



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, January 28, 2019 @ 12:00 AM

1. ROLL CALL

2. CALL TO ORDER

3. ADJUSTMENT OF THE AGENDA

4. ADMINISTRATION OF OATH(S)

- a. Oath of Office Administered to Planning Board Members:
- Robert Ahlert
 - George "Bucky" Coats
 - James Lipscomb
 - James Moore

5. ELECTION OF CHAIR & CO-CHAIR

6. APPROVAL OF MINUTES

- a. December 18, 2018 Planning Board Draft Minutes
[Clayton Planning Board - 18 Dec 2018 - DRAFT Minutes](#)

7. REPORTS AND COMMENTS

8. OLD BUSINESS

9. NEW BUSINESS

- a. 2019-02-VAR E. Front Street Variance **(Quasi-Judicial)**
NC PIN: 166917-12-9306
Tag: 05036081
Location: 308 E. Front Street

[Application - 2018-2-VAR - 308 E. Front St.](#)
[Adjacent Property Notice Letter - 2019-2-VAR - 308 E. Front St.](#)
[Newspaper Ad - 2019-02-VAR - 308 E. Front St.](#)
[Site Plan - 2019-3-SDM - 308 E. Front St.](#)
[Survey - 2019-2-VAR - 308 E. Front St.](#)
[Staff Report - 2019-2-VAR - 308 E. Front St.](#)
[Staff Report Maps - 2019-2-VAR - 308 E. Front St.](#)

- b. 2019-04-RZ Johnston Health Rezoning
NC PIN: 164800-75-2034
Tag: 05G03004E

Location: 2138 NC Hwy 42 W.

[Application - 2019-4-RZ - Johnston Health Rezoning](#)

[Neighborhood Meeting Materials - 2018-04-RZ - Johnston Health Rezoning](#)

[Adjacent Property Letter - 2019-4-RZ - Johnston Health Rezoning](#)

[Owner's Consent - 2019-4-RZ - Johnston Health Rezoning](#)

[Survey - 2019-4-RZ - Johnston Health Rezoning](#)

[Staff Report - 2019-04-RZ - Johnston Health Rezoning](#)

[Staff Report Map - 2019-4-RZ Johnston Health Rezoning](#)

c. 2019-07-OA Downtown Overlay Ordinance

[Application - 2019-7-OA - Downtown Overlay District](#)

[Article 204D - Downtown Overlay - Strikethrough Final](#)

[Article 204D - Downtown Overlay - Clean Copy with changes](#)

[Downtown Overlay - ADOPTED - 20170807](#)

[Staff Report - Downtown Overlay - 2019-7-OA](#)

10. INFORMAL DISCUSSION AND PUBLIC COMMENT

11. ADJOURN



**Town of Clayton
Planning Board Minutes
Monday, December 18, 2018 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Damier Powell, Planner
Chrissy Dun, Clerk to the Board
Michael Grannis, Mayor Pro-Tem
Merrick Parrott, Town Attorney

MEMBERS ABSENT:

1 CALL TO ORDER

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

2 ROLL CALL

- a)
All Board members were present.

3 ADJUSTMENT OF THE AGENDA

- a)
Request to move Item A 2018-188-CUP (Quasi-Judicial) The Living Word Church of Jesus Christ, Inc., to be heard last. Item C 2018-226-RZ, Town Hall Parking Expansion Rezoning to be heard first.

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

4 APPROVAL OF MINUTES

- a) November 26, 2018 Planning Board Draft Minutes

Board Member Bizzell noted the following amendments be made:

Correction 2018-76-OA Private Streets for Vote: 7-2/Board Members Lipscomb

and Bizzell Opposed.

Correction 2018-167-OA Dumpster Amortization for Vote: 7-2/Board Members
Lipscomb and Price Opposed.

ACTION: Motion for approval with above amendments.

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

5 REPORTS AND COMMENTS

6 OLD BUSINESS

7 NEW BUSINESS

- a) 2018-226-RZ Town Hall Parking Expansion, Rezoning
NC PIN: 166913-02-1690 / 166913-02-0545 / 166917-02-1435
Tag: 05015058 / 05020002B / 05016043A
Location: 111 E. Second Street and 117 - 121 Horne Street

Samantha Wullenwaber presented this project. The Town of Clayton is requesting to rezone three parcels from Residential (R-6) and Office Institutional (O-I) to Public Facilities (PF). These parcels make up 3.16 acres and are located at the corner of Fayetteville Street and Horne Street. Town Hall is located upon one of the parcels. The other parcels are vacant or used as a single-family residence. The Town is currently in the process of acquiring one of the subject properties from Horne Memorial Church. The Town plans to redevelop the existing parking at Town Hall and incorporate the two new parcels on the south side of Horne Street to expand the parking lot. A portion of Horne Street will be incorporated into the new parking lot. This request is consistent with the Comprehensive Plan 2040 and surrounding land uses. The applicant David DeYoung was available for questions. There were some questions for staff. Board Member Merritt asked if there setbacks for this project. Dave DeYoung answered and stated there is no set setbacks for parking. There will be a Major Site Plan application. Board Member Merritt asked about buffers. Mr. DeYoung stated buffers are not required but there will be for buffers on this project. All the questions will be answered with Major Site Plan. Board Member Merritt stated her concern over the residential area. Mr. DeYoung stated that this will all be resolved. Board Member Lipscomb stated it's critical to get more parking spaces. There were no further questions.

ACTION: Recommendation to the Town Council to approve the request.

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

- b) 2018-206-RZ New Trinity Missionary Baptist Church Rezoning
NC PIN: 165916-93-7577, 165916-93-7608
Tag: 050190191A, 05019020
Location: 347 W. Main Street & 317 W. 2nd Street

Planner Damiere Powell presented this project. The applicant is requesting to rezone 1.09 acres from Central Business (B-1) to Neighborhood-Business (B-2) for future expansion of the church. Both properties have frontage along Main Street and Second Street. The applicant is proposing to keep the front of the properties on Main Street zoned as B-1 and the portion fronting Second Street to be rezoned for B-2. This request is consistent with Comprehensive Plan 2040 and Surrounding Land Uses. Staff recommends approval. There were questions for staff. Board Member Powers asked what B-2 offers that B-1 does not. Mr. Powell explained parking, setbacks, and that grass parking will be allowed for this project, which is not allowed in the B-1 zoning district. The church wouldn't be able to expand in B-1 but can expand in the B-2 zoning. There were no further questions for staff.

The applicant Michael Sims, the pastor of the church was present and available for questions. Board Member Coats asked about the neighborhood meeting that nothing was mentioned about any issues. The applicant stated there were no neighbors present at the neighborhood meeting. There were no further questions for the applicant.

ACTION: Recommendation to the Town Council to approve the request.

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

- c) 2018-188-CUP The Living Word Church of Jesus Christ, Inc. **(Quasi-Judicial)**
NC PIN: 165807-57-3786
Tag: 05G02011M
Location: 108 Lee Court

Town Attorney Merrick Parrott explained the Quasi-Judicial process. Clerk of the Board Chrissy Dunn gave the affirmation.

Damiere Powell presented this project. The applicant is requesting a Conditional Use Permit to operate the use of a church on the property within an existing building. Per UDC, the use of a church is only permitted in this zoning district (B-3) with a Conditional Use Permit. The property is located off Lee Court and is currently vacant. The previous use was used as an athletic facility. The property has one existing access point off Lee Court. The applicant is proposing to continue to utilize this access point for the existing asphalt parking lot. An additional access point is being proposed off Lee Court in order to enter the proposed grass parking lot. The applicant has addressed the findings of facts and is consistent with Comprehensive Plan 2040. This request is also compatible with Surrounding Land Uses. Staff recommends approval with conditions listed in the staff report. There were no questions for

staff.

The applicant Ricky, pastor of the church, was present for questions. He gave a brief history on the church. Board Member Ahlert asked if there was another church in the area. The applicant stated yes, there is one across the street. Board Member Price asked if the building is currently vacant. The applicant stated yes it is. There were no further questions for the applicant.

ACTION: Recommendation to the Town Council to approve the request with the conditions as noted within the staff report.

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

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

Planning Director Samantha Wullenwaber recognized Ms. Sarah Brooks for her service on the Planning Board.

9 ADJOURN

a)

With there being nothing further the meeting was adjourned at 6:26 p.m.

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

Robert Ahlert, Chair

ATTEST:

Chrissy Dunn, Clerk to the Board



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

VARIANCE APPLICATION

Application Fee: \$250.00

Advertisement Fee: \$200.00

Please note if a variance is sought "after the fact", the application fee is \$500.00

SITE INFORMATION

Name of Project: 308 E Front St

Acreage of Property: .25 **Zoning District:** _____

County Tag #: _____ **NC Pin #:** _____

Address/Location: 308 E Front St., Clayton NC

Existing Use: SFH **Proposed Use:** 2 SFH's

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

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

APPLICANT INFORMATION

Applicant: Michael Pfeiffer c/o Responsible Real Estate Solutions Group, LLC

Mailing Address: 1986 Stonewall Farms Drive., Fuquay Varina, NC 27526

Phone Number: 347-886-5359 **Fax:** _____

Contact Person: Michael Pfeiffer

Email Address: mike@responsiblerealestatesolutionsllc.com

RECEIVED

FOR OFFICE USE ONLY

Date Received: JAN 02 2019 **Amount Paid:** \$450 **Permit Number:** 2019-2-VAR

**TOWN OF CLAYTON
PLANNING DEPARTMENT**

July 2018

2 of 4

PROPERTY OWNER INFORMATION

Name: Responsible Real Estate Solutions Group, LLC

Mailing Address: 1986 Stonewall Farms Drive, Fuquay Varina, NC 27526

Phone Number: 347-886-5359

Fax:

Email Address: mike@responsiblerealestatesolutionsllc.com

BURDEN OF PROOF / EXPLANATION OF REQUEST

Variance(s) Requested: *List each requested variance. Attach additional pages if necessary.*

Code Section: 155

Code Requirement: 203

Variance Sought (*describe specific request*): Seeking a variance to subdivide a current lot .253 acres into (2) equal lots of 5512 sq ft

Use this section to describe the request. An applicant seeking a variance has the burden of presenting evidence sufficient to allow the Board of Adjustment to reach conclusions for the Required Findings of Fact. Attach additional sheets/pertinent information as necessary.

We respectfully request to subdivide the current property located at 308 E Front St., Clayton NC. The existing property has a single family dwelling located on the left side of the property if you face it from the street. The right side of subject property has utility lines already run to it. We plan on building a 1254 sq ft ranch style home that will built in-line to the property. The current dwelling receive updating so that it can be lived in again. There appears to be an imprint of a former structure existing on the property indicating that the property already had a dwelling on the right side. Utilities exist outside the vacant portion of the existing lot. Many of the existing lots on this block fall between 4700-5500 sq ft, so our proposed subdivision would be 2 equal lots of 5512 sq ft. This number would fall on the higher end of the existing lots.

REQUIRED FINDINGS OF FACT

Section 155.716(F)(2) of the Unified Land Development Code requires applications requesting a Variance to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

As demonstrated by the survey, three adjacent properties all have 52.5' frontage on the road and 105' deep properties except the lot in question. This would make our hardship unique in comparison to the surrounding neighborhood. The requested use variance if granted will not alter the essential character of the neighborhood. We propose to build a 1254sq ft 3 bedroom, 2 bath ranch style home within the necessary setbacks on the empty side. Having an unoccupied home with an empty lot next to it near the heart of the downtown area may provide unnecessary hardship for the Town. Additional tax revenue realized from the new construction home as well as the existing structure is an added benefit. With the values of these lots improved, the surrounding homes also realize an increase in their value. Both the newly constructed home and existing structure will have a design palate that is consistent with the neighborhood.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from person circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance..

The hardship results from conditions that are peculiar to the property. The size of 8 current lots in the immediate neighborhood are under 6000 sq ft threshold. The current property as drawn is .25 acres. subdividing the property in half would result in two equal 5512 sq ft lots which would be on the higher end of the comparable lots that currently exist. It also appears that utilities are already present indicating that a structure may have existed in the past on the empty lot side.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The hardship existed prior to taking ownership of the property.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The requested variance is consistent with 8 properties in the immediate neighborhoods and almost 2 dozen more within the township. Since the current dwelling on the left side of the property is unoccupied, we plan to refresh the current dwelling to revive its livability. Additionally the newly constructed dwelling on the right side of the property will provide an opportunity for an affordable housing solution that will remove the potential for trespassing on the empty lot and increase security within the neighborhood as blighted properties often attracts criminal behavior. Additionally the extra new construction home will raise the property values of the homes on that block and provide additional tax revenue for the town

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Clayton to approve the subject Variance request. 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.

Michael Pfeiffer

Print Name

Michael Pfeiffer

Signature of Applicant

Digitally signed by Michael Pfeiffer
Date: 2018.12.31 11:44:46 -05'00'

01/02/2019

Date



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC
P.O. Box 879, Clayton, NC
Phone: 919-553-5002
Fax: 919-553-5003

January 15, 2019

NOTICE

SUBJECT: Project 2019-2-VAR – Request for a lot size variance.
Address: 308 E. Front Street, Parcel # 05036081, NC PIN# 166917-12-9306
Applicant: Michael Pfeiffer c/o Responsible Real Estate Solutions Group, LLC

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Planning Board will hold an evidentiary hearing on **Monday, January 28, 2019 at 6:00pm** at Town Hall, 111 E. Second Street, to consider the variance application described above. Please see the map on the back of this letter showing the property.

According to Section 155.719(C)(1) of the Town of Clayton Unified Development Code, the Planning Board is authorized to approve a variance to certain standards of the Unified Development Code if they will not be contrary to the public interest.

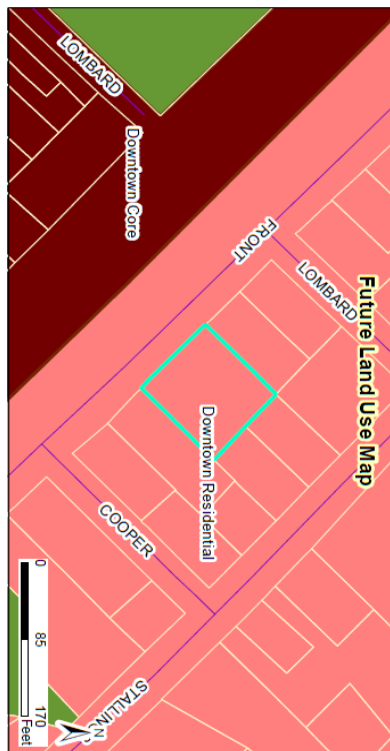
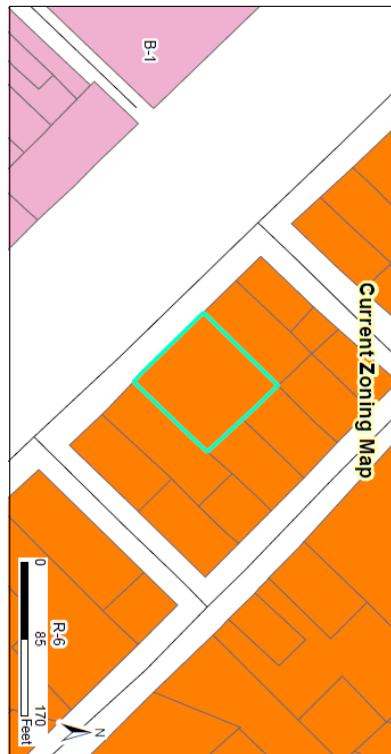
Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this request. You are invited to attend this meeting. During an evidentiary hearing, the Planning Board must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and interested persons are invited to attend.

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

Sincerely,

Samantha Wullenwaber
Planning Director

cc: File folder 2019-2-VAR



2019-2-VAR 308 E. Front St. Variance
Request: Variance from specific code requirements outlined in application
Applicant: Michael Pfeiffer c/o Responsible Real Estate Solutions Group, LLC
Property Owners: Responsible Real Estate Solutions Group, LLC
Parcel ID: 168317-12-5806
Tag #: 05036081

Staff Report Map



01/15/2019
Discussed: Town of Cary Planning
Department: Planning
Responsible for the
represented item.

