot of record.
- (2) Development with multiple uses shall meet all applicable development standards as set forth in §§ 155.200 through 155.204, §§ 155.400 through 155.404 and §§ 155.500 through 155.502. Applicants shall comply with all other provisions in this chapter and all other applicable laws.

- (3) When the principal uses of a development fall within different group of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.
- (4) A development comprised of uses regulated by separate rows on the Use Regulations Table shall be reviewed using the most restrictive process from among the proposed uses. If a proposed development on a single parcel includes a special use review, then the entire development requires special use review.
- (5) Where a use requiring approval as a conditional use or a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2006-06-01, passed 6-19-06; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Ord. 2017-04-06, approved 04/03/2017)

§ 155.301 RESIDENTIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) ADULT CARE HOME

- (1) An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.
- (2) In the R-E District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 4,000 square feet of lot area per occupant.
- (3) In the R-10 District, an adult care home shall provide least 150 square feet of gross floor area per occupant and 2,000 square feet of lot area per occupant.
- (4) In the R-8 District, an adult care home shall provide least 150 square feet of gross floor area per occupant and 1,600 square feet of lot area per occupant.
- (5) In the R-6 District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 1,200 square feet of lot area per occupant.
- (6) Pursuant to N.C. General Statutes 168-22, an Adult Care Home shall not be located within a ½-mile radius of an existing Adult Care Home.

(B) APARTMENTS

Three or more attached dwelling units in a single structure on a single lot, although individual units may be owned by a single or many different entities. Apartments are usually multi-story, and individual units can be mixed vertically and/or horizontally.

- (1) No parking space shall be located in a required yard, except for the rear yard.
- (2) No off-street parking space shall be located closer than ten feet to any residential building wall.
- (3) For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median is required at the main entrance to the community.
- (4) Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to parking, adjoining streets,

mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.

(C) **BOARDING HOUSE**

(C) A building, other than a hotel/motel or bed and breakfast, containing not more than nine guest rooms. At least one meal is provided to guests. Individual guest rooms may not contain kitchens and personal services are not provided.

- (1) Boarding houses shall meet the standards of § 152.25 of the Town Code of Ordinances.
- (2) Each boarding house shall have a full-time resident manager.
- (3) Fifteen square feet of common living area other than kitchens, hallways and bathrooms shall be provided per occupant.
- (4) A boarding house shall not be located within 1,000 feet, as measured in any direction from property line to property line, of another boarding house.

(D) **CHILD CARE HOME**

An assisted living residence that provides 24-hour supervision and personal care services for not more than eight orphaned, abandoned, dependent, disabled, or neglected children, together with not more than two adults who supervise such children, all of whom live together within a single residential dwelling unit. All Child Care Homes shall obtain appropriate licenses from the state.

- (1) In the R-E District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 4,000 square feet of lot area per occupant.
- (2) In the R-10 District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 2,000 square feet of lot area per occupant.
- (3) In the R-8 District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 1,600 square feet of lot area per occupant.
- (4) In the R-6 District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 1,200 square feet of lot area per occupant.
- (5) Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property. Such buffer shall consist of trees or other vegetation of such height and depths as determined by the Board of Adjustment or an appropriate fence or wall or combination thereof.

(E) **MANUFACTURED HOME**

(D) A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Manufactured home includes any structure that meets all of the requirements

of this definition and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Manufactured Home Act.

Except as set forth in division (F)(1)(a) of this section, all manufactured homes shall meet or exceed the following criteria:

- (1) The manufactured home shall be set up and tied down in accordance with the standards set by the North Carolina Department of Insurance.
- (2) The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- (3) The manufactured home shall have a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- (4) Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall with a finished surface and constructed in accordance with North Carolina Building Code regulations. The foundation shall be unbroken except for required ventilation and access, and installed under the perimeter of the manufactured home.
- (5) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.
- (6) The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- (7) The moving hitch, wheels and axles, and transporting lights shall be have been removed.
- (8) At least two off-street parking spaces shall be provided.
- (9) The lot shall be cleared of all excess growth and graded to provide adequate drainage.
- (10) All areas not used for parking, manufactured homes, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion.
- (11) All standards must be met prior to issuance of a certificate of occupancy.

(F) **MANUFACTURED HOME PARKS**

- (E) Any plat of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations. Includes a recreation vehicle park.

(1) General Requirements

- (a) Notwithstanding the criteria set forth in division (E) above, manufactured homes located within manufactured home parks shall be in accordance with all of the requirements of division (E) above, except divisions (E)(2), (E)(3) and (E)(4) shall not apply to manufactured homes located in manufactured home parks. All new or replacement manufactured homes located in manufactured home parks shall be a minimum of 12 feet in width, measured at the narrowest part of the shortest axis of the home, and shall contain a minimum of 480 square feet of enclosed and heated living area. The foundation area of the manufactured home shall be at a minimum, completely screened with faux skirting panels constructed from durable vinyl, or panels simulating a faux brick, rock or stone finish. The skirting shall be completely framed including a bottom track. The foundation screening must be kept in a well maintained condition.
- (b) All manufactured home parks shall be a minimum of three acres in size.
- (c) No living compartment or structure, other than a Florida Room or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three sides may be permitted if yard space requirements of this chapter are not violated, and if such addition complies with the North Carolina Building Code.
- (d) Up to two manufactured home park identification signs may be utilized, but the sum of the areas of one side of these signs shall not exceed 40 square feet. Only external, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.
- (e) Within a manufactured home park, one manufactured home may be used as an administrative office.

(2) Streets and Parking

- (a) Each manufactured home shall abut upon an improved street or driveway, which shall have unobstructed access to a Town or state maintained road.
- (b) Streets shall have a minimum paved width of 20 feet. In addition, every such street shall lie within a cleared right-of-way having a minimum width of 40 feet.
- (c) Maintenance of such streets shall be provided by the owner or operator of the park.
- (d) Permanent dead-end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turnaround of at least 70 feet in diameter.

- (e) Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees. Where a street intersects a public street or road, the design standards of the North Carolina Highway Commission shall apply.
- (f) New street names or manufactured home park names shall not duplicate nor be similar to existing street names or manufactured home park names in the area.
- (g) A minimum of two paved parking spaces shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.
- (h) No manufactured home lots shall be located within the 100-year floodway area, as shown on the latest National Flood Insurance Program map for the Town.

(3) Lot Size and Lot Width Requirements

- (a) Lots served by community or public water and sewer shall have a minimum lot size of 6,000 square feet and have a minimum lot width of 50 feet at the front building line. The maximum coverage of the lot by the unit and any accessory structures shall not exceed 40% of the lot area.
- (b) Lots served by individual septic tank and individual well shall have a minimum lot size of 25,000 square feet and have a minimum lot width of 75 feet at the front building line. The maximum coverage of the lot by the unit and any accessory structures shall not exceed 40% of the lot area.
- (c) Lots served by community or public water and individual septic tank or public sewer and individual well shall have a minimum lot size of 15,000 square feet and have a minimum lot width of 75 feet at the front building line. The maximum coverage of the lot by the unit shall not exceed 40% of the lot area.

(4) Project Boundary Buffer

- (1) A Class C buffer shall be provided (see § 155.402) along all project boundaries of a manufactured home park.

(5) Yard Requirements

- (a) The following yard requirements shall pertain to every manufactured home in the manufactured home park:
 - 1. Minimum depth of street yard, measured from front lot line: 20 feet.
 - 2. Minimum width of side yard, measured from side lot line:
 - A. Ten feet.

B. Six feet, if served by public water and sewer.

- (b) Minimum depth of rear yard, measured from rear lot line: 20 feet.
- (c) Detached garages and accessory buildings may be erected on manufactured home lots as permitted in § 155.308.

(6) **Utility Requirements**

(a) **Water**

- (b) An accessible, adequate, safe supply of water shall be provided in each manufactured home park. When a municipal water supply is not available, a community water supply shall be developed and its supply used exclusively in accordance with the standards of the Sanitary Engineering Division of the North Carolina Division of Health Services and the County Health Department.

(b) **Sewer**

- (c) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment complying with the requirements of the North Carolina Department of Natural Resources and Community Development and the County Health Department shall be provided.

(c) **Solid Waste**

1. The storage, collection, and disposal of solid waste in the manufactured home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazard, or pollution, and shall be maintained at least 100 feet from a well site.
2. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container, which shall be located at each manufactured home space, or an approved bulk container site. The manufactured home park management shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the County Health Department.
3. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.
4. No junked or abandoned vehicles shall be allowed in the park.

(7) **Street Lights**

- (2) All streets in the manufactured home park shall be adequately illuminated. The minimum size street light shall be a 175-watt mercury vapor, approximately 7,000-lumen class or its

equivalent, spaced at intervals of not more than 400 feet. Streetlights shall be at each intersection.

(8) Telephone and Power Lines

- (3) All telephone lines and power lines are to be located underground. Utility easements shall not be less than ten feet in width.

(9) Recreation Areas and Facilities

- (a) Adequate and suitable recreation areas to serve the anticipated population shall be provided and shall consist of at least 10,000 square feet for each 25 manufactured home lots. All manufactured home parks having five or more lots shall have a minimum size recreational area of 10,000 square feet. Manufactured home parks having more than 25 manufactured home lots shall provide 400 square feet of recreation space per lot in excess of 25.
- (b) No recreational facilities shall be placed in an area utilized for septic tank filter fields.

(10) Mobile Home Parks with Prior Approval

- (4) All mobile home parks approved for development by the Town, County, or State prior May 4, 1987 are hereby granted special use status under the terms of [§ 155.109\(A\)\(2\)](#), and the number of units contained therein may be maintained and replaced with other units, provided that:
- (a) A copy of the mobile home park plan bearing proof of approval by the responsible governmental agency shall be filed in the Planning Department no later than 90 days after the approval of this revision.
- (b) All replacement units shall obtain an approved zoning compliance permit and inspection by the Town Inspections Department prior to occupancy.
- (c) All replacement units shall meet the requirements of (F) of this section.
- (d) No replacement unit may increase any nonconforming standard of the existing unit, and in no case may any replacement unit be located nearer than ten feet to a public street right-of-way or periphery property line.
- (e) Any expansion of a mobile home park shall be in full accordance with the current standards of this chapter.
- (f) If a mobile home park which does not conform to current standards has been discontinued, or if 80% of the number of spaces are vacated for a period of 180 days, the mobile home park shall not be re-established, and all future use of the land therein shall comply fully with the provisions of this chapter.

(G) NURSING HOME (CONGREGATE LIVING FACILITY)

Town of Clayton Unified Development Code
Article 3 – Updated through 04/03/2017

- (F) This term includes assisted living facilities, extended congregate care facilities, transitional living facilities, rehabilitative home care services, or home for the aged or any other residential structure, whether or not operated for profit, which undertakes for a period exceeding 24 hours: care, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, this term shall include other residential uses such as dormitories, group homes with a central dining facility, and similar bed-based uses.
- (H) **DUPLEX (also known as “TWO FAMILY HOUSE”)**
- (G) Two attached dwelling units in a single structure on a single lot. The two units can be located on separate floors or side-by-side.
- (I) **TOWNHOUSE (also known as townhome or rowhouse)**
- (H) Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically. each unit has direct access to the outside, with front and rear walls exposed, to be used for access, light, and/or ventilation.
- (1) Side yards are not required for interior townhouses, but street and rear yards shall be provided for all townhouses, and building separation requirements shall be maintained for all townhouse structures.
- (2) **Parking Options**
- (a) ***Rear-Loaded Garage***
1. Garage is placed entirely to the rear of the townhouse and is rear-accessed or alley loaded. Garage can be attached or detached.
 2. Garage doors must face the alley or rear access drive.
- (a) ***Front-Loaded Garage***
1. Garage doors may constitute no more than 50% of the width of the individual townhouse unit.
 2. The driveway must be aligned with the garage and shall not exceed the width of the garage entrance/door.
 3. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk. The garage doors must be set back at least twenty-five feet (25') from the sidewalk.
 4. Garage doors must be recessed at least one foot behind the front wall plane, or a second story element over the garage doors must be provided that extends at least one foot beyond the front wall plane.

5. Front-loaded garages shall be prohibited on one-story townhome units.

(b) **Shared Parking Area/Shared Parking Lot**

1. The minimum parking requirement shall be calculated as for an apartment or multi-family development.
- (2) The maximum number of units allowed in a single building is eight.
- (3) The first floor shall be located from ground level to a maximum of three feet above grade.

(J) **SECURITY OR CARETAKER QUARTERS**

- (I) A dwelling unit, which may be a mobile home, a manufactured home, or a modular home, located on a site for occupancy by a caretaker or security guard.

(K) **SINGLE FAMILY HOUSE**

- (J) A detached dwelling unit located on a single lot with private yards on all four sides.
- (1) For alley-loaded houses, an alley shall be provided to the rear of the house. All vehicular access shall take place from the alley. No parking shall be permitted in the required street yard.

(L) **UPPER-STORY RESIDENTIAL**

- (K) A dwelling unit located on a floor above a nonresidential use.
- (2) An upper-story residential unit shall adhere to all dimensional standards of the nonresidential zoning district in which it is located.

(M) **ZERO LOT LINE**

- (L) A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house.
- (1) A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line project.
 - (2) An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.

- (3) If the sidewall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-06-02, passed 6-4-07; Am. Ord. 2012-01-04, passed 1-3-12; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.302 PUBLIC AND CIVIC USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(M) **ASSEMBLY**

- (N) A site or facility open to the public or membership groups for social, civic, political, educational, or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, employment services, and may also include uses such as cultural organizations and union halls.

(B) **CEMETERY**

- (O) A place used or to be used and dedicated or designated for interments of human remains or pet animal remains. A cemetery may include an office, chapel, mausoleum, columbarium or crematory.

(C) **CHURCH OR PLACE OF WORSHIP**

- (P) A sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services.

- (1) Following the initial approval of places of worship through the conditional use permit process (see § 155.710), expansions of up to 20% of the area originally approved through the conditional use permit process may be approved administratively.
- (2) Administrative approvals of expansions of places of worship shall not waive any conditions of approval of the conditional use permit.
- (3) Accessory uses standards for a place of worship are set forth in § 155.308(E).

(D) **COLLEGE OR UNIVERSITY**

- (Q) An institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.

(E) **DAY CARE Facility**

- (R) A facility licensed by the state, if applicable; providing care for children who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. all daycares shall be subject to the following:

- (1) An off-street passenger drop-off and passenger loading area shall be provided for any day care. Such area shall not be located in the street yard.
 - (2) Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property.
 - (3) In-home daycares, consisting of no more than 6 children and operating within a residential dwelling unit by a person that is a resident of the dwelling, shall be permitted subject to the requirements of a Class "B" Home Occupation (See §155.308).
- (F) **GOVERNMENT SERVICE**
- (S) Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices for government agencies, public libraries, police and fire stations, and resource centers.
- (G) **HOSPITAL**
- (T) A facility licensed by the State of North Carolina which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. A hospital may include related support facilities such as a helipad, laboratories, out-patient departments, staff offices, food services, and a gift shop.
- (H) **SCHOOL (ELEMENTARY OR SECONDARY)**
- (U) A public or private institution offering a curriculum of education authorized by the state giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.
- (1) Following the initial approval of a school through the special use permit process (see § 155.711), expansions of up to 20% of the area originally approved through the special use permit process may be approved administratively.
 - (2) Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.
- (I) **SCHOOL (TECHNICAL, TRADE OR BUSINESS)**
- (V) An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.
- (1) Following the initial approval of a school through the special use permit process (see § 155.711), expansions of up to 20% of the area originally approved through the special use permit process may be approved administratively.
 - (2) Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.

Article 3 / Specific Use Standards
§155.302 Public and Civic Use Standards

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.303 RECREATIONAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(W) **INDOOR ENTERTAINMENT**

- (X) Amusement activities carried on wholly within a building. Typical uses include bowling alleys, billiard parlors, theaters, escape rooms, video game arcades, laser tag, indoor paint ball, skating rink, and activities of a similar nature. This does not include an adult-oriented business or adult-oriented amusement center.

(B) **OUTDOOR ENTERTAINMENT**

- (Y) Amusement activities where any portion of the activity takes place outside or in the open, excluding recreation centers and parks. Typical uses include batting cages, golf driving ranges, go-cart tracks, outdoor paint ball, drive-in theater, outdoor skating rink, and miniature golf courses.

(C) **FITNESS/recreation CENTER**

- (Z) A facility for conducting recreational activities, either indoors or outdoors, including but not limited to raquetball, handball, swimming, running, weight lifting, athletic fields, tennis courts, and aerobic exercises. THIS FACILITY MAY also INCLUDE classrooms, BABYSITTING, AND LIMITED FOOD SERVICE FOR THE facility.

(D) **GOLF COURSE**

- (AA) A facility providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.

(E) **GUN RANGE**

- (BB) An enclosed facility used for the discharge of firearms or projectiles at targets.

(F) **PARK**

- (CC) An outdoor recreation area relying on a natural resource base or man-made recreation amenity and developed with a low to medium intensity of impact on the land. Typical uses include greenway (non-equestrian multi-use trail) systems, community gardens, wildlife management, playground, dog park, other small-scale recreational amenities, such as sand volleyball, basketball, or tennis court, or other active recreational opportunities, as well as demonstration areas for historical, cultural, scientific, educational, or other purposes that relate to the natural qualities of the area, and support facilities for such activities. commercial amusement facilities, such as water slides, miniature golf, or go-cart tracks, are not considered parks (see "Outdoor entertainment").

(G) **STABLE, PRIVATE**

(DD) The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Ord. 2017-04-06, approved 04/03/2017)

§ 155.304 AGRICULTURAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) AGRICULTURE, LIVESTOCK

The breeding, raising and caring for domestic animals including horses.

- (1) Property used for livestock shall be a minimum of five acres in size.
- (2) All accessory uses and structures, such as troughs, feed mechanisms and storage, shall be setback a minimum of 100 feet from any property line.
- (3) The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre.
- (4) The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.
- (5) The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the applicant shall satisfactorily mitigate the incompatibility prior to receiving final approval.

(B) AGRICULTURE, SALES AND SERVICE

An establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers, mowers, livestock, feed, grain, tack, riding attire, animal care products, and farm supplies.

- (1) All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view.

(C) NURSERY

The sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.305 COMMERCIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(D) **ADULT ORIENTED BUSINESS**

- (E) Any place defined as an "adult establishment" as defined by G.S. § 14-202.10, as such statute may be amended from time to time, including adult cabarets, and except the definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult-oriented business specifically includes, however, any massage business where massages are rendered by any person exhibiting "specified anatomical areas" and/or where massages are performed on any client's "specified anatomical areas." "Specified anatomical areas" are those defined by G.S. § 14-202.10 as such statute may be amended from time to time.

- (1) No such use shall be located within 1,000 feet of a church, primary, elementary or secondary school, residence or residentially zoned property, any establishment serving on-premises beverages requiring an ABC license, or any other adult-oriented business.
- (2) There shall be no more than one such use on the same property or in the same building or structure.
- (3) Except for permanent signage as permitted in § 155.403, there shall be no advertisement, promotional materials, displays, or temporary signs visible to the public from public rights-of-way.

(B) **BED & BREAKFAST**

- (F) A building containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.
- (1) An owner shall reside on site.
 - (2) There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety.
 - (3) Meals shall be served on the premises only for guests and employees. Rooms may not be equipped with cooking facilities.
 - (4) Parking shall not be allowed in any street yard.

(C) **CAR WASH/AUTO DETAILING**

- (G) A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.

(D) **CONTRACTOR OFFICE**

- (H) A facility for a building, heating, plumbing, electrical, landscape, janitorial or similar contractor.
- (1) All activity shall be conducted entirely within a fully enclosed building. The temporary loading and off-loading of vehicles shall be permitted outside.
 - (2) The overnight storage of fleet vehicles may be allowed subject to Planning Board approval (see § 155.311).

(E) **CONTRACTOR STORAGE YARD**

- (I) A lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites. A contractor's office is permitted as an accessory to the storage yard.
- (1) Equipment principally used in construction activity shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.
 - (2) Outdoor storage may be allowed subject to Planning Board approval (see § 155.311).
 - (3) Combustible materials and chemicals shall be stored in compliance with all local, state, and federal regulations.

(F) **CONVENIENCE STORE WITH GAS SALES**

- (J) A convenience store which includes accessory gasoline retail sales to the general public.
- (2) **General Standards**
 - (a) Vehicle repair or service shall not be permitted.
 - (b) The primary building, including any attached canopy, shall conform to all setback requirements.
 - (c) Gasoline pumps, tanks and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.

- (d) No sign of any type or any gasoline pump or tank shall be located within 20 feet of a residential use.
- (e) A Class C buffer (see § 155.402) shall be established along any side of the property where the gas station abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.
- (f) Freestanding vents shall not be permitted.
- (g) Outdoor storage and display may allowed subject to Planning Board approval (see § 155.311).

(1) **Fuel Canopies**

- (a) The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
- (b) The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.

(2) **Single-Bay Automatic Car Wash**

- (1) An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:
 - (a) The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way.
 - (b) The car wash structure shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
 - (c) The car wash structure shall be located behind the rear building line of the principal building.
 - (d) All car wash structures shall meet all applicable yard requirements.

(G) **CREATIVE STUDIO**

- (K) A facility involved in the display and/or instruction of the arts, such as individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items; art classroom; music studio or classroom; dance studio or classroom; martial arts instruction; or similar use. This definition does not include any adult entertainment establishment.

(H) **FINANCIAL INSTITUTION**

- (L) An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.
- (1) Freestanding automated teller machines require minor site plan approval.
- (2) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.
- (I) **FUNERAL HOME**
- (M) An establishment which arranges and manages funeral and prepares the human deceased for burial.
- (3) A funeral home may include a crematorium located within the principal building.
- (J) **HOTEL/MOTEL**
- (N) A building containing one or more guest rooms, for overnight guests, and containing registration facilities, on-site management, cleaning services and combined utilities.
- (1) All hotel and motel buildings and parking shall be located at least 50 feet from any property line adjoining a residential district or use.
- (2) Any accessory commercial activities such as restaurants shall not be located along the side of the property adjacent to a residential district or use.
- (3) Any outdoor recreation facilities, such as swimming pools, shall not be located along the side of the property adjacent to a residential district or use. If the outdoor recreation facility is a swimming pool, it shall meet the standards of § 155.308(D)(3) "Swimming Pools".
- (K) **KENNEL**
- (O) Any building or land used, designed or arranged to facilitate the care of four or more domestic animals, such as dogs and cats.
- (L) **LAUNDRY SERVICES**
- (P) An establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services with customer drop-off and pick-up.
- (M) **LOUNGE, COCKTAIL**
- (Q) A use or facility engaged primarily in the preparation and retail sale of alcoholic beverages (with food sales an allowed accessory use) for consumption on the premises. this use is also known as tavern, bar, nightclub, or similar use other than restaurant or alcohol sales for off-premises consumption.

- (1) Except in the B-1 zoning district, a cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge.
- (2) Outdoor seating and open lounge areas shall meet the criteria set forth in § 155.305(R)
- (N) **MICROBREWERY**
- (R) A facility for the production and packaging of beer and other malt beverages for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. Areas for demonstration, education, retail sale, or tasting are included in this definition as incidental to the primary use of producing beverages.
- (O) **PUBLISHER**
- (S) A building used for the production and distribution of newspapers, magazines, books, and other related materials.
- (P) **OFFICE, GENERAL**
- (T) A facility generally focusing on business, government, or professional services. General office shall include advertising offices; business management consulting, data processing, collection agency; real estate or insurance agents, and professional services such as lawyer, accountant, bookkeeper, engineer, or architect, sales office, travel agency or any similar use.
- (Q) **OFFICE, MEDICAL**
- (U) A facility in which a doctor, dentist, psychiatrist, physician's assistant, nurse practitioner, or similar medial provider treats or counsels patients.
- (R) **OUTDOOR SEATING AND SIDEWALK CAFES**
- (V) A restaurant which provides as a primary component of its business, an open area outside of the principal structure for seating including areas adjacent to sidewalks or pedestrian circulation areas.
 - (1) **Application**
 - (1) Any restaurant or cocktail lounge seeking to operate a sidewalk cafe shall, in addition to acquiring all necessary health and sanitation permits and inspection and applicable ABC and other business licenses, prepare and file an application for outdoor seating with the Planning Director.
 - (2) **Site Plan Requirement**
 - (2) A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk cafe, and the section to be kept clear for pedestrian use, and depicting the

proposed placement of tables, chairs, barriers, and other furnishings on the sidewalk or pedestrian way.

