Town of Clayton
Town Council Regular Meeting Agenda
Monday, November 17, 2025 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL: https://www.youtube.com/TownofClaytonNC

NO WEAPONS ALLOWED INSIDE COUNCIL CHAMBERS.

1. CALL TO ORDER

a. Call to Order
b. Pledge of Allegiance
c. Invocation

2. ADJUSTMENT OF THE AGENDA

a. **POTENTIAL ACTION:** Adopt or Adjust the Agenda

3. CONSENT AGENDA

a. Minutes
- November 10, 2025 - Closed Session

Presenter: Heidi Holland, Town Clerk

b. ElectriCities NCEMPA Board of Commissioners Appointment
Presenter: Heidi Holland, Town Clerk
ElectriCities NCEMPA Board of Commissioners Appointment

c. GIS Day Proclamation
Presenter: Heidi Holland, Town Clerk
GIS Day Proclamation

d. Approval for Town Manager to Execute Utility Services Agreement for Shotwell Apartments (2024-122 -SP_CD)
Presenter: Kinsey Holton, Assistant Director of Engineering
Approval for Town Manager to Execute Utility Services Agreement for Shotwell Apartments (2024-122 -SP_CD)

e. Authorizing the Award of a Contractor for Consulting Services to Assist with Procurement and Implementation of an Enterprise Resource Planning (ERP) System
Presenter: Robert McKie, Finance Director
Resolution #2025-120

f. Resolutions to Acquire Real Property in Accordance with the Related Purchase and Sale Agreements
Presenter: Robert McKie, Finance Director
Resolutions #2025-114, #2025-115, #2025-116, #2025-117

g. 2025 Town Council Meetings Revision
Presenter: Heidi Holland, Town Clerk
Resolution #2025-119

h. Resolution Recommending the Appointment of Review Officers for the Town of Clayton in Wake County
Presenter: Courtney Tanner, Deputy Town Manager
Resolution #2025-112

i. Resolution Recommending the Appointment of Review Officers for the Town of Clayton in Johnston County
Presenter: Courtney Tanner, Deputy Town Manager
Resolution #2025-113

j. Town Council Social Media Best Practices and Guidelines Policy
Presenter: Heidi Holland, Town Clerk
Resolution #2025-124

k. Amended Financial Policy
Presenter: Robert McKie, Finance Director
Resolution #2025-123

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Clayton 4U
- Holiday Fire Safety

Presenter: Nathanael Shelton, Communication Director

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

6. PUBLIC HEARINGS

a. 2023-32-ANX Troxler Property Annexation
Presenter: Audrey Duchesne, Senior Planner
2023-32-ANX Troxler Property Annexation

POTENTIAL ACTION: Motion To Approve Ordinance #2025-11-03
Contingent Upon Approval of 9a

b. 2023-33-ANX Yeargan Annexation
Presenter: Audrey Duchesne, Senior Planner
2023-33-ANX Yeargan Annexation

POTENTIAL ACTION: Motion To Approve Ordinance #2025-11-04
Contingent Upon Approval of 9a

c. 2023-34-ANX Kennedy-Ford Property Annexation
Presenter: Audrey Duchesne, Senior Planner
2023-34-ANX Kennedy-Ford Property Annexation

POTENTIAL ACTION: Motion To Approve Ordinance #2025-11-05
Contingent Upon Approval of 9a

d. 2023-35-ANX Tree of Life Church Annexation
Presenter: Audrey Duchesne, Senior Planner
2023-35-ANX Tree of Life Church Annexation

POTENTIAL ACTION: Motion To Approve Ordinance #2025-11-06
Contingent Upon Approval of 9a

e. Unified Development Ordinance Text Amendment (UDOTA 2-25)
Presenter: Conrad Olmedo, Planning Director
Unified Development Ordinance Text Amendment (UDOTA 2-25)

POTENTIAL ACTION: Adoption of Ordinance #2025-11-01

f. 2023-87-CZM West Second Street Duplexes, Conditional Rezoning
Presenter: Robert Tate, AICP, Senior Planner
2023-87-CZM West Second Street Duplexes, Conditional Rezoning

POTENTIAL ACTION: Adoption of Ordinance #2025-11-02

g. Debt Issuance - Limited Obligation Bond, Series 2025
Presenter: Robert McKie, Finance Director
Debt Issuance - Limited Obligation Bond, Series 2025

POTENTIAL ACTION: Adoption of Resolutions #2025-121 and #2025-122

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

9. NEW BUSINESS

a. Bulk Water and Wastewater Agreement – Johnston County (Cornwallis Road Development Area)
Presenter: Joshua Baird, PE, Water Resources Director
Bulk Water and Wastewater Agreement – Johnston County (Cornwallis Road Development Area)

POTENTIAL ACTION: Adoption of Resolution #2025-93

b. Advisory Board Appointments
Presenter: Heidi Holland, Town Clerk

POTENTIAL ACTION: Approval of Appointments

c. Budget Amendments and Capital Project Ordinances
Presenter: Robert McKie - Finance Director
Budget Amendments and Capital Project Ordinances

POTENTIAL ACTION: Adoption of Ordinances #2025-11-07, #2025-11-08, #2025-11-09, #2025-11-10, #2025-11-11, #2025-11-12, #2025-11-13, #2025-11-14

10. PUBLIC COMMENTS

11. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

Enterprise Resource Planning (ERP) System
Presenters: Robert McKie, Finance Director and Shaun Mizell, Procurement, Contracts and MWBE Manager

12. OTHER BUSINESS

a. Mayor and Council Comments

13. CLOSED SESSION

a. To Discuss Legal Matter in accordance with NC GS 143-318.11(a)(3)
To Discuss Economic Development in accordance with NC GS 143-318.11(a)(4)
To Discuss Purchase of Real Property in accordance with NC GS 143-318.11(a)(5)
To Discuss a Personnel Matter in accordance with NC GS 143-318.11(a)(6)

POTENTIAL ACTION: Motion To Go Into Closed Session

POTENTIAL ACTION: Motion To Return To Open Session

14. ADJOURNMENT

a. Adjourn

POTENTIAL ACTION: Motion To Adjourn

INFORMATION FOR THE PUBLIC

3. CONSENT AGENDA

Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.

7. QUASI-JUDICIAL HEARINGS

A quasi-judicial hearing resembles a court trial where testimony is presented. Citizens may give testimony in a quasi-judicial hearing after they have taken an oath. Town Council acts like a court of law and receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. The Town Council refrains from "ex parte communication" about these cases, as the Town Council must make a decision based solely on the evidence presented at the hearing itself. Staff is available to assist with inquiries from citizens.

10. PUBLIC COMMENTS

RULES FOR PERSONS ADDRESSING TOWN COUNCIL

- During public hearings and public comment periods, each speaker will identify him/herself by giving his or her name and place of residence.
- Each speaker will be limited to speaking one time on any topic. When you are finished speaking, please step away from the podium and be seated.
- Each speaker will be limited to three (3) minutes and each group's representative will be limited to a maximum of five (5) total minutes. Each group is encouraged to designate a single spokesperson for their group.

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

ElectriCities NCEMPA Board of Commissioners Appointment

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Approval of Recommended Appointments

Strategic Priorities Alignment

☐ Vibrant Downtown	☐ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☐ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey
☐ Special Mailing	☐ None Required

Summary

With the Town's recent hiring of an Electric Director, staff is recommending appointments to fill the Town's vacancies on the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners. These appointments will ensure the Town continues to have full representation in matters related to electric operations, governance, and policy decisions affecting NCEMPA member municipalities.

Recommendations are as follows: Council Member Ruth Anderson as Commissioner, Electric Director Matt Proctor as 1st Alternate, and Town Manager Rich Cappola as 2nd Alternate.

Funding Source

N/A

Submitted By: Heidi Holland, Administration

Reviewed By:

Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

TOWN OF CLAYTON
PROCLAMATION
GIS DAY

WHEREAS, the Town of Clayton recognizes that an understanding, use and application of geospatial technology is crucial to operating our infrastructure, sustaining our natural resources, and stimulating economic growth, thus, benefitting the welfare of the general public throughout the Town; and

WHEREAS, geographic information systems (GIS) technology allows us to see and model complex relationships and patterns to more intelligently respond; and

WHEREAS, there is a need to promote GIS awareness, education and technical training to use this rapidly developing technology to its full potential; and

WHEREAS, the Town of Clayton acknowledges those that have chosen GIS as their profession or as part of their discipline to improve the lives of our citizens; and

WHERAS, to recognize and support the efforts of nonprofits who work on activities to improve conservation, human services, and various humanitarian efforts to better our world; and

WHEREAS, the Town of Clayton is committed to utilizing GIS to inform decision making and better serve its residents and make useful geographic information open and easily available to the public, as a platform for innovation;

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim November 19, 2025 GIS Day.

Proclaimed this 17th day of November 2025.

_____

Jody L. McLeod
Mayor

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

Approval for Town Manager to Execute Utility Services Agreement for Shotwell Apartments (2024-122 -SP_CD)

Presenter(s)

Kinsey Holton, Assistant Director of Engineering

Suggested Action

Approval of Agreement

Strategic Priorities Alignment

☐ Vibrant Downtown	☐ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☒ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☒ None Required

Summary

Per Town requirements, any water service line exceeding two inches in size requires a Utility Service Agreement between the developer and Town. This agreement is needed to account for the costs associated with the additional service capacity requested by the Developer from the Town's water and wastewater system.

Funding Source

N/A

Corresponding Documentation

2024-122-SP-CD_20251029_ShotwellApts_USA_FinalDraft_rev03

Submitted By: Kinsey Holton, Engineering

Reviewed By:

Kinsey Holton, Assistant Engineering Director	Approved - Nov 06 2025
Jonathan Ham, Engineering Director	Approved - Nov 06 2025
Courtney Tanner, Deputy Town Manager	Approved - Nov 10 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

NORTH CAROLINA
JOHNSTON COUNTY

UTILITY SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this the ____ day of_____, 2025 by and between **SHOTWELL APARTMENTS LIMITED PARTNERSHIP**, a Minnesota limited partnership (hereinafter referred to as "Customer") and **TOWN OF CLAYTON,** North Carolina, a body politic and corporate of the state of North Carolina (hereinafter referred to as "Town").

WITNESSETH:

WHEREAS, the Town is a duly incorporated municipality in the State of North Carolina, and it is in the business of providing water and wastewater utility services to its residents; and

WHEREAS, Customer has requested capacity to support its facility on property located at **1301, 1311, and 1331 MECHANICAL DRIVE** (hereinafter collectively referred to as the "Property" and further described in Exhibit A); and

WHEREAS, Customer desires for the Town to provide flow and treatment capacity for Customer via the Town's water and sanitary sewer systems at the Property; and

WHEREAS, in order to provide the capacity requested by Customer, the Town will have to make upgrades and improvements to its water and wastewater system and Customer's capacity purchase will support required improvements; and

WHEREAS, the parties have determined that the Town is the best and most reasonable option to provide the utility service levels desired by Customer to accommodate the use of the facility on its Property; and

WHEREAS, to facilitate the Customer's needs the Town desires to provide water and wastewater flow and treatment capacity to the Customer and allow Customer to continue to utilize the Town's water supply and sanitary sewer systems subject to payment by Customer of the capacity purchase and under the terms and conditions as set forth herein.

NOW THEREFORE, the parties hereby agree to the following terms and conditions.

1. Term: This Agreement shall be binding on both parties for a period of ten years.

2. Water and Wastewater Capacity: Subject to payment by Customer as set forth herein, the Town will provide capacity to Customer of (i) 12,850 gallons per day (5 day rolling average) of water capacity effective upon payment described herein and (ii) 12,850 gallons per day (5 day rolling average) of wastewater capacity effective upon payment described herein and in accordance with the Town and State terms and conditions for Customer's usage.

3. Quality and Quantity of Services.

a. Quality and Quantity of Water. The Town agrees, subject to availability of supply, to furnish the water at the current point of delivery, during the term of this Contract or any renewal or extension thereof. The water supplied shall be potable treated water meeting applicable purity standards of the State of North Carolina in such quantity as may be required by the Customer but not to exceed the per day capacity allocated under this or prior agreements. If the quantity used by Customer exceeds allocated capacity, Customer is responsible for the cost of providing additional instantaneous water capacity, which shall be billed at the Town's current rate as set forth on the adopted fee schedule in place at the time of the exceedance. Customer shall also pay an exceedance surcharge as set forth in Section 6.

b. Quality and Quantity of Wastewater. The Town agrees, subject to the availability of capacity, to accept for treatment at the designated point of delivery wastewater from Customer during the term of this Contract and in such quantity as may be required by Customer, but not to exceed the per day wastewater capacity allocated under this or prior agreements. If the quantity of wastewater discharged by Customer exceeds allocated capacity, Customer shall be assessed an exceedance surcharge, which shall be billed in accordance with Section 6 hereof. Wastewater discharged to the Town shall comply with the quality and constituent limitations as defined in the Town's ordinances and regulations—including specifically Chapter 52 of the Town Code of Ordinances—including all future amendments and revisions thereof.

4. Pressure. The parties agree that the water purchased hereunder will be furnished at reasonably constant pressure. If greater pressure than that normally available at the point of delivery is required by Customer, the cost of providing such greater pressure shall be borne by the Customer. Emergency failures of pressure or supply due to main supply line breaks, power failure,

flood, fire and use of water to fight fire, earthquake or other catastrophe shall excuse the Town from this provision for such reasonable period of time as may be necessary to restore service.

5. Billing Procedure and Payment Date. Town shall furnish the Customer, not later than the 5th day of each month or otherwise on a day of the month consistent with the sites billing cycle, with an itemized statement of the amount of water furnished the Customer and wastewater discharged during the preceding month. Customer shall pay the Town, not later than the 20th day of each month. In the event that Customer fails to pay any amounts due under this Agreement, or any other rates, fees or charges due for water or services provided by Town, then Town may shut off the supply of water until such time as payment is received from Customer.

6. Exceedance of Rolling 5-day Rolling Average Water and Wastewater Allocation. Customer's daily metered water usage and wastewater discharge shall not exceed a rolling 5-day average of 12,850 gallons per day. If this threshold is exceeded during any portion of a billing period, and in addition to the commodity charges assessed for all water provided and wastewater discharged, Customer shall be assessed a Monthly Exceedance Surcharge equal to 10% of the total monthly base and consumption charges for all water provided and wastewater discharged. The surcharge shall be applied based on the most recent billing period. In the event a rolling 5-day average splits multiple billing periods, the town reserves the right to enforce the penalty on the higher of the two bills.

7. Rates and Capacity Charges to Customer:

a. The Town's current schedule of rates shall apply, provided that Town may, in its sole discretion, modify the rates charged hereunder at any time it modifies or raises its rates to its other customers.

b. Not later than 14 days following execution of this agreement, Customer shall pay to the Town the sum of four hundred thirty-one thousand, six hundred fifty-four US dollars and fifty US cents ($431,654.50) for the additional capacity to be provided under this Agreement, less any amount prepaid. This sum is in addition to commodity charges under subsections 7.a. above and is calculated as shown on Exhibit B attached hereto.

8. Metering Equipment. Town agrees to install, maintain and operate a 4-inch water meter or such other metering equipment as needed to measure the volume of water delivered and wastewater received under this Agreement. Town will calibrate such metering equipment whenever requested by the Customer but not more frequently than once every twelve (12) months. A meter registering not more than two percent (2%) above or below the test result shall be deemed

to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the two (2) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless Town and Customer shall agree upon a different amount. The metering equipment shall be read by Town on or before the last day of each month.

9. Failure to Deliver Water. The Town will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish the Customer with quantities of water set forth herein. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or the supply of water available to the Town is otherwise diminished over an extended period of time, the supply of water to Customer shall be reduced or diminished in the same ratio or proportion as the supply to Town's consumers is reduced or diminished.

10. Modification. Except for the provisions of this Agreement pertaining to the schedule of rates to be paid by the Customer for the services provided hereunder, which may be modified in the sole discretion of Town at any time, the provisions of this Agreement may not be modified or altered except by mutual agreement.

11. Regulatory Agencies. Except as otherwise provided herein, this Agreement is subject to such rules, regulations, or laws as may be applicable to similar agreements in this State and the Town and Customer will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith.

12. Severability; Integrated Contract. The terms of this Agreement are not severable. Each of the terms and conditions hereof are mutually dependent and this Agreement has been negotiated by the parties as an interdependent contract. If any term hereof should fail or be determined to be unenforceable, this Agreement shall be void in its entirety.

13. No Assignment Without Consent. Customer shall not assign, transfer, or convey its rights or obligations under this Agreement, in whole or in part, without the prior written consent of the Town, which shall be given as follows: Customer may assign this Agreement to a successor in interest to all or substantially all of the Customer's rights and obligations with respect to the property or facilities served under this Agreement, upon written notice to the Town and execution of an Assumption Agreement as set forth below.

14. Assumption by Successor. Any permitted assignee or successor of the Customer shall, as a condition of such assignment, expressly assume in writing all duties, covenants, and obligations of the Customer under this Agreement by executing and delivering to the Town an Assignment and Assumption Agreement in form and substance reasonably acceptable to the Town. Such assignment shall not be effective until the Town has received a fully executed counterpart thereof. Upon such execution and delivery, the assignee or successor shall thereafter be deemed to be the "Customer" for all purposes under this Agreement, and the original Customer shall be released from further liability hereunder only to the extent of obligations accruing after the effective date of the assignment. Furthermore, in the event of any occurrence rendering the Customer incapable of performing under this Agreement, any successor of the Customer, whether the result of legal process, assignment, or otherwise, shall succeed to the rights, duties, and obligations of the Customer hereunder.

15. Indemnity. It is understood and agreed by and between Town and Customer that Town shall not be liable for any failure of the water supply distribution system or wastewater treatment systems of Customer or that of the Town and that Customer hereby agrees to indemnify Town against any loss, costs, expenses, causes of action and judgments in connection with any such failure.

16. Notices. All notices, requests, demands and other communications hereunder must be in writing and shall be deemed to have been duly given when delivered or when placed in the United States Mail and forwarded by Registered or Certified Mail, return receipt requested, postage prepaid, addressed to the party to whom such notice is being given at the following addresses:

IF TO TOWN: Town Manager
Town of Clayton
111 East Second Street
Clayton, NC 27520

IF TO CUSTOMER: Shotwell Apartments Limited Partnership
Attn: Manager
4450 Excelsior Blvd., Suite 400
Minneapolis, MN 55416

Any party may change the address to which notices to it are to be sent by giving the notice of such change to the other parties in accordance with this paragraph.

17. Applicable Law. This Agreement shall be interpreted in accordance with the laws of the State of North Carolina and in accordance with the regulations and rules of the North Carolina Department of Environmental Quality and the Town's Code of Ordinances. Specifically, but not limited hereby, Customer shall comply with all applicable discharge requirements for users of the Town's wastewater system.

18. Breach. In the event of breach of the Agreement, the parties shall be entitled to such legal or equitable remedies as may be available, including termination of this Agreement and specific performance. Town may terminate this Agreement together with Town's obligation to provide water and consent for Customer to discharge wastewater into Town's wastewater collection system upon thirty days prior written notice of Customer's default of any covenant or term hereof, which default is not cured within thirty days after receipt of such notice of default.

19. Waiver. No delay or omission of any party hereto in the exercise of any right accruing upon any default hereunder on the part of any party hereto shall impair such right or be construed to be a waiver thereof, and every such right may be exercised at any time during the continuance of such default. A waiver by a party hereto of a breach of, or a default in, any of the terms and conditions of this Agreement by any other party hereto shall not be construed to be a waiver of any subsequent breach of or default in the same or any other provision of this Agreement.

20. Entire Agreement: This Agreement constitutes the entire agreement between the parties and neither of the parties shall be bound by any written or oral promises, representations, or agreements except as are herein expressly set forth.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the Customer has executed this Utility Services Agreement on the day and year as noted below.

GRANTOR:

SHOTWELL APARTMENTS LIMITED PARTNERSHIP

By: Shotwell GP, LLC, its General Partner

By: _____
Nicholas Walton, its Manager

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Nicholas Walton, the Manager of Shotwell GP, LLC, a Minnesota limited liability company, the General Partner of Shotwell Apartments Limited Partnership, a Minnesota limited partnership, on the 30th day of October, 2025.

Signature of Notary: _____

Notary Public for: Minnesota
Print Name of Notary: Anne Stephenson
My Commission Expires: 1-31-30

SEAL OF NOTARY

ANNE CAITLIN STEPHENSON
Notary Public
Minnesota
My Commission Expires
Jan 31, 2030

[TOWN'S SIGNATURE PAGE]

IN WITNESS WHEREOF, the Town of Clayton, a North Carolina municipality, has executed this Utility Services Agreement on the day and year first written above.

Signed, Sealed and Delivered in the Presence of:

TOWN OF CLAYTON

_____

First Witness

Printed Name: _____

By: _____

Print Name: Richard D. Cappola, Jr.

Its: Town Manager

_____

Second Witness

Print Name: _____

STATE OF NORTH CAROLINA)
)
COUNTY OF JOHNSTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) this ____ day of _____, 20____, by the Town of Clayton, a North Carolina municipality, by Richard D. Cappola, Jr. its Town Manager, on behalf of the municipality.

Signature of Notary: _____

Notary Public for _____

Print Name of Notary: _____

My Commission Expires: _____

SEAL OF NOTARY

EXHIBIT A

ALL that certain lot or parcel of land situated, lying, and being in Johnston County, North Carolina, and more particularly described as follows:

TRACT I:

BEING all of new Lot 1 shown on that certain plat entitled "Recombination and Easement Plat for Corporate Developers LLC" recorded in Plat Book 104, at Page 195 in the Office of the Register of Deeds for Johnston County, North Carolina.

TRACT II:

BEING all of Lot 6 shown on that certain plat entitled "Recombination of Lots 4, 5, 6, 7 and 8 Cameron Park PH 1" recorded in Plat Book 65, at Page 409 in the Office of the Register of Deeds for Johnston County, North Carolina.

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

EXHIBIT B

> 2" SDF WORKSHEET

Use: ■ New ☐ Expanded ☐ Change **Use Type:** ■ Residential ☐ Non-Residential

Business/Project Name: Shotwell Apartments **Planning Number:** 2024-122-SP-CD

Gross Acreage: 2.25 **NC PIN#:**

Proposed Residential Units: 90 **Proposed Non-Residential Square Footage:**

Approved Allocation (GPD): 24,360 **Committed to Date (GPD):** 0

Developer Name: REUTER WALTON DEVELOPMENT

Mailing Address: 4450 EXCELSIOR BLVD SUITE 400 ST LOUIS PARK, MN 55416

Phone Number: 612-282-1977 **Fax Number:**

Email Address: PKEENAN@REUTERWALTON.COM

>2" METER SYSTEM DEVELOPMENT FEE (SDF)

Meter Size (in)	Water Demand GPD	Water SDF Unit Cost $/GPD	Water SDF Unit Cost $	Sewer Demand GPD	Sewer SDF Unit Cost $/GPD	Sewer SDF Total $	Total
4	12850	$8.70	$ 111,795.00	12,850	$21.74	$ 279,359.00	$ 391,154.00
		$8.70	$ 0.00		$21.74	$ 0.00	$ 0.00
		$8.70	$ 0.00		$21.74	$ 0.00	$ 0.00
		$8.70	$ 0.00		$21.74	$ 0.00	$ 0.00
		$8.70	$ 0.00		$21.74	$ 0.00	$ 0.00
						Total	$ 391,154.00

NUTRIENT OFFSET FEE

Residential

Fee	# of Units (taps)	$
$450/unit (4" tap)	90	$ 40,500.00
Total		$ 40,500.00

Non-Residential

Fee	# of Gallons	$
$0.005/gallons per year		**$ 0.00**
Total		$ 0.00

NUTRIENT OFFSET FEE TOTAL: $ 40,500.00

Nutrient Offset Fee Notes:

This worksheet does not constitute an invoice and is based on current fees which are subject to change. Actual amount due determined using fees in effect at time of invoicing or Building Permit issuance. LAST REVISED 05-2025.

WATER/WASTEWATER FEE SUMMARY

FEE	TOTAL $
System Development Fee Total	$ 391,154.00
Nutrient Offset Fee	$ 40,500.00

Notes:

DEVELOPMENT FEE WORKSHEET TOTAL $ 431,654.00

This worksheet does not constitute an invoice and is based on current fees which are subject to change. Actual amount due determined using fees in effect at time of invoicing or Building Permit issuance. LAST REVISED 05-2025.

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

Authorizing the Award of a Contractor for Consulting Services to Assist with Procurement and Implementation of an Enterprise Resource Planning (ERP) System

Presenter(s)

Robert McKie, Finance Director

Suggested Action

Adoption of Resolution - Resolution #2025-120

Strategic Priorities Alignment

☐ Vibrant Downtown

☐ Desirable Amenities and Spaces

☐ Sustainable Infrastructure

☐ Mobility, Transportation, and Transit

☐ Diversified Economic Development

☐ Community Outreach and Engagement

☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Public Forum/Input Session
- ☐ Press Release
- ☐ E-News Distribution
- ☐ Website
- ☐ Social Media
- ☐ Survey
- ☐ Special Mailing
- ☐ None Required

Summary

The Town of Clayton recognizes the need to modernize and integrate its financial, procurement, human resources, and operational management systems through the acquisition and implementation of an Enterprise Resource Planning (ERP) solution.

The Town issued a formal Request for Proposal 700-FIN-2025-14, soliciting qualifications and proposals from qualified firms to provide consulting services to assist the Town in drafting a comprehensive RFP for an ERP system; support the Town during the vendor selection and evaluation process; provide professional guidance in contract negotiations; and offer project oversight during the ERP system implementation.

After careful review and evaluation of all proposals, the evaluation committee has recommended award of the contract to Berry Dunn, as the most qualified and responsive firm whose proposal best meets the needs of the Town.

Funding Source

N/A

Corresponding Documentation

Resolution for Council to Award the Contract for the ERP Consultant Berry Dunn

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Submitted By: Heidi Holland, Finance Department

Reviewed By:

Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

TOWN OF CLAYTON
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR CONSULTING SERVICES TO ASSIST WITH THE PROCUREMENT AND IMPLEMENTATION OF AN ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM

WHEREAS the Town of Clayton recognizes the need to modernize and integrate its financial, procurement, human resources, and operational management systems through the acquisition and implementation of an Enterprise Resource Planning (ERP) solution; and

WHEREAS, the Town issued a formal Request for Proposal **700-FIN-2025-14**, soliciting qualifications and proposals from qualified firms to provide consulting services to assist the Town in drafting a comprehensive RFP for an ERP system; support the Town during the vendor selection and evaluation process; provide professional guidance in contract negotiations; and offer project oversight during the ERP system implementation; and

WHEREAS, the RFP was properly advertised on the North Carolina Interactive Purchasing System (IPS/eVP) to ensure open and fair competition, and proposals were received and evaluated by a Town evaluation committee based on published selection criteria; and

WHEREAS, after careful review and evaluation of all proposals, the evaluation committee has recommended award of the contract to **Berry Dunn**, as the most qualified and responsive firm whose proposal best meets the needs of the Town; and

WHEREAS, the Town Council finds it in the best interest of the Town and its citizens to authorize the award of a contract to **Berry Dunn** in accordance with the terms and conditions outlined in the Town's RFP and the firm's proposal;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON THAT:

1. The Town Council hereby awards the contract for ERP Consulting Services to **Berry Dunn** in accordance with the Town of Clayton Procurement Policy and Procedures.

2. The Town Manager, or his designee, is authorized to execute the contract and any related documents, on behalf of the Town, subject to review and approval by the Procurement Contract Manager and Town Attorney.

Duly adopted this 17th day of November 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips, CMC, NCCMC
Deputy Town Clerk

Resolution #2025-120

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

Resolutions to Acquire Real Property in Accordance with the Related Purchase and Sale Agreements

Presenter(s)

Robert McKie, Finance Director

Suggested Action

Adoption of Resolution - Resolutions #2025-114, #2025-115, #2025-116, #2025-117

Strategic Priorities Alignment

☐ Vibrant Downtown	☒ Desirable Amenities and Spaces	☒ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☒ Diversified Economic Development	☒ Community Outreach and Engagement	☒ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Public Forum/Input Session
- ☐ Press Release
- ☐ E-News Distribution
- ☐ Website
- ☐ Social Media
- ☐ Survey
- ☐ Special Mailing
- ☒ None Required

Summary

The resolutions for the purchase of real property are intended to approve the related purchase and sale agreements for properties located on Atkinson St., Guy Rd., and Short Johnson Rd.

Recommendation

The Executive Team recommends approval.

Funding Source

N/A

Corresponding Documentation

Resolution to Acquire - 14 ac Guy Road

Resolution to Acquire - 100 Guy Road

Resolution to Acquire - 151 Short Johnson Road

Resolution to Acquire - 501 Atkinson Street

Submitted By: Robert McKie, Jr., Finance Department

Reviewed By:

Robert McKie, Jr., Finance Director	Approved - Nov 10 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

Resolution #2025-114

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY

WHEREAS, the Town of Clayton (the "Town") has entered into the Purchase and Sale Agreement by and between the Town and NEME, LLC, dated July 15, 2025 as amended by the First Amendment to Purchase and Sale Agreement dated October 16, 2025, and attached hereto as Exhibit A (the "Agreement"); and

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire the real property described as 16 Acres off of Guy Road, PIN 165806-49-8127 as further described in the Agreement (the "Property"); and

WHEREAS, the Town of Clayton, acting by and through the Town Council, proposes to purchase said interests in real property, under the terms and conditions of the attached Agreement, to exercise the authority conferred upon the Town of Clayton by North Carolina General Statute Section 160A-11 and 160A-265 through voluntary acquisition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON:

1. That the Town Council hereby approves, ratifies and affirms the Purchase and Sale Agreement attached hereto as Exhibit A.

2. That the Town Attorney to the Town of Clayton is authorized to proceed on behalf of the Town of Clayton to acquire by purchase under the terms and conditions of Agreement.

3. That the Town Attorney to the Town of Clayton is hereby authorized and directed to prepare all documents to effectuate the acquisition of the interest in the land hereinabove mentioned.

4. That the Mayor, the Town Clerk and the City Manager are authorized to and shall execute such documents prepared and reviewed by the City Attorney as may be necessary to accomplish this transaction.

Adopted: This 17th day of November, 2025.

Town of Clayton

By: _____
Jody McLeod, Mayor

ATTEST:

_____
Heidi Holland, Town Clerk
(SEAL)

EXHIBIT A

Purchase and Sale Agreement dated July 15, 2025 as amended by the First Amendment to Purchase and Sale Agreement dated October 16, 2025

Resolution #2025-117

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY

WHEREAS, the Town of Clayton (the "Town") has entered into the Purchase and Sale Agreement by and between the Town and Meehan, LLC, dated October 3, 2025 and attached hereto as Exhibit A (the "Agreement"); and

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire the real property described as 100 Guy Road, PIN 165807-58-4622 as further described in the Agreement (the "Property"); and

WHEREAS, the Town of Clayton, acting by and through the Town Council, proposes to purchase said interests in real property, under the terms and conditions of the attached Agreement, to exercise the authority conferred upon the Town of Clayton by North Carolina General Statute Section 160A-11 and 160A-265 through voluntary acquisition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON:

1. That the Town Council hereby approves, ratifies and affirms the Purchase and Sale Agreement attached hereto as Exhibit A.

2. That the Town Attorney to the Town of Clayton is authorized to proceed on behalf of the Town of Clayton to acquire by purchase under the terms and conditions of Agreement.

3. That the Town Attorney to the Town of Clayton is hereby authorized and directed to prepare all documents to effectuate the acquisition of the interest in the land hereinabove mentioned.

4. That the Mayor, the Town Clerk and the City Manager are authorized to and shall execute such documents prepared and reviewed by the City Attorney as may be necessary to accomplish this transaction.

Adopted: This 17th day of November, 2025.

Town of Clayton

By: _____
Jody McLeod, Mayor

ATTEST:

_____
Heidi Holland, Town Clerk
(SEAL)

EXHIBIT A

Purchase and Sale Agreement dated October 3, 2025

Resolution #2025-116

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY

WHEREAS, the Town of Clayton (the "Town") has entered into the Purchase and Sale Agreement by and between the Town and Katie Johnson Liles, also known as Katie Marie Johnson, an unmarried woman, through her Power of Attorney, Erika Sherrell, dated August 15, 2025 and attached hereto as Exhibit A (the "Agreement"); and

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire the real property described as 151 Short Johnson Road, PIN 165801-15-2514 as further described in the Agreement (the "Property"); and

WHEREAS, the Town of Clayton, acting by and through the Town Council, proposes to purchase said interests in real property, under the terms and conditions of the attached Agreement, to exercise the authority conferred upon the Town of Clayton by North Carolina General Statute Section 160A-11 and 160A-265 through voluntary acquisition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON:

1. That the Town Council hereby approves, ratifies and affirms the Purchase and Sale Agreement attached hereto as Exhibit A.

2. That the Town Attorney to the Town of Clayton is authorized to proceed on behalf of the Town of Clayton to acquire by purchase under the terms and conditions of Agreement.

3. That the Town Attorney to the Town of Clayton is hereby authorized and directed to prepare all documents to effectuate the acquisition of the interest in the land hereinabove mentioned.

4. That the Mayor, the Town Clerk and the City Manager are authorized to and shall execute such documents prepared and reviewed by the City Attorney as may be necessary to accomplish this transaction.

Adopted: This 17th day of November, 2025.

Town of Clayton

By: _____
Jody McLeod, Mayor

ATTEST:

_____
Heidi Holland, Town Clerk

(SEAL)

EXHIBIT A

Purchase and Sale Agreement dated August 15, 2025

Resolution #2025-115

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY

WHEREAS, the Town of Clayton (the "Town") has entered into the Purchase and Sale Agreement by and between the Town and 501 Atkinson, LLC, dated October 10, 2025 and attached hereto as Exhibit A (the "Agreement"); and

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire the real property described as 501 Atkinson Street, PIN 165915-74-0017 as further described in the Agreement (the "Property"); and

WHEREAS, the Town of Clayton, acting by and through the Town Council, proposes to purchase said interests in real property, under the terms and conditions of the attached Agreement, to exercise the authority conferred upon the Town of Clayton by North Carolina General Statute Section 160A-11 and 160A-265 through voluntary acquisition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON:

1. That the Town Council hereby approves, ratifies and affirms the Purchase and Sale Agreement attached hereto as Exhibit A.

2. That the Town Attorney to the Town of Clayton is authorized to proceed on behalf of the Town of Clayton to acquire by purchase under the terms and conditions of Agreement.

3. That the Town Attorney to the Town of Clayton is hereby authorized and directed to prepare all documents to effectuate the acquisition of the interest in the land hereinabove mentioned.

4. That the Mayor, the Town Clerk and the City Manager are authorized to and shall execute such documents prepared and reviewed by the City Attorney as may be necessary to accomplish this transaction.

Adopted: This 17th day of November, 2025.

Town of Clayton

By: _____
Jody McLeod, Mayor

ATTEST:

_____
Heidi Holland, Town Clerk
(SEAL)

EXHIBIT A

Purchase and Sale Agreement dated October 10, 2025

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

2025 Town Council Meetings Revision

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Adoption of Resolution - Resolution #2025-119

Strategic Priorities Alignment

☐ Vibrant Downtown	☐ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☐ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

At Council's request, the December 1, 2025 Work Session meeting will begin at 2:00 p.m. and end at 4:00 p.m.

Funding Source

N/A

Corresponding Documentation

2025 Council Meeting Schedule REVISED

Submitted By: Heidi Holland, Clerks

Reviewed By:
Heidi Holland, Town Clerk Approved - Nov 12 2025

Resolution #2025-119

TOWN OF CLAYTON
2025 COUNCIL MEETING SCHEDULE

WHEREAS, the Clayton Town Council exists to conduct the business of the people; and

WHEREAS, each meeting of the Clayton Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

WHEREAS, the Clayton Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12.

THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopt the 2025 Clayton Town Council Meeting Schedule as presented. This schedule replaces resolution #2024-94 and #2024-116.

2025 TOWN COUNCIL MEEETINGS	
Monday January 6, 2025	Work Session: 3PM and Regular Meeting: 6PM
Tuesday, January 21, 2025	Regular Meeting: 6PM
Monday, February 3, 2025	Work Session: 3PM and Regular Meeting: 6PM
Monday, February 17, 2025	Regular Meeting: 6PM
Wednesday, February 19, 2025	Retreat: 9:00AM
Thursday, February 20, 2025	Retreat: 9:00AM
Monday, March 3, 2025	Work Session: 3PM and Regular Meeting: 6PM
Monday, March 17, 2025	Regular Meeting: 6PM
Monday, April 7, 2025	Work Session: 12PM and Regular Meeting: 6PM
Monday, April 21, 2025	Regular Meeting: 6PM
Monday, May 5, 2025	Work Session: 12PM and Regular Meeting: 6PM
Monday, May 19, 2025	Regular Meeting: 6PM
Monday, June 2, 2025	Work Session: 3PM and Regular Meeting: 6PM
Monday, June 16, 2025	Regular Meeting: 6PM
Monday, July 21, 2025 *(Only one meeting the month of July)*	Work Session: 3PM and Regular Meeting: 6PM
Monday, August 4, 2025	Work Session: 3PM and Regular Meeting: 6PM
Monday, August 18, 2025	Regular Meeting: 6PM
Tuesday, September 2, 2025	Work Session: 3PM and Regular Meeting: 6PM
Monday, September 15, 2025	Regular Meeting: 6PM
Monday, October 6, 2025	Work Session: 3PM and Regular Meeting: 6PM
Monday, October 20, 2025	Regular Meeting: 6PM
Monday, November 3, 2025	Work Session: 3PM and Regular Meeting: 6PM
Monday, November 17, 2025	Regular Meeting: 6PM
Monday, December 1, 2025	Work Session: 2PM and Regular Meeting: 6PM
Monday, December 15, 2025	Regular Meeting: 6PM

Duly adopted this 17th of November 2025, while in regular session.

ATTEST:

_____
Sam Johnson-Phillips, CMC, NCCMC
Deputy Town Clerk

_____
Jody L. McLeod, Mayor

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

Resolution Recommending the Appointment of Review Officers for the Town of Clayton in Wake County

Presenter(s)

Courtney Tanner

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☐ Vibrant Downtown

☐ Desirable Amenities and Spaces

☐ Sustainable Infrastructure

☐ Mobility, Transportation, and Transit

☐ Diversified Economic Development

☐ Community Outreach and Engagement

☐ Public Safety

Public Hearing: No

Applicable General Statute Number: §47-30.2

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)
☐ Newspaper Notice (Required by GS)
☐ Public Forum/Input Session
☐ E-News Distribution
☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Not Required by GS)
☐ Press Release
☐ Website

☐ Social Media
☐ Special Mailing
☐ Survey
☒ None Required

Summary

The Town has not yet appointed any Review Officers in Wake County, and this is a necessary step in the plat review process since portions of the Town of Clayton are located within Wake County. By appointing Town Review Officers for the Town of Clayton, Town staff will be able to review plats for compliance with the Town's development regulations, and the Review Officers will verify that the plats meet all statutory requirements for recording at the Register of Deeds.

Once the Town of Clayton recommends the appointment of the Planning Director, Assistant Planning Director, and Development Services Manager as Wake County Review Officers, the Wake County Board of Commissioners will adopt a resolution formally appointing them to serve in this role. This process is consistent with Article 2 of Chapter 47 of the North Carolina General Statutes, which authorizes the Board of Commissioners of each county to designate, by name, one or more persons experienced in mapping or land records management to serve as Review Officers. These officers are responsible for certifying that maps or plats presented to the Register of Deeds comply with all statutory requirements for recording.

Funding Source

N/A

Corresponding Documentation

Review Officer Wake County

Submitted By: Courtney Tanner, Administration

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Nov 07 2025
Conrad Olmedo, Planning Director	Approved - Nov 07 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 13 2025

Resolution #2025-112

RESOLUTION RECOMMENDING THE APPOINTMENT OF REVIEW OFFICERS FOR THE TOWN OF CLAYTON IN WAKE COUNTY

WHEREAS, Article 2 of Chapter 47 (§47-30.2 Review Officer) of the North Carolina General Statutes requires the Board of Commissioners of each county, by resolution, designate by name one or more persons experienced in mapping or land records management to be appointed as a Review Officer to certify the maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording; and

WHEREAS, the review of statutory requirements is of a technical nature; and

WHEREAS, one of the services of the Town of Clayton staff provides to the community is a similar technical process for subdivision plat review in order to verify compliance with the Town's development regulations; and

WHEREAS, it appears most efficient for the Town of Clayton to designate Town staff to be appointed or reaffirmed by the Wake County Board of Commissioners to serve as Review Officers, in order to certify each map and plat presented to the Wake County Register of Deeds for recording satisfies the statutory requirements for recording.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clayton that this resolution shall take effect immediately upon its adoption. That the following people are recommended to be appointed or reaffirmed by the Wake County Board of Commissioners to serve as Review Officer for all lands within the municipal and extraterritorial jurisdiction of the Town of Clayton in order to certify each map and plat presented to the Wake County Register of Deeds for recording satisfies the statutory requirements for recording:

NAME	**POSITION/TITLE**
Conrad Olmedo	Planning Director
Haley Downey	Assistant Planning Director
Alicia Thomas	Development Services Manager

Duly adopted this on the 17th day of November 2025, while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi Holland, CMC, NCCMC
Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

Resolution Recommending the Appointment of Review Officers for the Town of Clayton in Johnston County

Presenter(s)

Courtney Tanner

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☐ Vibrant Downtown	☐ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☐ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: No

Applicable General Statute Number: §47-30.2

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website

☐ Social Media
☐ Special Mailing
☐ Survey
☒ None Required

Summary

Currently, anyone recording a Town of Clayton plat in Johnston County is required to take the plat to the Johnston County Planning Department to obtain a Review Officer's signature prior to recording it at the Johnston County Register of Deeds. This additional step adds both time and cost to the plat review process.

By appointing Town Review Officers for the Town of Clayton, Town staff will be able to review plats for compliance with Town development regulations, and the Review Officers will verify that the plats meet all statutory requirements for recording at the Register of Deeds.

After the Town of Clayton recommends the appointment of the Planning Director, Assistant Planning Director, and Development Services Manager as Johnston County Review Officers, the Johnston County Board of Commissioners will adopt a resolution appointing them to serve in this role. This process is consistent with Article 2 of Chapter 47 of the North Carolina General Statutes, which authorizes the Board of Commissioners of each county to designate by name one or more persons experienced in mapping or land records management to be appointed as Review Officers to certify that maps or plats presented to the Register of Deeds comply with all statutory requirements for recording.

Funding Source

N/A

Corresponding Documentation

Review Officer Johnston County

Submitted By: Courtney Tanner, Administration

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Nov 07 2025
Conrad Olmedo, Planning Director	Approved - Nov 07 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

Resolution #2025-113

RESOLUTION RECOMMENDING THE APPOINTMENT OF REVIEW OFFICERS FOR THE TOWN OF CLAYTON IN JOHNSTON COUNTY

WHEREAS, Article 2 of Chapter 47 (§47-30.2 Review Officer) of the North Carolina General Statutes requires the Board of Commissioners of each county, by resolution, designate by name one or more persons experienced in mapping or land records management to be appointed as a Review Officer to certify the maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording; and

WHEREAS, the review of statutory requirements is of a technical nature; and

WHEREAS, one of the services of the Town of Clayton staff provides to the community is a similar technical process for subdivision plat review in order to verify compliance with the Town's development regulations; and

WHEREAS, it appears most efficient for the Town of Clayton to designate Town staff to be appointed or reaffirmed by the Johnston County Board of Commissioners to serve as Review Officers, in order to certify each map and plat presented to the Johnston County Register of Deeds for recording satisfies the statutory requirements for recording.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clayton that this resolution shall take effect immediately upon its adoption. That the following people are recommended to be appointed or reaffirmed by the Johnston County Board of Commissioners to serve as Review Officer for all lands within the municipal and extraterritorial jurisdiction of the Town of Clayton in order to certify each map and plat presented to the Johnston County Register of Deeds for recording satisfies the statutory requirements for recording:

NAME	**POSITION/TITLE**
Conrad Olmedo	Planning Director
Haley Downey	Assistant Planning Director
Alicia Thomas	Development Services Manager

Duly adopted this on the 17th day of November 2025, while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi Holland, CMC, NCCMC
Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

Town Council Social Media Best Practices and Guidelines Policy

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Adoption of Resolution - Resolution #2025-124

Strategic Priorities Alignment

☐ Vibrant Downtown	☐ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☐ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey
☐ Special Mailing	☐ None Required

Summary

The purpose of this document is to establish best practices and guidelines for Town Council Members when using social media in their official and personal capacities. These guidelines are designed to promote transparency, consistency, and professionalism in online communication, while ensuring compliance with applicable federal and state laws. In addition, they serve to protect Council Members by providing clear direction on appropriate use, reducing the risk of legal challenges, safeguarding personal and professional reputations, and supporting positive, productive engagement with the community.

Funding Source

N/A

Corresponding Documentation

Town Council Social Media Best Practices and Guidelines Policy

2025-124 Town Council Social Media Best Practices and Guidelines Policy

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Submitted By: Heidi Holland, Administration

Reviewed By:

Heidi Holland, Town Clerk Approved - Nov 14 2025

	TOWN OF CLAYTON POLICY	
	Department: Administration	**Effective: November 17, 2025**
Policy Title: Town Council Social Media Best Practices and Guidelines Policy **Version #**ADMIN 2025-01		**Resolution: #2025-124** **Prepared By:** Heidi Holland, Town Clerk **Click or tap here to enter text.**
Approved By: Town Council ☒ or Town Manager ☐	**Date: Select Approval Date**	

Purpose

The purpose of this document is to establish best practices and guidelines for Town Council Members when using social media in their official and personal capacities. These guidelines are designed to promote transparency, consistency, and professionalism in online communication, while ensuring compliance with applicable federal and state laws. In addition, they serve to protect Council Members by providing clear direction on appropriate use, reducing the risk of legal challenges, safeguarding personal and professional reputations, and supporting positive, productive engagement with the community.

The term "social media" refers to forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. Some examples include, but are not limited to, Internet-based platforms such as Facebook, Twitter, Instagram, Tiktok and YouTube.

Many local governments use social media as a tool to communicate with citizens. Rather than waiting until a regularly scheduled council meeting to receive citizen input, Town officials are able to instantly interact with them via social media. Although this technology greatly increases communication outreach and efficiency, some restrictions are required in order to comport with federal and state law.

Commenting on Town Accounts

The Town of Clayton uses social media to send and receive messages about Town information, services and related programs with community stakeholders, including employees, vendors, citizens, media and other members of the public.

1. Similar to others who engage with the Town on social media, as an elected official you should understand the Town's current guidelines for public participation, which are subject to change as new technology and tools emerge.

2. Public comments may be removed from Town-administered social media accounts if they contain any one or more of the following:
   a. Vulgar, physically threatening or harassing language.

   b. Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, familial status, national origin, age, mental or

physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law.

c. Inappropriate sexual content or similar links.

d. Private or otherwise confidential information.

e. Content that promotes illegal activity or encouragement of actions that may compromise public safety.

f. Content that violates a legal ownership interest of any other party.

g. Comments not topically related to the original article or post.

h. Comments in support of or opposition to political candidates, campaigns or ballot measures during election season.

i. Promoting or advertising a commercial transaction, organization or event that is not sponsored or in direct relationship with the Town.

j. Organized political activity.

k. Information that may compromise the safety or security of the public or public systems.

<u>Use of Personal Accounts</u>

As a policy-making body, Council members are given more latitude than Town employees to publicly express thoughts and opinions on local issues. However, as an elected official, you should be aware of additional risks related to your general participation on social media.

1. Open Meetings Act – Communications between a quorum of Council members about public business, no matter the forum or time, can constitute a "meeting" to which the Open Meetings Law applies. If the Act applies to a discussion, an agenda must be posted 72 hours in advance, and the public must be allowed to attend.

   Therefore, you should consider the following when using personal social media accounts:

   a. Remove elected titles from profiles used to identify a personal social media account and clearly state how constituents should communicate regarding public matters.

   b. Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page:
   "This account is intended for personal use only. The views, postings, positions or opinions expressed on this site are my own and do not represent those of the Town of Clayton. If you are a citizen of Clayton and would like to discuss Town business, please go to [<u>official page</u>] or contact me at [<u>official email</u>]."

   c. Redirect information to official government sources and avoid making posts related to your official duties or governmental bodies.

   d. Redirect political dialogue requests to an alternative means of communication (i.e. email, phone or other preferred social media account).

e. Avoid commenting on local issues where other Council members are also participating in discussion.

f. Avoid making posts and/or comments on behalf of the Town and/or the Town Council.

g. Avoid making posts and/or comments in your official capacity as an elected official.

h. Avoid making posts and/or comments regarding Town business.

2. North Carolina Public Records Law – Under state law (N.C.G.S. Chapter 132), "public records" are broadly defined as any record, regardless of physical form, made or received in connection with the transaction of public business. This includes documents, emails, text messages, social media posts, instant messages, and other electronic communications created or received in the course of conducting Town business.

   Therefore, you should consider the following:

   a) **Hide rather than delete** clearly inappropriate public comments on your personal or official social media accounts, if possible. In some cases, these comments may still be considered public records and subject to future disclosure or verification. When in doubt, do not delete.

   b) **Avoid responding** to inappropriate comments or personal attacks on social media. If the commenter persists, redirect them to an alternate method of communication (e.g., email).

   c) **Be mindful of personal accounts.** A personal social media account that is used, even in part, to conduct or discuss official Town business may be subject to the North Carolina Public Records Law.

3. First Amendment – More constituents are posting comments on elected officials' personal pages to voice concerns on public issues. Once an elected official's social media page is opened for political discussion, it is transformed into a public forum for speech and debate, instantly granting every user a First Amendment right to comment.

   Therefore, you should consider the following:

   a) Limit open-ended political and Town business discussions from your personal social media accounts and redirect dialogue requests to an alternate channel.

   b) When in doubt, don't block users. Especially those with whom you have previously engaged. If you must, consult with legal counsel first, and then document your actions and reasons for blocking.

<u>Use of Official Accounts</u>

If you choose to create a social media account to engage with constituents, a best practice is to keep this account distinct and separate from other personal accounts that you maintain.

Elected officials increasingly use social media for reelection purposes as well. However, mixing campaigns and constituent communications from the same account could put you at risk for violating laws that prohibit using government resources for political purposes.

Therefore, you should consider the following:

1. Make it official – Your account profile, description and photo should clearly indicate your position as a member of the Clayton Town Council and your intent to use the account as a way of communicating with constituents.
2. Your account is a public forum – Your engagement with the public on social media as an elected official establishes your platform as a limited public forum, which affords users the right to comment on content you publish. It also means that any speech restrictions or censorship is subject to strict scrutiny, and First Amendment activities generally may not be prohibited. So, when in doubt, don't delete it.

3. Prohibited content is defined by Town policy – For consistency, consider managing prohibited content on your accounts in the same way Town-administered accounts are managed.

4. Campaign separately – Council members in office should not use Town administered or funded social media accounts for electioneering. It's equivalent to campaigning from the dais during a public meeting, which may violate state law.
5. Involve legal counsel – If you are unsure about publishing certain content, or feel you are justified in the removal of content, involve legal counsel before making a decision.

<u>General Guidelines</u>

1. Be transparent – Your honesty will be quickly noticed in the social media environment. If your private sector work could present a conflict of interest, be the first to point it out. And be clear about why you support, or don't support, certain policies or programs.

2. Be judicious – Make sure your efforts to be transparent do not violate any applicable legal guidelines for external communication. Consult with legal counsel before sharing conversations that are meant to be private or internal to the Town or any other public entities. What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully. Also, be aware that the social media account and anything published on that social media account may be subject to the North Carolina Public Records Law.

3. Be knowledgeable – Write in first-person and consider linking to your information sources. If you publish to a website outside of the Town, consider using a clarifier such as: "These comments and opinions reflect my position as one member of Clayton Town Council." If you have any questions about complying with brand, trademark, copyright, fair use, confidentiality, or financial disclosure laws, seek an opinion from legal counsel.

4. Be perceptive – In online social networks, the lines between public and private, personal and professional are often blurred. By identifying yourself as an elected official, you are creating perceptions about your expertise and the Town. Be sure that all content associated with you is consistent with the Town's values and professional standards.

5. Be conversational – Talk to your readers like you would talk to people in professional situations. Avoid overly "composed" language. Bring in your own personality and say what is on your mind. Consider content that is open-ended and invites response. Encourage comments. Broaden the conversation by citing others who are commenting about the same topic and allow your content to be shared.

6. Be excited – The Town is making important contributions to the community, state and nation, as well as to public dialogue on a broad range of issues. Our activities are focused on providing services and innovation that benefit citizens and stakeholders. Share what the Town of Clayton is doing and open up social media channels to learn from others.

7. Be valuable – There is a lot of written content in the social media environment. The best way to reach an audience is to write about things that they value. Social communication from Town leaders should help citizens, partners and families. It should be thought-provoking and build a sense of community. If it helps people improve knowledge or skills, build their businesses, do their jobs, solve problems, or understand the Town better, then it adds value.

8. Be responsible – What you write is ultimately your responsibility. Pause. If you are about to publish something that makes you even the slightest bit uncomfortable, don't publish. If you are still unsure, you might want to check with the Public Information Officer or legal counsel. Ultimately, what you publish is yours, but so is the responsibility and potential consequence.

9. Mistakes happen – If you make a mistake, admit it. Be upfront and quick with your correction. If you are posting to a blog, you could choose to modify an earlier post. Make it clear that you have done so.

Records Retention

1. Because of your position as an elected official, activity on your social media accounts may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media account may be considered a record.

   Therefore, you should consider the following:

   a) The Town does not archive or manage Council member social media accounts. You are solely responsible for the retention and archival of content published to your individual accounts.

   b) When in doubt, don't delete content without consulting with legal counsel first.

2. Social media content administered by Town employees, and intended for public access and comments, will follow the Record Retention and Disposition Schedule adopted by the Division of Archives and Records of the NC Department of Natural and Cultural Resources. This includes Council member comments posted on Town accounts.

3. When applicable, the Town will use a software-assisted social media capture tool to obtain and archive an authentic copy of monitored content. This includes Council member comments posted on Town accounts.

Definitions

For the purposes of this document, unless otherwise stated, the following definitions apply:

1. Comment – a message posted by site visitors, either in response to an existing topic or introducing a new topic. In general, the content of comments is controlled solely by the user, but often can be deleted, accepted or rejected prior to publishing by the site or page administrator.

2. Connections – Any deliberate links between a user and a social media channel or page, whether it is initiated by the individual or by the site moderator. Terms used by various sites to describe a connection include friend, fan, follower or subscriber.

3. Limited forum – a public forum created by the government voluntarily for expressive activity that may be restricted as to subject matter or class of speaker. Forum restrictions must be able to withstand strict judicial scrutiny of its effect on First Amendment rights.

4. Post – In relation to social media accounts or online activity, anything published in an online forum or social media account.

5. Social media – Internet based third-party platforms that facilitate interaction and engagement among individuals in a network or virtual community. Social media offers a participatory environment and includes user-generated content such as videos, photos, videos, blogs, and wikis.