- Legend**
- 100-yr Flood Zone
 - Thoroughfare Overlay
 - Scenic Highway Overlay
 - Watershed Protection Overlay
 - Site

Public Notice

In accordance with NC GS 160A-364, the Clayton Planning Board will conduct the following evidentiary hearing on Monday, January 28, 2019, at 6 PM in the Town Council Chambers in Town Hall located at 111 East Second Street to consider 2018-02-VAR 308 E Front Street Variance; variance request from section 155.203(G)(6) of the Unified Development Code to allow the subdivision of an existing lot which will create two lots that do not meet minimum lot size requirements. The property is zoned Residential-6 and is .25 acres; TAG # 05036081.

During an evidentiary hearing, the Planning Board must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and interested persons are invited to attend.

Haley Hogg, Planner
919-553-5002

The Johnstonian News

Please advertise on the following dates:

January 16, 2019

January 23, 2019

Dates are the two Wednesdays prior to the hearing

Affidavit of publication required.



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
January 28, 2019

STAFF REPORT

Application Number: 2019-2-VAR
Project Name: 308 E. Front St. Lot Size Variance

NC PIN / Tag #: 166917-12-9306 / 05036081
Overlay: None
Applicant: Michael Pfeiffer c/o Responsible Real Estate Solutions Group, LLC
Owner: Michael Pfeiffer c/o Responsible Real Estate Solutions Group, LLC
Location: 308 E. Front St.

Public Noticing:

- Sign posted prior to January 18
- Newspaper ad published on January 16 and January 23

REQUEST: The applicant is requesting a variance from the following code sections:

UDC Section	Requirement	Variance Request
155.203(G)	The R-6 zoning district requires a minimum lot size of 6,000sqft.	The requested lot size is 5,512sqft which results in a lot size variance of 488sqft.

SITE DATA:

Acreage: .25 acres
Existing Use: Single family dwelling

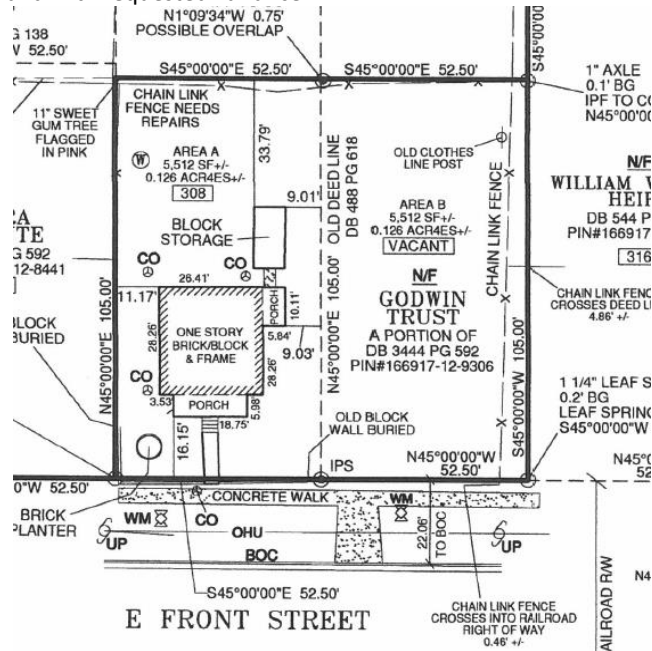
STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting a variance from the above referenced code section. The variance is for a minimum lot size of 5,512sqft which is a variance of 488sqft from the requirement. The property is zoned R-6, which has the following requirements:

Minimum lot size: 6,000sqft	Front setback: 20ft
Minimum lot width: 50ft	Side interior setback: 6ft
Maximum lot coverage: 35%	Side street setback: 10ft
Maximum impervious surface: 60%	Rear setback: 20ft
Minimum dwelling size: 960sqft	Maximum height: 35ft

In the existing block majority of the lots are between 3,400-5,600sqft. The surrounding blocks have similar lot sizes. The proposed lot size of 5,512sqft would be consistent with the surrounding area.

Proposed subdivision of land with requested variance:



Findings of Fact:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in absence of the variance, no reasonable use can be made of the property.

- **Applicant Response:**

As demonstrated by the survey, three adjacent properties all have 52.5' frontage on the road and 105' deep properties except the lot in question. This would make our hardship unique in comparison to the surrounding neighborhood. The requested use variance if granted will not alter the essential character of the neighborhood. We propose to build a 1254sq ft 3 bedroom, 2 bath ranch style home within the necessary setbacks on the empty side. Having an unoccupied home with an empty lot next to it near the heart of the downtown area may provide unnecessary hardship for the Town. Additional tax revenue realized from the new construction home as well as the existing structure is an added benefit. With the values of these lots improved, the surrounding homes also realize an increase in their value. Both the newly constructed home and existing structure will have a design palate that is consistent with the neighborhood.

- **Staff Commentary:** The surrounding properties are between 3,400sqft and 5,600sqft. The proposed dwelling meets the minimum dwelling size.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- **Applicant Response:**

The hardship results from conditions that are peculiar to the property. The size of 8 current lots in the immediate neighborhood are under 6000 sq ft threshold. The current property as drawn is .25 acres. subdividing the property in half would result in two equal 5512 sq ft lots which would be on the higher end of the comparable lots that currently exist. It also appears that utilities are already present indicating that a structure may have existed in the past on the empty lot side.

- **Staff Commentary:** The lots in the area are of similar size. It appears that at one time this was two lots and there was another dwelling on the property that is proposed to be subdivided.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- **Applicant Response:**

The hardship existed prior to taking ownership of the property.

- **Staff Commentary:** The lot was existing and the current size when the applicant purchased it.

4. The requested variances are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- **Applicant Response:**

The requested variance is consistent with 8 properties in the immediate neighborhoods and almost 2 dozen more within the township. Since the current dwelling on the left side of the property is unoccupied, we plan to refresh the current dwelling to revive its livability. Additionally the newly constructed dwelling on the right side of the property will provide an opportunity for an affordable housing solution that will remove the potential for trespassing on the empty lot and increase security within the neighborhood as blighted properties often attracts criminal behavior. Additionally the extra new construction home will raise the property values of the homes on that block and provide additional tax revenue for the town

- **Staff Commentary:** The variance is consistent with lots in the surrounding area.

CONSIDERATIONS:

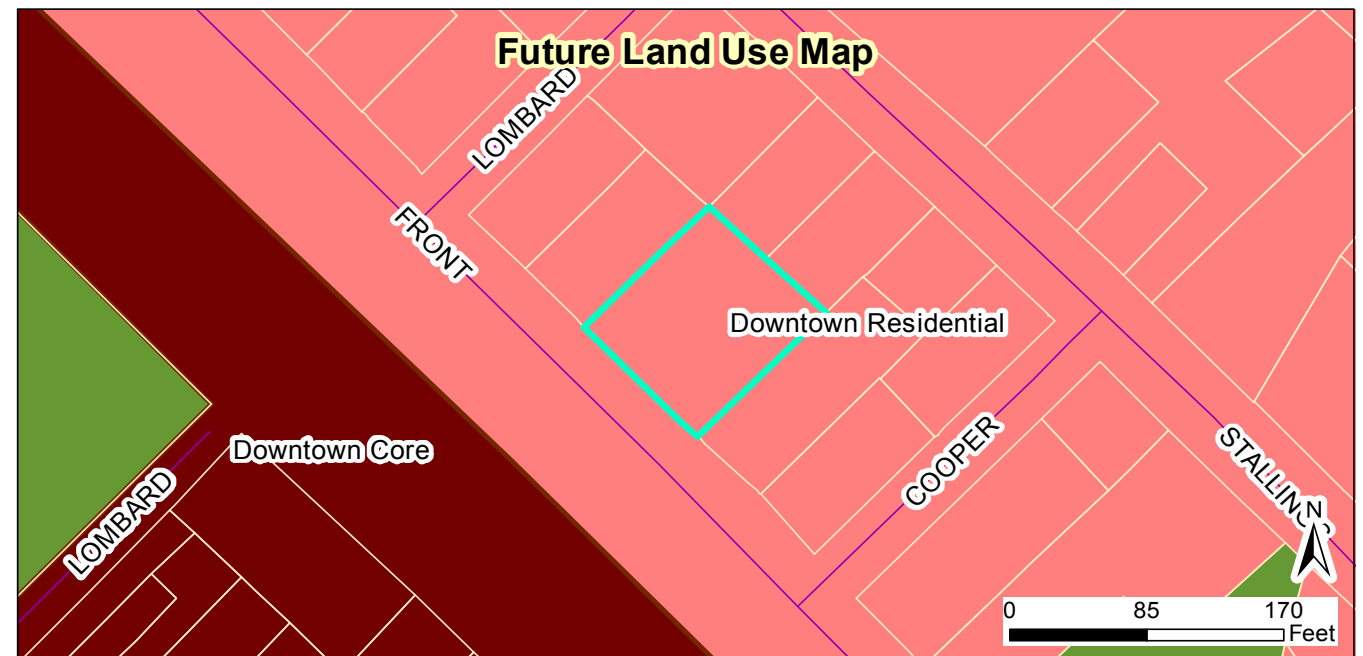
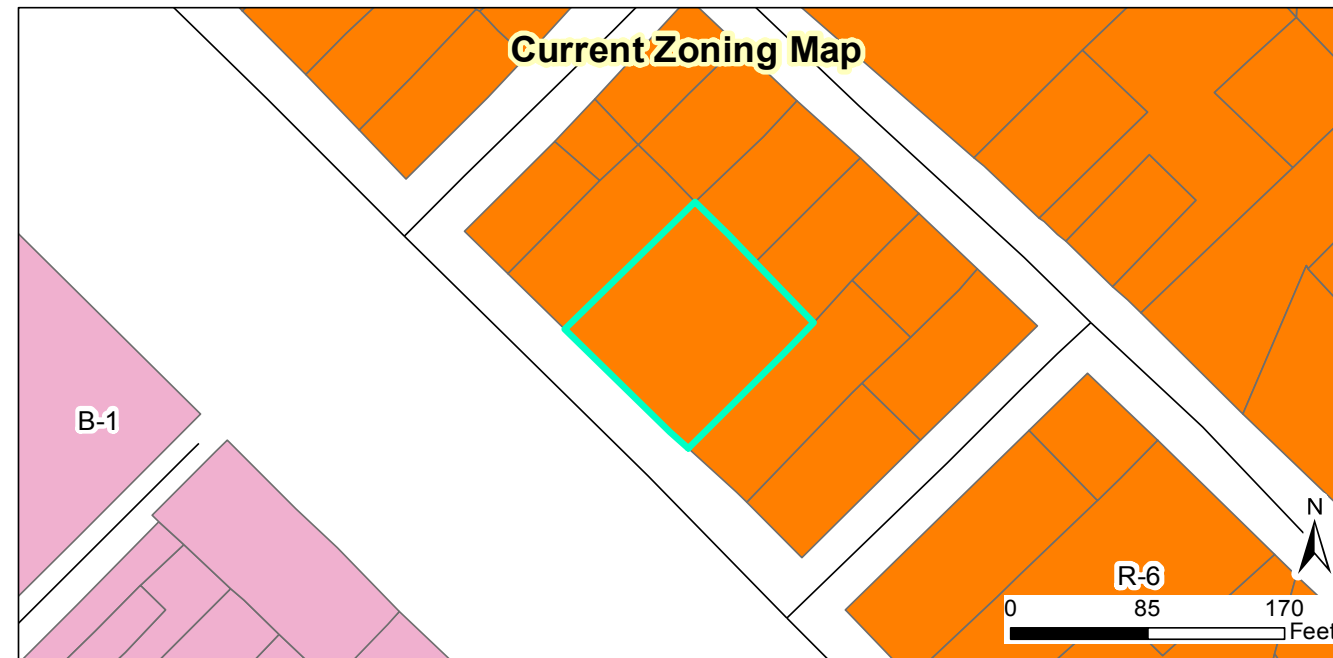
- The Planning Board shall review and make a final decision regarding Variance applications.
- Per UDC requirements, no variance shall be approved unless all of the Findings of Fact are made.

FINDINGS OF FACT:

The applicant has addressed the Findings of Fact, as outlined above in this report and included as a part of the application.

ATTACHMENTS:

1. Application
2. Staff Report Maps
3. Associated Survey
4. Newspaper Ad- public notice
5. Adjacent Property Letter- public notice



2019-2-VAR 308 E. Front St. Variance

Request: Variance from specific code requirements outlined in application

Applicant: Michael Pfeiffer c/o Responsible Real Estate Solutions Group, LLC

Property Owners: Responsible Real Estate Solutions Group, LLC

Parcel ID: 166917-12-9306

Tag #: 05036081

Staff Report Map



Legend

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

01/15/2019

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

Document Path: O:\PLANNING\VARANCE\2019\2018-2-VAR - 308 E. Front St\Map\Staff Report Maps - 2019-2-VAR - 308 E. Front St.mxd



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: Johnston Health Clayton Date: 1/2/19
Applicant Name: Bass, Nixon and Kennedy, Inc.

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: December 12, 2018 ✓
- [☒] Review Fee ✓
- [☒] Advertisement Fee ✓
- [☒] Completed Application ✓
- [☒] Owner's Consent Form ✓
- [☒] Adjacent Property Owner's List ✓
- [☒] Neighborhood Meeting Notice Letter (1 copy) *not scheduled yet - emailing*
- [☒] Set of stamped, addressed, empty envelopes for adjacent property owner notification ✓
- [☒] Signed & Sealed Boundary Survey ✓
- [☒] Copy of signed & sealed boundary survey in PDF on USB *emailing*

RECEIVED

JAN 02 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

Reviewed by: *CDunn*



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: Johnston Health Clayton
Acreage of Property: 74.61 Zoning District: PD-MU
County Tag #: See Attachment NC Pin #: See Attachment
Address/Location: 2138 NC Hwy. 42, Clayton, NC 27520-03557
Existing Zoning District: PD-MU Proposed Zoning District: Office-Institutional (O-I)

APPLICANT INFORMATION

Applicant: Bass, Nixon and Kennedy, Inc.
Mailing Address: 6310 Chapel Hill Rd., Ste. 250
Phone Number: 919-851-4422 Fax: 919-851-8968
Contact Person: Marty D. Bizzell, PE
Email Address: marty.bizzell@bnkinc.com

PROPERTY OWNER INFORMATION

Name: Johnston Memorial Hospital Authority
Mailing Address: P.O. Box 1376, Smithfield, NC 27577
Phone Number: 919-585-8000 Fax: N/A
Email Address: Kyle.Mcdermott@unchealth.unc.edu

RECEIVED
JAN 0 2 2019

OFFICE USE ONLY

Date Received: JAN 0 2 2019 Amount Paid: RECEIVED File Number: 2019-4-RZ

TOWN OF CLAYTON
PLANNING DEPARTMENT

JAN 0 2 2019

paid \$700

July 2018

TOWN OF CLAYTON
PLANNING DEPARTMENT

2 of 10

EXPLANATION OF PROJECT

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

The purpose of this request is to rezone the property noted above and owned by Johnston Memorial Hospital Authority from existing Planned Development - Mixed Use (PD-MU) to Office-Institutional (O-I). The intent of this rezoning request to keep the total hospital campus under one zoning district and to give the hospital greater flexibility to develop the portion of the campus east of the lake (currently undeveloped). The existing PD-MU zoning held the property to a master plan that is not conducive to providing the flexibility the hospital requires as the campus is developed. The O-I zoning district provides this flexibility allows all uses that would ultimately be located on the hospital campus.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The proposed rezoning is consistent with the adopted plans of the Town of Clayton including the the 2040 Comprehensive Plan. The property is noted as Neighborhood Center and Community Center in the comprehensive plan. The undeveloped portion of the campus is noted as Neighborhood Center and is compatible with O-I zoning according to the comp. plan.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The property is well suited for the uses permitted by proposed O-I zoning district. All existing uses on the hospital campus as well as those uses proposed for the undeveloped portion of the property are considered allowable uses under O-I zoning. Those uses allowed under the current PD-MU zoning are also allowed under the proposed O-I zoning.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed zoning of O-I gives the hospital greater flexibility to develop the campus in a way that meets the changing demands of the Town and the surrounding community.
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.
Adequate public facilities exist in the area including street, water, sewer, power and stormwater drainage facilities for the proposed use. NCDOT will be constructing road improvements to Hwy. 42 west in the near future.
5. It has been determined that the legal purposes for which zoning exists are not violated.
The legal purposes of the zoning request are not violated.
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.
It is not anticipated that there will be an adverse effect upon the adjoining property owners. The proposed uses and facilities to be constructed under this proposed zoning district will provide needed health care services to the citizens of the Town and to the overall community therefore improving the public welfare.