(3) Insurance and Indemnification

- (3) Applicants must show proof of meeting minimum criteria for general liability insurance and must execute an indemnification statement in favor of the Town, each as approved by the Town Attorney.

(4) Issuance of Permit

- (4) No permit for outdoor seating may be issued unless the application is complete and unless the following requirements are met.
- (a) The sidewalk cafe must be associated with an operating restaurant or business such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant and does not exceed 50% of the interior seating for the associated restaurant or business.
 - (b) The sidewalk cafe must be operated under the same name as the restaurant and may not be opened or operated at any time when the restaurant or business is not open for business.
 - (c) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business.
 - (d) The placement of tables, chairs and other furnishings, as shown in the site plan, must be done in such a manner not to extend more than five feet from the property line, provided that at least four feet of unobstructed space (as measured from the street-side edge of curb or sidewalk) remains for the passage of pedestrians. Trees, poles, signs, sandwich board signs, planters, benches, hydrants, trash receptacles, and the like are all considered obstructions.
 - (e) The restaurant seeking to operate the sidewalk cafe must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk cafe. The placement of tables, chairs, and other furnishings may not extend in front of other businesses or across other public rights-of-way.
 - (f) The tables, chairs, and other furnishings used in the sidewalk cafe shall be of a type that is easily removed from the public right-of-way. Tables, chairs, and other furnishings used in the operation of the sidewalk cafe must be removed within 24 hours' notice from the Town. If such items are not removed upon 24 hours' notice, the Town shall have the right to remove and dispose of these items and may assess the property owner for the cost of such removal and disposal. The Town shall also have the right to remove such items immediately in an emergency situation. The

Town shall not be responsible for damage to the public sidewalk cafe barricades and furnishings under any circumstances.

- (g) Except as elsewhere permitted, the operation or furnishing of the sidewalk cafe shall not involve any permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant. The owner of the sidewalk cafe shall be responsible for repairing any incidental damage to public sidewalks resulting from the operation of the sidewalk cafe.
- (h) The sidewalk cafe shall only be open when the restaurant is open. No person shall consume alcoholic beverages in a sidewalk cafe after such hours.
- (i) **Alcoholic Beverages.** Alcoholic beverages may be served and consumed at sidewalk cafes providing the following requirements are met:
 - 1. The sidewalk cafe shall be part of a standard restaurant or business and shall otherwise be authorized, permitted or licensed under the state law and Town codes to serve and sell alcoholic beverages for on-premises consumption.
 - 2. The portion of the sidewalk cafe where alcohol is or may be served shall be enclosed by clearly visible barricades and shall have not more than two points of ingress or egress.
 - 3. The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to G.S. § 18B-1001 for the purposes of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.
 - 4. Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages in open and unsealed containers from the premises.
 - 5. The business operator shall not have violated any law, regulation or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the five years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.
- (j) **Denial.** A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement, outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the Town Council within 30 working days after the date of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and determination of the Town Council shall be final.
- (k) **Permit Revocation.** The Town Manager or his designee may revoke a permit issued pursuant to this section, if he finds that the restaurant operator has:

1. Deliberately misrepresented or provided false information in the permit application;
 2. Violated any provision of this code;
 3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances;
 4. Operate the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the sidewalk cafe area clean and free of refuse; and/or
 5. Failed to maintain any health, business or other permit or license required by law for the operation of a restaurant business. Before the revocation of a permit, the Town Manager shall notify the permit holder of his intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the Town Manager shall notify permit holder in writing of the decision and the reasons therefor. A decision of the Town Manager to revoke permit may be appealed to the Town Council in accordance with the provision of this section.
- (l) **Term, Transfer, Renewal, and the Like.** Permits issued in accordance with the provisions of this section shall:
1. Be renewed automatically on an annual basis unless notice is otherwise given to the applicant or business; and
 2. Not be transferable or assignable.

(5) **Definitions**

- (5) For purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Pedestrian Way. An improved walk or passageway intended for use by pedestrians, but not adjacent to any Town street.

Restaurant. An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as restaurants, cafeterias, cafes, lunch stands, grills, snack bars, fast food businesses and other establishments, such as drug stores, which have a lunch counter or other section where food is sold to be eaten on the premises. This definition does not include food vendors selling food as part of a festival or nonprofit event.

Restaurant Operator or Business Operator. The person, firm or corporation operating a restaurant and associated sidewalk cafe. As used in this section, this definition includes the owner and manager, if different from the owner of the restaurant and associated sidewalk cafe.

Sidewalk. That portion of a public street between the curb line, or the lateral lines of the roadway if there is no curb and the adjacent property line that is intended for the use of pedestrians.

(S) **PARKING LOT**

An area provided for self-parking or valet parking of operable passenger automobiles or commercial vehicles by employees, visitors, and/or patrons of any office of government, public accommodations, commercial or industrial establishments, institutions, or any other business open to the general public. Parking lots may be further defined as being available for compensation, free, or as an accommodation to clients or customers, and are generally only utilized during regular business hours. For short-term or long-term vehicle storage, see "Self-Storage Facility".

(T) **PAWN SHOP**

Any establishment engaged in the loaning of money on the security of personal property pledged in the keeping of the pawnbroker, and the sale of such property.

- (4) Outdoor storage and display may be allowed subject to Planning Board approval (see § 155.311).

(S) **RADIO OR TELEVISION STUDIO**

An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services, broadcasting or telecommunication facilities.

- (T) **RESTAURANT**a use, facility, or establishment whose primary purpose is the preparation and sale of food for on- or off-premise consumption. this use may or may not include the accessory sale of alcoholic beverages.

- (1) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.

(U) **RETAIL SALES**

A facility involved in the wholesale or retail sale, lease, or rental of new or used products. retail shall include the selling, leasing or renting of the following goods: antiques; art; art supplies; bicycles; books; building supplies; cameras; carpet and floor coverings; crafts; clothing;

computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; health and beauty products; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; photo finishing; printed materials; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; sporting goods; stationery; tobacco; videos, or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections, and similar products whose preparation does not require installation of an exhaust hood. The retail sale of automobile parts is allowed provided that no on-site automobile service or repair is provided. This definition does not include any adult-oriented business or adult-entertainment establishment.

- (1) Outdoor display and sales and outdoor seating and dining may be allowed subject to Planning Board approval (see § 155.311).
- (2) Limited outdoor storage may be allowed in the B-3 and industrial zoning districts only, subject to Planning Board approval.
- (3) General outdoor storage may be allowed in industrial zoning districts only, subject to Planning Board approval (see §155.311).
- (3) Uses that are strictly wholesale and not available to the general public shall not be allowed in the B-1 or B-2 zoning districts.
- (4) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.

(V) **SELF STORAGE FACILITY**

A facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.

- (1) All storage shall be contained within a fully enclosed building. However, limited outdoor storage of boats, travel trailers, recreational vehicles, and other noncommercial, occasional use vehicles may allowed subject to Planning Board approval (see §155.311).
- (2) A Class C buffer (see § 155.402) shall be established along any side of the property where the self-storage facility abuts or is across the street from a residential use or a public right-of-way.
- (3) Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.
- (4) The following activities shall be prohibited on the premises:
 - (a) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage facility may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with state regulations.

- (b) Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
- (c) Operation of a transfer-and-storage business.
- (d) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.
- (e) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
- (f) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
- (g) Habitation of storage units by humans or animals.

(W) **SERVICE**

A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. General services shall include the following personal services: beauty, hair, nail, or tanning salon, massage therapy, pack-and-ship facility, animal grooming; photographic; photography, blueprint, quick-sign service; psychic or medium; security service; taxidermist; catering service or any similar use. General services shall also include the following repair services: bicycles; moped, canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith. This definition does not include any adult-oriented business or adult entertainment establishment. All activity shall be conducted entirely within a fully-enclosed building, except for the following:

- (5) Outdoor storage may only be allowed in the B-3 zoning district subject to Planning Board approval (see 155.311).
- (6) Outdoor display and sales may allowed subject to Planning Board approval (see §155.311).

(X) **TATTOO PARLOR**

An establishment whose principal business activity is the practice of one or more of the following:

- (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- (2) Piercing of the body of a person (other than the ear) for the purpose of inserting jewelry or other decoration.

(Y) **TOWING SERVICE AND STORAGE**

The use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:

- (7) Outdoor storage may allowed subject to Planning Board approval (see § 155.311).

(Z) **VEHICLE REPAIR OR SERVICE**

An establishment engaged in the repair of new or used motorized vehicles, equipment.

- (1) No vehicle sales shall be permitted.
- (2) A Class C buffer (see § 155.402) shall be established along any side of the property adjacent to a residential use.
- (3) If the facility has more than one service bay, the additional service bay doors shall not be oriented toward any residential use, or the service bays shall be screened from view from adjacent property using landscaping.
- (4) All repair or service operations, excluding washing, shall be conducted entirely within a fully enclosed building. The term fully enclosed building shall not be construed to limit open bay doors during hours of operation.
- (5) Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.
- (6) The outdoor overnight storage of vehicles may be allowed subject to Planning Board approval (see § 155.311).
- (7) There shall be no dismantling of vehicles for salvage.
- (8) The storage of impounded vehicles shall not be permitted.

(AA) **VEHICLE SALES AND RENTAL**

An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

- (1) A Class C buffer (see § 155.402) shall be established along any side of the property adjacent to a residential use.
- (2) Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.

- (3) The outdoor overnight storage of vehicles under repair may be allowed subject to Planning Board approval (see § 155.311).
- (4) Vehicle sales displayed for rental or sale visible from the public right-of-way shall provide a parking buffer as set forth in § 155.402(E)(2)(b).

(BB) **VETERINARY CLINIC**

An establishment engaged in providing medical care, treatment and temporary boarding for animals.

- (1) Outdoor runs may be permitted subject to Board of Adjustment approval (see § 155.710).
- (2) All animal boarding shall occur indoors. All pens, kennels and runs shall be located within an enclosed structure.

(CC) **VIDEO SWEEPSTAKES OPERATION**

Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, and cybercafés. This does not include any lottery approved by the State of North Carolina.

- (1) Unaccompanied persons under the age of eighteen (18) are prohibited from entering the premises.
- (2) The hours of operation shall be limited to Sunday through Thursday 9am to 1am, and Friday and Saturday 9am to 2am.
- (3) A maximum of one hundred (100) machines are allowed at each establishment.
- (4) Two (2) or fewer machines are classified as an accessory use and shall not be bound by the standards of this section.
- (5) All uses meeting the definition of Internet Sweepstakes Facilities that were established prior to December 3, 2012 shall cease operations and close or be brought into compliance with the provisions of this ordinance by midnight, December 31, 2013.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.306 INDUSTRIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) **BUILDING SUPPLIES, WHOLESALE**

An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.

- (8) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

(B) **CREMATORIUM**

A place used and dedicated to the cremation of human remains or pet animal remains.

(C) **GAS AND FUEL, WHOLESALE**

The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

(D) **LABORATORY, RESEARCH**

An establishment engaged in industrial, scientific or medical research, bio-manufacturing, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.

- (9) Outdoor manufacturing, processing or testing shall be limited to industrial districts only.

(E) **MANUFACTURING, LIGHT**

A FACILITY CONDUCTING Medium and light MANUFACTURING OPERATIONS, PRIMARILY INVOLVING THE CREATION OF FINISHED PRODUCTS OR PARTS FROM PREVIOUSLY PREPARED MATERIALS and the manufacturing of products and materials from extracted raw materials. THE PROCESSING, FABRICATION, ASSEMBLY, TREATMENT, PACKAGING, AND STORAGE OF SUCH PRODUCTS IS ALSO INCLUDED. ALL ACTIVITIES shall OCCUR WITHIN A FULLY ENCLOSED BUILDING no manufacturing involved shall produce noise, vibration, air pollution, fire hazard, or noxious emission which may disurb or endanger neighboring properties.

- (1) All manufacturing activity shall be conducted entirely within a fully enclosed building.
- (2) Outdoor storage and display may allowed subject to Planning Board approval (see § 155.311).

- (3) Uses shall not emit smoke, odor, objectionable waste materials or excessive noise.
- (4) No vibration shall be produced that is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.
- (5) No direct glare from high temperature processes such as combustion or welding visible from the street shall be permitted.

(F) **MANUFACTURING, HEAVY**

A facility conducting assembly heavy manufacturing with operation conducted indoors and outdoors. Heavy manufacturing shall include the following: heavy factory production; industrial yards; any use that is potentially dangerous, noxious or offensive to neighboring uses or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause; animal processing, packing, treating, and storage; livestock or poultry slaughtering; citrus concentrate plant; processing of food and related products; production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill; bulk storage of flammable liquids; commercial feed lot; concrete batching and asphalt processing and manufacture; wrecking, junk or salvage yard; bottling plant; or any similar use.

(G) **RESEARCH AND DEVELOPMENT**

A facility focused primarily on the research and development of new products. Research and development shall include: offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research, and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

(H) **WAREHOUSE AND FREIGHT MOVEMENT**

A facility involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and freight movement shall include the following: bulk storage, including nonflammable liquids, feed and grain storage; cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; stockpiling of sand, gravel, or other aggregate materials; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred; or any similar use.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Ord. 2017-04-06, approved 04/03/2017)

§ 155.307 UTILITIES USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(B) **RECYCLING CENTER**

A permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.

(10) To ensure compatibility with surrounding uses, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed.

(B) **RENEWABLE ENERGY FACILITY**

A facility that generates renewable energy from sources such as solar, wind, or other systems with a principal use of producing electric, thermal power, or mechanical power.

(C) **TELECOMMUNICATION FACILITY**

Any tower, site, building, structure, or other facility whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, and cellular telephone transmission towers, antennae, and accessory equipment and buildings. Specific standards for communication towers are set forth in § 155.310.

(D) **UTILITY, MAJOR**

A large-scale utility such as a water or wastewater treatment plant, water tower, electrical generation plant, or transmission facility or any similar use.

(E) **UTILITY, MINOR**

All utility facilities not considered major, including, but not limited to neighborhood-serving facilities such as pump stations, telephone exchanges, lift stations, and stormwater detention facilities, or any similar use.

(F) **WASTE SERVICE**

A facility that generally receives solid or liquid wastes from others for transfer to another location, collects sanitary waste, or manufactures a product from the composting of organic material. Waste-related service shall include the following: animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle

processing center; outdoor storage of recyclable material, including construction material; transfer station; or any similar use.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.308 ACCESSORY STRUCTURES AND USES.

(C) GENERAL

Accessory structures and uses shall be consistent with all standards in the district for the principal use, except as expressly set forth below. Additional design considerations may be outlined in the Clayton General Design Guidelines.

- (1) Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal uses. An accessory use shall only be allowed when a principal use exists.
- (2) Accessory structures and uses shall be located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.
- (3) Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
- (4) Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.
- (5) An accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served.
- (6) An accessory use shall be located within the same district as the principal use.
- (7) Tractor-trailers are prohibited as storage buildings or structures except as permitted on an active construction site.

(B) ACCESSORY STRUCTURES

Accessory structures, not including accessory dwelling units (see (C)(1) of this section) or in-ground pools, shall be subject to the following requirements:

(1) Zoning Permit Required

It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of an accessory structure, until the Planning Department has issued a zoning permit for such work (see § 155.709).

(2) Setbacks

- (a) No accessory structure shall be located closer than ten feet to any other building or manufactured home.
- (a) No accessory structure shall extend in front of the front line of the principal structure, except in the B-1 zoning district where the Board of Adjustment may approve a

Conditional Use Permit for an accessory use or structure to be placed in any yard other than the rear yard.

- (b) No accessory structure may extend within five feet of any lot line in R-6 and R-8 Districts, and within ten feet in all other zoning districts. No accessory structure shall be located within 20 feet of any street right-of-way.

(3) **Height**

The height of an accessory structure shall not exceed the height of the principal structure or 25 feet, whichever is lesser, unless approved as a Conditional Use Permit by the Board of Adjustment, as provided in § 155.710.

(4) **Number**

- (a) Up to two accessory structures may be permitted on the same lot, subject to meeting the criteria elsewhere in this section.
- (b) No more than one shed is permitted in the R-6 and R-8 zoning districts.
- (c) Two or more accessory structures may not be joined together by adding a roofline, such as a breezeway or covered walkway, to give the appearance of a lesser number of structures.

(5) **Size**

- (a) An accessory structure may not exceed the gross floor area of the primary structure on the site. This restriction does not apply to in-ground pools.

(6) **Architectural consistency**

- (a) On non-residential or mixed use sites, the architecture of accessory structures shall be consistent with the primary structure.

(C) **ACCESSORY USES IN RESIDENTIAL DISTRICTS**

(1) **Accessory Dwelling Units**

One accessory dwelling shall be permitted as a conditional use by the Board of Adjustment (see § 155.710) subject to their approval and the following requirements:

- (a) The living area of the accessory dwelling shall not exceed the living area of the principal structure. In no case shall the total floor area of the accessory dwelling unit exceed 600 square feet.
- (b) The accessory dwelling shall not have a separate electrical meter.

- (c) The owner of the property shall occupy either the primary structure or the accessory dwelling.
- (d) The principal dwelling and accessory dwelling unit together shall not exceed the maximum building coverage and impervious surface requirements for the district.
- (e) All principal structure setbacks and yard requirements shall be met.
- (f) One additional parking space on the same premises shall be required for the accessory dwelling unit.
- (g) A subdivision with accessory dwelling units shall not exceed the maximum district density requirements, counting all principal dwelling units and any accessory dwelling units.
- (h) An accessory dwelling shall either be located within the principal structure; or meet the following standards:
 - 1. The accessory dwelling shall be located on the same lot as the principal structure.
 - 2. The accessory dwelling shall be separated by at least ten feet from the principal structure.
 - 3. The accessory dwelling shall be located in the rear or side yard of the principal structure. The rear and side setback shall be equal to those of all accessory structures.
 - 4. Total building coverage and impervious surface area shall not exceed that permitted in the district.
 - 5. The height of a principal structure shall not be exceeded by any accessory dwelling.
 - 6. The accessory dwelling unit shall be architecturally consistent with the principal structure.

(2) **Home Occupations**

Prohibited Home Occupations

- (a) The following uses are not permitted as home occupations:
 - 1. Vehicle and/or body and fender repair.
 - 2. Outdoor repair or outdoor storage.
 - 3. Commercial nursery or truck farming.

4. Food handling, processing or packing, other than services that utilize standard home kitchen equipment.
5. Medical or dental lab.
6. Restaurant.
7. Sale or repair of firearms.
8. Bulk storage of flammable liquids.
9. Funeral homes and mortuaries.
10. Animal hospitals and kennels.

(b) ***Class A Home Occupations***

The intent of a Class A Home Occupation is to permit very limited activities in a residential dwelling, provided such activities do not impact or detract from the residential character of the neighborhood. A Class A Home Occupation shall be deemed an accessory use and no further approval shall be required, provided the use meets the standards of this chapter.

1. The use of the dwelling unit for Class A Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.
3. No business, storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit.
4. No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
5. No display of products shall be visible from the street.
6. A Class A Home Occupation shall be subject to all applicable licenses and business taxes.
7. No persons other than members of the family residing on the premises shall be engaged in the home occupation.
8. Storage space and the operation of the business inside the dwelling unit shall not exceed 25% of the first floor area of the residence.

9. Customers and employees coming to the residence to conduct business shall not be permitted.
10. No signage shall be permitted.

(c) **Class B Home Occupations**

A Class B Home Occupations is a business, profession, occupation or trade conducted for gain or support within a residential dwelling or its accessory buildings that requires employees, customers, clients or patrons to visit the home. A Class B Home Occupation shall be permitted as a conditional use provided that the Board of Adjustment shall determine in its judgment that:

1. It is carried on by a person residing on the premises and employs no more than two employees not living on the premises.
2. No more than 20% of the total actual floor area of the dwelling shall be in the conduct of the home occupation.
3. No more than two vehicles are used in the conduct of the home occupation, and such vehicles are parked off the street.
4. No merchandise or commodity is sold on the premises, except what is incidental to the home occupation.
5. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.
6. No expansion shall be permitted outside the principal structure that houses the home occupation, except that which is necessary to house vehicles used in the conduct of home occupation.
7. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.
8. The use will not create undue traffic congestion or create a traffic hazard.
9. Advertising signs shall be limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the home occupation, or one yard sign of the same size not to exceed three feet in height.

(3) Day Care Facility

(a) All accessory daycare facilities shall be subject to the requirements for Day Care Facilities, outlined in §155.302(E).

(b) In-home day cares, consisting of no more than 6 children and operating within a residential dwelling unit by a person that is a resident of the dwelling, shall be

permitted subject to the requirements of a Class “B” Home Occupation (see §155.308).

- (c) An accessory day care facility to a church or place of worship shall be permitted as outlined in §155.308(E). A Conditional Use Permit shall not be required for an accessory day care facility to a church or place of worship.

Commented [HH1]: Already permitted in the UDC. Adding language for clarification, and consistency with Use Table update. References existing code sections regarding day care facilities

~~(3)~~(4) **Swimming Pools**

When allowed, in-ground and aboveground swimming pools that have a water depth over 24 inches and or have a surface area of at least 100 square feet shall be subject to the following requirements (see Chapter 154, Swimming Pools, of the Town Code of Ordinances for additional standards).

(a) **Private Pools**

Private swimming pools (including any associated decking, pool house, pool chemical storage shed, or equipment associated with the pool) on single-family detached, zero lot lines, alley-loaded, and two-family lots shall not be located in the street yard and shall not be closer than five feet to any property line.

(b) **Outdoor Community Pools, Private Club Pools, or Pools in Multi-Family Complexes**

1. Outdoor pools (including any associated decking, pool house, pool chemical storage shed, or equipment associated with the pool) shall be located at least 50 feet from any property line adjacent to a residential district or use, and at least 25 feet from any property line adjacent to any other district or use.
2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement is waived if a permit has been issued for a special event.

~~(4)~~(5) **Vehicle Repair**

Up to two vehicles may be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence.

~~(5)~~(6) **Vehicle Sales**

Vehicle sales shall be prohibited within a residential district or on property devoted to residential use, except that the sale of a private vehicle registered to the occupant of the residence shall be allowed. No more than one such vehicle shall be displayed at a time.

(D) **ACCESSORY USES IN NONRESIDENTIAL DISTRICTS**

(1) **Drive-Thru (aka Drive-Through)**

Drive-thru facilities shall be subject to the following requirements:

- (a) A drive-thru shall only be permitted in conjunction with a permitted nonresidential use.
- (b) Drive-thru windows and lanes shall be screened in accordance with § 155.402(G).

(2) **Food Truck**

(a) ***Permits Required***

- 1. Food truck vendors must provide documentation of approval from the Health Department of the County in which the food truck's associated restaurant or commissary is located.
- 2. The County Health Permit must be displayed during hours of operation.

(b) ***Public Safety***

- 1. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
- 2. Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.
- 3. If the food truck is operating after dark, the food truck vendor shall provide appropriate lighting.
- 4. A food truck vendor shall not operate the food truck as a drive-in window.
- 5. The Planning Director may engage in zoning enforcement or prohibit/suspend a food truck vendor's operations if are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or such use is otherwise creating a danger to the public health or safety.

(c) ***General Location Requirements***

- 1. Food trucks must be located on private property with written permission from property owner.
- 2. Food trucks shall be positioned at least 400 feet from the customer entrance of an existing restaurant during hours of operation, unless the vendor provides documentation that the restaurant owner supports a closer proximity.
- 3. Food trucks shall not block parking spaces, drive aisles, access to loading/service areas, or emergency access and fire lanes. Food truck vending must also be positioned at least 15 feet away from fire hydrants, any fire department connection, and driveway entrances.

4. No more than two food trucks are permitted as an accessory use, unless at an approved special event, market, festival, or an active construction site.

(d) **Hours of Operation**

Food trucks must cease operations between the hours of 12 a.m. and 7 a.m., and are not permitted to remain on site overnight.