Resolution #2025-124

TOWN OF CLAYTON
TOWN COUNCIL SOCIAL MEDIA BEST PRACTICES AND GUIDELINES POLICY

BE IT RESOLVED by the Clayton Town Council to adopt the Town Council Social Media Best Practices and Guidelines Policy as attached:

Duly adopted this the 17th day of November 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips, CMC, NCCMC
Deputy Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	CONSENT AGENDA

Item Title

Amended Financial Policy

Presenter(s)

Robert McKie - Finance Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

Vibrant Downtown	Desirable Amenities and Spaces	Sustainable Infrastructure	Mobility, Transportation, and Transit	Diversified Economic Development	Community Outreach and Engagement	Public Safety
☒	☒	☒	☒	☒	☒	☒

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☒ None Required

Summary

The Financial Policy has been updated to reflect alignment with the Town's Strategic Plan, current best practices, and memorialization of existing debt practices and disclosure requirements.

Background/History

The initial Financial Policy was adopted in February 2009 and amended in November 2013.

Recommendation

The Executive Team recommends approval of the amended Financial Policy.

Funding Source

N/A

Corresponding Documentation

TOC_Financial Policy_Markup_November 4, 2025

TOC_Financial Policy_Final_November 10, 2025

Resolution 2025-123 Amending the Financial Policy

Submitted By: Robert McKie, Jr., Finance Department

Reviewed By:

Robert McKie, Jr., Finance Director	Approved - Nov 10 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

	TOWN OF CLAYTON POLICY	
	Department: Finance	**Effective: November 17, 2025**
Policy Title: Financial Policy **Version #**Enter Version Number		**Supersedes: 2013-049** **Prepared By:** Robert W. McKie, Jr. Finance Director
Approved By: Town Council ☐ or Town Manager ☐		**Date: Select Approval Date**

I. Purpose

The Town of Clayton establishes this comprehensive financial policy to manage its General Fund and Enterprise Funds in conjunction with facilitating and enhancing its credit rating and to ensure alignment with the Town's Strategic Plan. Furthermore, the Town acknowledges the existence of fundamental and operational differences between these funds, which is attributable to the primary revenue sources that support each fund's activities. As such, the Town intends to utilize the same financial policy goals and standards where appropriate or relevant and establish separate benchmarks and other criteria as financial indicators to evaluate the performance and financial condition of these funds independently from each other.

II. Scope

FINANCIAL POLICY - OBJECTIVES

This financial policy is a statement of the goals and standards that will guide the financial management practices of the Town of Clayton, North Carolina. A financial policy that is adopted, adhered to, and regularly reviewed is recognized as the cornerstone of sound financial management. Effective financial policy:

- Contributes significantly to the Town's ability to insulate itself from a fiscal crisis.
- Enhances both short-term and long-term financial credit ability by helping to achieve the highest credit and bond ratings possible.
- Promotes long-term financial stability by establishing clear and consistent guidelines.
- Directs attention to the total financial picture of the Town rather than single issue areas.
- Promotes the view of linking long-term financial planning with day-to-day operations.
- Provides the Town Staff, the Town Council, and the Town citizens with

a framework for measuring the fiscal strength of government finances against established parameters and benchmarks.

III. Definitions

- Fund balance is defined as the difference between the assets and liabilities reported in a governmental fund. Unassigned fund balance in the General Fund is defined as the total fund balance in excess of what can be properly classified in one of the following four categories:
    - Nonspendable fund balance is the portion of net resources that cannot be spent because of their form or because they must be maintained intact.
    - Restricted fund balance is the portion of fund balance that reflects resources that are subject to externally enforceable legal restrictions, which are comprised of limitations imposed by creditors, grantors, contributors, or laws and regulations of other governments or limitations imposed by law through constitutional provisions or enabling legislation.
    - Committed fund balance is the portion of fund balance that represents resources whose use is constrained by limitations imposed by the Clayton Town Council upon the Town and will remain binding until formal action at the same level is taken to remove the self-imposed limitation.
    - Assigned fund balance is the portion of fund balance that reflects the Town's intended use of resources established by the Clayton Town Council or by a body or an official with delegated authority and does not require formal action to remove the limitation of intended use.
- Net expenditures are defined as actual expenditures plus transfers out minus capital lease proceeds.
- Debt coverage ratio is defined as annual net pledged revenues to the related annual debt service payments.
- Equity funding is defined as the utilization of the Town's cash to fund its capital improvement program.
- Days cash on hand is defined as unrestricted cash divided by (Operating Expenditures/365).
- Net debt is defined as any and all debt that is tax supported.
- Operating ratio is defined as Total Operating Revenues divided by Total Operating

Expenses.

IV. Requirements

CAPITAL IMPROVEMENT BUDGET POLICIES

- The Town will consider all capital improvements in accordance with an adopted capital improvement program that aligns with the Town's Strategic Plan.
- The Town will develop a ten-year Capital Improvement Program (CIP) and review and update the CIP periodically.
- The Town will enact an annual capital budget based on the ten-year capital improvement plan. Future capital expenditures necessitated by changes in population, changes in real estate development, or changes in economic base will be calculated and included in capital budget projections.
- The Town will coordinate development of the capital improvement budget with development of the operating budget. Future operating costs associated with new capital improvements will be projected and included in operating budget forecasts.
- When the Town utilizes intergovernmental assistance to finance capital improvements, those projects will be consistent with the capital improvement plan and Town priorities, and with future operating and maintenance costs included in operating budget forecasts.
- The Town will maintain all its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.
- The Town will project its equipment replacement and maintenance needs for the next several years and will update this projection each year. From this projection a maintenance and replacement schedule will be developed and followed.
- The Town will identify the estimated costs and potential funding

sources for each capital project proposal before it is submitted for approval.

- The Town will attempt to determine the least costly and most flexible financing method for all new projects.

DEBT POLICIES

- The Town will confine long-term borrowing to capital improvements or projects that cannot be financed from current revenues except where approved justification is provided.

- When assessing capital project funding approaches and the issuance of debt, the Town will conduct a series of financial analyses to demonstrate each Fund's financial ability to incur such debt under its current rate structure, and to determine if, when and to what degree rate structures need to be adjusted in the event that the current rate structure is not able to accommodate new additional debt.

- The Town will review each Fund's current debt structure periodically as interest rates fluctuate and optional bond redemption dates arise for refunding or advance refunding opportunities. Refinancing opportunities that produce a net present value savings of 3% or greater will be considered as beneficial to the Funds, although other factors can be taken into account when assessing the feasibility of a refunding transaction.

- The Town will take a balanced approach to capital funding utilizing debt financing, draws on capital reserves and/or fund balances in excess of policy targets, and pay-as-you go funding. Each Enterprise Fund will target a minimum amount of equity funding equal to 20% of the system's capital improvement program.

- The Town will set rates and charges for each Enterprise Fund so as to achieve a debt service coverage ratio of 1.25 times or greater for all indebtedness. All indebtedness includes both parity and subordinate debt obligations of each fund. In the absence of a specific debt ratio calculation required by a debt covenant, the debt coverage ratio will be calculated in accordance with the following example:

A. Operating Revenues	$7,822,484
B. Operating Expenses*	$6,413,900
Less: Depreciation and Amortization	947,560
Net Expenses	$5,466,340
C. Net Revenue Available for Debt Service (A minus B)	$2,356,144
D. Debt Service (Principal and Interest)	$1,762,023
E. Debt Coverage Ratio (C divided by D)	1.34

*Operating expenses include support service charges and tax reimbursements to the General Fund.

The debt coverage ratios will be calculated and tracked annually for each Enterprise Fund separately and will be measured independently from the other and from the Town's General Fund.

- When the Town finances capital improvements or other projects by issuing bonds or entering into capital leases, it will repay the debt within a period not to exceed the expected useful life of the project.
- Where feasible, the Town will explore the usage of special assessment bonds, revenue bonds, or other self-supporting bonds instead of general obligation bonds.
- The Town will retire tax anticipation debt, if any, annually and will retire bond anticipation debt within six months after completion of the project.
- General Fund net debt as a percentage of estimated market value of taxable property shall not exceed 2.5%.
- The ratio of debt service expenditures as a percent of total governmental fund expenditures shall not exceed 15.0%, with an aggregate ten-year principal payout ratio of 55%.
- The Town recognizes the importance of underlying and overlapping

debt in analyzing financial condition. The Town will regularly analyze total indebtedness including underlying and overlapping debt.

- All debt management policy ratios will be measured annually and upon all new debt issuance before presentation to the Town Council for approval. Town Staff may request an exception from Council stating the reason and length of time.

RESERVE POLICIES AND STANDARDS

- General Fund unassigned fund balance at the close of each fiscal year shall not be less than 20% of actual General Fund net expenditures without prior Town Council authorization.

- The Town Council may, from time-to-time, utilize fund balances that will reduce the unassigned fund balance below the 20% policy for the purposes of a declared fiscal emergency, financial opportunity to enhance the well- being of the Town of Clayton or other such global purpose as to protect the long-term fiscal security of the Town of Clayton provided such action aligns with the Strategic Plan. In such circumstances, after unassigned fund balance has been calculated as part of closing-out a fiscal year, the Council will adopt a plan as part of the following year's budget process to restore the assigned fund balance to the policy level within 36 months from the date of the budget adoption. If restoration cannot be accomplished within such time period without severe hardship to the Town, then the Board will establish a different but appropriate time period.

- Monies in excess of a 20% unassigned fund balance will be available for Appropriation, as deemed necessary and approved by the Council, for non-recurring expenditures that align with the Strategic Plan.

- The Enterprise Funds will maintain the following minimum level of liquidity:
  - Water and Sewer Fund – 185 Days Cash on Hand.
  - Electric Fund – 90 Days Cash on Hand.

BUDGET DEVELOPMENT POLICIES

- The Town will develop an Annual Budget that aligns with the Strategic Plan in conjunction with a stated program of performance objectives and measures with which to gauge progress toward meeting those objectives.

- Water, sewer and electric rates will be established at the appropriate level to enable the related funds to be self-supporting (minimum operating ratio of 1.0).

- One-time or other special revenues will not be used to finance continuing Town operations but instead will be used for funding special projects that align with the Strategic Plan.

- The Town will pursue an aggressive policy seeking the collection of delinquent utility, license, permit and other fees due to the Town.

- The Town will make regular, quarterly reports to the Council on the status of actual revenues and expenditures as compared to the adopted budget.

FINANCIAL MANAGEMENT PERFORMANCE EXPECTATIONS

- In addition to the policies established above in this document, the Town also chooses to articulate certain financial management performance expectations for fund balance reserves, debt service expenditures, and liquidity. These expectations are intended to illustrate typical performance in normal conditions and are intended as internal performance benchmarks. The Town shall most commonly expect to operate within the following prescribed expectations:

General Fund:

- Unassigned fund balance as a percentage of net expenditures will be at least 30%.

- Tax supported debt service as a percentage of total governmental expenditures less capital outlay will not exceed 13%.

Enterprise Funds:

- Debt service coverage ratio for all indebtedness is a minimum of 1.50.

- Equity funding of the system's capital improvement program is a minimum of 25%.

- Operating days cash on hand:
  - Water and Sewer Enterprise Fund will be at least 215 days.
  - Electric Enterprise Fund will be at least 120 days.
- Operating ratio will be at least 1.25 with depreciation and 1.50 without depreciation.

In conjunction with the key ratios established by the financial policy guidelines, the Local Government Commission (LGC) also monitors similar key ratios and compares these ratios to the Town's peer group (similarly positioned municipalities) as benchmarks. If the Town deviates materially below the peer group benchmarks, then the Town will formulate and execute a multi-year plan to reestablish and sustain itself among leaders in its peer group.

State oversight via the LGC also provides the Town's residents, taxpayers, and the investment community with an additional layer of risk management expertise. The Town shall perform such that inquiries and admonitions from the LGC shall be avoided and in the event of LGC comment or inquiry the Town shall take immediate action to respond and affirmatively address the matter of interest. This approach will prevent broad swings in key indicators, even those within acceptable parameters, on a year-to-year basis.

CONTINUING DISCLOSURE COMPLIANCE

- The Town recognizes the importance of continuing disclosure and post issuance compliance matters as it relates to outstanding debt obligations. The Town's Finance Director will have the primary responsibility for managing these ongoing obligations and will maintain books and records to support these activities. The Finance Director will consult with other departments within the Town as well as third-party professionals, as necessary, when carrying out the Town's continuing disclosure obligations.

- Specific to the sale of securities in the public markets, the Town has entered into Continuing Disclosure Agreements (Agreements) to provide certain information related to the Municipal Securities Rulemaking Board (MSRB) for the benefit of the beneficial owners of the Town's securities in accordance with Rule15c2-12 promulgated by the Securities and Exchange Commission. These Agreements establish both annual reporting requirements (Annual Requirements) as well as reporting requirements tied to the occurrence of specific events outlined in the Agreements (Event Based Requirements).

- The Finance Director will provide evidence of the annual MSRB reporting to the NC Department of State Treasurer – State and Local Government Finance Division, as required.

- The determination of materiality for Event Based Requirements will be made by the Finance Director, in their discretion, based on pre-established internal thresholds and/or circumstances of individual events.

- The Finance Director will review these Policies and Procedures as well as the reporting requirements established under Agreements no less frequently than on an annual basis and/or upon the issuance of securities for which the Town agrees to additional continuing disclosure obligations.

	TOWN OF CLAYTON POLICY	
	Department: Finance	**Effective: November 17, 2025**
Policy Title: Financial Policy **Version #**FIN 2025-02		**Supersedes: 2013-049** **Resolution: #2025-123** **Prepared By:** Robert W. McKie, Jr. Finance Director
Approved By: Town Council ☐ or Town Manager ☐		**Date: Select Approval Date**

I. Purpose

The Town of Clayton establishes this comprehensive financial policy to manage its General Fund and Enterprise Funds in conjunction with facilitating and enhancing its credit rating and to ensure alignment with the Town's Strategic Plan. Furthermore, the Town acknowledges the existence of fundamental and operational differences between these funds, which is attributable to the primary revenue sources that support each fund's activities. As such, the Town intends to utilize the same financial policy goals and standards where appropriate or relevant and establish separate benchmarks and other criteria as financial indicators to evaluate the performance and financial condition of these funds independently from each other.

II. Scope

FINANCIAL POLICY - OBJECTIVES

This financial policy is a statement of the goals and standards that will guide the financial management practices of the Town of Clayton, North Carolina. A financial policy that is adopted, adhered to, and regularly reviewed is recognized as the cornerstone of sound financial management. Effective financial policy:

- Contributes significantly to the Town's ability to insulate itself from a fiscal crisis.
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- Directs attention to the total financial picture of the Town rather than single issue areas.
- Promotes the view of linking long-term financial planning with day-to-

day operations.

- Provides the Town Staff, the Town Council, and the Town citizens with a framework for measuring the fiscal strength of government finances against established parameters and benchmarks.

III. Definitions

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- Operating ratio will be at least 1.25 with depreciation and 1.50 without depreciation.

In conjunction with the key ratios established by the financial policy guidelines, the Local Government Commission (LGC) also monitors similar key ratios and compares these ratios to the Town's peer group (similarly positioned municipalities) as benchmarks. If the Town deviates materially below the peer group benchmarks, then the Town will formulate and execute a multi-year plan to reestablish and sustain itself among leaders in its peer group.

State oversight via the LGC also provides the Town's residents, taxpayers, and the investment community with an additional layer of risk management expertise. The Town shall perform such that inquiries and admonitions from the LGC shall be avoided and in the event of LGC comment or inquiry the Town shall take immediate action to respond and affirmatively address the matter of interest. This approach will prevent broad swings in key indicators, even those within acceptable parameters, on a year-to-year basis.

CONTINUING DISCLOSURE COMPLIANCE

- The Town recognizes the importance of continuing disclosure and post issuance compliance matters as it relates to outstanding debt obligations. The Town's Finance Director will have the primary responsibility for managing these ongoing obligations and will maintain books and records to support these activities. The Finance Director will consult with other departments within the Town as well as third-party professionals, as necessary, when carrying out the Town's continuing disclosure obligations.

- Specific to the sale of securities in the public markets, the Town has entered into Continuing Disclosure Agreements (Agreements) to provide certain information related to the Municipal Securities Rulemaking Board (MSRB) for the benefit of the beneficial owners of the Town's securities in accordance with Rule15c2-12 promulgated by the Securities and Exchange Commission. These Agreements establish both annual reporting requirements (Annual Requirements) as well as reporting requirements tied to the occurrence of specific events outlined in the Agreements (Event Based Requirements).

- The Finance Director will provide evidence of the annual MSRB reporting to the NC Department of State Treasurer – State and Local Government Finance Division, as required.

- The determination of materiality for Event Based Requirements will be made by the Finance Director, in their discretion, based on pre-established internal thresholds and/or circumstances of individual events.

- The Finance Director will review these Policies and Procedures as well as the reporting requirements established under Agreements no less frequently than on an annual basis and/or upon the issuance of securities for which the Town agrees to additional continuing disclosure obligations.

Resolution #2025-123

TOWN OF CLAYTON
RESOLUTION AMENDING THE FINANCIAL POLICY

WHEREAS, the Town of Clayton establishes this comprehensive financial policy to manage its General Fund and Enterprise Funds in conjunction with facilitating and enhancing its credit rating and to ensure alignment with the Town's Strategic Plan; and

WHEREAS, the Town acknowledges the existence of fundamental and operational differences between these funds, which is attributable to the primary revenue sources that support each fund's activities; and

WHEREAS, this resolution shall supersede Resolution #2013-049.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton, North Carolina, that the Financial Policy will be updated to read as attached.

This amendment shall become effective immediately upon adoption.

Duly adopted this 17th day of November 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips, CMC, NCCMC
Deputy Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	PUBLIC HEARINGS

Item Title

2023-32-ANX Troxler Property Annexation

Presenter(s)

Audrey Duchesne, Senior Planner

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☐ Vibrant Downtown	☒ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☐ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: Yes - Legislative

Applicable General Statute Number: §160A-58.1

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

- ☒ Public Hearing (Required by GS)
- ☒ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☒ Special Mailing ☐ None Required

Summary

Request for a non-contiguous (satellite) annexation of a 225.9448 acre parcel located on Cornwallis Road. This parcel is currently located in Johnston County's jurisdiction.

Recommendation

Approval of the Annexation Ordinance, with an effective date of February 16, 2026.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

00_Staff Report_2023-32-ANX Troxler Annexation

01_Staff Report Map_2023-32-ANX_11172025

02_Annexation Petition_Troxler_2023-32-ANX_10272025

03_Annexation Plat_Troxler_2023-32-ANX_10272025

04_Legal Description_Troxler_2023-32-ANX_10272025

05_Newspaper Ad Affidavit_Troxler Annexation_2023-32-ANX

06_Public Notice Certification_Troxler_2023-32-ANX

07_Ordinance 2025-11-03_Troxler Annexation_2023-32-ANX

Meeting Timeline

November 3rd: Town Council (Sufficiency and Scheduling of Public Hearing)
November 17th: Town Council (Public Hearing)

Submitted By: Audrey Duchesne, Planning

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Nov 07 2025
Conrad Olmedo, Planning Director	Approved - Nov 07 2025
Courtney Tanner, Deputy Town Manager	Approved - Nov 13 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
Phone: 919-553-5002

STAFF REPORT

Application Number: 2023-32-ANX
Project Name: Troxler Annexation

PIN #: 163700-76-0525
Location: Located off Cornwallis Road, southwest of the intersection of Cornwallis Road and Veterans Parkway. This parcel is located within Johnston County's jurisdiction. TAG # 05F02010A.
Site Address: 4583 Cornwallis Road
Applicant: William F Troxler
Owner: William F Troxler
Project Planner: Audrey Duchesne, Senior Planner

Public Noticing Dates:

- **Newspaper Ad Published:** November 5, 2025

REQUEST: Request for a non-contiguous (satellite) annexation of approximately 225.94 acres of land currently located in Johnston County's jurisdiction.

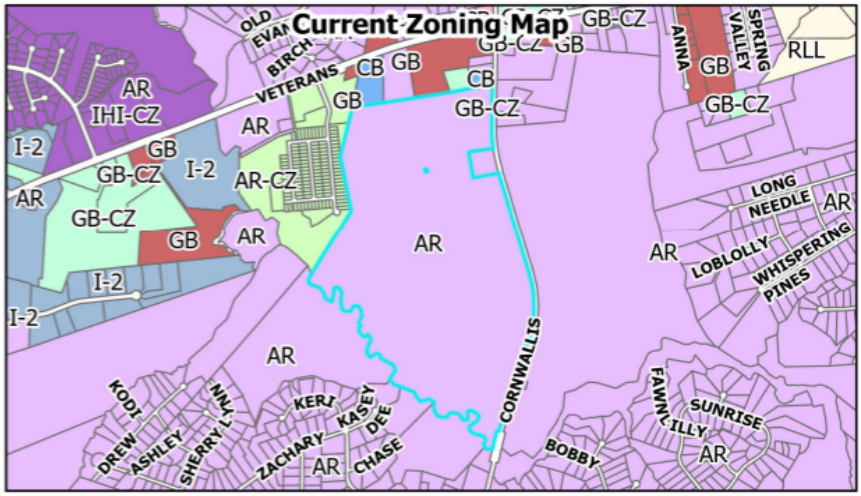
SITE DATA:

Acreage: 225.9448
Existing Zoning: Agricultural Residential (AR) -Johnston County Zoning
Existing Use: Single-Family Detached

STAFF ANALYSIS AND COMMENTARY:

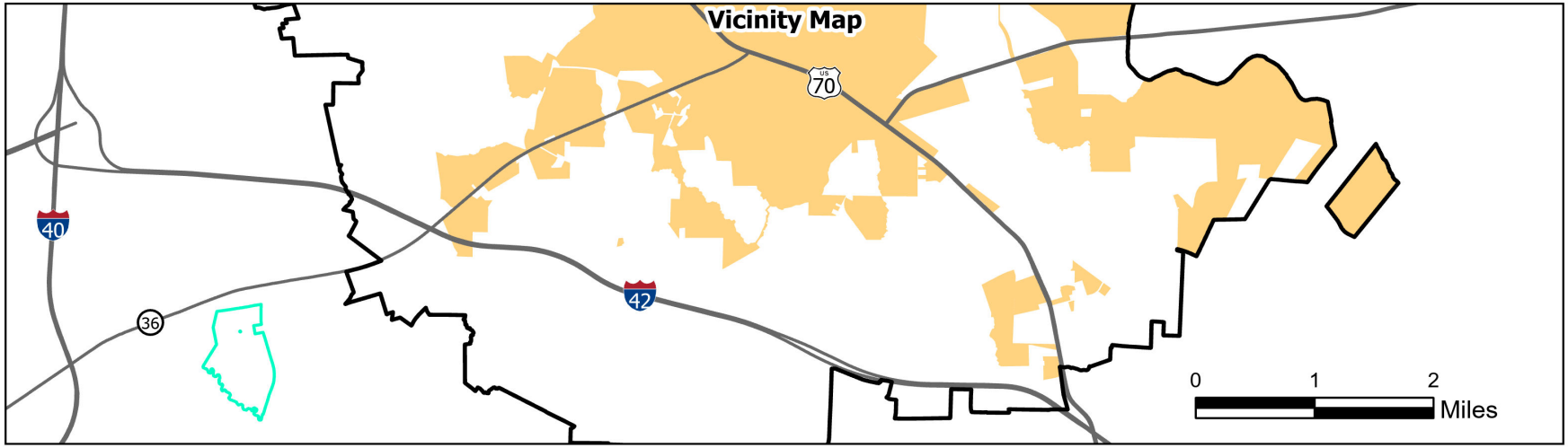
Overview:
The applicant is requesting a non-contiguous (satellite) annexation of approximately 225.94 acres of land, currently located within Johnston County's jurisdiction. This request was submitted in accordance with NCGS 160A-58.1, which outlines the requirements for a municipality to annex area not contiguous to its primary corporate limits. On November 5, 2025 the Clayton Town Council passed a resolution authorizing the Town Clerk to investigate the sufficiency of the petition in accordance with NCGS. This was certified by the Town Clerk. Additionally, the Clayton Town Council voted to schedule the Public Hearing date for this annexation to November 17, 2025.

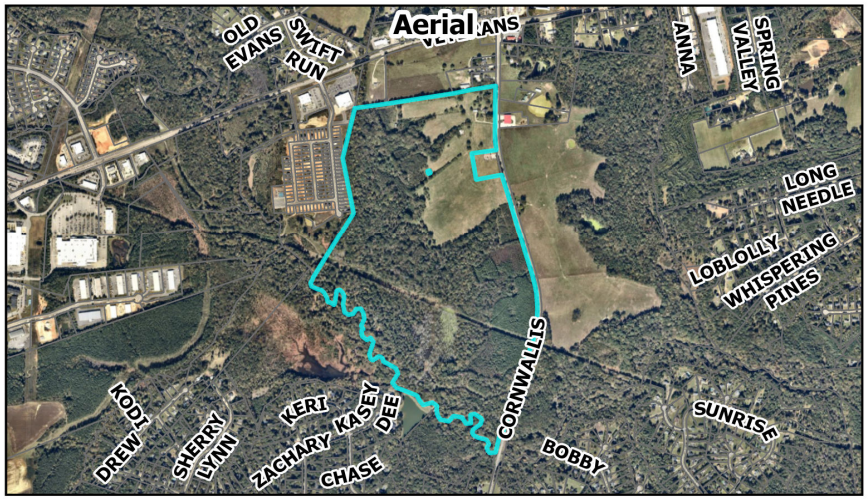
Staff recommends the Council select an effective date of February 16, 2026 for this annexation. Per NCGS, once property is annexed from another jurisdiction the new zoning category for the municipality must be designated within 60-days of the effective date. At this time, the applicant has not submitted a rezoning petition. However, scheduling the effective date of annexation to February 16, 2026 will allow adequate time for processing of a rezoning petition from the applicant for this parcel.

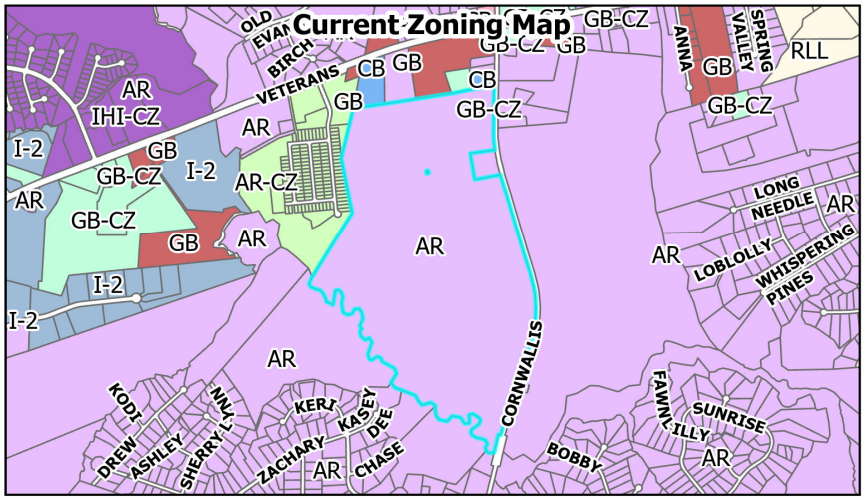


ATTACHMENTS:

1. Staff Report Maps
2. Annexation Petition
3. Annexation Plat
4. Legal Description of Metes and Bounds
5. Newspaper Ad Affidavit
6. Public Notice Certification
7. Ordinance 2025-11-03







Request: Annexation Petition, Non-Contiguous
Project Name: Troxler Annexation
Project Number: 2023-32-ANX

Applicant: TROXLER, WILLIAM F JR
Property Owner: TROXLER, WILLIAM F JR
Johnston County Parcel ID: 05F02010A

Site Location

Staff Report Map
November 5, 2025

N

0 1,250 2,500 5,000 Feet

Disclaimer: Parcel Boundaries are shown for reference only. The Town of Clayton assumes no legal responsibility for this information.

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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Review Fee:
Application Review Fee: $200
Advertisement Fee: $200
Please note that fees are subject to change annually

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application

1. **Application Type:** ☒ Individual ☐ Corporation ☐ LLC ☐ Partnership

2. **The proposed annexation will be:** ☐ Contiguous Annexation ☒ Non-Contiguous Annexation

3. **Does the proposed annexed parcel(s) need to be rezoned?** ☒ Yes ☐ No

If 3 acres or more please submit a rezoning application to be run concurrently.

Property Information

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ☐ contiguous, ☒ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

   Total Acreage to be annexed: 225.95 Existing Housing Units: 0

   Population of acreage to be annexed: 0 Fire District: McLemore

   Existing Zoning District*: AR Proposed Town Zoning District*: RLL

   County Recorded Plat Book and Page #: Book 00991 Page 0087

   Reason for petitioner to annex: X Receive Town Services ____Other (please specify): _____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate on the following page, and attach proof.)

FOR OFFICE USE ONLY		
Date Received:	Amount Paid:	Petition Number:

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

William F. Troxler, Jr
Please Print

Signature

Please Print

Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this ____ day of _____, 20____.

Corporate Name: _____

SEAL

By: _____
(Signature)

Attest: _____
Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this _____ day of _____,20____.

Name of Limited Liability Company: _____

By: _____
Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Partnership: _____

By: _____
Signature of General Partner

By: _____

By: _____
Signature of General Partner

By: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, William F. Troxler, Jr a Notary Public for the above State and County, this 6th day of, February, 20 23.

Sandi Beltran
Notary Public

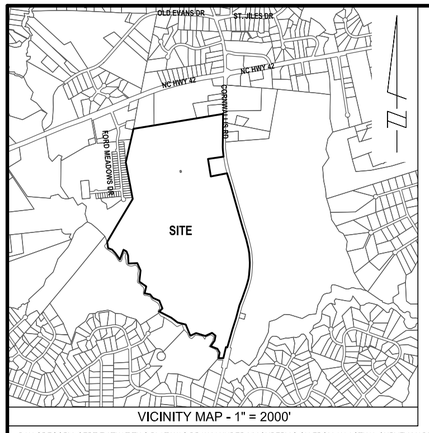
SEAL

SANDI BELTRANI NOTARY PUBLIC WAKE COUNTY, N.C. Comm. Exp. 4-24-2027

My Commission Expires: 4/24/2027

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	Leave 2-inch by 2-inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



VICINITY MAP - 1" = 2000'

NOTE:
1. AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
4. OTHER INSTRUMENTS OF RECORD MAY AFFECT THIS PROPERTY.
5. NO TITLE SEARCH PERFORMED FOR THIS SURVEY.
6. NO NCGS MONUMENT WITHIN 2,000 FEET OF PROPERTY.
7. A PORTION OF THE SUBJECT PROPERTY LIES IN FLOOD HAZARD AREAS PER FIRM NUMBER 3720163700K DATED JUNE 20, 2018. PROPERTY LIES IN ZONE "X", ZONE "AE" AND "FLOODWAY" AS SHOWN ON SURVEY.
8. PROPERTY IS ZONED "AR".
9. PROPERTY MAY BE SUBJECT TO NEUSE RIVER BUFFERS.
10. BUFFER DELINEATION TO BE DETERMINED BY DWR BEFORE FINAL APPROVAL.
11. THE COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY REAL TIME NETWORK (RTN) GLOBAL POSITIONING SYSTEM (GPS). THIS METHOD RESULTS IN (NAD 1983/2011) - (CORS 96) POSITIONS AND NORTH AMERICAN VERTICAL DATUM '88 (MEAN SEA LEVEL) ELEVATIONS USING THE CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) MAINTAINED BY NORTH CAROLINA GEODETIC SURVEY. CLASS A SURVEY, 0.033 FT POSITIONAL ACCURACY, VRS FIELD PROCEDURE, GEOID12A AND UNITS IN FEET.
12. CEMETERY LOT APPEARS ON MAP TITLED "SURVEY FOR WILLIAM F. TROXLER, JR., WHITE OAK PLANTATION" BY WALLACE G. CAWTHORNE DATED JULY 19, 1985, NO RECORDED INFORMATION FOUND, SURVEYOR UNCLEAR IF CEMETERY EXISTS, NO EVIDENCE FOUND AT TIME OF FIELD SURVEY.

I, DAN GREGORY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

C. 1. THAT THIS IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

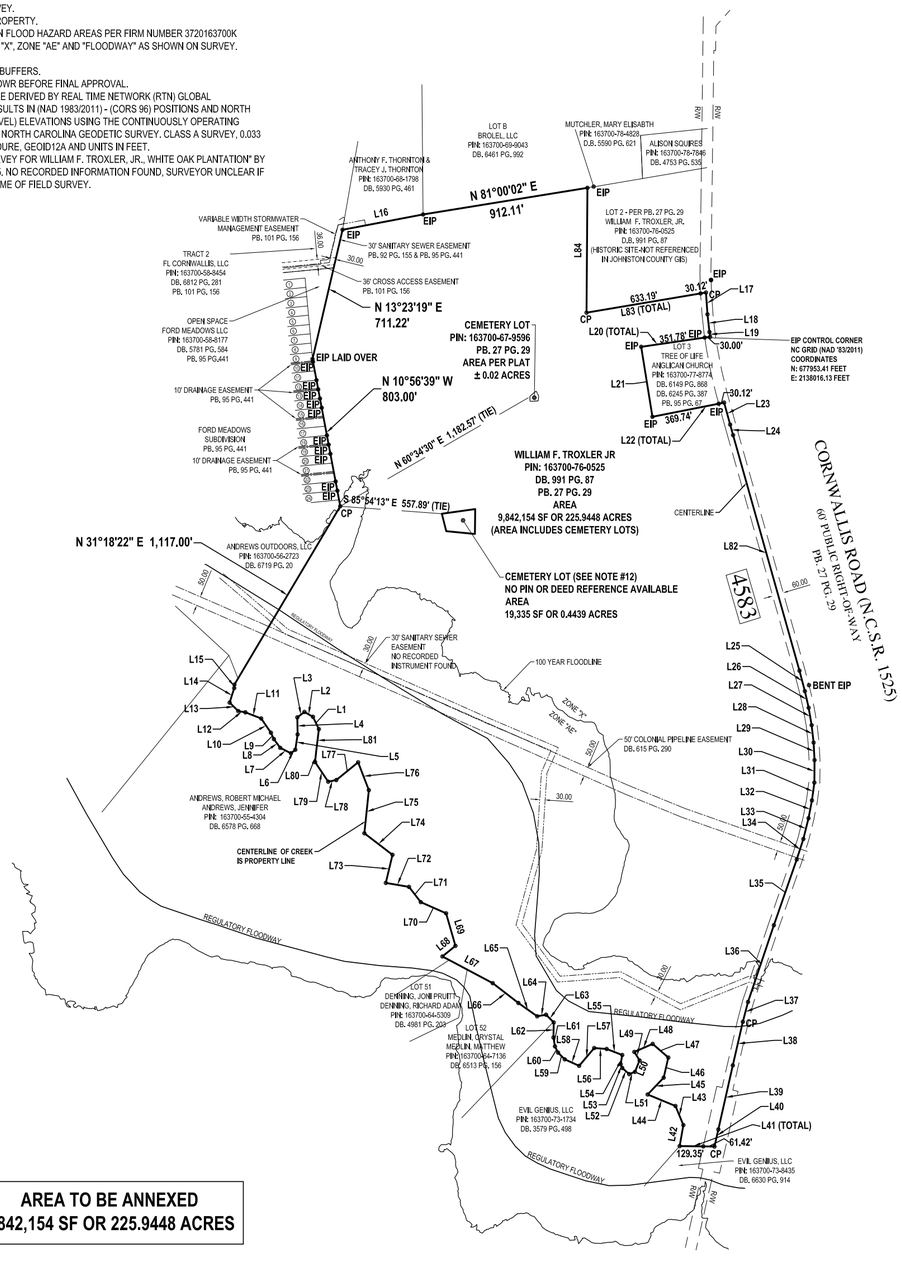
WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

24 DAY OF OCTOBER A.D., 2025.

DAN GREGORY, PLS L-5240

NORTH CAROLINA PROFESSIONAL SEAL L-5240 LAND SURVEYOR DAN GREGORY

LINE TABLE			LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 26°15'53" W	73.43'	L43	N 22°57'11" W	110.90'
L2	N 60°33'40" W	53.18'	L44	N 68°00'14" W	164.68'
L3	S 53°27'11" W	49.07'	L45	N 44°20'53" E	125.93'
L4	S 01°07'59" E	91.13'	L46	N 13°11'51" E	110.93'
L5	S 08°46'39" W	83.18'	L47	N 49°35'29" W	112.38'
L6	S 51°34'55" W	30.51'	L48	S 66°47'48" W	109.34'
L7	N 63°28'44" W	65.72'	L49	S 32°34'19" E	53.61'
L8	N 36°24'40" W	58.18'	L50	S 22°36'46" W	66.55'
L9	N 25°35'42" W	37.56'	L51	S 68°49'48" W	33.97'
L10	N 34°58'29" W	93.10'	L52	N 48°56'41" W	50.26'
L11	N 69°06'16" W	92.87'	L53	N 22°22'18" W	22.55'
L12	N 80°02'48" W	40.21'	L54	N 09°47'27" E	49.31'
L13	N 45°58'36" W	64.67'	L55	N 69°12'13" W	91.37'
L14	N 17°48'06" E	81.35'	L56	N 85°59'33" W	68.18'
L15	N 02°59'17" E	19.46'	L57	S 40°58'11" W	126.11'
L16	N 79°26'38" E	448.99'	L58	N 66°17'12" W	86.46'
L17	S 04°08'47" E	116.95'	L59	N 45°00'31" W	51.06'
L18	S 06°22'23" E	95.48'	L60	N 27°04'26" W	37.31'
L19	S 08°51'56" E	25.69'	L61	N 10°04'09" W	48.49'
L20	S 81°52'13" W	381.78'	L62	N 01°10'11" E	80.74'
L21	S 09°22'32" E	379.47'	L63	N 45°41'39" W	58.92'
L22	N 79°06'26" E	399.86'	L64	S 80°10'18" W	49.60'
L23	S 15°42'11" E	122.05'	L65	N 55°15'01" W	125.20'
L24	S 16°05'21" E	58.87'	L66	N 52°59'49" W	176.17'
L25	S 14°58'16" E	113.48'	L67	N 62°32'32" W	310.53'
L26	S 13°10'34" E	91.15'	L68	N 51°30'17" E	90.96'
L27	S 09°56'08" E	94.82'	L69	N 16°23'13" W	181.34'
L28	S 06°37'32" E	93.75'	L70	N 66°38'21" W	151.24'
L29	S 03°13'08" E	93.75'	L71	N 38°17'15" W	104.20'
L30	S 00°23'38" W	120.40'	L72	N 80°33'12" E	128.67'
L31	S 07°59'44" W	96.68'	L73	N 13°38'24" E	154.81'
L32	S 11°11'10" W	97.08'	L74	N 53°05'32" W	192.75'
L33	S 14°17'37" W	114.89'	L75	N 06°07'25" E	231.92'
L34	S 18°10'11" W	115.44'	L76	N 21°26'35" W	160.42'
L35	S 19°37'53" W	373.57'	L77	S 51°32'21" W	152.87'
L36	S 19°01'30" W	434.75'	L78	S 79°04'34" W	45.50'
L37	S 14°54'54" W	109.77'	L79	N 34°22'31" W	127.16'
L38	S 13°18'26" W	239.67'	L80	N 05°59'51" E	56.51'
L39	S 13°00'42" W	352.12'	L81	N 07°05'33" E	121.02'
L40	S 13°00'42" W	93.89'	L82	S 16°05'15" E	1,312.67'
L41	N 89°20'31" W	190.77'	L83	N 80°38'28" E	663.31'
L42	N 10°14'49" E	114.45'	L84	S 00°25'54" W	668.44'



AREA TO BE ANNEXED
9,842,154 SF OR 225.9448 ACRES

REFERENCES

DB. 991 PG. 87

PB. 27 PG. 29

DB. 6149 PG. 868

DB. 6245 PG. 387

PB. 95 PG. 67

"SURVEY FOR WILLIAM F. TROXLER, JR., WHITE OAK PLANTATION" BY WALLACE G. CAWTHORNE DATED JULY 19, 1985.

LEGEND

- EIP = EXISITING IRON PIPE
- CP = CALCULATED POINT

OWNER

WILLIAM F. TROXLER JR.

P O BOX 6423

RALEIGH, NC 27628-6423

SCALE: 1" = 500'

0 250 500 1000 1500 2000

REV.	DATE	DESCRIPTION	BY
1	10-23-25	REVISED PER COMMENTS #1	AMH

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

SURVEYED BY	MG
DRAWN BY	AMH
CHECKED BY	DG
DATE	07-30-2023

SATELLITE ANNEXATION MAP
(ANNEXATION PROJECT #: 2023-32-ANX)
FOR
THE TOWN OF CLAYTON

CLAYTON TWSP JOHNSTON COUNTY NORTH CAROLINA

SHEET 1 OF 1

R:\2016\16225 - Troxler Yeargan - 2016\SURVEY\16225CARLSON\dwg\ANNEXATION\16225 TROXLER ANNEXATION.dwg, 10/24/2025 2:20:14 PM, Austin

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD, AND LOCATED ON THE NORTHERN PROPERTY LINE OF LOT 3 AS RECORDED IN PLAT BOOK 95, PAGE 67, JOHNSTON COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 677953.41 FEET E: 2138016.13 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE S 81°52'13"W A DISTANCE OF 351.78 FEET TO AN EXISTING IRON PIPE; THENCE S 09°22'32"E A DISTANCE OF 379.47 FEET TO AN EXISTING IRON PIPE; THENCE N 79°06'26"E A DISTANCE OF 369.74 FEET TO AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 79°06'26"E A DISTANCE OF 30.12 FEET TO A POINT LOCATED IN THE CENTERLINE OF SAID CORNWALLIS ROAD; THENCE ALONG AND WITH SAID CENTERLINE S 15°42'11"E A DISTANCE OF 122.05 FEET TO A POINT; THENCE S 16°05'21"E A DISTANCE OF 58.87 FEET TO A POINT; THENCE S 16°05'15"E A DISTANCE OF 1,312.67 FEET TO A POINT; THENCE S 14°58'16"E A DISTANCE OF 113.48 FEET TO A POINT; THENCE S 13°10'34"E A DISTANCE OF 91.15 FEET TO A POINT; THENCE S 09°56'08"E A DISTANCE OF 94.82 FEET TO A POINT; THENCE S 06°37'32"E A DISTANCE OF 93.75 FEET TO A POINT; THENCE S 03°13'08"E A DISTANCE OF 93.75 FEET TO A POINT; THENCE S 00°23'38"W A DISTANCE OF 120.40 FEET TO A POINT; THENCE S 07°59'44"W A DISTANCE OF 96.68 FEET TO A POINT; THENCE S 11°11'10"W A DISTANCE OF 97.08 FEET TO A POINT; THENCE S 14°17'37"W A DISTANCE OF 114.89 FEET TO A POINT; THENCE S 18°10'11"W A DISTANCE OF 115.44 FEET TO A POINT; THENCE S 19°37'53"W A DISTANCE OF 373.57 FEET TO A POINT; THENCE S 19°01'30"W A DISTANCE OF 434.75 FEET TO A POINT; THENCE S 14°54'54"W A DISTANCE OF 109.77 FEET TO A POINT; THENCE S 13°18'26"W A DISTANCE OF 239.67 FEET TO A POINT; THENCE S 13°00'42"W A DISTANCE OF 352.12 FEET TO A POINT; THENCE S 13°00'42"W A DISTANCE OF 93.89 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE N 89°20'31"W A DISTANCE OF 61.42 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 89°20'31"W A DISTANCE OF 129.35 FEET TO A POINT LOCATED IN THE CENTERLINE OF SWIFT CREEK AND BEING THE NORTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY 341 SONNY ROAD LLC, DEED BOOK 3579, PAGE 498, JOHNSTON COUNTY REGISTRY; THENCE ALONG AND WITH SAID CENTERLINE OF CREEK N 10°14'49"E A DISTANCE OF 114.45 FEET TO A POINT; THENCE N 22°57'11"W A DISTANCE OF 110.90 FEET TO A POINT; THENCE N 68°00'14"W A DISTANCE OF 164.68 FEET TO A POINT; THENCE N 44°20'53"E A DISTANCE OF 125.93 FEET TO A POINT; THENCE N 13°11'51"E A DISTANCE OF 110.93 FEET TO A POINT; THENCE N 49°35'29"W A DISTANCE OF 112.38 FEET TO A POINT; THENCE S 66°47'48"W A DISTANCE OF 109.34 FEET TO A POINT; THENCE S 32°34'19"E A DISTANCE OF 53.61 FEET TO A POINT; THENCE S 22°36'46"W A DISTANCE OF 66.55 FEET TO A POINT; THENCE S 68°49'48"W A DISTANCE OF 33.97 FEET TO A POINT; THENCE N 48°56'41"W A DISTANCE OF 50.26 FEET TO A POINT; THENCE N 22°22'18"W A DISTANCE OF 22.55 FEET TO A POINT; THENCE N 09°47'27"E A DISTANCE OF 49.31 FEET TO A POINT; THENCE N 69°12'13"W A DISTANCE OF 91.37 FEET TO A POINT; THENCE N 85°59'33"W A DISTANCE OF 68.18 FEET TO A POINT; THENCE S 40°58'11"W A DISTANCE OF 126.11 FEET TO A POINT; THENCE N 66°17'12"W A DISTANCE OF 86.46 FEET TO A POINT; THENCE N 45°00'31"W A DISTANCE OF 51.06 FEET TO A POINT; THENCE N 27°04'26"W A DISTANCE OF 37.31 FEET TO A POINT; THENCE N 10°04'09"W A DISTANCE OF 48.49 FEET TO A POINT; THENCE N 01°10'11"E A DISTANCE OF 80.74 FEET TO A POINT; THENCE N 45°41'39"W A DISTANCE OF 58.92 FEET TO A POINT; THENCE S 80°10'18"W A DISTANCE OF 49.60 FEET TO A POINT; THENCE N 55°15'01"W A DISTANCE OF 125.20 FEET TO A POINT; THENCE N 52°59'49"W A DISTANCE OF 176.17 FEET TO A POINT; THENCE N 62°32'32"W A DISTANCE OF 310.53 FEET TO A POINT; THENCE N 51°30'17"E A DISTANCE OF 90.96 FEET TO A POINT; THENCE N 16°23'13"W A DISTANCE OF 181.34 FEET TO A POINT; THENCE N 66°38'21"W A DISTANCE OF 151.24 FEET TO A POINT; THENCE N 38°17'15"W A DISTANCE OF 104.20 FEET TO A POINT; THENCE N 80°33'12"W A DISTANCE OF 128.67 FEET TO A POINT; THENCE N 13°38'24"E A DISTANCE OF 154.81 FEET TO A POINT; THENCE N 53°05'32"W A DISTANCE OF 192.75 FEET TO A POINT; THENCE N 06°07'25"E A DISTANCE OF 231.92 FEET TO A POINT; THENCE N 21°26'35"W A DISTANCE OF 160.42 FEET TO A POINT; THENCE S

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Johnstonian News

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Johnstonian News - (Johnston County), a newspaper printed and published in the City of Smithfield, County of Johnston, State of North Carolina, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Nov. 5, 2025

NOTICE ID: YwBYD6NNy2QEIWI1J56A
NOTICE NAME: Annexations
Publication Fee: 104.00

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Anjana Bhadoriya

(Signed)_____

SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 11/05/2025

S Smith

Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

The Clayton Town Council has called Public Hearings at 6:00 PM on Monday, November 17, 2025, at Town Hall, 111 E. Second Street, on the question of annexing the following four annexation petitions filed pursuant to NC G.S 160A-58.1:

· 2023-32-ANX Troxler Annexation: Request for Non-Contiguous annexation of 225.95 acres located in Johnston County's jurisdiction. Owned by William Troxler, Parcel ID: 163700-76-0525; located at 4583 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.

· 2023-33-ANX Yeargan Annexation: Request for Non-Contiguous annexation of 225.1381 acres located in Johnston County's jurisdiction. Owned by Walter Rand Yeargan Irrevocable Trust and Polly Hardie, Parcel ID: 163700-96-4601; located at 4974 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.
· 2023-34-ANX Kenny Ford Annexation: Request for Non-Contiguous annexation of 22.45 acres located in Johnston County's jurisdiction. Owned by BROLEL, LLC, Parcel ID: 163700-69-9043; located southwest of the intersection of Cornwallis Road and Veterans Parkway.
· 2023-35-ANX Tree of Life Church Annexation: Request for Non-Contiguous annexation of 3.2857 acres located in Johnston County's jurisdiction. Owned by Tree of Life Anglican Church, Parcel ID: 163700-77-8774; located at 4777 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.

These are open meetings, and the public is invited to attend.

Heidi Holland, MMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

The Johnstonian Newspaper

Please advertise on the following dates:
November 5, 2025

Affidavit of publication required.
The Johnstonian
November 5, 2025

TOWN OF CLAYTON
PLANNING DEPARTMENT
111 E Second Street
Clayton, NC 27520
919-553-5002

PUBLIC NOTICE CERTIFICATION

This certifies that the project and the associated application have been publicly noticed according to NCGS, Town UDO, and Planning Department policy:

Project: 2023-32-ANX, Troxler Annexation
Town Board: TC
Date of Meeting: November 17, 2025

Public Notice Checklist				
Type	Action	Staff	Date Complete	Signature/Date
1. Letters Mailed	Letters mailed to property owners within 300' of subject property	N/A	N/A	N/A
2. Property Posted	Sign Posted on Property	N/A	N/A	N/A
3. Website Updated	Project Information added to the Website	Lori Bryant	11/05/2025	LB 11/5/25
4. Newspaper Publish	Newspaper Ad published	Audrey Duchesne	11/05/2025	Audrey Duchesne 11/07/2025

Certified by:

Haley Downey, AICP, CZO
Assistant Planning Director

11/7/25
Date

Conrad Olmedo, AICP, CZO
Planning Director

11/7/25
Date

TOWN OF CLAYTON
ORDINANCE TO EXPAND THE CORPORATE LIMITS
2023-32-ANX TROXLER ANNEXATION

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1 to annex the area described herein; and

WHEREAS, the Clayton Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk of the sufficiency of said petition has been made;

WHEREAS, a Public Hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on Monday, November 17, 2025, after due notice by publication in the Johnstonian Newspaper on November 5, 2025 and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-58.1;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of Clayton, North Carolina that:

SECTION 1 By virtue of the authority granted by NC GS 160A-58.1, the following described territory is hereby annexed and made part of the Town of Clayton as of November 17, 2025, with an effective date of February 16, 2026;

> BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD, AND LOCATED ON THE NORTHERN PROPERTY LINE OF LOT 3 AS RECORDED IN PLAT BOOK 95, PAGE 67, JOHNSTON COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 677953.41 FEET E: 2138016.13 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY LINE S 81°52'13"W A DISTANCE OF 351.78 FEET TO AN EXISTING IRON PIPE; THENCE S 09°22'32"E A DISTANCE OF 379.47 FEET TO AN EXISTING IRON PIPE; THENCE N 79°06'26"E A DISTANCE OF 369.74 FEET TO AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 79°06'26"E A DISTANCE OF 30.12 FEET TO A POINT LOCATED IN THE CENTERLINE OF SAID CORNWALLIS ROAD; THENCE ALONG AND WITH SAID CENTERLINE S 15°42'11"E A DISTANCE OF 122.05 FEET TO A POINT; THENCE S 16°05'21"E A DISTANCE OF 58.87 FEET TO A POINT; THENCE S 16°05'15"E A DISTANCE OF 1,312.67 FEET TO A POINT; THENCE S 14°58'16"E A DISTANCE OF 113.48 FEET TO A POINT; THENCE S 13°10'34"E A DISTANCE OF 91.15 FEET TO A POINT; THENCE S 09°56'08"E A DISTANCE OF 94.82 FEET TO A POINT; THENCE S 06°37'32"E A DISTANCE OF 93.75 FEET TO A POINT; THENCE S 03°13'08"E A DISTANCE OF 93.75 FEET TO A POINT; THENCE S 00°23'38"W A DISTANCE OF 120.40 FEET TO A POINT; THENCE S 07°59'44"W A DISTANCE OF 96.68 FEET TO A POINT; THENCE S 11°11'10"W A DISTANCE OF 97.08 FEET TO A POINT; THENCE S 14°17'37"W A DISTANCE OF 114.89 FEET TO A POINT; THENCE S 18°10'11"W A DISTANCE OF 115.44 FEET TO A POINT; THENCE S 19°37'53"W A DISTANCE OF 373.57 FEET TO A POINT; THENCE S 19°01'30"W A DISTANCE OF 434.75 FEET TO A POINT; THENCE S 14°54'54"W A DISTANCE OF 109.77 FEET TO A POINT; THENCE S 13°18'26"W A DISTANCE OF 239.67 FEET TO A POINT; THENCE S 13°00'42"W A DISTANCE OF 352.12 FEET TO A POINT; THENCE S 13°00'42"W A DISTANCE OF 93.89 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE N 89°20'31"W A DISTANCE OF 61.42 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 89°20'31"W A DISTANCE OF 129.35 FEET TO A POINT LOCATED IN THE CENTERLINE OF SWIFT CREEK AND BEING THE NORTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY 341 SONNY ROAD LLC, DEED BOOK 3579, PAGE 498, JOHNSTON COUNTY REGISTRY; THENCE ALONG AND WITH SAID CENTERLINE OF CREEK N 10°14'49"E A DISTANCE OF 114.45 FEET TO A POINT; THENCE N 22°57'11"W A DISTANCE OF 110.90 FEET TO A POINT; THENCE N 68°00'14"W A DISTANCE OF 164.68 FEET TO A POINT; THENCE N 44°20'53"E A DISTANCE OF 125.93 FEET TO A POINT; THENCE N 13°11'51"E A DISTANCE OF 110.93 FEET TO A POINT; THENCE N 49°35'29"W A DISTANCE OF 112.38 FEET TO A POINT; THENCE S 66°47'48"W A DISTANCE OF 109.34 FEET TO A POINT; THENCE S 32°34'19"E A DISTANCE OF 53.61 FEET TO A POINT; THENCE S 22°36'46"W A DISTANCE OF 66.55 FEET TO A POINT; THENCE S 68°49'48"W A DISTANCE OF 33.97 FEET TO A POINT; THENCE N 48°56'41"W A DISTANCE OF 50.26 FEET TO A POINT; THENCE N 22°22'18"W A DISTANCE OF 22.55 FEET TO A POINT; THENCE N 09°47'27"E A DISTANCE OF 49.31 FEET TO A POINT; THENCE N 69°12'13"W A DISTANCE OF 91.37 FEET TO A POINT;

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SECTION 2 Upon and after February 16, 2026, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 17th day of November 2025.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of _____, 202__, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

_____
Notary Public - Signature

_____
Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	PUBLIC HEARINGS

Item Title

2023-33-ANX Yeargan Annexation

Presenter(s)

Audrey Duchesne, Senior Planner

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☐ Vibrant Downtown	☒ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☐ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: Yes - Legislative

Applicable General Statute Number: §160A-58.1

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

- ☒ Public Hearing (Required by GS)
- ☒ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☒ Special Mailing ☐ None Required

Summary

Request for non-contiguous (satellite) annexation of a 225.1381 acre parcel located on Cornwallis Road. This property is currently located in Johnston County's jurisdiction.