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.

It is not anticipated that any one property owner or small group of property owners will benefit materially from the rezoning change that will be determined to be a detriment of the general public.

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.

Marty D. Bizzell

Print Name

Marty D. Bizzell
Signature of Applicant

1/2/19
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: Johnston Health Clayton Address or PIN #: See Attachment

AGENT/APPLICANT INFORMATION:

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

6310 Chapel Hill Rd., 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*):

Rezoning
Minor Subdivision

Major Site Plan

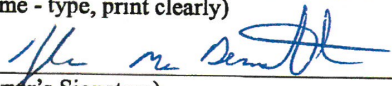
Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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:

Kyle McDermott
(Name - type, print clearly)

2138 NC Hwy. 42
(Address)


(Owner's Signature)

Clayton, NC 27520-03557
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Michelle S. Medlin, a Notary Public for the above State and County, this the 20th day of December, 2018.

SEAL




Notary Public

My Commission
Expires:

April 08, 2022

July 2018

10 of 10



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

January 4, 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: January 16, 2019

Meeting Time: 7:00PM

Meeting Location: Johnston Health – Clayton
2138 Hwy 42W
Clayton, NC 27520
Classrooms A and B

Type of Application: Rezoning

Project/proposal property address: 2138 NC Hwy. 42W, Clayton

Description of project/proposal: Request to rezone the Clayton Johnston Health Medical Campus from Planned Development Mixed Use (PD-MU) to Office-Institutional (O-I).

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 919-851-4422. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in blue ink that reads "Marty D. Bizzell".

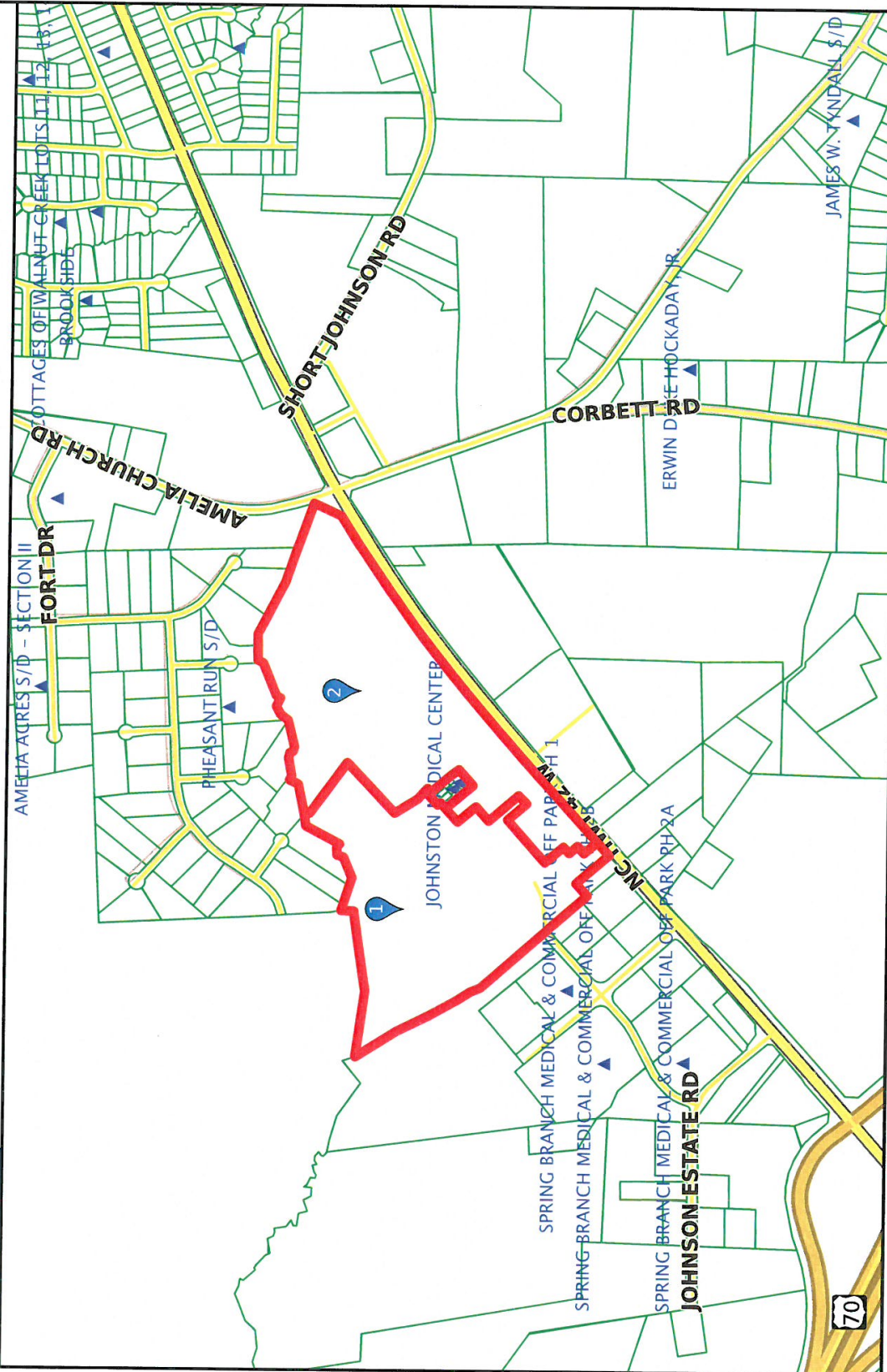
Marty D. Bizzell, PE
Bass, Nixon & Kennedy, Inc

Cc: Town of Clayton Planning Dept.



*** DISCLAIMER ***

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



Scale: 1:9956 - 1 in. = 829.65 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
January 4, 2019



BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS

6310 CHAPEL HILL ROAD, STE. 250, RALEIGH, NC 27607
TEL: (919) 851-4422, FAX: (919) 851-8968

DATE 1/16/19 JOB NO. _____

JOB _____

1 SQUARE = _____ Ft.

JOANSTON HEALTH CLAYTON
REZONING
NEIGHBORHOOD MEETING

NAME

ADDRESS

Jay Johnson 1436 Ridge Rd Raleigh, NC 27607
for: HealthPartners@FortyTwo West, LLC " " " "

Bret Page (METRO PROPERTIES) 1436 Ridge Rd. Raleigh, NC 27607
(BUSINESS ADDRESS)

Mike & Renee HARGIS Owner 2162 NC 42 W. Clayton N.C.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

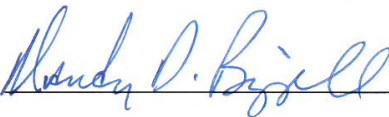
Application: Johnston Health Rezoning Date of Mailing: January 4, 2019

Date of Meeting: January 16, 2019 Time of Meeting: 7:00 P.M.

Location of Meeting: Johnston Health Clayton - 2138 Hwy. 42 W, Clayton NC 27520

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: Marty D. Bizzell, PE

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.*

The meeting began at 7:00 p.m. in Classrooms A and B of the Johnston Health Clayton Hospital Building.

Marty Bizzell and Kyle McDermott gave an overview of the rezoning request that has been filed with the Town of Clayton and also previewed phase 2 conceptual ideas that the hospital has for the undeveloped portion of the hospital campus. It was explained that the hospital was requesting a rezoning from PD-MU zoning to O-I or Office Institutional in order to fit the Johnston Health's Plan for development of the remainder of the hospital campus.

There were questions regarding what was planned for the undeveloped portion of the campus.

Although plans are not available for the future phases, it was explained that plans for additional development would most likely be presented as 1 or 2 buildings at a time and would go through the Town's review process and another neighborhood meeting would be held to present the plans as they become available. A question about the future widening of Hwy. 42 W. was also discussed.

Johnston Health is in communication with NCDOT and will incorporate the widening plans into the project as they become available. The meeting adjourned at approximately 7:45 p.m.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Johnston Health - Clayton

Application: Rezoning

Location/Date: Johnston Health - Clayton, January 16, 2019 7:00 P.M.

	NAME	ADDRESS
1	Jay Johnson	1436 Ridge Road, Raleigh, NC 27607
2	Bret Page	1436 Ridge Road, Raleigh, NC 27607
3	Mike Hargis	2162 NC 42W, Clayton, 27520
4	Renee Hargis	2162 NC 42W, Clayton 27520
5	Kyle McDermott	2138 NC Hwy 42, 27520
6	Marty Bizzell	6310 Chapel Hill Rd., Ste. 250, Raleigh, NC 27607
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20		



*** DISCLAIMER ***

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

Result 2

id: 05G03004C
Tag: 05G03004C
NCPin: 164800-85-6610
Mapsheet No: 1648
Owner Name 1: JOHNSTON MEMORIAL
HOSPITAL
Owner Name 2: AUTHORITY
Mail Address 1:
Mail Address 2: P O BOX 1376
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03557
Page: 0788
Market Value: 3829660
Assessed Acreage: 41.37
Calc. Acreage: 39.79
Sales Price: 0
Sale Date: 2008-06-06

Result 3

id: 05G03004F
Tag: 05G03004F
NCPin: 164800-75-9070
Mapsheet No: 1648
Owner Name 1: TRIANGLE ORTHOPAEDICS
REAL ESTATE GROUP LLC
Owner Name 2:
Mail Address 1: 120 WILLIAM PENN PLZ
Mail Address 2:
Mail Address 3: DURHAM, NC 27704-2150
Site Address 1: 2076 NC HWY 42
Site Address 2: CLAYTON, NC 27520-
Book: 04146
Page: 0113
Market Value: 3032470
Assessed Acreage: 1
Calc. Acreage: 0.32
Sales Price: 0
Sale Date: 2012-07-17

Result 4

id: 05G03004G
Tag: 05G03004G
NCPin: 164800-75-9175
Mapsheet No: 1648
Owner Name 1: WHAV PROPERTIES II LLC
Owner Name 2:
Mail Address 1: 910 BERKSHIRE RD
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03796
Page: 0268
Market Value: 1368940
Assessed Acreage: 1
Calc. Acreage: 0.04
Sales Price: 1304000
Sale Date: 2009-12-28

Result 5

id: 05G03004H
Tag: 05G03004H
NCPin: 164800-75-9143
Mapsheet No: 1648
Owner Name 1: MARZBANI FAMILY LIMITED
PARTNERSHIP
Owner Name 2:
Mail Address 1: 520 NORTH ST
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-4016
Site Address 1:
Site Address 2:
Book: 04319
Page: 0258
Market Value: 388180
Assessed Acreage: 1
Calc. Acreage: 0.05
Sales Price: 398000
Sale Date: 2013-07-03



*** DISCLAIMER ***

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Result 6

id: 05G03004I
Tag: 05G03004I
NCPin: 164800-75-9121
Mapsheet No: 1648
Owner Name 1: JOHNSTON MEMORIAL
HOSPITAL
Owner Name 2: AUTHORITY
Mail Address 1:
Mail Address 2: P O BOX 1376
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03557
Page: 0788
Market Value: 490070
Assessed Acreage: 1
Calc. Acreage: 0.05
Sales Price: 0
Sale Date: 2008-06-06

Result 7

id: 05G03004J
Tag: 05G03004J
NCPin: 164800-75-8098
Mapsheet No: 1648
Owner Name 1: JOHNSTON MEMORIAL
HOSPITAL
Owner Name 2: AUTHORITY
Mail Address 1:
Mail Address 2: P O BOX 1376
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03557
Page: 0788
Market Value: 645650
Assessed Acreage: 1
Calc. Acreage: 0.04
Sales Price: 0
Sale Date: 2008-06-06

Result 8

id: 05G03004M
Tag: 05G03004M
NCPin: 164800-75-9191
Mapsheet No: 1648
Owner Name 1: FREEDOM CITADEL
INVESTMENTS, LLC
Owner Name 2:
Mail Address 1: 5016 DILLSWOOD LN
Mail Address 2:
Mail Address 3: RALEIGH, NC 27606-4271
Site Address 1:
Site Address 2:
Book: 05183
Page: 0916
Market Value: 587480
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 0
Sale Date: 2018-07-17

Result 9

id: 05G03004P
Tag: 05G03004P
NCPin: 164800-75-9068
Mapsheet No: 1648
Owner Name 1: SMTB LLC
Owner Name 2:
Mail Address 1: 2076 NC HIGHWAY 42 W STE
230
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-5303
Site Address 1:
Site Address 2:
Book: 03972
Page: 0279
Market Value: 566780
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 0
Sale Date: 2011-04-13



*** DISCLAIMER ***

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Result 10

id: 05G03004N
Tag: 05G03004N
NCPin: 164800-75-9035
Mapsheet No: 1648
Owner Name 1: JOHNSTON HEALTH ENTERPRISES, INC.
Owner Name 2:
Mail Address 1: 505 N BRIGHTLEAF BLVD
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577
Site Address 1:
Site Address 2:
Book: 05071
Page: 0441
Market Value: 437470
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 203500
Sale Date: 2017-12-08

Result 11

id: 05G03004L
Tag: 05G03004L
NCPin: 164800-85-0018
Mapsheet No: 1648
Owner Name 1: MARKET STREET MEDICAL BUILDING LLC
Owner Name 2:
Mail Address 1: 131 EAST MARKET STREET
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03761
Page: 0098
Market Value: 406720
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 394500
Sale Date: 2009-09-25

Result 12

id: 05G03004K
Tag: 05G03004K
NCPin: 164800-75-9085
Mapsheet No: 1648
Owner Name 1: SWC ASSOCIATES OF CLAYTON LLC
Owner Name 2:
Mail Address 1: 200 TOWNSEND DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-0000
Site Address 1:
Site Address 2:
Book: 04938
Page: 0467
Market Value: 276860
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 192000
Sale Date: 2017-04-10

Result 13

id: 05G03004O
Tag: 05G03004O
NCPin: 164800-75-9053
Mapsheet No: 1648
Owner Name 1: SWC ASSOCIATES OF CLAYTON LLC
Owner Name 2:
Mail Address 1: 200 TOWNSEND DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-0000
Site Address 1:
Site Address 2:
Book: 03776
Page: 0134
Market Value: 845490
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 894500
Sale Date: 2009-11-03

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.

It is not anticipated that any one property owner or small group of property owners will benefit materially from the rezoning change that will be determined to be a detriment of the general public.

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.

Marty D. Bizzell

Print Name

Marty D. Bizzell
Signature of Applicant

1/2/19
Date



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27925
P.O. Box 879, Clayton, NC 27925
Phone: 919-553-5002
Fax: 919-553-5003

January 15, 2019

NOTICE

SUBJECT: **Project:** 2019-4-RZ Johnston Health Clayton Rezoning
Address: 2138 NC Hwy 42, Clayton, North Carolina, 27520
Parcel #: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K,
 05G03004O, 05G03004M, 05G03004P, 05G03004N, 05G03004G,
 05G03004H, 05G03004I, 05G03004J
Applicant: Bass, Nixon and Kennedy, Inc.