(e) **Signage**

No signage shall be allowed other than signs permanently attached to the motor vehicle. An easel sign no more than 12 square feet per sign face in display area may be placed within the customer waiting area.

(3) Day Care Facility

- (a) An accessory day care facility shall only be permitted as an accessory to the following uses:

1. Hospital or Medical Center (§155.302(G))
2. School (Elementary or Secondary) (§155.302(H))
3. School (Technical, Trade, or Business) (§155.302(I))
4. Entertainment, Indoor (§155.303(A))
5. Entertainment, Outdoor (§155.303(B))
6. Fitness/Recreation Center (§155.303(C))
7. Creative Studio, (§155.305(G))
8. Office, General, (§155.305(P))
9. Office, Medical, (§155.305(Q))
10. Research & Development, (§155.306(G))
11. Church or Place of Worship, (§155.302(C))

- (b) All accessory daycare facilities shall be subject to the requirements for Day Care Facilities, outlined in §155.302(E).

- (c) An accessory day care facility to a church or place of worship shall be permitted as outlined in §155.308(E). A Conditional Use Permit shall not be required for an accessory day care facility to a church or place of worship.

Commented [HH2]: Already permitted in the UDC. Referencing the section for clarification.

(4) Park

- (a) An accessory park shall be permitted in the forms of community gardens, playgrounds, or other small-scale recreational amenities that are secondary in nature to the primary use of the property.

- (b) Accessory park uses shall be subject to minor site plan review in accordance with §155.707, illustrating the proposed boundaries of the park, amenities, and any other applicable elements.

(c) Additional parking to accommodate the accessory park shall be required in accordance with §155.401.

(5) Outdoor Display & Sales

Commented [HH3]: Relocated from 155.311. No change to existing language

(a) Outdoor display and sales shall be generally defined as the display and sales of goods, wares or merchandise outside of a permanent structure on property owned or leased by the person, firm or corporation. Outdoor display and sales must be secondary and incidental to the principal use or structure on the property, unless authorized pursuant to § 155.309, Temporary Use.

(b) Outdoor display and sale areas greater than 50 square feet shall only be permitted following Planning Director review of a minor site plan in accordance with § 155.707, illustrating the extent of the permitted area for outdoor display and sales subject to the standards below. Outdoor display and sale areas 50 square feet or less do not require site plan approval, but are subject to the standards below.

(c) The location of outdoor merchandise must be on the same property as the principal use, and not within the right-of-way, except that in the B-1 zoning district it may be displayed in the right-of-way, provided that clearance requirements are maintained for pedestrian passage.

(d) Merchandise shall be displayed to allow pedestrians use of the adjacent sidewalk or parking areas, and shall meet ADA accessibility requirements.

1. Any merchant desiring to display and sell merchandise along a public sidewalk or right-of-way must also receive approval from the Town Manager or his designee, and agree to following stipulations:

A. Merchandise must be removed from the sidewalk within 24 hours of notice from the Town. If such items are not removed following notice, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situation. The Town is not responsible for damage to the merchandise under any circumstances.

C. The owner of the business displaying or selling merchandise within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from the display of merchandise.

D. Merchandise must be removed from the sidewalk when the business is closed.

(6) Outdoor Dining

Commented [HH4]: Relocated from 155.311. No change to existing language.

(a) Outdoor dining shall be defined as the placement of tables and chairs for dining outside of a permanent structure.

(b) General Requirements

1. Outdoor dining shall be permitted with a zoning compliance permit for 8 or fewer seats. More than 8 seats is subject to a minor site plan, or as a component of a major site plan in accordance with § 155.707, illustrating the extent of the outdoor dining area, the maximum seating capacity, and subject to the standards below. The impact of outdoor dining areas on adjacent churches, hospitals, public schools, and residential uses shall be mitigated to minimize potential impacts related to glare, light, loitering, and noise.

2. Patron tables and other outdoor dining area components shall be clearly defined and located on the same site as the other facilities of the restaurant or on the adjacent public right-of-way. Separation between the seating and vehicular or pedestrian traffic by a physical barrier may be required, with the design to be approved by the Planning Director.

3. Separation may be achieved through the use of materials which include, but are not limited to landscape planters, walls, railings or a combination thereof. Only barriers composed of landscape planters or masonry walls may be solid.

(c) The additional parking necessary to accommodate seating created in the outdoor dining area shall comply with the parking requirements set forth in § 155.401 of this Chapter.

(d) Outdoor dining areas and associated structural elements, such as awnings, covers, umbrellas, or other physical elements shall be compatible with the overall design of the main structure and must maintain a height clearance of eight feet and meet ADA accessibility requirements. Dining equipment (including, but not limited to tables, chairs, space heaters, barriers) may remain in place.

(e) The Town may revoke the outdoor dining area if it is determined that its operation is causing litter problems either on or off the property where the dining is located or that such use is otherwise creating a danger to the public health or safety.

(f) In addition to the requirements set forth above, if any portion of the outdoor dining area is to be located within a public right-of-way (sidewalks only), the dining area must also receive approval from the Town Manager or his designee, and agree to following stipulations. Outdoor dining within right-of-way owned and operated by the State of North Carolina, must also meet the requirements of G.S. 136-27.4 listed below.

1. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.

2. Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.
 3. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.
 4. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
 5. The restaurant operator shall provide evidence of adequate liability insurance specified by the Town under G.S. 160A-485 as the limit of the Town's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name NCDOT and the Town as additional insured on any policies covering the business and the sidewalk activities.
 6. The restaurant operator shall provide an agreement to indemnify and hold harmless NCDOT and the Town from any claim resulting from the operation of sidewalk dining activities.
 7. The restaurant operator shall provide a copy of all permits and licenses issued by the State, County or Town, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the Town for exterior alterations or improvements to the restaurant.
 8. The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the Town, its agents or employees, or by any other governmental entity or public utility.
 9. Any other requirements deemed necessary by the NCDOT, either for a particular Town or a particular component of the State highway system.
- (g) The Town reserves the right to terminate the use of outdoor dining within the public right-of-way at any time. Upon notice, all furnishings must be removed from the sidewalk within 24 hours of notice from the Town. If furnishings are not removed within the time specified, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The

Town has the right to remove such items immediately in emergency situations. The Town is not responsible for damage to the furnishings under any circumstances.

- (h) The owner of the business utilizing a dining area within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from outdoor dining furnishings.

(7) **Limited Outdoor Storage**

Commented [HH5]: Relocated from 155.311

- (a) Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles (not associated with outdoor sales and display including vehicle sales, vehicle repair or car rental), merchandise or material in boxes, crates, on pallets or other kinds of containers, shopping carts, or other similar merchandise, material or equipment.

- (b) Limited outdoor storage shall only be permitted as an accessory use following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.

Commented [HH6]: New language for clarification

1. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100% opaque visual barrier or screen.
2. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.
3. Limited outdoor storage shall not be permitted in a street yard or otherwise forward of the front building line.

(8) **General Outdoor Storage**

Commented [HH7]: Relocated from 155.311

- (a) General outdoor storage shall be defined as salvage yards, vehicle junk yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.

- (b) General outdoor storage shall only be permitted as an accessory use following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.

Commented [HH8]: New language for clarification

1. General outdoor storage shall be screened by 100% opaque, eight foot high visual barrier or screen. When located abutting or across the street from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view.
2. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.

3. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.

4. General outdoor storage may be located in the side or rear yard.

(2)(9) Swimming Pools

- (a) Outdoor pools shall meet the standards of Chapter 154, Swimming Pools, of the Town Code of Ordinances.
- (b) Outdoor pools including decking shall be located at least 50 feet from any property line adjacent to a residential district or use, and at least 25 feet from any property line adjacent to any other district or use.
- (c) When the pool is adjacent to residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement may be waived if a permit has been issued for a special event.

(E) ACCESSORY USES FOR PLACES OF WORSHIP

Accessory uses are permitted for a place of worship in accordance with the following standards.

The following facilities may be considered accessory to a place of worship. Additional buffering may be required through the review and approval of a site plan to address the intensity of the proposed place of worship and the proposed accessory uses.

- (a) Offices for the place of worship;
- (b) Rooms for religious instruction or counseling;
- (c) Meeting rooms for intermittent community meetings or instruction;
- (d) Fellowship hall;
- (e) Kitchen facilities;
- (f) Senior center, neighborhood arts center or other community center;
- (g) Temporary child care during religious services or events;
- (h) Outdoor play area;
- (i) Columbarium;
- (j) "Meals on Wheels" or other similar programs using the kitchen in the place of worship but delivering food elsewhere; and
- (k) Residence for clergy employed by the place of worship.

- (2) The following accessory uses are subject to approval of a major site plan by the Planning Board (see § 155.707).
- (a) Gymnasium or similar indoor recreational facility;
 - (b) Cemetery;
 - (c) Overnight accommodation for visiting clergy and non-paying guests of clergy employed by the place of worship;
 - (d) Child care center;
 - (e) School;
 - (f) Soup kitchen or other social service facility; and
 - (g) Athletic field or similar facility.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Ord. 2017-04-06, approved 04/03/2017)

§ 155.309 TEMPORARY USES

(A) GENERAL REQUIREMENTS

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this chapter, the following regulations shall govern temporary uses.

(B) TEMPORARY USES EXEMPT FROM PERMIT

The following permitted temporary uses are exempt from these requirements.

- (1) Christmas tree sales lots.
- (2) Garage or yard sales are permitted only by the property owner on their property and are allowed once every four months at any given location. The sale may not exceed three consecutive days in length. Advertising signs may not be placed on any rights-of-way or off-site locations without the owners' permission.
- (3) Storage pods for off-site storage of household or other goods located in any street yard are permitted for a maximum of seven consecutive days, and any side or rear yard for a maximum of 30 consecutive days.

(C) TEMPORARY USE PERMIT REQUIRED

The following temporary uses are allowed in the frequency stated below, except that no property shall have more than four of the events listed below in one calendar year.

(1) Commercial Circuses, Carnivals or Fairs

Commercial circuses, carnivals or fairs, for not more than two consecutive weeks in any calendar year.

(2) Temporary Religious or Revival Activities

Temporary religious or revival activities in tents in association with a place of worship, for not more than two consecutive weeks in any calendar year.

(3) Non-profit Special Events

Special events run by non-profit, charitable organizations occurring no longer than seven consecutive days once every three months.

(4) Tent Sales

Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every six months.

(5) **Grand Opening Sales**

Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy.

(6) **Outdoor Vehicle Show or Sale**

Outdoor motor vehicle or recreational vehicle show or sale, for three consecutive days, twice per calendar year.

(7) **Other Temporary Uses**

Other temporary uses similar in nature to the ones listed above, with corresponding limitations, as determined by the Planning Director.

(D) **TEMPORARY OUTDOOR DISPLAY OF MERCHANDISE**

Permanent outdoor display of merchandise may be approved as part of major site plan (see § 155.311).

(1) Outdoor display of merchandise in nonresidential districts by merchants occupying the premises and having a valid certificate of occupancy, occurring no longer than nine consecutive days up to four times per year, is allowed subject to issuance of a temporary use permit and all of the following conditions.

- (a) Merchandise shall only be displayed in front of the premises occupied by the merchant.
- (b) Merchandise shall not be displayed closer than five feet to any entrance to the premises.
- (c) Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or traffic.
- (d) The display of merchandise shall not exceed eight feet in height.
- (e) Merchandise shall only be displayed during the merchant's hours of operation, and must be taken inside the premises at closing.
- (f) Merchandise shall only be displayed in an area not wider than 50% of the total linear foot frontage of the building occupied by the merchant.
- (g) The required temporary use permit must be visibly displayed at the main entrance of the associated merchant.

- (h) A violation of any conditions set out in this section shall constitute a violation of the temporary use permit and cause said temporary use permit to be revoked. Once revoked, a temporary use permit shall not be issued for the same temporary use for a period of one year.
 - (2) Any temporary use permit issued under (C)(1) through (7) of this section shall be counted in the maximum number of temporary use permits allowed for the temporary outdoor display of merchandise.
 - (3) The requirements of this section do not supersede the permanent outdoor storage or display requirements of §155.311.
- (E) **MANUFACTURED HOME OR TRAILER FOR TEMPORARY USE**

After approval by the Planning Director, a manufactured home or trailer may be used as a temporary office, security shelter, or shelter for materials or tools (but not for residential purposes or sales offices) incident to construction on or development of the premises upon which the manufactured home or trailer is located. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than six months without the further approval of the Planning Director. The temporary use shall be approved only upon finding that actual construction is continuing.
- (F) **TEMPORARY USE IN CONJUNCTION WITH SPECIAL EVENT PERMIT**

Where a valid permit has been issued by the Town for use of adjacent right-of-way that makes the street unavailable to vehicular traffic, a temporary use permit may be issued in accordance for events on the grounds or in the parking lot of any adjacent parcel during the period of the special event permit.
- (G) **REAL ESTATE DEVELOPMENT PROJECTS**
 - (1) A developer may request a temporary use permit for necessary commercial promotional, storage, or fabrication activities at the development site which occur during construction of that developer's project.
 - (2) When the request is for a temporary sales office, model home, or apartment, the application shall list the lots, apartment units, or dwelling units to be initially sold.
 - (3) The temporary use permit shall be restricted to only those activities and properties listed on the petition. Such activities shall not include any sale of properties outside the development site or any resale of properties.
 - (4) The following uses in connection with such a project require a temporary use permit:
 - (a) Offices for sale of real estate or for persons engaged in the development.

- (b) Construction materials storage, general contractor's business office, processing, or fabrication.
- (c) Equipment storage.
- (d) Model homes or sample apartments.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.310 TELECOMMUNICATION FACILITIES

(A) PURPOSE AND LEGISLATIVE INTENT

The purpose of this Section is to establish general guidelines for the locating, collocating, modifying or upgrading of telecommunications towers, antenna, ground equipment and related accessory structures. It is the intent of this Section to:

- (1) Promote the health, safety, and general welfare of the public by regulating the locating of telecommunication facilities.
- (2) Minimize the impacts of telecommunication facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.
- (3) Encourage the location and collocation of telecommunication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional towers.
- (4) Accommodate the growing need and demand for new and upgraded telecommunication services.
- (5) Encourage coordination between suppliers and providers of personal telecommunication services.
- (6) Establish predictable and balanced codes governing the construction and location of telecommunications facilities within the confines of permissible local regulations.
- (7) Establish review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time as required by applicable state and federal regulations.
- (8) Respond to the policies embodied in the Telecommunications Act of 1996 so that no discrimination between providers of functionally equivalent personal wireless services occurs, or to prohibit or have the effect of prohibiting personal wireless services.
- (9) Respond to the policies in Section 6409 of the Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)).
- (10) Protect the character of the Town while meeting the needs of its citizens to enjoy the benefits of telecommunication services.
- (11) Encourage the use of public lands, buildings, and structures as locations for telecommunications infrastructure demonstrating concealed technologies and revenue generating methodologies.

(B) **AUTHORITY**

The provisions of this Section are permitted under authority granted by the General Assembly of the State of North Carolina with particular reference to Article 6 of Chapter 153A of the North Carolina General Statutes.

(C) **SPECIFIC TELECOMMUNICATION DEFINITIONS**

- (1) **Alternative Structure**
A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including, but not limited to buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.
- (2) **Amateur Radio Tower**
Any tower used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.
- (3) **Ancillary Structure**
Any form of development associated with a communications facility, including, but not limited to foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.
- (4) **Anti-Climbing Device**
A piece or pieces of equipment designed to prevent people from climbing the structure.
- (5) **Antenna**
Any apparatus designed for the transmitting and/or receiving of communication signals, including, but not limited to telephonic, radio and television communications.
- (6) **Antenna Array**
A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving communication signals.
- (7) **Antenna Element**
Any antenna or antenna array.
- (8) **Antenna Modification**
See collocation.
- (9) **Antenna Upgrade**
See collocation.
- (10) **ASR**
The Antenna Structure Registration Number as required by the FAA and FCC.

- (11) **Base Station**
The electronic equipment utilized at the base of a tower for the transmission and reception of communication signals.
- (12) **Breakpoint Technology**
The engineering design of a tower wherein a specified point on the tower is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point. In the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the tower.
- (13) **Broadcast Facilities**
Towers, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- (14) **Collocation**
The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower or attached communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.
- (15) **Combined Antenna**
An antenna or an antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.
- (16) **Concealed**
A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with the natural environment or existing and proposed building(s) and uses on a site. There are two types of concealed facilities:
 - (a) **Antenna Attachments.** These include painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.
 - (b) **Freestanding.** Freestanding concealed tower's usually have a secondary, obvious function which may include church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.
- (17) **Development Area**
The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.
- (18) **Discontinued**
Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 consecutive days.

(19) **Distributed Antenna System (DAS)**

A network of smaller, spatially separated antenna nodes located within the public right-of-way and installed on either existing or new utility poles and connected to a communications network. A DAS network splits the transmitted signal among several smaller antennas to provide coverage and reliability over the same area as a single traditional tower/ antenna.

(20) **Equipment Compound**

The fenced-in area surrounding the base station equipment including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

(21) **Equipment Cabinet**

Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of communication signals.

(22) **FAA**

The Federal Aviation Administration.

(23) **FCC**

The Federal Communications Commission.

(24) **Feed Lines**

Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

(25) **Flush-Mounted**

Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

(26) **Geographic Search Ring**

An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

(27) **Handoff Candidate**

A wireless communication facility that receives call transference from another wireless facility.

(28) **Least Visually Obtrusive Profile**

The design of a communication facility and its equipment to present a visual profile that is the minimum profile necessary for the facility to properly function.

- (29) **Non-concealed**
A tower, ancillary structure, or equipment compound that is readily identifiable as such and can be either freestanding or attached.
- (30) **Personal Wireless Service**
Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996.
- (31) **Public Safety Communications Equipment**
All communications equipment utilized by a public entity for the purpose of ensuring the safety its citizens and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.
- (32) **Radio Frequency Emissions**
Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, tower, building, or other vertical projection.
- (33) **Radio Frequency Propagation Analysis**
Computer modeling to show the level of signal saturation in a given geographical area.
- (34) **Satellite Earth Station**
A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of communications signals with satellites.
- (35) **Structure**
Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.
- (36) **Tower**
Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers, public towers, replacement towers, collocation on existing towers, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty feet. Types of support structures include the following:
- (a) **Guyed.** A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly

is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

- (b) **Lattice.** A tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
- (c) **Monopole.** A style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

(37) **Tower Base**

The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

(38) **Tower Height**

The vertical distance measured from finished grade to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

(39) **Tower Site**

The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.

(D) **EXEMPTIONS**

The following items are exempt from the provisions of this Section:

- (1) Any amateur radio tower less than 50 feet in height or communications towers existing or permitted prior to the adoption of this Section.
- (2) Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential zoning districts and two meters or less in all other zoning districts.
- (3) A government-owned communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from this Section beyond the duration of the state of emergency.
- (4) A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.

- (5) A temporary, commercial communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the Town, except that such facility must comply with all federal and state requirements. Said communications facility may be exempt from this Section for up to one week following the special event.

(E) **APPLICABILITY**

Unless specifically exempted above, this Section applies to development activity involving the installation, construction, or modification of all antenna and tower facilities. This includes but is not limited to:

- (1) Non-commercial, amateur radio station antennas.
- (2) Existing towers.
- (3) Proposed towers.
- (4) Public towers.
- (5) Mitigation of towers.
- (6) Collocation on existing towers.
- (7) Attached wireless communications facilities.
- (8) Concealed wireless communications facilities.
- (9) Non-concealed towers.
- (10) Broadcast facilities.

(F) **ABANDONMENT (DISCONTINUED USE)**

- (1) Towers, antennas, and the equipment compound shall be removed at the owner's expense should the facility/tower not have active antennas in use for a period of 180 days.
- (2) An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Town may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the Town may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town may cause removal of the tower with costs being borne by the owner.
- (3) Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.

(G) **CONFLICT WITH OTHER LAWS OR REGULATIONS**

When the requirements of this Section conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of the Town, State or Federal Government, or deeds restrictions imposed by the developer or subdivider, the more stringent requirements shall govern.

(H) **INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS**

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a collocation shall agree in a written statement to the following:

- (1) Compliance with “Good Engineering Practices” as defined by the FCC in its rules and regulations.
- (2) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- (3) In the case of an application for co-located telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant’s proposed facilities will not cause radio frequency interference with the Town’s public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
- (4) Whenever the Town has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
 - (a) The Town shall provide notification to all wireless service providers operating in the Town of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the Town and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.
 - (b) If any equipment owner fails to cooperate with the Town in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the Town public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency

interference, for reimbursing the Town for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the Town to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within 24 hours of Town's notification.

(I) **BUILDING CODE REQUIREMENTS**

Towers shall be constructed and maintained in conformance with all applicable building code requirements.

(J) **ZONING PROCESS LEVELS**

Table 3-1 below indicates the zoning process for the different types of tower projects.

Table 3-1 Process

PROCESS LEVEL	APPROVAL AUTHORITY	PROCESS TYPE ¹	USE
I	Planning Department	P	Amateur radio no greater than fifty (50) feet in height
II	Planning Department	TRC	DAS network equipment, concealed towers, collocation, attached antennas, base station equipment
III	Town Council	TC	New towers other than those defined as concealed
IV	Town Council	TC	Broadcast facilities
Notes: 1. P - Permitted by right TRC - Subject to Technical Review Committee approval (staff level) TC - Subject to Special Use Permit approval by Town Council			

(1) **Process Level I**

The Zoning Compliance Permit issued by the Planning Department to an individual, corporation, partnership, or other entity to engage in the creation of amateur radio tower

(2) **Process Level II**

The Zoning Compliance Permit issued by the Planning Department (after Technical Review Committee approval) to an individual, corporation, partnership, or other entity to engage in

the installation of DAS network equipment or concealed towers and collocation, attached antennas, base station equipment or antenna element replacements.

(3) **Process Level III**

The Special Use Permit issued by the Planning Department (after public hearing and approval by Town Council to an individual, corporation, partnership, or other entity to engage in the creation of new towers, excluding amateur radio towers.

(4) **Process Level IV**

The Special Use Permit issued by the Planning Department (after public hearing and approval by Town Council to an individual, corporation, partnership, or other entity to engage in the creation of new towers, specifically broadcast facilities.

(K) **LOCATING ALTERNATIVES ORDER**

(1) **Locating of New Antenna Array & New Towers**

Locating of a new antenna array and new tower shall be in accordance with the preferred location hierarchy provided in Table 3-2 below.

Table 3-2 Preferred Location Hierarchy

Ranking	Type
1	Concealed attached antenna
2	Collocated/combined/DAS antenna on existing tower
3	Replacement of existing tower
4	Non-concealed attached antenna
5	Concealed freestanding tower
6	Non-concealed freestanding tower

(2) **Locating of Attached, Collocated, DAS, and Combined Antenna**

For attached, co-located, or combined antenna, the order of ranking preference, highest to lowest, shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(3) **Replacement of Existing Tower**

For replacement of an existing tower, the order of ranking preference from highest to lowest shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(4) **Freestanding Towers**

Where a freestanding tower is permitted, the order of ranking preference from highest to lowest shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required and demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed communications facility, and the existing land uses of the subject and surrounding properties within 300 feet of the subject property.

(L) **APPLICATION REQUIREMENTS**

All tower applications shall contain the following:

- (1) Completion of the Town of Clayton's Site Plan and Tower Application.
- (2) Proof that a property and/or tower owner's agent has appropriate authorization to act upon the owner's behalf, if applicable.
- (3) Application Fee.
- (4) Site Plan.
- (5) Written statement indicating that the criteria set forth in Section 155.310 (H) are met.
- (6) For new towers: A determination of need demonstrating that no existing tower can accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.
- (7) Valid FCC license / approval, as applicable.

(M) **GENERAL DEVELOPMENT STANDARDS**

(1) **Visibility**

- (a) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

- (b) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
 - (c) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the new tower. The applicant shall arrange to raise a colored balloon no less than three feet in diameter at the maximum height of the proposed tower, and within fifty horizontal feet of the center of the proposed tower.
 - (d) The applicant shall meet the following for the required balloon test:
 - 1. Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least 14 days in advance.
 - 2. The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date.
 - 3. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
 - 4. Re-advertisement will not be required if inclement weather occurs.
 - (e) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
 - (f) In residential zoning districts, new towers shall only be considered on lots whose principal use is not residential.
- (2) **Construction**
- (a) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
 - (b) Towers shall be constructed to accommodate antenna arrays as follows:
 - 1. All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four antenna arrays.
 - 2. All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five antenna arrays.
 - 3. All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six antenna arrays.