Recommendation

Approval of the Annexation Petition, with an effective date of February 16, 2026.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

00_Staff Report_2023-33-ANX_Yeargan Annexation_11062025

01_Staff Report Maps_2023-33-ANX_11172025

02_Annexation Petition_Yeargan_2023-33-ANX_10272025

03_Annexation Plat_Yeargan_2023-33-ANX_10272025

04_Legal Description_Yeargan_2023-33-ANX_10272025

05_Newspaper Ad Affidavit_Yeargan Annexation_2023-33-ANX

06_Public Notice Certification_Yeargan Annexation_2023-33-ANX

07_Ordinance 2025-11-04_Yeargan Annexation_2023-33-ANX

Meeting Timeline

November 3rd: Town Council (Sufficiency and Scheduling of Public Hearing)
November 17th: Town Council (Public Hearing)

Submitted By: Audrey Duchesne, Planning

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Nov 07 2025
Conrad Olmedo, Planning Director	Approved - Nov 07 2025
Courtney Tanner, Deputy Town Manager	Approved - Nov 13 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
Phone: 919-553-5002

STAFF REPORT

Application Number: 2023-33-ANX
Project Name: Yeargan Annexation

PIN #: 163700-96-4601
Location: Located off Cornwallis Road, southeast of the intersection of Cornwallis Road and Veterans Parkway. This parcel is located within Johnston County's jurisdiction. TAG # 05F02011B.
Site Address: 4974 Cornwallis Road
Applicant: Sherman A. Yeargan
Owner: Walter Rand Yeargan Irrevocable Trust
Project Planner: Audrey Duchesne, Senior Planner

Public Noticing Dates:

- **Newspaper Ad Published:** November 5, 2025

REQUEST: Request for non-contiguous (satellite) annexation of approximately 225.13 acres of land currently located in Johnston County's jurisdiction.

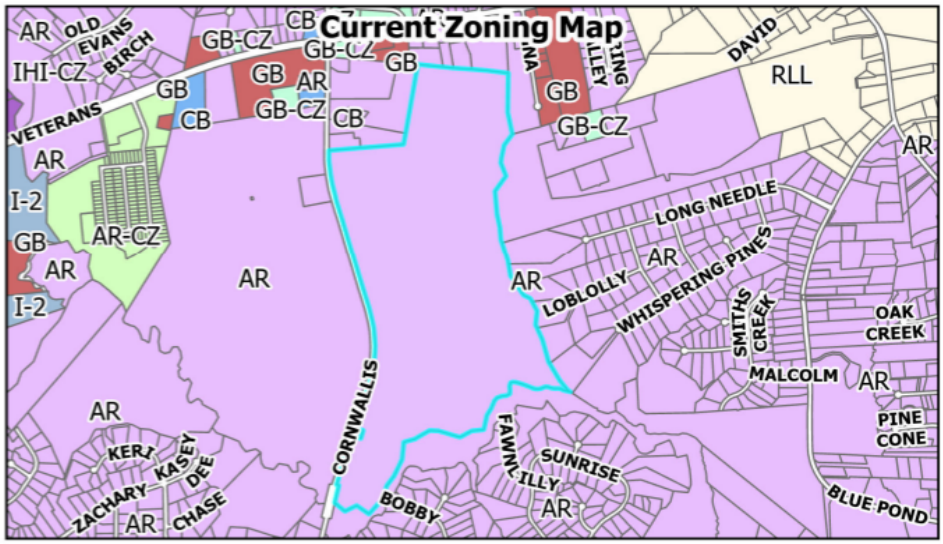
SITE DATA:

Acreage: 225.1381
Existing Zoning: Agricultural Residential (AR) -Johnston County Zoning
Existing Use: Single-Family Detached

STAFF ANALYSIS AND COMMENTARY:

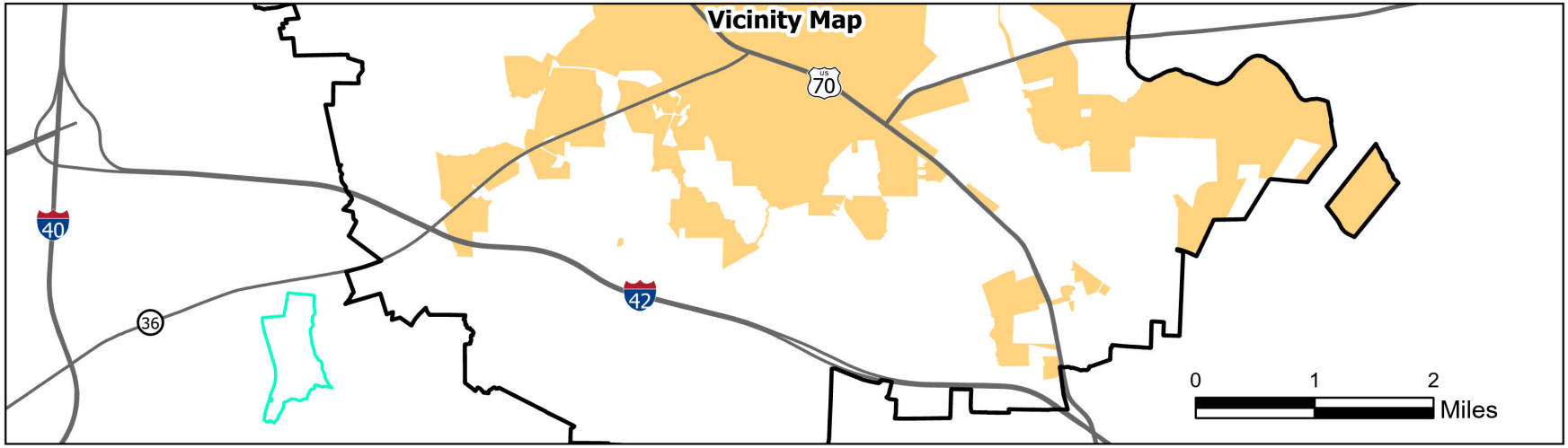
Overview:
The applicant is requesting a non-contiguous (satellite) annexation of approximately 225.13 acres of land located in Johnston County's jurisdiction. This request was submitted in accordance with NCGS 160A-58.1, which outlines the requirements for a municipality to annex area not contiguous to its primary corporate limits. On November 5, 2025 the Clayton Town Council passed a resolution authorizing the Town Clerk to investigate the sufficiency of the petition in accordance with NCGS. This was certified by the Town Clerk. Additionally, the Clayton Town Council voted to schedule the Public Hearing date for this annexation to November 17, 2025.

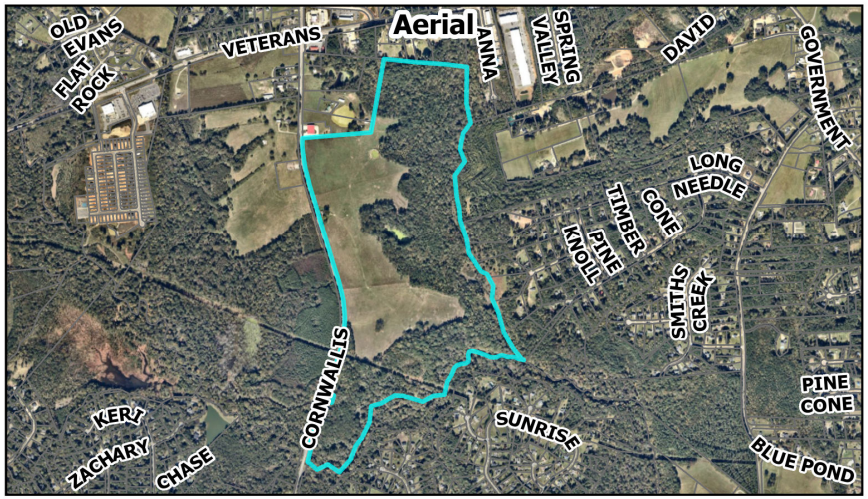
Staff recommends the Council select an effective date of February 16, 2026 for this annexation. Per NCGS, once property is annexed from another jurisdiction the new zoning category for the municipality must be designated within 60-days of the effective date. At this time, the applicant has not submitted a rezoning petition. However, scheduling the effective date of annexation to February 16, 2026 will allow adequate time for processing of a rezoning petition from the applicant for this parcel.

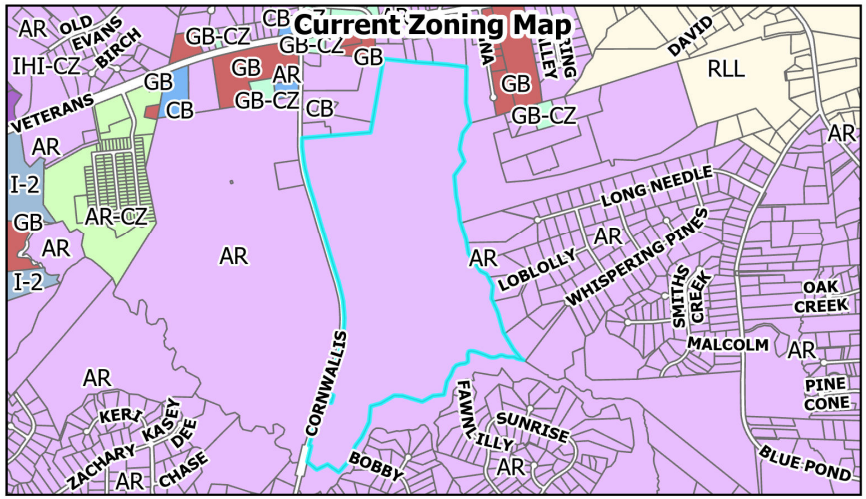


ATTACHMENTS:

1. Staff Report Maps
2. Annexation Petition
3. Annexation Plat
4. Legal Description of Metes and Bounds
5. Newspaper Ad Affidavit
6. Public Notice Certification
7. Ordinance, 2025-11-04







Request: Annexation Petition, Non-Contiguous
Project Name: Yeargan Annexation
Project Number: 2023-33-ANX

Applicant:
Property Owner: WALTER RAND YEARGAN IRREVOCABLE TRUST
Johnston County Parcel ID: 05F02011B

Site Location

NORTH CAROLINA CLAYTON 1869

Staff Report Map
November 5, 2025

N

0 1,250 2,500 5,000 Feet

Disclaimer: Parcel Boundaries are shown for reference only. The Town of Clayton assumes no legal responsibility for this information.

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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Review Fee:
Application Review Fee: $200
Advertisement Fee: $200
Please note that fees are subject to change annually

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application

1. **Application Type:** ■ Individual ☐ Corporation ☐ LLC ☐ Partnership

2. **The proposed annexation will be:** ☐ Contiguous Annexation ■ Non-Contiguous Annexation

3. **Does the proposed annexed parcel(s) need to be rezoned?** ■ Yes ☐ No

If 3 acres or more please submit a rezoning application to be run concurrently.

Property Information

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ☐ contiguous, ■ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

   Total Acreage to be annexed: 225.1381 Existing Housing Units: 0

   Population of acreage to be annexed: 0 Fire District: McLemore

   Existing Zoning District*: AR Proposed Town Zoning District*: RLL

   County Recorded Plat Book and Page #: Book 04584 Page 0172

   Reason for petitioner to annex: X Receive Town Services ____Other (please specify): _____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate on the following page, and attach proof.)

FOR OFFICE USE ONLY

Date Received:_____ Amount Paid:_____ Petition Number: _____

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

Sherman A. Yeargan, Jr.
Please Print

Signature

Please Print

Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this ____ day of _____, 20____.

Corporate Name: _____

SEAL

By: _____
(Signature)

Attest: _____
Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this _____ day of _____,20____.

Name of Limited Liability Company: _____

By: _____
Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Partnership: _____

By: _____
Signature of General Partner

By: _____

By: _____
Signature of General Partner

By: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Sarah Pikett, a Notary Public for the above State and County, this 6th day of, February, 20 23.

Sarah Pikett
Notary Public

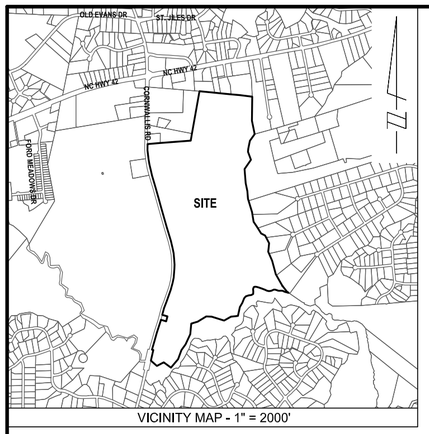
SEAL

Sarah Pikett NOTARY PUBLIC Wake County, NC

My Commission Expires: 6/27/2026

Voluntary Annexation Plat Checklist

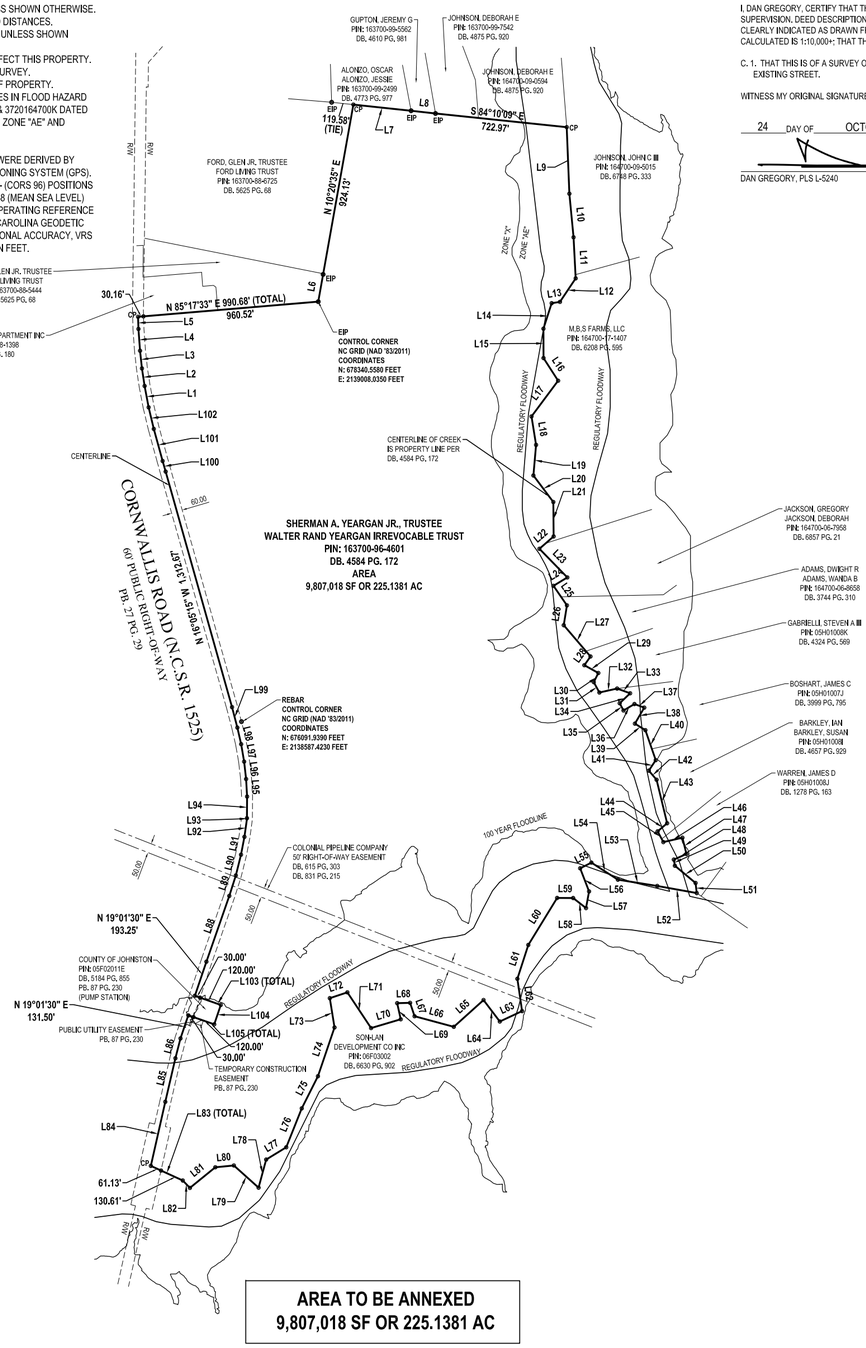
#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	Leave 2-inch by 2-inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



VICINITY MAP - 1" = 2000'

NOTE:
1. AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
4. OTHER INSTRUMENTS OF RECORD MAY AFFECT THIS PROPERTY.
5. NO TITLE SEARCH PERFORMED FOR THIS SURVEY.
6. NO NCGS MONUMENT WITHIN 2,000 FEET OF PROPERTY.
7. A PORTION OF THE SUBJECT PROPERTY LIES IN FLOOD HAZARD AREAS PER FIRM NUMBER(S) 3720163700K & 3720164700K DATED JUNE 20, 2018. PROPERTY LIES IN ZONE "X", ZONE "AE" AND "FLOODWAY" AS SHOWN ON SURVEY.
8. PROPERTY IS ZONED "AR".
9. THE COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY REAL TIME NETWORK (RTN) GLOBAL POSITIONING SYSTEM (GPS). THIS METHOD RESULTS IN (NAD 1983/2011) - (CORS 96) POSITIONS AND NORTH AMERICAN VERTICAL DATUM '88 (MEAN SEA LEVEL) ELEVATIONS USING THE CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) MAINTAINED BY NORTH CAROLINA GEODETIC SURVEY. CLASS A SURVEY, 0.033 FT POSITIONAL ACCURACY, VRS FIELD PROCEDURE, GEOID12A AND UNITS IN FEET.

LINE TABLE			LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 10°59'11" W	116.20'	L54	N 57°50'18" W	171.26'
L2	N 08°51'56" W	95.21'	L55	S 63°42'08" W	68.76'
L3	N 06°22'23" W	95.48'	L56	S 21°25'28" E	133.10'
L4	N 04°08'47" W	116.95'	L57	S 10°32'44" W	90.51'
L5	N 01°52'54" W	64.72'	L58	N 52°42'58" W	88.29'
L6	N 10°20'35" E	148.39'	L59	N 89°37'38" W	88.01'
L7	S 84°02'48" E	317.83'	L60	S 32°06'25" W	296.90'
L8	S 83°46'30" E	134.53'	L61	S 18°22'34" W	190.92'
L9	S 02°21'08" E	356.61'	L62	S 08°30'11" E	175.01'
L10	S 05°37'10" E	234.41'	L63	S 65°26'49" W	134.24'
L11	S 03°04'21" E	220.14'	L64	N 37°49'07" W	145.31'
L12	S 34°29'13" W	152.88'	L65	S 48°39'44" W	217.02'
L13	S 81°25'00" W	45.91'	L66	N 75°10'08" W	222.32'
L14	S 18°07'27" W	143.75'	L67	N 18°53'48" W	75.63'
L15	S 00°04'24" E	157.28'	L68	S 88°30'23" W	70.90'
L16	S 33°27'40" E	144.99'	L69	S 12°48'12" E	88.07'
L17	S 37°16'48" W	240.34'	L70	S 73°45'51" W	169.33'
L18	S 09°16'52" E	154.59'	L71	N 34°14'32" W	231.25'
L19	S 05°07'50" W	164.54'	L72	S 72°11'05" W	100.93'
L20	S 37°36'08" E	179.14'	L73	S 09°23'19" E	159.18'
L21	S 00°31'16" E	184.15'	L74	S 19°12'44" W	276.55'
L22	S 49°41'17" W	102.46'	L75	S 27°22'01" W	193.43'
L23	S 44°56'36" E	216.78'	L76	S 22°11'09" W	225.20'
L24	S 59°27'53" W	88.32'	L77	S 59°05'06" W	127.79'
L25	S 35°13'08" E	127.92'	L78	S 15°27'54" W	156.30'
L26	S 09°17'11" W	107.91'	L79	N 48°49'21" W	180.40'
L27	S 41°15'34" E	222.43'	L80	S 84°33'02" W	102.02'
L28	S 35°39'37" W	57.67'	L81	S 51°32'26" W	177.57'
L29	S 61°20'20" E	87.09'	L82	N 44°27'10" W	55.85'
L30	S 26°40'10" W	54.94'	L83	N 65°57'44" W	191.74'
L31	S 29°11'05" E	63.28'	L84	N 13°00'42" E	352.12'
L32	N 77°41'24" E	99.15'	L85	N 13°18'26" E	239.67'
L33	S 70°21'38" E	75.58'	L86	N 14°54'54" E	109.77'
L34	S 46°47'12" W	78.09'	L87	N 19°01'30" E	434.75'
L35	S 28°29'37" E	43.87'	L88	N 19°37'53" E	373.57'
L36	N 59°56'37" E	69.12'	L89	N 18°10'11" E	115.44'
L37	S 70°23'38" E	57.19'	L90	N 14°17'37" E	114.89'
L38	S 30°58'02" W	100.16'	L91	N 11°11'10" E	97.08'
L39	S 58°47'33" E	67.35'	L92	N 07°59'44" E	96.68'
L40	S 19°28'38" E	170.35'	L93	N 00°29'11" E	4.57'
L41	S 34°14'27" W	67.77'	L94	N 00°23'25" E	115.83'
L42	S 41°15'52" E	64.79'	L95	N 03°13'08" W	93.75'
L43	S 13°55'40" E	240.33'	L96	N 06°37'32" W	93.75'
L44	S 50°13'38" W	67.71'	L97	N 09°56'08" W	94.82'
L45	S 28°42'34" E	65.23'	L98	N 13°10'34" W	91.15'
L46	N 77°31'01" E	107.18'	L99	N 14°58'16" W	113.48'
L47	S 14°00'06" E	89.76'	L100	N 16°05'21" W	58.87'
L48	S 66°39'08" W	74.99'	L101	N 15°42'11" W	178.52'
L49	S 09°24'06" E	33.67'	L102	N 13°46'58" W	119.14'
L50	S 50°51'48" E	146.39'	L103	S 70°58'30" E	150.00'
L51	S 06°23'11" E	54.07'	L104	S 19°01'30" W	110.00'
L52	N 80°01'46" W	219.48'	L105	N 70°58'30" W	150.00'
L53	N 81°04'52" W	218.41'	L106	N 19°01'30" E	110.00'



AREA TO BE ANNEXED
9,807,018 SF OR 225.1381 AC

I, DAN GREGORY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

C. 1. THAT THIS IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

24 DAY OF OCTOBER A.D., 2025.

DAN GREGORY, PLS L-5240

NORTH CAROLINA PROFESSIONAL SEAL L-5240 LAND SURVEYOR DAN GREGORY

NC GRID (NAD '83/2011)

REFERENCES:
- DB. 4584 PG. 172
- SURVEY FOR WILLIAM F. TROXLER JR "WHITE OAK PLANTATION." BY CAWTHORNE AND ASSOCIATES, DATED JULY 19, 1985.
- "PROPERTY OF L.C. YEARGAN ET AL" BY LINWOOD E. BYRD, INC. DATED JULY 1, 1988.
- PB. 87 PG. 230

LEGEND

- EIP = EXISITING IRON PIPE
- CP = CALCULATED POINT

OWNER
SHERMAN A. YEARGAN JR., TRUSTEE
WALTER RAND YEARGAN IRREVOCABLE TRUST
HARDIE, POLLY P. YEARGAN
7777 WHITE OAK RD
GARNER, NC 27529-8808

SCALE: 1" = 500'

0 250 500 1000 1500 2000

REV.	DATE	DESCRIPTION	BY
1	10-23-25	REVISED PER COMMENTS #1	AMH

BNK

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

SURVEYED BY: MG
DRAWN BY: AMH
CHECKED BY: DG
DATE: 07/30/2025

SATELLITE ANNEXATION MAP
(ANNEXATION PROJECT #: 2023-33-ANX)
FOR
THE TOWN OF CLAYTON
CLAYTON TWSP JOHNSTON COUNTY NORTH CAROLINA

SHEET 1 OF 1

R:\2016\16225 - Troxler Yeargan - 2016\SURVEY\16225CARLSON\dwg\ANNEXATION\16225 YEARGAN ANNEXATION.dwg, 10/24/2025 2:21:01 PM, Austin

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE SOUTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY GLEN FORD JR. TRUSTEE, FORD LIVING TRUST, AS RECORDED IN DEED BOOK 5625, PAGE 68, JOHNSTON COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 678340.5580 FEET E: 2139008.0350 FEET; THENCE LEAVING SAID SOUTHERN LINE N 10°20'35"E A DISTANCE OF 148.39 FEET TO AN EXISTING IRON PIPE AND BEING THE NORTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY GLEN FORD JR. TRUSTEE, FORD LIVING TRUST, AS RECORDED IN DEED BOOK 5625, PAGE 68, JOHNSTON COUNTY REGISTRY; THENCE N 10°20'35"E A DISTANCE OF 924.13 FEET TO A POINT AND BEING ON THE SOUTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY OSCAR ALONZO AND JESSIE ALONZO, AS RECORDED IN DEED BOOK 4773, PAGE 977, JOHNSTON COUNTY REGISTRY; THENCE S 84°02'48"E A DISTANCE OF 317.83 FEET TO AN EXISTING IRON PIPE; THENCE S 83°46'30"E A DISTANCE OF 134.53 FEET TO AN EXISTING IRON PIPE AND BEING THE SOUTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY JEREMY G GUPTON, DEED BOOK 4610, PAGE 981, JOHNSTON COUNTY REGISTRY; THENCE S 84°10'09"E A DISTANCE OF 722.97 FEET TO A POINT AND BEING THE SOUTHEAST PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY DEBORAH E JOHNSON, DEED BOOK 4875, PAGE 920, JOHNSTON COUNTY REGISTRY AND BEING LOCATED IN THE CENTERLINE OF WHITEOAK CREEK; THENCE ALONG AND WITH SAID CENTERLINE S 02°21'08"E A DISTANCE OF 356.61 FEET TO A POINT; THENCE S 05°37'10"E A DISTANCE OF 234.41 FEET TO A POINT; THENCE S 03°04'21"E A DISTANCE OF 220.14 FEET TO A POINT; THENCE S 34°29'13"W A DISTANCE OF 152.88 FEET TO A POINT; THENCE S 81°25'00"W A DISTANCE OF 45.91 FEET TO A POINT; THENCE S 18°07'27"W A DISTANCE OF 143.75 FEET TO A POINT; THENCE S 00°04'24"E A DISTANCE OF 157.28 FEET TO A POINT; THENCE S 33°27'40"E A DISTANCE OF 144.99 FEET TO A POINT; THENCE S 37°16'48"W A DISTANCE OF 240.34 FEET TO A POINT; THENCE S 09°16'52"E A DISTANCE OF 154.59 FEET TO A POINT; THENCE S 05°07'50"W A DISTANCE OF 164.54 FEET TO A POINT; THENCE S 37°36'08"E A DISTANCE OF 179.14 FEET TO A POINT; THENCE S 00°31'16"E A DISTANCE OF 184.15 FEET TO A POINT; THENCE S 49°41'17"W A DISTANCE OF 102.46 FEET TO A POINT; THENCE S 44°56'36"E A DISTANCE OF 216.78 FEET TO A POINT; THENCE S 59°27'53"W A DISTANCE OF 88.32 FEET TO A POINT; THENCE S 35°13'08"E A DISTANCE OF 127.92 FEET TO A POINT; THENCE S 09°17'11"W A DISTANCE OF 107.91 FEET TO A POINT; THENCE S 41°15'34"E A DISTANCE OF 222.43 FEET TO A POINT; THENCE S 35°39'37"W A DISTANCE OF 57.67 FEET TO A POINT; THENCE S 61°20'20"E A DISTANCE OF 87.09 FEET TO A POINT; THENCE S 26°40'10"W A DISTANCE OF 54.94 FEET TO A POINT; THENCE S 29°11'05"E A DISTANCE OF 63.28 FEET TO A POINT; THENCE N 77°41'24"E A DISTANCE OF 99.15 FEET TO A POINT; THENCE S 70°21'38"E A DISTANCE OF 75.58 FEET TO A POINT; THENCE S 46°47'12"W A DISTANCE OF 78.09 FEET TO A POINT; THENCE S 28°29'37"E A DISTANCE OF 43.87 FEET TO A POINT; THENCE N 59°56'37"E A DISTANCE OF 69.12 FEET TO A POINT; THENCE S 70°23'38"E A DISTANCE OF 57.19 FEET TO A POINT; THENCE S 30°58'02"W A DISTANCE OF 100.16 FEET TO A POINT; THENCE S 58°47'33"E A DISTANCE OF 67.35 FEET TO A POINT; THENCE S 19°28'38"E A DISTANCE OF 170.35 FEET TO A POINT; THENCE S 34°14'27"W A DISTANCE OF 67.77 FEET TO A POINT; THENCE S 41°15'52"E A DISTANCE OF 64.79 FEET TO A POINT; THENCE S 13°55'40"E A DISTANCE OF 240.33 FEET TO A POINT; THENCE S 50°13'38"W A DISTANCE OF 67.71 FEET TO A POINT; THENCE S 28°42'34"E A DISTANCE OF 65.23 FEET TO A POINT; THENCE N 77°31'01"E A DISTANCE OF 107.18 FEET TO A POINT; THENCE S 14°00'06"E A DISTANCE OF 89.76 FEET TO A POINT ; THENCE S 66°39'08"W A DISTANCE OF 74.99 FEET TO A POINT; THENCE S 09°24'06"E A DISTANCE OF 33.67 FEET TO A POINT; THENCE S 50°51'48"E A DISTANCE OF 146.39 FEET TO A POINT; THENCE S 06°23'11"E A DISTANCE OF 54.07 FEET TO A POINT; THENCE N 80°01'46"W A DISTANCE OF 219.48 FEET TO A POINT; THENCE N 81°04'52"W A DISTANCE OF 218.41 FEET TO A POINT; THENCE N 57°50'18"W A DISTANCE OF 171.26 FEET TO A POINT; THENCE S 63°42'08"W A DISTANCE OF 68.76 FEET TO A POINT; THENCE S 21°25'28"E A DISTANCE OF 133.10 FEET TO A POINT; THENCE S 10°32'44"W A DISTANCE OF 90.51 FEET TO A POINT; THENCE N 52°42'58"W A DISTANCE OF 88.29 FEET TO A POINT; THENCE N 89°37'38"W A DISTANCE OF 88.01 FEET TO A POINT;

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IN DEED BOOK 5625, PAGE 68, JOHNSTON COUNTY REGISTRY; THENCE N 85°17'33"E A DISTANCE OF 960.52 FEET TO THE POINT OF BEGINNING, CONTAINING 225.1381 ACRES.

Johnstonian News

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Johnstonian News - (Johnston County), a newspaper printed and published in the City of Smithfield, County of Johnston, State of North Carolina, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Nov. 5, 2025

NOTICE ID: YwBYD6NNy2QEIWI1J56A
NOTICE NAME: Annexations
Publication Fee: 104.00

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Anjana Bhadoriya

(Signed)_____

SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 11/05/2025

S Smith

Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

The Clayton Town Council has called Public Hearings at 6:00 PM on Monday, November 17, 2025, at Town Hall, 111 E. Second Street, on the question of annexing the following four annexation petitions filed pursuant to NC G.S 160A-58.1:

· 2023-32-ANX Troxler Annexation: Request for Non-Contiguous annexation of 225.95 acres located in Johnston County's jurisdiction. Owned by William Troxler, Parcel ID: 163700-76-0525; located at 4583 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.

· 2023-33-ANX Yeargan Annexation: Request for Non-Contiguous annexation of 225.1381 acres located in Johnston County's jurisdiction. Owned by Walter Rand Yeargan Irrevocable Trust and Polly Hardie, Parcel ID: 163700-96-4601; located at 4974 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.
· 2023-34-ANX Kenny Ford Annexation: Request for Non-Contiguous annexation of 22.45 acres located in Johnston County's jurisdiction. Owned by BROLEL, LLC, Parcel ID: 163700-69-9043; located southwest of the intersection of Cornwallis Road and Veterans Parkway.
· 2023-35-ANX Tree of Life Church Annexation: Request for Non-Contiguous annexation of 3.2857 acres located in Johnston County's jurisdiction. Owned by Tree of Life Anglican Church, Parcel ID: 163700-77-8774; located at 4777 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.

These are open meetings, and the public is invited to attend.

Heidi Holland, MMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

The Johnstonian Newspaper

Please advertise on the following dates:
November 5, 2025

Affidavit of publication required.
The Johnstonian
November 5, 2025

TOWN OF CLAYTON
PLANNING DEPARTMENT
111 E Second Street
Clayton, NC 27520
919-553-5002

PUBLIC NOTICE CERTIFICATION

This certifies that the project and the associated application have been publicly noticed according to NCGS, Town UDO, and Planning Department policy:

Project: 2023-33-ANX, Yeargan Annexation
Town Board: TC
Date of Meeting: November 17, 2025

Public Notice Checklist				
Type	Action	Staff	Date Complete	Signature/Date
1. Letters Mailed	Letters mailed to property owners within 300' of subject property	N/A	N/A	N/A
2. Property Posted	Sign Posted on Property	N/A	N/A	N/A
3. Website Updated	Project Information added to the Website	Lori Bryant	11/05/2025	LB 11/5/25
4. Newspaper Publish	Newspaper Ad published	Audrey Duchesne	11/05/2025	Audrey Duchesne 11/07/2025

Certified by:

Haley Downey, AICP, CZO
Assistant Planning Director — 11/7/25 Date

Conrad Olmedo, AICP, CZO
Planning Director — 11/7/25 Date

TOWN OF CLAYTON
ORDINANCE TO EXPAND THE CORPORATE LIMITS
2023-33-ANX YEARGAN ANNEXATION

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1 to annex the area described herein; and

WHEREAS, the Clayton Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk of the sufficiency of said petition has been made;

WHEREAS, a Public Hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on Monday, November 17, 2025, after due notice by publication in the Johnstonian Newspaper on November 5, 2025 and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-58.1;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of Clayton, North Carolina that:

SECTION 1 By virtue of the authority granted by NC GS 160A-58.1, the following described territory is hereby annexed and made part of the Town of Clayton as of November 17, 2025, with an effective date of February 16, 2026;

> BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE SOUTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY GLEN FORD JR. TRUSTEE, FORD LIVING TRUST, AS RECORDED IN DEED BOOK 5625, PAGE 68, JOHNSTON COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 678340.5580 FEET E: 2139008.0350 FEET; THENCE LEAVING SAID

SOUTHERN LINE N 10°20'35"E A DISTANCE OF 148.39 FEET TO AN EXISTING IRON PIPE AND BEING THE NORTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY GLEN FORD JR. TRUSTEE, FORD LIVING TRUST, AS RECORDED IN DEED BOOK 5625, PAGE 68, JOHNSTON COUNTY REGISTRY; THENCE N 10°20'35"E A DISTANCE OF 924.13 FEET TO A POINT AND BEING ON THE SOUTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY OSCAR ALONZO AND JESSIE ALONZO, AS RECORDED IN DEED BOOK 4773, PAGE 977, JOHNSTON COUNTY REGISTRY; THENCE S 84°02'48"E A DISTANCE OF 317.83 FEET TO AN EXISTING IRON PIPE; THENCE S 83°46'30"E A DISTANCE OF 134.53 FEET TO AN EXISTING IRON PIPE AND BEING THE SOUTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY JEREMY G GUPTON, DEED BOOK 4610, PAGE 981, JOHNSTON COUNTY REGISTRY; THENCE S 84°10'09"E A DISTANCE OF 722.97 FEET TO A POINT AND BEING THE SOUTHEAST PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY DEBORAH E JOHNSON, DEED BOOK 4875, PAGE 920, JOHNSTON COUNTY REGISTRY AND BEING LOCATED IN THE CENTERLINE OF WHITEOAK CREEK; THENCE ALONG AND WITH SAID CENTERLINE S 02°21'08"E A DISTANCE OF 356.61 FEET TO A POINT; THENCE S 05°37'10"E A DISTANCE OF 234.41 FEET TO A POINT; THENCE S 03°04'21"E A DISTANCE OF 220.14 FEET TO A POINT; THENCE S 34°29'13"W A DISTANCE OF 152.88 FEET TO A POINT; THENCE S 81°25'00"W A DISTANCE OF 45.91 FEET TO A POINT; THENCE S 18°07'27"W A DISTANCE OF 143.75 FEET TO A POINT; THENCE S 00°04'24"E A DISTANCE OF 157.28 FEET TO A POINT; THENCE S 33°27'40"E A DISTANCE OF 144.99 FEET TO A POINT; THENCE S 37°16'48"W A DISTANCE OF 240.34 FEET TO A POINT; THENCE S 09°16'52"E A DISTANCE OF 154.59 FEET TO A POINT; THENCE S 05°07'50"W A DISTANCE OF 164.54 FEET TO A POINT; THENCE S 37°36'08"E A DISTANCE OF 179.14 FEET TO A POINT; THENCE S 00°31'16"E A DISTANCE OF 184.15 FEET TO A POINT; THENCE S 49°41'17"W A DISTANCE OF 102.46 FEET TO A POINT; THENCE S 44°56'36"E A DISTANCE OF 216.78 FEET TO A POINT; THENCE S 59°27'53"W A DISTANCE OF 88.32 FEET TO A POINT; THENCE S 35°13'08"E A DISTANCE OF 127.92 FEET TO A POINT; THENCE S 09°17'11"W A DISTANCE OF 107.91 FEET TO A POINT; THENCE S 41°15'34"E A DISTANCE OF 222.43 FEET TO A POINT; THENCE S 35°39'37"W A DISTANCE OF 57.67 FEET TO A POINT; THENCE S 61°20'20"E A DISTANCE OF 87.09 FEET TO A POINT; THENCE S 26°40'10"W A DISTANCE OF 54.94 FEET TO A POINT; THENCE S 29°11'05"E A DISTANCE OF 63.28 FEET TO A POINT; THENCE N 77°41'24"E A DISTANCE OF 99.15 FEET TO A POINT; THENCE S 70°21'38"E A DISTANCE OF 75.58 FEET TO A POINT; THENCE S 46°47'12"W A DISTANCE OF 78.09 FEET TO A POINT; THENCE S 28°29'37"E A DISTANCE OF 43.87 FEET TO A POINT; THENCE N 59°56'37"E A DISTANCE OF 69.12 FEET TO A POINT; THENCE S 70°23'38"E A DISTANCE OF 57.19 FEET TO A POINT; THENCE S 30°58'02"W A DISTANCE OF 100.16 FEET TO A POINT; THENCE S 58°47'33"E A DISTANCE OF 67.35 FEET TO A POINT; THENCE S

19°28'38"E A DISTANCE OF 170.35 FEET TO A POINT; THENCE S 34°14'27"W A DISTANCE OF 67.77 FEET TO A POINT; THENCE S 41°15'52"E A DISTANCE OF 64.79 FEET TO A POINT; THENCE S 13°55'40"E A DISTANCE OF 240.33 FEET TO A POINT; THENCE S 50°13'38"W A DISTANCE OF 67.71 FEET TO A POINT; THENCE S 28°42'34"E A DISTANCE OF 65.23 FEET TO A POINT; THENCE N 77°31'01"E A DISTANCE OF 107.18 FEET TO A POINT; THENCE S 14°00'06"E A DISTANCE OF 89.76 FEET TO A POINT ; THENCE S 66°39'08"W A DISTANCE OF 74.99 FEET TO A POINT; THENCE S 09°24'06"E A DISTANCE OF 33.67 FEET TO A POINT; THENCE S 50°51'48"E A DISTANCE OF 146.39 FEET TO A POINT; THENCE S 06°23'11"E A DISTANCE OF 54.07 FEET TO A POINT; THENCE N 80°01'46"W A DISTANCE OF 219.48 FEET TO A POINT; THENCE N 81°04'52"W A DISTANCE OF 218.41 FEET TO A POINT; THENCE N 57°50'18"W A DISTANCE OF 171.26 FEET TO A POINT; THENCE S 63°42'08"W A DISTANCE OF 68.76 FEET TO A POINT; THENCE S 21°25'28"E A DISTANCE OF 133.10 FEET TO A POINT; THENCE S 10°32'44"W A DISTANCE OF 90.51 FEET TO A POINT; THENCE N 52°42'58"W A DISTANCE OF 88.29 FEET TO A POINT; THENCE N 89°37'38"W A DISTANCE OF 88.01 FEET TO A POINT; THENCE S 32°06'25"W A DISTANCE OF 296.90 FEET TO A POINT; THENCE S 18°22'34"W A DISTANCE OF 190.92 FEET TO A POINT; THENCE S 08°30'11"E A DISTANCE OF 175.01 FEET TO A POINT; THENCE S 65°26'49"W A DISTANCE OF 134.24 FEET TO A POINT; THENCE N 37°49'07"W A DISTANCE OF 145.31 FEET TO A POINT; THENCE S 48°39'44"W A DISTANCE OF 217.02 FEET TO A POINT; THENCE N 75°10'08"W A DISTANCE OF 222.32 FEET TO A POINT; THENCE N 18°53'48"W A DISTANCE OF 75.63 FEET TO A POINT; THENCE S 88°30'23"W A DISTANCE OF 70.90 FEET TO A POINT; THENCE S 12°48'12"E A DISTANCE OF 88.07 FEET TO A POINT; THENCE S 73°45'51"W A DISTANCE OF 169.33 FEET TO A POINT; THENCE N 34°14'32"W A DISTANCE OF 231.25 FEET TO A POINT; THENCE S 72°11'05"W A DISTANCE OF 100.93 FEET TO A POINT; THENCE S 09°23'19"E A DISTANCE OF 159.18 FEET TO A POINT; THENCE S 19°12'44"W A DISTANCE OF 276.55 FEET TO A POINT; THENCE S 27°22'01"W A DISTANCE OF 193.43 FEET TO A POINT; THENCE S 22°11'09"W A DISTANCE OF 225.20 FEET TO A POINT; THENCE S 59°05'06"W A DISTANCE OF 127.79 FEET TO A POINT; THENCE S 15°27'54"W A DISTANCE OF 156.30 FEET TO A POINT; THENCE N 48°49'21"W A DISTANCE OF 180.40 FEET TO A POINT; THENCE S 84°33'02"W A DISTANCE OF 102.02 FEET TO A POINT; THENCE S 51°32'26"W A DISTANCE OF 177.57 FEET TO A POINT; THENCE N 44°27'10"W A DISTANCE OF 55.85 FEET TO A POINT; THENCE N 65°57'44"W A DISTANCE OF 130.61 FEET TO A POINT LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 65°57'44"W A DISTANCE OF 61.13 FEET TO A POINT LOCATED IN THE CENTERLINE OF CORNWALLIS ROAD; THENCE ALONG AND WITH SAID CENTERLINE N 13°00'42"E A DISTANCE OF 352.12 FEET TO A POINT; THENCE N 13°18'26"E A DISTANCE OF 239.67 FEET TO A

POINT; THENCE N 14°54'54"E A DISTANCE OF 109.77 FEET TO A POINT; THENCE N 19°01'30"E A DISTANCE OF 131.50 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE S 70°58'30"E A DISTANCE OF 30.00 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD AND BEING THE SOUTHWESTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY COUNTY OF JOHNSTON, PLAT BOOK 87, PAGE 230, JOHNSTON COUNTY REGISTRY; THENCE LEAVING SAID RIGHT-OF-WAY LINE S 70°58'30"E A DISTANCE OF 120.00 FEET TO A POINT; THENCE N 19°01'30"E A DISTANCE OF 110.00 FEET TO A POINT; THENCE N 70°58'30"W A DISTANCE OF 120.00 FEET TO A POINT LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD AND BEING THE NORTHWESTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY COUNTY OF JOHNSTON, PLAT BOOK 87, PAGE 230, JOHNSTON COUNTY REGISTRY; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 70°58'30"W A DISTANCE OF 30.00 FEET TO A POINT LOCATED IN THE CENTERLINE OF CORNWALLIS ROAD, THENCE ALONG AND WITH SAID CENTERLINE N 19°01'30"E A DISTANCE OF 193.25 FEET TO A POINT; THENCE N 19°37'53"E A DISTANCE OF 373.57 FEET TO A POINT; THENCE N 18°10'11"E A DISTANCE OF 115.44 FEET TO A POINT; THENCE N 14°17'37"E A DISTANCE OF 114.89 FEET TO A POINT; THENCE N 11°11'10"E A DISTANCE OF 97.08 FEET TO A POINT; THENCE N 07°59'44"E A DISTANCE OF 96.68 FEET TO A POINT; THENCE N 00°29'11"E A DISTANCE OF 4.57 FEET TO A POINT; THENCE N 00°23'25"E A DISTANCE OF 115.83 FEET TO A POINT; THENCE N 03°13'08"W A DISTANCE OF 93.75 FEET TO A POINT; THENCE N 06°37'32"W A DISTANCE OF 93.75 FEET TO A POINT; THENCE N 09°56'08"W A DISTANCE OF 94.82 FEET TO A POINT; THENCE N 13°10'34"W A DISTANCE OF 91.15 FEET TO A POINT; THENCE N 14°58'16"W A DISTANCE OF 113.48 FEET TO A POINT; THENCE N 16°05'15"W A DISTANCE OF 1,312.67 FEET TO A POINT; THENCE N 16°05'21"W A DISTANCE OF 58.87 FEET TO A POINT; THENCE N 15°42'11"W A DISTANCE OF 178.52 FEET TO A POINT; THENCE N 13°46'58"W A DISTANCE OF 119.14 FEET TO A POINT; THENCE N 10°59'11"W A DISTANCE OF 116.20 FEET TO A POINT; THENCE N 08°51'56"W A DISTANCE OF 95.21 FEET TO A POINT; THENCE N 06°22'23"W A DISTANCE OF 95.48 FEET TO A POINT; THENCE N 04°08'47"W A DISTANCE OF 116.95 FEET TO A POINT; THENCE N 01°52'54"W A DISTANCE OF 64.72 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY LINE N 85°17'33"E A DISTANCE OF 30.16 FEET TO A POINT LOCATED ON THE RIGHT-OF-WAY LINE OF CORNWALLIS ROAD AND BEING THE SOUTHWESTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY GLEN FORD JR. TRUSTEE, FORD LIVING TRUST, AS RECORDED IN DEED BOOK 5625, PAGE 68, JOHNSTON COUNTY REGISTRY; THENCE N 85°17'33"E A DISTANCE OF 960.52 FEET TO THE POINT OF BEGINNING, CONTAINING 225.1381 ACRES.

SECTION 2 Upon and after February 16, 2026, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 17th day of November 2025.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of _____, 202__, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

_____
Notary Public - Signature

_____
Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	PUBLIC HEARINGS

Item Title

2023-34-ANX Kennedy-Ford Property Annexation

Presenter(s)

Audrey Duchesne, Senior Planner

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☐ Vibrant Downtown	☒ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☒ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: Yes - Legislative

Applicable General Statute Number: §160A-58.1

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☒ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey

☒ Special Mailing ☐ None Required

Summary

Request for non-contiguous (satellite) annexation of a 22.4505 acre parcel located along Veteran's Parkway, west of the intersection with Cornwallis Road. This parcel is currently located in Johnston County's jurisdiction.

Recommendation

Approval of the Annexation petition, with an effective date of February 16, 2026.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

0_Staff Report_2023-34-ANX_Kenny Ford Annexation_11062025

01_Staff Report Map_2023-34-ANX_11172025

02_Annexation Petition_Kenny Ford_2023-34-ANX_10272025

03_Annexation Plat_Kenny Ford_2023-34-ANX_10272025

04_Legal Description_Kenny Ford_2023-34-ANX_10272025

05_Affidavit_2023-34-ANX_Kenny Ford Annexation_11072025

06_Public Notice Certification_Kenny Ford_2023-34-ANX

07_Ordinance 2025-11-05_2023-34-ANX Kenny Ford_11072025

Meeting Timeline

November 3rd: Town Council (Sufficiency and Scheduling of Public Hearing)
November 17th: Town Council (Public Hearing)

Submitted By: Audrey Duchesne, Planning

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Nov 07 2025
Conrad Olmedo, Planning Director	Approved - Nov 07 2025
Courtney Tanner, Deputy Town Manager	Approved - Nov 13 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
Phone: 919-553-5002

STAFF REPORT

Application Number: 2023-34-ANX
Project Name: Kenny-Ford Annexation

PIN #: 163700-69-9043
Location: Located South of Veterans Parkway, west of the intersection with Cornwallis Road. This parcel is located within Johnston County's jurisdiction. TAG # 05E01002C.
Applicant: Brolel, LLC
Owner: Brolel, LLC
Project Planner: Audrey Duchesne, Senior Planner

Public Noticing Dates:

- **Newspaper Ad Published:** November 5, 2025

REQUEST: Request for a non-contiguous (satellite) annexation of approximately 22.45 acres of land currently located in Johnston County's jurisdiction.

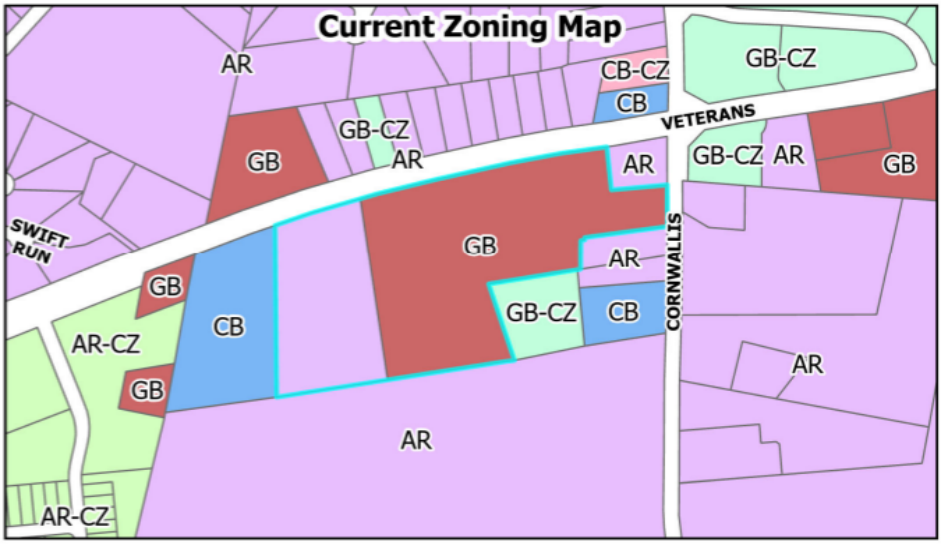
SITE DATA:

Acreage: 22.4505
Existing Zoning: General Business (GB) and Agricultural Residential (AR) -Johnston County Zoning
Existing Use: Vacant

STAFF ANALYSIS AND COMMENTARY:

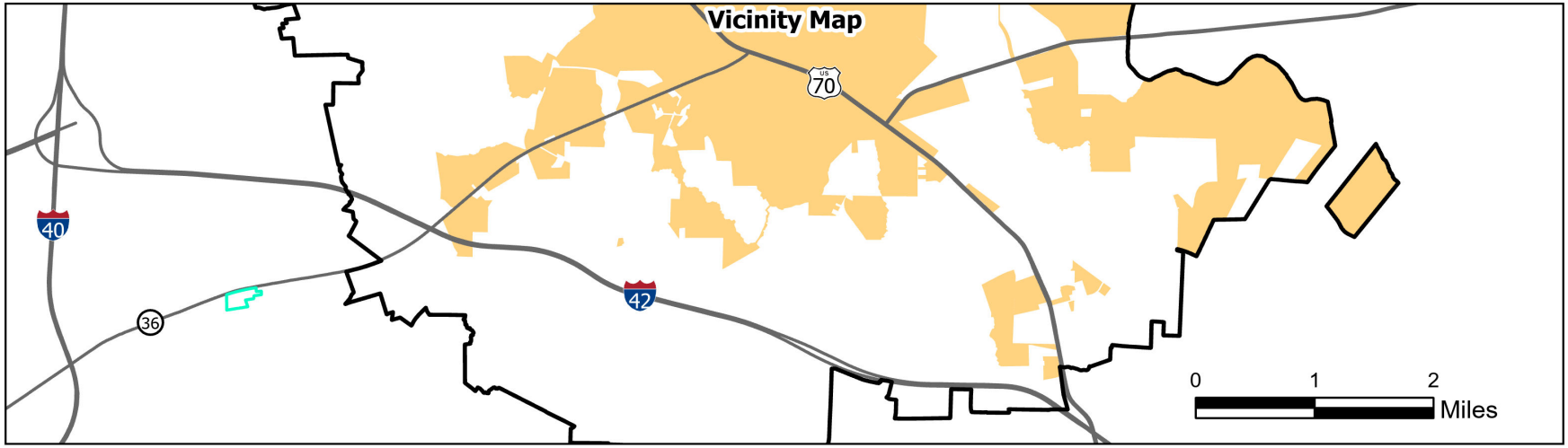
Overview:
The applicant is requesting a non-contiguous (satellite) annexation of approximately 22.45 acres of land located in Johnston County's jurisdiction. his request was submitted in accordance with NCGS 160A-58.1, which outlines the requirements for a municipality to annex area not contiguous to its primary corporate limits. On November 5, 2025 the Clayton Town Council passed a resolution authorizing the Town Clerk to investigate the sufficiency of the petition in accordance with NCGS. This was certified by the Town Clerk. Additionally, the Clayton Town Council voted to schedule the Public Hearing date for this annexation to November 17, 2025.

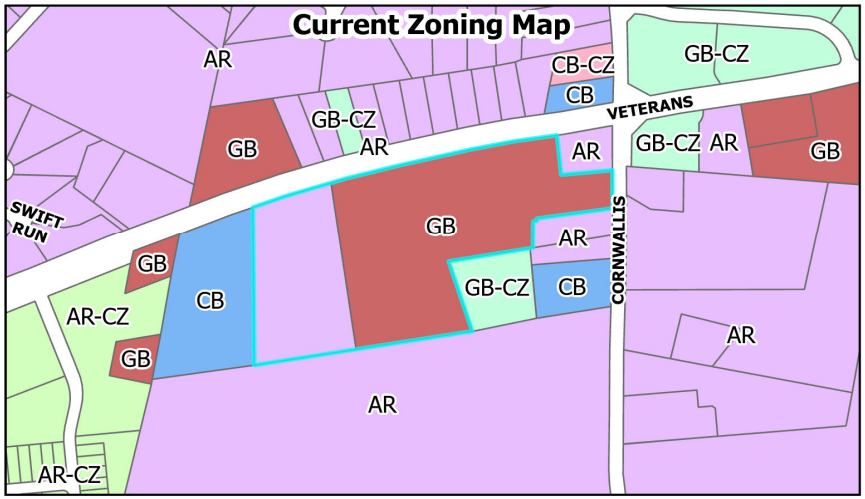
Staff recommends the Council select an effective date of February 16, 2026 for this annexation. Per NCGS, once property is annexed from another jurisdiction the new zoning category for the municipality must be designated within 60-days of the effective date. At this time, the applicant has not submitted a rezoning petition. However, scheduling the effective date of annexation to February 16, 2026 will allow adequate time for processing of a rezoning petition from the applicant for this parcel.



ATTACHMENTS:

1) Staff Report Maps
2) Annexation Petition
3) Annexation Plat
4) Legal Description of Metes and Bounds
5) Newspaper Ad Affidavit
6) Public Notice Certification
7) Ordinance





Request: Annexation Petition, Non-Contiguous
Project Name: Kenney-Ford Annexation
Project Number: 2023-34-ANX

Applicant:
Property Owner: BROLEL, LLC
Johnston County Parcel ID: 05E01002C

Site Location

Staff Report Map
November 5, 2025

N

0 450 900 1,800 Feet

Disclaimer: Parcel Boundaries are shown for reference only. The Town of Clayton assumes no legal responsibility for this information.

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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Review Fee:
Application Review Fee: $200
Advertisement Fee: $200
Please note that fees are subject to change annually

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application

1. **Application Type:** ☐ Individual ☐ Corporation ☒ LLC ☐ Partnership

2. **The proposed annexation will be:** ☐ Contiguous Annexation ☒ Non-Contiguous Annexation

3. **Does the proposed annexed parcel(s) need to be rezoned?** ☒ Yes ☐ No

If 3 acres or more please submit a rezoning application to be run concurrently.