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Planning Board will hold a public meeting on **Monday, January 28th, 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 74.61 acres from Planned Development Mixed Use (PD-MU) to Office & Institutional (O-I). 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 swullenwaber@townofclaytonnc.org.

Sincerely,

Samantha Wullenwaber
Planning Director



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: Johnston Health Clayton Address or PIN #: See Attachment

AGENT/APPLICANT INFORMATION:

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

6310 Chapel Hill Rd., 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*):

Rezoning
Minor Subdivision

Major Site Plan

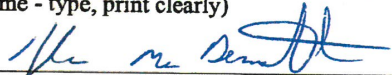
Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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:

Kyle McDermott
(Name - type, print clearly)

2138 NC Hwy. 42
(Address)

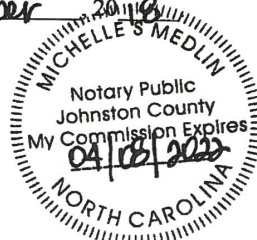

(Owner's Signature)

Clayton, NC 27520-03557
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Michelle S. Medlin, a Notary Public for the above State and County, this the 20th day of December, 2018.

SEAL




Notary Public

My Commission
Expires:

April 08, 2022

July 2018

10 of 10



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
January 28, 2019

STAFF REPORT

Application Number: 2019-04-RZ Project Name: Johnston Health Rezoning

TAG #s: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K, 05G03004O, 05G03004M, 05G03004P, 05G03004N, 05G03004G, 05G03004H, 05G03004I, 05G03004J

Town Limits/ETJ: Town Limits

Applicant: Bass, Nixon, and Kennedy, Inc.

Owner: Johnston Memorial Hospital Authority

Location: Located off HWY 42 W

Public Noticing:

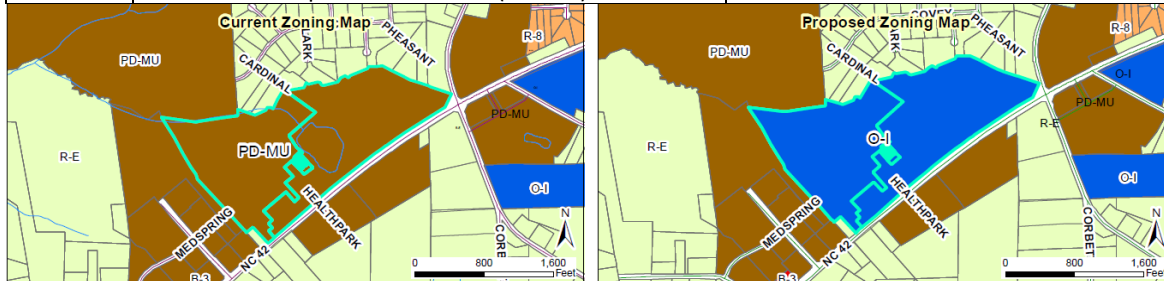
- Neighborhood meeting held on January 16, 2019
- Sign posted prior to December 18, 2019
- Letters mailed prior to February 8, 2019
- Newspaper ad published on February 6, 2019 and February 13, 2019

REQUEST: Request to rezone from Planned Development-Mixed Use (PD-MU) to Office-Institutional (O-I).



SITE DATA:**Acreage:** 74.61 acres**Existing Use:** Hospital/Medical Office/ Vacant**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Planned Development Mixed Use (PD-MU), Residential-Estate (R-E)	Vacant, Single-family residential
South	Planned Development Mixed Use (PD-MU), Residential Estate (R-E)	Medical Offices, Single-family residential
East	Planned Development Mixed Use (PD-MU)	Vacant
West	Planned Development Mixed Use (PD-MU)	Medical Offices

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

Johnston Memorial Hospital is requesting to rezone 74.61 acres of land from Planned Development Mixed Use (PD-MU) to Office-Institutional (O-I). The applicant is requesting to rezone the parcels to O-I in order to prepare the corner parcel closest to Amelia Church Road for future development of medical offices. They have included all properties that serve the hospital in this rezoning request so that the entire hospital campus has a consistent zoning designation. The existing uses on the properties are consistent with the O-I zoning designation, and the new designation would still allow for future development of additional medical offices as a permitted use.

In 2007 these parcels were originally zoned PD-MU as a part of the Planned Development Master Plan for the hospital. The master plan did not include any deviations from the dimensional standards of the UDC, so staff is comfortable with the properties converting to a standard zoning category. The original master plan has been reviewed and staff has determined that the existing structures will meet the O-I dimensional standards, so the rezoning will not create a non-conforming status for the existing structures.

Consistency with the Comprehensive Plan 2040

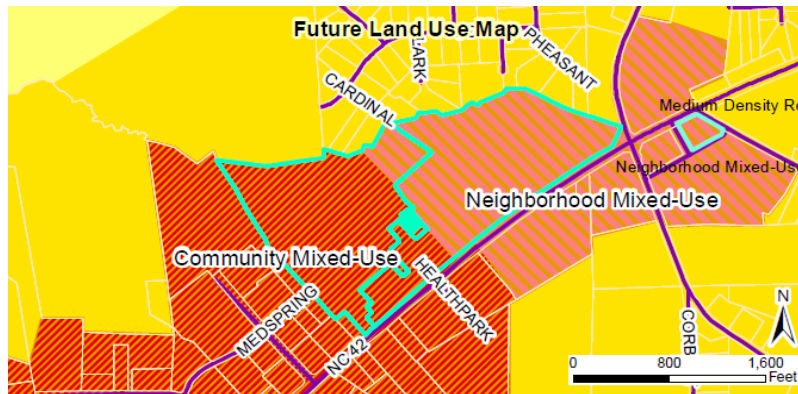
The properties are designated as High Density Residential/Community Center and High Density Residential/Neighborhood Center in the Future Land Use Map. The proposed rezoning would be consistent with these designations, as the O-I district does allow for office, institutional uses which are typical of the community center/neighborhood center designations.

Comprehensive Plan Goals supporting the rezoning request include:

- ED1- Increase opportunities for companies, which provide well-compensated, highly-skilled positions.
- LU2- Encourage quality development, which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



CONSIDERATIONS:

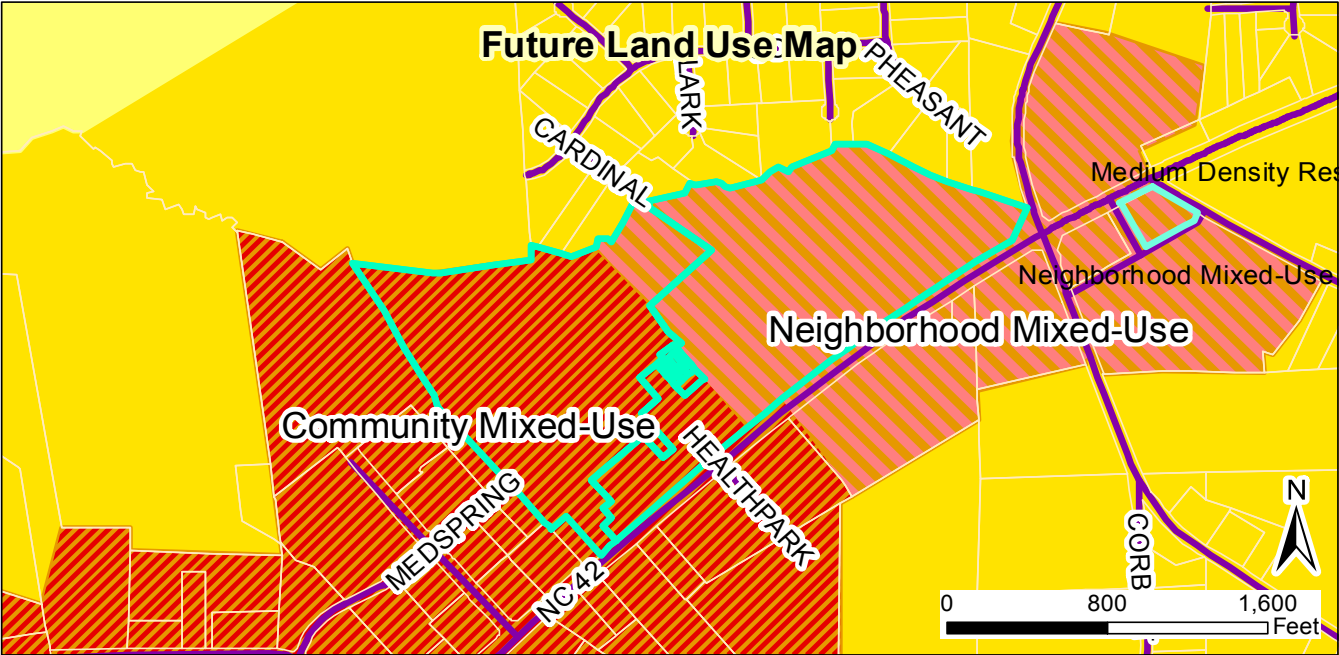
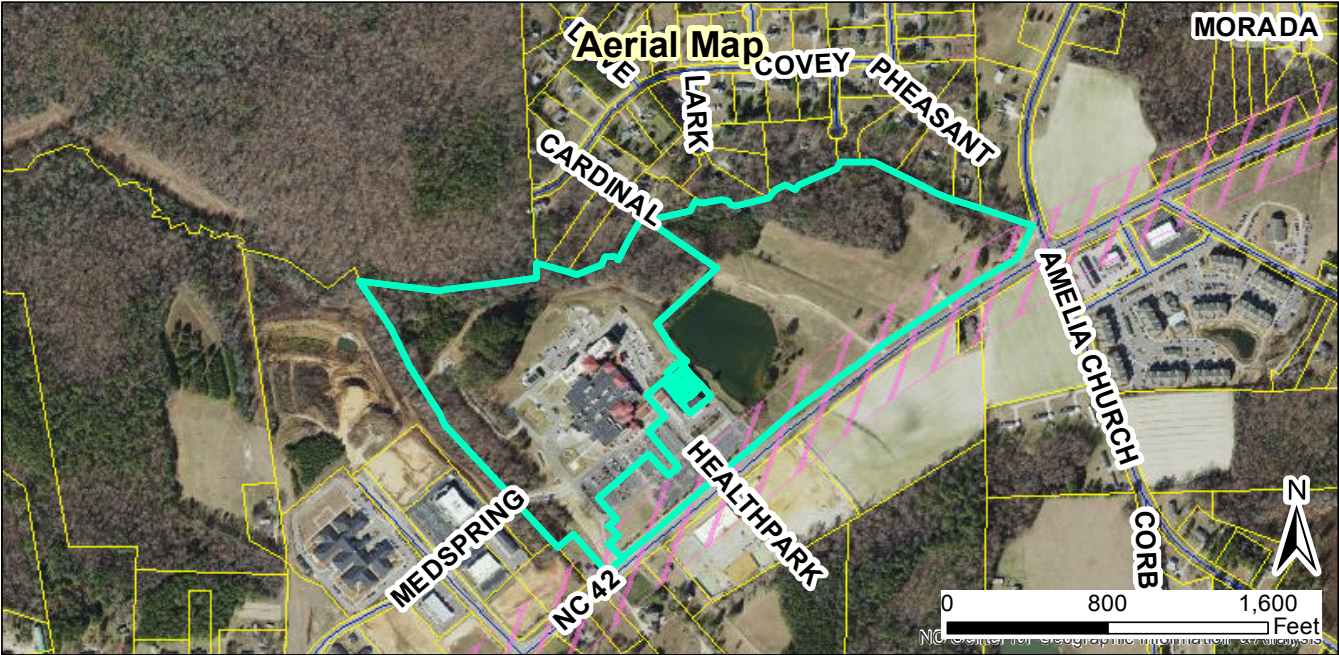
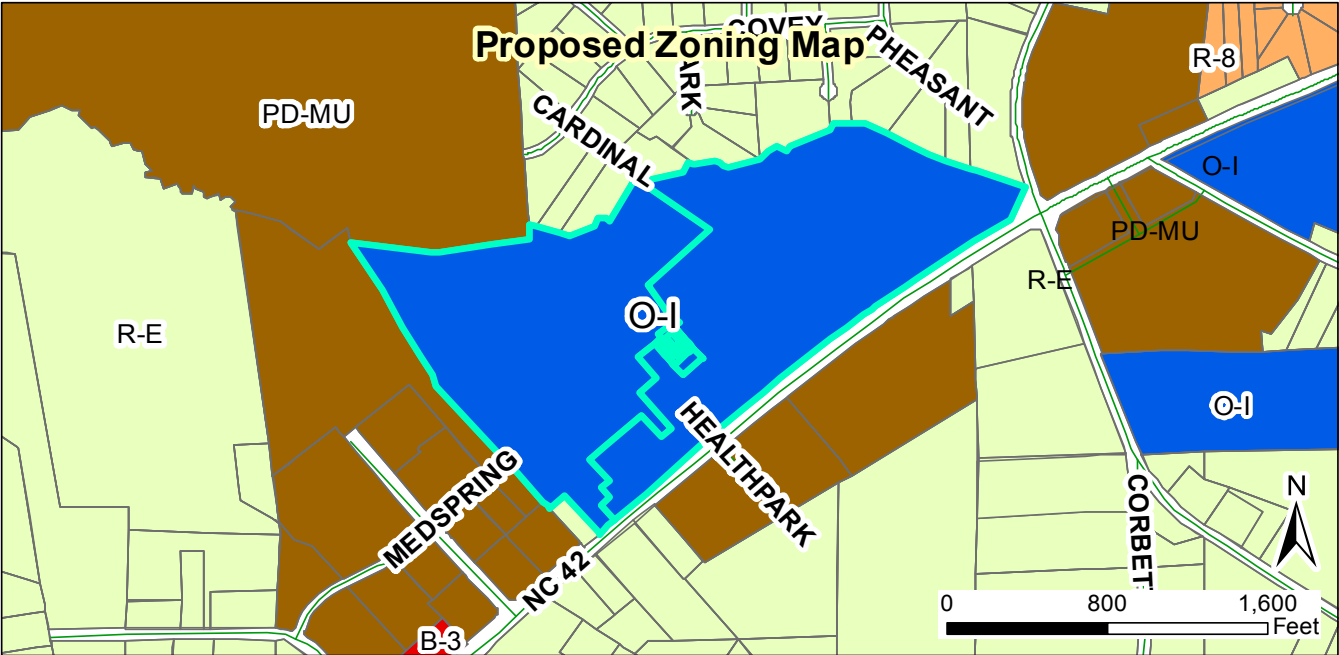
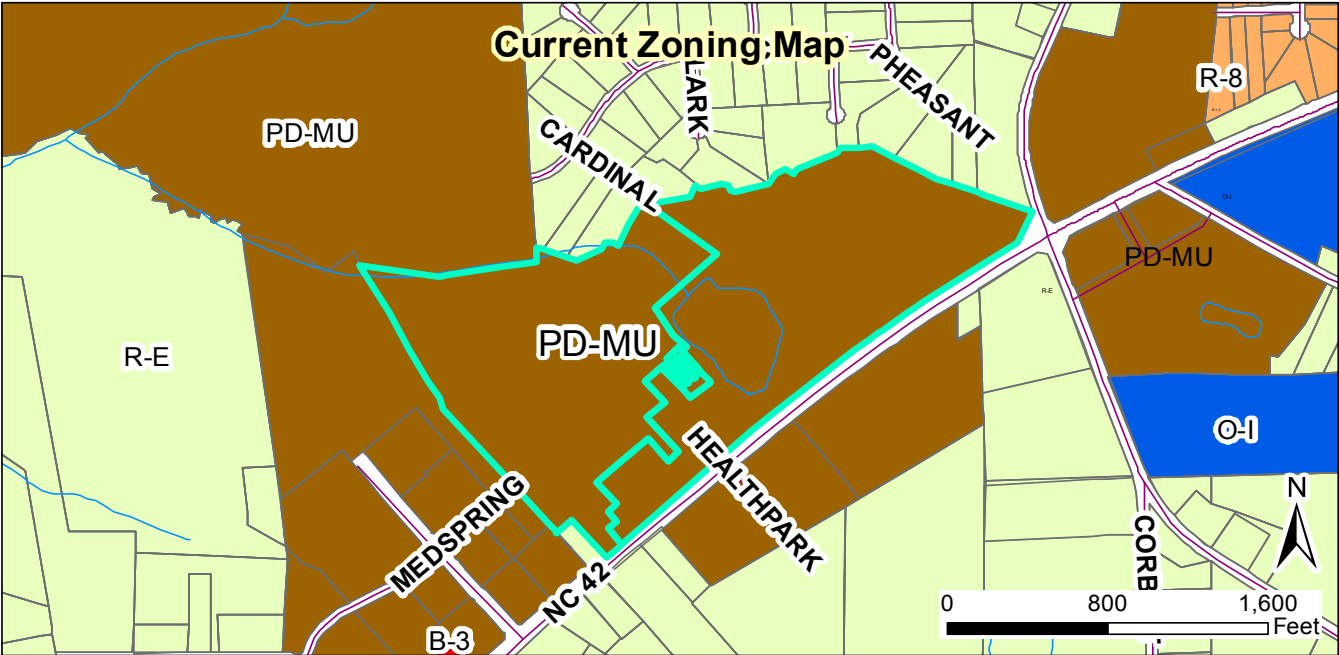
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining 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) Neighborhood Meeting Materials
- 4) Survey
- 5) PB Adjacent Property Letter