- (c) Freestanding non-concealed tower shall be limited to monopole type towers, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

(3) **Setbacks**

Freestanding towers and equipment compounds shall be subject to the setbacks described below:

- (a) If the tower has been constructed using breakpoint design technology (see 'Definitions'), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
- (b) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

(4) **Height**

- (a) Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas. It is intended that all new non-broadcasting towers be 150 feet or less in height. However, should a tower be required in excess of 151 feet, under no circumstance shall any tower exceed 300 feet. All new towers in excess of 151 feet shall be subject to the following additional requirements:
 - 1. Evidence that the antenna service area will be so substantially compromised that there would be a requirement of additional antenna array within a distance of two miles.
 - 2. The tower shall be designed to allow for a future reduction of elevation to no more than 150 feet, or the replacement of the tower with a monopole type structure at such time as the wireless network had developed to the point that such heights can be justified.
- (b) New concealed towers shall be limited to 150 feet or less in height. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

(5) Equipment Compound

- (a) Equipment compounds shall be completely screened from view and shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
 - 1. Equipment cabinets shall be screened in accordance with Section 155.402(G)(4). Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(6) Parking

Parking shall be required in accordance Section 155.401(C) of the UDC.

(7) Fencing

All equipment compounds shall be screened from view and enclosed with an opaque fence, masonry wall, landscaping, or combination thereof. Alternative equivalent screening may be approved through the site plan approval process described in Section 155.402 of the UDC.

(8) Buffer

The equipment compound shall be landscaped with a minimum 10 foot wide perimeter buffer containing the following planting standards:

- (a) All plants and trees shall be indigenous to eastern North Carolina.
- (b) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping with approval from the Planning Department.
- (c) One row of evergreen trees with a minimum two inch caliper, 25 foot on center.
- (d) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five foot on center.
- (e) Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of Section 155.402 of the UDC.

(9) Signage

Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be limited to the following:

- (a) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- (b) If 220 volts or more is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four inches, the following: "HIGH VOLTAGE - DANGER."
- (c) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(10) Lighting

Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.

- (a) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
- (b) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

(N) ADDITIONAL REQUIREMENTS FOR LEVEL II and LEVEL III FACILITIES

(1) Requirements for all Level II Facilities:

- (a) Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.
- (b) Certification furnished by a registered professional engineer licensed in the State of North Carolina that the structure has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.

- (c) One original and two copies of a survey of the property completed by a registered professional surveyor, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (d) Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and intermodulation distortion.

(2) Collocation & Combination (Level II)

The Town requires collocation and combining of antennas on existing communications towers as a first priority where collocation is possible. Collocations are subject to the following additional requirements:

- (a) A collocated or combined antenna or antenna array shall not increase the height of an existing tower by more than 10 percent or 20 feet, whichever is greater.
- (b) New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (c) The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
- (d) When a collocated or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (e) Collocation and eligible facilities requests of wireless support structures described in Section 160A-400.53 North Carolina General Statutes, shall meet all the following requirements:
 - 1. The additional antenna array, transmission lines, and related ancillary equipment including the base station do not exceed the number of same items previously approved for such tower when originally approved, and the collocated facility is in complete conformance with the original conditions imposed on the tower upon which it is being attached.
 - 2. The proposed collocation shall not increase the overall height of the tower or support structure to which the proposed infrastructure is to be attached by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
 - 3. The collocation shall not increase the ground space area approved in the communications tower site plan for equipment enclosures and ancillary facilities by more than 2,500 square feet.

4. The collocation shall not, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, add an appurtenance to the body of a communications tower that protrudes horizontally from the edge of the tower the greater of (i) more than 20 feet or (ii) more than the width of the tower at the level of the appurtenance increase.
 5. The existing tower on which the collocation will attach shall comply with applicable regulations, restrictions, and/or conditions, if any, applied to the initial wireless facilities placed on the tower.
 6. The proposed additional collocation and tower shall comply with all federal, state, and local safety requirements.
 7. The proposed collocation and ancillary equipment shall not exceed the applicable weight limits for the tower.
- (f) Applications for collocation entitled to processing pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)) shall be approved provided they meet the following requirements:
1. A collocation on an existing antenna-supporting structure shall not increase the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater, and shall not cause the width (girth) of the structure to be increased more than 20 feet or the existing girth of the structure, whichever is greater.
 2. Any collocation on an existing antenna-supporting structure shall meet current building code requirements (including windloading).
 3. A collocation shall not add more than four additional equipment cabinets or one additional equipment shelter.
 4. A collocation shall not require excavation outside of existing leased or owned parcel or existing easements.
 5. Proposed collocations that do not meet these standards shall be processed as a Level III application.
- (g) Collocation approvals entitled to processing pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)) are subject to the following:
1. A collocation application shall be deemed complete unless the Town notifies the applicant within 45 days of submission (or within some other mutually agreed upon timeframe) that the submission is incomplete. Notices of application incompleteness shall identify the deficiencies in the application

which, if cured, would make the application complete. Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by the 45th day after the submission is deemed complete.

2. Upon resubmitting of the revised application the Town shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.
 3. If the Town does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.
 4. Applications subject to this review process shall not be subject to design or placement requirement, or public hearing review. All applications shall be initially submitted to the Planning Department for review and processing.
- (h) New concealed and non-concealed towers shall be reviewed and have a decision rendered within 150 days of receipt of the application.

(3) Attachment: Concealed & Non-Concealed (Level II)

Antennas may be mounted onto a structure which is not primarily constructed for the purpose of holding attachment antennas but on which one or more antennas may be mounted. Attached antenna shall be subject to the following:

- (a) The top of the attached antenna shall not be more than 20 feet above the existing or proposed building or structure
- (b) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the Technical Review Committee and utility company.
- (c) When an attached antenna is to be located on a nonconforming building or structure, the existing permitted nonconforming setback shall prevail.
- (d) Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

(4) Antenna Element Replacement (Level II)

For any replacement of an existing antenna element on an antenna, the applicant must, prior to making such modifications, submit the following:

- (a) A written statement setting forth the reasons for the modification.

- (b) A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.
- (c) A signed statement from a qualified person, together with their qualifications, shall be included representing the tower's owner or owner's agent that the radio frequency emissions comply with FCC standards for such emissions. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (d) A stamped or sealed structural analysis of the existing structure prepared by a registered professional engineer licensed by the State of North Carolina indicating that the existing tower as well as all existing and proposed appurtenances meets North Carolina Uniform Statewide Building Code (USBC) requirements, including wind loading, for the antenna support structure.

(5) **DAS Equipment (Level II)**

(a) ***System Design Review***

A DAS applicant, prior to its initial application for a DAS facility, shall furnish an overall system design application to the Planning Department for review and approval by the Technical Review Committee. The system design application shall include the following information:

1. A statement of the identity and number of wireless services providers that will utilize the DAS systems;
2. A statement that the DAS system will be capable of accommodating at least eight (8) wireless service providers on the proposed system
3. A graphic depiction of the conceptual plan for the proposed total area of service coverage by the DAS system;
4. A statement of the number of handoff facilities for the DAS system;
5. A proposed build-out timeline and graphic depiction of the build-out phases through completion.

(b) ***Equipment Design Review***

A DAS applicant, prior to its initial application for a DAS facility, shall furnish an equipment design application to the Planning Department for review and approval by the Technical Review Committee. The equipment design application shall include the following information for each proposed design:

1. Elevation of the antenna and/or antenna support structure to include the following proposed dimensions: height, width and breadth. Height shall include the base, the antenna support structure, and lightning rod.
2. Elevation views of any security barrier or equipment compound, indicating architectural design, exterior appearance and materials, including color.
3. Mounting location on antenna support structure or building, including height AGL).
4. Identification of all mounting frames, arms, brackets or other devices or equipment used to hold antennas and other equipment in place.
5. Equipment brochures or drawings for the proposed facility, shall be provided for antennas, support structures/mounts, equipment shelters, feed lines and security barrier, if any.
6. Photo-simulated post-construction renderings of a sampling of completed proposed DAS facilities, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four vantage points (north, south, east, and west).
7. Individual sample site plan (no larger than 24 inches by 36 inches with an 8½ inch by 11 inch reduced copy) prepared and certified by a North Carolina-licensed professional engineer shall include all information listed on the DAS application checklist, and including existing or proposed public rights-of-ways, private roads and/or access easements through, on, or adjacent to the subject property.
8. Applicants should submit the information required by subsections (1) through (7) above for each design, if multiple designs are proposed.

(c) ***Individual Component Application and Approval***

Following approval of the DAS system design and DAS equipment design by the Technical Review Committee, a DAS applicant shall submit applications for individual DAS installations to the Planning Department for administrative approval provided the individual application provides documentation certifying it is consistent with the system design and equipment design standards previously approved in subsections (a) and (b) above.

(6) **Replacement of Existing Towers**

For a replacement of an existing tower with a new structure, the applicant must submit the following items outlined in subsection (7) below for new towers, including items (c) through (h), (k) through (p) and (r).

- (a) The height of a tower approved for replacement shall not exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated.

(b) **Level III**

The height of a tower may exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated with evidence that the new tower will eliminate the need for an additional antenna array within a distance of two (2) miles. Under no circumstance shall any mitigated tower exceed a height of 300 feet.

1. Height & Setbacks

A new tower approved for replacement of an existing tower shall not exceed one hundred and fifteen percent (115%) of the height of the existing tower and shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the tower owner for the change out of the old facility.

1. Buffers

At the time of replacement, the tower equipment compound shall be brought into compliance with any applicable buffer requirements.

2. Visibility

Replacement towers shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

(7) **New Towers (Level III)**

All new towers shall submit the following addition information as a part of a complete application:

- (a) A report and supporting technical data shall be submitted, demonstrating the following:
1. All antenna attachments and collocations, including all potentially useable cross country utility distribution towers and other elevated structures within the

proposed service area and alternative antenna configurations have been examined, and found unacceptable.

2. Reasoning as to why existing facilities such as cross country utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower.
3. Reasoning as to why the adequacy of alternative existing facilities or the mitigation of existing facilities are not acceptable in meeting the applicant's need or the needs of service providers, indicating that no existing communications facility could accommodate the applicant's proposed facility shall consist of any of the following:
 - A. No existing towers located within the geographic area meet the applicant's engineering requirements, and why.
 - B. Existing towers are not of sufficient height to meet the applicant's engineering requirements, and cannot be mitigated to increase in height.
 - C. Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
 - D. Other limiting factors that render existing wireless communications facilities unsuitable.
- (b) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of North Carolina or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.
- (c) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (d) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for either Johnston or Wake County, North Carolina, as appropriate.
- (e) An affidavit by a radio frequency engineer demonstrating compliance with 'Locating Alternatives Order' located in Section 155.310(K) above. If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically

feasible, practical, and/or justified given the location of the proposed communications facility.

- (f) Statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.
- (g) Written statement by a registered professional engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility.
- (h) Statement certifying that sound levels shall not exceed seventy decibels (70 db) at the related property line.
- (i) A map showing the designated search ring.
- (j) A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new tower.
 - 1. These documents are needed to verify the proposed parameters of a facility and to determine if the proposed location is the best suitable land use in the designated geographic area of the proposed facility in accordance with applicable state and federal standards for communications facility siting.
- (k) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (l) Signed and sealed site plans shall include the following:
 - 1. Name of project and date.
 - 2. Deed Book, and Page and Map Book and Page Reference.
 - 3. Scale, north arrow, and vicinity map.
 - 4. Subject property information including zoning, watershed classification, and percent coverage of lot to be impervious surface (if located in a designated watershed area).
 - 5. Adjacent property information, including land owners, land uses, height of principal building, size of lots, zoning, and land use designation.
 - 6. Tower elevations.
 - 7. Landscape buffering plans.

8. Maximum height of the proposed tower and proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rod.
 9. Location, classification, and size of all major public or private streets and rights-of-way.
 10. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features.
 11. Two reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
- (a) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (m) List of adjacent property owners and keyed to the map. The list must be from the most current ownership information supplied by the appropriate County Tax Department, together with two sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (n) Simulated photographic evidence of the proposed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the Planning Department including the facility types the applicant has considered and the impact on adjacent properties. The simulations shall include depictions of:
1. Overall height
 2. Configuration
 3. Physical location
 4. Mass and scale
 5. Materials and color
 6. Illumination
 7. Architectural design
- (o) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Section.
- (p) A pre-application conference will be required for any new tower. The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other

wireless service providers licensed to provide service within the Town as indicated on the list of wireless service providers provided by the Town:

"Pursuant to the requirements set forth in Section 155.310 of the Town of Clayton Unified Development Code, [TOWER PROVIDER] is hereby providing you with notice of our intent to meet with the Town Staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at _____ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a tower of _____ feet in height for the purpose of providing _____ (type of wireless service) _____. Please inform the Town staff if you have any desire for placing additional wireless facilities or equipment within two miles of our proposed tower. Please provide us with this information within 20 business days after the date of this letter. Your cooperation is sincerely appreciated.

Sincerely, (pre-application applicant, wireless provider)"

- (q) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

(O) **ADDITIONAL REQUIREMENTS FOR LEVEL IV (BROADCAST) FACILITIES**

(1) **Broadcast Facilities**

All new broadcast facilities shall submit the following addition information as a part of a complete application:

- (a) Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.
- (b) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
- (c) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for either Johnston or Wake County, North Carolina, as appropriate.
- (d) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).

- (e) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (f) Six sets (24"×36") of signed and sealed site plans shall include the following:
 - 1. Name of project and date
 - 2. Deed Book, and Page and Map Book and Page Reference
 - 3. Scale, north arrow, and vicinity map
 - 4. Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
 - 5. Adjacent property information including land owners, land uses, height of principal building, size of lots, and existing zoning and land use
 - 6. Landscape buffering plans
 - 7. Maximum height of the proposed tower and/or antenna, including individual measurements of the base, tower, and lightning rod
 - 8. Location, classification, and size of all major public or private streets and rights-of-way
 - 9. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
 - 10. Two reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
 - 11. Structure elevations
- (g) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (h) List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list must be from the most current ownership information supplied by the appropriate County Tax Department, together with two sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (i) A pre-application conference will be required for any new broadcast facility.

- (j) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and “Objects Affecting Navigable Airspace,” if applicable.

(2) **Supplemental Requirements for Broadcast Facilities**

All new broadcast facilities shall meet the following supplemental requirements:

(a) ***Determination of Need***

No new broadcast facilities shall be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant’s proposed use.

(b) ***Height***

Height for broadcast facilities shall be evaluated on a case by case basis. The determination of height contained in the applicant’s FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.

(c) ***Setbacks***

New broadcast facilities and anchors shall be subject to the setbacks described below:

1. Minimum of 500 feet from any single-family dwelling unit on same lot.
1. Minimum of one foot for every one feet of tower height from all adjacent lots of record.

(d) ***Equipment Cabinets***

Except for AM broadcast facilities, cabinets shall not be visible from pedestrian and right-of-way views.

(e) ***Fencing***

All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.

(f) ***Buffer***

Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-way and adjacent residential land uses be screened from proposed broadcast facilities using existing vegetation or be landscaped with a minimum 10 foot wide perimeter buffer containing the following planting standards:

1. All plants and trees shall be indigenous to this part of North Carolina.
2. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Department.
3. One Row of evergreen trees with a minimum two inches caliper, 25 foot on center.
4. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five foot on center.
5. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(P) **ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

(1) **Administration**

This Section shall be administered and enforced by the Planning Director or designee. The Town may, through contract, secure the professional services of telecommunications consultants to assist Town staff in the implementation of this Section. Such professional, services include, but are not limited to, review and evaluation of permit applications, determination of compliance with existing and proposed Federal regulations, minimization of the aesthetic impact, review of the technical data and expert testimony as needed.

(2) **Enforcement and Penalties**

If the Planning Director or designee shall find that any of the provisions of this Section are being violated, it shall notify in writing the person responsible for the violation, specifying the nature of the violation and what corrective measures must be taken. The Planning Director or designee shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violation of the provisions of this Section.

(3) **Penalties**

Any person failing to take corrective action within a reasonable time after receiving written notice from the Planning Department and any person operating a Communications Tower without a valid permit shall be guilty of a misdemeanor and subject to the enforcement provisions listed in Section 155.720 of the Unified Development Code.

(4) **Fees**

The Town Council shall set a fee, payable to the Town to cover the necessary processing cost of all Communications Tower Permits. The set fee shall be posted in the Town's Comprehensive List of Fees and Charges.

(5) **Supplemental Review**

The Town reserves the right to require a supplemental review for any Process Level (I, II, III, or IV) subject to the following:

- (a) Where due to the complexity of the methodology or analysis required to review an application for a Process Level (I, II, III or IV), the Town may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Town Fee Schedule.
- (b) Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
- (c) The supplemental review may address any or all of the following:
 - 1. The accuracy and completeness of the application and any accompanying documentation.
 - 2. The applicability of analysis techniques and methodologies.
 - 3. The validity of conclusions reached.
 - 4. Whether the proposed communication facility complies with the applicable approval criteria set forth in these codes.
 - 5. Other items deemed by the Town to be relevant to determining whether a proposed communications facility complies with the provisions of these codes.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.311 OUTDOOR DINING, DISPLAY AND STORAGE

Commented [HH9]: Relocated to 155.308

(Q) — APPLICABILITY

- ~~(1) — Any dining area, merchandise, material or equipment stored outside of a fully enclosed building shall be subject to the requirements of this Section.~~
- ~~(2) — Outdoor sales and display areas, including vehicle sales, vehicle repair or car rental as part of a properly permitted use (including boats and manufactured housing) shall not be considered outdoor storage as defined in § 155.311(D) and shall be subject to the buffer requirements set forth in § 155.402 of this Chapter.~~

(F) — OUTDOOR DINING

- ~~(1) — Outdoor dining shall be defined as the placement of tables and chairs for dining outside of a permanent structure.~~

(2) — General Requirements

~~Outdoor dining shall be permitted with a zoning compliance permit for 8 or fewer seats. More than 8 seats is subject to a minor site plan, or as a component of a major site plan in accordance with § 155.707, illustrating the extent of the outdoor dining area, the maximum seating capacity, and subject to the standards below. The impact of outdoor dining areas on adjacent churches, hospitals, public schools, and residential uses shall be mitigated to minimize potential impacts related to glare, light, loitering, and noise.~~

- ~~(a) — Patron tables and other outdoor dining area components shall be clearly defined and located on the same site as the other facilities of the restaurant or on the adjacent public right of way. Separation between the seating and vehicular or pedestrian traffic by a physical barrier may be required, with the design to be approved by the Planning Director.
 - ~~1. — Separation may be achieved through the use of materials which include, but are not limited to landscape planters, walls, railings or a combination thereof. Only barriers composed of landscape planters or masonry walls may be solid.~~~~
- ~~(b) — The additional parking necessary to accommodate seating created in the outdoor dining area shall comply with the parking requirements set forth in § 155.402 of this Chapter.~~
- ~~(c) — Outdoor dining areas and associated structural elements, such as awnings, covers, umbrellas, or other physical elements shall be compatible with the overall design of the main structure and must maintain a height clearance of eight feet and meet ADA accessibility requirements. Dining equipment (including, but not limited to tables, chairs, space heaters, barriers) may remain in place.~~

- ~~(d) — The Town may revoke the outdoor dining area if it is determined that its operation is causing litter problems either on or off the property where the dining is located or that such use is otherwise creating a danger to the public health or safety.~~

~~(3) — Outdoor Dining Within Public Rights-of-Way~~

~~In addition to the requirements set forth in § 155.311(B)(2) above, if any portion of the outdoor dining area is to be located within a public right-of-way (sidewalks only), the dining area must also receive approval from the Town Manager or his designee, and agree to following stipulations:~~

- ~~(b) — Outdoor dining within right-of-way owned and operated by the State of North Carolina, must also meet the requirements of G.S. 136-27.4 listed below.~~

- ~~1. — Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.~~
- ~~2. — Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.~~
- ~~3. — Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.~~
- ~~4. — The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.~~
- ~~5. — The restaurant operator shall provide evidence of adequate liability insurance specified by the Town under G.S. 160A-485 as the limit of the Town's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name NCDOT and the Town as additional insured on any policies covering the business and the sidewalk activities.~~
- ~~6. — The restaurant operator shall provide an agreement to indemnify and hold harmless NCDOT and the Town from any claim resulting from the operation of sidewalk dining activities.~~
- ~~7. — The restaurant operator shall provide a copy of all permits and licenses issued by the State, County or Town, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the~~

~~application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the Town for exterior alterations or improvements to the restaurant.~~

~~8. The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the Town, its agents or employees, or by any other governmental entity or public utility.~~

~~9. Any other requirements deemed necessary by the NCDOT, either for a particular Town or a particular component of the State highway system:~~

~~(b) The Town reserves the right to terminate the use of outdoor dining within the public right-of-way at any time. Upon notice, all furnishings must be removed from the sidewalk within 24 hours of notice from the Town. If furnishings are not removed within the time specified, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situations. The Town is not responsible for damage to the furnishings under any circumstances.~~

~~(c) The owner of the business utilizing a dining area within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from outdoor dining furnishings.~~

~~(G) **OUTDOOR DISPLAY AND SALES**~~

~~(H) Outdoor display and sales shall be generally defined as the display and sales of goods, wares or merchandise outside of a permanent structure on property owned or leased by the person, firm or corporation. Outdoor display and sales must be secondary and incidental to the principal use or structure on the property, unless authorized pursuant to § 155.309, Temporary Use.~~

~~(a) Outdoor display and sale areas greater than 50 square feet shall only be permitted following Planning Director review of a minor site plan in accordance with § 155.707, illustrating the extent of the permitted area for outdoor display and sales subject to the standards below. Outdoor display and sale areas 50 square feet or less do not require site plan approval, but are subject to the standards below.~~

~~(b) The location of outdoor merchandise must be on the same property as the principal use, and not within the right-of-way, except that in the B-1 zoning district it may be displayed in the right-of-way, provided that clearance requirements are maintained for pedestrian passage.~~

~~(c) Merchandise shall be displayed to allow pedestrians use of the adjacent sidewalk or parking areas, and shall meet ADA accessibility requirements.~~

~~2. Any merchant desiring to display and sell merchandise along a public sidewalk or right of way must also receive approval from the Town Manager or his designee, and agree to following stipulations:~~

~~E. Merchandise must be removed from the sidewalk within 24 hours of notice from the Town. If such items are not removed following notice, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situation. The Town is not responsible for damage to the merchandise under any circumstances.~~

~~C. The owner of the business displaying or selling merchandise within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from the display of merchandise.~~

~~D. Merchandise must be removed from the sidewalk when the business is closed.~~

~~(1) **OUTDOOR STORAGE**~~

~~(1) **Limited Outdoor Storage**~~

~~(a) Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles (not associated with outdoor sales and display including vehicle sales, vehicle repair or car rental), merchandise or material in boxes, crates, on pallets or other kinds of containers, shopping carts, or other similar merchandise, material or equipment.~~

~~(b) Limited outdoor storage shall only be permitted following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.~~

~~1. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right of way, public parking areas, or adjacent residential development by a 100% opaque visual barrier or screen.~~

~~2. All limited outdoor storage shall be located at least 15 feet from the public right of way and any abutting residential use or residentially-zoned district.~~

~~3. Limited outdoor storage shall not be permitted in a street yard or otherwise forward of the front building line.~~

~~(2) **General Outdoor Storage**~~

~~(a) General outdoor storage shall be defined as salvage yards, vehicle junk yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.~~

~~(b) General outdoor storage shall only be permitted in the I-1 and I-2 Districts following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below:~~

- ~~1. General outdoor storage shall be screened by 100% opaque, eight-foot high visual barrier or screen. When located abutting or across the street from a residential use or residentially zoned property such screening shall be high enough to completely conceal all outdoor storage from view.~~
- ~~2. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.~~
- ~~3. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.~~
- ~~4. General outdoor storage may be located in the side or rear yard.~~

(Ord. 2013-10-02, passed 10-7-13; Ord. 2017-04-06, approved 04/03/2017)

ARTICLE 3: SPECIFIC USE STANDARDS

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§ 155.300 USE INTERPRETATION

(A) USES

- (A) The list of uses included in the Use Regulations Table (Table 2-1 in §155.202) and defined in this subsection is intended to classify uses on the basis of common functional characteristics (activity, type of customers, goods or services) and land use compatibility. Other uses not specifically listed in the Use Table, but exhibiting similar characteristics to a listed use, shall be so classified by the interpretation of the Planning Director pursuant to the procedures and standards set forth in 155.300(B) below.