Property Information

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ☐ contiguous, ☒ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

   Total Acreage to be annexed: 22.45 Existing Housing Units: 0

   Population of acreage to be annexed: 0 Fire District: McLemore

   Existing Zoning District*: AR/GB Proposed Town Zoning District*: RMF

   County Recorded Plat Book and Page #: Plat Book 27 Page 233

   Reason for petitioner to annex: X Receive Town Services ____Other (please specify): _____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate on the following page, and attach proof.)

FOR OFFICE USE ONLY		
Date Received:	Amount Paid:	Petition Number:

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

_____ _____
Please Print Signature

_____ _____
Please Print Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this ____ day of _____, 20____.

Corporate Name: _____

SEAL

By: _____
(Signature)

Attest: _____
Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, BroLel, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 24 day of October, 20 25.

Name of Limited Liability Company: BroLel, LLC

By: _____, Stephen F. Kenney
Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Partnership: _____

By: _____ By: _____
Signature of General Partner

By: _____ By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Amy D. Usrey, a Notary Public for the above State and County, this 24 day of, October, 20 25.

Amy D. Usrey
Notary Public

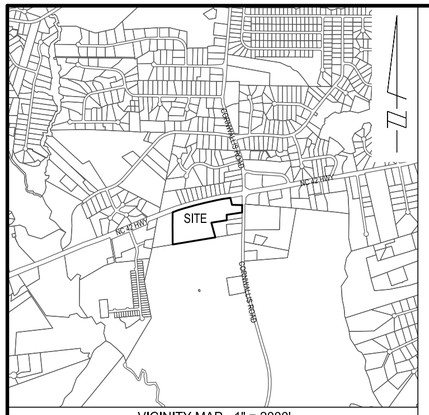
SEAL

AMY D. USREY
Notary Public, North Carolina
Johnston County
My Commission Expires
May 04, 2028

My Commission Expires: May 04, 2028

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	Leave 2-inch by 2-inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



VICINITY MAP - 1" = 2000'

NOTE:
1. AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
4. OTHER INSTRUMENTS OF RECORD MAY AFFECT THIS PROPERTY.
5. NO TITLE SEARCH PERFORMED FOR THIS SURVEY.
6. NO NCGS MONUMENT WITHIN 2,000 FEET OF PROPERTY.
7. NO FEMA FLOOD HAZARD AREAS PER FIRM NUMBER 3720163700K DATED JUNE 20, 2018.
8. PROPERTY IS ZONED "GB" AND "AR" AS SHOWN ON SURVEY.
9. PROPERTY MAY BE SUBJECT TO NEUSE RIVER BUFFERS.
10. BUFFER DELINEATION TO BE DETERMINED BY DWR BEFORE FINAL APPROVAL.
11. THE COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY REAL TIME NETWORK (RTN) GLOBAL POSITIONING SYSTEM (GPS). THIS METHOD RESULTS IN (NAD 1983/2011) - (CORS 96) POSITIONS AND NORTH AMERICAN VERTICAL DATUM '88 (MEAN SEA LEVEL) ELEVATIONS USING THE CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) MAINTAINED BY NORTH CAROLINA GEODETIC SURVEY. CLASS A SURVEY, 0.033 FT POSITIONAL ACCURACY, VRS FIELD PROCEDURE, GEOID12A AND UNITS IN FEET.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 74°10'52" E	100.00'
L2	N 75°22'42" E	100.00'
L3	N 76°13'42" E	100.02'
L4	N 77°22'02" E	99.98'
L5	N 78°25'12" E	100.00'
L6	N 79°58'52" E	61.00'
L7	S 00°43'11" W	167.25'
L8	S 00°21'30" W	120.03'
L9	N 70°08'32" E	79.15'
L10	N 71°14'32" E	100.00'
L11	N 72°09'42" E	100.00'
L12	N 73°13'12" E	100.00'
L13	N 84°42'12" E	247.78'
L14	S 05°56'28" E	228.69'

NC GRID (NAD '83/2011)

REFERENCES

DB. 5103 PG. 39
PB. 27 PG. 233

I, DAN GREGORY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

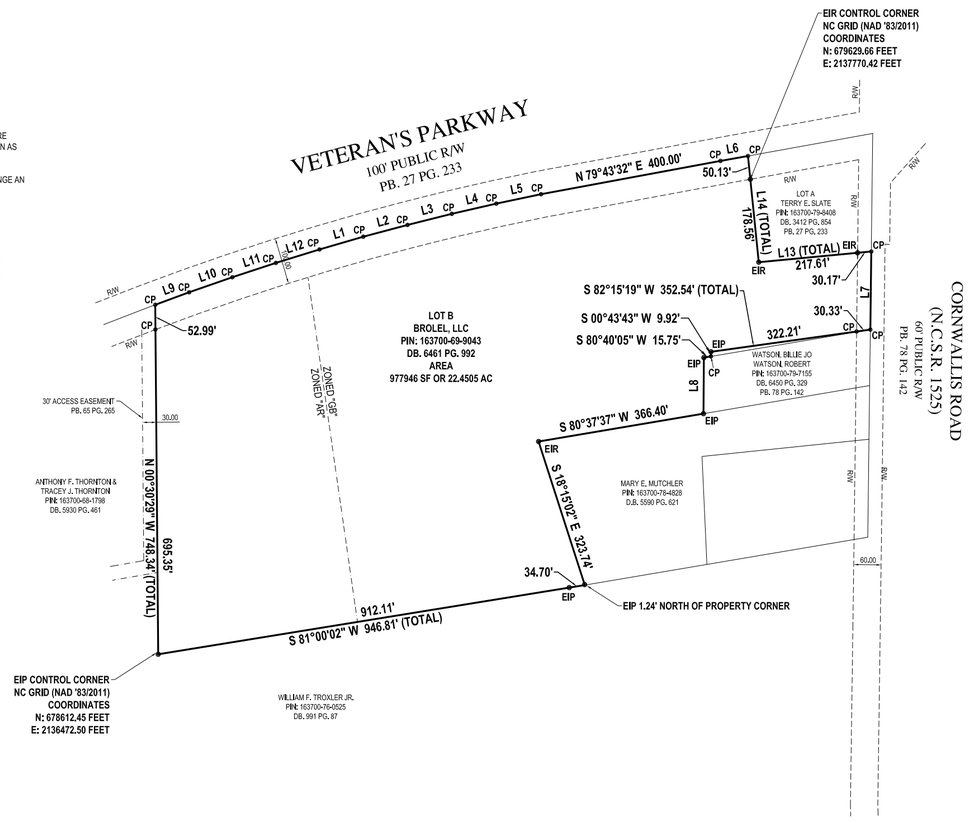
C. 1. THAT THIS IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

24 DAY OF OCTOBER, A.D., 2025.

DAN GREGORY, PLS L-5240

NORTH CAROLINA PROFESSIONAL SEAL L-5240 LAND SURVEYOR DAN GREGORY



LEGEND

- EIP = EXISITING IRON PIPE
- EIR = EXISTING REBAR
- CP = CALCULATED POINT

AREA TO BE ANNEXED
977946 SF OR 22.4505 AC

OWNER:
BROLEL LLC.
701 EXPOSITION PLACE, STE. 101
RALEIGH, NC 27615

SCALE: 1" = 200'
0 100 200 400 600 800

REV.	DATE	DESCRIPTION	BY

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

SURVEYED BY	MG
DRAWN BY	AMH
CHECKED BY	DG
DATE	07-30-2023

SATELLITE ANNEXATION MAP
(ANNEXATION PROJECT #: 2023-34-ANX)
FOR
THE TOWN OF CLAYTON
CLAYTON TWSP JOHNSTON COUNTY NORTH CAROLINA

SHEET 1 OF 1

R:\2021\21195 - Kenney Property - Hwy. 42\SURVEY\21195 CARLSON\dwg\ANNEXATION\21195 KENNEY ANNEXATION.dwg, 10/24/2025 2:21:54 PM, Austin

BEGINNING AT AN EXISTING IRON REBAR LOCATED ON THE SOUTHERN RIGHT-OF-WAY LINE OF NC HIGHWAY 42, AND BEING THE NORTHWESTERN PROPERTY CORNER OF LOT A AS RECORDED IN PLAT BOOK 27 PAGE 233, JOHNSTON COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 679629.66 FEET E: 2137770.42 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG AND WITH SAID WESTERN PROPERTY LINE S 05°56'28" E A DISTANCE OF 178.56 FEET TO AN EXISTING IRON REBAR; THENCE N 84°42'12"E A DISTANCE OF 217.61 FEET TO AN EXISTING IRON REBAR ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 84°42'12"E A DISTANCE OF 30.17 FEET TO A POINT LOCATED IN THE CENTERLINE OF SAID CORNWALLIS ROAD; THENCE ALONG AND WITH SAID CENTERLINE S 00°43'11"W A DISTANCE OF 167.25 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE S 82°15'19"W A DISTANCE OF 30.33 FEET TO A POINT LOCATED ON SAID WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE S 82°15'19"W A DISTANCE OF 322.21 FEET TO AN EXISTING IRON PIPE; THENCE S 00°43'43"W A DISTANCE OF 9.92 FEET TO A POINT LOCATED ON THE NORTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY BILLIE JO EDWARDS AS RECORDED IN DEED BOOK 4289, PAGE 892, JOHNSTON COUNTY REGISTRY; THENCE ALONG AND WITH SAID NORTHERN PROPERTY LINE S 80°40'05"W A DISTANCE OF 15.75 FEET TO AN EXISTING IRON PIPE AND BEING THE NORTHWESTERN PROPERTY CORNER OF SAID BILLIE JO EDWARDS; THENCE ALONG AND WITH SAID WESTERN PROPERTY LINE S 00°21'30"W A DISTANCE OF 120.03 FEET TO AN EXISTING IRON PIPE LOCATED ON THE NORTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY MARY E. MUTCHLER AS RECORDED IN DEED BOOK 5590, PAGE 621, JOHNSTON COUNTY REGISTRY; THENCE ALONG AND WITH SAID NORTHERN PROPERTY LINE S 80°37'37"W A DISTANCE OF 366.40 FEET TO AN EXISTING IRON REBAR; THENCE S 18°15'02"E A DISTANCE OF 323.74 FEET TO AN EXISTING IRON PIPE LOCATED ON THE NORTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY WILLIAM F. TROXLER JR. AS RECORDED IN DEED BOOK 991 PAGE 87; THENCE ALONG AND WITH SAID NORTHERN PROPERTY LINE S 81°00'02"W A DISTANCE OF 34.70 FEET TO AN EXISTING IRON PIPE; THENCE S 81°00'02"W A DISTANCE OF 912.11 FEET TO AN EXISTING IRON PIPE AND BEING THE SOUTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY ANTHONY F. THORNTON AND TRACEY J. THORNTON AS RECORDED IN DEED BOOK 5930, PAGE 461, JOHNSTON COUNTY REGISTRY; THENCE ALONG AND WITH SAID EASTERN PROPERTY LINE N 00°30'29"W A DISTANCE OF 695.35 FEET TO A POINT LOCATED ON SAID SOUTHERN RIGHT-OF-WAY LINE OF NC HIGHWAY 42; THENCE N 00°30'29"W A DISTANCE OF 52.99 FEET TO A POINT LOCATED IN THE CENTERLINE OF NC HIGHWAY 42; THENCE ALONG AND WITH SAID CENTERLINE N 70°08'32"E A DISTANCE OF 79.15 FEET TO A POINT; THENCE N 71°14'32"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 72°09'42"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 73°13'12"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 74°10'52"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 75°22'42"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 75°22'42"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 76°13'42" E A DISTANCE OF 100.02 FEET TO A POINT; THENCE N 77°22'02"E A DISTANCE OF 99.98 FEET TO A POINT; THENCE N 78°25'12"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 79°43'32"E A DISTANCE OF 400.00 FEET TO A POINT; THENCE N 79°58'52"E A DISTANCE OF 61.00 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE S 05°56'28"E A DISTANCE OF 50.13 FEET TO THE POINT OF BEGINNING, CONTAINING 22.4505 ACRES.

Johnstonian News

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Johnstonian News - (Johnston County), a newspaper printed and published in the City of Smithfield, County of Johnston, State of North Carolina, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Nov. 5, 2025

NOTICE ID: YwBYD6NNy2QEIWI1J56A
NOTICE NAME: Annexations
Publication Fee: 104.00

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Anjana Bhadoriya

(Signed)_____

SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 11/05/2025

S Smith

Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

The Clayton Town Council has called Public Hearings at 6:00 PM on Monday, November 17, 2025, at Town Hall, 111 E. Second Street, on the question of annexing the following four annexation petitions filed pursuant to NC G.S 160A-58.1:

· 2023-32-ANX Troxler Annexation: Request for Non-Contiguous annexation of 225.95 acres located in Johnston County's jurisdiction. Owned by William Troxler, Parcel ID: 163700-76-0525; located at 4583 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.

· 2023-33-ANX Yeargan Annexation: Request for Non-Contiguous annexation of 225.1381 acres located in Johnston County's jurisdiction. Owned by Walter Rand Yeargan Irrevocable Trust and Polly Hardie, Parcel ID: 163700-96-4601; located at 4974 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.
· 2023-34-ANX Kenny Ford Annexation: Request for Non-Contiguous annexation of 22.45 acres located in Johnston County's jurisdiction. Owned by BROLEL, LLC, Parcel ID: 163700-69-9043; located southwest of the intersection of Cornwallis Road and Veterans Parkway.
· 2023-35-ANX Tree of Life Church Annexation: Request for Non-Contiguous annexation of 3.2857 acres located in Johnston County's jurisdiction. Owned by Tree of Life Anglican Church, Parcel ID: 163700-77-8774; located at 4777 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.

These are open meetings, and the public is invited to attend.

Heidi Holland, MMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

The Johnstonian Newspaper

Please advertise on the following dates:
November 5, 2025

Affidavit of publication required.
The Johnstonian
November 5, 2025

TOWN OF CLAYTON
PLANNING DEPARTMENT
111 E Second Street
Clayton, NC 27520
919-553-5002

PUBLIC NOTICE CERTIFICATION

This certifies that the project and the associated application have been publicly noticed according to NCGS, Town UDO, and Planning Department policy:

Project: 2023-34-ANX, Kenny Ford Annexation
Town Board: TC
Date of Meeting: November 17, 2025

Public Notice Checklist				
Type	Action	Staff	Date Complete	Signature/Date
1. Letters Mailed	Letters mailed to property owners within 300' of subject property	N/A	N/A	N/A
2. Property Posted	Sign Posted on Property	N/A	N/A	N/A
3. Website Updated	Project Information added to the Website	Lori Bryant	11/05/2025	LB 11/5/25
4. Newspaper Publish	Newspaper Ad published	Audrey Duchesne	11/05/2025	Audrey Duchesne 11/07/2025

Certified by:

Haley Downey, AICP, CZO
Assistant Planning Director — 11/7/25 Date

Conrad Olmedo, AICP, CZO
Planning Director — 11/7/25 Date

TOWN OF CLAYTON
ORDINANCE TO EXPAND THE CORPORATE LIMITS
2023-34-ANX KENNY FORD ANNEXATION

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1 to annex the area described herein; and

WHEREAS, the Clayton Town Council has, by resolution, directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk of the sufficiency of said petition has been made;

WHEREAS, a Public Hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on Monday, November 17,2025 after due notice by publication in the Johnstonian Newspaper on November 5, 2025; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-58.1;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of Clayton, North Carolina that:

SECTION 1 By virtue of the authority granted by NC GS 160A-58.1, the following described territory is hereby annexed and made part of the Town of Clayton as of November 17, 2025, with an effective date of February 16, 2026:

BEGINNING AT AN EXISTING IRON REBAR LOCATED ON THE SOUTHERN RIGHT-OF-WAY LINE OF NC HIGHWAY 42, AND BEING THE NORTHWESTERN PROPERTY CORNER OF LOT A AS RECORDED IN PLAT BOOK 27 PAGE 233, JOHNSTON COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 679629.66 FEET E: 2137770.42 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG AND WITH

SAID WESTERN PROPERTY LINE S 05°56'28" E A DISTANCE OF 178.56 FEET TO AN EXISTING IRON REBAR; THENCE N 84°42'12"E A DISTANCE OF 217.61 FEET TO AN EXISTING IRON REBAR ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 84°42'12"E A DISTANCE OF 30.17 FEET TO A POINT LOCATED IN THE CENTERLINE OF SAID CORNWALLIS ROAD; THENCE ALONG AND WITH SAID CENTERLINE S 00°43'11"W A DISTANCE OF 167.25 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE S 82°15'19"W A DISTANCE OF 30.33 FEET TO A POINT LOCATED ON SAID WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE S 82°15'19"W A DISTANCE OF 322.21 FEET TO AN EXISTING IRON PIPE; THENCE S 00°43'43"W A DISTANCE OF 9.92 FEET TO A POINT LOCATED ON THE NORTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY BILLIE JO EDWARDS AS RECORDED IN DEED BOOK 4289, PAGE 892, JOHNSTON COUNTY REGISTRY; THENCE ALONG AND WITH SAID NORTHERN PROPERTY LINE S 80°40'05"W A DISTANCE OF 15.75 FEET TO AN EXISTING IRON PIPE AND BEING THE NORTHWESTERN PROPERTY CORNER OF SAID BILLIE JO EDWARDS; THENCE ALONG AND WITH SAID WESTERN PROPERTY LINE S 00°21'30"W A DISTANCE OF 120.03 FEET TO AN EXISTING IRON PIPE LOCATED ON THE NORTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY MARY E. MUTCHLER AS RECORDED IN DEED BOOK 5590, PAGE 621, JOHNSTON COUNTY REGISTRY; THENCE ALONG AND WITH SAID NORTHERN PROPERTY LINE S 80°37'37"W A DISTANCE OF 366.40 FEET TO AN EXISTING IRON REBAR; THENCE S 18°15'02"E A DISTANCE OF 323.74 FEET TO AN EXISTING IRON PIPE LOCATED ON THE NORTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY WILLIAM F. TROXLER JR. AS RECORDED IN DEED BOOK 991 PAGE 87; THENCE ALONG AND WITH SAID NORTHERN PROPERTY LINE S 81°00'02"W A DISTANCE OF 34.70 FEET TO AN EXISTING IRON PIPE; THENCE S 81°00'02"W A DISTANCE OF 912.11 FEET TO AN EXISTING IRON PIPE AND BEING THE SOUTHEASTERN PROPERTY CORNER OF LANDS NOW OR FORMERLY OWNED BY ANTHONY F. THORNTON AND TRACEY J. THORNTON AS RECORDED IN DEED BOOK 5930, PAGE 461, JOHNSTON COUNTY REGISTRY; THENCE ALONG AND WITH SAID EASTERN PROPERTY LINE N 00°30'29"W A DISTANCE OF 695.35 FEET TO A POINT LOCATED ON SAID SOUTHERN RIGHT-OF-WAY LINE OF NC HIGHWAY 42; THENCE N 00°30'29"W A DISTANCE OF 52.99 FEET TO A POINT LOCATED IN THE CENTERLINE OF NC HIGHWAY 42; THENCE ALONG AND WITH SAID CENTERLINE N 70°08'32"E A DISTANCE OF 79.15 FEET TO A POINT; THENCE N 71°14'32"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 72°09'42"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 73°13'12"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N 74°10'52"E

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SECTION 2 Upon and after February 16, 2026, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 17 day of November 2025.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of _____, 202__, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written. OBJ

_____
Notary Public - Signature

_____
Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	PUBLIC HEARINGS

Item Title

2023-35-ANX Tree of Life Church Annexation

Presenter(s)

Audrey Duchesne, Senior Planner

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☐	☒	☐	☐	☐	☐	☐
Vibrant Downtown	Desirable Amenities and Spaces	Sustainable Infrastructure	Mobility, Transportation, and Transit	Diversified Economic Development	Community Outreach and Engagement	Public Safety

Public Hearing: Yes - Legislative

Applicable General Statute Number: §160A-58.1

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☒ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey

☒ Special Mailing ☐ None Required

Summary

Request for a non-contiguous (satellite) annexation of a 3.2857 acre parcel located on Cornwallis Road. This parcel is currently located in Johnston County's jurisdiction.

Recommendation

Approval of Annexation Petition, with effective date of February 16, 2026.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

00_Staff Report_2023-35-ANX Tree of Life Church Annexation_11072025

01_Staff Report Maps_2023-35-ANX_11172025

02_Annexation Petition_Tree of Life_2023-35-ANX_10272025

03_Annexation Plat_Tree of Life_2023-35-ANX_10272025

04_Legal Description_Tree of Life_2023-35-ANX_10272025

05_Newspaper Affidavit_2023-35-ANX_Tree of Life Church_11072025

06_Public Notice Certification_Tree of Life Church_2023-35-ANX

07_Ordinance 2025-11-06_Tree of Life Church ANX_2023-35-ANX

Meeting Timeline

November 3rd: Town Council (Sufficiency and Scheduling of Public Hearing)
November 17th: Town Council (Public Hearing)

Submitted By: Audrey Duchesne, Planning

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Nov 07 2025
Conrad Olmedo, Planning Director	Approved - Nov 07 2025
Courtney Tanner, Deputy Town Manager	Approved - Nov 13 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
Phone: 919-553-5002

STAFF REPORT

Application Number: 2023-35-ANX
Project Name: Tree of Life Church Annexation

PIN #: 163700-77-8774
Location: Located on the western side of Cornwallis Road, south of the intersection with Veterans Parkway. This parcel is located within Johnston County's jurisdiction. TAG # 05F02010B.
Site Address: 4777 Cornwallis Road
Applicant: Patrick D. Ellis
Owner: Tree of Life Anglican Church
Project Planner: Audrey Duchesne, Senior Planner

Public Noticing Dates:

- **Newspaper Ad Published:** November 5, 2025

REQUEST: Request for non-contiguous (satellite) annexation of approximately 3.28 acres of land currently located in Johnston County's jurisdiction.

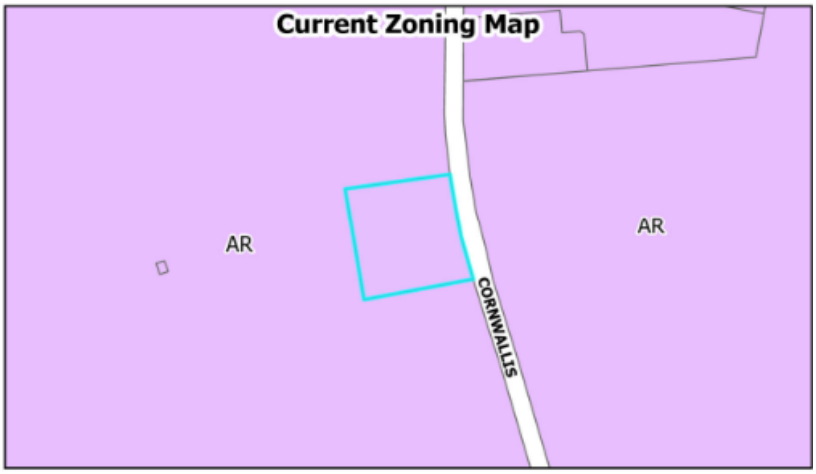
SITE DATA:

Acreage: 3.2857
Existing Zoning: Agricultural Residential (AR) -Johnston County Zoning
Existing Use: Vacant

STAFF ANALYSIS AND COMMENTARY:

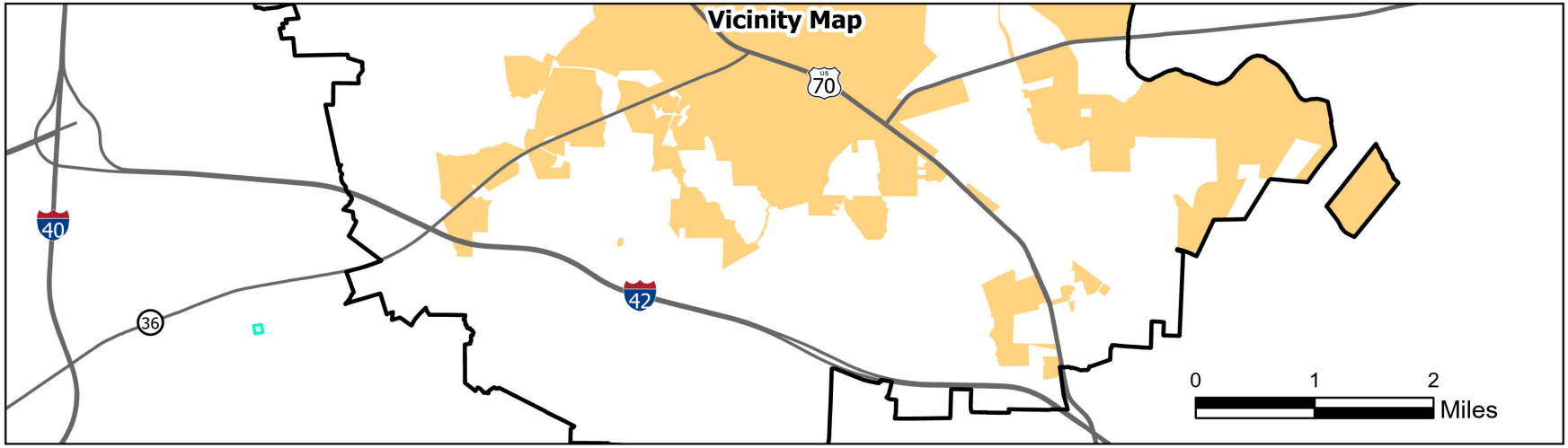
Overview:
The applicant is requesting a non-contiguous (satellite) annexation of approximately 3.28 acres of land located in Johnston County's jurisdiction. This request was submitted in accordance with NCGS 160A-58.1, which outlines the requirements for a municipality to annex area not contiguous to its primary corporate limits. On November 5, 2025 the Clayton Town Council passed a resolution authorizing the Town Clerk to investigate the sufficiency of the petition in accordance with NCGS. This was certified by the Town Clerk. Additionally, the Clayton Town Council voted to schedule the Public Hearing date for this annexation to November 17, 2025.

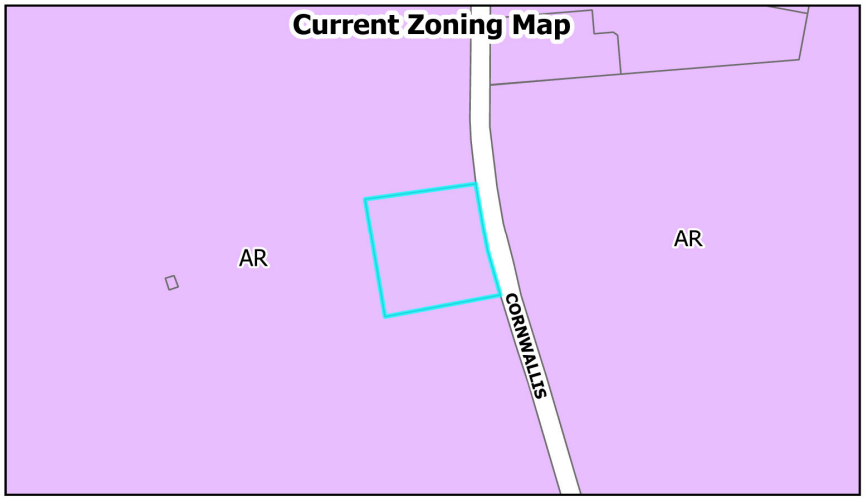
Staff recommends the Council select an effective date of February 16, 2026 for this annexation. Per NCGS, once property is annexed from another jurisdiction the new zoning category for the municipality must be designated within 60-days of the effective date. At this time, the applicant has not submitted a rezoning petition. However, scheduling the effective date of annexation to February 16, 2026 will allow adequate time for processing of a rezoning petition from the applicant for this parcel.



ATTACHMENTS:

1. Staff Report Maps
2. Annexation Petition
3. Annexation Plat
4. Legal Description of Metes and Bounds
5. Newspaper Ad Affidavit
6. Public Notice Certification
7. Ordinance, 2025-11-06





Request: Annexation Petition, Non-Contiguous
Project Name: Tree of Life Anglican Church Annexation
Project Number: 2023-35-ANX

Applicant:
Property Owner: TREE OF LIFE ANGLICAN CHURCH
Johnston County Parcel ID: 05F02010B

Site Location

NORTH CAROLINA CLAYTON 1869

Staff Report Map
November 5, 2025

N

0 325 650 1,300 Feet

Disclaimer: Parcel Boundaries are shown for reference only. The Town of Clayton assumes no legal responsibility for this information.

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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Review Fee:
Application Review Fee: $200
Advertisement Fee: $200
Please note that fees are subject to change annually

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application

1. **Application Type:** ☐ Individual ☒ Corporation ☐ LLC ☐ Partnership

2. **The proposed annexation will be:** ☐ Contiguous Annexation ☒ Non-Contiguous Annexation

3. **Does the proposed annexed parcel(s) need to be rezoned?** ☒ Yes ☐ No

If 3 acres or more please submit a rezoning application to be run concurrently.

Property Information

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ☐ contiguous, ☒ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

   Total Acreage to be annexed: 3.2857 Existing Housing Units: 0

   Population of acreage to be annexed: 0 Fire District: McLemore

   Existing Zoning District*: AR Proposed Town Zoning District*: RLL

   County Recorded Plat Book and Page #: Plat Book 95 Page 67

   Reason for petitioner to annex: X Receive Town Services ____Other (please specify): _____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate on the following page, and attach proof.)

FOR OFFICE USE ONLY		
Date Received:	Amount Paid:	Petition Number:

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

_____ Please Print

_____ Signature

_____ Please Print

_____ Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this 6th day of Febnay, 2023.

Corporate Name: TREE OF LIFE ANGLICAN CHURCH

SEAL

By: _____ (Signature)

Attest: Patrick D. Ellis Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____,20____.

Name of Limited Liability Company: _____

By: _____ Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Partnership: _____

By: _____ Signature of General Partner

By: _____

By: _____ Signature of General Partner

By: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Sarah Pikett, a Notary Public for the above State and County, this 6th day of, Febnay, 2023.

Sarah Pikett
Notary Public

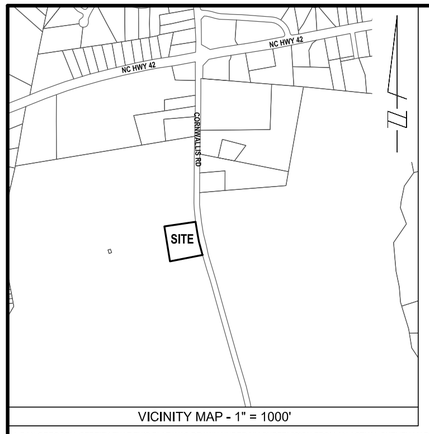
SEAL

Sarah Pikett NOTARY PUBLIC Wake County, NC

My Commission Expires: 6/27/2026

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	Leave 2-inch by 2-inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



VICINITY MAP - 1" = 1000'

NOTE:
1. AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
3. ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
4. OTHER INSTRUMENTS OF RECORD MAY AFFECT THIS PROPERTY.
5. NO TITLE SEARCH PERFORMED FOR THIS SURVEY.
6. NO NCGS MONUMENT WITHIN 2,000 FEET OF PROPERTY.
7. THE PROPERTY SHOWN HEREON IS NOT LOCATED IN A FEMA FLOOD HAZARD AREA PER FIRM # 3720163700K DATED JUNE 20, 2018
8. PROPERTY IS ZONED AR.
9. THE COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY REAL TIME NETWORK (RTN) GLOBAL POSITIONING SYSTEM (GPS). THIS METHOD RESULTS IN (NAD 1983/2011) - (CORS 96) POSITIONS AND NORTH AMERICAN VERTICAL DATUM '88 (MEAN SEA LEVEL) ELEVATIONS USING THE CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) MAINTAINED BY NORTH CAROLINA GEODETIC SURVEY. CLASS A SURVEY, 0.033 FT POSITIONAL ACCURACY, VRS FIELD PROCEDURE, GEOID12A AND UNITS IN FEET.

I, DAN GREGORY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK_SEE_, PAGE_REFERENCES_; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

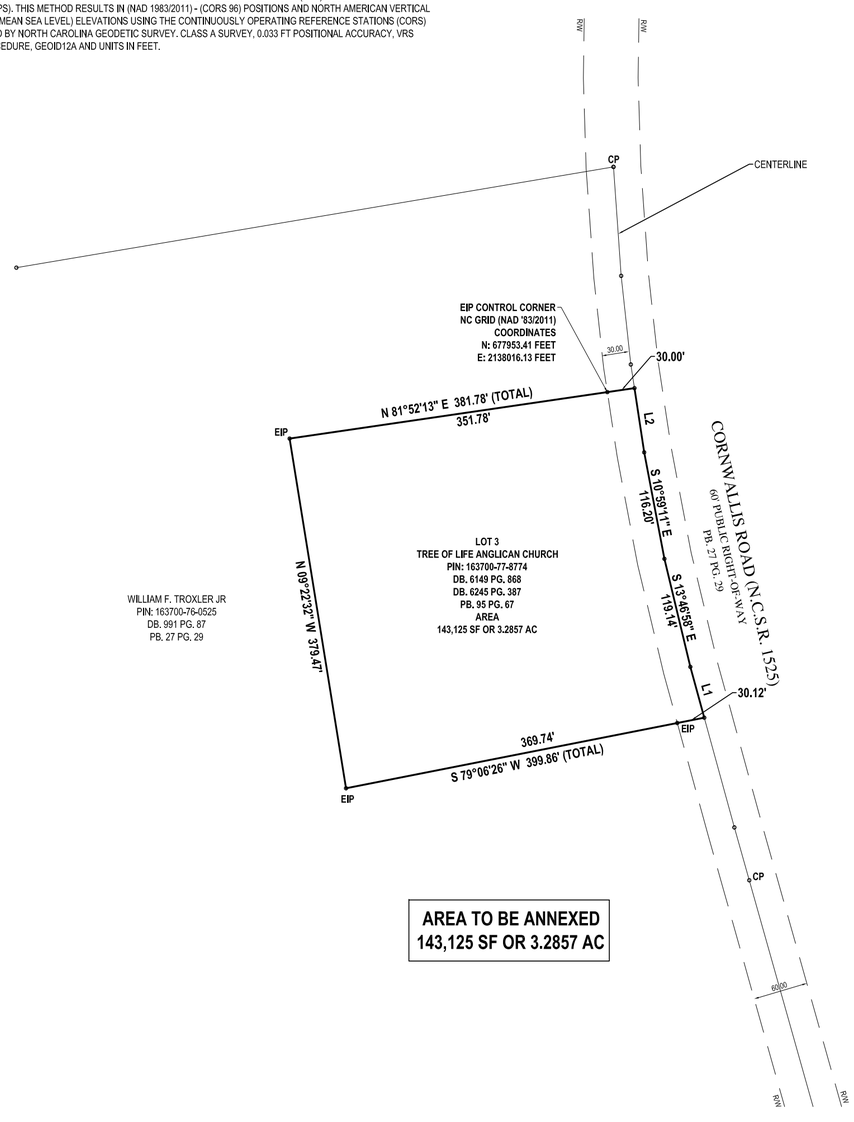
C. 1. THAT THIS IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

24 DAY OF OCTOBER, A.D., 2025.

DAN GREGORY, PLS L-5240

NORTH CAROLINA PROFESSIONAL SEAL L-5240 LAND SURVEYOR DAN GREGORY



AREA TO BE ANNEXED
143,125 SF OR 3.2857 AC

REFERENCES:
DB. 6149 PG. 868
DB. 6245 PG. 387
PB. 95 PG. 67

LEGEND

- EIP = EXISITING IRON PIPE
- CP = CALCULATED POINT

OWNER
TREE OF LIFE ANGLICAN CHURCH
PO BOX 1851
GARNER, NC 27529-1851

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 15°42'11" W	56.47'
L2	N 08°51'56" W	69.52'

SCALE: 1" = 100'

0 50 100 200 300 400

REV.	DATE	DESCRIPTION	BY
1	10-23-25	REVISED PER COMMENTS #1	AMH

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

SURVEYED BY: MG
DRAWN BY: AMH
CHECKED BY: DG
DATE: 02/09/2023

SATELLITE ANNEXATION MAP
(ANNEXATION PROJECT #: 2023-35-ANX)
FOR
THE TOWN OF CLAYTON

CLAYTON TWSP JOHNSTON COUNTY NORTH CAROLINA

SHEET 1 OF 1

R:\2016\16225 - Troxler Yeargan - 2016\SURVEY\16225CARLSON\dwg\ANNEXATION\16225 TREE OF LIFE CHURCH TRACT ANNEXATION.dwg, 10/24/2025 2:17:42 PM, Austin

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD, AND LOCATED ON THE SOUTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY WILLIAM F. TROXLER JR AS RECORDED IN DEED BOOK 991, PAGE 87, JOHNSTON COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 677953.41 FEET E: 2138016.13 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE N 81°52'13"E A DISTANCE OF 30.00 FEET TO A POINT LOCATED IN THE CENTERLINE OF CORNWALLIS ROAD; THENCE ALONG AND WITH SAID CENTERLINE S 08°51'56"E A DISTANCE OF 69.52 FEET TO A POINT; THENCE S 10°59'11"E A DISTANCE OF 116.20 FEET TO A POINT; THENCE S 13°46'58"E A DISTANCE OF 119.14 FEET TO A POINT; THENCE S 15°42'11"E A DISTANCE OF 56.47 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE S 79°06'26"W A DISTANCE OF 30.12 FEET TO AN EXISTING IRON PIPE ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE S 79°06'26"W A DISTANCE OF 369.74 FEET TO AN EXISTING IRON PIPE LOCATED ON THE EASTERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY OF WILLIAM F. TROXLER JR AS RECORDED IN DEED BOOK 991, PAGE 87, JOHNSTON COUNTY REGISTRY; THENCE N 09°22'32"W A DISTANCE OF 379.47 FEET TO AN EXISTING IRON PIPE LOCATED ON THE EASTERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY WILLIAM F. TROXLER JR AS RECORDED IN DEED BOOK 991, PAGE 87; THENCE N 81°52'13"E A DISTANCE OF 351.78 FEET TO THE POINT OF BEGINNING, CONTAINING 3.2857 ACRES. MISCLOSURE PER CARLSON: Distance = 0.00

Johnstonian News

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Johnstonian News - (Johnston County), a newspaper printed and published in the City of Smithfield, County of Johnston, State of North Carolina, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Nov. 5, 2025

NOTICE ID: YwBYD6NNy2QEIWI1J56A
NOTICE NAME: Annexations
Publication Fee: 104.00

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Anjana Bhadoriya

(Signed)_____

SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 11/05/2025

S Smith

Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

The Clayton Town Council has called Public Hearings at 6:00 PM on Monday, November 17, 2025, at Town Hall, 111 E. Second Street, on the question of annexing the following four annexation petitions filed pursuant to NC G.S 160A-58.1:

· 2023-32-ANX Troxler Annexation: Request for Non-Contiguous annexation of 225.95 acres located in Johnston County's jurisdiction. Owned by William Troxler, Parcel ID: 163700-76-0525; located at 4583 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.

· 2023-33-ANX Yeargan Annexation: Request for Non-Contiguous annexation of 225.1381 acres located in Johnston County's jurisdiction. Owned by Walter Rand Yeargan Irrevocable Trust and Polly Hardie, Parcel ID: 163700-96-4601; located at 4974 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.
· 2023-34-ANX Kenny Ford Annexation: Request for Non-Contiguous annexation of 22.45 acres located in Johnston County's jurisdiction. Owned by BROLEL, LLC, Parcel ID: 163700-69-9043; located southwest of the intersection of Cornwallis Road and Veterans Parkway.
· 2023-35-ANX Tree of Life Church Annexation: Request for Non-Contiguous annexation of 3.2857 acres located in Johnston County's jurisdiction. Owned by Tree of Life Anglican Church, Parcel ID: 163700-77-8774; located at 4777 Cornwallis Road, south of the intersection of Cornwallis Road and Veterans Parkway.

These are open meetings, and the public is invited to attend.

Heidi Holland, MMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

The Johnstonian Newspaper

Please advertise on the following dates:
November 5, 2025

Affidavit of publication required.
The Johnstonian
November 5, 2025

TOWN OF CLAYTON
PLANNING DEPARTMENT
111 E Second Street
Clayton, NC 27520
919-553-5002

PUBLIC NOTICE CERTIFICATION

This certifies that the project and the associated application have been publicly noticed according to NCGS, Town UDO, and Planning Department policy:

Project: 2023-35-ANX, Tree of Life Church Annexation
Town Board: TC
Date of Meeting: November 17, 2025

Public Notice Checklist				
Type	Action	Staff	Date Complete	Signature/Date
1. Letters Mailed	Letters mailed to property owners within 300' of subject property	N/A	N/A	N/A
2. Property Posted	Sign Posted on Property	N/A	N/A	N/A
3. Website Updated	Project Information added to the Website	Lori Bryant	11/05/2025	LB 11/5/25
4. Newspaper Publish	Newspaper Ad published	Audrey Duchesne	11/05/2025	Audrey Duchesne 11/07/2025

Certified by:

Haley Downey, AICP, CZO
Assistant Planning Director

11/7/25
Date

Conrad Olmedo, AICP, CZO
Planning Director

11/7/25
Date

TOWN OF CLAYTON
ORDINANCE TO EXPAND THE CORPORATE LIMITS
2023-35-ANX TREE OF LIFE CHURCH ANNEXATION

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1 to annex the area described herein; and

WHEREAS, the Clayton Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk of the sufficiency of said petition has been made;

WHEREAS, a Public Hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on Monday, November 17, 2025, after due notice by publication in the Johnstonian Newspaper on November 5, 2025; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-58.1;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of Clayton, North Carolina that:

SECTION 1 By virtue of the authority granted by NC GS 160A-58.1, the following described territory is hereby annexed and made part of the Town of Clayton as of November 17, 2025, with an effective date of February 16, 2026:

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD, AND LOCATED ON THE SOUTHERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY WILLIAM F. TROXLER JR AS RECORDED IN DEED BOOK 991, PAGE 87, JOHNSTON COUNTY REGISTRY, AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 677953.41 FEET E: 2138016.13 FEET; THENCE

LEAVING SAID RIGHT-OF-WAY LINE N 81°52'13"E A DISTANCE OF 30.00 FEET TO A POINT LOCATED IN THE CENTERLINE OF CORNWALLIS ROAD; THENCE ALONG AND WITH SAID CENTERLINE S 08°51'56"E A DISTANCE OF 69.52 FEET TO A POINT; THENCE S 10°59'11"E A DISTANCE OF 116.20 FEET TO A POINT; THENCE S 13°46'58"E A DISTANCE OF 119.14 FEET TO A POINT; THENCE S 15°42'11"E A DISTANCE OF 56.47 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE S 79°06'26"W A DISTANCE OF 30.12 FEET TO AN EXISTING IRON PIPE ON THE WESTERN RIGHT-OF-WAY LINE OF CORNWALLIS ROAD; THENCE LEAVING SAID RIGHT-OF-WAY LINE S 79°06'26"W A DISTANCE OF 369.74 FEET TO AN EXISTING IRON PIPE LOCATED ON THE EASTERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY OF WILLIAM F. TROXLER JR AS RECORDED IN DEED BOOK 991, PAGE 87, JOHNSTON COUNTY REGISTRY; THENCE N 09°22'32"W A DISTANCE OF 379.47 FEET TO AN EXISTING IRON PIPE LOCATED ON THE EASTERN PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY WILLIAM F. TROXLER JR AS RECORDED IN DEED BOOK 991, PAGE 87; THENCE N 81°52'13"E A DISTANCE OF 351.78 FEET TO THE POINT OF BEGINNING, CONTAINING 3.2857 ACRES. MISCLOSURE PER CARLSON: Distance = 0.00

SECTION 2 Upon and after February 16, 2026, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 17th day of November 2025.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of _____, 202__, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written. OBJ

_____
Notary Public - Signature

_____
Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	PUBLIC HEARINGS

Item Title

Unified Development Ordinance Text Amendment (UDOTA 2-25)

Presenter(s)

Conrad Olmedo, Planning Director

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☒ Vibrant Downtown	☐ Desirable Amenities and Spaces	☒ Sustainable Infrastructure	☒ Mobility, Transportation, and Transit	☒ Diversified Economic Development	☒ Community Outreach and Engagement	☐ Public Safety

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☒ Public Hearing (Required by GS)
- ☒ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

A presentation to the Town Council of the Town of Clayton's Unified Development Ordinance Text Amendments (UDOTA 2-25) for adoption. This item was recommended for approval at the Planning Board meeting on October 27, 2025 and was introduced to Town Council at the November 3, 2025 Work Session.

Background/History

On November 20, 2023, the Town Council adopted the Town of Clayton Unified Development Ordinance (UDO). The UDO became effective on January 2, 2024 and has been the Town's land use regulatory document since that date. As part of the adoption of the UDO, it was communicated that the UDO would be updated on a reoccurring basis to reflect feedback from its implementation. This UDOTA 2-25 represents the fifth round of Text Amendments to the UDO.

Recommendation

Staff is recommending that the proposed Unified Development Ordinance Text Amendments (UDOTA 2-25) be approved.

Funding Source

N/A

Corresponding Documentation

00_Staff Report_UDOTA 2-25_TC_11.17.25 (1)

01_Newspaper Ad_UDOTA 2-25_TC_11.17.25

02_Public Notice Town Certification_UDOTA 2-25_TC 11.17.25

03_Presentation_UDOTA 2-25_TC_11.17.25

04_UDOTA_2-25_SUMMARYTABLE_TCWS_11.17.25

05_UDOTA_2-25_WORKING_11.7.25_REDLINES_Reduced

06_UDO Procedures Manual_Effective_11.18.25_V2

07_Consistency Statements Sheet - UDOTA 2-25_TC_11.17.25

08_Ordinance - UDOTA 2-25_TC_11.17.25

Submitted By: Conrad Olmedo, Planning

Reviewed By:

Conrad Olmedo, Planning Director	Approved - Nov 14 2025
Courtney Tanner, Deputy Town Manager	Approved - Nov 14 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

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@townofclaytonnc.org

Planning Board: October 27, 2025
Town Council Work Session: November 3, 2025
Town Council Public Hearing: November 17, 2025

STAFF REPORT	
Project Number:	UDOTA 2-25
Project Name:	Unified Development Ordinance Text Amendments (UDOTA 2-25)
Property Pin #:	N/A
Location:	Town of Clayton Planning Jurisdiction
Applicant:	Conrad Olmedo, Planning Director | Town of Clayton Planning Department
Property Owner:	N/A
Public Noticing Dates:	Published on website by November 7, 2025 Legal ad published on November 5 and November 12, 2025
Request:	Consideration of the following items related to Unified Development Ordinance Text Amendments (UDOTA 2-25): • Make a recommendation on Project Consistency Statement • Make a recommendation on UDOTA 2-25

PROJECT OVERVIEW

On November 20, 2023, the Town Council adopted the Town of Clayton Unified Development Ordinance (UDO). The UDO became effective on January 2, 2024 and has been the Town's land use regulatory document since that date.

As part of the adoption of the UDO, it was understood that text amendments would be an integral part of keeping the UDO relevant and that recurring updates would allow the UDO to reflect feedback from its daily implementation, community input, and state law compliance.

UDOTA 2-25 represents the fifth round of UDOTA and consists of 24-line items. These changes include editorial and technical clarifications, feedback from the public, and staff observations from implementation. This is the second and final round of revisions for the year 2025, following UDOTA 1-25 that was approved by Town Council on July 21, 2025.

UDOTA 2-25 Changes in Brief

After internal discussion of feedback from the community, state law compliance, an implementation lessons, the Engineering, Fire, Water Resources, and Planning Departments, have worked in partnership to provide the following changes in brief:

- **Chapter 1:** Clarification on quorum necessary to vote on an item.
- **Chapter 2:** Edits to when a Zoning Compliance Permit is necessary or exempt and edits to Public Noticing Content.
- **Chapter 3:** Clarification on zoning district naming conventions and the maximum building size in the NCM zoning district.
- **Chapter 4:** Update with respect to flagpoles, the Downtown Boundary Map, and dwellings where Urban Archery is permitted.
- **Chapter 6:** Edits to Stormwater to align with State compliance, clarification on required vegetation for Street Trees and Streetscape Buffers, and revisions to Structural Soils.
- **Chapter 8:** Edits to clarify existing and add new definitions, such as Functional Fire Protection and Museum.

UDO Redlines Document

The provided UDOTA 2-25 redline document illustrates the language as proposed to be amended. Noted by the redline text are highlighted numbers, e.g. (#19). These numbers correspond to the Summary Table provided, which includes details about each change, including the date, source of change, short title, UDO Section, UDO page numbers (may alter with drafts), and a description with staff commentary.

Following the Planning Board's October 27, 2025 meeting, staff made minor technical changes to the UDOTA 2-25 redlines. These changes include correcting the local government to be the Town of Clayton in the Stormwater chapter and alignment of Play Equipment and Play Structure. Following the Town Council Work Session meeting on November 3, 2025, staff conducted another internal review of the redlines after which minor grammatical updates were made.

UDO Procedures Manual

Noted in the UDOTA 2-25 redline attachment are sections of the UDO that have been removed and relocated into a newly created UDO Procedures Manual. Relocations of this text are regarding the Public Notice Content. This will allow staff to easily update the Town's Public Noticing requirements to reflect NCGS requirements as they occur.

This change also represents a shift to provide procedure improvements internally that help applicants navigate Town review processes more efficiently. These processes include application checklists, plat certifications, plant species, and more. The UDO Procedures Manual draft, with an anticipated effective date of November 18, 2025, is provided in this packet for reference only.

No action is required by the Planning Board nor by Town Council on the UDO Procedures Manual.

REVIEW CRITERIA

Per UDO Section 2.3.26.H., "the advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Town Council may, but is not required to, consider whether and the extent to which the proposed text amendment:

1. Enhances the public's health, safety, and welfare;
2. Is consistent with the Town's Adopted Policy Guidance;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Addresses an unforeseen matter not present when the Ordinance was adopted;
6. Addresses other factors determined to be relevant by the Town Council; and
7. Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment."

PLANNING BOARD CONSIDERATIONS

At their meeting on October 27, 2025, the Planning Board provided a unanimous recommendation of approval with inclusion in their motion for staff to further discuss "Supportive Soils" with the development industry.

TOWN COUNCIL CONSIDERATIONS

At the November 3, 2025 Town Council Work Session, staff provided a presentation on UDOTA 2-25. Following the presentation, staff has revised the draft UDOTA 2-25 to reflect received feedback on grammar and typographical errors. Staff conducted an additional internal review after which minor technical edits to the text was made. No substantial modifications to UDOTA 2-25 have been made following the Planning Board's recommendation of approval nor the Town Council's Work Session meeting.

STAFF RECOMMENDATION

UDOTA 2-25 is generally consistent with relevant policies in the Comprehensive Plan, and a recommendation of approval of the text amendment request is reasonable and in the public interest. See Motion 1 in the Consistency Statements Sheet Attachment.

ATTACHMENTS:

1. UDOTA 2-25 Presentation
2. UDOTA 2-25 Summary Table Form
3. UDOTA 2-25 Redline Changes
4. UDO Procedures Manual, Draft for November 18, 2025 (Reference Only)
5. Consistency Statements Sheet
6. Ordinance

PUBLIC NOTICE

The Clayton Town Council will hold a Public Hearing at 6:00 PM on Monday, November 17, 2025, at Town Hall, 111 E. Second Street, regarding the application listed and described below. This public hearing has been scheduled and will be heard in accordance with the requirements of NCGS.

- Unified Development Ordinance Text Amendment (UDOTA 2-25), an update to the Town of Clayton's Unified Development Ordinance. (Legislative)

These are open meetings, and the public is invited to attend. To obtain more information regarding these applications, members of the public may contact the Planning Department at 919-553-5002 or email at planning@townofclaytonnc.org.

Heidi Holland, CMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

_____
The Johnstonian Newspaper

Please advertise on the following dates:

November 5, 2025
November 12, 2025

Affidavit of publication required.