Request:
2019-4-RZ, Johnston Health Clayton, Rezoning

Applicant: Bass, Nixon and Kennedy, Inc.
 Property Owner: Johnston Memorial Hospital Authority
 Parcel ID: 164800-75-2034, 164800-85-6610, 164800-75-9070, 164800-85-0018, 164800-75-9085, 164800-75-9035, 164800-75-9068, 164800-75-9053, 164800-75-9191, 164800-75-9175, 164800-75-9143, 164800-75-9121, 164800-75-8098
 Tag #: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K, 05G03004N, 05G03004P, 05G03004O, 05G03004M, 05G03004G, 05G03004H, 05G03004I, 05G03004J

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2019\2019-4-RZ - Johnston Health Clayton\Map\2019-4-RZ Johnston Health Clayton Rezoning.mxd

Legend

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

01/15/2019
 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: Downtown Overlay District Ordinance Amendment

Existing title of Code Section(s): Downtown Overlay District

Code Section Number(s): Title XV, Article 155.204(D)

APPLICANT/CONTACT INFORMATION

Applicant: Planning Department, Town of Clayton

Mailing Address: PO Box 879 Clayton, NC 27528

Phone Number: 919-553-5002

Fax: _____

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

Email Address: swullenwaber@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

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

Revise the existing Downtown Overlay District regulations, to adjust requirements and provide graphics to better depict the requirements of the ordinance.

RECEIVED

FOR OFFICE USE ONLY

Date Received: JAN 11 2019 Amount Paid: N/A - Town initiated File Number: 2019-7-01A

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:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒	N/A			
2. Review Fee and Advertisement Fee	☒	N/A			
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 revisions are consistent with the remainder of the chapter.

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 changes provide clarity and adjust regulations as needed based upon an evolution of the district.

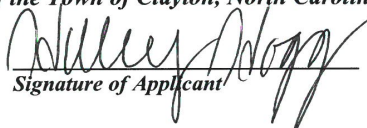
3. Whether or not the proposed text amendment corrects an error in the chapter.
The proposed text amendment does not correct errors within the chapter.

4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed text amendment does not revise the chapter to comply with state/federal statutes/case laws.

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

1-11-19
Date

ARTICLE 2: ZONING DISTRICTS

§ 155.204 OVERLAY DISTRICT STANDARDS

(D) **DOWNTOWN OVERLAY DISTRICT**

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries. It is recognized that an attractive and vibrant downtown promotes the economic development and stability of the entire community. The uses, character, and design of the public and private realm all contribute to the success of the downtown. The standards established herein shall be applied to all properties which are located within the district's boundaries.

(1) **Designation of Downtown Overlay District**

This district shall be an overlay district and shall include all properties located wholly or partially (20% percent or more) within the Downtown Overlay District of the Town Zoning Map.

(2) **Permitted Uses**

(a) All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification, subject to site plan approval. The site plan shall be reviewed by the Technical Review Committee and may be subject to approval, and the following modificationsadditional requirements of this section.

(b) All nonresidential tenants, businesses, uses, and activities on the ground (first) floor of a building which fronts on Main Street shall be responsive to and provide services, goods, or otherwise engage in business with pedestrians and the general public. More specifically, the following use types are prohibited on the first floor (street level) of Main Street, with the Planning Director responsible for ultimate interpretation:

1. Businesses which exclusively engage in "by appointment only" clientele or do not have active reception areas which accept walk-in customers;
2. Residential uses. This does not include ancillary facilities, such as lobbies which serve upper story residential uses;
3. Drive-thru facilities;

(3) **Sign Regulations**

The following criteria modifies, but does not replace, the text of §155.403 "Signs", and may be either more or less restrictive.

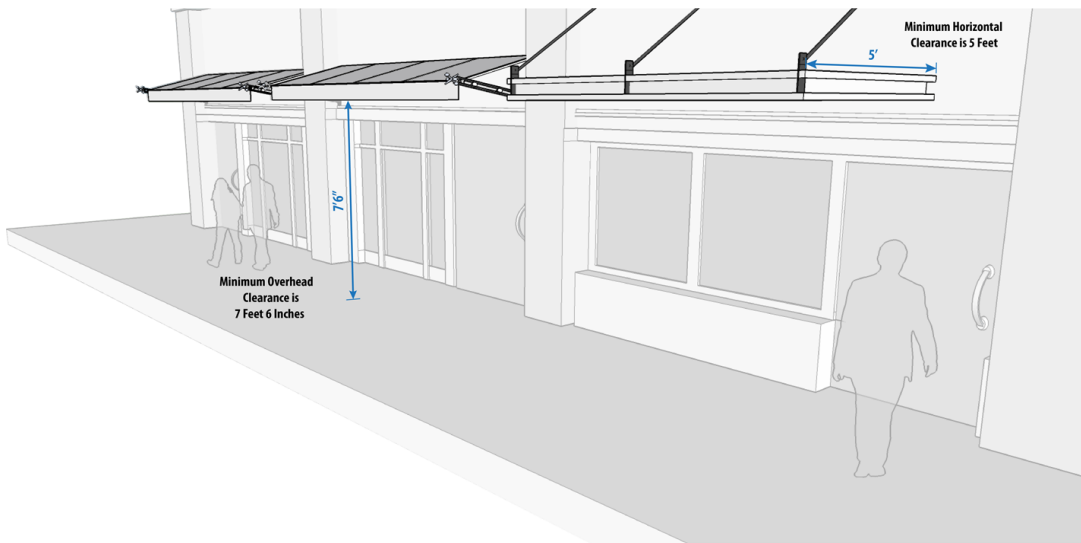
- (a) All signs allowed in the Downtown Overlay District, with the exception of Window / Door Signs, Awning / Marquee / Canopy Signs, and Flags, shall have at least one distinguishing architectural or design feature, including but not limited to one of the following:
1. Exterior illumination with decorative lighting fixture;
 2. Decorative or architectural mounting bracket;
 3. Decorative border design that deviates from a standard rectangle;
 4. Or some other design feature or embellishment that distinguishes the sign as high quality and enhancing of the downtown streetscape.

(b) **Illumination**

Illumination of sign shall not be restricted based on proximity to residential uses, but rather by the business hours of the use.

(c) **Clearance**

1. The minimum required clearance for any overhead sign, awning, or canopy is seven feet ~~– six inches. (7')~~.
2. The minimum required horizontal clearance is five feet ~~(5' feet)~~, to allow for adequate pedestrian movement on the sidewalk.



(d) **Prohibited Signs**

Except for “Historic Signs”, the following additional signs shall be prohibited in the Downtown Overlay District:

1. All signs designated in §155.403(E) “Signs Prohibited”;
2. Electronic Changeable Copy Signs;
3. Freestanding Signs that cannot meet the setback criteria;
4. Billboards;
5. Manual Changeable Copy Signs, unless associated with a theater, assembly, or a church;
6. Drive-Thru Menu Boards;

(e) ***Promotional Banners and Seasonal Displays***

1. Small window posters advertising upcoming special events, sales events, or other such seasonal information are allowed on ground-floor storefront windows without requirement for a sign permit. A maximum of one 24 inches”x36 inches” poster, or two 18 inches”x24 inches” posters are allowed per storefront, and these posters must be relevant and current.

(f) ***Easels / Sandwich Boards / A-Frame Signs***

1. Easels / Sandwich Boards / A-Frames Signs shall be permitted provided that there is a minimum of five feet of sidewalk clearance.
2. Easels / Sandwich Boards / A-Frames Signs shall be a maximum of six square feet in area (per side).
3. Easels / Sandwich Boards / A-Frames Signs shall only be displayed during business hours, and may not be attached to anything else.
4. Easels / Sandwich Boards / A-Frames Signs shall be constructed of quality frame materials, such as decorative metal or wood; plastic shall not be allowed.

(g) ***Wall / Fascia Signs***

1. All tenants not on the ground floor and located within the same building with units accessed internally may only utilize a Tenant Identification Sign (§155.403(G)(9)).
2. A wall sign designed and functioning as a larger version of a tenant identification sign (advertising for some or all on-site tenants) may be permitted provided that it:
 - A. Adheres to the dimensional requirements of a wall sign, and

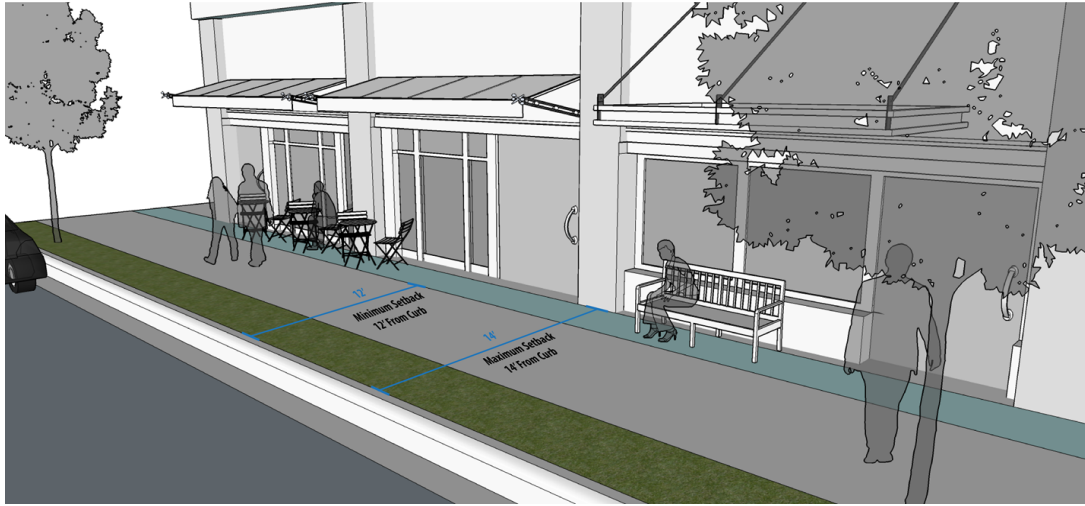
- B. Each tenant may not be advertised more than once per façade, if they are included on the modified wall sign.

(h) **Flags**

1. Angled- or horizontally-projecting flagpoles may encroach into the right-of-way with an approved sign permit, although they must remain three 3'feet from the back of curb. Permission from NCDOT may be required, depending on ownership of the right-of-way.
2. Only one flagpole per building or site is allowed, with a minimum required frontage as follows:
 - A. One angled- or horizontally-projecting flagpole allowed for buildings with 25 feet of building frontage.
 - B. One vertically-projecting flagpole allowed for buildings with 150 feet of building frontage.
3. An exemption to the maximum number of flags and clearance requirements is that each ground floor entrance may have one small flag (two 2-sq.-ft.square feet per side) projecting from adjacent to the door.

(4) **Dimensional Requirements**

- (a) The purpose of modified setbacks on Main Street in the Downtown Overlay District is to provide adequate room for outdoor seating and dining, display of wares, an enhanced pedestrian realm, and create space for an active street life, while also continuing a unified visual building frontage along the street. This is in addition to the standard purpose for enforcing setbacks in the Town.
- (b) Setbacks and build-to lines for nonresidential and mixed use zoning districts:
 1. The dimensional requirements of this Overlay District are the same as the underlying zoning district, with the following modifications to setbacks and dimensional standards on that portion of Main Street that is within the Downtown Overlay District, ~~and properties on side streets that are within 50' of Main Street.~~
 - A. Minimum and maximum setbacks are established on properties that front on roads, sidewalks, or public rights-of-way:
 - i. A minimum setback line is established at 12 feet' from back of curb.
 - ii. A maximum setback line is established at 14 feet' from back of curb.



- ~~iii.~~iii. The Planning Director may allow an alternate building setback that pulls the building or a portion thereof closer to the street to provide consistency with adjacent properties and continue an established streetscape rhythm.
- ~~iii.~~iv. The Planning Director may waive the maximum setback requirement in order to preserve the historic character or landmark status of an existing building, ~~or~~ to preserve the character of a park or public square, or to ensure the Americans with Disabilities Act (ADA) requirements are met.
- ~~iv.~~v. Architectural, landscaping, or other site elements may still be required as part of the site plan to continue the appearance of a unified frontage with neighboring buildings.
- B. ~~70% of the first and second floor~~ The Sstreet-facing façades of a building or storefronts for all new, retrofit, and infill development shall be located within are permitted to exceed the minimum and maximum setback lines established above, with allowances provided to allow for decorative, recessed or projected entries, balconies, or window treatments that are in accordance with other parts of this Section.
- C. If a building is set back further than neighboring buildings, some design element ~~should~~ shall be incorporated in front of the first floor façade, such as knee wall, first floor roof projection designating outdoor seating area, or other architectural element or design feature that continues the streetscape rhythm of neighboring buildings.

(5) Development Standards

The following criteria modifies, but does not replace, the text of §155.400 “Access”, §155.401 “Off-Street Parking and Loading”, §155.402 “Landscaping, Screening, and Buffering”.

- (a) Widths of access ways, as described in Table 4-1 “Dimensional Standards of Access Ways”, may be reduced to match the dimensions of existing streets in the Downtown Overlay District, with approval by the Planning Director, Engineering Director, and Fire Marshal as part of the standard review of individual development projects.

(b) Parking Requirements

1. General:

A. Cross access shall be provided between adjacent parking lots to minimize the number of access points along streets. The Planning Director may waive this requirement if cross access is not feasible due to natural features or site layout restrictions. Cross access shall be accompanied by a cross access easement or agreement, recorded with the Clerk of Court. Single family residential and duplexes are exempt from this requirement.

A.B. Any new construction in the Downtown Overlay District with frontage on a public right-of-way shall be required to formalize on-street, parallel parking, along the frontage(s) of the property, including landscaped bump-outs at intersections. Adjacent on-street parking spaces may count toward meeting the parking requirement for a site.

C. All parking spaces within the Downtown Overlay District shall be paved. Permeable paving may be allowed if approved by the Planning Director and ~~Town~~ Engineering Director. No grass, gravel, dirt, or other surfaces are allowed.

D. Multi-story parking structures/decks:

i. If visible from the street, multi-story parking structures/decks shall place the shortest dimension along the street, if possible.

ii. On and within 50' of Main Street, multi-story parking structures/decks shall incorporate usable spaces for nonresidential uses (i.e. – storefronts and/or tenant spaces) along the entirety of first floor facades that front on public rights-of-way, excepting entrances and exits.

iii. Multi-story parking structures/decks shall be architecturally consistent with surrounding buildings and shall meet all other criteria of this section.