(B) USES NOT SPECIFICALLY LISTED

- (1) Any use not specifically listed in this chapter is expressly prohibited, unless the Planning Director determines in accordance with § 155.715, that the use is similar to a use or uses listed in this chapter. Where an unlisted use is similar to a use listed in Table 2-1 (§ 155.202), the unlisted use shall also be subject to the similar uses standards and approval process. The Planning Director shall not amend this chapter by adding to or eliminating any use standard for the unlisted use.
- (2) Where an unlisted use is found by the Planning Director not to be similar to any other use listed in Table 2-1 (§ 155.202), the use shall be permitted only following a text amendment in

accordance with § 155.703. The decision of the Planning Director may not be appealed to the Board of Adjustment.

- (3) When considering the appropriate districts for a use not listed in the Use Regulations Table, the district intent statements (see §155.200) shall be taken into consideration.
- (4) Determination of an appropriate category for a proposed use not currently listed shall be made by applying the following criteria.
 - (a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 - (b) The relative amount of site area or floor space and equipment devoted to the activity.
 - (c) Relative amounts of sales from each activity.
 - (d) The customer type for each activity.
 - (e) The relative number of employees in each activity.
 - (f) Hours of operation.
 - (g) Building and site arrangement.
 - (h) Types of vehicles used and their parking requirements.
 - (i) The relative number of vehicle trips generated.
 - (j) Signs.
 - (k) How the use is advertised.
 - (l) The likely impact on surrounding properties.
 - (m) Whether the activity is likely to be found independent of the other activities on the site.

(C) **DEVELOPMENTS WITH MULTIPLE USES**

- (1) Nonresidential, townhouse, and apartment complexes may be established on a single unified parcel, provided that the following requirements are met. Except as set forth above, no more than one principal building or use may be erected on a single lot of record.
- (2) Development with multiple uses shall meet all applicable development standards as set forth in §§ 155.200 through 155.204, §§ 155.400 through 155.404 and §§ 155.500 through 155.502. Applicants shall comply with all other provisions in this chapter and all other applicable laws.
- (3) When the principal uses of a development fall within different group of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an

individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.

- (4) A development comprised of uses regulated by separate rows on the Use Regulations Table shall be reviewed using the most restrictive process from among the proposed uses. If a proposed development on a single parcel includes a special use review, then the entire development requires special use review.
- (5) Where a use requiring approval as a conditional use or a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2006-06-01, passed 6-19-06; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Ord. 2017-04-06, approved 04/03/2017)

§ 155.301 RESIDENTIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) ADULT CARE HOME

- (1) An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.
- (2) In the R-E District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 4,000 square feet of lot area per occupant.
- (3) In the R-10 District, an adult care home shall provide least 150 square feet of gross floor area per occupant and 2,000 square feet of lot area per occupant.
- (4) In the R-8 District, an adult care home shall provide least 150 square feet of gross floor area per occupant and 1,600 square feet of lot area per occupant.
- (5) In the R-6 District, an adult care home shall provide at least 150 square feet of gross floor area per occupant and 1,200 square feet of lot area per occupant.
- (6) Pursuant to N.C. General Statutes 168-22, an Adult Care Home shall not be located within a ½-mile radius of an existing Adult Care Home.

(B) APARTMENTS

Three or more attached dwelling units in a single structure on a single lot, although individual units may be owned by a single or many different entities. Apartments are usually multi-story, and individual units can be mixed vertically and/or horizontally.

- (1) No parking space shall be located in a required yard, except for the rear yard.
- (2) No off-street parking space shall be located closer than ten feet to any residential building wall.
- (3) For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median is required at the main entrance to the community.
- (4) Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to parking, adjoining streets,

mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.

(C) **BOARDING HOUSE**

(C) A building, other than a hotel/motel or bed and breakfast, containing not more than nine guest rooms. At least one meal is provided to guests. Individual guest rooms may not contain kitchens and personal services are not provided.

- (1) Boarding houses shall meet the standards of § 152.25 of the Town Code of Ordinances.
- (2) Each boarding house shall have a full-time resident manager.
- (3) Fifteen square feet of common living area other than kitchens, hallways and bathrooms shall be provided per occupant.
- (4) A boarding house shall not be located within 1,000 feet, as measured in any direction from property line to property line, of another boarding house.

(D) **CHILD CARE HOME**

An assisted living residence that provides 24-hour supervision and personal care services for not more than eight orphaned, abandoned, dependent, disabled, or neglected children, together with not more than two adults who supervise such children, all of whom live together within a single residential dwelling unit. All Child Care Homes shall obtain appropriate licenses from the state.

- (1) In the R-E District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 4,000 square feet of lot area per occupant.
- (2) In the R-10 District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 2,000 square feet of lot area per occupant.
- (3) In the R-8 District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 1,600 square feet of lot area per occupant.
- (4) In the R-6 District, a child care home shall provide at least 150 square feet of gross floor area per occupant and 1,200 square feet of lot area per occupant.
- (5) Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property. Such buffer shall consist of trees or other vegetation of such height and depths as determined by the Board of Adjustment or an appropriate fence or wall or combination thereof.

(E) **MANUFACTURED HOME**

(D) A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Manufactured home includes any structure that meets all of the requirements of this

definition and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Manufactured Home Act.

Except as set forth in division (F)(1)(a) of this section, all manufactured homes shall meet or exceed the following criteria:

- (1) The manufactured home shall be set up and tied down in accordance with the standards set by the North Carolina Department of Insurance.
- (2) The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- (3) The manufactured home shall have a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- (4) Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall with a finished surface and constructed in accordance with North Carolina Building Code regulations. The foundation shall be unbroken except for required ventilation and access, and installed under the perimeter of the manufactured home.
- (5) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.
- (6) The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- (7) The moving hitch, wheels and axles, and transporting lights shall be have been removed.
- (8) At least two off-street parking spaces shall be provided.
- (9) The lot shall be cleared of all excess growth and graded to provide adequate drainage.
- (10) All areas not used for parking, manufactured homes, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion.
- (11) All standards must be met prior to issuance of a certificate of occupancy.

(F) **MANUFACTURED HOME PARKS**

- (E) Any plat of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations. Includes a recreation vehicle park.

(1) General Requirements

- (a) Notwithstanding the criteria set forth in division (E) above, manufactured homes located within manufactured home parks shall be in accordance with all of the requirements of division (E) above, except divisions (E)(2), (E)(3) and (E)(4) shall not apply to manufactured homes located in manufactured home parks. All new or replacement manufactured homes located in manufactured home parks shall be a minimum of 12 feet in width, measured at the narrowest part of the shortest axis of the home, and shall contain a minimum of 480 square feet of enclosed and heated living area. The foundation area of the manufactured home shall be at a minimum, completely screened with faux skirting panels constructed from durable vinyl, or panels simulating a faux brick, rock or stone finish. The skirting shall be completely framed including a bottom track. The foundation screening must be kept in a well maintained condition.
- (b) All manufactured home parks shall be a minimum of three acres in size.
- (c) No living compartment or structure, other than a Florida Room or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three sides may be permitted if yard space requirements of this chapter are not violated, and if such addition complies with the North Carolina Building Code.
- (d) Up to two manufactured home park identification signs may be utilized, but the sum of the areas of one side of these signs shall not exceed 40 square feet. Only external, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.
- (e) Within a manufactured home park, one manufactured home may be used as an administrative office.

(2) Streets and Parking

- (a) Each manufactured home shall abut upon an improved street or driveway, which shall have unobstructed access to a Town or state maintained road.
- (b) Streets shall have a minimum paved width of 20 feet. In addition, every such street shall lie within a cleared right-of-way having a minimum width of 40 feet.
- (c) Maintenance of such streets shall be provided by the owner or operator of the park.
- (d) Permanent dead-end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turnaround of at least 70 feet in diameter.
- (e) Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees. Where a

street intersects a public street or road, the design standards of the North Carolina Highway Commission shall apply.

- (f) New street names or manufactured home park names shall not duplicate nor be similar to existing street names or manufactured home park names in the area.
- (g) A minimum of two paved parking spaces shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.
- (h) No manufactured home lots shall be located within the 100-year floodway area, as shown on the latest National Flood Insurance Program map for the Town.

(3) Lot Size and Lot Width Requirements

- (a) Lots served by community or public water and sewer shall have a minimum lot size of 6,000 square feet and have a minimum lot width of 50 feet at the front building line. The maximum coverage of the lot by the unit and any accessory structures shall not exceed 40% of the lot area.
- (b) Lots served by individual septic tank and individual well shall have a minimum lot size of 25,000 square feet and have a minimum lot width of 75 feet at the front building line. The maximum coverage of the lot by the unit and any accessory structures shall not exceed 40% of the lot area.
- (c) Lots served by community or public water and individual septic tank or public sewer and individual well shall have a minimum lot size of 15,000 square feet and have a minimum lot width of 75 feet at the front building line. The maximum coverage of the lot by the unit shall not exceed 40% of the lot area.

(4) Project Boundary Buffer

- (1) A Class C buffer shall be provided (see § 155.402) along all project boundaries of a manufactured home park.

(5) Yard Requirements

- (a) The following yard requirements shall pertain to every manufactured home in the manufactured home park:
 - 1. Minimum depth of street yard, measured from front lot line: 20 feet.
 - 2. Minimum width of side yard, measured from side lot line:
 - A. Ten feet.
 - B. Six feet, if served by public water and sewer.

- (b) Minimum depth of rear yard, measured from rear lot line: 20 feet.
- (c) Detached garages and accessory buildings may be erected on manufactured home lots as permitted in § 155.308.

(6) **Utility Requirements**

(a) **Water**

- (b) An accessible, adequate, safe supply of water shall be provided in each manufactured home park. When a municipal water supply is not available, a community water supply shall be developed and its supply used exclusively in accordance with the standards of the Sanitary Engineering Division of the North Carolina Division of Health Services and the County Health Department.

(b) **Sewer**

- (c) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment complying with the requirements of the North Carolina Department of Natural Resources and Community Development and the County Health Department shall be provided.

(c) **Solid Waste**

1. The storage, collection, and disposal of solid waste in the manufactured home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazard, or pollution, and shall be maintained at least 100 feet from a well site.
2. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container, which shall be located at each manufactured home space, or an approved bulk container site. The manufactured home park management shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the County Health Department.
3. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.
4. No junked or abandoned vehicles shall be allowed in the park.

(7) **Street Lights**

- (2) All streets in the manufactured home park shall be adequately illuminated. The minimum size street light shall be a 175-watt mercury vapor, approximately 7,000-lumen class or its equivalent, spaced at intervals of not more than 400 feet. Streetlights shall be at each intersection.

(8) **Telephone and Power Lines**

- (3) All telephone lines and power lines are to be located underground. Utility easements shall not be less than ten feet in width.

(9) **Recreation Areas and Facilities**

- (a) Adequate and suitable recreation areas to serve the anticipated population shall be provided and shall consist of at least 10,000 square feet for each 25 manufactured home lots. All manufactured home parks having five or more lots shall have a minimum size recreational area of 10,000 square feet. Manufactured home parks having more than 25 manufactured home lots shall provide 400 square feet of recreation space per lot in excess of 25.
- (b) No recreational facilities shall be placed in an area utilized for septic tank filter fields.

(10) **Mobile Home Parks with Prior Approval**

- (4) All mobile home parks approved for development by the Town, County, or State prior May 4, 1987 are hereby granted special use status under the terms of [§ 155.109\(A\)\(2\)](#), and the number of units contained therein may be maintained and replaced with other units, provided that:
- (a) A copy of the mobile home park plan bearing proof of approval by the responsible governmental agency shall be filed in the Planning Department no later than 90 days after the approval of this revision.
- (b) All replacement units shall obtain an approved zoning compliance permit and inspection by the Town Inspections Department prior to occupancy.
- (c) All replacement units shall meet the requirements of (F) of this section.
- (d) No replacement unit may increase any nonconforming standard of the existing unit, and in no case may any replacement unit be located nearer than ten feet to a public street right-of-way or periphery property line.
- (e) Any expansion of a mobile home park shall be in full accordance with the current standards of this chapter.
- (f) If a mobile home park which does not conform to current standards has been discontinued, or if 80% of the number of spaces are vacated for a period of 180 days, the mobile home park shall not be re-established, and all future use of the land therein shall comply fully with the provisions of this chapter.

(G) **NURSING HOME (CONGREGATE LIVING FACILITY)**

- (F) This term includes assisted living facilities, extended congregate care facilities, transitional living facilities, rehabilitative home care services, or home for the aged or any other residential structure, whether or not operated for profit, which undertakes for a period exceeding 24 hours: care,

housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, this term shall include other residential uses such as dormitories, group homes with a central dining facility, and similar bed-based uses.

(H) **DUPLEX (also known as "TWO FAMILY HOUSE")**

- (G) Two attached dwelling units in a single structure on a single lot. The two units can be located on separate floors or side-by-side.

(I) **TOWNHOUSE (also known as townhome or rowhouse)**

- (H) Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically. Each unit has direct access to the outside, with front and rear walls exposed, to be used for access, light, and/or ventilation.

- (1) Side yards are not required for interior townhouses, but street and rear yards shall be provided for all townhouses, and building separation requirements shall be maintained for all townhouse structures.

(2) **Parking Options**

(a) ***Rear-Loaded Garage***

1. Garage is placed entirely to the rear of the townhouse and is rear-accessed or alley loaded. Garage can be attached or detached.
2. Garage doors must face the alley or rear access drive.

(a) ***Front-Loaded Garage***

1. Garage doors may constitute no more than 50% of the width of the individual townhouse unit.
2. The driveway must be aligned with the garage and shall not exceed the width of the garage entrance/door.
3. Any parking in the front setback must have sufficient depth so that parked cars do not encroach on the adjacent sidewalk. The garage doors must be set back at least twenty-five feet (25') from the sidewalk.
4. Garage doors must be recessed at least one foot behind the front wall plane, or a second story element over the garage doors must be provided that extends at least one foot beyond the front wall plane.
5. Front-loaded garages shall be prohibited on one-story townhome units.

(b) **Shared Parking Area/Shared Parking Lot**

1. The minimum parking requirement shall be calculated as for an apartment or multi-family development.
 - (2) The maximum number of units allowed in a single building is eight.
 - (3) The first floor shall be located from ground level to a maximum of three feet above grade.
- (J) **SECURITY OR CARETAKER QUARTERS**
- (I) A dwelling unit, which may be a mobile home, a manufactured home, or a modular home, located on a site for occupancy by a caretaker or security guard.
- (K) **SINGLE FAMILY HOUSE**
- (J) A detached dwelling unit located on a single lot with private yards on all four sides.
- (1) For alley-loaded houses, an alley shall be provided to the rear of the house. All vehicular access shall take place from the alley. No parking shall be permitted in the required street yard.
- (L) **UPPER-STORY RESIDENTIAL**
- (K) A dwelling unit located on a floor above a nonresidential use.
- (2) An upper-story residential unit shall adhere to all dimensional standards of the nonresidential zoning district in which it is located.
- (M) **ZERO LOT LINE**
- (L) A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house.
- (1) A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line project.
 - (2) An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.
 - (3) If the sidewall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

Article 3 / Specific Use Standards
§155.301 Residential Use Standards

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-06-02, passed 6-4-07; Am. Ord. 2012-01-04, passed 1-3-12; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.302 PUBLIC AND CIVIC USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(M) **ASSEMBLY**

- (N) A site or facility open to the public or membership groups for social, civic, political, educational, or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, employment services, and may also include uses such as cultural organizations and union halls.

(B) **CEMETERY**

- (O) A place used or to be used and dedicated or designated for interments of human remains or pet animal remains. A cemetery may include an office, chapel, mausoleum, columbarium or crematory.

(C) **CHURCH OR PLACE OF WORSHIP**

- (P) A sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services.

- (1) Following the initial approval of places of worship through the conditional use permit process (see § 155.710), expansions of up to 20% of the area originally approved through the conditional use permit process may be approved administratively.
- (2) Administrative approvals of expansions of places of worship shall not waive any conditions of approval of the conditional use permit.
- (3) Accessory uses standards for a place of worship are set forth in § 155.308(E).

(D) **COLLEGE OR UNIVERSITY**

- (Q) An institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.

(E) **DAY CARE Facility**

- (R) A facility licensed by the state, if applicable; providing care for children who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. all daycares shall be subject to the following:

- (1) An off-street passenger drop-off and passenger loading area shall be provided for any day care. Such area shall not be located in the street yard.
 - (2) Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property.
 - (3) In-home daycares, consisting of no more than 6 children and operating within a residential dwelling unit by a person that is a resident of the dwelling, shall be permitted subject to the requirements of a Class "B" Home Occupation (See §155.308).
- (F) **GOVERNMENT SERVICE**
- (S) Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices for government agencies, public libraries, police and fire stations, and resource centers.
- (G) **HOSPITAL**
- (T) A facility licensed by the State of North Carolina which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. A hospital may include related support facilities such as a helipad, laboratories, out-patient departments, staff offices, food services, and a gift shop.
- (H) **SCHOOL (ELEMENTARY OR SECONDARY)**
- (U) A public or private institution offering a curriculum of education authorized by the state giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.
- (1) Following the initial approval of a school through the special use permit process (see § 155.711), expansions of up to 20% of the area originally approved through the special use permit process may be approved administratively.
 - (2) Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.
- (I) **SCHOOL (TECHNICAL, TRADE OR BUSINESS)**
- (V) An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.
- (1) Following the initial approval of a school through the special use permit process (see § 155.711), expansions of up to 20% of the area originally approved through the special use permit process may be approved administratively.
 - (2) Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.

Article 3 / Specific Use Standards
§155.302 Public and Civic Use Standards

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2009-08-02, passed 8-3-09; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.303 RECREATIONAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(W) **INDOOR ENTERTAINMENT**

- (X) Amusement activities carried on wholly within a building. Typical uses include bowling alleys, billiard parlors, theaters, escape rooms, video game arcades, laser tag, indoor paint ball, skating rink, and activities of a similar nature. This does not include an adult-oriented business or adult-oriented amusement center.

(B) **OUTDOOR ENTERTAINMENT**

- (Y) Amusement activities where any portion of the activity takes place outside or in the open, excluding recreation centers and parks. Typical uses include batting cages, golf driving ranges, go-cart tracks, outdoor paint ball, drive-in theater, outdoor skating rink, and miniature golf courses.

(C) **FITNESS/recreation CENTER**

- (Z) A facility for conducting recreational activities, either indoors or outdoors, including but not limited to racketball, handball, swimming, running, weight lifting, athletic fields, tennis courts, and aerobic exercises. THIS FACILITY MAY also INCLUDE classrooms, BABYSITTING, AND LIMITED FOOD SERVICE FOR THE facility.

(D) **GOLF COURSE**

- (AA) A facility providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.

(E) **GUN RANGE**

- (BB) An enclosed facility used for the discharge of firearms or projectiles at targets.

(F) **PARK**

- (CC) An outdoor recreation area relying on a natural resource base or man-made recreation amenity and developed with a low to medium intensity of impact on the land. Typical uses include greenway (non-equestrian multi-use trail) systems, community gardens, wildlife management, playground, dog park, other small-scale recreational amenities, such as sand volleyball, basketball, or tennis court, or other active recreational opportunities, as well as demonstration areas for historical, cultural, scientific, educational, or other purposes that relate to the natural qualities of the area, and support facilities for such activities. commercial amusement facilities, such as water slides, miniature golf, or go-cart tracks, are not considered parks (see "Outdoor entertainment").

(G) **STABLE, PRIVATE**

(DD) The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Ord. 2017-04-06, approved 04/03/2017)

§ 155.304 AGRICULTURAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) AGRICULTURE, LIVESTOCK

The breeding, raising and caring for domestic animals including horses.

- (1) Property used for livestock shall be a minimum of five acres in size.
- (2) All accessory uses and structures, such as troughs, feed mechanisms and storage, shall be setback a minimum of 100 feet from any property line.
- (3) The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre.
- (4) The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.
- (5) The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the applicant shall satisfactorily mitigate the incompatibility prior to receiving final approval.

(B) AGRICULTURE, SALES AND SERVICE

An establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers, mowers, livestock, feed, grain, tack, riding attire, animal care products, and farm supplies.

- (1) All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view.

(C) NURSERY

The sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.305 COMMERCIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(D) **ADULT ORIENTED BUSINESS**

- (E) Any place defined as an "adult establishment" as defined by G.S. § 14-202.10, as such statute may be amended from time to time, including adult cabarets, and except the definition of "massage business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult-oriented business specifically includes, however, any massage business where massages are rendered by any person exhibiting "specified anatomical areas" and/or where massages are performed on any client's "specified anatomical areas." "Specified anatomical areas" are those defined by G.S. § 14-202.10 as such statute may be amended from time to time.

- (1) No such use shall be located within 1,000 feet of a church, primary, elementary or secondary school, residence or residentially zoned property, any establishment serving on-premises beverages requiring an ABC license, or any other adult-oriented business.
- (2) There shall be no more than one such use on the same property or in the same building or structure.
- (3) Except for permanent signage as permitted in § 155.403, there shall be no advertisement, promotional materials, displays, or temporary signs visible to the public from public rights-of-way.

(B) **BED & BREAKFAST**

- (F) A building containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.
- (1) An owner shall reside on site.
 - (2) There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety.
 - (3) Meals shall be served on the premises only for guests and employees. Rooms may not be equipped with cooking facilities.
 - (4) Parking shall not be allowed in any street yard.

(C) **CAR WASH/AUTO DETAILING**

- (G) A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.

(D) **CONTRACTOR OFFICE**

- (H) A facility for a building, heating, plumbing, electrical, landscape, janitorial or similar contractor.
- (1) All activity shall be conducted entirely within a fully enclosed building. The temporary loading and off-loading of vehicles shall be permitted outside.
 - (2) The overnight storage of fleet vehicles may be allowed subject to Planning Board approval (see § 155.311).

(E) **CONTRACTOR STORAGE YARD**

- (I) A lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites. A contractor's office is permitted as an accessory to the storage yard.
- (1) Equipment principally used in construction activity shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.
 - (2) Outdoor storage may be allowed subject to Planning Board approval (see § 155.311).
 - (3) Combustible materials and chemicals shall be stored in compliance with all local, state, and federal regulations.

(F) **CONVENIENCE STORE WITH GAS SALES**

- (J) A convenience store which includes accessory gasoline retail sales to the general public.
- (2) **General Standards**
 - (a) Vehicle repair or service shall not be permitted.
 - (b) The primary building, including any attached canopy, shall conform to all setback requirements.
 - (c) Gasoline pumps, tanks and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.