TOWN OF CLAYTON
PLANNING DEPARTMENT
111 E Second Street
Clayton, NC 27520
919-553-5002

PUBLIC NOTICE CERTIFICATION

This certifies that the project and the associated application have been publicly noticed according to NCGS, Town UDO, and Planning Department policy:

Project: Unified Development Ordinance Text Amendment (UDOTA 2-25)
Town Board: Town Council
Date of Meeting: November 17, 2025
Public Notice Deadline: November 7, 2025

Public Notice Checklist			
Type	**Action**	**Staff**	**Date Complete**
1. Letters Mailed	Request sent to Administration to mail property owner letters within 300' of subject property	N/A	
2. Property Posted	Request sent to Code Enforcement to post property	N/A	
3. Website Updated	Request sent to Administration to upload project to Planning website	Lori Bryant	LB 11/5/25
4. Newspaper Publish	Request sent to Town Clerk to publish the Legal Ad	Conrad Olmedo	CO 10/27/25

Certified by:

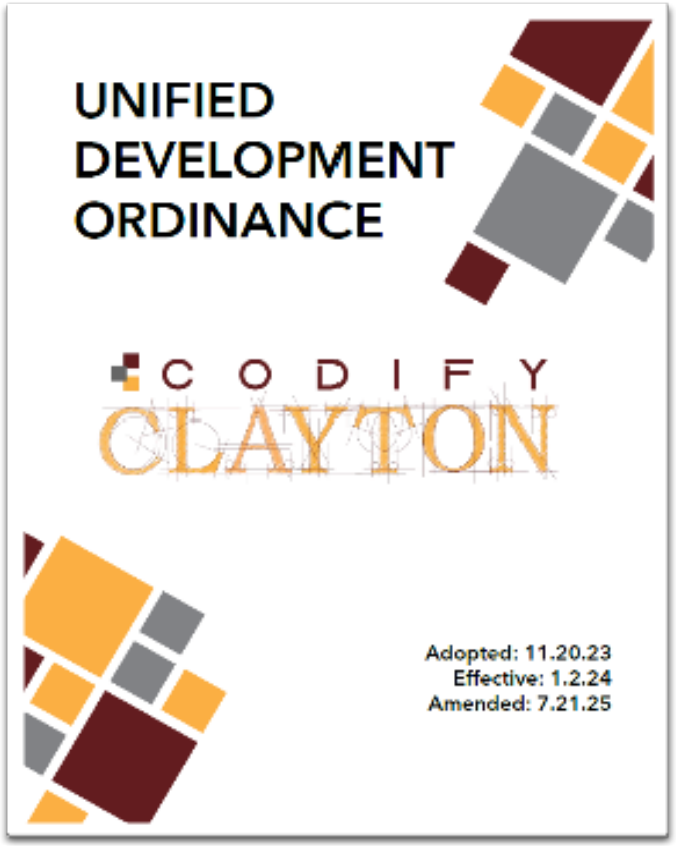
Conrad Olmedo, AICP, CZO
Planning Director

11/10/25
Date

COMMUNITY DEVELOPMENT

Unified Development Ordinance (UDO) Text Amendment (UDOTA 2-25)

- 5th round of UDO Text Amendments
- 24 changes organized with editorial changes made
- Summary Table with UDO redline references, e.g. (#19)
- Planning Board Public Meeting on 10.27.25
- Tentative Town Council Meetings:
  - Work Session on 11.3.25
  - Public Hearing on 11.17.25

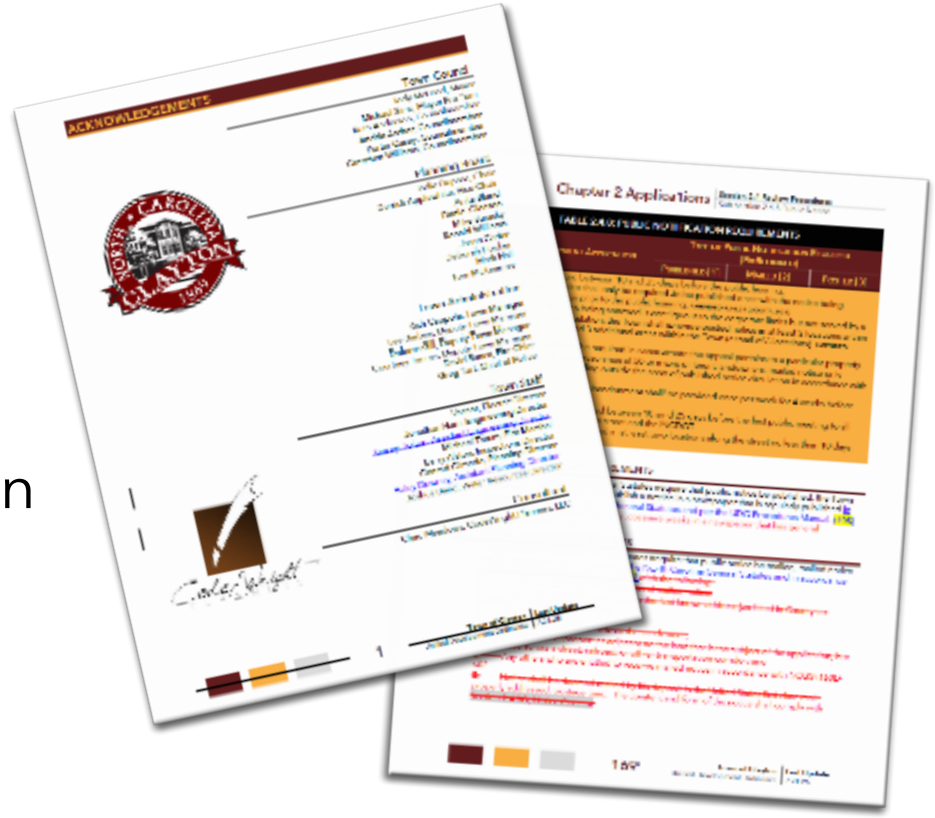


COMMUNITY DEVELOPMENT

Overview

- UDOTA 2-25 in brief:

1. **Chapter 1:** Quorum for items
2. **Chapter 2:** Zoning Compliance Permits
3. **Chapter 3:** Naming of Zoning Districts
4. **Chapter 4:** Flagpoles, Downtown Boundary Map, Urban Archery
5. **Chapter 6:** Stormwater State compliance
6. **Chapter 8:** Definitions



COMMUNITY DEVELOPMENT

Summary Table

- UDOTA Redline numbers align with the Summary Table, e.g. (#04)

UDOTA 2-25

UDOTA ID	Date Added	Source/ Staff	Short Title	UDO Section #	Pa (+/-) on th
(#01)	9/12	Staff	Clarification on Quorum	1.8.4.D.1, 1.8.5.D.1	29
(#02)	9/25	Staff	Sections	2.3.5.B., 2.3.33.B, and 2.3.33.C.	62
(#03)	9/19	Staff	Conservation Subdivision Expiration	2.3.8.I.	
(#04)	9/9	Staff	Driveway Zoning Compliance Permit Procedure	2.3.33	1
(#05)	9/30/25	Staff	Fences and Walls and Retaining Walls	6.3.2.A.2, 2.3.33.B.1.d	158
(#06)	8/18	Staff	Wrong Section Reference in Flagpole Use Standards	2.3.33.B, Table 4.5.4 4.5.5.N, 6.13.10.B.	158, 361

B. APPLICABILITY

1. A Zoning Compliance Permit is required for the following:
   AMENDED 12.16.25 [UDOTA 3-24]; AMENDED 7.21.25 [UDOTA 1-25]
   a. Art Installations Section 4.5.5D, Art Installation;
   b. Driveway Permits (private street only) (#04) Section 2.3.13, Driveway Permit;
   c. Family Care Homes Section 4.3.4B, Family Care Home;
   d. Fences or and walls less than or equal to 6 feet in height Section 6.3.2A, Generally; (#05)
   e. Flagpoles that are freestanding and detached from the wall or roof of a building, Section 4.5.5N, Flagpole (#06);
   e.f. Retaining walls less than 5 feet in height, including the buried portion Section 6.3.2A, Generally;
   f.g. Mobile Restaurant or Push Cart Section 4.5.5T, Mobile Restaurant or Push Cart;
   g.h. Ornamental or other pools with depths of less than 24 inches Section 2.3.5B, Exemptions;
   h.i. Outdoor Dining (up to 20 people) Section 4.5.5U, Outdoor Dining or Seating;
   i.j. Outdoor Display (< 50 sf) Section 4.5.5V, Outdoor Display/Sales;
   j.k. Patios and At-Grade Walkways Section 2.3.5B, Exemptions;
   k. ~~Playground equipment with a Residential Dwelling Section 2.3.5B, Exemptions;~~ (#02)
   l. Secondary Structure (when no building permit required) Section 2.3.5B, Exemptions;

1	**Pre-Application Conference** (Optional)
2	**File Application** - Submitted to Planning Director. Must include a plan or generalized sketch of the development
3	**Completeness Determination**
4	**Planning Director Review and Decision**
5	**Notification of Decision**

COMMUNITY DEVELOPMENT

Summary Table

- Clarification on Quorum for Planning Board and Board of Adjustment (#01)
- Align UDO with respect to Playground Equipment, now exempt from ZCP (#02).
- Update Conservation Subdivision to align with a Major Subdivision submittal (#03).
- Update Driveway Permit to be required for a “street” (#04).

COMMUNITY DEVELOPMENT

Summary Table, Continued

- Clarification on Fences and Walls and Retaining Walls if less than 5 feet in height (#05)
- Update on flagpole permitting as a Zoning Compliance Permit (#06).
- Zoning Compliance Permit required for establishing a Principal Use (#07).
- Removal of Public Notice content from UDO and relocated into the UDO Procedures Manual (#08).

COMMUNITY DEVELOPMENT

Summary Table, Continued

- Remove reference to Conditional Zoning naming convention (#09)
- Increase maximum size of a building to 10,000 square feet in the Neighborhood Commercial (NCM) zoning district (#10).
- Allowance of Type 3 Conditional Zoning to list either prohibited or permitted use restrictions (#11).
- Change to Unified Development to refer to "principal structures" for overall alignment (#12).

Summary Table, Continued

COMMUNITY DEVELOPMENT

- Update to Downtown Boundary Map per the Downtown Clayton Plan (#13)
- Clarification of 50-yard provision from a dwelling for Urban Archery (#14).
- Clarification on required maintenance easements for retaining walls 5-feet or higher (#15).
- Revision to "Structural Soil" to be "Supportive Soil" and where required (#16).

Summary Table, Continued

COMMUNITY DEVELOPMENT

- Clarification on Street Trees, Streetscape Buffers, and where and how many trees are required (#17)
- Removal of tree species for Street Trees and relocation to UDO Procedures Manual (#18).
- Comprehensive updates to Stormwater requirements for State compliance (#19).
- Edit to "Bottle Shop" definition (#20).

COMMUNITY DEVELOPMENT

Summary Table, Continued

- New definition for "Functional Fire Protection" (#21)
- Update to "Itinerant Merchant Sales" for alignment to Specific Temporary Use Standards (#22).
- New definition for "Museum" where none existed for the "Museum" Principal Use (#23).
- Revision of the "Secondary Building", "Secondary Structure" and "Secondary Use" definitions for clarity and distinction (#24).

COMMUNITY DEVELOPMENT

Planning Board Meeting (10.27.25)

- Discussion on:
  - "Supportive Soils" being vague and open-ended.
  - Urban Archery concern with alignment to NCGS.
  - Stormwater applicability to existing HOAs.
  - Oak trees to be considered for Street Trees.

- Unanimous Recommendation for Approval
  - Motion includes direction for staff to further develop "Supportive Soils" language.

Town Council Work Session (11.3.25)

COMMUNITY DEVELOPMENT

- Discussion on:
  - "Supportive Soils" and use by other municipalities.
  - Urban Archery review by Town Legal for alignment NCGS.
  - HOA Escrow for Stormwater Control Measures.
  - Public Notice Content relocation to UDO Procedures Manual.

Staff Updates

COMMUNITY DEVELOPMENT

- Post 10.27.25 Planning Board Meting
  - Stormwater Updates
    - Correction to local government to be Town of Clayton
    - Grammar and typographic elements
  - Play Equipment and Play Structure alignment within UDOTA 2-25
- Minor technical changes made following 11.3.25 Town Council Work Session.

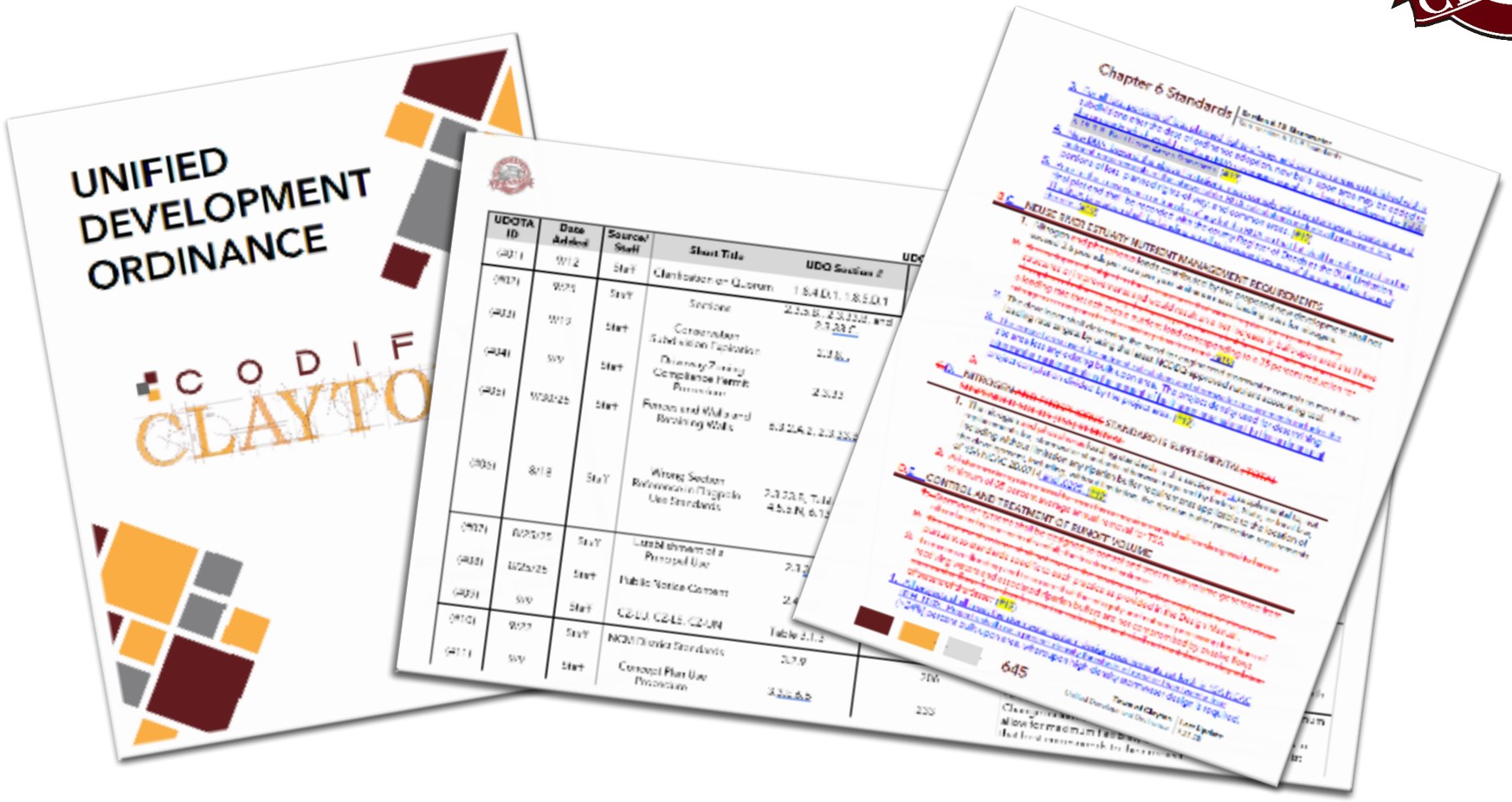
COMMUNITY DEVELOPMENT

Next Steps

- Planning Board Recommendation on October 27, 2025
- Town Council Work Session on November 3, 2025
- Town Council Public Hearing on November 17, 2025
- Revise UDO with changes per UDOTA 2-25
- Post Updated UDO onto Town Website

COMMUNITY DEVELOPMENT

Questions for Staff?



UDOTA 2-25

UDOTA ID	Date Added	Source/ Staff	Short Title	UDO Section #	Page # (+/-) on the .pdf/.doc	Description
(#01)	9/12	Staff	Clarification on Quorum	1.8.4.D.1, 1.8.5.D.1	29, 30	Added language to clarify that quorum is required for each case for the Board of Adjustment and Planning Board
(#02)	9/25	Staff	Sections	2.3.5.B., 2.3.33.B, and 2.3.33.C.	62, 158	Change made to remove requirement of Playground Equipment from needing a ZCP, added Exemptions portion to ZCP.
(#03)	9/19	Staff	Conservation Subdivision Expiration	2.3.8.I.	74	Change made for Major Subdivision application and tied expiration to Preliminary Plat, which is the document that expires as part of the Major Subdivision application.
(#04)	9/9	Staff	Driveway Zoning Compliance Permit Procedure	2.3.33	158	Change made to remove “Private street Only” so that ZCP is required for any Driveway Permit; defer to definition of “street” for clarity.
(#05)	9/30/25	Staff	Fences and Walls and Retaining Walls	6.3.2.A.2, 2.3.33.B.1.d	158, 463	Editorial Change to align Fences and Walls with UDO terminology and made change to align retaining walls requiring a ZCP if less than 5 feet in height including the buried portion.
(#06)	8/18	Staff	Wrong Section Reference in Flagpole Use Standards	2.3.33.B, Table 4.5.4 4.5.5.N, 6.13.10.B.	158, 361, 367, 620	Change made to reflect flagpole as a detached structure needing a ZCP. Editorial change, updated Flag Section reference. Flags were moved into the “Temporary Signs” where before Flagpoles were captured as part of a Sign Permit. Language confirms that while the flagpole structure itself is ‘permanent’ and the flags as ‘temporary’ and classified accordingly to each standard.
(#07)	8/25/25	Staff	Establishment of a Principal Use	2.3.33.B	158	Added Principal Use to align with Secondary Use to UDO per 4.2.2.
(#08)	8/25/25	Staff	Public Notice Content	2.4.8.G	169	Removing content from UDO and placing in the UDO PM to distinguish among mail, property posting, and publication; compliance to NCGS still required.
(#09)	9/9	Staff	CZ-LU, CZ-LS, CZ-UN	Table 3.1.3	183	Change made to delete Footnote #2 to allow staff flexibility with naming conventions accordingly.
(#10)	9/22	Staff	NCM District Standards	3.2.9	206	Change made NCM District to allow a building to be a maximum size of 10,000 SF
(#11)	9/9	Staff	Concept Plan Use Procedure	3.3.E.6.b	233	Change includes listing either permitted or prohibited uses to allow for maximum flexibility of an applicant to submit the list that best corresponds to their project.

UDOTA ID	Date Added	Source/ Staff	Short Title	UDO Section #	Page # (+/-) on the .pdf/.doc	Description
(#12)	9/9	Staff	Unified Development	3.4.7 & (no change to Table 8.3)	243-244, 750 (Principal Structure), 788 (Unified Development)	Change made to updated “buildings” to “principal structures” for clarity and alignment with definition. Use of “residential” broadly allows for all types of residential, e.g. live/work, upper story, SFA, etc. and singling out SFD as prohibited may restrict market-based direction from the applicant. Further discussion can occur for later updates to reflect any issues through implementation of these recent changes to Unified Development from UDOTA 2-25.
(#13)	9/9	Staff	Principal Uses Table Note (1)	Table 4.2.5	296	Change made to reflect the Downtown Boundary shown in the Downtown Clayton Plan.
(#14)	9/29	Citizen	Urban Archery	4.5.HH.3.f	379	Change made to provide 3 provisions where 50-yard provision does not apply.
(#15)	9/5/25	Staff	Locational Standards - Easements	6.3.3.B.1	464	Change made to outline provisions of a maintenance easement for retaining walls and clarification with respect to retaining walls that are 5 feet or more in height being subject to a building permit.
(#16)	8/25/25	Staff	Structural Soil	6.6.12.A.6., 8.3.19 S	519, 768	Structural Soil revised to be supportive soils for Street Trees, Landscape Planters/Islands, and Definition.
(#17)	8/27	Staff	Street Trees	6.6.16	537-538	Street Tree language modified to align with Streetscape Buffer ratio of planting per linear foot. Districts added to Streetscape Buffer are: RUR, RLL, RLD, RMD, RHD, RMF, and MXD districts, added to the list. Language in Street Trees and Streetscape Buffers revised to be “street”, which as defined captures Town/NCDOT ROW and Private Streets.
(#18)	9/23	Staff	Species	6.6.16, 6.6.16.E & 6.6.17.G	541 & 544	Change made to reference of Species of Trees to the UDO Procedures Manual.
(#19)	10/3	Staff	Stormwater State Compliance Update	6.15.6	Multiple	Changes provided by the Engineering Department.
(#20)	7/23/2025	Staff	Edit Bottle Shop Definition	Ch 8	694	Corrected to reflect “Retail, General” use.
(#21)	8/25/25	Staff	Functional Fire	2.3.19.G.2.g, 2.3.19.G.3.b.ii, 2.3.20.C.1.a., 8.3.6 F	110, 112, 719	Definition created and inserted
(#22)	6/25/2025	Staff	Itinerant Merchant Sales	8.3.9.I	728	Removed reference in definition for at-home sales.
(#23)	9/4	Staff	No Definition for Museums Use	Table 8.3	733	Added definition of “Museum” based on Merriam Webster definition.

UDOTA ID	Date Added	Source/ Staff	Short Title	UDO Section #	Page # (+/-) on the .pdf/.doc	Description
(#24)	9/9	Staff	Secondary Uses	Table 4.5.4	362	Change made to update the definition of “Secondary Building or Structure” has been aligned to match that of Principal Structure and Principal Use in format. This creates a definition for both “Secondary Structure” and “Secondary Use”.

UNIFIED DEVELOPMENT ORDINANCE

CODIFY CLAYTON

Adopted: 11.20.23
Effective: 1.2.24
Amended: ~~7.21.25~~11.17.25

ACKNOWLEDGEMENTS

Town Council

Jody McLeod, Mayor
Michael Sims, Mayor Pro Tem
Ruth Anderson, Councilmember
Andria Archer, Councilmember
Porter Casey, Councilmember
Gretchen Williams, Councilmember

Planning Board

Jodie Dupree, Chair
Derrick Applewhite, Vice-Chair
Anita Bland
Daniel Gleason
Mike Surasky
Ronald Williams
Jason Carter
Deborah Hooker
Mark Hall
Tom McKearney

Town Administration

Rich Cappola, Town Manager
Lee Barbee, Deputy Town Manager
Dolores Gill, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
David Ranes, Fire Chief
Greg Tart, Chief of Police

Town Staff

Vacant, Electric Director
Jonathan Ham, Engineering Director
Kinsey Holton, Assistant Engineering Director
Michael Tatum, Fire Marshal
Barry Alston, Inspections Director
Conrad Olmedo, Planning Director
Haley Downey, Assistant Planning Director
Joshua Baird, Water Resources Director

Consultant

Chad Meadows, CodeWright Planners, LLC

1.8.4 PLANNING BOARD (PB)

The Planning Board is hereby established in accordance with NCGS§160D-301, Chapter 32 of the Town Code of Ordinances, and the following.

A. COMPOSITION

1. The Planning Board shall consist of nine members.
2. The Planning Board shall be comprised of residents from both the corporate limits and the extraterritorial jurisdiction (ETJ) at a ratio proportional to the population found in either area, but in no instance shall there be less than at least one member of the Planning Board who resides within the ETJ.
3. The Town Council shall appoint the members from within the Clayton corporate limits from a list of qualified applicants who have submitted a Planning Board application.
4. The Johnston County Board of Commissioners shall appoint the members from within the ETJ following receipt of a recommendation from the Town Council.
5. Each member from the ETJ shall have equal rights, privileges, and duties as the members from within the corporate limits.

B. POWERS AND DUTIES

1. UNIFIED DEVELOPMENT ORDINANCE

The Planning Board shall have the power to review and provide a recommendation on applications in accordance with Section 2.2, Application Summary Tables.

2. OTHER POWERS AND DUTIES

The Planning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance.

a. At the direction of Town Council, perform studies and surveys of the present conditions and probable future development of the Town and its environs, including but not limited to, studies and surveys of land uses, population, economic conditions, housing, traffic, parking, annexation, urban renewal, and expansions of the extraterritorial jurisdiction.
b. To formulate and recommend to the Town Council the adoption and amendment of the Town of Clayton Comprehensive Plan and other plans as necessary.
c. To determine whether specific proposed developments conform to the principles and requirements of the adopted comprehensive plan for growth and improvement of the Town.
d. To execute other related duties as assigned by the Town Council, in accordance with State law.

C. RULES OF PROCEDURE

The Planning Board shall adopt rules of procedure, which shall be available for inspection by members of the general public on the Town's website and in the offices of the Planning Department. The rules of procedure shall describe the Planning Board's operating procedures, terms, leadership provisions, and other relevant information not already included in this Ordinance.

D. QUORUM AND RECOMMENDATIONS

1. A quorum of five members shall be necessary to transact official business of the Planning Board, including making recommendations (#01).

2. A simple majority of the members present and voting shall be required to adopt a recommendation on an application reviewed under this Ordinance.
3. The Planning Board shall not make a recommendation to the Town Council unless the applicant, or a designated agent, is present at the meeting and answers the Board's and Town staff's questions about the application. This requirement may be waived by a unanimous vote of the Planning Board members present and voting.

1.8.5 BOARD OF ADJUSTMENT (BOA)

The Board of Adjustment is hereby established in accordance with NCGS§160D-302, Chapter 32 of the Town Code of Ordinances, and the following:

A. COMPOSITION

1. The Board of Adjustment shall consist of five regular members and two alternate members.
2. Four members shall reside within the corporate limits of Clayton and three members shall reside in the extraterritorial planning jurisdiction (ETJ).
3. The Town Council shall appoint the members from within the Clayton corporate limits from a list of qualified applicants who have submitted a Board of Adjustment application.
4. The Johnston County Board of Commissioners shall appoint the members from within the ETJ following receipt of a recommendation from the Town Council.
5. Each member from the ETJ shall have equal rights, privileges, and duties as the members from within the corporate limits.

B. POWERS AND DUTIES

The Board of Adjustment shall have the power to review and decide applications in accordance with Section 2.2, Application Summary Tables.

C. RULES OF PROCEDURE

The Board of Adjustment shall adopt rules of procedure, which shall be available for inspection by members of the general public on the Town's website and in the offices of the Planning Department. The rules of procedure shall describe the Board of Adjustment's operating procedures, terms, leadership provisions, and other relevant information not already included in this Ordinance.

D. QUORUM AND VOTING

1. A quorum of three members shall be necessary to transact official business and decide cases before the Board of Adjustment (#01).
2. The concurring vote of four-fifths of the members voting on a case shall be necessary to grant a variance.
3. A simple majority of the members present and voting on a case shall be required to decide an appeal of a Town staff decision or determination.
4. A simple majority of the members present and voting on a case shall be required to decide on the issuance of a special use permit.
5. Vacant positions on the Board and members who are disqualified from voting due to a conflict of interest shall be filled by qualified alternate members. Vacant positions on the Board and members who are disqualified from voting due to a conflict of interest and who are not replaced by a qualified alternate member shall not be considered members of the Board for calculation of the required majority.
6. In accordance with NCGS§160D-406(i), simple majority calculations shall be based on the total number of board member positions, regardless of whether a member is absent. Positions may only be excluded from the simple majority calculation when the position is

2.3.5 BUILDING PERMIT

A. APPLICABILITY

Unless exempted in accordance with the North Carolina General Statutes or the State Building Code(s), no construction, reconstruction, addition, alteration, repair, movement to another site, removal, demolition of any building or structure, or changes in use of an existing development triggering the need for application of a different set of building code requirements shall occur until a Building Permit is approved in accordance with the procedures and standards of this section and Chapter 150 of the Clayton Town Code of Ordinances.

FIGURE 2.3.5 BUILDING PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** - (Optional) - Mandatory if filing for "at-risk" Building Permit
2	**File Application** Submitted to Inspections Director
3	**Completeness Determination**
4	**Inspections Director Review and Decision**
5	**Notification of Decision**
6	**Obtain Other Approvals and Schedule Required Inspections**

B. EXEMPTIONS

The following forms of development are exempted from the requirement to obtain a Building Permit, but shall be subject to the standards in Section 2.3.33, Zoning Compliance Permit:

1. Storage and secondary buildings that serve a residential principal use, of 12 linear feet or less in length on any dimension, and do not include electrical service or running water;
2. Patios and at-grade walkways;
3. ~~Playground equipment and play structures provided as secondary uses to an individual residential dwelling;~~ (#02)
4. ~~3.~~ Ornamental or other pools with depths of less than 24 inches (any pools with water depths exceeding 24 inches are required to obtain a Building Permit);
4. Fences ~~or~~ and ~~privacy~~ walls of six feet in height or less;
5. Retaining walls that are less than five feet, including buried portion~~, except that all retaining walls shall require a Building Permit~~; or
6. Other development exempted from building permit requirements by the Town or by State law.

C. PROCESS TYPE

1. Type I (see Section 2.2.3, Process Diagrams).
2. In cases where an applicant is filing for an "at risk" Building Permit, a pre-application conference shall be mandatory. **AMENDED 7.21.25 (UDOTA 1-25)**

D. REVIEW CRITERIA

An application for a Building Permit shall be decided by the Inspections Director (or a designee) in accordance with Figure 2.3.5, Section 2.4.7, Staff Review and Action, and all of the following: **AMENDED 9.16.24 (UDOTA 2-24)**

1. The applicable sections of the State Building Code(s);
2. The standards in NCGS§160D-1110;
3. Any applicable requirements of the Johnston County Health Department;
4. The Site Plan, if applicable;
5. The Zoning Compliance Permit;
6. All other standards or conditions of any prior, applicable permits, and development approvals; and

1. LOCATION

Conservation Subdivisions shall be configured to minimize the visibility of new dwellings from adjacent developed lands and roadways located outside the proposed Conservation Subdivision. Techniques to achieve this location criteria include placement of lots, retention of existing vegetation, or installation of berms or new landscaping material.

2. MINIMUM PROJECT SIZE

Conservation Subdivisions shall be at least five acres in land area.

3. REQUIRED CONSERVATION AREA

The required conservation area shall occupy at least 50 percent of the total acreage of the Conservation Subdivision site, but nothing shall limit it from occupying more than 50 percent of a Conservation Subdivision site.

4. MAXIMUM RESIDENTIAL DENSITY

A Conservation Subdivision may establish a maximum residential density that exceeds the maximum residential density for lots in the zoning district where located by up to 50 percent, but in no instance shall the density of a Conservation Subdivision exceed the maximum allowable if located within a Watershed Protection Overlay District.

5. DIMENSIONAL REQUIREMENTS

Lots in a Conservation Subdivision may deviate from the minimum dimensional requirements for lots in the zoning district where located, provided:

- **a.** No lot frontage is less than 20 feet wide;
- **b.** Building separation between structures on different lots meets or exceeds the minimum applicable Fire Code provisions; and
- **c.** All structures shall comply with required setbacks from streets, wetlands/surface waters, or other protected natural areas.

6. LAND USED FOR AGRICULTURE OR FORESTRY

Nothing shall limit the ability of an owners' association to lease conservation area for the purposes of agriculture or forestry.

F. OWNERSHIP OF CONSERVATION AREAS

A conservation area shall be owned jointly by a recognized homeowners' or property owners' association, which shall be established in accordance with Section 6.8, Owners' Associations.

G. SEQUENCE

A Conservation Subdivision shall be approved prior to the associated Major Subdivision Preliminary Plat.

H. AMENDMENT

Amendment of a Conservation Subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. EXPIRATION

1. An approved Conservation Subdivision shall be valid for two years from the date of approval.
2. Once a ~~Preliminary Plat~~ Major Subdivision application has been filed, the associated Conservation Subdivision approval shall be subject to the expiration provisions associated with the Preliminary Plat. (#03)

2.3.33 ZONING COMPLIANCE PERMIT

A. PURPOSE AND INTENT

The purpose of a Zoning Compliance Permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance and all other applicable requirements.

FIGURE 2.3.33 ZONING COMPLIANCE PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** - Submitted to Planning Director - Must include a plan or generalized sketch of the development
3	**Completeness Determination**
4	**Planning Director Review and Decision**
5	**Notification of Decision**

B. APPLICABILITY

1. A Zoning Compliance Permit is required for the following:
AMENDED 12.16.25 (UDOTA 3-24); AMENDED 7.21.25 (UDOTA 1-25)
   a. Art Installations Section 4.5.5D, Art Installation;
   b. Driveway Permits ~~(private street only)~~ (#04) Section 2.3.13, Driveway Permit;
   c. Family Care Homes Section 4.3.45, Family Care Home;
   d. Fences ~~or~~ and walls less than or equal to ~~6~~ six feet in height Section 6.3.2A, Generally; (#05)
   e. Flagpoles that are freestanding and detached from the wall or roof of a building, Section 4.5.5N, Flagpole (#06)
   ~~e.~~f. Retaining walls less than ~~5~~five feet in height, including the buried portion Section 6.3.2A, Generally;
   ~~f.~~g. Mobile Restaurant or Push Cart Section 4.5.5T, Mobile Restaurant or Push Cart;
   ~~g.~~h. Ornamental or other pools with depths of less than 24 inches Section 2.3.5B, Exemptions;
   ~~h.~~i. Outdoor Dining (up to 20 people) Section 4.5.5U, Outdoor Dining or Seating;
   ~~i.~~j. Outdoor Display (< 50 sf) Section 4.5.5V, Outdoor Display/Sales;
   ~~j.~~k. Patios and At-Grade Walkways Section 2.3.5B, Exemptions;
   ~~k. Playground equipment with a Residential Dwelling Section 2.3.5B, Exemptions;~~ (#02)
   l. Secondary Structure (when no building permit required) Section 2.3.5B, Exemptions;
   m. Any change in principal use within an existing non-residential, multi-family, or mixed-use structure Section 4.2.3, Change of a Principal Use;
   n. A home occupation Section 4.5.5Q, Home Occupation, Level 1;
   o. Establishment of a secondary use Section 4.5.1B, Establishment of a Secondary Use;
   ~~o.~~p. Establishment of a principal use Section 4.2.2, Establishment of a Principal Use; or (#07)
   ~~p.~~q. Change of tenant Section 4.2.3, Change of a Principal Use.
2. In cases where a Building Permit is required, review for zoning compliance shall take place as a part of the review for the Building Permit application, and as a result, no Zoning Compliance Permit shall be required for developments subject to a Building Permit.

C. EXEMPTIONS

1. The following forms of uses or structures are exempt from the requirement to obtain a Zoning Compliance Permit:
   a. Play Equipment and Play Structure identified as a secondary use to a residential dwelling. (#02)

2.4.8 PUBLIC NOTICE

A. PUBLIC MEETINGS DISTINGUISHED FROM PUBLIC HEARINGS

Applications subject to public hearings by the North Carolina General Statutes are required to provide public notice about the pending application to adjacent landowners in accordance with this section, the North Carolina General Statutes, and the UDO Procedures Manual (#08). Public meetings are not public hearings, and do not require the provision of individual public notice to adjacent landowners about a pending application in accordance with this section but must provide general notification about the meeting in accordance with NCGS§143-318.12 (the "open meetings" law).

B. PUBLIC HEARING SCHEDULING

When a development application is subject to a public hearing, the Planning Director, or a designee, shall ensure that the public hearing is scheduled for a regular meeting, or a meeting specially called for that purpose by the review authority.

C. PUBLIC NOTIFICATION REQUIREMENTS

1. All development applications subject to public notification shall comply with the appropriate standards in NCGS§§160A-31, 160A-58, 160D-406, 160D-601, 160D-602, 160D-1005, and other applicable sections of the North Carolina General Statutes. **AMENDED 9.16.24 (UDOTA 2-24)**
2. Table 2.4.8, Public Notification Requirements, summarizes the requirements for public notice, but in the event of a conflict with State law, State law shall prevail.
3. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

TABLE 2.4.8: PUBLIC NOTIFICATION REQUIREMENTS

Type of Development Application	Type of Public Notification Required (R=Required)		
	Published [1]	Mailed [2]	Posted [3]
Annexation **AMENDED 9.16.24 (UDOTA 2-24)**	R [4]	[5]	·
Appeal	·	R [6]	R
Development Agreement	R	R	R
Rezoning	R [7]	R	R
Special Use Permit	·	R	R
Street Renaming / Closure	R [8]	R [9]	R [10]
Text Amendment	R	·	·
Variance	·	R	R

NOTES:
[1] Notice shall be published once a week for two successive calendar weeks with the first notice published no more than 25 day nor less than 10 days before the public hearing.
[2] Notice shall be mailed to the applicant, affected property owners, and property owners of abutting land between 10 and 25 days before the public hearing.

TABLE 2.4.8: PUBLIC NOTIFICATION REQUIREMENTS			
TYPE OF DEVELOPMENT APPLICATION	TYPE OF PUBLIC NOTIFICATION REQUIRED (R=REQUIRED)		
	PUBLISHED [1]	MAILED [2]	POSTED [3]

[3] Notice shall be posted between 10 and 25 days before the public hearing.
[4] For annexations, notice shall only be required to be published once with the notice being published at least 10 days prior to the public hearing. **AMENDED 9.16.24 (UDOTA 2-24)**
[5] In cases where the area being annexed is contiguous to the corporate limits but not served by a newspaper of general circulation, the Town shall provide posted notice in at least 3 locations within the area being annexed and 3 additional areas within the Town (a total of 6 locations). **AMENDED 9.16.24 (UDOTA 2-24)**
[6] Mailed notice shall only be required in cases where the appeal pertains to a particular property.
[7] In the case of large-scale rezonings of 50 or more different landowners, mailed notice only provided to landowners residing outside the area of published notice circulation in accordance with NCGS§160D-602(b).
[8] Published notice for street abandonment shall be provided once per week for 4 weeks before the hearing.
[9] Mailed notice shall be provided between 10 and 25 days before the first public meeting to all landowners with land abutting the street and the NCDOT.
[10] Posted notice shall be provided in at least two locations along the street no less than 10 days before the hearing.

D. PUBLISHED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be published, the Town staff member responsible shall publish a notice in a newspaper that is regularly published in accordance with North Carolina General Statutes and the UDO Procedures Manual. (#08) ~~at least one time per week for two successive weeks in a newspaper that has general circulation in the Town.~~

E. MAILED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be mailed, mailed notice shall be provided in accordance with the North Carolina General Statutes and the UDO Procedures Manual. (#08) ~~with the following:~~

~~**1.** The Town shall prepare the required mailed notice.~~

~~**2.** Mailed notice shall be provided to the last known address (as listed in County tax records) for each of the following:~~

~~**a.** The landowner;~~

~~**b.** The applicant, if different from the landowner;~~

~~**c.** Landowners of properties adjacent to the land that is the subject of the application, but also located across a street, railroad, or other transportation corridor; and~~

~~**d.** Any others who are entitled to receive mailed notice in accordance with NCGS§160D-602.~~

~~**3.** Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid. The content and form of the notice shall comply with Section 2.4.8G, Notice Content.~~

~~4. The Town may, on a case-by-case basis, and in the sole discretion of the Town, provide additional mailed notice above and beyond the minimum statutory requirements. The Town is under no obligation to provide any additional notice beyond that specified by the General Statutes, and failure of the Town to provide mailed notice beyond that required by State law shall not impair the notice provided or invalidate the proceedings.~~

~~5. A copy of the mailed notice, the list of landowners receiving notice, and a certification of mailing by the Town staff member responsible shall be maintained in the offices of the Planning Department for public inspection during normal business hours.~~

~~6. Mailed notice shall not be required when a rezoning includes more than 50 lots or tracts owned by at least 50 different landowners, provided the Town publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 2.4.8E, Mailed Notice Requirements.~~

F. POSTED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be posted, the Planning Director or a designee shall provide the required posted public notice in accordance with the North Carolina General Statutes and the UDO Procedures Manual (#08). ~~following:~~

~~1. A sign (or signs) shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion(s) of the respective street(s).~~

~~2. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.~~

G. NOTICE CONTENT

Unless expressly indicated otherwise by the North Carolina General Statutes, all notices by mail, posting, or publication shall be in accordance with the UDO Procedures Manual. ~~:~~ (#08)

~~1. Identify the date, time, and place of the public hearing;~~

~~2. Describe the land involved by parcel identification number (PIN), street address, or by its relationship to a fronting street and the nearest cross street (if applicable);~~

~~3. Describe the nature and scope of the proposed development or action; and~~

~~4. Identify the means to contact a Town official for further information.~~

H. CONSTRUCTIVE NOTICE

1. Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:
   a. Errors such as landowner name, title, or address existing in the County tax listing; or
   b. Typographical or grammatical errors that do not impede communication of the notice to affected parties.
2. Failure of a party to receive written notice shall not invalidate subsequent action. A posted notice that becomes no longer visible due to weather, theft, or other unintended circumstances shall not invalidate proceedings if a bona fide attempt is made to comply with applicable posted notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property shall be strictly adhered to.

A review authority member shall not vote on an application if there is a conflict of interest in accordance with Section 1.8.2B, Conflict of Interest.

6. APPLICATION REVISION

a. An applicant may revise an application during an evidentiary public hearing in response to recommendations or suggestions of the review authority, Town staff, or the public.

b. The review authority may approve an application modified during an evidentiary public hearing provided all changes are properly identified in the motion of approval by the review authority and that any conditions of approval are consented to, in writing, by the applicant.

c. In cases where an application has been modified during an evidentiary public hearing, the applicant shall submit any necessary plans or other documents depicting the modification to the appropriate Town staff before notice of decision is provided.

7. DELAY OF DECISION

The review authority may delay a decision on the application if additional information is requested of the applicant.

8. RECORD

a. A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with Town policy.

b. Accurate minutes shall be kept of all proceedings, but a transcript need not be made.

D. PUBLIC MEETINGS

Review of applications by the Technical Review Committee, Planning Board, and Town Council where public notice is not required shall be considered during public meetings not public hearings. Public meetings shall be conducted in accordance with the review authority's rules of procedure and the following requirements:

1. PROCEDURE

a. Public meetings shall require public notification of the meeting in accordance with NCGS§143-318.12 and the UDO Procedures Manual (#08). ~~but shall not require public notice of individual applications to adjacent landowners.~~

~~**b.** The Town may choose, on a case-by-case basis, and in the sole discretion of the Town, to provide public notice of a public meeting to adjacent landowners in accordance with Town policy. The Town shall be under no legal requirement to provide public notice of a public meeting to adjacent landowners, and failure to do so shall not invalidate the proceedings.~~

~~**c.**~~**b.** The public meeting shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public meetings.

~~**d.**~~**c.** There is no requirement to allow public comment or testimony during a public meeting, though it may be provided at the Chair or other presiding officer's discretion.

2. VOTING

a. A decision of a review authority during a public meeting shall be decided by a simple majority of the members present and voting.

b. A review authority member shall recuse themselves from voting on an application when there is a conflict of interest in accordance with Section 1.8.2B, Conflict of Interest.

TABLE 3.1.3: ZONING DISTRICTS ESTABLISHED

Former Zoning Districts (from the Prior UDC)		Zoning Districts in This Ordinance	
B-2	Neighborhood Business	NCM	Neighborhood Commercial
B-3	Highway Business	CRM	Corridor Commercial
I-1	Industrial Light	LID	Light Industrial
I-2	Industrial Heavy	HID	Heavy Industrial
Conventional Special Zoning Districts			
	N/A	CON	Conservation
PF	Public Facilities	PUB	Public Facilities
	N/A	MXD	Mixed-Use [1]
Conditional Zoning Districts [2]			
CZR	Residential Conditional	CZR	Conditional Residential
	N/A	CZM	Conditional Mixed-Use
	N/A	CZC	Conditional Commercial
	N/A	CZD	Conditional Downtown
CZI	Industrial Conditional	CZI	Conditional Industrial
Overlay Zoning Districts			
TOD	Thoroughfare Overlay District		N/A
WPO	Watershed Protection Overlay	WPOD	Watershed Protection Overlay
DOD	Downtown Overlay District		N/A
	N/A	FPOD	Flood Protection Overlay
	N/A	GTOD	Gateway Overlay
	N/A	LHOD	Local Historic Overlay (placeholder)

NOTES:
[1] The following parcels designated as B-1 prior to the effective date of this Ordinance shall be translated to the MXD district instead of the DTNC district: 16I02056D, 16I02009D, 16I02009D, 16I02009J, 16I02008P, 16I02008N, 16I02009E, 16I02049E, 16I02049Z, 16I02049Y,16I02049X, 16I02049W, 16I02049V, 16I02049U, 16I02049T, 16I02049S, 16I02049R, 16I02049Q, 16I02049P, 16I02049O,16I02049N, 16I02049M, 16I02049L, 16I02049K, 16I02049J, 16I02049I, 16I02049H, 16I02049G, 16I02049F, 16I02009H,16I02009F, 16I02009G, 16I02009I.
~~[2] Conditional zoning districts may be limited use (____CZ_-LU), limited standards (____CZ_-LS), or unlimited (____CZ_-UN).~~ (#09)

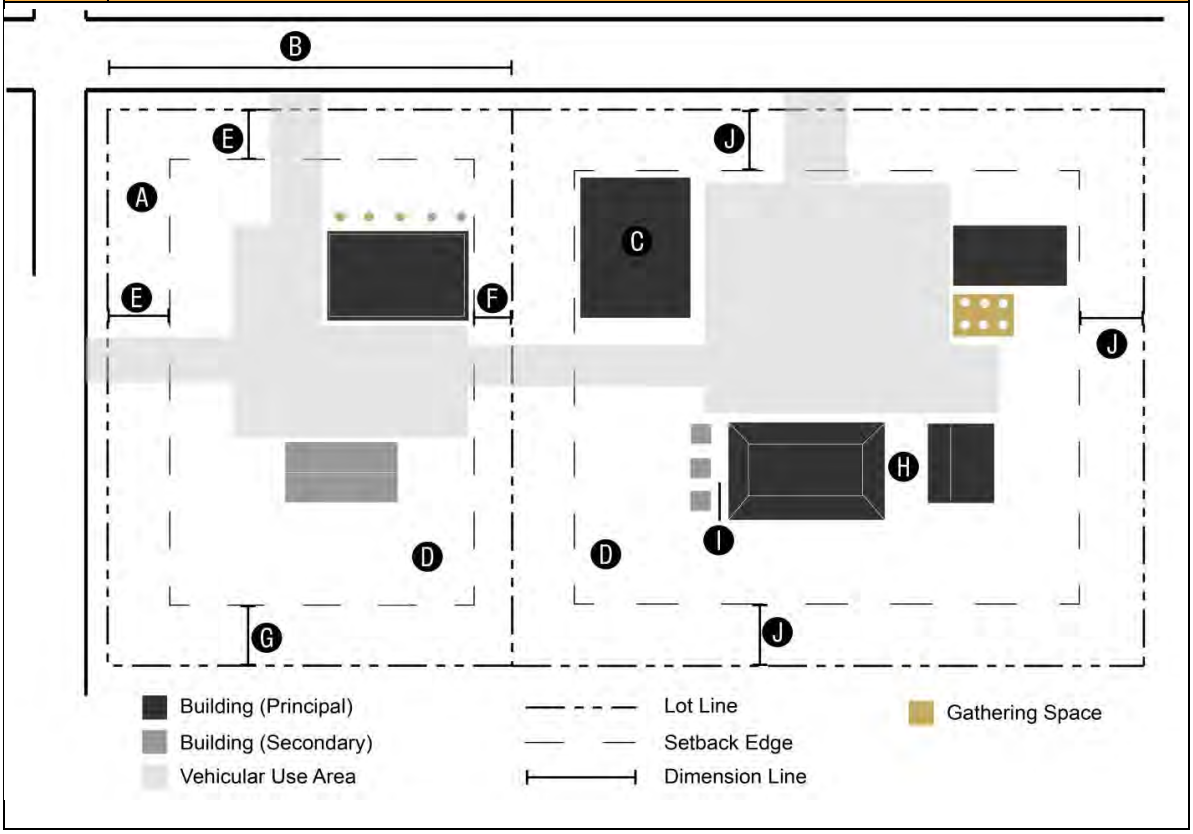
C. NEIGHBORHOOD COMMERCIAL (NCM) DISTRICT DIMENSIONAL STANDARDS

AMENDED 12.16.24 (UDOTA 3-24); AMENDED 7.21.25 (UDOTA 1-25)

	Max. Residential Density (du/ac)	7.2	F	Side Setback (ft) [8] [9] [10]	10
A	Min. Lot Area (sf) [1]	6,000	G	Rear Setback (ft) [8] [9] [10]	20
B	Min. Lot Width (ft) [2] [3]	50		Min. Spacing Between Buildings (ft) [8]	
	Max. Lot Coverage (% of lot area)	75	H	Between Principal Buildings	10
C	Max. Building Size (sf) [4]	~~5~~10,000 (#10)	I	Between Secondary and any other Building	5
D	Min. Open Space Set-Aside (% of lot area) [5]	5	J	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [11]	30
E	Min. Street Setback (ft) [6] [7]	20		Max. Building Height (ft)	35

NOTES:

[1] Plus an additional 500 sf per residential unit for developments in excess of two units.
[2] Applied to the entire development site when buildings on individual lots have shared or party walls.
[3] Measured at the interior building setback line (not the "pole" portion of a flag lot).
[4] Vertically-integrated buildings and buildings on lots over five acres in area are exempt.
[5] See Section 6.7, Open Space Set-Aside and Parkland, for the type of open space required.
[6] Applied from the edge of public street rights-of-way (excluding alleys). Setbacks from private streets shall be at least five feet from the edge of the pavement or the edge of the sidewalk if one is provided.
[7] Reduced by 50% for bungalow court and pocket neighborhood uses.
[8] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[9] Not applied to lots lines adjacent to shared or party building walls.
[10] Not applied to unified developments.
[11] Unified developments meeting the definitions in this Ordinance are exempted from side and rear setbacks along internal lot lines. Perimeter setbacks shall apply along all public street rights-of-way.



While not required, enhanced landscaping is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements. Increasing the caliper size at time of planting of newly planted material by an amount 50 percent or greater beyond that required by Section 6.6.8, Plant Material Specifications, in combination with any of the following additional alternatives may be proposed as a means of demonstrating increased development quality:

i. Use of planted berms (trees and shrubs) as a means of establishing increased visual and acoustic separation between uses;
ii. Establishment of a minimum number of new trees and shrubs that exceeds what would have been required for a typical development;
iii. Exceed a minimum percentage requirement of evergreen planted materials or inclusion of evergreen plants where none are required;
iv. Inclusion of a greater amount of species diversity than required in Section 6.6.8E, Species Diversity;
v. Utilization of plants that create year-round visual interest, including winter flowering plants, plants that bloom more than once per year, or plants with unique leaf shapes, colors, or forms; or
vi. Other alternative configuration for consideration by the Technical Review Committee. **AMENDED 9.16.24 (UDOTA 2-24)**

b. ENHANCED OFF-STREET PARKING

While not required, enhanced off-street parking that includes one or more level 2 or level 3 EV charging stations is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements. **AMENDED 9.16.24 (UDOTA 2-24)**

c. ENHANCED TRAFFIC CONTROL DEVICES

While not required, use of metal mast arm-style traffic control signal supports, in a flat black or other neutral finish, supplemented with the ability to accommodate street lights or traffic cameras, is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements. **AMENDED 9.16.24 (UDOTA 2-24)**

6. PRINCIPAL AND SECONDARY USES

a. The Concept Plan shall include a list of proposed permitted or prohibited principal and secondary uses. (#11)
b. It is insufficient to reference the table of common principal or secondary uses; Concept Plans shall list all ~~potential allowable~~ permitted or prohibited uses. (#11)
c. Uses that are not listed in a Concept Plan and proposed after its approval shall be considered unlisted uses subject to the process identified in Section 2.3.11, Determination.

7. PHASING

If development in conditional zoning district is proposed to be phased, the Concept Plan shall include phasing details or a phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the Town's capital improvements program.

8. CONSISTENCY

All Subdivisions, Site Plans, and Zoning Compliance Permit applications shall be substantially consistent with the approved Concept Plan. A Concept Plan may only be modified in accordance with Section 2.3.7P, Amendment.

2. Alleys shall be the minimum length necessary to serve the lot or lots in question, and will be required to extend to a logical termination point necessary to ensure safe vehicular movement, in the sole discretion of the Town's Engineering Director.

G. SIDE LOT LINES

Side lines of lots should be at or near right angles or radial to street lines.

3.4.4 REQUIRED YARDS

A. The land area between a lot line and the inner boundary of a required setback is considered as a required yard.

B. The location of street, side, or rear yards on irregularly-shaped lots shall be determined by the Planning Director in accordance with Section 3.6, Measurements and Exceptions. Wherever possible, the Planning Director shall interpret these boundaries in ways that minimize nonconformities.

C. Except where otherwise provided in Section 3.6.9, Setback Encroachments, required yards shall not be subject to encroachment by a building, structure, or outdoor use area.

3.4.5 SPECIAL PURPOSE LOTS

Zoning district requirements related to street frontage, lot width, minimum lot area, and minimum lot dimensions shall not apply to special purpose lots, which shall be configured in accordance with the following:

A. LOTS DISTINGUISHED

Lots established for the sole purpose of family or church cemeteries, cluster mailbox units, guard houses, wastewater lift stations, wastewater treatment facilities, and similar utility uses shall be considered special purpose lots in accordance with these standards.

B. MINIMUM SIZE

A special purpose lot shall be permitted only after the Planning Director, or TRC, as appropriate, has determined if the proposed lot has sufficient dimensions to accommodate the intended use and any additional required elements.

C. ACCESS REQUIRED

If the special purpose lot does not have direct access to a public road, an easement for ingress and egress with a minimum width of ten feet shall be platted.

D. IDENTIFICATION

The boundaries and purpose for all special purpose lots shall be included on Preliminary and Final Plats.

3.4.6 SPLIT ZONING

Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

3.4.7 UNIFIED DEVELOPMENT

AMENDED 7.21.25 (UDOTA 1-25)

A. A unified development is a residential, non-residential, or mixed-use development like a shopping or a lifestyle center consisting of at least two ~~buildings~~ principal structures located on one or more lots that are planned, permitted, and developed as a single unit. (#12)

B. Structures and land uses located on different lots within a unified development are subject to perimeter setbacks rather than traditional side and rear setbacks applied to individual lots.

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

AMENDED 4.15.24 (UDOTA 1-24); AMENDED 9.16.24 (UDOTA 2-24); AMENDED 7.21.25 (UDOTA 1-25)

P = Permitted, subject to a Zoning Permit & applicable use standards
S = Permitted, subject to a Special Use Permit & applicable use standards
C =Permitted within a conditional zoning district, subject to applicable use standards
"•" = Prohibited
[#] = Table note (see end of table)

Use Type	Conventional Residential Districts						Conventional Non-Residential Districts								Special Districts			Conditional Districts					Use Standards
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD	CZI	
Upper-Story Dwelling	·	·	·	·	·	P	P	P	P	P	P	P	·	·	·	P	·	C	C	C	C	·	4.3.132

NOTES:
[1] Not permitted on lots within the ~~d~~Downtown B~~b~~oundary Map as designated in the ~~2045 Comprehensive Growth Plan Future Land Use~~Clayton Downtown Plan ~~Map~~ unless permitted by and located within the CZD zoning district. (#13)

TABLE 4.5.4: LISTING OF COMMON SECONDARY USES

AMENDED 9.16.24 (UDOTA 2-24); AMENDED 12.16.24 (UDOTA 3-24); AMENDED 7.21.25 (UDOTA 1-25)

"C" = Permitted, subject to Section 2.3.7, Conditional Rezoning, applicable secondary use-specific standards, and conditions of approval
"P" = Permitted, subject to applicable secondary use-specific standards
"S" = Permitted subject to Section 2.3.23, Special Use Permit, and applicable secondary use-specific standards
" • " (blank cell) = Not allowed or no additional secondary use-specific standards
[#] Table Note
Most secondary uses are subject to use standards in Section 4.5.5, Standards for Specific Secondary Uses

Secondary Use Type [1]	Conventional Residential Districts						Conventional Non-Residential Districts								Special Districts			Conditional Districts				
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNN	DTNT	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD	CZI
Flagpole [3~~2~~] (#06)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C
Garage or Carport, Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C
Guard House, Shelter, or Gatehouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C
Helistop	•	•	•	•	•	•	S	•	•	•	•	•	•	S	•	•	S	•	C	C	C	C
Home Occupation, Level 1	P	P	P	P	P	•	P	P	P	P	P	P	•	•	•	•	•	C	•	•	•	•
Home Occupation, Level 2	P	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	C	C	C	•	•
Membrane Structure	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Mobile Restaurant or Push Cart	•	•	•	•	•	•	•	P	P	P	•	P	P	P	•	•	•	•	C	C	C	C
Outdoor Dining and Seating	•	•	•	•	•	P	P	P	P	P	P	P	P	P	•	P	•	C	C	C	C	C
Outdoor Display/Sales	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	S	P	•	C	C	C	•
Outdoor Storage	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•	P	•	•	C	C	C
Parking of Heavy Trucks or Trailers	P	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	P	•	•	C	•	C
Parking of Recreational Vehicles	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•
Play Equipment/Structure [2] (#02)	P	P	P	P	P	P	P	P	P	P	P	•	•	•	P	P	P	C	C	C	C	•
Private Stables	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•
Produce Stand	P	P	P	P	P	•	P	P	P	P	P	P	•	•	•	•	•	C	•	C	C	•
Refuse or Recycling Container)	•	•	•	•	•	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C
Solar Energy Conversion, Level 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C
Swimming Pool/Hot Tub	P	P	P	P	P	P	P	P	P	P	P	P	•	•	•	P	•	C	C	C	C	•
Tool/Storage Shed	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C
Underground Storage Tank	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	P	•	•	C	•	C
Urban Archery	P	P	P	•	•	•	•	•	•	•	•	•	•	•	P	•	P	C	•	•	•	•
Vehicle Repair (non-commercial)	P	P	P	P	•	•	P	•	•	•	P	P	P	•	•	•	•	C	•	C	•	•
Vehicle Towing or Storage	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	C	•	C

NOTES:
[1] Unlisted secondary uses may be permitted in accordance Section 4.7, Unlisted Uses.
[2] Exempted from the requirement to obtain Zoning Compliance Permit as a secondary use to a residential dwelling (#02).
[3] Flagpoles that are freestanding and detached from the wall or roof of a building shall require a Zoning Compliance Permit, Section 2.3.33B, Applicability (#06).

descendant, sibling, uncle, aunt, nephew, or niece, including half, step, and in-law relationships.