2. Residential off-street parking

- A. Residential off-street parking requirements may be met satisfied with off-site parking, subject to Planning Director approval, provided the following are met:
 - i. The off-site parking area is in proximity to the parcel on which the residential dwellings are located;
 - ii. The off-site parking spaces are designated as reserved for the residential units which they serve;
 - iii. Required handicap parking spaces are located as close as possible to the residential dwellings;
 - iv. Required guest spaces may utilize adjacent on-street parking, to the extent that it is feasible and that those spaces remain publicly accessible.
 - v. All other relevant conditions of §155.401(C)(3)(c), “Off-Ssite Pparking”, are met.
- 3. Nonresidential development and uses:
 - A. All nonresidential and mixed use developments shall utilize alley loaded and/or parking to the rear of athe building.
 - A.B. The number of required vehicular parking spaces shall be reduced to 50% of that designated in Table 4-2 “Minimum Off-Street Parking Requirements”. In no case shall the requirements listed in Table 4-2 be exceeded by 125%. Standalone multi-story parking decks, parking structures, or similar that serve an area greater than their own development are exempt from this requirement. The Planning Director may allow a use to be established, or existing structure expansion even if off-street parking and loading requirements of Section 155.401 cannot be met for the use, provided that as much off-street parking and loading as can reasonably be provided is provided, and no foreseeable traffic congestion problems will be created.
 - B.C. New construction shall have the opportunity to provide bicycle rack(s) on site or pay fee-in-lieu. Minimum bicycle parking requirements for nonresidential uses may be paid as fee-in-lieu, as specified in the Comprehensive List of Fees and Charges. The fee-in-lieu shall be calculated using an average purchase price for the bicycle rack(s) plus installation cost, and will be used to provide appropriate bicycle infrastructure and parking facilities in the public right-of-way and-or on public property in downtown.
- (c) Landscaping, Screening, and Buffering Requirements

1. ~~In the district,~~ The Planning Director may allow a new use to be established or an existing use to be expanded, even if all landscaping, screening, and buffering requirements cannot be met, provided that as much landscaping, screening, and buffering as can be reasonably provided is provided.

~~In the district, site interior landscaping (per §155.402(D)(1) "Interior Landscaping") may be reduced as follows:~~

~~A. Reduced by 75% in the B-1 zoning district.~~

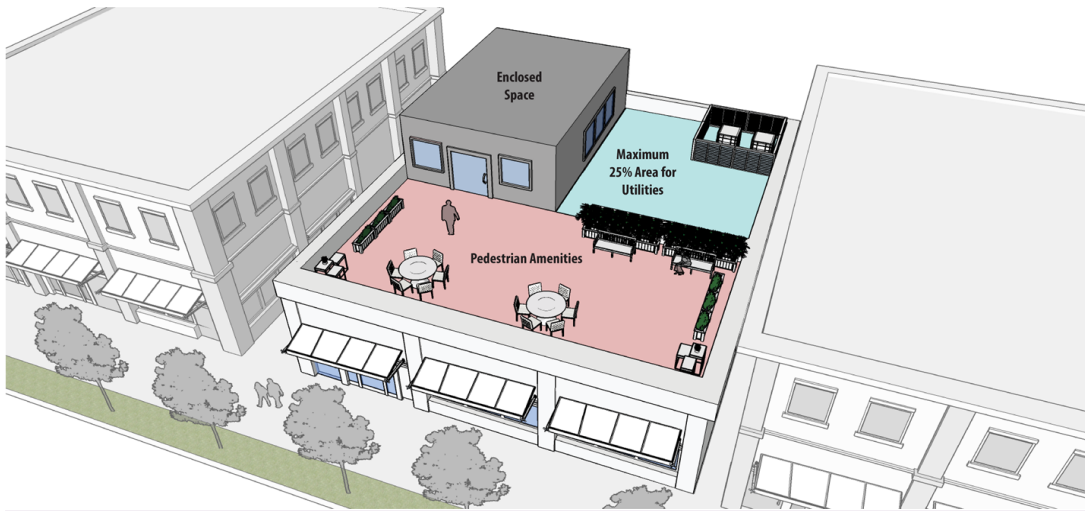
2. All landscaping shall be designed to reduce unsafe areas of limited visibility.
3. Berms may not be used for required screening.
4. Landscape buffers or opaque visual screening, except that used for screening parking areas to a maximum height of ~~three~~ 3 feet', shall not be required along any public right-of-way.
5. Fences or walls not used for required screening or for providing security for a parking area shall be limited to ~~four~~ 4 feet' in height. This requirement does not apply to single family residential, duplexes, or townhomes. Chain link fencing is prohibited.
6. Plastic, vinyl, and similar low quality materials are prohibited for planters and window boxes.
7. Street trees:
 - A. At the discretion of the Planning Director, street trees ~~shall be required at appropriate, coordinated locations~~ along all public rights-of-way ~~at a rate of one per 40 linear feet or~~ at an interval that mimics the existing tree placement in that area.
 - ~~B. Street trees shall occur at appropriate, coordinated locations within public rights-of-way and may involve metal tree grates or other treatments to match the streetscape and design palette of downtown.~~
8. Subject to Planning Director approval, the following may be approved:
 - A. Modifications to the required amount of site interior landscaping materials, in zoning districts where the maximum allowed impervious area infringes on site area available for landscaping.
 - B. Understory tree species may be substituted for ~~up to half of the required~~ canopy trees. This includes trees required as part of overlay districts, site interior landscaping requirements, parking lot landscaping, street trees, and incompatibility buffers.

- C. High-quality, raised landscaping planters may be substituted for required plantings, at a rate to be determined by the Planning Director based on area of planters provided. Planters must match the existing streetscape materials and design palette if adjacent to a public right-of-way, or that of the primary structure. Plastic, vinyl, and similar low quality materials are prohibited.

(6) **Neighborhood Character, Appearance, and Architectural Design**

(a) General requirements applicable to all properties:

1. Right-of-way shall be dedicated (if necessary) to allow for two-way traffic and on-street parking (both sides) along public streets.
2. In new construction, a minimum of ~~8'~~ eight feet of mostly-unobstructed walking surface (from back of curb) shall be provided for pedestrian traffic on ~~public rights-of-way on and within 50' of~~ Main Street. Some of this area may be used for public display of wares or outdoor seating, pursuant to the relevant portions of this Chapter, so long as a minimum of five feet~~5'~~ of fully unobstructed clearance remains for pedestrian traffic.
3. Structures shall be oriented so that their primary façade faces and is parallel with the principal street on which they are located.
- ~~4. Street-facing facades of second and third stories (except for single family residential) shall be constructed within the minimum and maximum setback lines established in the Downtown Overlay District (per (4)(b), "Setbacks"), as applicable depending on structure location.~~
- ~~5.4.~~ Nonresidential and mixed use infill development shall occupy the full width of the lot width to create a continuous streetscape. Allowances may be made for required vehicular and pedestrian ingress/egress points, courtyards, or other pedestrian friendly points of interest.
- ~~6.5.~~ The following shall apply to properties on ~~and within 50' of~~ Main Street ~~that are in nonresidential or mixed use zoning districts:~~
 - A. New and infill development shall be a minimum of two stories, with the ~~second uppermost story being enclosed space, space for pedestrian amenities, or a combination thereof.~~ A maximum of 25 percent of the ~~uppermost story may be set aside to allow room for mechanical equipment.~~ being at least 75% of the area of the first floor. If waiver from this requirement is approved by the Planning Board, then the building must still be engineered and constructed to support the addition of a second floor in the future.



A.B. Buildings shall not have a single tenant space which exceeds 10,000 ~~sq-~~
~~ftsquare feet-~~ in area on the first floor, unless at least one external,
storefront entrance is provided for every 56,000 square feet, and the
internal space is designed to be able to be partitioned.

7.6. Corner Lots on Main Street:

- A. Corner buildings shall match or exceed the height of adjacent buildings,
with a minimum height of two stories. ~~This requirement shall not apply to
single family residential buildings, provided they fit into the architectural
style of their neighborhood.~~
- B. ~~On corner lots, both facades~~ Façades shall be oriented so that they face
and are parallel with adjoining streets.
- C. ~~Corner lots shall locate their~~ Where practicable, vehicular access shall be
located onto the least traveled ~~side~~ street, ~~where practicable,~~ and as far
as possible from the intersection.

8.7. Materials:

- A. ~~Exterior materials should match the palette of the historically contributing
buildings in the district. Wood is only allowed as an external material on
existing buildings or on single family residential, duplexes, or townhomes.~~
- B.A. Quality building materials shall be used ~~The following materials are
prohibited from being visible on the exterior facades of any new
construction, replacement, or renovations, or to covering of an existing
façade. The following materials are prohibited from use, unless the
materials are identified on architectural elevations and specifically
approved for use by the Planning Director: stucco; metal panels;~~

corrugated metal;~~;~~ fiberglass;~~;~~ metal screening;~~;~~ horizontal lap siding made of plastic, vinyl, or aluminum-siding;~~;~~ concrete block (flat or textured);~~;~~ concrete panels;~~;~~ or any other materials not consistent with or representative of the historical architectural vernacular of the district deemed substandard by the Planning Director.

- C. ~~On and within 50' of Main Street, all facades facing public streets or rights-of-way shall be comprised of red brick, masonry, cast stone, or similar quality material common to the historically representative buildings on Main Street. Projects with public or cultural significance may be designed to have a character that varies more from the standard development pattern, to distinguish them as a signature or landmark structure. The Planning Director may allow alternate materials on renovations or expansions of existing buildings if they keep in context with the existing materials and architecture.~~

9. ~~Parking:~~

- A. ~~Cross access shall be provided between adjacent parking lots to minimize the number of access points along streets. The Planning Director may waive this requirement if cross access is not feasible due to natural features or site layout restrictions. Cross access shall be accompanied by a cross access easement or agreement, recorded with the Clerk of Court. Single family residential and duplexes are exempt from this requirement.~~
- B. ~~All nonresidential and mixed use developments shall utilize alley loaded and/or parking to the rear of a building.~~
- C. ~~Multi-story parking structures/decks:~~
- i. ~~If visible from the street, multi-story parking structures/decks shall place the shortest dimension along the street, if possible.~~
- ii. ~~On and within 50' of Main Street, multi-story parking structures/decks shall incorporate usable spaces for nonresidential uses (i.e. storefronts and/or tenant spaces) along the entirety of first floor facades that front on public rights-of-way, excepting entrances and exits.~~
- iii. ~~Multi-story parking structures/decks shall be architecturally consistent with surrounding buildings and shall meet all other criteria of this section.~~

10.8. ~~Windows:~~

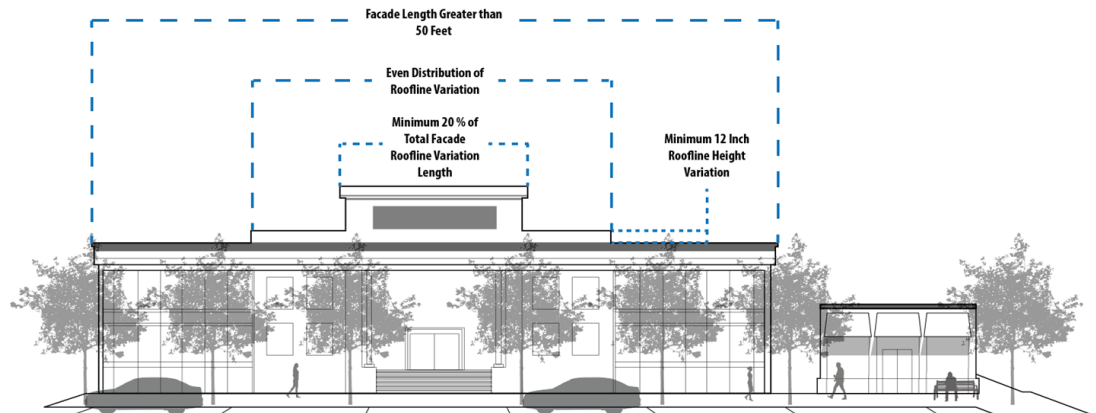
- A. ~~Windows shall be vertically oriented, and at least as tall as they are wide.~~

- ~~B.~~ Windows shall be no lower than two feet above finished grade, unless they can be opened to provide access to the outside, such as decorative glass garage doors, or French doors.
- ~~C.A.~~ ~~No~~ Opaque windows glazing shall be limited to a maximum of 10 percent of the total window requirement permitted on the first three floors of of a building. In this instance, “opaque” is defined as any window material or glazing (glass block, frosted or smoked windows, wraps, etc.) that inhibits view from the outside to the inside of the building.
- ~~D.B.~~ False windows or faux windows are not permitted on the first floor on any façade that is visible from a public right-of-way. ~~The Board of Adjustment may grant a variance to this requirement under conditions and locations in which it will not be detrimental to the intent of the district.~~
- ~~E.C.~~ Security bars or similar theft prevention devices of high visual impact shall not be allowed on any window that is visible to the public. Any security measures shall be of low visual impact or seamlessly integrated into the design of the window, building, or façade.
- ~~F.D.~~ Nonresidential and mixed use zoning districts, and conforming nonresidential buildings in residential zoning districts:
- i. For the purpose of calculating the window percentages required below, a building floor shall be measured from two feet above finished floor to a height of 10 feet. any floor above the first (ground) floor, large expanses of vertical windows that give the overall appearance of unified (undivided) horizontal massing is prohibited.
 - ii. The ground floor of a building shall At least provide a minimum window coverage of 670% percent on the of the surface area of the first (ground) floor, public-facing primary façade. of all buildings shall be storefront windows or other windows which create an enhanced sense of connection between the inside of buildings and the public realm. Corner buildings may reduce the ground floor window coverage to 305% percent on the side street façade facing the secondary street.
 - iii. Upper floors shall provide a minimum of 305% percent window coverage of the façade, and simple patterns shall be used to subdivide the windows to add character to the buildings. Horizontal massing of upper floor windows is prohibited unless they are identified on the architectural elevations and specifically approved for use by the Planning Board.
 - iv. ~~No~~ Buildings shall not be altered as to reduce the amount or area of first (ground) floor storefront windows to less than the amount specified in this Section.

- v. ~~No~~ Ground floor windows ~~or and~~ translucent doors ~~within 20 feet of the back of curb along a road frontage~~ shall ~~not~~ be covered or screened ~~with window coverings from within~~, so as to obstruct visibility over more than 25% ~~percent~~ of the surface area, for more than one half of business hours. ~~Any coverings in Existing violations of this shall be removed by August 1st, 2017, or no later than December 31, 2019 immediately upon adoption of this ordinance.~~
- vi. ~~First~~ Ground floor storefront windows shall incorporate at least one architectural design element ~~common to enhance the visual appeal of the district, or representative of the district~~. Elements ~~may~~ include ~~ing~~ but ~~are~~ not limited to soldier courses, brick patterns, columns, knee walls, recessed entrances, peaked or arched windows, or decorative window frames. Large, ~~opening~~ windows that ~~open and~~ provide a ~~direct~~ connection to the street, such as ~~garage door style roll-up, accordion, or~~ retracting windows, are permitted, so long as they blend into the character of the street and district.

11.9. Roofs:

- A. Parapet style roofs are required for all new development that is not single family residential or duplexes.
- B. Peaked roofs are prohibited on new or infill development on ~~or within 50'~~ of Main Street.
- C. ~~Rooflines shall vary from building to building, and within building that are wider than 100'. Façades with rooflines greater than 50 feet in length shall incorporate a change in height. This roofline variation shall be minimum 12 inches, for a minimum of 20 percent of the total length of the façade. Roofline variations shall be evenly distributed along the façade to balance the overall appearance of the building.~~



~~12.10.~~ Utilities:

- A. ~~All~~New or replacement of existing utilities shall be undergrounded. ~~Where this is where practicable, impractical, the utilities shall come from or run along the rear of the property or through a service alley.~~
- B. ~~All~~New utilities shall be ~~locationally~~ consolidated with existing utilities, to reduce the proliferation of overhead wires and cables.
- C. All mechanical equipment shall be located on the roof, where practicable, and completely screened from view ~~regardless of location.~~ The Planning Director may allow ~~the~~ an alternate location of mechanical equipment ~~other than as described above~~, so long as it is ~~completely~~ screened ~~from view or otherwise hidden to the greatest extent possible from view. from view from the public realm.~~

~~13.11.~~ Entrances

The following shall apply to entrances in nonresidential and mixed use zoning districts, and in conforming nonresidential buildings in residential zoning districts.