- (d) No sign of any type or any gasoline pump or tank shall be located within 20 feet of a residential use.
 - (e) A Class C buffer (see § 155.402) shall be established along any side of the property where the gas station abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.
 - (f) Freestanding vents shall not be permitted.
 - (g) Outdoor storage and display may allowed subject to Planning Board approval (see § 155.311).
- (1) **Fuel Canopies**
- (a) The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
 - (b) The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.
- (2) **Single-Bay Automatic Car Wash**
- (1) An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:
- (a) The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way.
 - (b) The car wash structure shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
 - (c) The car wash structure shall be located behind the rear building line of the principal building.
 - (d) All car wash structures shall meet all applicable yard requirements.
- (G) **CREATIVE STUDIO**
- (K) A facility involved in the display and/or instruction of the arts, such as individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items; art classroom; music studio or classroom; dance studio or classroom; martial arts instruction; or similar use. This definition does not include any adult entertainment establishment.
- (H) **FINANCIAL INSTITUTION**

- (L) An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.
- (1) Freestanding automated teller machines require minor site plan approval.
- (2) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.
- (I) **FUNERAL HOME**
- (M) An establishment which arranges and manages funeral and prepares the human deceased for burial.
- (3) A funeral home may include a crematorium located within the principal building.
- (J) **HOTEL/MOTEL**
- (N) A building containing one or more guest rooms, for overnight guests, and containing registration facilities, on-site management, cleaning services and combined utilities.
- (1) All hotel and motel buildings and parking shall be located at least 50 feet from any property line adjoining a residential district or use.
- (2) Any accessory commercial activities such as restaurants shall not be located along the side of the property adjacent to a residential district or use.
- (3) Any outdoor recreation facilities, such as swimming pools, shall not be located along the side of the property adjacent to a residential district or use. If the outdoor recreation facility is a swimming pool, it shall meet the standards of § 155.308(D)(3) "Swimming Pools".
- (K) **KENNEL**
- (O) Any building or land used, designed or arranged to facilitate the care of four or more domestic animals, such as dogs and cats.
- (L) **LAUNDRY SERVICES**
- (P) An establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services with customer drop-off and pick-up.
- (M) **LOUNGE, COCKTAIL**
- (Q) A use or facility engaged primarily in the preparation and retail sale of alcoholic beverages (with food sales an allowed accessory use) for consumption on the premises. this use is also known as tavern, bar, nightclub, or similar use other than restaurant or alcohol sales for off-premises consumption.

- (1) Except in the B-1 zoning district, a cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge.
 - (2) Outdoor seating and open lounge areas shall meet the criteria set forth in § 155.305(R)
- (N) **MICROBREWERY**
- (R) A facility for the production and packaging of beer and other malt beverages for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. Areas for demonstration, education, retail sale, or tasting are included in this definition as incidental to the primary use of producing beverages.
- (O) **PUBLISHER**
- (S) A building used for the production and distribution of newspapers, magazines, books, and other related materials.
- (P) **OFFICE, GENERAL**
- (T) A facility generally focusing on business, government, or professional services. General office shall include advertising offices; business management consulting, data processing, collection agency; real estate or insurance agents, and professional services such as lawyer, accountant, bookkeeper, engineer, or architect, sales office, travel agency or any similar use.
- (Q) **OFFICE, MEDICAL**
- (U) A facility in which a doctor, dentist, psychiatrist, physician's assistant, nurse practitioner, or similar medial provider treats or counsels patients.
- (R) **OUTDOOR SEATING AND SIDEWALK CAFES**
- (V) A restaurant which provides as a primary component of its business, an open area outside of the principal structure for seating including areas adjacent to sidewalks or pedestrian circulation areas.
- (1) **Application**
 - (1) Any restaurant or cocktail lounge seeking to operate a sidewalk cafe shall, in addition to acquiring all necessary health and sanitation permits and inspection and applicable ABC and other business licenses, prepare and file an application for outdoor seating with the Planning Director.
 - (2) **Site Plan Requirement**
 - (2) A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk cafe, and the section to be kept clear for pedestrian use, and depicting the proposed placement of tables, chairs, barriers, and other furnishings on the sidewalk or pedestrian way.

(3) **Insurance and Indemnification**

- (3) Applicants must show proof of meeting minimum criteria for general liability insurance and must execute an indemnification statement in favor of the Town, each as approved by the Town Attorney.

(4) **Issuance of Permit**

- (4) No permit for outdoor seating may be issued unless the application is complete and unless the following requirements are met.
- (a) The sidewalk cafe must be associated with an operating restaurant or business such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant and does not exceed 50% of the interior seating for the associated restaurant or business.
 - (b) The sidewalk cafe must be operated under the same name as the restaurant and may not be opened or operated at any time when the restaurant or business is not open for business.
 - (c) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business.
 - (d) The placement of tables, chairs and other furnishings, as shown in the site plan, must be done in such a manner not to extend more than five feet from the property line, provided that at least four feet of unobstructed space (as measured from the street-side edge of curb or sidewalk) remains for the passage of pedestrians. Trees, poles, signs, sandwich board signs, planters, benches, hydrants, trash receptacles, and the like are all considered obstructions.
 - (e) The restaurant seeking to operate the sidewalk cafe must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk cafe. The placement of tables, chairs, and other furnishings may not extend in front of other businesses or across other public rights-of-way.
 - (f) The tables, chairs, and other furnishings used in the sidewalk cafe shall be of a type that is easily removed from the public right-of-way. Tables, chairs, and other furnishings used in the operation of the sidewalk cafe must be removed within 24 hours' notice from the Town. If such items are not removed upon 24 hours' notice, the Town shall have the right to remove and dispose of these items and may assess the property owner for the cost of such removal and disposal. The Town shall also have the right to remove such items immediately in an emergency situation. The Town shall not be responsible for damage to the public sidewalk cafe barricades and furnishings under any circumstances.
 - (g) Except as elsewhere permitted, the operation or furnishing of the sidewalk cafe shall not involve any permanent alteration to or encroachment upon any street, sidewalk or

pedestrian way or to the exterior of the associated restaurant. The owner of the sidewalk cafe shall be responsible for repairing any incidental damage to public sidewalks resulting from the operation of the sidewalk cafe.

- (h) The sidewalk cafe shall only be open when the restaurant is open. No person shall consume alcoholic beverages in a sidewalk cafe after such hours.
- (i) **Alcoholic Beverages.** Alcoholic beverages may be served and consumed at sidewalk cafes providing the following requirements are met:
 - 1. The sidewalk cafe shall be part of a standard restaurant or business and shall otherwise be authorized, permitted or licensed under the state law and Town codes to serve and sell alcoholic beverages for on-premises consumption.
 - 2. The portion of the sidewalk cafe where alcohol is or may be served shall be enclosed by clearly visible barricades and shall have not more than two points of ingress or egress.
 - 3. The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to G.S. § 18B-1001 for the purposes of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.
 - 4. Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages in open and unsealed containers from the premises.
 - 5. The business operator shall not have violated any law, regulation or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the five years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.
- (j) **Denial.** A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement, outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the Town Council within 30 working days after the date of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and determination of the Town Council shall be final.
- (k) **Permit Revocation.** The Town Manager or his designee may revoke a permit issued pursuant to this section, if he finds that the restaurant operator has:
 - 1. Deliberately misrepresented or provided false information in the permit application;
 - 2. Violated any provision of this code;

3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances;
 4. Operate the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the sidewalk cafe area clean and free of refuse; and/or
 5. Failed to maintain any health, business or other permit or license required by law for the operation of a restaurant business. Before the revocation of a permit, the Town Manager shall notify the permit holder of his intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the Town Manager shall notify permit holder in writing of the decision and the reasons therefor. A decision of the Town Manager to revoke permit may be appealed to the Town Council in accordance with the provision of this section.
- (l) **Term, Transfer, Renewal, and the Like.** Permits issued in accordance with the provisions of this section shall:
1. Be renewed automatically on an annual basis unless notice is otherwise given to the applicant or business; and
 2. Not be transferable or assignable.

(5) **Definitions**

- (5) For purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Pedestrian Way. An improved walk or passageway intended for use by pedestrians, but not adjacent to any Town street.

Restaurant. An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as restaurants, cafeterias, cafes, lunch stands, grills, snack bars, fast food businesses and other establishments, such as drug stores, which have a lunch counter or other section where food is sold to be eaten on the premises. This definition does not include food vendors selling food as part of a festival or nonprofit event.

Restaurant Operator or Business Operator. The person, firm or corporation operating a restaurant and associated sidewalk cafe. As used in this section, this definition includes the owner and manager, if different from the owner of the restaurant and associated sidewalk cafe.

Sidewalk. That portion of a public street between the curb line, or the lateral lines of the roadway if there is no curb and the adjacent property line that is intended for the use of pedestrians.

(S) **PARKING LOT**

An area provided for self-parking or valet parking of operable passenger automobiles or commercial vehicles by employees, visitors, and/or patrons of any office of government, public accommodations, commercial or industrial establishments, institutions, or any other business open to the general public. Parking lots may be further defined as being available for compensation, free, or as an accommodation to clients or customers, and are generally only utilized during regular business hours. For short-term or long-term vehicle storage, see "Self-Storage Facility".

(T) **PAWN SHOP**

Any establishment engaged in the loaning of money on the security of personal property pledged in the keeping of the pawnbroker, and the sale of such property.

- (4) Outdoor storage and display may be allowed subject to Planning Board approval (see § 155.311).

(S) **RADIO OR TELEVISION STUDIO**

An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services, broadcasting or telecommunication facilities.

(T) **RESTAURANT**a use, facility, or establishment whose primary purpose is the preparation and sale of food for on- or off-premise consumption. this use may or may not include the accessory sale of alcoholic beverages.

- (1) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.

(U) **RETAIL SALES**

A facility involved in the wholesale or retail sale, lease, or rental of new or used products. retail shall include the selling, leasing or renting of the following goods: antiques; art; art supplies; bicycles; books; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; health and beauty products; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; photo finishing; printed materials; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; sporting goods; stationery; tobacco; videos, or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections, and similar products whose preparation does not require installation of an exhaust hood. The retail sale

of automobile parts is allowed provided that no on-site automobile service or repair is provided. This definition does not include any adult-oriented business or adult-entertainment establishment.

- (1) Outdoor display and sales and outdoor seating and dining may be allowed subject to Planning Board approval (see § 155.311).
- (2) Limited outdoor storage may be allowed in the B-3 and industrial zoning districts only, subject to Planning Board approval.
- (3) General outdoor storage may be allowed in industrial zoning districts only, subject to Planning Board approval (see §155.311).
- (3) Uses that are strictly wholesale and not available to the general public shall not be allowed in the B-1 or B-2 zoning districts.
- (4) Drive-through service is only permitted as an accessory use in the B-3 zoning district, or as a Conditional Use Permit in the B-2 zoning district.

(V) **SELF STORAGE FACILITY**

A facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.

- (1) All storage shall be contained within a fully enclosed building. However, limited outdoor storage of boats, travel trailers, recreational vehicles, and other noncommercial, occasional use vehicles may allowed subject to Planning Board approval (see §155.311).
- (2) A Class C buffer (see § 155.402) shall be established along any side of the property where the self-storage facility abuts or is across the street from a residential use or a public right-of-way.
- (3) Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.
- (4) The following activities shall be prohibited on the premises:
 - (a) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage facility may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with state regulations.
 - (b) Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - (c) Operation of a transfer-and-storage business.
 - (d) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.

- (e) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
- (f) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
- (g) Habitation of storage units by humans or animals.

(W) **SERVICE**

A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. General services shall include the following personal services: beauty, hair, nail, or tanning salon, massage therapy, pack-and-ship facility, animal grooming; photographic; photography, blueprint, quick-sign service; psychic or medium; security service; taxidermist; catering service or any similar use. General services shall also include the following repair services: bicycles; moped, canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith. This definition does not include any adult-oriented business or adult entertainment establishment. All activity shall be conducted entirely within a fully-enclosed building, except for the following:

- (5) Outdoor storage may only be allowed in the B-3 zoning district subject to Planning Board approval (see 155.311).
- (6) Outdoor display and sales may allowed subject to Planning Board approval (see §155.311).

(X) **TATTOO PARLOR**

An establishment whose principal business activity is the practice of one or more of the following:

- (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- (2) Piercing of the body of a person (other than the ear) for the purpose of inserting jewelry or other decoration.

(Y) **TOWING SERVICE AND STORAGE**

The use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:

- (7) Outdoor storage may allowed subject to Planning Board approval (see § 155.311).

(Z) **VEHICLE REPAIR OR SERVICE**

An establishment engaged in the repair of new or used motorized vehicles, equipment.

- (1) No vehicle sales shall be permitted.
- (2) A Class C buffer (see § 155.402) shall be established along any side of the property adjacent to a residential use.
- (3) If the facility has more than one service bay, the additional service bay doors shall not be oriented toward any residential use, or the service bays shall be screened from view from adjacent property using landscaping.
- (4) All repair or service operations, excluding washing, shall be conducted entirely within a fully enclosed building. The term fully enclosed building shall not be construed to limit open bay doors during hours of operation.
- (5) Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.
- (6) The outdoor overnight storage of vehicles may be allowed subject to Planning Board approval (see § 155.311).
- (7) There shall be no dismantling of vehicles for salvage.
- (8) The storage of impounded vehicles shall not be permitted.

(AA) **VEHICLE SALES AND RENTAL**

An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

- (1) A Class C buffer (see § 155.402) shall be established along any side of the property adjacent to a residential use.
- (2) Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.
- (3) The outdoor overnight storage of vehicles under repair may be allowed subject to Planning Board approval (see § 155.311).
- (4) Vehicle sales displayed for rental or sale visible from the public right-of-way shall provide a parking buffer as set forth in § 155.402(E)(2)(b).

(BB) **VETERINARY CLINIC**

An establishment engaged in providing medical care, treatment and temporary boarding for animals.

- (1) Outdoor runs may be permitted subject to Board of Adjustment approval (see § 155.710).
- (2) All animal boarding shall occur indoors. All pens, kennels and runs shall be located within an enclosed structure.

(CC) **VIDEO SWEEPSTAKES OPERATION**

Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, and cybercafés. This does not include any lottery approved by the State of North Carolina.

- (1) Unaccompanied persons under the age of eighteen (18) are prohibited from entering the premises.
- (2) The hours of operation shall be limited to Sunday through Thursday 9am to 1am, and Friday and Saturday 9am to 2am.
- (3) A maximum of one hundred (100) machines are allowed at each establishment.
- (4) Two (2) or fewer machines are classified as an accessory use and shall not be bound by the standards of this section.
- (5) All uses meeting the definition of Internet Sweepstakes Facilities that were established prior to December 3, 2012 shall cease operations and close or be brought into compliance with the provisions of this ordinance by midnight, December 31, 2013.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.306 INDUSTRIAL USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(A) **BUILDING SUPPLIES, WHOLESALE**

An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.

- (8) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

(B) **CREMATORIUM**

A place used and dedicated to the cremation of human remains or pet animal remains.

(C) **GAS AND FUEL, WHOLESALE**

The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

(D) **LABORATORY, RESEARCH**

An establishment engaged in industrial, scientific or medical research, bio-manufacturing, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.

- (9) Outdoor manufacturing, processing or testing shall be limited to industrial districts only.

(E) **MANUFACTURING, LIGHT**

A FACILITY CONDUCTING Medium and light MANUFACTURING OPERATIONS, PRIMARILY INVOLVING THE CREATION OF FINISHED PRODUCTS OR PARTS FROM PREVIOUSLY PREPARED MATERIALS and the manufacturing of products and materials from extracted raw materials. THE PROCESSING, FABRICATION, ASSEMBLY, TREATMENT, PACKAGING, AND STORAGE OF SUCH PRODUCTS IS ALSO INCLUDED. ALL ACTIVITIES shall OCCUR WITHIN A FULLY ENCLOSED BUILDING no manufacturing involved shall produce noise, vibration, air pollution, fire hazard, or noxious emission which may disurb or endanger neighboring properties.

- (1) All manufacturing activity shall be conducted entirely within a fully enclosed building.
- (2) Outdoor storage and display may allowed subject to Planning Board approval (see § 155.311).
- (3) Uses shall not emit smoke, odor, objectionable waste materials or excessive noise.

- (4) No vibration shall be produced that is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.
- (5) No direct glare from high temperature processes such as combustion or welding visible from the street shall be permitted.

(F) **MANUFACTURING, HEAVY**

A facility conducting assembly heavy manufacturing with operation conducted indoors and outdoors. Heavy manufacturing shall include the following: heavy factory production; industrial yards; any use that is potentially dangerous, noxious or offensive to neighboring uses or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause; animal processing, packing, treating, and storage; livestock or poultry slaughtering; citrus concentrate plant; processing of food and related products; production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill; bulk storage of flammable liquids; commercial feed lot; concrete batching and asphalt processing and manufacture; wrecking, junk or salvage yard; bottling plant; or any similar use.

(G) **RESEARCH AND DEVELOPMENT**

A facility focused primarily on the research and development of new products. Research and development shall include: offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research, and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

(H) **WAREHOUSE AND FREIGHT MOVEMENT**

A facility involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and freight movement shall include the following: bulk storage, including nonflammable liquids, feed and grain storage; cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; stockpiling of sand, gravel, or other aggregate materials; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred; or any similar use.

(Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Ord. 2017-04-06, approved 04/03/2017)

§ 155.307 UTILITIES USE STANDARDS

The following standards shall apply to all permitted uses, conditional uses and special uses, as set forth in the Use Regulations Table (Table 2-1 § 155.202(B)). Additional design considerations may be outlined in the Clayton General Design Guidelines.

(B) **RECYCLING CENTER**

A permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.

(10) To ensure compatibility with surrounding uses, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed.

(B) **RENEWABLE ENERGY FACILITY**

A facility that generates renewable energy from sources such as solar, wind, or other systems with a principal use of producing electric, thermal power, or mechanical power.

(C) **TELECOMMUNICATION FACILITY**

Any tower, site, building, structure, or other facility whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, and cellular telephone transmission towers, antennae, and accessory equipment and buildings. Specific standards for communication towers are set forth in § 155.310.

(D) **UTILITY, MAJOR**

A large-scale utility such as a water or wastewater treatment plant, water tower, electrical generation plant, or transmission facility or any similar use.

(E) **UTILITY, MINOR**

All utility facilities not considered major, including, but not limited to neighborhood-serving facilities such as pump stations, telephone exchanges, lift stations, and stormwater detention facilities, or any similar use.

(F) **WASTE SERVICE**

A facility that generally receives solid or liquid wastes from others for transfer to another location, collects sanitary waste, or manufactures a product from the composting of organic material. Waste-related service shall include the following: animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; or any similar use.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Am. Ord. 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

§ 155.308 ACCESSORY STRUCTURES AND USES.

(C) GENERAL

Accessory structures and uses shall be consistent with all standards in the district for the principal use, except as expressly set forth below. Additional design considerations may be outlined in the Clayton General Design Guidelines.

- (1) Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal uses. An accessory use shall only be allowed when a principal use exists.
- (2) Accessory structures and uses shall be located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.
- (3) Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
- (4) Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.
- (5) An accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served.
- (6) An accessory use shall be located within the same district as the principal use.
- (7) Tractor-trailers are prohibited as storage buildings or structures except as permitted on an active construction site.

(B) ACCESSORY STRUCTURES

Accessory structures, not including accessory dwelling units (see (C)(1) of this section) or in-ground pools, shall be subject to the following requirements:

(1) Zoning Permit Required

It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of an accessory structure, until the Planning Department has issued a zoning permit for such work (see § 155.709).

(2) Setbacks

- (a) No accessory structure shall be located closer than ten feet to any other building or manufactured home.
- (a) No accessory structure shall extend in front of the front line of the principal structure, except in the B-1 zoning district where the Board of Adjustment may approve a

Conditional Use Permit for an accessory use or structure to be placed in any yard other than the rear yard.

- (b) No accessory structure may extend within five feet of any lot line in R-6 and R-8 Districts, and within ten feet in all other zoning districts. No accessory structure shall be located within 20 feet of any street right-of-way.

(3) **Height**

The height of an accessory structure shall not exceed the height of the principal structure or 25 feet, whichever is lesser, unless approved as a Conditional Use Permit by the Board of Adjustment, as provided in § 155.710.

(4) **Number**

- (a) Up to two accessory structures may be permitted on the same lot, subject to meeting the criteria elsewhere in this section.
- (b) No more than one shed is permitted in the R-6 and R-8 zoning districts.
- (c) Two or more accessory structures may not be joined together by adding a roofline, such as a breezeway or covered walkway, to give the appearance of a lesser number of structures.

(5) **Size**

- (a) An accessory structure may not exceed the gross floor area of the primary structure on the site. This restriction does not apply to in-ground pools.

(6) **Architectural consistency**

- (a) On non-residential or mixed use sites, the architecture of accessory structures shall be consistent with the primary structure.

(C) **ACCESSORY USES IN RESIDENTIAL DISTRICTS**

(1) **Accessory Dwelling Units**

One accessory dwelling shall be permitted as a conditional use by the Board of Adjustment (see § 155.710) subject to their approval and the following requirements:

- (a) The living area of the accessory dwelling shall not exceed the living area of the principal structure. In no case shall the total floor area of the accessory dwelling unit exceed 600 square feet.
- (b) The accessory dwelling shall not have a separate electrical meter.

- (c) The owner of the property shall occupy either the primary structure or the accessory dwelling.
- (d) The principal dwelling and accessory dwelling unit together shall not exceed the maximum building coverage and impervious surface requirements for the district.
- (e) All principal structure setbacks and yard requirements shall be met.
- (f) One additional parking space on the same premises shall be required for the accessory dwelling unit.
- (g) A subdivision with accessory dwelling units shall not exceed the maximum district density requirements, counting all principal dwelling units and any accessory dwelling units.
- (h) An accessory dwelling shall either be located within the principal structure; or meet the following standards:
 - 1. The accessory dwelling shall be located on the same lot as the principal structure.
 - 2. The accessory dwelling shall be separated by at least ten feet from the principal structure.
 - 3. The accessory dwelling shall be located in the rear or side yard of the principal structure. The rear and side setback shall be equal to those of all accessory structures.
 - 4. Total building coverage and impervious surface area shall not exceed that permitted in the district.
 - 5. The height of a principal structure shall not be exceeded by any accessory dwelling.
 - 6. The accessory dwelling unit shall be architecturally consistent with the principal structure.

(2) **Home Occupations**

Prohibited Home Occupations

- (a) The following uses are not permitted as home occupations:
 - 1. Vehicle and/or body and fender repair.
 - 2. Outdoor repair or outdoor storage.
 - 3. Commercial nursery or truck farming.

4. Food handling, processing or packing, other than services that utilize standard home kitchen equipment.
5. Medical or dental lab.
6. Restaurant.
7. Sale or repair of firearms.
8. Bulk storage of flammable liquids.
9. Funeral homes and mortuaries.
10. Animal hospitals and kennels.

(b) ***Class A Home Occupations***

The intent of a Class A Home Occupation is to permit very limited activities in a residential dwelling, provided such activities do not impact or detract from the residential character of the neighborhood. A Class A Home Occupation shall be deemed an accessory use and no further approval shall be required, provided the use meets the standards of this chapter.

1. The use of the dwelling unit for Class A Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.
3. No business, storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit.
4. No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
5. No display of products shall be visible from the street.
6. A Class A Home Occupation shall be subject to all applicable licenses and business taxes.
7. No persons other than members of the family residing on the premises shall be engaged in the home occupation.
8. Storage space and the operation of the business inside the dwelling unit shall not exceed 25% of the first floor area of the residence.

9. Customers and employees coming to the residence to conduct business shall not be permitted.
10. No signage shall be permitted.

(c) **Class B Home Occupations**

A Class B Home Occupations is a business, profession, occupation or trade conducted for gain or support within a residential dwelling or its accessory buildings that requires employees, customers, clients or patrons to visit the home. A Class B Home Occupation shall be permitted as a conditional use provided that the Board of Adjustment shall determine in its judgment that:

1. It is carried on by a person residing on the premises and employs no more than two employees not living on the premises.
2. No more than 20% of the total actual floor area of the dwelling shall be in the conduct of the home occupation.
3. No more than two vehicles are used in the conduct of the home occupation, and such vehicles are parked off the street.
4. No merchandise or commodity is sold on the premises, except what is incidental to the home occupation.
5. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.
6. No expansion shall be permitted outside the principal structure that houses the home occupation, except that which is necessary to house vehicles used in the conduct of home occupation.
7. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.
8. The use will not create undue traffic congestion or create a traffic hazard.
9. Advertising signs shall be limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the home occupation, or one yard sign of the same size not to exceed three feet in height.

(3) **Day Care Facility**

- (a) All accessory daycare facilities shall be subject to the requirements for Day Care Facilities, outlined in §155.302(E).
- (b) In-home day cares, consisting of no more than 6 children and operating within a residential dwelling unit by a person that is a resident of the dwelling, shall be

permitted subject to the requirements of a Class “B” Home Occupation (see §155.308(C)(2)(c)).

- (c) An accessory day care facility to a church or place of worship shall be permitted as outlined in §155.308(E). A Conditional Use Permit shall not be required for an accessory day care facility to a church or place of worship.