3. PERMIT CONDITIONS

a. Once the applicant provides sufficient proof that the family health care structure meets all standards, then the structure shall be permitted for a period of 12 months.

b. The applicant may renew the prior approval for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.

c. The Town may make periodic inspections of the family health care structure at reasonable times convenient to the applicant.

d. No signage shall be permitted on the exterior of the structure or on the lot that identifies or promotes the existence of the structure.

e. The structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.

f. The structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.

g. The approval may be revoked, or other enforcement actions taken if these standards are violated.

N. FLAGPOLE

1. No more than two flagpoles shall be allowed on a residential lot in a residential zoning district.
2. Flagpoles on all other lots shall comply with the following standards:
   - **a.** No more than three flagpoles shall be allowed;
   - **b.** Flagpoles shall be located on the same lot as the principal building;
   - **c.** Flagpoles may be located on the wall of the principal building on the lot or within 75 feet of the building's main entrance;
   - **d.** Flagpoles shall not be located within a public right-of-way; and
   - **e.** Flagpoles shall not exceed a height of 40 feet. **AMENDED 7.21.25 (UDOTA 1-25)**
3. Flags shall comply with the appropriate standards in Section 6.13.9, Flags. (#06)
4. Flagpoles that are freestanding and detached from the wall or roof of a building shall obtain a Zoning Compliance Permit, Section 2.3.33B, Applicability (#06).

O. GUARD HOUSE, SHELTER, OR GATEHOUSE

Nothing shall limit the placement of a guard house, guard shelter, or gatehouse within a required yard or setback, provided it shall:

1. Maintain a maximum size or floor area of 100 square feet or less;
2. A height of 15 feet or less;
3. Be located outside any required sight distance triangles; and
4. Maintain a minimum distance of five feet from a public street right-of-way.

P. HELISTOP

Auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment are not permitted.

2. URBAN ARCHERY PERMIT REQUIREMENTS

An Urban Archery permit shall require all the following:

- **a.** Presentation of a valid photo I.D.;
- **b.** A copy of the prospective hunter's valid and current North Carolina hunting license;
- **c.** Property information if the hunter intends to hunt on private property;
- **d.** Owner permission if the prospective hunter doesn't own the private property; and
- **e.** Payment of a fee set by the Town fee schedule.

3. URBAN ARCHERY STANDARDS

Permitted hunters shall adhere to all of the following standards.

- **a.** Urban Archery shall be allowed only on a tract or parcel of land (or an aggregation of contiguous tracts or parcels) that is at least two acres in size.
- **b.** Urban Archery shall take place during Urban Archery Season as defined by the North Carolina Wildlife Resources Commission and only when the Town has indicated its participation in Urban Archery Season for that particular year.
- **c.** Hunting hours shall be in accordance with established North Carolina Wildlife Commission regulations.
- **d.** Hunters shall have in their possession a valid North Carolina hunting license (issued by the North Carolina Wildlife Resources Commission) and an Urban Archery permit from the Town.
- **e.** Arrows shall be fired from at least eight feet above ground level.
- **f.** Arrows shall not be fired from, nor be propelled to within, 50 yards (150 feet) of any dwelling or road right-of-way except that the 50-yard (150 feet) provision shall not apply to:
  - **i.** ~~t~~The hunter's own dwelling unit;
  - **ii.** A dwelling unit located on a property of which a property owner has provided their written permission to hunt on; or
  - **~~f.~~iii.** A dwelling unit on a property that is part of an aggregation of contiguous tracts or parcels of which a property owner has provided their written permission to hunt on. (#14)
- **g.** Arrows shall not be fired from, nor be propelled to within 100 yards (300 feet) of any Child Day Care, Elementary, Middle, or High School, Religious Institution, or Town Park.
- **h.** Signage indicating that Urban Archery is taking place shall be required if the property on which Urban Archery is occurring is accessible to members of the public via a walkway, access easement, or other method open to the public.

4. SECURING THE HARVEST

Hunters shall make every reasonable effort to track wounded deer for the purpose of completing the harvest and recovering the carcass. In the event that a wounded deer cannot be recovered or leaves the permitted hunting tract, the hunter shall notify the North Carolina Wildlife Resources Commission and seek the assistance of a Wildlife Officer. If an officer of the Wildlife Resources Commission is not timely available assistance may be sought through the Clayton Police Department or Johnston County Sheriffs.

5. HUNTING ON PRIVATE PROPERTY

- **a.** Landowners may hunt on their own property subject to the limitations and criteria of this section.
- **b.** Persons may hunt on another's property only when possessing written permission from the property owner dated within the calendar year.

6.3 FENCES AND WALLS

6.3.1 PURPOSE AND INTENT

These standards provide development standards for permanent fences and walls on individual lots or development sites. These standards are proposed to protect the health and safety of the public while balancing the practical uses for fencing and walls like security and privacy with the need for aesthetic quality and a high-quality built environment. More specifically, these standards are intended to:

A. Provide for privacy and security on individual lots;
B. Ensure proper construction techniques are followed and that fences and walls are maintained in good repair;
C. Assist with the transition between public and private spaces;
D. Minimize the appearance of fence or wall "canyons" along streets; and
E. Ensure fencing and walls are consistent with the Town's desired architectural character.

6.3.2 APPLICABILITY

A. GENERALLY

1. The provisions of this section shall apply to all new fence or wall construction or replacement of all fences, screening walls, or retaining walls.
2. ~~A f~~Fences ~~or~~ and walls, and retaining walls less than five (5) feet in height, including the buried portion, may only be erected in accordance with the standards in this section and Section 2.3.33, Zoning Compliance Permit. (#05)
3. Except for retaining walls, fences or privacy walls over six feet in height shall comply with the structural requirements necessary to meet applicable wind loading standards and shall be subject to issuance of a building permit in accordance with Section 2.3.52.3.5.
4. Retaining walls with a total height of five feet or more, including the buried portion, require sealed plans prepared by a professional engineer as part of the application for a Building Permit.

B. EXEMPTIONS

The following are exempted from the standards in this section:

1. Fences and walls associated with bona fide farms and agricultural use types in districts where these uses are permitted;
2. Battery-charged security fences on lots located in non-residential and special zoning districts, provided they are completely surrounded by a non-electric security fence of at least five feet in height and configured in accordance with NCGS§160A-194.1; and **AMENDED 7.21.25 (UDOTA 1-25)**
3. Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.

C. PRE-EXISTING DEVELOPMENT

Lawfully established fences and walls established prior to January 2, 2024, that do not comply with these standards shall be subject to the applicable standards in Section 5.4, Nonconforming Site Features.

6.3.3 LOCATIONAL STANDARDS

A. GENERAL

No fence or wall shall:

1. Be located within the public right-of-way (except for public fences or walls, or as needed for retention of soil, subject to an approved encroachment agreement with the Town);
2. Be located within a designated public utility or drainage easement;
3. Obstruct visibility at intersections as required in accordance with Section 6.1.7, Sight Distance Triangles;
4. Impede visibility of the required property address number; or
5. Block pedestrian access from doors or windows.

B. EASEMENTS

1. Retaining walls five (5) feet or more in height, including the buried portion, shall provide maintenance easements that include the following: ~~centered on the wall and provided along the wall's full course when the retaining wall crosses lot lines~~. (#15) **AMENDED 7.21.25 (UDOTA 1-25)**
   a. Be centered on the wall;
   b. Be provided along the wall's full course when the retaining wall crosses lot lines;
   c. Include the wall and all associated underground components, such as tiebacks or anchors;
   d. Extend at least five (5) feet beyond the outermost structural element to allow for inspection, maintenance, and repair;
   e. Be kept clear of permanent obstructions; and
   f. Be recorded on a plat. (#15)
2. In cases where a fence or wall is permitted within an easement, the fence or wall shall be allowed to cross the easement perpendicularly or run parallel to and within the easement as close as is practicable to the edge of the easement. Crossings may be required to install a gate wide enough for maintenance equipment to transverse.
3. It is the landowner's responsibility to verify fence or wall locations within a private easement with the easement owner. The Town's permitting of fences or walls does not supersede or negate any private easement agreements or allowances.
4. The landowner shall remain solely liable for any repair or replacement if any portion of the fence or wall located within a required easement is damaged during maintenance or construction activities within the easement by the easement owner or their agent.

C. BLOCK DRAINAGE

Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.

D. REQUIRED SETBACKS

Fences or walls may be located within required setbacks but shall not encroach onto a separate lot.

E. REQUIRED LANDSCAPING AREAS

Fences or walls may be located within required landscaping areas, subject to the standards in Section 6.6.10H, Permitted Encroachments. In no instance shall chain link or other semi-opaque fencing be credited towards applicable screening requirements.

6.3.4 MATERIALS

A. LIFESPAN

1. Fences be designed, constructed, and maintained to ensure a minimum useful life of at least ten years.

6.6.12 OFF-STREET PARKING LOT LANDSCAPING

All off-street parking lots with five or more spaces serving multi-family, single-family attached residential, mixed-use, and non-residential developments shall comply with the following parking lot landscaping standards:

A. INTERIOR PLANTINGS

1. AREA TO BE LANDSCAPED

For the purposes of this section, the interior of a parking lot shall be all of the area within the outer boundary of the parking lot including interior and corner landscape islands intended to fulfill the interior parking lot landscaping requirements, but not including landscaping planted around the perimeter of the parking lot (see Figure 6.6.12.A, Parking Lot Interior Plantings).

2. LANDSCAPING ISLANDS AND STRIPS

A parking aisle with 12 or more vehicle spaces in a single row shall provide and maintain landscaping islands at each end of the row as well as a landscaping island located every 12 spaces, in accordance with the following standards:

- **a.** Islands shall have no minimum dimension less than nine feet and a minimum area of 180 square feet, including the curb (if curbing is provided);
- **b.** Landscape islands that do not contain canopy trees shall contain three or more shrubs and also may contain understory trees;
- **c.** Off-street parking lots of 100 or more spaces shall include at least one landscaping strip for every six rows of parking spaces; and
- **d.** Landscaping strips, when required, shall maintain a minimum width of nine feet and run the full length of a row of parking spaces. Landscape strips shall include shrubs and a pedestrian walkway of at least four feet in width and configured to comply with applicable ADA requirements, and may include trees and parking lot lighting, provided tree trunks are at least five feet from the pedestrian accessway. **AMENDED 9.16.24 (UDOTA 2-24)**

3. PROTECTION OF LANDSCAPE ISLANDS

- **a.** Landscape islands shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods.
- **b.** The placement of plant material within landscape islands shall allow for a two-and-one-half-foot vehicle overhang from the face of the curb or wheel stop.

4. PROTECTION FROM PEDESTRIAN WALKWAYS

In cases where a pedestrian walkway must be located within five feet of a tree trunk, wooden walkways, pervious pavers, or other methods shall be used to ensure the required tree is not damaged by the walkway.

5. STORMWATER MANAGEMENT

A landscape island may be designed to function as a stormwater control measure, provided its landscaping performance function is maintained.

6. ~~STRUCTURAL~~ SUPPORTIVE SOIL REQUIRED

Landscaping islands and strips located within a parking lot shall be comprised of properly-prepared ~~structural~~ soil that has been amended and cultivated to support healthy vegetation and appropriate drainage.(#16)

B. Unless exempted by this ordinance, development not providing street trees shall provide a streetscape buffer in accordance with Section 6.6.17, Streetscape Buffers.

C. WHERE REQUIRED

Street trees shall be located within tree pits or planting strips within ~~the~~ a street ~~right-of-way~~ (see Figure 6.6.16: Street Tree Configuration). (#17)

D. LOCATION

1. WITHIN TREE PITS

In cases where sidewalks, boardwalks, or paving is located in the right-of-way, street trees shall be located within tree pits, configured in accordance with the following standards:

a. Tree pits shall have a minimum planting area of at least 36 square feet per tree pit;

b. Tree pits shall be covered or configured with ground covering at the same general height as the pedestrian walkway to avoid being a tripping hazard; and

~~**c.** Tree pits shall include structural soils or screened backfill to ensure appropriate drainage and backfill.~~ (#16)

2. WITHIN PLANTING STRIPS

In cases where sidewalks are not present or where a portion of the right-of-way is not paved, street trees may be placed within planting strips, configured in accordance with the following standards:

a. Tree planting strips shall be configured parallel to the street;

b. Tree planting strips shall maintain a minimum width of six feet; and

c. Tree planting strips shall be raised above the grade or include edging that prevents pedestrians from walking in the planting strip.

3. SUPPORTIVE SOIL REQUIRED

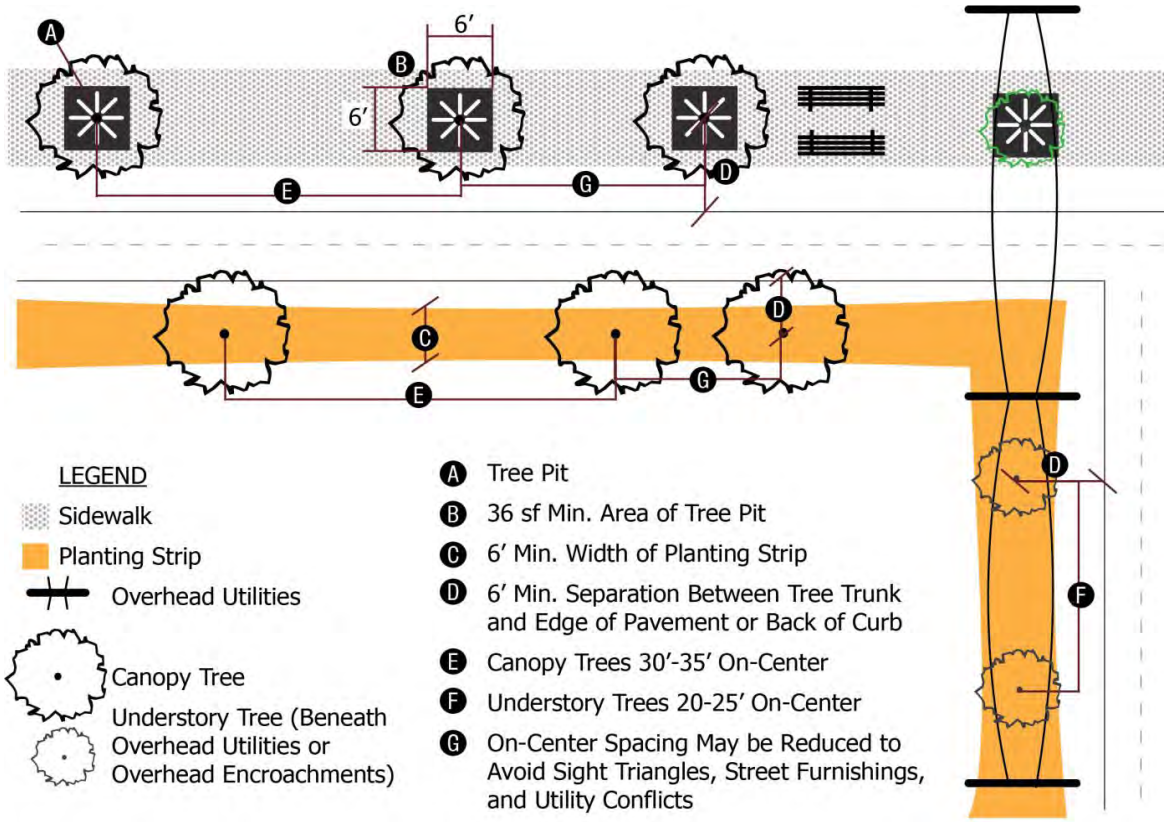
a. Tree pits and planting strips shall be comprised of properly-prepared soil that has been amended and cultivated to support healthy vegetation and appropriate drainage.(#16)

~~3.~~4. TREE PLACEMENT

a. Street trees, when located within tree pits or planting strips, shall be located so that the trunk is at least two-and-one-half feet from the back of the curb or the edge of the pavement.

b. Street trees shall not be located within sight distance triangles (see Section 6.1.7, Sight Distance Triangles).

FIGURE 6.6.16: STREET TREE CONFIGURATION



~~4.~~5. REQUIRED PLANT MATERIAL

AMENDED 7.21.25 (UDOTA 1-25)

a. Street trees shall be configured in one of the following three~~wo~~ ways:

i. Three canopy trees for every 100 linear feet of lot frontage; or

~~i.~~ii. Two canopy trees and two understory trees for every 100 linear feet of lot frontage; or

~~ii.~~iii. ~~Five~~ Four understory trees for every 100 linear feet, where overhead utilities are present. (#17)

b. Uniform spacing may be modified as necessary to accommodate driveways, sight distance triangles, utilities, or street trees on adjacent lot frontages. In cases where deviation from uniform on-center spacing is necessary, minimum spacing shall be in accordance with best practices for streetscape planting and maintenance in the sole discretion of the Town.

~~5.~~6. TYPES OF TREES

a. Except in areas underneath existing overhead utilities or upper story encroachments into the right-of-way, street trees shall be canopy trees that meet the standards in Figure 6.6.8.A, Plant Material Specifications.

b. In areas beneath existing overhead utilities or upper story encroachments into the right-of-way, street trees shall be understory trees that meet the standards in Figure 6.6.8.A, Plant Material Specifications.

~~6. SPECIES~~

~~a. Only those species identified in Table 6.6.16.B: Preferred Street Tree Species, shall be utilized to meet these standards:~~ (#18)

~~TABLE 6.6.16.B.5: PREFERRED STREET TREE SPECIES~~

~~Canopy Trees (by Common Name)~~	~~Understory Trees (by Common Name)~~
~~Bald Cypress~~	~~Carolina Silverbell~~
~~European Hornbeam~~	~~Chinese Pistache~~
~~Hedge Maple~~	~~Common Witchhazel~~
~~Japanese Zelkova~~	~~Crape Myrtle~~
~~Lacebark Elm~~	~~Dogwood~~
~~London Planetree~~	~~Eastern Redbud~~
~~Hardy Rubber Tree~~	~~Fringetree~~
~~Thornless Honey Locust~~	~~Green Hawthorne~~
~~Kentucky Coffee Tree~~	~~Serviceberry~~

~~b. Applicants may propose a different species, subject to approval by the Engineering Director.~~

7. ON-CENTER SPACING

a. Canopy trees shall be planted 30 to 35 feet on-center.

b. Understory trees shall be planted 20 to 25 feet on-center.

c. Grouping or clustering of street trees shall be prohibited, but on-center spacing may be reduced as necessary to avoid sight distance triangles, street furnishings, or other utility conflicts.

8. COMPLIANCE WITH NCDOT STANDARDS

In cases where street trees are located within street rights-of-way maintained by the NCDOT, street tree configuration shall be in accordance with NCDOT standards in addition to the standards in this section. In the event the standards in this section conflict with applicable NCDOT standards, the NCDOT standards shall control.

E. SPECIES

Species of street trees are provided in the Suggested Plant Materials List found in the UDO Procedure Manual. (#18)

6.6.17 STREETSCAPE BUFFERS

A. PURPOSE AND INTENT

Streetscape buffers are proposed to soften the view of development from ~~the Town's~~ a street ~~rights-of-way,~~ and are intended to: (#17)

1. Enhance pedestrian orientation and encourage pedestrian travel;
2. Address urban heat islands by providing shade for streets and sidewalks;
3. Provide shade on sidewalks;
4. Promote the Town's "sense of place";
5. Support property values by enhancing the aesthetic character of the Town's streets; and
6. Provide habitat for flora and fauna.

B. APPLICABILITY

Streetscape buffers shall be provided on lots in the CRM, CZC, CZI, CZM, CZR, HID, LID, MXD, NCM, OFI, RUR, RLL, RLD, RMD, RHD, RMF, PUB districts in accordance with the following (#17): **AMENDED 7.21.25 (UDOTA 1-25)**

1. The standards in this section shall apply to all lot lines bounded by ~~the following features~~streets, whether existing or identified in the Town's adopted policy guidance.~~:~~ (#17)
   ~~a. Local streets;~~
   ~~b. Collector streets;~~
   ~~c. Arterial streets; and~~
   ~~d. As specified in Section 3.7.3, GTOD Gateway Overlay District.~~
2. In cases where a future street is planned but its approximate location is not indicated on an adopted or approved Town map or plan, streetscape buffering shall not be required on lots abutting the future street alignment.
3. In cases where the rear yard of a lot abuts a ~~Town~~ street ~~right-of-way~~, the rear yard shall include a streetscape buffer configured in accordance with these standards. (#17)

C. EXEMPTION

1. Streetscape buffers are not required in the following locations:
   a. Land in the CON district;
   b. Adjacent to portions of lot lines crossed by driveways, private drives, or alleys;
   c. Lot lines abutting platted streets ~~rights-of-way~~ that are or have remained unopened for at least 15 years; or (#17)
   d. Lot frontages where the entirety of the lot frontage is within a required sight distance triangle.
2. Development subject to the standards in Section 6.6.16, Street Trees, is not required to provide streetscape buffers.

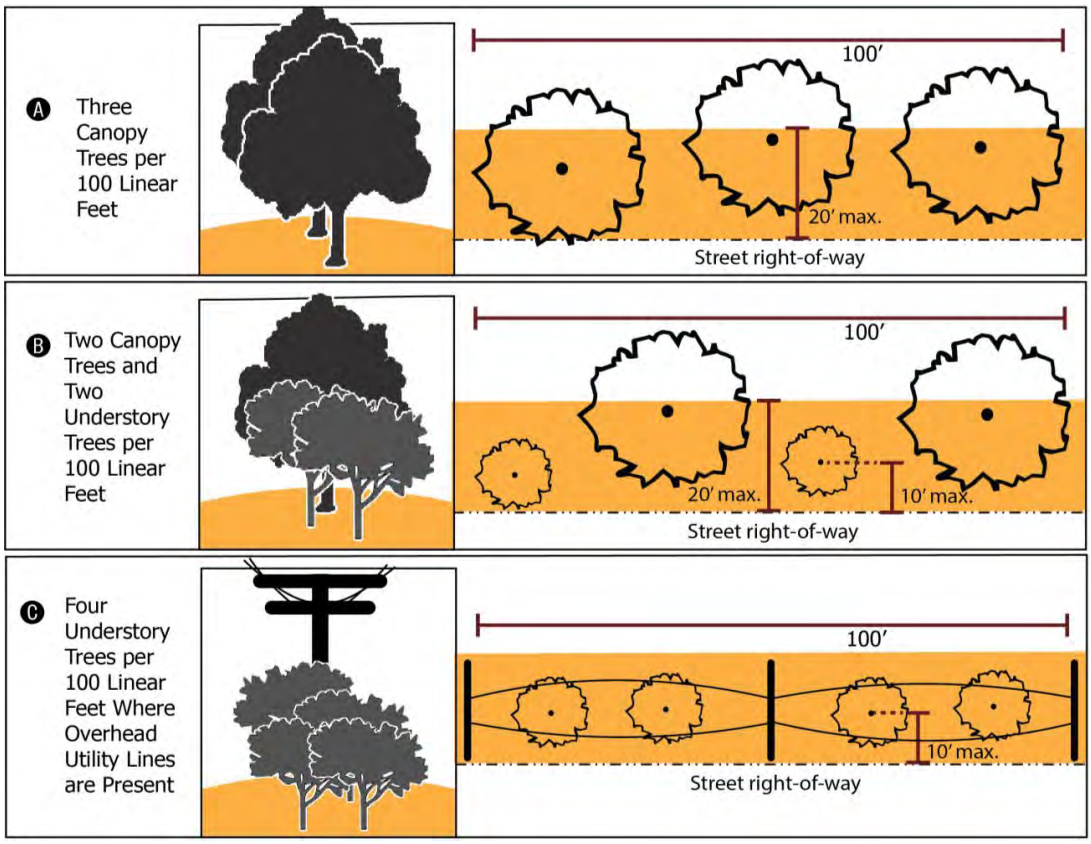
D. REQUIRED PLANT MATERIAL

1. GENERALLY

Streetscape buffers shall be configured in one of the following three ways (see Figure 6.6.17.D: Streetscape Buffer Configuration):

a. Three canopy trees for every 100 linear feet of lot frontage; or
b. Two canopy trees and two understory trees for every 100 linear feet of lot frontage; or
c. Four understory trees for every 100 linear feet, where overhead utilities are present.

FIGURE 6.6.17.D: STREETSCAPE BUFFER CONFIGURATION



2. REAR YARD STREETSCAPE BUFFERS

In cases when a lot's rear yard abuts a ~~Town~~ street ~~right-of-way~~, the rear yard shall be configured with a streetscape buffer meeting the requirements for a type C perimeter buffer (see Section 6.6.13, Perimeter Buffers). In cases where a streetscape buffer is configured in accordance with a type C perimeter buffer, trees shall maintain a uniform on-center spacing across the width of the buffer and the distance from the right of way shall be in accordance with the perimeter buffering standards instead of the placement standards in this section. (#17)

E. PLACEMENT

1. Vegetation required as part of a streetscape buffer shall be located outside the street right-of-way.
2. Canopy trees shall be located within 20 feet of the right-of-way edge.
3. Understory trees shall be located within 10 feet of the right-of-way edge.
4. An alternative location may be approved by the Planning Director in cases where underground utilities, drainage easements, topography, or other obstructions make placement of streetscape buffer vegetation in accordance with these standards impractical.

F. PROHIBITED FEATURES

Off-street parking, off-street loading, merchandise display, outdoor storage, or use of gravel, decorative gravel, or cinders as a ground cover shall not take place within a required streetscape buffer.

G. SPECIES

Species of street trees are provided in the Suggested Plant Materials List found in the UDO Procedure Manual. (#18)

6.6.18 VIOLATION AND REPLACEMENT

A. DAMAGE OR REMOVAL OF VEGETATION IS A VIOLATION

The damage, disturbance, or removal of any landscaping area or vegetation required by this section shall constitute a violation of this Ordinance subject to the remedies described in Chapter 7, Violations.

B. REPLACEMENT REQUIRED

1. Any disturbed landscaping areas, areas of preserved existing vegetation, or required plant material shall be replaced in accordance with the approved development application and these standards.
2. Trees or vegetation that die within one year of construction completion shall be removed and replaced with new vegetation of equal or greater size.
3. Replacement trees shall be planted within 90 days of removal of required vegetation.

C. REVEGETATION PLAN REQUIRED

In cases where required landscaping or existing vegetation required to be preserved is damaged, disturbed, or removed, a revegetation plan shall be submitted for review and approval by the Planning Director, in accordance with the following standards:

1. Any tree with a caliper of at least eight inches that is damaged or removed shall be replaced with one or more trees that have a caliper of at least three inches and a cumulative caliper equal to or greater than the original tree.
2. Trees damaged or destroyed less than eight inches in diameter shall be replaced to satisfy the performance criteria of this section.
3. Shrubs may also be required to restore the landscaping performance criteria for the disturbed area.

D. LOCATION OF REPLACEMENT TREES AND VEGETATION

1. Replanting shall be located within the vicinity of the vegetation to be replaced.
2. If the area is too small for sufficient growth, a more suitable location on the site may be selected, as permitted by the Planning Director.

E. EXCESSIVE PRUNING OR TRIMMING

Pruning or trimming exceeding the TCIA standards or activities exceeding necessary pruning or trimming shall be a violation of this Ordinance, and shall require replacement of damaged vegetation in accordance with Section 6.6.18B, Replacement Required.

F. FAILURE TO MAINTAIN

Failure to maintain required landscaping areas is a violation of this Ordinance, in accordance with Chapter 7, Violations.

B. FLAGS

AMENDED 7.21.25 ('UDOTA 1-25)

1. Definition

A piece of cloth or similar material, typically rectangular or square in shape, that is attached to a pole or rope along one side (typically the shorter side) of the material. Flags are intended to move in the breeze and do not include frames or supporting structures that cause them to retain their shape regardless of the wind. Flags that include supporting frames, that are attached to light or utility poles or that are affixed to two or more poles at the same time are "banners." Feather flags and bow signs are prohibited.

2. Districts Where Permitted

CON, PUB	Residential, CZR	OFI, NCM	DTNC, CZD, MXD, CZM	CRM, CZC	LID, HID, CZI
Yes	Yes	Yes	Yes	Yes	Yes

3. Dimensional Standards

Maximum Number of Flags per Lot	3
Maximum Flagpole Height	40 feet above grade or 40 feet above the highest point of a building if building-mounted [1]
Maximum Number of Flags per Flagpole	2
Maximum Size per Flag	60 square feet
Minimum Setback from any Lot Line for a Flagpole or other Mounting Device	The height of the flagpole or mounting device if building-mounted

NOTES:
[1] In cases where a flag projects out into a street right-of-way, the flag shall maintain a minimum vertical clearance of 18 feet above the street pavement and 8 feet above a sidewalk.
[2] Flagpoles that are freestanding and detached from the wall or roof of a building shall obtain a Zoning Compliance Permit, Section 2.3.33B, Applicability (#06).

4. Additional Requirements

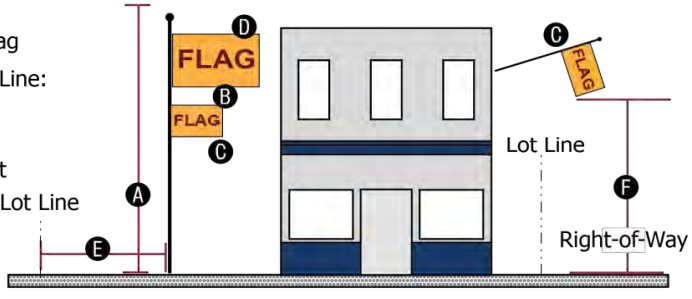
a. Flags and flagpoles shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.

b. Except on lots in residential districts, flags on poles shall be located no more than 10 feet from the front building line.

5. Sample Calculation

LEGEND

- A Max. Height: 40' or 40' Above Highest Point of Building if Mounted
- B Max. Flags per Pole: 2
- C Max Flags Per Lot: 3
- D Max. Size: 60 sf per Flag
- E Min. Setback from Lot Line: Height of Flagpole or Mounting Device
- F If Projecting into Street Right-of-Way, Min. Vertical Clearance: 18' Above Street; 8' Above Sidewalk



6.15 STORMWATER

6.15.1 AUTHORITY (#19)

The Town is authorized to adopt these stormwater standards pursuant to North Carolina law, including but not limited to:

A. Article 14, Section 5 of the Constitution of North Carolina;
B. NCGS§ 113A, Article 4 (Sedimentation Pollution Control Act of 1973);
C. NCGS§ 143-214.5 (Water supply watershed protection);
D. NCGS§ 143, Article 21, Part 6 (Floodway Regulation);
~~A.~~
~~B.~~E. NCGS§ 143-214.7 and rules promulgated by the Environmental Management Commission thereunder;
F. NCGS§§ ~~143-215.6A, 153A-454, 160A-174, 160A-185, and 160A-459~~ 160A-174, 185 and 459;
~~C.~~G. NCGS§ 160D;
~~D.~~H. ~~Session Law 2009-216 and Session Law 2009-484~~ General Session Law: 2006-246 (Phase II Stormwater) and 2012-200 (Buffer Rules);
~~E.~~I. Section NCAC 02B .0711 of the North Carolina Administrative Code;
~~F.~~J. The Charter of the Town of Clayton; and
K. Any special legislation enacted by the North Carolina General Assembly for the Town of Clayton.
~~G.~~

6.15.2 FINDINGS

A. It is hereby determined that:
   1. Development ~~and redevelopment~~ alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge (#19);
   2. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and
   3. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

B. It is further determined that the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this section.

C. Additionally, the North Carolina Environmental Management Commission has identified and has promulgated rules that have been amended and affirmed by the North Carolina General Assembly (Neuse River Nutrient Management Strategy) to reduce the average annual loads of nitrogen delivered to the Neuse River Basin from all point and nonpoint sources of these nutrients located within its watershed, including stormwater from new development in Clayton's planning jurisdiction.

D. Therefore, the Town establishes this set of water quality and quantity regulations to meet the requirements of State and federal law regarding control of stormwater runoff and discharge from development ~~and redevelopment~~ (#19).

6.15.3 PURPOSE

A. The purpose of this section is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff, including nitrogen, phosphorus, and total suspended solids in stormwater runoff, as well as to control the adverse effects of nonpoint and point source pollution associated with new development ~~and redevelopment~~ in the Middle Neuse River Basin (#19). It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, and general welfare, and protect water and aquatic resources.

B. This section seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for development that protect the integrity of watersheds and preserve the health of water resources;
2. Requiring that new development ~~and redevelopment~~ maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats; (#19)
3. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establishing design and review criteria for the construction, function, and use of structural stormwater best management practices ("BMPs") and stormwater control measures ("SCMs") that may be used to meet the minimum post-development stormwater management standards;
5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;
6. Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural stormwater BMPs and SCMs to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;
7. Establishing administrative procedures for the submission, review, approval, and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance;
8. Controlling illicit discharges into municipal separate stormwater system;
9. Coordinating site design plans that include open space, natural areas with Section 6.7, Open Space Set-Aside and Parkland, Section 6.11, Resource Conservation Areas, and Section 6.12, Riparian Buffers; and (#19)
10. Assigning responsibility and processes for approving the creation and maintenance of adequate drainage.
11. Providing education and outreach to the public regarding methods to prevent and minimize pollutant contributions to the municipal separate stormwater system and waters of the State. (#19)
12. Requiring that new development not exceed export targets for nitrogen in stormwater runoff for the watershed through site layout, engineered stormwater controls, or permanent nutrient offset credits; and (#19)
13. Controlling erosion and sedimentation from construction activities. (#19)

6.15.4 APPLICABILITY AND JURISDICTION

A. GENERAL

~~Beginning with and subsequent to its effective date, this section shall be applicable to all development and redevelopment, including, but not limited to, Site Plan applications, Subdivision applications, and Land Disturbance Permit applications,~~ Beginning with and subsequent to its effective date, this ordinance shall be applicable to all development and expansion of development throughout the corporate limits and extraterritorial jurisdiction of the Town of Clayton within the Middle Neuse River Basin Watershed, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempted in accordance with Section 6.15.4C, Exemptions. (#19)

B. ESTABLISHMENT OF VESTED RIGHTS

Vested rights are established in accordance with Section 1.11, Vested Rights, and Section 2.3.32, Vested Rights Certificate.

C. EXEMPTIONS

The following forms of development and actions shall be exempted from the requirements in this section:

1. Single-family detached dwellings, duplex dwellings, and manufactured home dwellings and recreational development ~~and redevelopment~~ that cumulatively disturbs less than one acre and are not part of a larger common plan of development or sale are exempt from the provisions of this section, unless deemed otherwise by the Stormwater Administrator. (#19)
2. Commercial, industrial, institutional, single-family attached, and multi-family residential, or local government development ~~and redevelopment~~ that cumulatively disturbs less than one-half acre and are not part of a larger common plan of development or sale are exempt from the provisions of this section. (#19)
3. Development ~~and redevelopment~~ that disturbs less than a stated area threshold are not exempt if such activities are part of a larger common plan of development or sale that exceeds the relevant threshold, even though multiple, separate, or distinct activities take place at different times on different schedules. (#19)
4. Activities subject to requirements of the Neuse River Basin Watershed Agriculture Rule, 15A NCAC 02B .0712 is exempt from the provisions of this ordinance. ~~Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from these provisions.~~ (#19)
5. In accordance with the requirements of 15A NCAC 02B .0711 and the Town's Phase II Permit NCS000559, new development undertaken by the Town solely as a public road project shall be deemed compliant with the purposed of this section if it meets the riparian buffer protection requirements of the Neuse River buffer rules. For these public road projects, the following shall be done to the maximum extent practicable:
   a. Minimize BUA;
   b. Divert runoff away from surface waters; and
   c. Implement BMPs and SCMs.
6. Existing development or redevelopment is exempt from the provisions of this ordinance.~~impervious surfaces established prior to November 1, 2008, as determined through aerial photography, permits, plans, etc. however, if the impervious area limits are reduced after November 1, 2008, and the previously impervious area is reestablished as pervious for a period of one year or more, the impervious area is no longer exempt.~~ (#19)

7. Commercial, industrial, institutional, multifamily residential or local government development that disturbs less than one half acre and expands existing structures on a parcel but does not result in a cumulative built-upon area for the parcel exceeding twenty-four (24) percent is exempt from the provisions of this ordinance. (#19)
8. Development of an individual single-family or duplex residential lot that is not part of a larger common plan of development or sale and does not result in greater than five (5) percent built-upon area on the lot is exempt from the provisions of this ordinance. (#19)
9. Development or expansion of development with a vested right per the standards of NCGS§ 160D-108 is exempt from the provisions of this ordinance. (#19)
~~6.~~10. Development or expansion of development for which the permit application was submitted prior to adoption of this ordinance is optionally exempt from the provisions of this ordinance per the requirements of NCGS§ 143-755. (#19)

D. NO DEVELOPMENT ~~OR REDEVELOPMENT~~OR EXPANSION UNTIL COMPLIANCE AND PERMIT (#19)

No development or expansion of development shall occur except in compliance with the provisions of this ordinance or unless exempted. No development or expansion of development for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit. (#19)

~~1. No development or redevelopment shall occur except in compliance with the provisions of this section or unless exempted.~~

~~2. No development for which a permit is required pursuant to this section shall occur except in compliance with the provisions, conditions, and limitations of the permit.~~

E. MAP

1. The provisions of this chapter shall apply within the areas designated on the map titled "Stormwater Map of Town of Clayton, North Carolina" (the Stormwater Map), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Chapter.
2. The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to consider changes in the land area covered by this section and the geographic location of all engineered stormwater controls permitted under this section. In the event of a dispute, the applicability of this section to a particular area of land or SCM or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and this Ordinance.

6.15.5 DESIGN MANUAL

A. REFERENCE TO DESIGN MANUAL

1. The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the Design Manual as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater SCMs.
2. The Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of Phase II and other applicable stormwater laws.

B. RELATIONSHIP OF DESIGN MANUAL TO OTHER LAWS AND REGULATIONS

If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual.

C. CHANGES TO STANDARDS AND SPECIFICATIONS

If the standards, specifications, guidelines, policies, criteria, or other information in the Design Manual are amended subsequent to the submittal of an application for approval pursuant to this chapter but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this Section with regard to the application.

D. AMENDMENTS TO DESIGN MANUAL

The Design Manual may be updated and expanded from time to time, based on advancements in technology and engineering, changes to State Minimum Design Criteria, improved knowledge of local conditions, or local monitoring or maintenance experience. Prior to amending or updating the Design Manual, proposed changes shall be generally publicized and made available for review, and an opportunity for comment by interested persons shall be provided. (#19)

6.15.6 RELATIONSHIP TO OTHER LAWS, REGULATIONS, AND PRIVATE AGREEMENTS

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

A. PRIVATE AGREEMENTS

This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this ordinance. In no case shall the Town of Clayton be obligated to enforce the provisions of any easements, covenants, or agreements between private parties. (#19)

~~6.15.6~~6.15.7 EFFECTIVE DATE AND TRANSITIONAL PROVISIONS

These standards shall take effect on December 2, 2025~~January 2, 2024~~.

A. FINAL APPROVALS, COMPLETE APPLICATIONS

1. All development and expansion of development projects for which complete and full applications were submitted to the Town of Clayton prior to the effective date of this ordinance may be exempted from complying with all provisions of this ordinance dealing with the control and/or management of stormwater by the choice of the developer.
2. A phased development plan shall be deemed complete prior to the effective date of this ordinance, and it shows:

a. For the initial or first phase of development or expansion of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that have been approved.

b. For any subsequent phase of development or expansion of development, sufficient detail so that implementation of the requirements of this ordinance to that phase of development would require a material change in that phase of the plan.

B. VIOLATIONS CONTINUE

1. Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use, development, construction, or other activity complies with the provisions of this ordinance. (#19)

~~6.15.7~~6.15.8 REVIEW PROCEDURES

A. PERMITS

Stormwater Permits shall be reviewed and decided in accordance with Section 2.3.24, Stormwater Permit.

B. VARIANCE

Variance from the standards in this section shall be in accordance with Section 2.3.31, Variance.

C. APPEALS

Appeals of decisions of the Stormwater Administrator regarding these standards shall be in accordance with Section 2.3.4, Appeal.

~~6.15.8~~6.15.9 STANDARDS

All development ~~and redevelopment~~ subject to these standards shall comply with the following: (#19)

A. RESTRICTION REQUIRED

Approval of the Stormwater Permit shall require enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development ~~and redevelopment~~ maintains the site consistent with the approved stormwater management plan. (#19)

B. . BUILT UPON STANDARDS

1. All lots or portions of lots in existence prior to date of ordinance adoption and established outside subdivisions after that date, additional built upon area (BUA) may be added to the property which would result in BUA coverage equal or less than allowed by the following table: (#19)

TABLE 6.15.9.B: BUILT UPON AREA STANDARDS		
AREA	BUA (SQUARE FEET, DENSITY, OR DWELLING UNIT LIMITATION)	BUA OVERAGE REQUIREMENTS
LOW DENSITY DEVELOPMENT IN WS-IV PA SINGLE-FAMILY DETACHED RESIDENTIAL	Single-family detached residential development may take place under the low-density development option using either of the following three alternatives: i. Up to one dwelling unit per one-half acre or one dwelling unit per 20,000 square foot lot excluding roadway right-of-way; ii. A maximum of 24 percent built-upon area; iii. Up to three dwelling units per acre or 36 percent built upon area when streets are configured without curb and gutter.	Stormwater control Type Y as described in Design Manual section E-1.
NON-RESIDENTIAL AND ALL OTHER FORMS OF RESIDENTIAL	Non-residential and all forms of residential development other than single-family detached may take place under the low-density development option using either of the following two alternatives: i. A maximum of 24 percent built-upon area; ii. Up to 36 percent built upon area provided streets are configured without curb and gutter.	Stormwater control Type Y as described in Design Manual section E-1.
HIGH DENSITY DEVELOPMENT IN WS-IV PA	All residential and non-residential development shall maintain a 24-to-70 percent built-upon area.	Stormwater control Type X as described in Design Manual (may include capturing first inch, total volume, nutrients, etc.) Acquire nutrient offset credits. (#19)

2. Additional BUA and expansions of BUA beyond the above limitations must comply with the stormwater treatment and nutrient requirements of the above table. Only BUA on the lot, and that existing after, or proposed to be added after, the date of ordinance adoption is included in BUA calculations. (#19)

3. For all lots, portions of lots, planned rights-of-way, and common areas established within subdivisions after the date of ordinance adoption, new built- upon area may be added to the property which would results in BUA coverages equal to or less than allowed by Table 6.15.9.B: Built Upon Areas Standards. (#19)
4. New BUA, beyond the above limitations, must comply with the stormwater treatment and nutrient requirements of the above table. BUA calculations include all proposed lots, portions of lots, planned rights-of-way, and common areas. (#19)
5. Prior to the conveyance or transfer of any lot the BUA on that lot shall be referenced on the final plat and shall be recorded with the county Register of Deeds as the BUA Limitation. The BUA Limitation shall be binding on all subsequent owners of the site and portions of the site. (#19)

~~B.~~C. NEUSE RIVER ESTUARY NUTRIENT MANAGEMENT REQUIREMENTS

1. Nitrogen ~~and phosphorus~~ loads contributed by the proposed new development shall not exceed 3.6 pounds per acre per year unit-area mass loading rates for nitrogen.
~~2. Redevelopment subject to these standards that would replace or expand existing structures or improvements and would result un a net increase in built-upon area shall have the option of either meeting the loading standards identified in this sub-section or meeting a loading rate that achieves a nutrient load corresponding to a 35 percent reduction for nitrogen as compared to the existing development.~~ (#19)
2. The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the latest NCDEQ-approved nutrient accounting tool.
3. The project area used for nutrient calculation and stormwater requirements includes the site area less any existing built-upon area. The project density used for determining stormwater requirements is the amount of built-upon area subject to this ordinance at project completion divided by the project area. (#19)
~~3.~~

~~C.~~D. NITROGEN ~~AND PHOSPHORUS~~ STANDARD IS SUPPLEMENTAL~~; TOTAL SUSPENDED SOLIDS (TSS) REMOVAL~~

1. The nitrogen ~~and phosphorus~~ loading standard~~s~~ in this section ~~are~~ is supplemental to, not replacements for, stormwater standards otherwise required by federal, State, or local law, including without limitation any riparian buffer requirements applicable to the location of the development, including, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0714 and .0295. (#19)
~~2. All stormwater systems used to meet these requirements shall be designed to have a minimum of 85 percent average annual removal for TSS.~~

~~D.~~E. CONTROL AND TREATMENT OF RUNOFF VOLUME

~~1. Stormwater systems shall be designed to control and treat runoff volume generated from all surfaces by one inch of rainfall; the treatment volume.~~
~~2. The treatment volume shall not exceed the maximum ponding depth and be drawn down pursuant to standards specific to each practice as provided in the Design Manual.~~
~~3. To minimize flooding and to ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by evasive flows, stormwater flows from development or redevelopment shall not contribute to degradation of waters of the State.~~ (#19)
1. All projects shall meet the stormwater system design requirements set forth in 15A NCAC 02H .1003. Projects shall use a project density threshold of greater than twenty-four (>24%) percent built-upon area, whereupon high-density stormwater design is required.

All engineered stormwater controls will meet the standards set in the Design Manual and the State's Minimum Design Criteria, 15A NCAC 02H .1050 through .1062. (#19)

2. Where high-density stormwater design is required, stormwater systems shall meet the standards set forth in 15A NCAC 02H .1003(3) and be designed to control and treat the volume of runoff generated from all built-upon area by one inch of rainfall or equivalent runoff volume in one or more Primary SCMs. These projects may utilize offsite Primary SCMs dedicated to treating an area encompassing the project. (#19)
3. Where high-density stormwater design is not required, stormwater systems shall meet the low-density stormwater design standards set forth in 15A NCAC 02H .1003(2). (#19)
4. At a minimum, the development ~~and redevelopment~~ shall not result in a net increase in peak flow leaving the site from pre-development conditions for the 1-year, 24-hour storm; 2-year, 24-hour storm; 10-year, 24-hour storm; and 25-year 24-hour storm events.

F. METHODS TO MEET NUTRIENT CONTROL REQUIREMENTS

Projects subject to this ordinance shall meet nitrogen loading targets through a combination of the following methods:

1. Projects may reduce export of nitrogen through any combination of engineered stormwater controls treating runoff on the site, in an approved offsite regional engineered stormwater control, or through the acquisition of permanent nutrient offset credits. The developer shall calculate the nitrogen reduction provided by these controls using the approved accounting tool.
2. Proposed development undertaken by a local government solely as a public road expansion or public sidewalk project, or proposed development subject to the jurisdiction of the Surface Transportation Board, may meet nitrogen reduction needs for the project entirely through the use of permanent nutrient offset credits pursuant to the Nutrient Offset Credit Trading Rule, 15A NCAC 02B .0703. (#19)

~~E.~~G. PARTIAL OFFSET OF NUTRIENT CONTROL REQUIREMENTS

1. Development subject to these standards shall attain a maximum nitrogen loading rate on-site of six pounds per acre per year for single-family detached and duplex residential development, and ten pounds per acre per year for other development, including multi-family residential, commercial, and industrial. Sufficient permanent nutrient offset credits to meet project nutrient reduction needs not provided by engineered stormwater controls serving the project shall be acquired prior to approval of the development plan. The Stormwater Administrator shall issue an approval letter for the development that documents the needed nitrogen credits and where the development is located relative to the Middle Neuse River Basin Watershed Rules' geographic requirements. All permanent nutrient offset credits permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0703.~~Development shall also meet any requirements for engineered stormwater controls otherwise imposed by these standards. A developer subject to these standards may achieve the additional reductions in nitrogen and phosphorus loading by use of the following options:~~ (#19)
   a. Purchasing offset credits from an approved private seller with a project located in the same eight-digit Hydrologic Unit Code (8-digit HUC) as the proposed development (refer to the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Resources (DWR) for approved mitigation banks with applicable and eligible credits in Clayton).
   b. Making offset payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that program.

c. Making offset payments to the Town of Clayton for equivalent nutrient credits at 80 percent of the rate calculated by the NC Ecosystem Enhancement Program for the Neuse-Falls Lake watershed.

d. A developer may propose to offset measures to the Town, including providing their own off-site offset.

e. Through payment into the Riparian Buffer Restoration Fund established in N.C.G.S. 143-214.21. (#19)

2. All offsite measures shall meet the requirements of 15A NCAC 02B .0273 (2) through (4) and 15A NCAC 02B. 0240.

3. Documentation and proof of purchase for offset credit options is required prior to construction plan approval.

~~3.~~4. Excess permanent nutrient offset credits acquired beyond what is required for the development may not be applied to any other development. (#19)

~~F.~~H. STANDARDS FOR STORMWATER CONTROL MEASURES

1. EVALUATION ACCORDING TO CONTENTS OF DESIGN MANUAL

a. All stormwater control measures, stormwater systems, and stormwater treatment practices (also referred to as Best Management Practices, or BMP/SCMs) required by these standards shall be evaluated by the Stormwater Administrator according to the policies, criteria for each stormwater practice, in the most updated version of the Design Manual.

b. The Stormwater Administrator shall determine whether proposed BMP/SCMs will be adequate to meet the requirements of this section.

2. DETERMINATION OF ADEQUACY; PRESUMPTIONS AND ALTERNATIVES

a. Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the Design Manual and the approved accounting tool will be presumed to meet the minimum water quality and quantity performance standards of these standards.

b. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of these standards.

c. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

3. SAFETY REQUIREMENTS

All SCM facilities subject to this Ordinance shall be designed with features to discourage access from unauthorized personnel to prevent injury and accidental loss of life.

4. ACCESS

All private stormwater control measures must be served by an access easement from an adjacent street or vehicular travelway for the purpose of maintenance. **AMENDED 12.16.24 (UDOTA 3-24)**

~~G.~~I. COMPLETION OF STORMWATER BMPS AND SCMS

1. The developer of any non-residential development will be expected to have installed, stabilized, and a received a passing inspection from the Town of the final stormwater BMP/SCMs supporting their development prior to issuance of a Certificate of Occupancy. **AMENDED 12.16.24 (UDOTA 3-24)**

2. For residential development, the final stormwater device can be installed at such point that 80 percent or more of the residential lots are completed.

~~H.~~J. DEDICATION OF BMP/SCMS, FACILITIES, AND IMPROVEMENTS

The Town may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this section and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

~~I.~~K. VARIATIONS FROM THIS SECTION

The town shall have the option to approve projects that do not comply with all the provisions of these standards on a case-by-case basis as follows:

1. If the variation pertains to a BMP/SCM design that does not meet all the minimum design criteria, then the applicant shall provide technical justification based on engineering calculations and the results of research studies showing that the proposed design provides equal or better stormwater control and equal or better protection of waters of the State than these requirements and that it shall function in perpetuity.
2. The town shall have the option to require compliance with the minimum design criteria in the event that the alternative BMP/SCM design fails.
3. If the variation pertains to other aspects of the project, then the applicant shall demonstrate that the project provides equal or better stormwater control and equal or better protection of waters of the State than these requirements.

~~6.15.9~~6.15.10 MAINTENANCE

A. GENERAL STANDARDS FOR MAINTENANCE

1. FUNCTION OF BMPS OR SCMS AS INTENDED

The owner of each structural and engineered stormwater control installed pursuant to this chapter shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the engineered stormwater control was designed.

2. ANNUAL MAINTENANCE INSPECTION AND REPORT

a. The person responsible for maintenance of any structural and engineered stormwater control installed pursuant to this section shall submit to the Stormwater Administrator an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:
   i. The name and address of the land owner;
   ii. The recorded book and page number of the lot of each structural and engineered stormwater control;
   iii. A statement that an inspection was made of all structural and engineered stormwater control;
   iv. The date the inspection was made;
   v. A statement that all inspected structural and engineered stormwater controls are performing properly and comply with the terms and conditions of the approved maintenance agreement required by this section; and
   vi. The original signature and seal of the engineer, surveyor, or landscape architect.

b. All inspection reports shall be on forms supplied by the Stormwater Administrator.

c. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as built certification.

B. OPERATION AND MAINTENANCE PLAN

1. There shall be an Operation and Maintenance Plan (O&M Plan) for every engineered stormwater control. The O&M Plan shall specify all operation and maintenance work necessary for the function of all engineered stormwater control components, including the stormwater conveyance system, perimeter of the device, inlet(s), pretreatment measures, main treatment area, outlet, vegetation, and discharge point. (#19)
2. The O&M Plan shall require the owner to maintain, repair and, if necessary, reconstruct the engineered stormwater controls, and shall state the terms, conditions, and schedule of maintenance for the engineered stormwater controls. The O&M Plan shall specify methods to be used to maintain or restore the engineered stormwater controls to design specifications in the event of failure. (#19)
3. The O&M Plan shall be signed by the owner and notarized. The owner shall keep maintenance records, and these shall be available upon request by the Stormwater Administrator. (#19)

~~B.~~C. OPERATION AND MAINTENANCE AGREEMENT

1. IN GENERAL

a. Prior to the conveyance or transfer of any lot or building site to be served by a engineered stormwater control pursuant to this section, and prior to issuance of any permit for development or redevelopment requiring a engineered stormwater control pursuant to this section, the applicant or owner of the site shall execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the engineered stormwater control in a form acceptable to the Stormwater Administrator.

b. Until the transference of all property, sites, or lots served by the engineered stormwater control, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

c. The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the engineered stormwater control, and shall state the terms, conditions, and schedule of maintenance for the engineered stormwater control. In addition, it shall grant to the Town a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the engineered stormwater control; however, in no case shall the right of entry, of itself, confer an obligation of the Town to assume responsibility for the engineered stormwater control.

d. The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the Final Plat and shall be recorded with the Johnston County Register of Deeds upon Final Plat approval.

e. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within 14 days following its recordation.

f. For all engineered stormwater controls required pursuant to this section that are to be or are owned and maintained by an owners' association, the required operation and maintenance agreement shall include all of the following provisions:

i. A statement that the agreement shall grant the Town of Clayton a right of entry to inspect, monitor, repair, and reconstruct structural BMP/SCMs.

ii. A statement that the Town of Clayton is authorized to recover from the property owner and/or association and its members, any and all costs the Town of Clayton expends to maintain or repair the structural BMP/SCMs or to correct any operational deficiencies. Failure to pay the Town of Clayton all of its expended costs, after 45 days' written notice, shall constitute a breach of the agreement. The Town of Clayton shall thereafter be entitled to bring an action against the property owner and/or association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both, in case of a deficiency. Interest, collection costs, and attorney fees shall be added to the recovery.

iii. A statement that the agreement shall not obligate the Town of Clayton to maintain or repair any structural BMP/SCMs or encompassing easements, and the Town of Clayton shall not be liable to any person for the condition or operation of structural BMP/SCMs.

iv. Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

v. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town to enforce any of its ordinances as authorized by law.

vi. A statement that the property owner and/or association and its members indemnifies and holds harmless the Town of Clayton for any costs and injuries arising from or related to the structural BMP/SCM, unless the Town of Clayton has agreed in writing to assume the maintenance responsibility for the BMP/SCM and has accepted dedication of any and all rights necessary to carry out that maintenance.

2. THIRD PARTY TRANSFER DOCUMENT FOR OWNERS' ASSOCIATIONS

A third-party document signed by the Town of Clayton, the developer, and the owners' association shall be required upon completion of the project and handoff of all structural BMP/SCM devices included in the recorded operations and maintenance agreement.

a. A formal onsite inspection with all three parties present shall be required. If all devices are compliant and functioning as designed the agreement will be signed by all three parties and recorded.

b. The attachment shall then be recorded as an addendum to the original recorded operations and management agreement.