- A. Existing entrances with features such as recessed or angled entries shall not be removed, except to restore the storefront to a more historically accurate design.

~~Diagonal entrances at corner buildings are required;~~
- B. Entrance doors shall be a minimum of 2550% percent ~~transparent~~translucent.
- C. Shingled or plastic awnings are prohibited.

~~(b) Conforming residential uses and residential zoning districts:~~

- ~~1. The following criteria shall be applicable to all new construction, exterior renovation or additions to the front façade, or to renovations of 50% or more of the entire façade:~~
 - ~~A. Parking garages and vehicular use areas shall not occupy more than 25% of the front façade for any residential development or dwelling unit.~~
 - ~~B. Parking areas for multi-family residential and townhomes shall be in the rear of the property and shall be either side-loading or alley-loaded.~~
 - ~~C. Materials used for facades must be consistent with or representative of the historical architectural vernacular of the district.~~

(7) Incentives and disincentives:

- (a) The Town encourages the use, re-use, renovation, and other creative endeavors that preserve historic structures, create new structures, or otherwise enhance the private or public realm, and which add value and enhance or promote the character of downtown Clayton. To that purpose, the following incentives and disincentives are established in the Downtown Overlay District.
- (b) Incentives:
 - 1. Outdoor seating and dining areas and outdoor display areas, on private property and in public rights-of-way, shall be allowed with approval of a Zoning Compliance Permit and accompanying dimensioned site drawing complying with §155.311(B) "Outdoor Dining". In this instance and within this Overlay District, the Zoning Compliance Permit expressly replaces any other requirement for a Site Plan application, unless the Planning Director determines otherwise or elevates the decision to a higher level.
 - A. Outdoor seating and dining areas and site elements shall be constructed of high-quality materials. Plastic or unfinished wood are not allowed for tables, chairs, planters, window boxes, benches, or similar.
 - B. All outdoor seating and dining and site elements shall be kept in good working order and appearance and shall not fall into disrepair or they shall be removed immediately.
 - C. All accoutrements associated with outdoor seating and dining (tables, chairs, benches, planters, bollards, dividers, umbrellas, space heaters, lighting, entrance menus, etc.) shall be maintained to a high standard which demonstrates appreciation of the special character of the district.
 - 2. Properties in the Downtown Overlay District may be developed at densities and intensities that are consistent with the Town's adopted Future Land Use Map, subject to the approval of a Special Use Permit.
 - ~~3. Planned Developments in the Downtown Overlay District may be developed on a lot equal to 1/10th the minimum required lot size for a given type.~~
 - ~~4.3.~~ Downtown properties that meet other eligibility requirements may apply for:
 - A. The Façade and Site Element Improvement Grant;
 - B. The Clayton Downtown Redevelopment Incentive Grant (CDRIG).
- (c) Disincentives:
 - 1. Any demolition of a historically-contributing building or structure in the Downtown Overlay District shall result in a one year waiting period between application for a demolition permit and the time that the demolition occurs, and a one year moratorium (following demolition) of development applications

and buildings permits upon that lot. The Town Council can waive the waiting period and the moratorium by a ~~super~~-majority vote if the proposed new development is determined to be in the best interest of adjacent property owners and the Town.

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

ARTICLE 2: ZONING DISTRICTS

§ 155.204 OVERLAY DISTRICT STANDARDS

(D) DOWNTOWN OVERLAY DISTRICT

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries. It is recognized that an attractive and vibrant downtown promotes the economic development and stability of the entire community. The uses, character, and design of the public and private realm all contribute to the success of the downtown. The standards established herein shall be applied to all properties which are located within the district's boundaries.

(1) **Designation of Downtown Overlay District**

This district shall be an overlay district and shall include all properties located wholly or partially (20 percent or more) within the Downtown Overlay District of the Town Zoning Map.

(2) **Permitted Uses**

- (a) All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification, subject to site plan approval and the additional requirements of this section.
- (b) All nonresidential tenants, businesses, uses, and activities on the ground (first) floor of a building which fronts on Main Street shall be responsive to and provide services, goods, or otherwise engage in business with pedestrians and the general public. More specifically, the following use types are prohibited on the first floor (street level) of Main Street, with the Planning Director responsible for ultimate interpretation:
 - 1. Businesses which exclusively engage in “by appointment only” clientele or do not have active reception areas which accept walk-in customers;
 - 2. Residential uses. This does not include ancillary facilities, such as lobbies which serve upper story residential uses;
 - 3. Drive-thru facilities;

(3) **Sign Regulations**

The following criteria modifies, but does not replace, the text of §155.403 “Signs”, and may be either more or less restrictive.

- (a) All signs allowed in the Downtown Overlay District, with the exception of Window / Door Signs, Awning / Marquee / Canopy Signs, and Flags, shall have at least one

distinguishing architectural or design feature, including but not limited to one of the following:

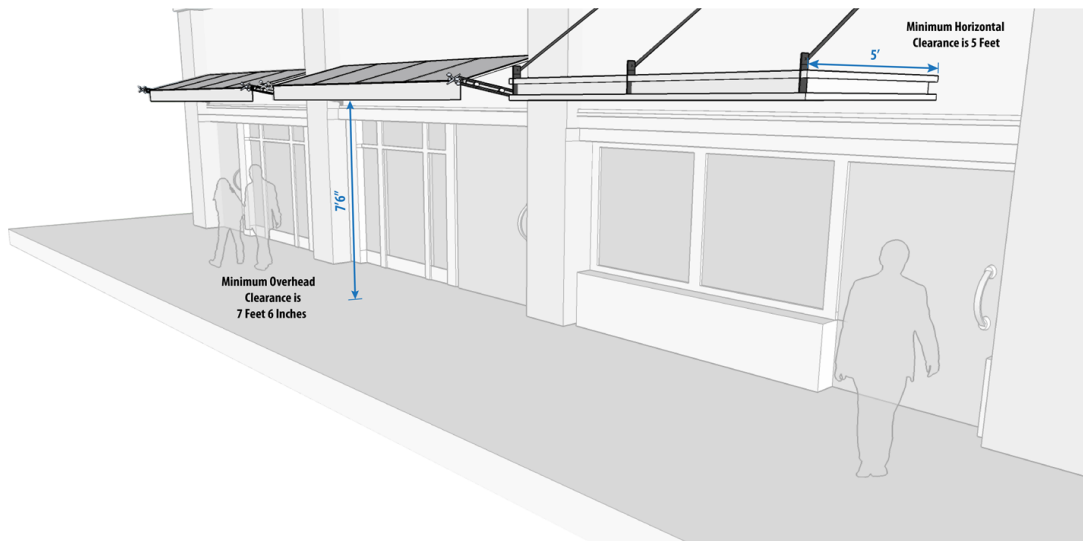
1. Exterior illumination with decorative lighting fixture;
2. Decorative or architectural mounting bracket;
3. Decorative border design that deviates from a standard rectangle;
4. Or some other design feature or embellishment that distinguishes the sign as high quality and enhancing of the downtown streetscape.

(b) Illumination

Illumination of sign shall not be restricted based on proximity to residential uses, but rather by the business hours of the use.

(c) Clearance

1. The minimum required clearance for any overhead sign, awning, or canopy is seven feet – six inches.
2. The minimum required horizontal clearance is five feet , to allow for adequate pedestrian movement on the sidewalk.



(d) Prohibited Signs

Except for “Historic Signs”, the following additional signs shall be prohibited in the Downtown Overlay District:

1. All signs designated in §155.403(E) "Signs Prohibited";
2. Electronic Changeable Copy Signs;
3. Freestanding Signs that cannot meet the setback criteria;
4. Billboards;
5. Manual Changeable Copy Signs, unless associated with a theater, assembly, or a church;
6. Drive-Thru Menu Boards;

(e) ***Promotional Banners and Seasonal Displays***

1. Small window posters advertising upcoming special events, sales events, or other such seasonal information are allowed on ground-floor storefront windows without requirement for a sign permit. A maximum of one 24 inchesx36 inches poster, or two 18 inches x24 inches posters are allowed per storefront, and these posters must be relevant and current.

(f) ***Easels / Sandwich Boards / A-Frame Signs***

1. Easels / Sandwich Boards / A-Frames Signs shall be permitted provided that there is a minimum of five feet of sidewalk clearance.
2. Easels / Sandwich Boards / A-Frames Signs shall be a maximum of six square feet in area (per side).
3. Easels / Sandwich Boards / A-Frames Signs shall only be displayed during business hours, and may not be attached to anything else.
4. Easels / Sandwich Boards / A-Frames Signs shall be constructed of quality frame materials, such as decorative metal or wood; plastic shall not be allowed.

(g) ***Wall / Fascia Signs***

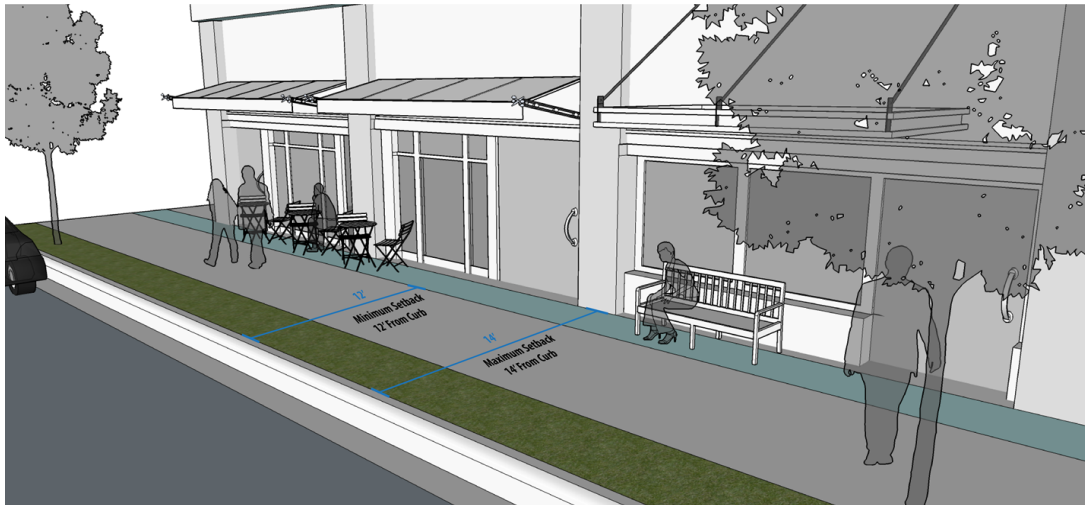
1. All tenants not on the ground floor and located within the same building with units accessed internally may only utilize a Tenant Identification Sign (§155.403(G)(9)).
2. A wall sign designed and functioning as a larger version of a tenant identification sign (advertising for some or all on-site tenants) may be permitted provided that it:
 - A. Adheres to the dimensional requirements of a wall sign, and
 - B. Each tenant may not be advertised more than once per façade, if they are included on the modified wall sign.

(h) **Flags**

1. Angled- or horizontally-projecting flagpoles may encroach into the right-of-way with an approved sign permit, although they must remain three feet from the back of curb. Permission from NCDOT may be required, depending on ownership of the right-of-way.
2. Only one flagpole per building or site is allowed, with a minimum required frontage as follows:
 - A. One angled- or horizontally-projecting flagpole allowed for buildings with 25 feet of building frontage.
 - B. One vertically-projecting flagpole allowed for buildings with 150 feet of building frontage.
3. An exemption to the maximum number of flags and clearance requirements is that each ground floor entrance may have one small flag (two square feet per side) projecting from adjacent to the door.

(4) **Dimensional Requirements**

- (a) The purpose of modified setbacks on Main Street in the Downtown Overlay District is to provide adequate room for outdoor seating and dining, display of wares, an enhanced pedestrian realm, and create space for an active street life, while also continuing a unified visual building frontage along the street. This is in addition to the standard purpose for enforcing setbacks in the Town.
- (b) Setbacks and build-to lines for nonresidential and mixed use zoning districts:
 1. The dimensional requirements of this Overlay District are the same as the underlying zoning district, with the following modifications to setbacks and dimensional standards on that portion of Main Street that is within the Downtown Overlay District.
 - A. Minimum and maximum setbacks are established on properties that front on roads, sidewalks, or public rights-of-way:
 - i. A minimum setback line is established at 12 feet from back of curb.
 - ii. A maximum setback line is established at 14 feet from back of curb.



- iii. The Planning Director may allow an alternate building setback that pulls the building or a portion thereof closer to the street to provide consistency with adjacent properties and continue an established streetscape rhythm.
 - iv. The Planning Director may waive the maximum setback requirement in order to preserve the historic character or landmark status of an existing building, to preserve the character of a park or public square, or to ensure the Americans with Disabilities Act (ADA) requirements are met.
 - v. Architectural, landscaping, or other site elements may still be required as part of the site plan to continue the appearance of a unified frontage with neighboring buildings.
- B. The Street-facing façades of a building are permitted to exceed the minimum and maximum setback lines established above to allow for decorative, recessed or projected entries, balconies, or window treatments that are in accordance with other parts of this Section.
- C. If a building is set back further than neighboring buildings, some design element shall be incorporated in front of the first floor façade, such as knee wall, first floor roof projection designating outdoor seating area, or other architectural element or design feature that continues the streetscape rhythm of neighboring buildings.

(5) Development Standards

The following criteria modifies, but does not replace, the text of §155.400 “Access”, §155.401 “Off-Street Parking and Loading”, §155.402 “Landscaping, Screening, and Buffering”.

- (a) Widths of access ways, as described in Table 4-1 “Dimensional Standards of Access Ways”, may be reduced to match the dimensions of existing streets in the Downtown Overlay District, with approval by the Planning Director, Engineering Director, and Fire Marshal as part of the standard review of individual development projects.

- (b) Parking Requirements

- 1. General:

- A. Cross access shall be provided between adjacent parking lots to minimize the number of access points along streets. The Planning Director may waive this requirement if cross access is not feasible due to natural features or site layout restrictions. Cross access shall be accompanied by a cross access easement or agreement, recorded with the Clerk of Court. Single family residential and duplexes are exempt from this requirement.
 - B. Any new construction in the Downtown Overlay District with frontage on a public right-of-way shall be required to formalize on-street, parallel parking, along the frontage(s) of the property, including landscaped bump-outs at intersections. Adjacent on-street parking spaces may count toward meeting the parking requirement for a site.
 - C. All parking spaces within the Downtown Overlay District shall be paved. Permeable paving may be allowed if approved by the Planning Director and Engineering Director. No grass, gravel, dirt, or other surfaces are allowed.
 - D. Multi-story parking structures/decks:
 - i. If visible from the street, multi-story parking structures/decks shall place the shortest dimension along the street, if possible.
 - ii. On Main Street, multi-story parking structures/decks shall incorporate usable spaces for nonresidential uses (i.e. – storefronts and/or tenant spaces) along the entirety of first floor facades that front on public rights-of-way, excepting entrances and exits.
 - iii. Multi-story parking structures/decks shall be architecturally consistent with surrounding buildings and shall meet all other criteria of this section.