(4) **Swimming Pools**

When allowed, in-ground and aboveground swimming pools that have a water depth over 24 inches and or have a surface area of at least 100 square feet shall be subject to the following requirements (see Chapter 154, Swimming Pools, of the Town Code of Ordinances for additional standards).

(a) **Private Pools**

Private swimming pools (including any associated decking, pool house, pool chemical storage shed, or equipment associated with the pool) on single-family detached, zero lot lines, alley-loaded, and two-family lots shall not be located in the street yard and shall not be closer than five feet to any property line.

(b) **Outdoor Community Pools, Private Club Pools, or Pools in Multi-Family Complexes**

1. Outdoor pools (including any associated decking, pool house, pool chemical storage shed, or equipment associated with the pool) shall be located at least 50 feet from any property line adjacent to a residential district or use, and at least 25 feet from any property line adjacent to any other district or use.
2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement is waived if a permit has been issued for a special event.

(5) **Vehicle Repair**

Up to two vehicles may be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence.

(6) **Vehicle Sales**

Vehicle sales shall be prohibited within a residential district or on property devoted to residential use, except that the sale of a private vehicle registered to the occupant of the residence shall be allowed. No more than one such vehicle shall be displayed at a time.

(D) **ACCESSORY USES IN NONRESIDENTIAL DISTRICTS**

(1) **Drive-Thru (aka Drive-Through)**

Drive-thru facilities shall be subject to the following requirements:

- (a) A drive-thru shall only be permitted in conjunction with a permitted nonresidential use.
- (b) Drive-thru windows and lanes shall be screened in accordance with § 155.402(G).

(2) **Food Truck**

(a) ***Permits Required***

- 1. Food truck vendors must provide documentation of approval from the Health Department of the County in which the food truck's associated restaurant or commissary is located.
- 2. The County Health Permit must be displayed during hours of operation.

(b) ***Public Safety***

- 1. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
- 2. Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.
- 3. If the food truck is operating after dark, the food truck vendor shall provide appropriate lighting.
- 4. A food truck vendor shall not operate the food truck as a drive-in window.
- 5. The Planning Director may engage in zoning enforcement or prohibit/suspend a food truck vendor's operations if are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or such use is otherwise creating a danger to the public health or safety.

(c) ***General Location Requirements***

- 1. Food trucks must be located on private property with written permission from property owner.
- 2. Food trucks shall be positioned at least 400 feet from the customer entrance of an existing restaurant during hours of operation, unless the vendor provides documentation that the restaurant owner supports a closer proximity.
- 3. Food trucks shall not block parking spaces, drive aisles, access to loading/service areas, or emergency access and fire lanes. Food truck vending must also be positioned at least 15 feet away from fire hydrants, any fire department connection, and driveway entrances.

4. No more than two food trucks are permitted as an accessory use, unless at an approved special event, market, festival, or an active construction site.

(d) ***Hours of Operation***

Food trucks must cease operations between the hours of 12 a.m. and 7 a.m., and are not permitted to remain on site overnight.

(e) ***Signage***

No signage shall be allowed other than signs permanently attached to the motor vehicle. An easel sign no more than 12 square feet per sign face in display area may be placed within the customer waiting area.

(3) **Day Care Facility**

- (a) An accessory day care facility shall only be permitted as an accessory to the following uses:
 1. Hospital or Medical Center (§155.302(G))
 2. School (Elementary or Secondary) (§155.302(H))
 3. School (Technical, Trade, or Business) (§155.302(I))
 4. Entertainment, Indoor (§155.303(A))
 5. Entertainment, Outdoor (§155.303(B))
 6. Fitness/Recreation Center (§155.303(C))
 7. Creative Studio, (§155.305(G))
 8. Office, General, (§155.305(P))
 9. Office, Medical, (§155.305(Q))
 10. Research & Development, (§155.306(G))
 11. Church or Place of Worship, (§155.302(C))
- (b) All accessory daycare facilities shall be subject to the requirements for Day Care Facilities, outlined in §155.302(E).
- (c) An accessory day care facility to a church or place of worship shall be permitted as outlined in §155.308(E). A Conditional Use Permit shall not be required for an accessory day care facility to a church or place of worship.

(4) **Park**

- (a) An accessory park shall be permitted in the forms of community gardens, playgrounds, or other small-scale recreational amenities that are secondary in nature to the primary use of the property.
- (b) Accessory park uses shall be subject to minor site plan review in accordance with §155.707, illustrating the proposed boundaries of the park, amenities, and any other applicable elements.

- (c) Additional parking to accommodate the accessory park shall be required in accordance with §155.401.

(5) **Outdoor Display & Sales**

- (a) Outdoor display and sales shall be generally defined as the display and sales of goods, wares or merchandise outside of a permanent structure on property owned or leased by the person, firm or corporation. Outdoor display and sales must be secondary and incidental to the principal use or structure on the property, unless authorized pursuant to § 155.309, Temporary Use.
- (b) Outdoor display and sale areas greater than 50 square feet shall only be permitted following Planning Director review of a minor site plan in accordance with § 155.707, illustrating the extent of the permitted area for outdoor display and sales subject to the standards below. Outdoor display and sale areas 50 square feet or less do not require site plan approval, but are subject to the standards below.
- (c) The location of outdoor merchandise must be on the same property as the principal use, and not within the right-of-way, except that in the B-1 zoning district it may be displayed in the right-of-way, provided that clearance requirements are maintained for pedestrian passage.
- (d) Merchandise shall be displayed to allow pedestrians use of the adjacent sidewalk or parking areas, and shall meet ADA accessibility requirements.
 - 1. Any merchant desiring to display and sell merchandise along a public sidewalk or right-of-way must also receive approval from the Town Manager or his designee, and agree to following stipulations:
 - A. Merchandise must be removed from the sidewalk within 24 hours of notice from the Town. If such items are not removed following notice, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situation. The Town is not responsible for damage to the merchandise under any circumstances.
 - C. The owner of the business displaying or selling merchandise within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from the display of merchandise.
 - D. Merchandise must be removed from the sidewalk when the business is closed.

(6) **Outdoor Dining**

- (a) Outdoor dining shall be defined as the placement of tables and chairs for dining outside of a permanent structure.
- (b) **General Requirements**
 - 1. Outdoor dining shall be permitted with a zoning compliance permit for 8 or fewer seats. More than 8 seats is subject to a minor site plan, or as a component of a major site plan in accordance with § 155.707, illustrating the extent of the outdoor dining area, the maximum seating capacity, and subject to the standards below. The impact of outdoor dining areas on adjacent churches, hospitals, public schools, and residential uses shall be mitigated to minimize potential impacts related to glare, light, loitering, and noise.
 - 2. Patron tables and other outdoor dining area components shall be clearly defined and located on the same site as the other facilities of the restaurant or on the adjacent public right-of-way. Separation between the seating and vehicular or pedestrian traffic by a physical barrier may be required, with the design to be approved by the Planning Director.
 - 3. Separation may be achieved through the use of materials which include, but are not limited to landscape planters, walls, railings or a combination thereof. Only barriers composed of landscape planters or masonry walls may be solid.
- (c) The additional parking necessary to accommodate seating created in the outdoor dining area shall comply with the parking requirements set forth in § 155.401 of this Chapter.
- (d) Outdoor dining areas and associated structural elements, such as awnings, covers, umbrellas, or other physical elements shall be compatible with the overall design of the main structure and must maintain a height clearance of eight feet and meet ADA accessibility requirements. Dining equipment (including, but not limited to tables, chairs, space heaters, barriers) may remain in place.
- (e) The Town may revoke the outdoor dining area if it is determined that its operation is causing litter problems either on or off the property where the dining is located or that such use is otherwise creating a danger to the public health or safety.
- (f) In addition to the requirements set forth above, if any portion of the outdoor dining area is to be located within a public right-of-way (sidewalks only), the dining area must also receive approval from the Town Manager or his designee, and agree to following stipulations. Outdoor dining within right-of-way owned and operated by the State of North Carolina, must also meet the requirements of G.S. 136-27.4 listed below.
 - 1. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.
 - 2. Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any

permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.

3. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.
 4. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
 5. The restaurant operator shall provide evidence of adequate liability insurance specified by the Town under G.S. 160A-485 as the limit of the Town's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name NCDOT and the Town as additional insured on any policies covering the business and the sidewalk activities.
 6. The restaurant operator shall provide an agreement to indemnify and hold harmless NCDOT and the Town from any claim resulting from the operation of sidewalk dining activities.
 7. The restaurant operator shall provide a copy of all permits and licenses issued by the State, County or Town, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the Town for exterior alterations or improvements to the restaurant.
 8. The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the Town, its agents or employees, or by any other governmental entity or public utility.
 9. Any other requirements deemed necessary by the NCDOT, either for a particular Town or a particular component of the State highway system.
- (g) The Town reserves the right to terminate the use of outdoor dining within the public right-of-way at any time. Upon notice, all furnishings must be removed from the sidewalk within 24 hours of notice from the Town. If furnishings are not removed within the time specified, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situations. The Town is not responsible for damage to the furnishings under any circumstances.

- (h) The owner of the business utilizing a dining area within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from outdoor dining furnishings.

(7) Limited Outdoor Storage

- (a) Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles (not associated with outdoor sales and display including vehicle sales, vehicle repair or car rental), merchandise or material in boxes, crates, on pallets or other kinds of containers, shopping carts, or other similar merchandise, material or equipment.
- (b) Limited outdoor storage shall only be permitted as an accessory use following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
 - 1. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100% opaque visual barrier or screen.
 - 2. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.
 - 3. Limited outdoor storage shall not be permitted in a street yard or otherwise forward of the front building line.

(8) General Outdoor Storage

- (a) General outdoor storage shall be defined as salvage yards, vehicle junk yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
- (b) General outdoor storage shall only be permitted as an accessory use following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
 - 1. General outdoor storage shall be screened by 100% opaque, eight foot high visual barrier or screen. When located abutting or across the street from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view.
 - 2. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
 - 3. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.

4. General outdoor storage may be located in the side or rear yard.

(9) **Swimming Pools**

- (a) Outdoor pools shall meet the standards of Chapter 154, Swimming Pools, of the Town Code of Ordinances.
- (b) Outdoor pools including decking shall be located at least 50 feet from any property line adjacent to a residential district or use, and at least 25 feet from any property line adjacent to any other district or use.
- (c) When the pool is adjacent to residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement may be waived if a permit has been issued for a special event.

(E) **ACCESSORY USES FOR PLACES OF WORSHIP**

Accessory uses are permitted for a place of worship in accordance with the following standards.

The following facilities may be considered accessory to a place of worship. Additional buffering may be required through the review and approval of a site plan to address the intensity of the proposed place of worship and the proposed accessory uses.

- (a) Offices for the place of worship;
 - (b) Rooms for religious instruction or counseling;
 - (c) Meeting rooms for intermittent community meetings or instruction;
 - (d) Fellowship hall;
 - (e) Kitchen facilities;
 - (f) Senior center, neighborhood arts center or other community center;
 - (g) Temporary child care during religious services or events;
 - (h) Outdoor play area;
 - (i) Columbarium;
 - (j) "Meals on Wheels" or other similar programs using the kitchen in the place of worship but delivering food elsewhere; and
 - (k) Residence for clergy employed by the place of worship.
- (2) The following accessory uses are subject to approval of a major site plan by the Planning Board (see § 155.707).

- (a) Gymnasium or similar indoor recreational facility;
- (b) Cemetery;
- (c) Overnight accommodation for visiting clergy and non-paying guests of clergy employed by the place of worship;
- (d) Child care center;
- (e) School;
- (f) Soup kitchen or other social service facility; and
- (g) Athletic field or similar facility.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12; Ord. 2017-04-06, approved 04/03/2017)

§ 155.309 TEMPORARY USES

(A) GENERAL REQUIREMENTS

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this chapter, the following regulations shall govern temporary uses.

(B) TEMPORARY USES EXEMPT FROM PERMIT

The following permitted temporary uses are exempt from these requirements.

- (1) Christmas tree sales lots.
- (2) Garage or yard sales are permitted only by the property owner on their property and are allowed once every four months at any given location. The sale may not exceed three consecutive days in length. Advertising signs may not be placed on any rights-of-way or off-site locations without the owners' permission.
- (3) Storage pods for off-site storage of household or other goods located in any street yard are permitted for a maximum of seven consecutive days, and any side or rear yard for a maximum of 30 consecutive days.

(C) TEMPORARY USE PERMIT REQUIRED

The following temporary uses are allowed in the frequency stated below, except that no property shall have more than four of the events listed below in one calendar year.

(1) **Commercial Circuses, Carnivals or Fairs**

Commercial circuses, carnivals or fairs, for not more than two consecutive weeks in any calendar year.

(2) **Temporary Religious or Revival Activities**

Temporary religious or revival activities in tents in association with a place of worship, for not more than two consecutive weeks in any calendar year.

(3) **Non-profit Special Events**

Special events run by non-profit, charitable organizations occurring no longer than seven consecutive days once every three months.

(4) **Tent Sales**

Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every six months.

(5) **Grand Opening Sales**

Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy.

(6) **Outdoor Vehicle Show or Sale**

Outdoor motor vehicle or recreational vehicle show or sale, for three consecutive days, twice per calendar year.

(7) **Other Temporary Uses**

Other temporary uses similar in nature to the ones listed above, with corresponding limitations, as determined by the Planning Director.

(D) **TEMPORARY OUTDOOR DISPLAY OF MERCHANDISE**

Permanent outdoor display of merchandise may be approved as part of major site plan (see § 155.311).

- (1) Outdoor display of merchandise in nonresidential districts by merchants occupying the premises and having a valid certificate of occupancy, occurring no longer than nine consecutive days up to four times per year, is allowed subject to issuance of a temporary use permit and all of the following conditions.
 - (a) Merchandise shall only be displayed in front of the premises occupied by the merchant.
 - (b) Merchandise shall not be displayed closer than five feet to any entrance to the premises.
 - (c) Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or traffic.
 - (d) The display of merchandise shall not exceed eight feet in height.
 - (e) Merchandise shall only be displayed during the merchant's hours of operation, and must be taken inside the premises at closing.
 - (f) Merchandise shall only be displayed in an area not wider than 50% of the total linear foot frontage of the building occupied by the merchant.
 - (g) The required temporary use permit must be visibly displayed at the main entrance of the associated merchant.

- (h) A violation of any conditions set out in this section shall constitute a violation of the temporary use permit and cause said temporary use permit to be revoked. Once revoked, a temporary use permit shall not be issued for the same temporary use for a period of one year.
 - (2) Any temporary use permit issued under (C)(1) through (7) of this section shall be counted in the maximum number of temporary use permits allowed for the temporary outdoor display of merchandise.
 - (3) The requirements of this section do not supersede the permanent outdoor storage or display requirements of §155.311.
- (E) **MANUFACTURED HOME OR TRAILER FOR TEMPORARY USE**

After approval by the Planning Director, a manufactured home or trailer may be used as a temporary office, security shelter, or shelter for materials or tools (but not for residential purposes or sales offices) incident to construction on or development of the premises upon which the manufactured home or trailer is located. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than six months without the further approval of the Planning Director. The temporary use shall be approved only upon finding that actual construction is continuing.
- (F) **TEMPORARY USE IN CONJUNCTION WITH SPECIAL EVENT PERMIT**

Where a valid permit has been issued by the Town for use of adjacent right-of-way that makes the street unavailable to vehicular traffic, a temporary use permit may be issued in accordance for events on the grounds or in the parking lot of any adjacent parcel during the period of the special event permit.
- (G) **REAL ESTATE DEVELOPMENT PROJECTS**
 - (1) A developer may request a temporary use permit for necessary commercial promotional, storage, or fabrication activities at the development site which occur during construction of that developer's project.
 - (2) When the request is for a temporary sales office, model home, or apartment, the application shall list the lots, apartment units, or dwelling units to be initially sold.
 - (3) The temporary use permit shall be restricted to only those activities and properties listed on the petition. Such activities shall not include any sale of properties outside the development site or any resale of properties.
 - (4) The following uses in connection with such a project require a temporary use permit:
 - (a) Offices for sale of real estate or for persons engaged in the development.

- (b) Construction materials storage, general contractor's business office, processing, or fabrication.
- (c) Equipment storage.
- (d) Model homes or sample apartments.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

§ 155.310 TELECOMMUNICATION FACILITIES

(A) PURPOSE AND LEGISLATIVE INTENT

The purpose of this Section is to establish general guidelines for the locating, collocating, modifying or upgrading of telecommunications towers, antenna, ground equipment and related accessory structures. It is the intent of this Section to:

- (1) Promote the health, safety, and general welfare of the public by regulating the locating of telecommunication facilities.
- (2) Minimize the impacts of telecommunication facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.
- (3) Encourage the location and collocation of telecommunication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional towers.
- (4) Accommodate the growing need and demand for new and upgraded telecommunication services.
- (5) Encourage coordination between suppliers and providers of personal telecommunication services.
- (6) Establish predictable and balanced codes governing the construction and location of telecommunications facilities within the confines of permissible local regulations.
- (7) Establish review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time as required by applicable state and federal regulations.
- (8) Respond to the policies embodied in the Telecommunications Act of 1996 so that no discrimination between providers of functionally equivalent personal wireless services occurs, or to prohibit or have the effect of prohibiting personal wireless services.
- (9) Respond to the policies in Section 6409 of the Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)).
- (10) Protect the character of the Town while meeting the needs of its citizens to enjoy the benefits of telecommunication services.
- (11) Encourage the use of public lands, buildings, and structures as locations for telecommunications infrastructure demonstrating concealed technologies and revenue generating methodologies.

(B) **AUTHORITY**

The provisions of this Section are permitted under authority granted by the General Assembly of the State of North Carolina with particular reference to Article 6 of Chapter 153A of the North Carolina General Statutes.

(C) **SPECIFIC TELECOMMUNICATION DEFINITIONS**

- (1) **Alternative Structure**
A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including, but not limited to buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.
- (2) **Amateur Radio Tower**
Any tower used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.
- (3) **Ancillary Structure**
Any form of development associated with a communications facility, including, but not limited to foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.
- (4) **Anti-Climbing Device**
A piece or pieces of equipment designed to prevent people from climbing the structure.
- (5) **Antenna**
Any apparatus designed for the transmitting and/or receiving of communication signals, including, but not limited to telephonic, radio and television communications.
- (6) **Antenna Array**
A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving communication signals.
- (7) **Antenna Element**
Any antenna or antenna array.
- (8) **Antenna Modification**
See collocation.
- (9) **Antenna Upgrade**
See collocation.
- (10) **ASR**
The Antenna Structure Registration Number as required by the FAA and FCC.

- (11) **Base Station**
The electronic equipment utilized at the base of a tower for the transmission and reception of communication signals.
- (12) **Breakpoint Technology**
The engineering design of a tower wherein a specified point on the tower is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point. In the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the tower.
- (13) **Broadcast Facilities**
Towers, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- (14) **Collocation**
The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower or attached communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.
- (15) **Combined Antenna**
An antenna or an antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.
- (16) **Concealed**
A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with the natural environment or existing and proposed building(s) and uses on a site. There are two types of concealed facilities:
- (a) **Antenna Attachments.** These include painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.
 - (b) **Freestanding.** Freestanding concealed tower's usually have a secondary, obvious function which may include church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.
- (17) **Development Area**
The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.
- (18) **Discontinued**
Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 consecutive days.
- (19) **Distributed Antenna System (DAS)**

A network of smaller, spatially separated antenna nodes located within the public right-of-way and installed on either existing or new utility poles and connected to a communications network. A DAS network splits the transmitted signal among several smaller antennas to provide coverage and reliability over the same area as a single traditional tower/ antenna.

- (20) **Equipment Compound**
The fenced-in area surrounding the base station equipment including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.
- (21) **Equipment Cabinet**
Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of communication signals.
- (22) **FAA**
The Federal Aviation Administration.
- (23) **FCC**
The Federal Communications Commission.
- (24) **Feed Lines**
Cables used as the interconnecting media between the transmission/receiving base station and the antenna.
- (25) **Flush-Mounted**
Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.
- (26) **Geographic Search Ring**
An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.
- (27) **Handoff Candidate**
A wireless communication facility that receives call transference from another wireless facility.
- (28) **Least Visually Obtrusive Profile**
The design of a communication facility and its equipment to present a visual profile that is the minimum profile necessary for the facility to properly function.
- (29) **Non-concealed**

A tower, ancillary structure, or equipment compound that is readily identifiable as such and can be either freestanding or attached.

(30) **Personal Wireless Service**

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996.

(31) **Public Safety Communications Equipment**

All communications equipment utilized by a public entity for the purpose of ensuring the safety its citizens and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

(32) **Radio Frequency Emissions**

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, tower, building, or other vertical projection.

(33) **Radio Frequency Propagation Analysis**

Computer modeling to show the level of signal saturation in a given geographical area.

(34) **Satellite Earth Station**

A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of communications signals with satellites.

(35) **Structure**

Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.

(36) **Tower**

Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers, public towers, replacement towers, collocation on existing towers, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty feet. Types of support structures include the following:

- (a) **Guyed.** A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

- (b) **Lattice.** A tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
- (c) **Monopole.** A style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

(37) **Tower Base**

The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

(38) **Tower Height**

The vertical distance measured from finished grade to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

(39) **Tower Site**

The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.

(D) **EXEMPTIONS**

The following items are exempt from the provisions of this Section:

- (1) Any amateur radio tower less than 50 feet in height or communications towers existing or permitted prior to the adoption of this Section.
- (2) Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential zoning districts and two meters or less in all other zoning districts.
- (3) A government-owned communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from this Section beyond the duration of the state of emergency.
- (4) A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- (5) A temporary, commercial communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the Town, except that such facility must comply with all federal and state requirements. Said communications facility may be exempt from this Section for up to one week following the special event.

(E) **APPLICABILITY**

Unless specifically exempted above, this Section applies to development activity involving the installation, construction, or modification of all antenna and tower facilities. This includes but is not limited to:

- (1) Non-commercial, amateur radio station antennas.
- (2) Existing towers.
- (3) Proposed towers.
- (4) Public towers.
- (5) Mitigation of towers.
- (6) Collocation on existing towers.
- (7) Attached wireless communications facilities.
- (8) Concealed wireless communications facilities.
- (9) Non-concealed towers.
- (10) Broadcast facilities.

(F) **ABANDONMENT (DISCONTINUED USE)**

- (1) Towers, antennas, and the equipment compound shall be removed at the owner's expense should the facility/tower not have active antennas in use for a period of 180 days.
- (2) An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Town may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the Town may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town may cause removal of the tower with costs being borne by the owner.
- (3) Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.

(G) **CONFLICT WITH OTHER LAWS OR REGULATIONS**

When the requirements of this Section conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of the Town, State or Federal Government, or deeds restrictions imposed by the developer or subdivider, the more stringent requirements shall govern.

(H) **INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS**

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a collocation shall agree in a written statement to the following:

- (1) Compliance with “Good Engineering Practices” as defined by the FCC in its rules and regulations.
- (2) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- (3) In the case of an application for co-located telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant’s proposed facilities will not cause radio frequency interference with the Town’s public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
- (4) Whenever the Town has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
 - (a) The Town shall provide notification to all wireless service providers operating in the Town of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the Town and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.
 - (b) If any equipment owner fails to cooperate with the Town in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the Town public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the Town for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the Town to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within 24 hours of Town’s notification.

(I) **BUILDING CODE REQUIREMENTS**

Towers shall be constructed and maintained in conformance with all applicable building code requirements.

(J) **ZONING PROCESS LEVELS**

Table 3-1 below indicates the zoning process for the different types of tower projects.

Table 3-1 Process

PROCESS LEVEL	APPROVAL AUTHORITY	PROCESS TYPE ¹	USE
I	Planning Department	P	Amateur radio no greater than fifty (50) feet in height
II	Planning Department	TRC	DAS network equipment, concealed towers, collocation, attached antennas, base station equipment
III	Town Council	TC	New towers other than those defined as concealed
IV	Town Council	TC	Broadcast facilities
Notes: 1. P - Permitted by right TRC - Subject to Technical Review Committee approval (staff level) TC - Subject to Special Use Permit approval by Town Council			

(1) **Process Level I**

The Zoning Compliance Permit issued by the Planning Department to an individual, corporation, partnership, or other entity to engage in the creation of amateur radio tower

(2) **Process Level II**

The Zoning Compliance Permit issued by the Planning Department (after Technical Review Committee approval) to an individual, corporation, partnership, or other entity to engage in the installation of DAS network equipment or concealed towers and collocation, attached antennas, base station equipment or antenna element replacements.