3. SPECIAL REQUIREMENTS FOR HOMEOWNERS' AND OTHER ASSOCIATIONS (#19)

For all engineered stormwater controls required pursuant to this ordinance and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required O&M Agreement shall include all of the following provisions:

a. Acknowledgment that the association shall continuously operate and maintain the engineered stormwater controls according to the specifications laid out in the Operation and Maintenance Plan.

b. Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the engineered stormwater controls. If engineered stormwater controls are not performing adequately or as intended or are not properly maintained, the Town of Clayton, in its sole discretion, may remedy the situation, and in such instances the Town of Clayton shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the engineered stormwater controls, provided that the Town of Clayton shall first consent to the expenditure.

c. Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur,

the developer shall pay into the escrow account an amount equal to fifteen (15) percent of the initial construction cost of the engineered stormwater controls. Two-thirds (2/3) of the total amount of sinking fund budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within ten (10) years following initial construction of the engineered stormwater controls. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.

d. The percentage of developer contribution and lengths of time to fund the escrow account may be varied by the Town of Clayton depending on the design and materials of the engineered stormwater controls.

e. Granting to the Town of Clayton a right of entry to inspect, monitor, maintain, repair, and reconstruct engineered stormwater controls.

f. Allowing the Town of Clayton to recover from the association and its members any and all costs the Town of Clayton expends to maintain or repair the engineered stormwater controls or to correct any operational deficiencies. Failure to pay the Town of Clayton all of its expended costs, after forty-five days' written notice, shall constitute a breach of the agreement. In case of a deficiency, the Town of Clayton shall thereafter be entitled to bring an action against the association and its members to pay or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

g. A statement that this agreement shall not obligate the Town of Clayton to maintain or repair any engineered stormwater controls, and the Town of Clayton shall not be liable to any person for the condition or operation of engineered stormwater controls.

h. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town of Clayton to enforce any of its ordinances as authorized by law.

i. A provision indemnifying and holding harmless the Town of Clayton for any costs and injuries arising from or related to the engineered stormwater controls, unless the Town of Clayton has agreed in writing to assume the maintenance responsibility for the engineered stormwater controls and has accepted dedication of any and all rights necessary to carry out that maintenance.

~~C.~~D. INSPECTION PROGRAM

1. Inspections and inspection programs by the town may be conducted or established on any reasonable basis, including but not limited to:
   - **a.** Routine inspections;
   - **b.** Random inspections;
   - **c.** Inspections based upon complaints or other notice of possible violations; and
   - **d.** Joint inspections with other agencies inspecting under environmental or safety laws.
2. Inspections may include, but are not limited to:
   - **a.** Reviewing maintenance and repair records;
   - **b.** Sampling discharges, surface water, groundwater, and material or water in BMPs and SCMs; and
   - **c.** Evaluating the condition of BMPs and SCMs.
3. If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to NCGS§ 15-27.2.

4. No person shall obstruct, hamper, or interfere with the Stormwater Administrator while carrying out their official duties.

~~D.~~E. PERFORMANCE GUARANTEE FOR INSTALLATION AND MAINTENANCE

1. REQUIRED

a. The Town requires the submittal of a performance guarantee, the form of which may be selected by the applicant. The guarantee is required to be posted prior to issuance of a permit in order to ensure that the structural BMPs/SCMs are installed by the permit holder as required by the approved stormwater management plan.

b. The guarantee is also required to ensure the BMPs/SCMs are maintained by the owner as required by the operation and maintenance agreement.

2. GUARANTEES DISTINGUISHED

Performance guarantees required by this section take one of the following two forms:

a. INSTALLATION PERFORMANCE GUARANTEE

i. An installation performance guarantee shall be required by the Town prior to the commencement of construction of all required structural or engineered stormwater controls.

ii. Installation performance guarantees shall be submitted, reviewed, retained, and released in accordance with Section 2.3.20, Performance Guarantee. However, submittal of an installation performance guarantee identified in this section shall be mandatory, not optional.

b. MAINTENANCE PERFORMANCE GUARANTEE

A maintenance performance guarantee shall be required by the Town following construction and inspection of a required structural or engineered stormwater control.

3. MAINTENANCE GUARANTEE

AMENDED 7.21.25 (UDOTA 1-25)

a. AMOUNT

The amount of a maintenance guarantee shall be 10 percent of the total cost of construction of the BMP or SCM.

b. COSTS IN EXCESS OF PERFORMANCE SECURITY

If the Town acts upon such failure by the applicant or owner, the Town may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the guarantee held, in addition to any other penalties or damages due.

c. FORM OF MAINTENANCE GUARANTEE

i. The form of the maintenance guarantee shall be at the discretion of the applicant, but shall take one of the forms identified in Section 2.3.20E, Form.

ii. The owner or party responsible for the maintenance of the SCM may retain the maintenance guarantee, but shall provide evidence of the guarantee's amount and ability to be produced to the Town upon demand.

d. DEFAULT

i. Upon default of the owner to maintain, repair and, if necessary, reconstruct any structural SCM in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the maintenance guarantee to make necessary improvements based on an engineering estimate.

ii. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

~~E.~~F. NOTICE TO OWNERS

1. DEED RECORDATION AND INDICATIONS ON PLAT

a. The applicable operations and maintenance agreement and conservation easement, pertaining to every structural and engineered stormwater control shall be referenced on the Final Plat and shall be recorded with the Johnston County Register of Deeds upon Final Plat approval.

b. If no Subdivision Plat is recorded for the site, then the operations and maintenance agreement, conservation easement, or dedication and acceptance into public maintenance, whichever is applicable, shall be recorded with the Johnston County Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

2. SIGNAGE

a. Where determined appropriate by the Stormwater Administrator to assure compliance with this section, engineered stormwater controls shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection.

b. The sign shall be maintained so as to remain visible and legible.

c. For the purposes of this Ordinance, these signs are considered government signs exempted from First Amendment protections regarding regulation of sign content.

~~F.~~G. RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES

The owner of each engineered stormwater control shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

~~G.~~H. NUISANCE

The owner of each stormwater SCM, whether structural or engineered, shall maintain it so as not to create or result in a nuisance condition.

~~H.~~I. ACCESS AND MAINTENANCE EASEMENT

1. Every engineered stormwater control installed pursuant to this section shall be made accessible for adequate maintenance and repair by a maintenance easement accessible to a public right-of-way. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.
2. Access and maintenance easements shall not have lateral or incline slopes that exceed 5:1 (horizontal to vertical).

~~6.15.10~~6.15.11 ENFORCEMENT

Enforcement of the standards in this section shall be in accordance with Chapter 7, Violations, and Section 7.10, Violation of Stormwater Controls.

4. CORRECTION AS PUBLIC HEALTH NUISANCE, COSTS AS LIEN

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by NCGS§ 160A-193, the Stormwater Administrator, with the written authorization of the Town Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

5. STOP WORK ORDER

The Stormwater Administrator may issue a stop work order to the responsible party(ies) violating this Ordinance. The stop work order shall remain in effect until the party(ies) has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

B. CIVIL PENALTIES

1. Violation of the stormwater provisions in this Ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator.
2. The Stormwater Administrator may assess a civil penalty against any person who violates any provision of this ordinance or of a permit or other requirement pursuant to this ordinance. Civil penalties may be assessed up to the full amount of penalty authorized by NCGS§ 143-215.6A. (#19)

C. CRIMINAL VIOLATIONS OF STORMWATER STANDARD

1. Any willful violation of the stormwater standards in this Ordinance may be enforced as a Class 3 misdemeanor as provided for by NCGS§ 14-4 and all other applicable law, subject to a maximum fine of $500 or a maximum of 30 days imprisonment.
2. Accidental violation of the stormwater standards shall be subject to the standards applicable to a civil penalty.

7.11 VIOLATION OF STREAM BUFFER CONTROLS

7.11.1 WILLFUL VIOLATION MAY RESULT IN CRIMINAL PENALTY

Any willful violation of the stream buffer standards in this Ordinance may be enforced as a Class 3 misdemeanor as provided for by NCGS§ 14-4 and all other applicable law, subject to a maximum fine of $500 or a maximum of 30 days imprisonment.

7.11.2 ACCIDENTAL VIOLATION MAY RESULT IN CIVIL PENALTY

Accidental violation of the stream buffer standards in this Ordinance shall be subject to the standards in Section 7.6.1, Civil Penalties.

7.12 VIOLATION OF WATER SUPPLY WATERSHED CONTROLS

7.12.1 WILLFUL VIOLATION MAY RESULT IN CRIMINAL PENALTY

Any willful violation of the water supply watershed protection standards in this Ordinance may be enforced as a Class 3 misdemeanor as provided for by NCGS§ 14-4 and all other applicable law, subject to a maximum fine of $500 or a maximum of 30 days imprisonment.

TABLE 8.3: TERMS DEFINED

AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)

TERM	DEFINITIONS(S)
BONA FIDE FARM	Any tract or tracts of land used for farm purposes as defined in NCGS§ 160D-903, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS§106-581.1. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under NCGS§106-743.2 is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: 1. A farm sales tax exemption certificate issued by the Department of Revenue; 2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS§105-277.3; 3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; and 4. A forest management plan.
BORROW	For the purposes of Soil Erosion and Sedimentation, fill material that is required for on-site construction that is obtained from other locations.
BOTTLE SHOP (ON-PREMISE CONSUMPTION)	A commercial establishment engaged in the retail sale of beer, wine, or spirits in sealed containers offered for sale to an individual solely as a sealed container such as a bottle or can. Beverages may be sold for off-site or on-site consumption only in accordance with all applicable State laws and permits. Incidental sale of food or associated merchandise may also take place. Bottle shops that do not permit on-site consumption are considered a Retail, General use. ~~general retail, high intensity~~. (#20)
BOW	An exterior building wall that is curved.
BOW SIGN	See "Sign, Bow."
BROADCASTING STUDIO	Uses including buildings, studios, and transmission facilities for the production and distribution of radio and television signals.
BUFFER	An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use. For the purposes of riparian buffers or watershed protection, a buffer is a vegetated area bordering a body of water such as a stream, pond, or lake.
BUFFER ZONE	For the purposes of Soil Erosion and Sedimentation, the strip of land adjacent to a lake or natural watercourse.

TABLE 8.3 TERMS DEFINED

AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)

TERMS	DEFINITION(S)
FORESTRY	An activity related to plating, maintaining, or removing trees as part of a forestry management plan or bona fide farming activity.
FORESTRY MANAGEMENT PLAN	"See Plan, Forestry Management."
FORMAL DETERMINATION	See "Determination, Formal."
FRATERNAL CLUB OR LODGE	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
FREEBOARD	For the purposes of the Flood Protection Overlay District standards, the height added to the Base Flood Elevation to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.
FREIGHT TERMINAL	A use where trucks, trailers, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed. A commercial use engaged solely in short- or long-term storage is a warehouse use.
FRONT FAÇADE	See "Façade, Front."
FRONTAGE	The portion of a lot a strip or extent of land abutting and extending along a street.
FRONTAGE STREET	See "Street, Frontage."
FUEL OIL/BOTTLED GAS DISTRIBUTION	An establishment that stores and distributes fuel oil or bottled gases such as propane, oxygen, or liquid petroleum in bulk quantities for wholesale sale or distribution to retail outlets or end consumers at the point of use. A use engaged in sale of automobile fuel is a retail use.
FUNCTIONALLY DEPENDENT FACILITY	For the purposes of the Flood Protection Overlay District standards, a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
FUNCTIONAL FIRE PROTECTION (#21)	The condition of a property where full legal ingress/egress is provided (with a minimum width of 20-foot clearance) from existing public right-of-way to facilitate emergency vehicle access over a minimum first layer of asphalt to all locations of the property for which building structures with combustible materials are to be located, and provides water for fire suppression purposes in accordance with Town fire flow requirements from a water distribution system formally accepted by Town Council.

TABLE 8.3: TERMS DEFINED AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)	
TERM	DEFINITION(S)
ITINERANT MERCHANT SALES	An individual or business offering goods or services for sale at retail to members of the general public either in ~~their homes,~~ their place of business~~,~~ or from a vehicle on a lot with an established use or a vacant lot, but not within a street right-of-way. (#22)

8.3.10 J

TABLE 8.3: TERMS DEFINED AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)	
TERM	DEFINITION(S)
JUNKYARD	See "Salvage and Junkyard."
JURISDICTION	The official power to make legal decisions and judgments. The term can also be used to describe the geographic boundaries of a municipal corporation or the extent over which a particular agency has control.
JURISDICTIONAL STREAM	A stream or other waterbody that meets the definition of "waters of the United States" or "waters of the State," and is thus subject to the jurisdiction of the US Army Corps of Engineers or the NC Department of Environmental Quality.
JUST CAUSE	Legitimate cause; legal or lawful ground for action.

8.3.11 K

TABLE 8.3: TERMS DEFINED AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)	
TERM	DEFINITION(S)
KENNEL	A facility where dogs, cats, or other domestic animals over six months of age are kept, raised, boarded, bred, or shown. This use is also referred to as animal boarding. The facility may be indoors, outdoors, or both.

8.3.12 L

TABLE 8.3: TERMS DEFINED AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)	
TERM	DEFINITION(S)
LABORATORY	An institutional use type engaged in the analysis, testing, identification, or research of chemicals, compounds, tissue, animals, or equipment.
LAKE OR NATURAL WATERCOURSE	For the purposes of Soil Erosion and Sedimentation, any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake, or pond.
LAND TRUST	A legal agreement in which a property owner transfers the title to a property to a trustee. The property owner is typically the beneficiary and directs the trustee in all matters relating to the management of the property, as outlined in the trust agreement or deed.

TABLE 8.3: TERMS DEFINED
AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)

TERM	DEFINITION(S)
MOLDING	An ornamentally shaped outline as an architectural feature, especially in a cornice.
MONOPOLE TOWER	A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
MONUMENT	A permanent marker, typically inserted into the ground, showing the location of a lot line, lot corner, or other demarcation associated with a lot or right-of-way.
MULTI-BUILDING DEVELOPMENT	See "Unified Development."
MULTI-FAMILY DWELLING	See "Dwelling, Multi-Family."
MULTI-PART APPLICATION	See "Application, Multi-Part."
MULTI-PHASE DEVELOPMENT	A development consisting of two or more different phases where each phase is reviewed and constructed at different times.
MULTI-PHASE DEVELOPMENT PLAN	See "Plan, Multi-Phase Development."
MULTI-TENANT DEVELOPMENT	A single building or a single development with two or more different non-residential uses located within it on one or more lots that is planned, developed, and operated as a single entity.
MULTI-USE PATH AMENDED 4.15.24 (UDOTA 1-24)	A form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, bicycling, inline skating, and people in wheelchairs. Paths are typically surfaced with asphalt or concrete and are located within public street rights-of-way. A sidepath is a multi-use path.
MURAL	A painting or other work of art executed directly on a wall.
MUSEUM	An institution, building, or place devoted to the procurement, care, study, display, exhibition, and storing of objects of lasting historical, scientific, artistic, or cultural interest or value. (#23)

8.3.14 N

TABLE 8.3: TERMS DEFINED
AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)

TERM	DEFINITION(S)
NATIONAL FLOOD INSURANCE PROGRAM	A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas within a community that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.
NATIVE TREE	See "Tree, Native."
NATIVE VEGETATION	Plants that are endemic or naturally occurring within a specified area.

TABLE 8.3: TERMS DEFINED

AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)

TERM	DEFINITION(S)
SECONDARY BUILDING ~~OR STRUCTURE~~	~~A use or structure that is clearly incidental to and customarily found in connection with a principal building or use, is located on the same parcel and serves a principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served.~~ See "Secondary Structure." (#24)
SECONDARY STRUCTURE	A structure in which is conducted a secondary use(s) that is clearly incidental to and customarily found in connection with a principal building or use, is located on the same parcel or lot and serves a principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served. (#24)
SECONDARY USE	An incidental or subordinate use of a lot or parcel. (#24)
SECONDARY CONSERVATION AREA	The portion of a conservation subdivision containing resources to be retained as conservation land or open space after development that is not as imperative to retain as the primary conservation land.
SECONDARY ENTRANCE	An entrance into a building located on a side or rear building façade.
SECURITY LIGHTING	Exterior illumination of a building, parking area, or other site feature for the purposes of security.
SEDIMENT	For the purposes of Soil Erosion and Sedimentation, solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
SEDIMENTATION	For the purposes of Soil Erosion and Sedimentation, the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.
SEMI-OPAQUE	A building, structure, building material, vegetation, or other site feature partially obscures visibility from one location to another.
SEMI-PERVIOUS	A material that allows some, but not all, stormwater to flow through it.
SEPTIC TANK	An on-site sewage treatment or storage device.
SETBACK	A required distance from a lot line or development boundary for a principal or secondary building and some required site features, as determined in accordance with Section 3.6.8, Setbacks.
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.

TABLE 8.3: TERMS DEFINED

AMENDED 4.15.24 (UDOTA 1-24); 9.16.24 (UDOTA 2-24); 12.16.24 (UDOTA 3-24); 7.21.25 (UDOTA 1-25)

TERM	DEFINITION(S)
~~STRUCTURAL~~ SUPPORTIVE SOIL	A ~~planting medium~~ soil that is amended and cultivated to support healthy vegetation and ensure appropriate drainage in areas that can be compacted to pavement design and installation requirements ~~while permitting root growth~~. Soil classified as "Structural Soil" shall qualify as a supportive soil. (#16)
STRUCTURE	For the purposes of the Flood Protection Overlay District standards, a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
SUBDIVIDER	A person, firm, or corporation having a proprietary interest in land and acting to subdivide that land under the applicable provisions of this Ordinance.
SUBDIVISION	As used in this Ordinance means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets or the rearrangement of an existing lot or lots so as to front on another street or streets from that on which they originally fronted regardless of the number of lots so involved; but the following shall not be included within this definition provided, however, that any subdivision document or plat to be recorded pursuant to such exclusions shall have the notation of "No Approval Required" and the signature of the Subdivision Administrator before filing in the office of the Register of Deeds. A "Subdivision" shall not include the following: 1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in this Ordinance; 2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved; 3. The public acquisition by purchase of strips of land for the widening or opening of streets; 4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way or easement dedication is involved and where the resultant lots equal or exceed the standards set forth in this Ordinance; 5. The trading or exchanging of portions of previously platted and recorded properties that are contiguous and that necessitate the creation of parcels not conforming to the requirements of this Ordinance provided that a statement is placed on the plat to be recorded to the effect that such parcels are not created as individual building lots and are not approved as such and that no building permit shall be issued for construction on such parcels; or 6. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

PROCEDURES MANUAL

UNIFIED DEVELOPMENT ORDINANCE

DRAFT

Effective: November 18, 2025

ABOUT THE UDO PROCEDURES MANUAL

This Procedures Manual (PM) is intended to supplement the Town of Clayton's Unified Development Ordinance (UDO) by providing policy requirements. The information contained in this PM is approved at the administrative, Town staff, level and as such, can be modified and updated without direct Town Council approval. This allows for a quicker approach to adjust to feedback from the development community, business and property owners, and staff's ongoing improvement of administrative operations.

In the UDO Text Amendments (UDOTA 1-25), approved by the Town Council on July 21, 2025, several Sections and Chapters were removed from the UDO. These removed Sections and Chapters were placed into this PM. The text from removed Chapters and Sections was also updated to reflect current practice by Town Staff.

Sections and Chapters of the UDO that were removed by UDOTA 1-25 and included in this PM are the following:

- Frequently Asked Questions (FAQ)
- Section 4.7.2: Use Category Descriptions
- Chapter 9.1: Subdivision Plat Certifications and Declarations
- Chapter 9.2: Information Required with Applications

Sections and Chapters of the UDO that were removed by UDOTA 2-25 and included in this PM are the following:

Section 2.4.8.G, Notice Content

An addition to the UDO Procedures Manual is the Suggested Plant Materials List. This list includes both native and non-native plant species of trees, shrubs, groundcover and grass for planting in Clayton. The list also includes a list of invasive species as identified by the North Carolina Agricultural Extension, the North Carolina Forest Service, or the North Carolina Invasive Plant Council (https://nc-ipc.weebly.com/nc-invasive-plants.html).

NC Invasive Plant Species Resources:

- NC Agricultural Extension: https://content.ces.ncsu.edu/invasive-plants-and-your-forests
  - https://www.srs.fs.usda.gov/pubs/gtr/gtr_srs119.pdf
- NC Invasive Plant Council: https://nc-ipc.weebly.com/piedmont-invasive-plants.html
- NC Forest Services: https://www.ncagr.gov/divisions/nc-forest-service/forest-health/invasive-plants

ABOUT THE UDO PROCEDURES MANUAL

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2 FREQUENTLY ASKED QUESTIONS

The following is a list of frequently asked questions about the UDO and the development review process. In the event of conflict between an answer listed in this Frequently Asked Questions and Answers section and the adopted UDO text, the UDO text will control. Questions about the Answers provided below should be directed to the Town's Planning Department at (919) 553-5002 or email at planning@townofclaytonnc.org for more information.

Table 2: Frequently Asked Questions and Answers

QUESTION	ANSWER
WHAT IS THE UNIFIED DEVELOPMENT ORDINANCE	The Unified Development Ordinance (or "UDO") is the set of laws used by the Town to ensure land is subdivided and used in ways that promote the health, safety, and welfare of all Town residents, visitors, and landowners. The UDO sets rules for how land can be used in the Town and how to change the application of these rules to allow different uses. The UDO also includes development rules for things like parking, landscaping, signage, fencing, and building architecture. The text of the UDO is available in the offices of the Town of Clayton Planning Department at 111 E Second Street. It is also available online from the Town's website at: https://www.townofclaytonnc.org/746/Unified-Development-Ordinance
WHAT IS THE OFFICIAL ZONING MAP?	The Official Zoning Map shows the zoning districts for each property as adopted by the Town of Clayton. Zoning districts control how land is used, as well as the size, width, and required setbacks for each lot. A property's zoning district designation may be changed by following the steps required in the UDO. Copies of the Official Zoning Map are available in the offices of the Town of Clayton Planning Department at 111 E Second Street. It is also available online from the Town's website at: https://www.townofclaytonnc.org/238/Maps-GIS
WHAT IS THE COMPREHENSIVE PLAN?	The Think Clayton: 2045 Comprehensive Growth Plan is the Town's plan for future growth. The Plan expresses a vision for how the Town can accommodate opportunities for new residents and businesses while retaining what the community loves about Clayton. This plan was adopted by the Town Council on November 15, 2021 and is the guiding direction that informs the regulations within the UDO. For more details on what is included in the Comprehensive Plan, please visit: www.townofclaytonnc.org/234/2045-Comprehensive-Growth-Plan

Table 2: Frequently Asked Questions and Answers	
Question	**Answer**
What can I do or place on my land?	Land may be developed in the Town of Clayton based on the zoning district designation for the land. Zoning districts include allowable uses as specified in Chapter 4 of the UDO. Bona fide farm and forestry uses are allowed everywhere in the Town.
What permits do I need to build a house?	All single-family detached dwellings require prior approval of a Zoning Compliance Permit, and a Building Permit issued from the Town of Clayton. In cases where the home is on its own well or septic system, the dwelling also requires prior approval from Johnston County Environmental Health to ensure the lot has a potable water supply and a method for dealing with sewage. Dwellings located in a floodplain or flood prone area also require issuance of a Floodplain Permit. If significant amounts of grading or soil deposition is required before the house can be built, it may be necessary to obtain a Land Disturbance Permit before construction starts. During construction, the building must be inspected by Town Building Inspectors as required by State law, and a Certificate of Occupancy must be issued before the home may be occupied.
Do I need a permit to build a deck?	Building a porch or a deck on or near a single-family detached dwelling requires approval of a Building Permit. Zoning review will be done at the time of building permit submittal. Decks should never be built within any easements on a property, such as a drainage or public utility easement.
Do I need a permit to build a fence?	A Zoning Compliance Permit is required to build a fence. Fences over six feet in height also require a Building Permit to show compliance with wind loading requirements required under State law. Section 6.3 of the UDO contains the rules for fences and walls.
Do I need a permit for a sign?	All forms of signage require approval of a Sign Permit by the Town unless specifically exempt, as listed in UDO Section 6.13.3.

Table 2: Frequently Asked Questions and Answers	
Question	**Answer**
Do I need a Permit to Have Operate a Business in my Home?	Operating a home-based business (also called a "home occupation") requires approval of a Zoning Compliance Permit issued by the Town. Home occupation is an allowed secondary use in the zoning districts designated in UDO Table 4.5.4. Owners should note that there are several uses that are prohibited as home occupations as listed in Section 4.4.3. While the Town does not issue a Business License, a business must register with the North Carolina Secretary of State: https://www.sosnc.gov/divisions/business_registration
How do I create an Additional Lot for a Family Member?	Lots may be created for family members on a limited basis using the process for a "family subdivision" per UDO Section 2.3.18.D.2. A subdivision of land creating lots for family members must be signed by Town personnel and recorded within 30 days of Town approval at the Johnston County Register of Deeds at 207 E. Johnston Street, Suite 209, Smithfield, NC, 27577. Failure to record a plat for a family subdivision will interfere with obtaining a Building Permit to build a structure on the lot.
What is the Process for Rezoning my Land?	Rezoning land is a change to the Town's Official Zoning Map and must be approved by the Town Council at a public hearing. This process takes into consideration the recommendation of Town staff and the Planning Board. A rezoning may either be Conventional or Conditional.
Who Makes Decisions on Applications?	Development applications are decided by the Planning Director, the Engineering Director, the Building Inspector, the Town Council, or the Board of Adjustment based on the type of application. The UDO includes Table 2.2.1 that identifies who decides which kinds of applications.
How can I Appeal a Decision?	Any decision by a Town staff member (like the Planning Director) may be appealed to the Board of Adjustment. Decisions from decision-making bodies like the Board of Adjustment may be appealed to the Superior Court for Johnston County. Appeals must be petitioned within certain time frames based on the decision type, refer to UDO Section 2.3.2.
Who Should I call About Flooding?	Persons with questions about flooding should contact the Engineering Department at (919) 553-5002 or email at engineering@townofclaytonnc.org
Who Should I call About Code Violations or Other Nuisances?	Persons with questions about code violations or other nuisances should contact the Planning Department at (919) 553-5002 or email at planning@townofclaytonnc.org

Table 2: Frequently Asked Questions and Answers	
QUESTION	**ANSWER**
HOW CAN I LEARN MORE?	To learn more, contact the Town's Planning Department at (919) 553-5002 or email at planning@townofclaytonnc.org or visit the Planning Department's website at: https://www.townofclaytonnc.org/217/Planning

3 USE CATEGORY DESCRIPTIONS

The following tables set out the range of use categories, use characteristics, and example use types.

3.1 AGRICULTURAL USE CLASSIFICATION

Table 3.1, Agricultural Use Categories, sets out the use categories included in the agricultural use classification in UDO Table 4.2.5, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.

TABLE 3.1: AGRICULTURAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS EXAMPLES
Agricultural Processing	The Agricultural Processing Use Category is characterized by uses engaged in the storage, distribution, refinement, packaging, and transport of agricultural products and by-products.
	Example use types include grain and feed elevators, processing, caning, and dehydration plants, as well as storage facilities. Processing of animal products is an industrial use.
Agricultural Production	The Agricultural Production Use Category is characterized by general agricultural activities, including the cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. The use category also includes agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), fisheries, honey production, and similar uses. Secondary uses may include offices, storage areas and repair facilities related to agriculture uses.
	Example use types include agronomy, aquaculture, biotechnical, crop farming, fisheries, apiculture, silviculture, plant nurseries, and similar uses.
Agricultural Support Services	The Agricultural Support Services Use Category is characterized by commercial establishments engaged in the sales, repair, rental, and storage of tools, equipment, supplies, and machinery in support of farms, farming, agriculture, or horticulture.
	Example use types include farm equipment sales, sales of farming supplies, establishments engaged in repair, refurbishment, servicing of farm equipment (whether on-site or in a centralized location), agricultural research facilities, and similar uses.
Livestock-Related	The Livestock-Related Use Category is characterized by the commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock.

TABLE 3.1: AGRICULTURAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	Example use types include the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, and similar livestock or domesticated animals. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.

3.2 COMMERCIAL USE CLASSIFICATION

Table 3.2, Commercial Use Categories, sets out the use categories included in the commercial use classification in UDO Table 4.2.5, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.

TABLE 3.2: COMMERCIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
Animal Related	The Animal-Related Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services.
	Examples use types include animal shelters, animal grooming, kennels (outdoor and indoor), animal hospitals, and veterinary clinics.
Eating & Drinking	The Eating and Drinking Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Secondary uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.
	Example use types include restaurants (including brewpubs) with indoor and outdoor seating, caterers, restaurants, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice, or coffee houses). Secondary uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.
Equipment Related	The Equipment-Related Use Category is characterized by commercial establishments engaged in the rental and repair of large and small equipment, tools, tables, chairs, party supplies, plants, and similar features available for short term rental for consideration.
	Example use types include tool rental, and heavy and light equipment repair/refurbishment uses.

TABLE 3.2: COMMERCIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
Event Venue	The Event Venue Use Category is characterized by establishments that provide gathering spaces and facilities available for conducting events, receptions, and similar shared experiences. Such facilities are rented hourly or by the day, and may include dining, catering, and activity areas. Secondary uses may include classrooms, accommodations, and equipment storage.
	Example use types include conference halls, conference centers, retreats, wedding venues, and similar spaces.
Financial Services	The Financial Services Use Category includes use types engaged in the provision of financial advice, savings, making of loans, and secure storage of currency or similar valuables.
	Example use types include banks, credit unions, investment offices, payday loan establishments, credit counselling, and pawn shops.
Lodging	The Lodging Use Category includes use types that provide lodging units or space for short-term stays for rent, lease, or interval occupancy. Secondary uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.
	Example use types include hotels, motels, bed and breakfast inns, extended stay facilities, campgrounds, and hunting lodges.
Office Related	The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Secondary uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.
	Example use types include business and sales offices (such as tax preparers, and real estate agents), and professional services (such as lawyers, accountants, engineers, or architects). Offices that are part of and located with a principal use in another use category are considered secondary to the establishment's primary activity. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site. Government offices and medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Institutional uses.
Parking Related	The Parking-Related Use Category includes uses engaged in the provision of short-term, temporary off-site parking for automobile, trucks, motorcycles, battery powered vehicles, and similar vehicles intended for personal transport. Such uses may or may not permit the temporary storage of trailers and similar vehicle-related appurtenances.
	Example use types include parking lots and parking structures. Uses engaged in sales or rental are vehicle-related uses.

TABLE 3.2: COMMERCIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
Personal Services	The Personal Service Use Category is characterized by use types related to the provision of services or product repair for consumers. Personal services use types meet frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing.
	Example use types include laundromats, laundry and dry-cleaning drop-off establishments, photographic studios, mailing or packaging services, photocopy and blueprint services, funeral homes, fitness centers, locksmiths, hair salons and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapy and day spas, dance or music instruction, and psychics or mediums.
Recreation Related	The Recreation-Related Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are privately-owned and commercial in nature. Uses may be either indoors, outdoors, or both.
	Example use types include recreational uses occurring outdoors (private golf driving ranges and privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; water parks, and amusement parks; and privately-owned active sports facilities), billiard halls, indoor commercial recreation uses, bowling alleys, movie theatres, dance and yoga studios, fitness centers, sports instructional schools, martial arts instruction, and similar uses.
Retail Sales	The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products primarily intended for the general public. Secondary uses may include offices, storage of goods, limited assembly, processing, or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use types within this use category are categorized based on their intensity, scale, and function.
	Example use types include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, and pharmacies. Secondary uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.
Sexually-Oriented Business	An adult use as defined in Section 14-202.10(2) of the North Carolina General Statutes.

TABLE 3.2: COMMERCIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Storage Related	The Storage-Related Use Category includes uses engaged in the temporary short-term storage of goods, personal property, vehicles, and similar aspects in off-site areas. Storage of goods can take place in indoor and outdoor facilities.
	Example use types include self-storage facilities.
Vehicle Related	The Vehicle-Related Use Category includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Secondary uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.
	Example use types include vehicle sales or rentals; automotive repair and servicing; automotive painting/bodywork; boat and marine sales or rental; aircraft parts, sales, and maintenance; transmission shops; automotive wrecker services; oil change, state vehicle inspection, and muffler shops; automotive parts sales and maintenance; car wash and auto detailing; and tire sales and mounting services.

3.3 INDUSTRIAL USES

Table 3.3, Industrial Use Categories, sets out the use categories included in the industrial use classification in UDO Table 4.2.5, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.

TABLE 3.3: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Energy Related	The Energy-Related Use Category is characterized by establishment engaged in the industrial-scale production of energy (electricity).
	Example use types include solar energy conversion, wind energy conversion, geothermal, and gas energy conversion activities, as well as coal-fired plants, natural gas plants, and hydro-electric facilities.
Extractive Industry	The Extractive Industry Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, drilling, mining, or other procedures typically done at an extraction site. Secondary uses may include offices, limited wholesale sales, security or caretaker's quarters, outdoor storage, and maintenance facilities.

TABLE 3.3: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	Examples use types include quarries, borrow pits, mining, and sand and gravel operations.
Flex Space	The Flex Space Use Category includes uses engaged in the provision of covered floor area available for short-term or long-term rental for the conduct of light industrial, assembly, storage, office, and related functions.
	Example use types include industrial floor area that is available for rental and configuration as a wide variety of use types.
Industrial Services	The Industrial Services Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar use types perform services off-site. Few customers, especially the general public, come to the site. Secondary activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.
	Example use types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses. Contractors and others who perform services off-site are included in the Office Use Category under Commercial Use Classification if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.
Manufacturing	The Manufacturing Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Secondary uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.

TABLE 3.3: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, the manufacture of other wood products; production or repair of small machines or electronic parts and equipment; and similar uses.
Utility-Related	The Utility-Related Use Category is characterized by activities associated with the provision of a utility or infrastructure-related service such as electricity distribution, potable water treatment, storage, or delivery, wastewater collection, storage, or treatment. Facilities are classified as major or minor depending upon their impacts or scale.
	Example use types include potable water treatment plants, utility equipment and storage yards, utility substations, water towers, pump stations, stormwater management facilities, telephone exchanges, and facilities serving transit.
Warehouse-Related	The Warehouse-Related Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Secondary uses include offices, truck fleet parking, outdoor storage, and maintenance areas.
	Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants; and outdoor storage (as a principal use). Self-storage is a commercial use type.
Waste-Related	The Waste-Related Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others. Secondary uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.
	Example use types include recycling and salvage centers, convenience centers, transfer stations, land clearing and construction debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, and recycling drop-off centers.

TABLE 3.3: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
Wholesale Sales	The Wholesale Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Secondary uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.
	Example use types include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.

3.4 INSTITUTIONAL USES

Table 3.4, Institutional Use Categories, sets out the use categories included in the institutional use classification in UDO Table 4.2.5, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.

TABLE 3.4: INSTITUTIONAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
Assembly	The Assembly Use Category is characterized by uses and facilities that bring people together for the purposes of learning or discussion, worship, recreation, or as part of a fraternal organization. Secondary uses may include entertainment or recreation facilities, day care, food preparation facilities, offices, parking, and similar features.
	Example use types include auditoriums, community centers, fraternal clubs, lodges, and religious institutions. Schools are included in the education related category.

TABLE 3.4: INSTITUTIONAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
Cultural Facility	The Cultural Facility Use Category includes use types of a public, nonprofit, or charitable nature that provide cultural amenities and educational services. Services and facilities typically include meeting areas, display areas, recreational features, as well as indoor facilities used primarily for business or professional conferences, seminars, and training programs. Generally, such uses are open to or provide services to members of the general public. Secondary uses may include parking, training facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, storage, food sales or consumption.
	Example use types include museums, libraries, senior centers, youth clubs, and art galleries.
Day Care	The Day Care Use Category includes use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and for less than 24 hours a day. Care can include education and development activities. Care can be provided during daytime or nighttime hours. Secondary uses include offices, food preparation, recreation areas, and parking.
	Example use types day care centers, nurseries, nursery schools, adult day care facilities. Home day care is considered a secondary use. Drop-in or short-term day care provided in connection with employment or at a shopping center, recreational facility, religious institution, hotel, or other principal uses are not included in the Day Care Use Category.
Education Related	The Educational Use Category is characterized by uses engaged in the provision of educational services to children and adults, whether through public or private learning institutions. Secondary uses include living quarters, food preparation facilities, recreational facilities, offices, gathering spaces, and related activities.
	Example use types include primary and secondary schools, colleges, vocational schools, and establishments engaged in providing training whether for profit or as a community service.
Governmental Related	The Government-Related Use Category includes facilities and establishments engaged in governance and the provision of governing-related services, public safety, and operations.
	Example use types include governmental offices, governmental maintenance facilities, post offices, law enforcement facilities, fire stations, and similar uses.
Health Care	The Health Care Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Secondary uses may include offices, laboratories, laundry facilities, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

TABLE 3.4: INSTITUTIONAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	Example use types include hospitals, outpatient medical facilities, urgent care providers, medical offices (doctors, dentists, radiologists, etc.), clinics, congregate care, memory care, drug and alcohol treatment facilities, psychiatric treatment facilities, and blood/tissue collection facilities.
Open Space	The Open Space Use Category includes use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Secondary uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as secondary to cemeteries).
	Example use types include arboretums or botanical gardens, parks, community gardens, areas of undisturbed vegetation on land owned by the public or a conservation entity, and cemeteries.
Recreation Related	The Recreation Use Category includes active and passive recreation uses and facilities (whether indoor or outdoor) that are available for use by the general public or by the residents of a neighborhood or community.
	Example use types include athletic fields or courts, swim clubs, country clubs, golf courses, indoor recreation uses, and similar facilities.
Telecommunications	The Telecommunications Use Category is characterized by uses and facilities engaged in the provision of wireless telecommunication signals and information.
	Example use types include telecommunications antennae, signal processing equipment, antenna supporting structures, broadcasting studio and broadcasting towers.
Transportation	The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, and passenger terminals for surface transportation. Secondary uses may include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.
	Example use types include airports, helicopter landing facilities, and passenger terminals for ground transportation (train, bus). Transit route facilities such as bus stops, bus shelters, and park-and-ride facilities are classified as Utilities.

3.5 RESIDENTIAL USES

Table 3.5, Residential Use Categories, sets out the use categories included in the residential use classification in UDO Table 4.2.5, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.

TABLE 3.5: RESIDENTIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
Assisted Living	The Assisted Living Use Category is characterized by establishment providing residential occupancy to unrelated individuals in need of care, treatment, or assistance. Assistance may take the form of daily life care, specialized medical care, counselling, addiction, or fostering services.
	Example use types include congregate care, nursing homes, rehabilitation centers, and retirement communities.
Group Living	The Group Living Use Category includes use types that provide for the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is typically arranged on a monthly or longer basis. Generally, group living structures have a common eating and or congregating area for residents. The residents may receive care, training, or treatment. Secondary uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.
	Example use types include dormitories, family care homes, group homes, rooming, boarding houses, and similar uses. Facilities for rehabilitation or the treatment of addiction are considered assisted living facilities.
Household Living	The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Secondary uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are secondary uses that are subject to additional regulations.
	Example use types include detached residential dwellings like single-family detached dwellings or manufactured homes, attached residential structures like townhouses, multi-family uses, upper story dwellings, and similar uses.

4 SUBDIVISION PLAT CERTIFICATIONS AND DECLARATIONS

This section includes the required language and format for subdivision plat certifications and declarations required under the UDO. The exact wording of these statements may change from time to time as conditions warrant and/or agency policies change. Failure to include a required certification or declaration may be the cause for declaring an application to be incomplete.

TABLE 4: REQUIRED CERTIFICATES AND NOTES

Type of Certificate	Exempt Plat	Final Plat	Preliminary Plat	Construction Drawings
Certificate of Survey Accuracy signed by surveyor	X	X	X	
Plat Certification by Surveyor	X	X		
Certificate of Ownership		X		
Certificate of Ownership and Dedication		X		
Certificate of Approval		X	X	X
Certificate of Exemption	X			
Review Officer's Certificate	X	X		
Certificate of Floodway Information		X	X	
Certificate for Water Supply and Sewage Disposal Systems		X		
Design and Installation of Utilities and Other Required Improvements		X		
Certificate of Public Utilities		X		

4.1 CERTIFICATE OF OWNERSHIP

To be used when no easements, rights-of-way or other properties are to be dedicated.

CERTIFICATE OF OWNERSHIP

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Clayton, and that I (we) freely adopt this plan of subdivision.

Owner, Printed Name(s)	Owner, Signature(s)
Date	

4.2 CERTIFICATE OF OWNERSHIP AND DEDICATION

To be used when plat includes the dedication of easements, rights-of-way or any other property or property interest.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We), _____, hereby certify that I am (we are) the owner(s) of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Clayton, that I (We) hereby freely adopt this plan of subdivision and dedicate to all areas shown on this plat as roads, alleys, walks, parks, open space, and easements to the public or for private use as specifically indicated, and that I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority or private entity. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Town of Clayton in the public interest.

Owner, Printed Name(s)	Owner, Signature(s)
Date	

4.3 CERTIFICATES OF APPROVAL

CERTIFICATE OF APPROVAL WHERE STREETS OR UTILITIES ARE NOT PROVIDED BY THE TOWN

I hereby certify that this plat has been found to comply with the Unified Development Ordinance of Clayton, North Carolina, and that this plat has been approved for recording in the Office of the Johnston County Register of Deeds.

Planning Director _____ Date _____

CERTIFICATE OF APPROVAL WHERE STREETS OR UTILITIES ARE PROVIDED BY THE TOWN

I hereby certify that the Town of Clayton, NC has approved this plat for recording in the Office of the Johnston County Register of Deeds, and accepts the dedication of streets, easements, rights-of-way, and public lands shown thereon, but assumes no responsibility to open or maintain the same until, in the opinion of the Clayton Town Council, it is in the public interest to do so.

Town Manager _____ Date _____

4.4 CERTIFICATE OF EXEMPTION

Plats deemed to be exempt from the provisions of this ordinance shall contain the following statement.

The plat is exempt from the provisions of the Town of Clayton Unified Development Ordinance and may be recorded with the Office of the Johnston County Register of Deeds.

Planning Director

Date

4.5 REVIEW OF OFFICER'S CERTIFICATE

All plats to be recorded shall have the following certificate.

REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

I, _____ , Review Officer of Johnston County, certify that the plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____
Review Officer Date

4.6 SURVEYOR CERTIFICATES

CERTIFICATE OF SURVEY AND ACCURACY

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D., 20_____.

Seal or Stamp of Surveyor

_____
Surveyor

_____
Registration Number

PLAT CERTIFICATION BY SURVEYOR

I, _____, certify to one of the following:

A. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
B. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
C. Any one of the following:
1. This survey is of an existing parcel or parcels of land and does not create a new road or change an existing road;
2. This survey is of an existing building or other structure, or natural feature, such as a water course;
3. This survey is a control survey;
D. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
E. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed:

SEAL

_____
Surveyor

_____
Date

4.7 CERTIFICATE OF FLOODWAY INFORMATION

The property shown hereon is (is not) located in a FEMA designated flood zone.

FLOOD HAZARD PANEL NUMBER:

EFFECTIVE DATE:

_____
Surveyor

_____
Date

FOR DESIGN AND INSTALLATION OF UTILITIES AND OTHER REQUIRED IMPROVEMENTS

I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to town specifications and standards in the Town's Engineering Specifications and Design Manual, or that a financial guarantee has been posted with the Town of Clayton to assure the completion of all required improvements in the case of default.

_____
Engineering Director

_____
Date

CERTIFICATE OF PUBLIC UTILITIES

All obligations and requirements for the utilities to serve _____ Subdivision, Section _____ , lots _____ , as set forth by the Town of Clayton Water Resources Department, have been met and are satisfactory for the purpose of recording the subdivision plat.

_____
Engineering Director

_____
Date

NOTES:

A. No structures to be built inside any utility easement.
B. Homeowner is required to connect to public water (and sewer, where available) before a Certificate of Occupancy is issued for the principal structure.

4.8 CERTIFICATES AND NOTES REGARDING NEW STREETS

One or more of the Certificates and related notes may be required depending on the status of the new streets within the development.

CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS

I hereby certify that the Town of Clayton, NC has approved this plat for recording in the Office of the Johnston County Register of Deeds, and accepts the dedication of streets, easements, rights-of-way, and public lands shown thereon, but assumes no responsibility to open or maintain the same until, in the opinion of the Clayton Town Council, it is in the public interest to do so.

Town Manager _____ Date _____

DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS CERTIFICATE

PROPOSED SUBDIVISION ROAD CONSTRUCTION STANDARDS CERTIFICATION.

APPROVED:

NCDOT District Engineer _____

Date _____

NOTES:

A. Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.
B. Site triangle takes precedent over any sign easement.
C. Owner, developer, or contractor shall set the centerline of the existing roadway ditch back to a minimum of 12 feet from the existing/proposed edge of pavement along all road front lots.
D. All drainage easements shall be dedicated as public and it shall be the responsibility of the property owners to maintain the drainage easements and any drainage structures therein, so as to maintain the integrity of the drainage system and insure positive drainage.

ROAD MAINTENANCE STATEMENT OF UNDERSTANDING

I, _____, developer/owner am responsible for the construction, maintenance and required road improvements of subdivision streets until:

Approved/taken over by North Carolina Department of Transportation for public roads,
Or

Approved/taken over by homeowners association for private roads maintenance,
Or

Private road maintenance agreement is signed and recorded by owners of each lot.

_____
Owner/Developer

_____
Date

5 INFORMATION REQUIRED WITH APPLICATIONS

5.1 APPLICATION MATERIALS

A. Submission of all applications filed under this Ordinance shall contain the following information, as appropriate.

B. An "X" in a cell in the table below indicates that the noted information is required on the particular type of plan or plat.

C. A "•" symbol in a cell in the table below indicates that the noted information is not required on the particular type of plan or plat.

D. Failure to include one or more required elements indicated with an "X" may result in the application being considered incomplete.

E. Additional materials may be required in order to determine if an application is complete.

F. The Planning Director may waive required items listed in the table below if they are determined to not be necessary to complete the review, in the sole discretion of the Planning Director.

TABLE 5.1: REQUIRED APPLICATION MATERIALS

"X" = Required
"•" = Not Required

Required Information	Concept Plan (CZ) Conditional Rezoning	Concept Plan (SUP) Special Use Permit	Site Plan	Limited Subdivision	Major Subdivision	Construction Drawings	Final Plat
Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.	•	•	X	X	X	X	X
Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.	•	•	X	•	•	X	X
Detailed descriptions of recreational facilities to be provided.	•	•	X	•	X	•	•
Legal documentation establishing owners' associations or other legal entities responsible for control over required common areas and private infrastructure.	•	•	X	•	•	•	X

TABLE 5.1: REQUIRED APPLICATION MATERIALS

"X" = Required
"•" = Not Required

Required Information	Concept Plan (CZ) Conditional Rezoning	Concept Plan (SUP) Special Use Permit	Site Plan	Limited Subdivision	Major Subdivision	Construction Drawings	Final Plat
Bonds, letters of credit, or other performance guarantees.	•	•	X	•	•	•	X
A Transportation Impact Analysis or a Traffic Assessment performed and prepared by a qualified transportation or traffic engineer.	X	X	X	•	X	•	•
Time schedules for the completion of phases in staged development.	X	X	X	•	X	X	•
The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.	X	X	X	•	X	•	X
If any road is proposed to intersect with a state-maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulation.	•	•	•	•	•	X	X
Proposed deed restrictions or covenants to be imposed upon newly created lots.	X	X	X	X	X	•	X
Documentation of submission of an Erosion Control Plan, if disturbing more land area than the maximum permitted without such plan.	•	•	•	•	•	X	•
Documentation of approval of an Erosion Control Plan, if disturbing more land area than the maximum permitted without such plan.	•	•	•	•	•	X	•
Evidence of notification to U.S. Army Corps of Engineers of earth-disturbing activities in jurisdictional wetlands, if applicable.	•	•	X	X	X	X	•
Clarify that lots have not been recorded as part of a Limited Subdivision within the last 10 years.	•	•	•	X	•	•	•

5.2 REQUIRED INFORMATION AND SIZES FOR PLANS AND PLATS

A. All plans and plats filed shall contain the required information per Table 4.3.

1. An "X" in a cell in Table 4.2 below indicates that the noted information is required on the particular type of plan or plat.
2. A "•" symbol in a cell in Table 4.2 below indicates that the noted information is not required on the particular type of plan or plat

B. Failure to include one or more required elements may result in the application being considered incomplete.

C. Additional materials may be required in order to determine if an application is complete.

D. The Planning Director may waive required items listed in the table below if they are determined to not be necessary to complete the review, in the sole discretion of the Planning Director.

E. Construction plans and site plans shall not exceed 24" x 36" unless authorized by the Planning Director.

F. Plans and plats may be drawn on more than one sheet with appropriate match lines.

G. Plats to be recorded shall be of a size and material as required by the Office of the Johnston County Register of Deeds.

H. For plats to be recorded, preliminary plats, construction drawings and site plans, a scale of not less than 1" equal to 100' shall be used unless all lots are greater than 3 acres and then a scale of 1" = 200' may be used.