- 2. Residential off-street parking

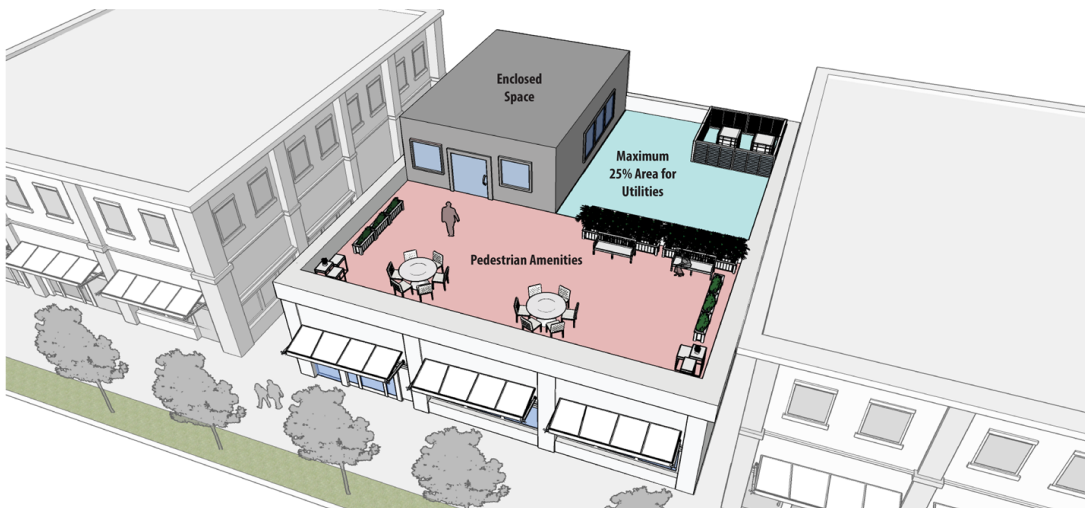
- A. Residential off-street parking requirements may be met satisfied with off-site parking, subject to Planning Director approval, provided the following are met:
 - i. The off-site parking area is in proximity to the parcel on which the residential dwellings are located;
 - ii. The off-site parking spaces are designated as reserved for the residential units which they serve;
 - iii. Required handicap parking spaces are located as close as possible to the residential dwellings;
 - iv. Required guest spaces may utilize adjacent on-street parking, to the extent that it is feasible and that those spaces remain publicly accessible.
 - v. All other relevant conditions of §155.401(C)(3)(c), "Off-Site Parking", are met.
- 3. Nonresidential development and uses:
 - A. All nonresidential and mixed use developments shall utilize alley loaded and/or parking to the rear of the building.
 - B. The Planning Director may allow a use to be established, or existing structure expansion even if off-street parking and loading requirements of Section 155.401 cannot be met for the use, provided that as much off-street parking and loading as can reasonably be provided is provided, and no foreseeable traffic congestion problems will be created.
 - C. New construction shall provide bicycle rack(s) on site or pay fee-in-lieu. The fee-in-lieu shall be calculated using an average purchase price for the bicycle rack(s) plus installation cost, and will be used to provide appropriate bicycle infrastructure and parking facilities in the public right-of-way or on public property in downtown.
- (c) Landscaping, Screening, and Buffering Requirements
 - 1. The Planning Director may allow a new use to be established or an existing use to be expanded, even if all landscaping, screening, and buffering requirements cannot be met, provided that as much landscaping, screening, and buffering as can be reasonably provided is provided.
 - 2. All landscaping shall be designed to reduce unsafe areas of limited visibility.
 - 3. Berms may not be used for required screening.

4. Landscape buffers or opaque visual screening, except that used for screening parking areas to a maximum height of three feet, shall not be required along any public right-of-way.
5. Fences or walls not used for required screening or for providing security for a parking area shall be limited to four feet in height. This requirement does not apply to single family residential, duplexes, or townhomes. Chain link fencing is prohibited.
6. Plastic, vinyl, and similar low quality materials are prohibited for planters and window boxes.
7. Street trees:
 - A. At the discretion of the Planning Director, street trees shall be required at appropriate, coordinated locations along all public rights-of-way at an interval that mimics the existing tree placement in that area.
8. Subject to Planning Director approval, the following may be approved:
 - A. Modifications to the required amount of site interior landscaping materials, in zoning districts where the maximum allowed impervious area infringes on site area available for landscaping.
 - B. Understory tree species may be substituted for canopy trees. This includes trees required as part of overlay districts, site interior landscaping requirements, parking lot landscaping, street trees, and incompatibility buffers.
 - C. High-quality, raised landscaping planters may be substituted for required plantings, at a rate to be determined by the Planning Director based on area of planters provided. Planters must match the existing streetscape materials and design palette if adjacent to a public right-of-way, or that of the primary structure. Plastic, vinyl, and similar low quality materials are prohibited.

(6) Neighborhood Character, Appearance, and Architectural Design

- (a) General requirements applicable to all properties:
 1. Right-of-way shall be dedicated (if necessary) to allow for two-way traffic and on-street parking (both sides) along public streets.
 2. In new construction, a minimum of eight feet of mostly-unobstructed walking surface (from back of curb) shall be provided for pedestrian traffic on Main Street. Some of this area may be used for public display of wares or outdoor seating, pursuant to the relevant portions of this Chapter, so long as a minimum of five feet of fully unobstructed clearance remains for pedestrian traffic.

3. Structures shall be oriented so that their primary façade faces and is parallel with the principal street on which they are located.
4. Nonresidential and mixed use infill development shall occupy the full width of the lot width to create a continuous streetscape. Allowances may be made for required vehicular and pedestrian ingress/egress points, courtyards, or other pedestrian friendly points of interest.
5. The following shall apply to properties on Main Street:
 - A. New and infill development shall be a minimum of two stories, with the uppermost story being enclosed space, space for pedestrian amenities, or a combination thereof. A maximum of 25 percent of the uppermost story may be set aside to allow room for mechanical equipment. .



- B. Buildings shall not have a single tenant space which exceeds 10,000 square feet in area on the first floor, unless at least one external, storefront entrance is provided for every 5,000 square feet, and the internal space is designed to be able to be partitioned.
6. Corner Lots on Main Street:
 - A. Corner buildings shall match or exceed the height of adjacent buildings, with a minimum height of two stories.
 - B. Façades shall be oriented so that they face and are parallel with adjoining streets.
 - C. Where practicable, vehicular access shall be located on the side street and as far as possible from the intersection.

7. Materials:

- A. Quality building materials shall be used on the exterior facades of new construction, replacement, renovation, or covering of an existing façade. The following materials are prohibited from use, unless the materials are identified on architectural elevations and specifically approved for use by the Planning Director: stucco; metal panels; corrugated metal; fiberglass; metal screening; horizontal lap siding made of plastic, vinyl, or aluminum; concrete block (flat or textured); concrete panels; or any other material deemed substandard by the Planning Director.

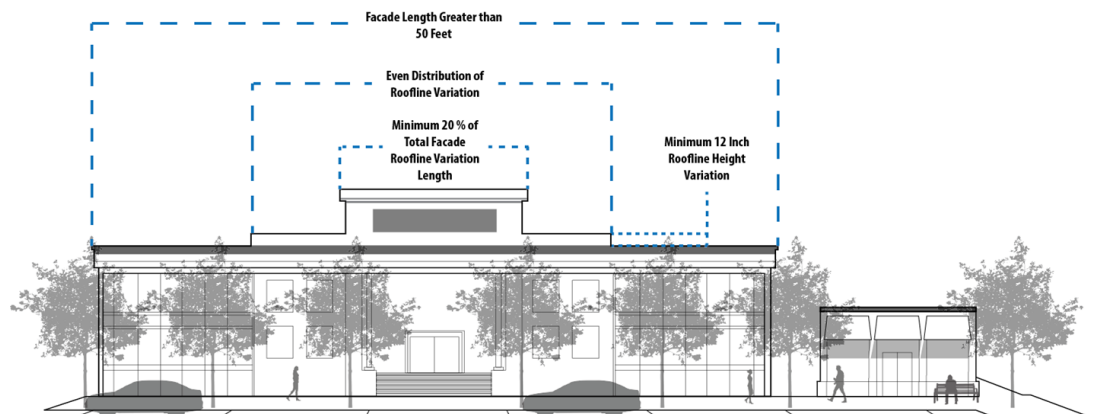
8. Windows:

- A. Opaque windows shall be limited to a maximum of 10 percent of the total window requirement of a building. In this instance, “opaque” is defined as any window material or glazing (glass block, frosted or smoked windows, wraps, etc.) that inhibits view from the outside to the inside of the building.
- B. False windows or faux windows are not permitted on the first floor on any façade that is visible from a public right-of-way.
- C. Security bars or similar theft prevention devices of high visual impact shall not be allowed on any window that is visible to the public. Any security measures shall be of low visual impact or seamlessly integrated into the design of the window, building, or façade.
- D. Nonresidential and mixed use zoning districts, and conforming nonresidential buildings in residential zoning districts:
 - i. For the purpose of calculating the window percentages required below, a building floor shall be measured from two feet above finished floor to a height of 10 feet.
 - ii. The ground floor of a building shall provide a minimum window coverage of 60 percent on the primary façade. Corner buildings may reduce the ground floor window coverage to 30 percent on the side street façade.
 - iii. Upper floors shall provide a minimum of 30 percent window coverage of the façade, and simple patterns shall be used to subdivide the windows to add character to the buildings. Horizontal massing of upper floor windows is prohibited unless they are identified on the architectural elevations and specifically approved for use by the Planning Board.

- iv. Buildings shall not be altered as to reduce the amount or area of first (ground) floor storefront windows to less than the amount specified in this Section.
- v. Ground floor windows and translucent doors within 20 feet of the back of curb along a road frontage shall not be covered or screened with window coverings, so as to obstruct visibility over more than 25 percent of the surface area, for more than one half of business hours. Existing violations shall be removed no later than December 31, 2019.
- vi. Ground floor storefront windows shall incorporate at least one architectural design element to enhance the visual appeal of the district. Elements may include but are not limited to soldier courses, brick patterns, columns, knee walls, recessed entrances, peaked or arched windows, or decorative window frames. Large windows that open and provide a direct connection to the street, such as roll-up, accordion, or retracting windows are permitted, so long as they blend into the character of the street and district.

9. Roofs:

- A. Parapet style roofs are required for all new development that is not single family residential or duplexes.
- B. Peaked roofs are prohibited on new or infill development on of Main Street.
- C. Façades with rooflines greater than 50 feet in length shall incorporate a change in height. This roofline variation shall be minimum 12 inches, for a minimum of 20 percent of the total length of the façade. Roofline variations shall be evenly distributed along the façade to balance the overall appearance of the building.



10. Utilities:

- A. New or replacement of existing utilities shall be undergrounded where practicable.
- B. New utilities shall be consolidated with existing utilities to reduce the proliferation of overhead wires and cables.
- C. All mechanical equipment shall be located on the roof, where practicable, and completely screened from view. The Planning Director may allow an alternate location of mechanical equipment, so long as it is screened or otherwise hidden to the greatest extent possible from view.

11. Entrances

The following shall apply to entrances in nonresidential and mixed use zoning districts, and in conforming nonresidential buildings in residential zoning districts.

- A. Existing entrances with features such as recessed or angled entries shall not be removed, except to restore the storefront to a more historically accurate design.
- B. Entrance doors shall be a minimum of 25 percent translucent.
- C. Shingled or plastic awnings are prohibited.

(7) **Incentives and disincentives:**

- (a) The Town encourages the use, re-use, renovation, and other creative endeavors that preserve historic structures, create new structures, or otherwise enhance the private or public realm, and which add value and enhance or promote the character of downtown Clayton. To that purpose, the following incentives and disincentives are established in the Downtown Overlay District.

(b) Incentives:

- 1. Outdoor seating and dining areas and outdoor display areas, on private property and in public rights-of-way, shall be allowed with approval of a Zoning Compliance Permit and accompanying dimensioned site drawing complying with §155.311(B) "Outdoor Dining". In this instance and within this Overlay District, the Zoning Compliance Permit expressly replaces any other requirement for a Site Plan application, unless the Planning Director determines otherwise or elevates the decision to a higher level.

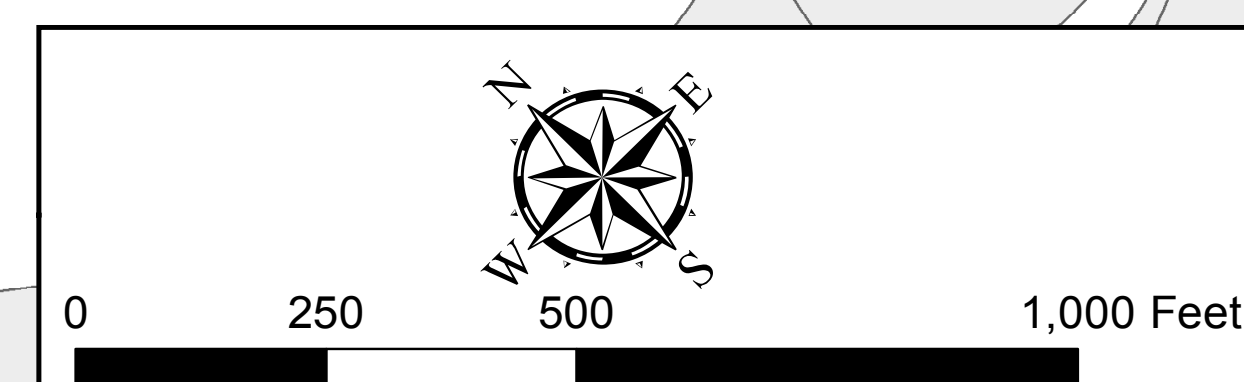
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 - C. All accoutrements associated with outdoor seating and dining (tables, chairs, benches, planters, bollards, dividers, umbrellas, space heaters, lighting, entrance menus, etc.) shall be maintained to a high standard which demonstrates appreciation of the special character of the district.
- 2. Properties in the Downtown Overlay District may be developed at densities and intensities that are consistent with the Town's adopted Future Land Use Map, subject to the approval of a Special Use Permit.
 - 3. Downtown properties that meet other eligibility requirements may apply for:
 - A. The Façade and Site Element Improvement Grant;
 - B. The Clayton Downtown Redevelopment Incentive Grant (CDRIG).
- (c) Disincentives:
- 1. Any demolition of a historically-contributing building or structure in the Downtown Overlay District shall result in a one year waiting period between application for a demolition permit and the time that the demolition occurs, and a one year moratorium (following demolition) of development applications and buildings permits upon that lot. The Town Council can waive the waiting period and the moratorium by a majority vote if the proposed new development is determined to be in the best interest of adjacent property owners and the Town.

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Overlay code language is custom tailored for the specific character of downtown

The Town of Clayton Planning Department shall not be held liable for any errors concerning content or positional accuracy of this mapped information. Use of these data for any purpose should be with the acknowledgment of the limitations of the data, including the fact that the data changes regularly. Please contact the Town of Clayton Planning Department for the most current data.

Date: 8/1/2017



Legend

- Railroad
-  Proposed Downtown Overlay
-  Parcels
-  Railroad Right-of-Way



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
January 28, 2019*

STAFF REPORT

Application Number: 2019-7-OA
Project Name: Downtown Overlay District
Ordinance Amendment

Applicant: Town of Clayton

Public Noticing:

- Newspaper ad published February 6 & 13, 2019

REQUEST: Request to make amendments to the text of the Unified Development Code, Title XV, §155.204. This amendment seeks to amend the requirements in the Downtown Overlay District of the Unified Development Code. The proposed change is minor in scope.

SECTIONS PROPOSED FOR AMENDMENT:

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

- 204 –Overlay Districts Standards

STAFF ANALYSIS AND COMMENTARY:

Overview

This amendment seeks to amend the downtown overlay district requirements. The downtown overlay district was originally adopted in the fall of 2017. Upon implementation of the requirements, it became evident that the requirements were too stringent and prevented quality development in downtown. The planning department worked with a local architect, planning staff, and economic development staff to amend the existing ordinance and make it easier for developers to build in downtown. The ordinance amendment also includes the addition of graphics for clarification.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 155.

Page 1 of 2

- **Novelty of the request**

The request does not represent novel changes to the Code.

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 changes to the downtown overlay district.

CONDITIONS:

Staff has no recommendation of Conditions.

ATTACHMENTS:

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