(3) **Process Level III**

The Special Use Permit issued by the Planning Department (after public hearing and approval by Town Council to an individual, corporation, partnership, or other entity to engage in the creation of new towers, excluding amateur radio towers.

(4) Process Level IV

The Special Use Permit issued by the Planning Department (after public hearing and approval by Town Council to an individual, corporation, partnership, or other entity to engage in the creation of new towers, specifically broadcast facilities.

(K) LOCATING ALTERNATIVES ORDER

(1) Locating of New Antenna Array & New Towers

Locating of a new antenna array and new tower shall be in accordance with the preferred location hierarchy provided in Table 3-2 below.

Table 3-2 Preferred Location Hierarchy

Ranking	Type
1	Concealed attached antenna
2	Collocated/combined/DAS antenna on existing tower
3	Replacement of existing tower
4	Non-concealed attached antenna
5	Concealed freestanding tower
6	Non-concealed freestanding tower

(2) Locating of Attached, Collocated, DAS, and Combined Antenna

For attached, co-located, or combined antenna, the order of ranking preference, highest to lowest, shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(3) Replacement of Existing Tower

For replacement of an existing tower, the order of ranking preference from highest to lowest shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required including, but

not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed communications facility.

(4) **Freestanding Towers**

Where a freestanding tower is permitted, the order of ranking preference from highest to lowest shall follow the same ranking as provided in Table 3-2 above. Where a lower ranked alternative is proposed, the applicant must file relevant information as required and demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed communications facility, and the existing land uses of the subject and surrounding properties within 300 feet of the subject property.

(L) **APPLICATION REQUIREMENTS**

All tower applications shall contain the following:

- (1) Completion of the Town of Clayton's Site Plan and Tower Application.
- (2) Proof that a property and/or tower owner's agent has appropriate authorization to act upon the owner's behalf, if applicable.
- (3) Application Fee.
- (4) Site Plan.
- (5) Written statement indicating that the criteria set forth in Section 155.310 (H) are met.
- (6) For new towers: A determination of need demonstrating that no existing tower can accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.
- (7) Valid FCC license / approval, as applicable.

(M) **GENERAL DEVELOPMENT STANDARDS**

(1) **Visibility**

- (a) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
- (b) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.

- (c) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the new tower. The applicant shall arrange to raise a colored balloon no less than three feet in diameter at the maximum height of the proposed tower, and within fifty horizontal feet of the center of the proposed tower.
 - (d) The applicant shall meet the following for the required balloon test:
 - 1. Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least 14 days in advance.
 - 2. The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date.
 - 3. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
 - 4. Re-advertisement will not be required if inclement weather occurs.
 - (e) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
 - (f) In residential zoning districts, new towers shall only be considered on lots whose principal use is not residential.
- (2) **Construction**
- (a) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
 - (b) Towers shall be constructed to accommodate antenna arrays as follows:
 - 1. All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four antenna arrays.
 - 2. All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five antenna arrays.
 - 3. All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six antenna arrays.

- (c) Freestanding non-concealed tower shall be limited to monopole type towers, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

(3) **Setbacks**

Freestanding towers and equipment compounds shall be subject to the setbacks described below:

- (a) If the tower has been constructed using breakpoint design technology (see 'Definitions'), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
- (b) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

(4) **Height**

- (a) Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas. It is intended that all new non-broadcasting towers be 150 feet or less in height. However, should a tower be required in excess of 151 feet, under no circumstance shall any tower exceed 300 feet. All new towers in excess of 151 feet shall be subject to the following additional requirements:
 - 1. Evidence that the antenna service area will be so substantially compromised that there would be a requirement of additional antenna array within a distance of two miles.
 - 2. The tower shall be designed to allow for a future reduction of elevation to no more than 150 feet, or the replacement of the tower with a monopole type structure at such time as the wireless network had developed to the point that such heights can be justified.
- (b) New concealed towers shall be limited to 150 feet or less in height. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

(5) **Equipment Compound**

- (a) Equipment compounds shall be completely screened from view and shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
 - 1. Equipment cabinets shall be screened in accordance with Section 155.402(G)(4). Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(6) **Parking**

Parking shall be required in accordance Section 155.401(C) of the UDC.

(7) **Fencing**

All equipment compounds shall be screened from view and enclosed with an opaque fence, masonry wall, landscaping, or combination thereof. Alternative equivalent screening may be approved through the site plan approval process described in Section 155.402 of the UDC.

(8) **Buffer**

The equipment compound shall be landscaped with a minimum 10 foot wide perimeter buffer containing the following planting standards:

- (a) All plants and trees shall be indigenous to eastern North Carolina.
- (b) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping with approval from the Planning Department.
- (c) One row of evergreen trees with a minimum two inch caliper, 25 foot on center.
- (d) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five foot on center.
- (e) Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of Section 155.402 of the UDC.

(9) **Signage**

Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be limited to the following:

- (a) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- (b) If 220 volts or more is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four inches, the following: "HIGH VOLTAGE - DANGER."
- (c) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(10) **Lighting**

Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.

- (a) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
- (b) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

(N) **ADDITIONAL REQUIREMENTS FOR LEVEL II and LEVEL III FACILITIES**

(1) **Requirements for all Level II Facilities:**

- (a) Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.
- (b) Certification furnished by a registered professional engineer licensed in the State of North Carolina that the structure has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.

- (c) One original and two copies of a survey of the property completed by a registered professional surveyor, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (d) Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and intermodulation distortion.

(2) Collocation & Combination (Level II)

The Town requires collocation and combining of antennas on existing communications towers as a first priority where collocation is possible. Collocations are subject to the following additional requirements:

- (a) A collocated or combined antenna or antenna array shall not increase the height of an existing tower by more than 10 percent or 20 feet, whichever is greater.
- (b) New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (c) The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
- (d) When a collocated or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (e) Collocation and eligible facilities requests of wireless support structures described in Section 160A-400.53 North Carolina General Statutes, shall meet all the following requirements:
 - 1. The additional antenna array, transmission lines, and related ancillary equipment including the base station do not exceed the number of same items previously approved for such tower when originally approved, and the collocated facility is in complete conformance with the original conditions imposed on the tower upon which it is being attached.
 - 2. The proposed collocation shall not increase the overall height of the tower or support structure to which the proposed infrastructure is to be attached by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
 - 3. The collocation shall not increase the ground space area approved in the communications tower site plan for equipment enclosures and ancillary facilities by more than 2,500 square feet.

4. The collocation shall not, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, add an appurtenance to the body of a communications tower that protrudes horizontally from the edge of the tower the greater of (i) more than 20 feet or (ii) more than the width of the tower at the level of the appurtenance increase.
 5. The existing tower on which the collocation will attach shall comply with applicable regulations, restrictions, and/or conditions, if any, applied to the initial wireless facilities placed on the tower.
 6. The proposed additional collocation and tower shall comply with all federal, state, and local safety requirements.
 7. The proposed collocation and ancillary equipment shall not exceed the applicable weight limits for the tower.
- (f) Applications for collocation entitled to processing pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)) shall be approved provided they meet the following requirements:
1. A collocation on an existing antenna-supporting structure shall not increase the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater, and shall not cause the width (girth) of the structure to be increased more than 20 feet or the existing girth of the structure, whichever is greater.
 2. Any collocation on an existing antenna-supporting structure shall meet current building code requirements (including windloading).
 3. A collocation shall not add more than four additional equipment cabinets or one additional equipment shelter.
 4. A collocation shall not require excavation outside of existing leased or owned parcel or existing easements.
 5. Proposed collocations that do not meet these standards shall be processed as a Level III application.
- (g) Collocation approvals entitled to processing pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC §1445(a)) are subject to the following:
1. A collocation application shall be deemed complete unless the Town notifies the applicant within 45 days of submission (or within some other mutually agreed upon timeframe) that the submission is incomplete. Notices of application incompleteness shall identify the deficiencies in the application which, if cured,

would make the application complete. Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by the 45th day after the submission is deemed complete.

2. Upon resubmitting of the revised application the Town shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.
 3. If the Town does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.
 4. Applications subject to this review process shall not be subject to design or placement requirement, or public hearing review. All applications shall be initially submitted to the Planning Department for review and processing.
- (h) New concealed and non-concealed towers shall be reviewed and have a decision rendered within 150 days of receipt of the application.

(3) Attachment: Concealed & Non-Concealed (Level II)

Antennas may be mounted onto a structure which is not primarily constructed for the purpose of holding attachment antennas but on which one or more antennas may be mounted. Attached antenna shall be subject to the following:

- (a) The top of the attached antenna shall not be more than 20 feet above the existing or proposed building or structure
- (b) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the Technical Review Committee and utility company.
- (c) When an attached antenna is to be located on a nonconforming building or structure, the existing permitted nonconforming setback shall prevail.
- (d) Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

(4) Antenna Element Replacement (Level II)

For any replacement of an existing antenna element on an antenna, the applicant must, prior to making such modifications, submit the following:

- (a) A written statement setting forth the reasons for the modification.
- (b) A description of the proposed modifications to the antenna, including modifications to antenna element design, type and number, as well as changes in the number and/or

size of any feed lines, from the base of the equipment cabinet to such antenna elements.

- (c) A signed statement from a qualified person, together with their qualifications, shall be included representing the tower's owner or owner's agent that the radio frequency emissions comply with FCC standards for such emissions. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (d) A stamped or sealed structural analysis of the existing structure prepared by a registered professional engineer licensed by the State of North Carolina indicating that the existing tower as well as all existing and proposed appurtenances meets North Carolina Uniform Statewide Building Code (USBC) requirements, including wind loading, for the antenna support structure.

(5) **DAS Equipment (Level II)**

(a) ***System Design Review***

A DAS applicant, prior to its initial application for a DAS facility, shall furnish an overall system design application to the Planning Department for review and approval by the Technical Review Committee. The system design application shall include the following information:

1. A statement of the identity and number of wireless services providers that will utilize the DAS systems;
2. A statement that the DAS system will be capable of accommodating at least eight (8) wireless service providers on the proposed system
3. A graphic depiction of the conceptual plan for the proposed total area of service coverage by the DAS system;
4. A statement of the number of handoff facilities for the DAS system;
5. A proposed build-out timeline and graphic depiction of the build-out phases through completion.

(b) ***Equipment Design Review***

A DAS applicant, prior to its initial application for a DAS facility, shall furnish an equipment design application to the Planning Department for review and approval by the Technical Review Committee. The equipment design application shall include the following information for each proposed design:

1. Elevation of the antenna and/or antenna support structure to include the following proposed dimensions: height, width and breadth. Height shall include the base, the antenna support structure, and lightning rod.
2. Elevation views of any security barrier or equipment compound, indicating architectural design, exterior appearance and materials, including color.
3. Mounting location on antenna support structure or building, including height AGL).
4. Identification of all mounting frames, arms, brackets or other devices or equipment used to hold antennas and other equipment in place.
5. Equipment brochures or drawings for the proposed facility, shall be provided for antennas, support structures/mounts, equipment shelters, feed lines and security barrier, if any.
6. Photo-simulated post-construction renderings of a sampling of completed proposed DAS facilities, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four vantage points (north, south, east, and west).
7. Individual sample site plan (no larger than 24 inches by 36 inches with an 8½ inch by 11 inch reduced copy) prepared and certified by a North Carolina-licensed professional engineer shall include all information listed on the DAS application checklist, and including existing or proposed public rights-of-ways, private roads and/or access easements through, on, or adjacent to the subject property.
8. Applicants should submit the information required by subsections (1) through (7) above for each design, if multiple designs are proposed.

(c) ***Individual Component Application and Approval***

Following approval of the DAS system design and DAS equipment design by the Technical Review Committee, a DAS applicant shall submit applications for individual DAS installations to the Planning Department for administrative approval provided the individual application provides documentation certifying it is consistent with the system design and equipment design standards previously approved in subsections (a) and (b) above.

(6) **Replacement of Existing Towers**

For a replacement of an existing tower with a new structure, the applicant must submit the following items outlined in subsection (7) below for new towers, including items (c) through (h), (k) through (p) and (r).

- (a) The height of a tower approved for replacement shall not exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated.

(b) **Level III**

The height of a tower may exceed one hundred and fifteen percent (115%) of the height of the tallest tower that is being mitigated with evidence that the new tower will eliminate the need for an additional antenna array within a distance of two (2) miles. Under no circumstance shall any mitigated tower exceed a height of 300 feet.

1. Height & Setbacks

A new tower approved for replacement of an existing tower shall not exceed one hundred and fifteen percent (115%) of the height of the existing tower and shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the tower owner for the change out of the old facility.

1. Buffers

At the time of replacement, the tower equipment compound shall be brought into compliance with any applicable buffer requirements.

2. Visibility

Replacement towers shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

(7) **New Towers (Level III)**

All new towers shall submit the following addition information as a part of a complete application:

- (a) A report and supporting technical data shall be submitted, demonstrating the following:
 - 1. All antenna attachments and collocations, including all potentially useable cross country utility distribution towers and other elevated structures within the proposed service area and alternative antenna configurations have been examined, and found unacceptable.

2. Reasoning as to why existing facilities such as cross country utility distribution and other elevated structures are not acceptable alternatives to a new freestanding tower.
3. Reasoning as to why the adequacy of alternative existing facilities or the mitigation of existing facilities are not acceptable in meeting the applicant's need or the needs of service providers, indicating that no existing communications facility could accommodate the applicant's proposed facility shall consist of any of the following:
 - B. No existing towers located within the geographic area meet the applicant's engineering requirements, and why.
 - C. Existing towers are not of sufficient height to meet the applicant's engineering requirements, and cannot be mitigated to increase in height.
 - D. Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
 - E. Other limiting factors that render existing wireless communications facilities unsuitable.
- (b) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of North Carolina or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.
- (c) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (d) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for either Johnston or Wake County, North Carolina, as appropriate.
- (e) An affidavit by a radio frequency engineer demonstrating compliance with 'Locating Alternatives Order' located in Section 155.310(K) above. If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical, and/or justified given the location of the proposed communications facility.

- (f) Statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.
- (g) Written statement by a registered professional engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility.
- (h) Statement certifying that sound levels shall not exceed seventy decibels (70 db) at the related property line.
- (i) A map showing the designated search ring.
- (j) A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new tower.
 - 1. These documents are needed to verify the proposed parameters of a facility and to determine if the proposed location is the best suitable land use in the designated geographic area of the proposed facility in accordance with applicable state and federal standards for communications facility siting.
- (k) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (l) Signed and sealed site plans shall include the following:
 - 1. Name of project and date.
 - 2. Deed Book, and Page and Map Book and Page Reference.
 - 3. Scale, north arrow, and vicinity map.
 - 4. Subject property information including zoning, watershed classification, and percent coverage of lot to be impervious surface (if located in a designated watershed area).
 - 5. Adjacent property information, including land owners, land uses, height of principal building, size of lots, zoning, and land use designation.
 - 6. Tower elevations.
 - 7. Landscape buffering plans.
 - 8. Maximum height of the proposed tower and proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rod.

9. Location, classification, and size of all major public or private streets and rights-of-way.
 10. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features.
 11. Two reduced copies (8½"×11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
- (a) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (m) List of adjacent property owners and keyed to the map. The list must be from the most current ownership information supplied by the appropriate County Tax Department, together with two sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (n) Simulated photographic evidence of the proposed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the Planning Department including the facility types the applicant has considered and the impact on adjacent properties. The simulations shall include depictions of:
1. Overall height
 2. Configuration
 3. Physical location
 4. Mass and scale
 5. Materials and color
 6. Illumination
 7. Architectural design
- (o) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Section.
- (p) A pre-application conference will be required for any new tower. The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the Town as indicated on the list of wireless service providers provided by the Town:

"Pursuant to the requirements set forth in Section 155.310 of the Town of Clayton Unified Development Code, [TOWER PROVIDER] is hereby providing you with

notice of our intent to meet with the Town Staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at _____ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a tower of _____ feet in height for the purpose of providing _____ (type of wireless service) _____. Please inform the Town staff if you have any desire for placing additional wireless facilities or equipment within two miles of our proposed tower. Please provide us with this information within 20 business days after the date of this letter. Your cooperation is sincerely appreciated.

Sincerely, (pre-application applicant, wireless provider)"

- (q) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

(O) **ADDITIONAL REQUIREMENTS FOR LEVEL IV (BROADCAST) FACILITIES**

(1) **Broadcast Facilities**

All new broadcast facilities shall submit the following addition information as a part of a complete application:

- (a) Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.
- (b) Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
- (c) A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for either Johnston or Wake County, North Carolina, as appropriate.
- (d) Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted. Sound levels shall not exceed seventy decibels (70 db).
- (e) One original and two copies of a survey of the property completed by a registered professional engineer, licensed in the State of North Carolina showing all existing uses, structures, and improvements.
- (f) Six sets (24"x36") of signed and sealed site plans shall include the following:

1. Name of project and date
 2. Deed Book, and Page and Map Book and Page Reference
 3. Scale, north arrow, and vicinity map
 4. Subject property information including zoning, watershed classification, percent coverage of lot to be impervious surface (if located in a designated watershed area)
 5. Adjacent property information including land owners, land uses, height of principal building, size of lots, and existing zoning and land use
 6. Landscape buffering plans
 7. Maximum height of the proposed tower and/or antenna, including individual measurements of the base, tower, and lightning rod
 8. Location, classification, and size of all major public or private streets and rights-of-way
 9. Identify adjacent features within 500 feet of property boundary including driveways, public parking areas, pedestrian ways, trails, and any other pertinent features
 10. Two reduced copies (8½"x11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities.
 11. Structure elevations
- (g) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (h) List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list must be from the most current ownership information supplied by the appropriate County Tax Department, together with two sets of mailing labels for such property owners. Applicant will also provide a notarized Certification Letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (i) A pre-application conference will be required for any new broadcast facility.
- (j) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

(2) Supplemental Requirements for Broadcast Facilities

All new broadcast facilities shall meet the following supplemental requirements:

(a) **Determination of Need**

No new broadcast facilities shall be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant's proposed use.

(b) **Height**

Height for broadcast facilities shall be evaluated on a case by case basis. The determination of height contained in the applicant's FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.

(c) **Setbacks**

New broadcast facilities and anchors shall be subject to the setbacks described below:

1. Minimum of 500 feet from any single-family dwelling unit on same lot.
1. Minimum of one foot for every one foot of tower height from all adjacent lots of record.

(d) **Equipment Cabinets**

Except for AM broadcast facilities, cabinets shall not be visible from pedestrian and right-of-way views.

(e) **Fencing**

All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.

(f) **Buffer**

Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-way and adjacent residential land uses be screened from proposed broadcast facilities using existing vegetation or be landscaped with a minimum 10 foot wide perimeter buffer containing the following planting standards:

1. All plants and trees shall be indigenous to this part of North Carolina.
2. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Department.

3. One Row of evergreen trees with a minimum two inches caliper, 25 foot on center.
4. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five foot on center.
5. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(P) **ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

(1) **Administration**

This Section shall be administered and enforced by the Planning Director or designee. The Town may, through contract, secure the professional services of telecommunications consultants to assist Town staff in the implementation of this Section. Such professional services include, but are not limited to, review and evaluation of permit applications, determination of compliance with existing and proposed Federal regulations, minimization of the aesthetic impact, review of the technical data and expert testimony as needed.

(2) **Enforcement and Penalties**

If the Planning Director or designee shall find that any of the provisions of this Section are being violated, it shall notify in writing the person responsible for the violation, specifying the nature of the violation and what corrective measures must be taken. The Planning Director or designee shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violation of the provisions of this Section.

(3) **Penalties**

Any person failing to take corrective action within a reasonable time after receiving written notice from the Planning Department and any person operating a Communications Tower without a valid permit shall be guilty of a misdemeanor and subject to the enforcement provisions listed in Section 155.720 of the Unified Development Code.

(4) **Fees**

The Town Council shall set a fee, payable to the Town to cover the necessary processing cost of all Communications Tower Permits. The set fee shall be posted in the Town's Comprehensive List of Fees and Charges.

(5) Supplemental Review

The Town reserves the right to require a supplemental review for any Process Level (I, II, III, or IV) subject to the following:

- (a) Where due to the complexity of the methodology or analysis required to review an application for a Process Level (I, II, III or IV), the Town may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Town Fee Schedule.
- (b) Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
- (c) The supplemental review may address any or all of the following:
 - 1. The accuracy and completeness of the application and any accompanying documentation.
 - 2. The applicability of analysis techniques and methodologies.
 - 3. The validity of conclusions reached.
 - 4. Whether the proposed communication facility complies with the applicable approval criteria set forth in these codes.
 - 5. Other items deemed by the Town to be relevant to determining whether a proposed communications facility complies with the provisions of these codes.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-05-02, passed 5-7-07; Am. Ord. 2007-05-03, passed 5-7-07; Am. Ord. 2012-04-03, passed 4-2-12; Am. Ord. 2012-12-03, passed 12-3-12)

Article 3 / Specific Use Standards
§155.311 Outdoor Dining, Display and Storage

|| (Ord. 2013-10-02, passed 10-7-13; Ord. 2017-04-06, approved 04/03/2017)

Commented [HH1]: Relocated to 155.308



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

*Planning Board
June 24, 2019*

STAFF REPORT

Application Number: 2019-106-OA Project Name: Accessory Uses Ordinance Amendment

Applicant: Town of Clayton

Public Noticing:

- Newspaper ad published July 3, 2019 & July 10, 2019

REQUEST: Request to amend the Unified Development Code, Title XV, §155.202, §155.308, §155.311. This amendment seeks to revise the code in order to establish permitted accessory uses within the Use Table, and relocate accessory use definitions for easier accessibility in the UDC.

SECTIONS PROPOSED FOR AMENDMENT:

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

- 202- Use Table
- 308- Use Definitions
- 311- Outdoor Dining, Display, and Storage

STAFF ANALYSIS AND COMMENTARY:

Overview

This amendment seeks to modify the Unified Development Code to add accessory uses to the Use Table, and to modify and relocate accessory use definitions within §155.311. An accessory use is a use that occurs on the same property as the principal use, but is secondary in nature. The Town does not currently outline any accessory uses within the Use Table, but instead lists them in §155.308.

Most of the accessory uses added to the Use Table are already permitted accessory uses located in §155.308 and §155.311 of the Unified Development Code. Definitions of these accessory uses can be found in these sections. However, these most of these do not specify in which zoning districts these uses are permitted.

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All existing accessory uses outlined in the Unified Development Code are remaining, and their definitions not being altered as a part of this ordinance amendment. However, through adding them to the Use Table staff is proposing to limit them to certain zoning districts for public health, safety, and welfare purposes. As a part of this ordinance amendment, the accessory use definitions listed within §155.311 have also been relocated to §155.308 so that all accessory uses are located in a centralized section of the Unified Development Code.

As a part of the ordinance amendment, the Town is requesting to add only two new accessory uses that are not currently outlined as accessory uses in the UDC.

1. Day Care Facility

- Day care facilities are already permitted as accessory uses to churches. Day Care facilities may also be permitted as an accessory to a residential dwelling unit, subject to meeting the requirements of a Class “B” Home Occupation. However, the code is not clear as to what other uses day care facilities may be permitted as an accessory to. Within §155.308, staff has added a definition for accessory day care facilities. This definition outlines which primary uses may have an accessory day care facility. It also references the existing requirements of in-home daycares and daycares associated with a church or place of worship. Staff feels that the new uses outlined in this section commonly do include day care facilities to serve customers and employees, such as hospitals, research & development, etc..

2. Park

- This accessory use is proposed due to allow for small-scale recreational amenities, which includes uses such as pocket parks or community gardens. The use of a park as an accessory is outlined in the ordinance amendment to only be permitted in the form of community gardens, playgrounds, or other small-scale recreational amenities that are secondary to the primary use of a property. Allowing this as an accessory use would permit businesses to add recreational amenities to employees and customers.

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 code currently outlines accessory uses. This ordinance amendment is mostly relocating existing information to the Use Table for easier accessibility for those researching the Town’s ordinance.

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