I. For concept plans, drawing shall be at a scale of not less than 1" equal to 40 feet.

TABLE 5.2: TABLE OF REQUIRED PLAN/PLAT ELEMENTS
"X" = Required
"•" = Not Required

Required Information	Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
Title Block						
Name of development/project	X	X	X	X	X	X
Recorded reference (plat book/page number and/or deed book/page number)	X	X	•	•	X	X
Tax map number	•	•	X	X	X	X
Type of development application	X	X	X	X	X	X
Owner's name with address	X	X	X	X	X	X
Developer's name, address, and phone number (if different from owner's)	•	X	X	X	X	X
Building contractor's name, address, and phone number	•	•	•	X	•	X
Location (including township, county, state)	X	X	X	X	X	X
Street address	•	•	•	X	X	X
Date(s) of map preparation	X	X	X	X	X	X

TABLE 5.2: TABLE OF REQUIRED PLAN/PLAT ELEMENTS
"X" = Required
"•" = Not Required

Required Information		Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
Scale of drawing in feet per inch (by text and bar graph)		X	X	X	X	X	X
Name, address, telephone # and registration number of preparer of map (licensed surveyor, engineer, or architect)		X	X	X	X	X	X
Vicinity Information							
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right-hand corner)		X	X	X	X	X	X
Zoning district(s) within the property and adjacent properties		X	X	X	X	X	X
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)		X	X	X	X	X	X
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract		X	X	X	X	X	X
North arrow and orientation (north arrow should not be oriented towards bottom of map)		X	X	X	X	X	X
Site Features							
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer		•	•	X	X	•	X
Boundaries of the tract to be subdivided or developed:	Distinctly and accurately represented and showing all distances	X	X	X	X	X	X
	Tied to nearest street intersection (within 300') or USGS (within 2,000')						
	Showing locations of intersecting boundary lines or adjoining properties						
Location and descriptions of all monuments, markers, and control corners		X	X	X	X	•	•
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines		X	X	X	X	•	•
Dimensions, location, and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to		•	•	X	X	X	X

TABLE 5.2: TABLE OF REQUIRED PLAN/PLAT ELEMENTS
"X" = Required
"•" = Not Required

Required Information	Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
the closest property lines; building setback lines. A dashed line should be shown on the plat outlining all known structures, ponds or lakes removed or filled						
Proposed principal and secondary use(s)	•	•	X	X	X	X
The name and location of any property or building on the National Register of Historic Places or locally designated historic property	•	•	X	X	X	X
Railroad lines and rights-of-way	X	X	X	X	X	X
Water courses, ponds, lakes, or streams	X	X	X	X	X	X
Marshes, swamps, and other wetlands	X	X	X	X	X	X
Location of public water supply watershed boundaries	X	X	X	X	X	X
Vegetative cover (from trees meeting the minimum planting requirements)	•	•	X	X	X	X
Areas to be dedicated or reserved for the public or a local jurisdiction	•	X	X	X	X	X
Areas designated as common area or open space under control of an Owners' Association	•	X	X	X	X	X
Proposed building locations for zero lot-line developments	•	•	X	X	X	X
Location of manufactured dwelling spaces and whether they are designated for single or double wide dwellings	•	•	X	X	X	X
Typical diagram of manufactured dwelling space	•	•	X	X	X	X
Location of designated open space set-asides including type of recreation areas and facilities	•	•	X	X	X	X
Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross-section elevations	X	X	X	X	X	X
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level	•	•	X	X	X	•
The general location of individual development areas, identified by land use(s) and/or development density or intensity	•	•	•	•	X	•

TABLE 5.2: TABLE OF REQUIRED PLAN/PLAT ELEMENTS
"X" = Required
"•" = Not Required

Required Information		Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
The general configuration and relationship of the principal elements of the proposed development, including general building types		•	•	•	•	X	•
The general location, amount, and type (whether designated for active, passive, or gathering area) of open space set-aside		•	•	•	•	X	•
The location of environmentally sensitive lands, wildlife habitat, and resource protection lands		•	•	•	•	X	•
The general location of all other on-site public facilities serving the development, including but not limited to parks, schools, bus shelters, and facilities for fire protection, police protection, EMS, and solid waste management;		•	•	•	•	X	•
Dimensional Aspects							
Proposed lot lines and dimensions		X	X	X	X	X	X
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size		X	X	X	X	•	X
Lots sequenced or numbered consecutively		X	X	X	X	•	X
Site calculations, including:	Acreage in total tract	X	X	X	X	•	X
	Total number of proposed lots	X	X	X	X	•	X
	Linear feet in roads	•	X	X	X	•	
	Area in newly dedicated rights-of-way	•	X	X	X	•	X
Identify, for the entire district and each development area, the acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity (floor area square footage)		•	•	•	•	X	•
The applicable dimensional standards, including consistency with the conditional zoning district dimensional requirements or any requested deviations		•	•	•	•	X	•
Streets and Roads							
Addresses assigned by Johnston County for each lot		X	X	•	•	X	X

TABLE 5.2: TABLE OF REQUIRED PLAN/PLAT ELEMENTS
"X" = Required
"•" = Not Required

Required Information		Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
Existing and proposed rights-of-way lines within and adjacent to property (shown with a cross-hatch pattern)		X	X	X	X	X	X
Existing and proposed rights-of-way within and adjacent to property showing	Total right-of-way width dimension	•	•	X	X	•	X
	Right-of-way width dimension from centerline of existing public roads	•	X	X	X	•	X
Existing and proposed roads showing	Pavement or curb lines	•	•	X	X	•	X
	Pavement width dimension (face-to-face)	•	•	X	X	•	X
	Cul-de-sac pavement radius	•	•	X	X	•	X
	Existing and proposed road names	X	X	X	X	•	X
	Road profiles	•	•	X	X	•	X
The on-site transportation circulation system, including the general location of all streets, existing or projected transit service, pedestrian, and vehicular circulation features, and how they will connect with existing and planned systems		•	•	•	•	X	•
Utilities							
Location, dimension, and type of all easements, existing and proposed		X	X	X	X	X	X
Type of wastewater disposal (public sewer, septic, etc.)		•	X	X	X	X	X
Type of potable water supply (public water system, private well, etc.)		•	X	X	X	X	X
Utility Layout Plan showing connections to existing systems, line sizes, materials, fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the	Sanitary sewer	•	•	X	X	X	X
	Water distribution	•	•	X	X	X	X
	Natural gas, electric, cable, fiber optic, etc.	•	•	X	X	X	X

TABLE 5.2: TABLE OF REQUIRED PLAN/PLAT ELEMENTS
"X" = Required
"•" = Not Required

Required Information	Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
following types of utilities:						
Electric power provider	•	•	X	X	X	X
Location of individual on-site septic system, if applicable	•	•	X	X	X	X
Location of off-site and multi-user septic systems, if applicable	•	•	X	X	X	X
The general location of on-site potable water and wastewater facilities, and how they will connect to existing systems	•	•	•	•	X	•
Stormwater Management Plans and Erosion Control						
Area to be disturbed with number of graded acres and percentage noted	•	X	X	X	X	X
Location of temporary erosion control devices	•	•	X	X	X	X
Maximum allowable built -upon area for each lot or tract (if applicable)	X	X	X	X	X	X
Total impervious surface area, including roads, roofs, patios, parking areas, sidewalks, and driveways	•	•	X	X	X	X
Permanent watershed protection controls/ Stormwater Best Management Practices including wet detention ponds, maintenance and access easements and natural filtration and infiltration areas	•	X	X	X	X	X
Location and width of required riparian buffer areas	X	X	X	X	X	X
Stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions, and hydraulic calculations	•	•	X	X	X	X
Engineering certification statement, when required by this Ordinance	•	X	X	X	X	X
Documentation of maintenance of diffuse flow to the buffer	•	•	X	X	X	X
The general location of on-site stormwater control measures, and how they will connect to existing public systems	•	•	•	•	X	•
Off-Street Parking and Loading						

TABLE 5.2: TABLE OF REQUIRED PLAN/PLAT ELEMENTS
"X" = Required
"•" = Not Required

Required Information	Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
Location and dimensions of all parking areas, aisles, driveways, service areas, off-street loading facilities	•	•	X	X	X	X
Clearly indicate each parking space with angle and size including handicap spaces	•	•	X	X	X	X
Provide number of required and provided parking spaces	•	•	X	X	X	X
Pedestrian walkways and crosswalks within the site	•	•	X	X	X	X
Landscaping						
Location of all planting yards and/or parking lot plantings	•	•	X	X	X	X
Location and screening of features required to be screened	•	•	X	X	X	X
Location, species, size, number, spacing, height of trees and shrubs in required planting areas (If existing vegetation is to be preserved, indicate approximate height and species mix)	•	•	X	X	X	X
Location and size of planting yard, walls, berms, and fences	•	•	X	X	X	X
Provisions for watering, soil stabilization, plant protection, and maintenance access	•	•	X	X	X	X
Location and description of barriers to protect any vegetation from damage both during and after construction	•	•	X	X	X	X
Building Location and Design						
Location of each principal building	•	•	X	X	X	X
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities	•	•	X	X	X	X
Front, side, and rear elevations of proposed commercial, mixed-use, and multi-family buildings	•	•	X	X	X	X

6 SUGGESTED PLANT MATERIALS LIST

6.1 LARGE VARIETY TREES

LARGE VARIETY TREES (MATURE HEIGHT: 35 FEET OR GREATER)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Native Evergreen					
Ilex opaca American Holly	40—60′	20—30′	S	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, pyramidal form
Juniperus virginiana Eastern Red Cedar	40—50′	15—25′	M	S-PS	Tolerates a variety of conditions, pyramidal form, male and female plants needed for fruit
Magnolia grandiflora Southern Magnolia	60—80′	30—40′	R	S-PS	Less shade tolerant with age, attracts wildlife, fragrant spring and summer flowers
Pinus taeda Loblolly Pine	90—120′	30—40′	R	S	Tolerates flooding and drought, critical to Brown-headed Nuthatch
Quercus laurifolia or hemisphaerica Laurel Oak	60—80′	30—40′	R	S-SH	Shade tolerant, good for moist sites
Native Deciduous					
Acer barbatum or floridanum Southern Sugar Maple	50—60′	20—35′	M	S-PS	Heat tolerant, dislikes dry, compact soil
Acer rubrum Red Maple	60—90′	30—50′	R-M	S-SH	Tolerates a variety of conditions, including wet soil, fall color
Acer saccharum Sugar Maple	90—120′	40—60′	S	S-PS	Extensive root system, fall color, shade tolerant
Betula nigra River Birch	60—80′	30—50′	R	S-PS	Lacy texture, tolerates a variety of conditions, including wet soil, tends to drop small limbs, cultivars available
Celtis laevigata Southern Hackberry or Sugarberry	70—80′	30—50′	R	S-PS	Tolerates a variety of conditions
Cladrastis kentukea Yellow-wood	40—50′	40—45′	M	S	Tolerates a variety of conditions, fragrant white blooms in alternate years
Diospyros virginiana American Persimmon	30—60′	20—25′	S-M	S-PS	Tolerates dry soil, good fall color, fruit attracts wildlife. Separate male and female plants.
Gymnocladus diocus Kentucky Coffee-tree	60—75′	40—50′		S	Tolerant of air pollution and drought, fall color

LARGE VARIETY TREES (MATURE HEIGHT: 35 FEET OR GREATER)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Liquidambar styraciflua Sweet Gum	80—120′	40—60′	R	S	Fall color, best in natural areas due to fruit drop
Liquidambar styraciflua 'Rotundiloba' Fruitless Sweet Gum	60—70′	20—30′	R	S	Pyramidal in form, does not set much fruit, tolerates clay soil
Liriodendron tulipifera Tulip-Tree or Yellow Poplar	90—120′	60—80′	R	S	Tolerates a variety of conditions, drops limbs, best in natural areas, host for N.C. State butterfly
Nyssa sylvatica Black Gum	50—80′	30—50′	M	S-PS	Fall color, pyramidal when young
Platanus occidentalis Sycamore	80—120′	40—60′	R	S-PS	Showy bark, tolerates a variety of conditions but needs water, best in natural areas
Prunus serotina Wild Black Cherry	60—80′	30—50′	R	S-PS	Tolerates a variety of conditions, seeds heavily, best in natural areas
Quercus alba White Oak	80—100′	40—60′	S-M	S-PS	Sensitive to construction damage, good fall color
Quercus bicolor Swamp White Oak	50—60′	50—60′	M-R	S	Needs acidic soil, drought resistant, intolerant of salt and air pollution
Quercus coccinea Scarlet Oak	50—80′	40—50′	R	S	Good fall color, tolerates dry, sandy soil
Quercus falcata Southern Red Oak	70—80′	30—40′	R	S-PS	Tolerates drought
Quercus imbricaria Shingle Oak	50—60′	50—60′	S-M	S	Tolerates a variety of conditions
Quercus lyrata Overcup Oak	35—45′	35—40′	M	S	Tolerates a variety of conditions
Quercus macrocarpa Bur Oak	60—80′	60—80′	S	S	Tolerant of city conditions
Quercus nigra Water Oak	70—90′	30—50′	R	S	May retain some leaves through the winter, tolerates a variety of conditions
Quercus palustris Pin Oak	60—80′	40—50′	R	S	Tolerates a variety of conditions, pyramidal form, good fall color
Quercus phellos Willow Oak	80—100′	40—50′	R	S-PS	Tolerates a variety of conditions, golden fall color
Quercus rubra Red Oak	80—90′	30—50′	R-M	S-PS	Needs moist soils, good fall color
Quercus shumardii Shumard Oak	90—100′	40—50′	R-M	S	Tolerates a variety of conditions
Quercus texana or nuttallii Nuttall Oak	60—80′	30—40′	R	S-PS	Tolerates poorly drained soils, drought tolerant
Taxodium distichum Bald-cypress	100—120′	30—40′	R	S	Pyramidal when young, tolerates wet and dry soils, fall color, attractive trunk

LARGE VARIETY TREES (MATURE HEIGHT: 35 FEET OR GREATER)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Tilia americana Southern Basswood or American Linden	50—70′	30—45′	M	S-PS	Tolerates drought and clay soil, intolerant of air pollution, consider 'Redmond' cultivar
Non-Native Evergreen					
Cedrus deodara Deodar Cedar	40—70′	30—40′	M	S-PS	Tolerates drought and hot, dry summers, likes acidic soil
Cryptomeria japonica Japanese Cryptomeria	50—60′	25—30′	M	S-PS	Tolerates a variety of conditions, pyramidal shape, many cultivars available
Thuja 'Green Giant' Green Giant Arborvitae	40—50′	15—20′	R	S-PS	Tolerates a variety of conditions, may need some wind protection, bronzes in winter
Non-Native Deciduous					
Acer × freemanii Freeman Maple	Gen. 40—70′	Gen. 15—40′	M	S-PS	A hybrid of red maple and silver maple, cultivars vary in size and characteristics
Cercidiphyllum japonicum Katsura Tree	40—60′	20—40′	M-R	S	Intolerant of hot, dry sites, fall color
Ginkgo biloba Ginkgo	50—80′	30—40′	S	S	Plant male trees to avoid messy, smelly fruit, tolerates a variety of conditions, bright yellow fall color
Metasequoia glyptostroboides Dawn Redwood	70—100′	15—25′	R	S	Tolerates a variety of conditions, tolerates wet soils, attractive trunk
Platanus × acerifolia London Planetree	65—80′	75—100′	M	S-PS	Good street tree, light brown exfoliating bark
Quercus robur 'Fastigata' Upright English Oak	50—60′	10—20′	S	S	Tolerates drought and air pollution, narrow, upright form
Sophora japonica or Styphnolobium japonicum Japanese Scholartree or Japanese Pagodatree	50—70′	50′	M-R	S-PS	Resistant to air pollution and drought, but marginally heat hardy in Piedmont N.C.
Tilia cordata 'Greenspire' Greenspire Littleleaf Linden	30—40′	25—35′	S-M	S	Piedmont N.C. is at southern extreme of range, air pollution tolerant, cultivars available
Tilia tomentosa Silver Linden	40—70′	25—45′	R	S-PS	Tolerates drought and air pollution and a variety of soil conditions
Ulmus hybrida Hybrid Elm	75—125′	60—120′	M-R	S-PS	Tolerates a variety of conditions; Dutch Elm disease resistant varieties available
Zelkova serrata Japanese Zelkova	50—80′	40—50′	M	S-PS	Good street tree; tolerates urban conditions well, cultivars available

6.2 MEDIUM VARIETY TREES

MEDIUM VARIETY TREES (MATURE HEIGHT: 25 TO 35 FEET)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Native Evergreen					
Ilex × attenuata 'Fosteri' Foster's Holly	20—30'	10—20'	R	S-PS	Red fruits, male plants not needed for fruiting, best berry production in full sun
Magnolia virginiana Sweet Bay Magnolia	20—30'	10—15'	M	S-PS	Tolerates some shade, good for wet sites, cultivars provide evergreen and deciduous options
Pinus virginiana 'Wate's Golden' Wate's Golden Virginia Pine	15—30'	10—20'	S-M	S	Grows in poor soils, turns golden in winter, seeds eaten by birds, especially Brown-headed Nuthatch
Prunus caroliniana Carolina Laurel Cherry	20—40'	15—20'	M-R	S-PS	Tolerates a variety of conditions, colonizes
Native Deciduous					
Carpinus caroliniana American Hornbeam or Ironwood	20—30'	20—30'	S	S-PS	Does well in moist to wet soil, attractive trunk, interesting fruit
Cercis canadensis Eastern Redbud	20—30'	25—35'	M	S-PS	Tolerates a variety of conditions, many cultivars available, early spring purple/pink blooms
Cornus florida Flowering Dogwood	15—30'	15—20'	S-M	PS	Best in part shade, many cultivars available, flowers in spring, fall color and red fruit
Gleditsia triacanthos var. inermis Thornless Honeylocust	30—70'	30—40'	R	S	Range of soil types, drought tolerant;
Halesia tetraptera Common Silverbell	20—40'	20—35'	M	S-PS	Tolerates a variety of conditions, showy white blooms in spring, cultivars available
Ostrya virginiana Eastern Hop-hornbeam	20—30'	20—30'	S	S-PS	Tolerates a variety of conditions, interesting fruit
Oxydendrum arboreum Sourwood	20—30'	10—15'	S	S-PS	Tolerates a variety of conditions, white summer flowers, fall color, source of sourwood honey
Non-Native Evergreen					
Ilex × 'Nellie R. Stevens' Nellie Stevens Holly	30—40'	10—15'	R	S-PS	Red fruit, drought and heat tolerant, male and female plants (I. cornuta) needed for best fruiting, also used as a large shrub
Pinus thunbergii Japanese Black Pine	20'	20'	S-M	S	Select small tree cultivar from among dwarf cultivars, heat and drought tolerant
Non-Native Deciduous					

MEDIUM VARIETY TREES (MATURE HEIGHT: 25 TO 35 FEET)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Acer buergerianum Trident Maple	25—35'	20—30'	M	S-PS	Tolerates a variety of conditions; good fall color
Acer campestre Hedge Maple	25—35'	25—35'	S	S	Tolerates drought and air pollution; shallow root system
Carpinus betulus 'Fastigata' Pyramidal European Hornbeam	30—40'	20—30'	S-M	S-PS	Pyramidal when young, tolerates a range of conditions
Koelreuteria paniculata Goldenrain Tree	20—40'	15—35'	M-R	S-PS	Tolerates drought and air pollution, yellow flowers in June
Magnolia × soulangiana or soulangeana Saucer Magnolia	15—25'	15—25'	M	S-PS	Late flowering cultivars avoid frost damage to blooms
Pistacia chinensis Chinese Pistachio	25—35'	20—30'	M-R	S	Drought tolerant, male and female plants needed for fruit, fall color
Prunus 'Kwanzan' Kwanzan Cherry	20—30'	15—25'	M	S-PS	Pink blooms in April, may be short-lived, good fall color, no fruit
Prunus 'Okame' Okame Cherry	15—30'	20—30'	M-R	S	Tolerates a variety of conditions, pink blooms in late winter lasting longer than most cherries
Prunus subhirtella 'Autumnalis' Fall Blooming Cherry	20—30'	15—25'	R	S-PS	Flowers best in full sun, flowers both in fall and late winter, may be short lived
Prunus subhirtella 'Pendula' Weeping Cherry	20—40'	15—30'	M	S	Tolerant of heat and clay soil; white to pinkish flowers in early spring; relatively long lived
Prunus × yedoensis Yoshino Cherry	30—40'	30—50'	R	S	Tolerates a variety of conditions, pale pink to white flowers in early spring, many cultivars available

6.3 SMALL VARIETY TREES

SMALL VARIETY TREES (MATURE HEIGHT: LESS THAN 25 FEET)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Native Evergreen					

SMALL VARIETY TREES (MATURE HEIGHT: LESS THAN 25 FEET)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Ilex vomitoria Yaupon Holly	15—20'	10—20'	S-M	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, many cultivars available in many sizes
Magnolia grandiflora 'Little Gem' Little Gem Magnolia	15—20'	8—10'	R	S-PS	Dwarf cultivar of Magnolia grandiflora
Morella or Myrica cerifera Wax-myrtle	10—15'	8—10'	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, also can be used in shrub form
Native Deciduous					
Aesculus pavia Red Buckeye	10—20'	10—20'	M	S-PS	Especially attracts hummingbirds and pollinators, red flowers in spring, leaf scorch may develop in dry soils
Amelanchier × 'Autumn Brilliance' Autumn Brilliance Serviceberry	25—40'	20—30'	S	S-PS	Tolerates a variety of conditions, rust fungus can attack fruit, early spring white blooms, fall color, other cultivars available
Chionanthus virginicus Fringe-tree or Old Man's Beard	12—20'	12—20'	S-M	S-PS	Tolerates a variety of conditions, male and female plants needed for fruit, fragrant white flowers in spring
Crataegus viridis 'Winter King' Winter King Green Hawthorn	15—30'	10—20'	S	S-PS	Drought tolerant, has thorns, other native species available, white flowers in spring, fall color, interesting bark
Non-Native Evergreen					
Ilex cornuta 'Burfordii' Burford Holly	8—20'	5—10'	S-M	S-PS	Drought and heat tolerant, red fruit produced without pollinator, dwarf cultivar available
Non-Native Deciduous					
Acer palmatum Japanese Maple	15—25'	10—25'	S-M	S-PS	Avoid hot, dry and windy sites; many cultivars available
Chionanthus retusus Chinese Fringe-tree	15—25'	10—25'	M	S-PS	Tolerates a variety of conditions, showy white flowers in spring
Cornus kousa Kousa Dogwood	15—30'	15—30'	S	S-PS	Resistant to anthracnose, white flowers in May, fall color
Lagerstroemia indica cvs. Crapemyrtle	15—30'	6—15'	R	S	Summer blooms, attractive bark, overused, many cultivars (including dwarfs) available, do not top
Magnolia stellata Star Magnolia	10—15'	6—10'	S-M	S-PS	Blooms best in full sun, late winter white flowers
Malus hybrida Hybrid Crabapple	15—25'	10—20'	M	S	Plant only disease resistant cultivars, many cultivars available, showy spring flowers and fall fruit

SMALL VARIETY TREES (MATURE HEIGHT: LESS THAN 25 FEET)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Prunus sargentii Sargent Cherry	20—40'	20—40'	R	S	One of the hardiest cherries; pink flowers; sensitive to air pollution; reddish bark
Prunus serrulata 'Snowgoose'	15—25'	15—20'	M	S-PS	White sprung flowers; reddish bark; may be short-lived
Snowgoose Japanese Cherry					
Syringa reticulata Japanese Tree Lilac	20—30'	15—20'	M	S	Tolerates a variety of conditions; creamy white flowers in mid-summer

6.4 EVERGREEN SHRUBS AND SCREENING PLANTS

EVERGREEN SHRUBS AND SCREENING PLANTS					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Native					
Ilex opaca American Holly	40—60'	20—30'	S	S-SH	Tolerates a variety of conditions, male and female plants needed for fruit, pyramidal form, cultivars available
Ilex × attenuata 'Fosteri' Foster's Holly	20—30'	10—20'	R	S-PS	Red fruits, male plants not needed for fruiting, best berry production in full sun
Juniperus virginiana Eastern Red Cedar	40—50'	15—25'	S	S-PS	Tolerates a variety of conditions, pyramidal form, male and female plants needed for fruit
Morella or Myrica cerifera Wax-myrtle	10—15'	8—10'	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, can reach small tree size
Prunus caroliniana Carolina Laurel Cherry	20—40'	15—20'	M-R	S-PS	Tolerates a variety of conditions, colonizes
Thuja occidentalis American Arborvitae	Var.	Var.	Gen. S	S	Many cultivars in countless shapes and sizes, some tolerate part shade, some reach small tree size
Non-Native					

EVERGREEN SHRUBS AND SCREENING PLANTS					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Ilex cornuta 'Burfordii' Burford Holly	8—20′	5—10′	S-M	S-PS	Leaves have spines, drought and heat tolerant, red fruit without pollinator, dwarf cultivar available
Ilex × 'Nellie R. Stevens' Nellie Stevens Holly	30—40′	10—15′	R	S-PS	Red fruit, drought and heat tolerant, male cultivar (I. cornuta) needed for best fruiting, also used as a large shrub
Juniperus chinensis cvs. Chinese Juniper cultivars	5—7′	8—10′	M	S	Tolerates a variety of conditions, including drought and air pollution
Pinus thunbergii Japanese Black Pine	20′	20′	S-M	S	Select small tree cultivar from among dwarf cultivars, heat and drought tolerant

6.5 LANDSCAPING SHRUBS

LANDSCAPING SHRUBS (MATURE HEIGHT: 36 INCHES OR MORE)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Native Evergreen					
Agarista populifolia Florida Leucothoe or Agarista	8—12′	8—12′	R	PS	Tolerates a variety of conditions, but prefers moist soil
Ilex glabra Inkberry Holly	5—9′	5—10′	S-M	S-PS	Drought tolerant but prefers moist soil, many cultivars available, male and female plants needed for fruit
Ilex vomitoria Yaupon Holly	10—20′	8—12′	M-R	S-PS	Tolerates wet to dry soils, male and female plants needed for fruit, dwarf and other cultivars available
Illicium floridanum Florida Star-anise	5—8′	6—8′	M	PS-SH	Prefers moist, well-drained soil high in organic matter, many cultivars available, showy spring flowers
Illicium parviflorum Yellow Anise-tree	7—10′	8—10′	M	S-PS	Tolerates a variety of conditions, drought tolerant, can colonize, some cultivars available

LANDSCAPING SHRUBS (MATURE HEIGHT: 36 INCHES OR MORE)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Morella or Myrica cerifera Wax-myrtle	10—15′	8—10′	R	S-PS	Tolerates wet to dry soils, can colonize, many cultivars available, male and female plants needed for fruit, can reach small tree size
Rhododendron catawbiense Catawba Rhododendron	6—12′	6—10′	M	PS	Showy flowers, needs excellent drainage and organic soil, many cultivars available
Thuja occidentalis 'Emerald' Emerald American Arborvitae	6—10′	3—6′	M	S-PS	Tolerates a range of soils and conditions; good screening plant
Native Deciduous					
Calycanthus floridus Sweet-shrub or Carolina Allspice	6—9′	6—12′	S-M	S-PS	Tolerates a range of conditions, drought tolerant, fragrant maroon flowers in early spring, fall color, cultivars available
Callicarpa americana American Beautyberry	3—4′	4—5′	R	S-PS	Prefers moist soil, showy purplish berries in fall
Ceanothus americanus New Jersey Tea	3—4′	3—5′	S-M	S-PS	Easy to grow in a wide range of conditions, drought tolerant, early summer flowers
Clethra alnifolia Sweet-pepperbush	4—8′	4—6′	S-M	S-PS	Needs moist soil, fragrant white summer flowers, may colonize, fall color
Fothergilla gardenii Witch-alder or Fothergilla	3—5′	3—4′	S	S-PS	Drought tolerant, fall color, may colonize, fragrant white spring flowers
Fothergilla major Large Witch-alder	6—10′	5—9′	S	PS	Drought tolerant, cultivars include 'Mt. Airy,' white spring flowers
Hamamelis virginiana Witch-hazel	15—30′	15—25′	S-M	S-PS	Multi-stemmed, yellow fall flowers and leaf color, tolerates heavy clay soil
Hydrangea arborescens Smooth Hydrangea	3—5′	3—5′	R	PS	Suffers in full sun and with drought, likes moist well-drained soil, attracts bees, prune in early spring, cultivars available, including 'Annabelle,' long bloom period
Hydrangea quercifolia Oakleaf Hydrangea	4—8′	3—8′	R	PS-S	Somewhat drought tolerant, attractive bark, needs mulch to keep roots cool, long bloom period in spring and summer, fall color, dwarf cultivars available
Ilex decidua Possum-haw	6—7′	6′	M	PS	Prefers moist, well-drained soil, male and female plants needed for fruit
Ilex verticillata Winterberry	6—15′	6—10′	S-M	S-PS	Tolerates a range of conditions, but prefers moist soil, male and female plants needed for fruit, dwarf cultivars available

LANDSCAPING SHRUBS (MATURE HEIGHT: 36 INCHES OR MORE)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Itea virginica Sweetspire	3—6′	4—6′	M	S-PS	Tolerates wide range of moisture, excellent fall color, fragrant white spring flowers
Lindera benzoin Spicebush	6—12′	6—12′	S-M	S-PS	Prefers moist, well-drained soil, male and female plants needed for fruit, fall color, early spring yellowish flowers
Physocarpus opulifolius Eastern Ninebark	5—8′	6—10′	M-R	S-PS	Drought tolerant, tough and durable, white spring flowers, attractive bark, dwarf cultivars available
Rhododendron calendulaceum Flame Azalea	4—8′	8—10′	S	PS	Good for naturalistic landscape, needs some direct sun, orange/yellow flowers in late spring, needs well-drained organic soil
Rhododendron periclymenoides Pinxterbloom Azalea	3—6′	4—7′	S	S-PS	Drought tolerant, needs some sun, pink spring flowers, needs well-drained organic soil
Rhododendron viscosum Swamp Azalea	2—8′	3—8′	M	PS	Likes moist organic soil, but tolerates some drought, fragrant white flowers in early summer
Sambucus canadensis American Elderberry	5—12′	5—12′	R	S	Likes moist soil, may colonize, white summer flowers and dark fruit
Vaccinium arboreum Sparkleberry	10—20′	10—15′	M	S-SH	Tolerates drought, needs multiple genetic strains for fruit set, fall color
Vaccinium stamineum Deerberry	3—5′	3—5′	M	S-PS	Drought tolerant, needs acidic soil, needs multiple genetic strains for fruit set
Vaccinium virgatum or ashei Rabbiteve Blueberry	8—12′	6—10′	M	S-PS	Drought tolerant, needs acidic soil, needs multiple genetic strains for fruit set, fall color, grown for fruit production
Viburnum acerifolium Mapleleaf Viburnum	4—6′	4—6′	M	S-SH	Tolerates drought, may colonize, needs multiple genetic strains for fruit set, white spring flowers, fall color
Viburnum dentatum Arrow-wood Viburnum	6—10′	6—15′	M	S-PS	Tolerates drought but prefers moist soil, may colonize, needs multiple genetic strains for fruit set, white spring flowers, fall color, cultivars available
Viburnum nudum Possumhaw or Southern Wild Raisin	6—10′	6—10′	M	S-PS	Prefers moist to wet soil, needs multiple genetic strains for fruit set, white spring flowers, fall color, cultivars available
Viburnum prunifolium Blackhaw Viburnum	12—15′	8—12′	S-M	S-SH	Drought tolerant, needs multiple genetic strains for fruit set, white spring flowers, fall color

LANDSCAPING SHRUBS (MATURE HEIGHT: 36 INCHES OR MORE)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Viburnum rafinesqueanum Downy Arrow-wood Viburnum	4—6′	4—6′	M	S-PS	Drought tolerant, needs multiple genetic strains for fruit set, white spring flowers, fall color
Viburnum rufidulum Southern Black Haw Viburnum	10—20′	10—15′	M	PS	Needs multiple genetic strains for fruit set, white spring flowers, fall color
Non-Native Evergreen					
Abelia × grandiflora Glossy Abelia	5—8′	5—8′	M-R	S-PS	Tolerates a variety of conditions, drought tolerant, summer flowers, many dwarf cultivars available
Aucuba japonica Aucuba	6—10′	4—6′	S	PS-S	Needs winter shade, drought tolerant, many cultivars available
Berberis julianae Wintergreen Barberry	4—8′	6—8′	S	S-PS	Tolerates a variety of conditions, drought tolerant, has spines, good barrier plant
Berberis verruculosa Warty Barberry	3—6′	3—4′	S	S-PS	Tolerant of drought and urban conditions, tolerates a variety of soils
Buxus microphylla Littleleaf Boxwood	2—8′	2—8′	S	S-PS	Many shapes and sizes, var. japonica is often used, generally densely branched, leaves may bronze in winter
Buxus sempervirens Common Boxwood	15—20′	10—15′	S	S-PS	Drought tolerant, protect from wind, many cultivars available
Camellia japonica Camellia	8—15′	5—10′	S-M	PS	Excess sun, cold or shade can reduce flowering, many cultivars available, blooms in early spring
Camellia sasanqua Sasanqua Camellia	6—10′	5—7′	M-R	S-PS	Drought tolerant, many cultivars available, blooms in the fall
Euonymus japonicus Japanese Euonymus	10—15′	5—6′	R	S-SH	Tolerates drought and variety of soil types, subject to scale insects
Ilex cornuta cvs. Chinese Holly (i.e., Dw. Burford Holly)	3—25′	4—10′	S-M	S-PS	Favorite cultivars include Dw. Burford and Carissa hollies, many others available, red fruit when present, leaves have spines, drought and heat tolerant, male and female plants needed for fruit
Ilex crenata cvs. Japanese Holly (i.e., Compacta Holly)	4—10′	3—5′	S-M	S-PS	Many cultivars available in varying shapes and sizes, black fruit when present, generally hardy, male and female plants needed for fruit
Juniperus chinensis cvs. Chinese Juniper	Var.	Var.	Var.	S	Many cultivars available in varying shapes and sizes, generally heat and drought tolerant, male and female plants needed for fruit
Loropetalum chinensis Loropetalum	6—10′	6—10′	R	S-PS	Tolerates a variety of conditions, drought tolerant, long spring bloom period, dwarf cultivars available

LANDSCAPING SHRUBS (MATURE HEIGHT: 36 INCHES OR MORE)					
PLANT NAME/ COMMON NAME	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Osmanthus heterophyllus Tea Olive	8—10′	5—10′	S-M	S-PS	Drought and heat tolerant, a good plant for screening, many cultivars available, fragrant fall flowers
Osmanthus × fortunei Fortune's Osmanthus	15—20′	15—20′	M	S-SH	Drought tolerant, good for screening and barriers, fragrant fall flowers
Pinus mugo Mugo Pine	15—20′	25—30′	S	S-PS	Varies greatly in size; tolerates clay soil, cultivars available
Prunus laurocerasus Cherrylaurel	4—8′	5—8′	M	S-SH	Favorite cultivars are Zabel, Otto Luyken and Schip laurel, need well-drained soil, some disease problems and scale insects
Rhaphiolepis cvs. Indian Hawthorn	4—10′	4—10′	S	S-PS	Tolerates a variety of conditions, drought tolerant, many cultivars available
Rhododendron hybrida Evergreen Azalea	2—8′	2—10′	M	PS	Many hybrids and cultivars available, needs well drained soil
Sarcococca confusa Sweetbox Sarcococca	3—5′	3—5′	S-M	PS-SH	Drought tolerant, fragrant flowers in late winter
Viburnum awabuki 'Chindo' Chindo Viburnum	10—15′	6—8′	R	S-PS	Pyramidal form, drought tolerant
Viburnum rhytidophyllum Leatherleaf Viburnum	10—15′	10—15′	M	PS-SH	Protect from winter wind and sun
Non-Native Deciduous					
Chaenomeles speciosa or japonica Japanese Flowering Quince	5—8′	4—8′	R	S-PS	Varied flower colors, flowers best in full sun, tolerates a variety of conditions, many cultivars available, stems often have spines
Cotinus coggygria Smoketree or Smokebush	10—15′	8—12′	M-R	S	Tolerates a range of soil types, drought tolerant, showy summer flowers, many cultivars available
Forsythia × intermedia Border Forsythia	8—10′	10—12′	R	S-PS	Tolerates a variety of conditions, blooms in early spring, best in full sun, many cultivars to choose from
Hydrangea macrophylla Bigleaf Hydrangea	3—4′	4—6′	R	PSH	Moist well drained soil, wilts in drought, long bloom period, needs pruning after blooming
Hydrangea paniculata Panicle Hydrangea	6—20′	6—8′	R	S-PS	Drought tolerant, white flowers in summer, long bloom period, many cultivars available
Kerria japonica Japanese Kerria	3—6′	6—9′	M	PS-SH	Drought tolerant, early spring yellow flowers, interesting green stems, cultivars available
Spiraea cvs. Spirea (excl. Spiraea japonica)	Var.	Var.	Gen. R	S	Spring or summer flowering shrubs, many cultivars available, Spiraea japonica species is considered an invasive exotic in N.C.

6.6 GROUNDCOVERS AND GRASS

GROUND COVER AND GRASSES						
PLANT NAME/ COMMON NAME	**DECIDUOUS/ EVERGREEN**	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Native						
Carex pensylvanica Pennsylvania Sedge or Oak Sedge	Semi-E	.5—1′	.5—1′	M	PS-SH	Plant in moist or dry soil, easy to grow and drought tolerant
Carex plantaginea Seersucker Sedge	E	.5—1′	.5—1′	M	PS	Needs moist soil
Chrysogonum virginianum Green-and-Gold	Semi-E	.5—1′	.75—1.5′	M	PS-SH	Needs good drainage, yellow spring blooms
Fragaria virginiana Wild Strawberry	D	.25—.75′	.75—1′	M-R	S-PS	Native, prefers full sun, fruit is small but flavorful
Heuchera americana or villosa American Alumroot	E	1—2′	1—2′	M	PS-SH	Attractive mottled foliage and small flowers on long wiry stems, prefers moist to average well-drained soil, many cultivars available
Juniperus horizontalis Creeping Juniper	E	1—2′	3-4	M-R	S	Tolerates a variety of conditions, drought tolerant, cultivars available, native to NE US
Mitchella repens Partridge-berry	E	.25′	1′+	S-M	PS-SH	White spring flowers, red fall fruit, prefers moist organic soil
Pachysandra procumbens Allegheny-spurge	E	.5—1′	1-2+′	M	PS-SH	Drought tolerant, very interesting winter leaf, early spring bloom
Phlox stolonifera Creeping Phlox	E	.5—1′	.75-1.5′	R	PS-SH	Prefers light shade and moist soil, spring blooms, many cultivars available
Phlox subulata Moss Phlox	E	.25—.5′	1-2+′	M	S	Good drainage important, drought tolerant, late winter through spring bloom period, many cultivars available
Non-Native						
Cephalotaxus harringtonia 'Prostrata' Prostrate Japanese Plum Yew	E	2—3′	2—5′	S	S-PS	Drought tolerant, can be used for a ground cover
Cotoneaster dammeri cvs. Bearberry Cotoneaster	E	1—2′	3—6′	S-R	S-PS	Needs good drainage, but tolerates poor soils and drought once established;

GROUND COVER AND GRASSES						
PLANT NAME/ COMMON NAME	**DECIDUOUS/ EVERGREEN**	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
						white flowers in spring and small red fruit
Cotoneaster salicifolius cvs. Willowleaf Cotoneaster	Semi-E	1-1.5′	5—6′	M	S-PS	Drought tolerant, tolerates a variety of conditions; foliage turns purplish red in winter, white flowers in spring and small red fruit
Hemerocallis spp. Daylily	D	.75—3′	2—3′	R	S-PS	Tolerates a variety of conditions, summer heat and humidity tolerant, needs dividing, summer blooms, many cultivars available including repeat bloomers
Hypericum calycinum Aaronsbeard	Semi-E	1—1.5′	1.5—2′	M-R	S-PS	Tolerates a variety of conditions, blooms best in full sun
Juniperus conferta Shore Juniper	E	.75—1.5′	6—8′	R	S	Tolerates a variety of conditions, drought tolerant, many cultivars available
Juniperus procumbens Japanese Garden Juniper	E	1—1.5′	10—12′	S	S	Tolerates a variety of conditions, doesn't like wet soils, very hardy, 'Nana' is a popular dwarf cultivar
Liriope muscari Lily-Turf or Liriope	Semi-E	1—1.5′	.75—1′	R	S-PS	Tolerates a variety of conditions, summer flowers, stays green through the winter but needs cutting back in early spring, cultivars available
Microbiota decussata Russian Arborvitae	E	.5—1.5′	3′-8′	M	S-PS	More shade tolerant than some other junipers, foliage turns bronze-purple in fall and winter
Ophiopogon japonicus Mondo	Semi-E	.75—1.3′	1′	R	PS-SH	Tolerates a variety of conditions, cultivars available, colonizes
Pachysandra terminalis Japanese Pachysandra	E	.5—1′	1—1.5′	R	PS-SH	Tolerates a variety of conditions but needs well-drained soil, cultivars available

GROUND COVER AND GRASSES						
PLANT NAME/ COMMON NAME	**DECIDUOUS/ EVERGREEN**	**HEIGHT**	**SPREAD**	**GROWTH RATE** S = SLOW; M = MODERATE; R = RAPID	**LIGHT NEEDS** S = SUN; SH = SHADE; PS = PARTIAL SUN	**COMMENTS**
Rubus pentalobus or calycinum Creeping Raspberry	E	.5—1′	3—6′	M	S-PS	Tolerates variety of conditions, leaves turn burgundy in fall and winter
Sarcococca hookeriana var. humilis Dwarf Sweetbox	E	1-1.5′	2—4′	S-M	PS-SH	Drought tolerant, good for shady areas, fragrant winter flowers
Ornamental Grasses - Native						
Andropogon gerardii Big Bluestem or Turkeyfoot	E	4—6′	2—3′		S	Tolerates a wide variety of conditions, drought tolerant, needs sun
Andropogon virginicus Broomsedge	E	3—4′	2—3′		S	Drought tolerant
Muhlenbergia capillaris Pink Muhlygrass or Hairgrass	E	2—3′	2—3′		S-PS	Tolerates a wide variety of conditions, showy pink flowers in summer through fall, cultivars available
Panicum virgatum Switchgrass	E	3—6′	2—3′		S-PS	Tolerates a wide variety of conditions, wet to dry, good fall color, many cultivars available
Schizachyrium scoparium Little Bluestem	E	2—3′	1—2′		S	Tolerates a wide variety of conditions, drought tolerant, cultivars available
Sorghastrum nutans Yellow Indiangrass	E	3—5′	1—2′		S	Tolerates a wide variety of conditions, good fall color
Ornamental Grasses – Non-Native						
Calamagrostis × acutiflora 'Karl Foerster' Feather Reed Grass	E	3—5′	1.2—2.5′		S	Fall color, good for medium to wet soils
Pennisetum alopecuroides Fountain Grass	E	2.5—5′	2.5—5′		S-PS	Tolerates a wide variety of conditions, good fall color, many cultivars available
Pennisetum orientale 'Karley f' Oriental Fountain Grass	E	2—3′	2—3′		S-PS	Drought tolerant, deep pink plumes last from early summer to fall

6.7 STREET TREES

Species identified in Table 6.7 Preferred Street Tree Species, are preferred to be utilized to meet the Street Tree standards. Different species may be proposed and reviewed by staff:

TABLE 6.7: PREFERRED STREET TREE SPECIES

Canopy Trees (by Common Name)	Understory Trees (by Common Name)
Bald Cypress	Carolina Silverbell
European Hornbeam	Chinese Pistache
Hedge Maple	Common Witchhazel
Japanese Zelkova	Crape Myrtle
Lacebark Elm	Dogwood
London Planetree	Eastern Redbud
Hardy Rubber Tree	Fringetree
Thornless Honey Locust	Green Hawthorne
Kentucky Coffee Tree	Serviceberry

6.8 INVASIVE SPECIES

INVASIVE SPECIES			
PLANT NAME	**COMMON NAME**	**PLANT NAME**	**COMMON NAME**
Invasive Trees			
Ailanthus altissima	Tree of Heavan	Paulownia tomentosa	Princess Tree
Albizia julibrissin	Silktree/Mimosa	Schinus terebinthifolius	Brazilian Peppertree
Pyrus calleryana	Callery / Bradford Pear	Cinnamomum camphora	Camphortree
Triadica sebifera	Chinese Tallowtree	Melia azedarach	Chinaberrytree
Firmiana simplex	Chinese Parasoltree	Frangula alnus	Glossy Buckthorn
Broussonetia papyrifera	Paper Mulberry	Triadica sebifera	Tallowtree, Popcorntree
Vernicia fordii	Tungoil Tree		
Invasive Shrubs			
Eleagnus umbellate	Autumn Olive	Lespedeza bicolor L. thunbergii	Bicolor / Shrubby Thunberg's Lespedeza
Berberis (Mahonia) bealei	Leatherleaf Mahonia	Berberis thunbergii	Japanese Barberry
Multiflora Rose	Rosa multiflora	Buddleja davidii	Butterfly bush
Elaeagnus angustifolia	Russian Olive	Elaeagnus pungens	Thorny Olive
Euonymus alata	Burning Bush	Ligustrum sinense L. vulgare L. obtusifolium L. ovalifolium L. amurense L. japnoicum	Chinese Privet European Privet Border Privet California Privet Amur Privet Japanese Privet
Lonicera fragrantissima	Fragrant Honeysuckle	Lonicera maackii	Bush Honeysuckle)
Nandina domestica	Heavenly Bamboo	Poncirus trifoliata	Trifoliate Orange / Hardy Orange
Tamarix ramosissima	Salt Cedar		

INVASIVE SPECIES			
PLANT NAME	**COMMON NAME**	**PLANT NAME**	**COMMON NAME**
Invasive Vines			
Ampelopsis brevipedunculata	Porcelainberry	Pueraria Montana var. lobata	Kudzu
Celastrus orbiculatus	Oriental Bittersweet	Wisteria sinensis / Wisteria floribunda	Chinese/Japanese Wisteria
Hedera helix	English Ivy	Akebia quinata	Chocolate Vine
Ipomoea quamoclit	Cypressvine Morningglory	Ampelopsis brevipedunculata	Porcelain Berry
Lonicera japonica	Japanese Honeysuckle	Cayratia japonica	Bushkiller
Clematis terniflora	Sweet Autumn Virgin's Bower	Euonymus fortunei var. radicans	Winter Creeper
Persicaria perfoliata	Mile-A-Minute Vine	Tribulus terrestris	Puncturevine
Invasive Herbs and Grasses (Herbaceous Plants)			
Alliaria petiolate	Garlic Mustard	Lespedeza cuneata	Sericea Lespedeza
Microstegium vimineum	Japanese Stiltgrass	Miscanthus sinensis	Chinese Silvergrass
Arthraxon hispidus	(Small Carpetgrass)	Reynoutria japonica	Japanese Knotweed
Arundo donax	(Giant Reed)	Cyperus entrerianus	Deep-rooted Sedge)
Ficaria verna	Fig Buttercup	Glechoma hederacea	Ground Ivy
Heracleum mantegazzianum	Giant Hogweed	Imperata cylindrica	Cogongrass
Iris pseudacorus	Yellowflag Iris	Lespedeza cuneata	Chinese Lespedeza
Lygodium microphyllum	Old World Climbing Fern	Lythrum salicaria	Purple Loosestrife
Microstegium vimineum	Japanese Stilt Grass	Miscanthus sinensis	Chinese Silvergrass
Oplismenus hirtellus ssp. undulatifolius	Wavyleaf Basketgrass	Perilla frutescens	Beefsteak Plant

INVASIVE SPECIES			
PLANT NAME	**COMMON NAME**	**PLANT NAME**	**COMMON NAME**
Phalaris arundinacea	Reed Canarygrass	Phragmites australis	Common Reed
Phyllostachys aurea	Golden Bamboo)	Reynoutria japonica	Japanese Knotweed
Solanum viarum	Tropical Soda Apple	Sorghum halepense	Johnson Grass
Stellaria media	Common Chickweed	Youngia japonica	Asiatic Hawsbeard
Invasive Aquatic Plants			
Alternanthera philoxeroides	Alligatorweed	Egeria densa	Brazilian Waterweed
Hydrilla verticillata	Hydrilla	Ludwigia hexapetala	Creeping Water Primrose
Myriophyllum aquaticum	Parrot feather	Nymphoides cristata	Crested Floating Heart
Salvinia molesta	Giant Salvinia		

Resources:

- North Carolina Forest Service, accessed May 9, 2025: https://www.ncagr.gov/divisions/nc-forest-service/forest-health/invasive-plants
- North Carolina Invasive Plant Council, accessed May 9, 2025: https://nc-ipc.weebly.com/piedmont-invasive-plants.html
- United States Department of Agriculture, accessed May 9, 2025: https://www.srs.fs.usda.gov/pubs/gtr/gtr_srs119.pdf

7 PUBLIC NOTICE

Public notification for public hearings, public meetings, and evidentiary hearings shall be done in accordance with North Carolina General Statues and the following procedures noted in this section.

7.1 MAILED NOTICE

A. For the purposes of a mailed notice for a public hearing, public meeting, and evidentiary hearing, the following shall apply:

1. The Town shall prepare the mailed notice.
2. Mailed notice shall be provided to the last known address (as listed in County tax records) for each of the following:
    - **a.** Property owners within 300 feet of the subject property;
    - **b.** The applicant, if different from the property owner of the subject property;
    - **c.** Property owners of properties adjacent to the land that is the subject of the application, but also located across a street, railroad, or other transportation corridor; and
    - **d.** Any others who are entitled to receive mailed notice in accordance with NCGS§160D-602.
3. Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid.
4. The Town may, on a case-by-case basis, and in the sole discretion of the Town, provide additional mailed notice above and beyond the minimum statutory requirements. The Town is under no obligation to provide any additional notice beyond that specified by the General Statutes, and failure of the Town to provide mailed notice beyond that required by State law shall not impair the notice provided or invalidate the proceedings.
5. A copy of the mailed notice, the list of landowners receiving notice, and a certification of mailing by the Town staff member responsible shall be maintained in the offices of the Planning Department for public inspection during normal business hours.
6. Mailed notice shall not be required when a rezoning includes more than 50 lots or tracts owned by at least 50 different landowners, provided the Town publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to this Section.
7. Mailed notice content shall include:
    - **a.** Identify the project number, date, time, and location of the meeting;
    - **b.** Be mailed to property owners within 300 feet of the subject property;
    - **c.** Describe the land involved by parcel identification number (PIN), Johnston County Tax ID, street address, or by its relationship to a fronting street and the nearest cross street (if applicable);
    - **d.** Describe the nature and scope of the proposed development or action; and
    - **e.** Identify the means to contact a Town official for further information.
8. For the purposes of noticing a public meeting:
    - **a.** The Town shall not require public notice of individual applications to adjacent landowners but may choose, on a case-by-case basis, and in the sole discretion of

the Town, to provide public notice of a public meeting to adjacent landowners in accordance with Town policy.

b. The Town shall be under no legal requirement to provide public notice of a public meeting to adjacent landowners, and failure to do so shall not invalidate the proceedings.

7.2 POSTED NOTICE

1. For public hearings, public meetings, and evidentiary hearings, a subject property shall have posted notice per the following:

a. A sign (or signs) shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion(s) of the respective street(s).

b. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.

c. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

2. Posted notice content shall include:

a. Identify the project number, date, time, and location of the meeting; and

b. Identify the means to contact a Town official.

7.3 PUBLISHED NOTICE

1. Number of times for published notice shall be per the following:

a. For rezonings, at least one time per week for two successive weeks in a newspaper that has general circulation in the Town, per NCGS §160D-602(a).

b. For annexations, at least one time at least 10 days prior to the date of the public hearing in a newspaper that has general circulation in the Town, per NCGS §160A-31(c).

2. Published notice content shall include:

a. Identify the project number, date, time, and location of the meeting; and

b. Identify the means to contact a Town official.

c. 1. Describe the land involved by parcel identification number (PIN), Johnston County Tax ID, street address, or by its relationship to a fronting street and the nearest cross street (if applicable);

d. Describe the nature and scope of the proposed development or action; and

e. Identify the means to contact a Town official for further information.

Consistency Statements Sheet

The Town Council may choose from one of the four suggested motions below.

Staff Recommends the Option in Red Bold Text

Motion 1: Approve – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to approve the Unified Development Ordinance Text Amendments, UDOTA 2-25, Ordinance 2025-11-01, based on consistency with the adopted 2045 Comprehensive Growth Plan, in that:

- **GOAL LU-1 Seeks to preserve Clayton's character while allowing for growth and development in appropriate areas.**
- **Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.**
- **Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.**

This action is reasonable and in the public interest, in that:

- **The 2045 Comprehensive Growth Plan encourages an up-to-date Unified Development Ordinance.**
- **The request is compatible with providing a relevant and community-reflective land use regulatory framework.**

Motion 2: Approve – Inconsistent with the 2045 Comprehensive Growth Plan4

I make a motion to approve the Unified Development Ordinance Text Amendments, UDOTA 2-25, Ordinance 2025-11-01. While the request is inconsistent with the adopted 2045 Comprehensive Growth Plan, in that:

- GOAL LU-1 Seeks to preserve Clayton's character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan encourages an up-to-date Unified Development Ordinance.
- The request is compatible with providing a relevant and community-reflective land use regulatory framework.

Motion 3: Deny – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to deny the Unified Development Ordinance Text Amendments, UDOTA 2-25, Ordinance 2025-11-01, while the request is consistent with the adopted 2045 Comprehensive Growth Plan, in that:

- GOAL LU-1 Seeks to preserve Clayton's character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan does not encourage an up-to-date Unified Development Ordinance.
- The request is incompatible with providing a relevant and community-reflective land use regulatory framework.

Motion 4: Deny – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion to deny the Unified Development Ordinance Text Amendments, UDOTA 2-25, Ordinance 2025-11-01, based on inconsistency with the adopted 2045 Comprehensive Growth Plan, in that:

- GOAL LU-1 Seeks to preserve Clayton's character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan does not encourage an up-to-date Unified Development Ordinance.
- The request is incompatible with providing a relevant and community-reflective land use regulatory framework.

TOWN OF CLAYTON
AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CLAYTON, NORTH CAROLINA
UDOTA 2-25

WHEREAS, the Town of Clayton 2045 Comprehensive Growth Plan ("Growth Plan"), adopted by Town Council on November 15, 2021, calls for updates to the Town's Unified Development Code ("UDC"), now termed as the Unified Development Ordinance ("UDO"); and

WHEREAS, on October 27, 2025, the Planning Board of the Town of Clayton reviewed the proposed change(s) and made a recommendation to approve the Unified Development Ordinance Text Amendments; and

WHEREAS, the requested Text Amendment was advertised in accordance with all requirements of the law; and

WHEREAS, the said public hearing was conducted at 6:00 p.m. on November 17, 2025, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON, NORTH CAROLINA, THAT:

SECTION 1. The Town of Clayton Unified Development Ordinance is amended in accordance with the attached amendments (UDOTA 2-25) with the <u>underlined text</u> added and the stricken text removed except as noted in Section 4.

SECTION 2. The Planning Director is authorized to update, correct, or replace all hyperlinks and cross-references provided that such changes are non-substantive and do not alter the meaning, intent, or effect of the referenced provision.

SECTION 3. The Planning Director is authorized to modify any grammatical or typographical error provided that the change does not affect the meaning or intent of the regulation.

SECTION 4. All underlined highlighted text used shall be replaced with "AMENDED 11.17.25 (UDOTA 2-25)".

SECTION 5. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. That this ordinance shall become effective immediately upon its adoption.

SECTION 7. That the Town Council hereby adopts the following Statement of Consistency and Reasonableness for the proposed text amendment:

The request is consistent with the adopted 2045 Comprehensive Growth Plan, in that:

- GOAL LU-1 Seeks to preserve Clayton's character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 Manages future growth and encourages quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan encourages an up-to-date Unified Development Ordinance.
- The request is compatible with providing a relevant and community-reflective land use regulatory framework.

SECTION 8. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 17th day of November, 2025, while in regular Session.

_____

Jody L. McLeod
Mayor

ATTEST: APPROVED AS TO FORM:

_____	_____
Heidi Holland, CMC, NCCMC	Jim Cauley
Town Clerk	Town Attorney

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	PUBLIC HEARINGS

Item Title

2023-87-CZM West Second Street Duplexes, Conditional Rezoning

Presenter(s)

Robert Tate, AICP, Senior Planner

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☒ Vibrant Downtown	☒ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☐ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: Yes - Legislative

Applicable General Statute Number: 160D-703(b)

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

- ☒ Public Hearing (Required by GS)
- ☒ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☒ Special Mailing ☐ None Required

Summary

Request to rezone three parcels, approximately 0.419 acres of land, from RHD to CZR. This is a Conditional Rezoning request with an associated Site Plan. This application was submitted prior to adoption of the Unified Development Ordinance and therefore is subject to review under the Unified Development Code in place at the time of application submission. The Site Plan proposes the development of three duplex structures, totaling six dwelling units, along with associated site improvements.

Recommendation

Approval of the Ordinance

Funding Source

N/A

Cost

N/A

Corresponding Documentation

00_Staff ReportConditionalRezoningTypeIII_WSecondStreetDuplexes_2023-87-CZM_11172025

01_StaffReportMaps_WSecondStreetDuplexes_2023-87-CZM_11172025

02_Application_WSecondStreetDuplexes_2023-87-CZM_11172025

03_NeighborhoodMeetingMaterials_WSecondStreetDuplexes_2023-87-CZM_11172025

04_SitePlan_WSecondStreetDuplexes_2023-87-CZM_11172025

05_SurveyPlat_WSecondStreetDuplexes_2023-87-CZM_11172025

06_AdjacentPropertyNotice_WSecondStreetDuplexes_2023-87-CZM_11172025

07_Newspaper Ad_W 2nd St Duplexes CZM_11072025

08_Public Notice Certification_2023-87-CZM_W Second Street Duplexes_11072025

09_ProposedConditionsofApproval_WSecondStreetDuplexes_2023-87-CZM_11172025

10_ConsistencyStatementsSheet_WSecondStreetDuplexes_2023-87-CZM_11172025

11_Ordinance 2025-11-02_WSecondStreetDuplexes_2023-87-CZM_11172025

Meeting Timeline

October 27, 2025: Planning Board
November 17, 2025: Town Council Public Hearing

Submitted By: Robert Tate, Planning

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Nov 14 2025
Conrad Olmedo, Planning Director	Approved - Nov 14 2025
Courtney Tanner, Deputy Town Manager	Approved - Nov 14 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

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@townofclaytonnc.org

Planning Board Public Meeting: October 27, 2025
Town Council Public Hearing: November 17, 2025

STAFF REPORT	
Project Number:	2023-87-CZM
Project Name:	W Second Street Duplexes – Conditional Rezoning
Property Pin #:	165912-75-8251 and 165912-85-0139
Location:	Located within the Town of Clayton limits, on the northernly side of West Second Street at its intersection with Atkinson Street, with unassigned addresses and identified as Johnston County Tax IDs 05026043A and 05026045B.
Applicant:	Molly Herring and Curk Lane, True Line Surveying
Property Owner:	Riverbrooke Custom Homes, LLC
Public Noticing Dates:	Surrounding Property Owner Letters Mailed by deadline of November 7, 2025 Sign Posted by deadline of November 7, 2025 Website updated by deadline of November 7, 2025 Newspaper Ad published November 5, 2025 and November 12, 2025
Request:	A Conditional Rezoning request, per UDC 155.705, to rezone two parcels, totaling 0.419 acres of land, from Residential High Density (RHD) to Conditional Residential (CZR) zoning district, permitting the Duplex Dwelling principal use. The request includes a Site Plan, in accordance with requirements of 155.705 of the UDC. This application is being reviewed under the Unified Development Code (UDC), which was the Code in place at the time of application submission.

PROJECT OVERVIEW

The applicant is requesting conditional rezoning of 0.419 acres from Residential High Density (RHD) to Conditional Residential (CZR) zoning district. The Site Plan associated with this Conditional Rezoning application depicts three future lots, containing one Duplex unit on each lot, resulting in a total of six dwelling units. This will require future submission of a Subdivision application to be recorded under Condition #16. Each Duplex lot is designed to include a driveway providing four off-street parking spaces, which will allow for two parking spaces per unit. As currently designed, no internal buffering between the lots is proposed, and it is requested to be exempt from UDC §155.402 Part 2 Perimeter Buffers. Alternatively, Condition #9 would require the installation of a 10-foot Class "C" Alternative Perimeter Buffer, supplemented by a 4-ft vinyl privacy fence in front of the building, a 6-ft vinyl privacy fence behind the front of the building, and plant materials. Additionally, the applicant has requested

exemption from UDC §155.402. Part 1 Site Interior Landscaping Requirements under Condition #18. Street Trees are still provided in accordance with the standards of the UDC.

Conditions of Approval

As outlined in the Conditions of Approval, the applicant is requesting a maximum gross density of no more than 15 dwelling units per acre (Condition #7). The request limits development to duplexes and permitted residential accessory uses in accordance with the UDC (Condition #6). The proposed conditions and associated Site Plan also establish dimensional and lot standards (Condition #8), require screening of all ground-mounted utility and mechanical equipment (Condition #10), and mandate the establishment of a new deed confirming the three separate parcels shown on the Site Plan (Condition #16). Vinyl is proposed as the primary exterior building material (Condition #11). Finally, perimeter buffers are established (Conditions #9 and #17), and the development is exempt from site interior landscaping requirements (Condition #18).

ADJACENT ZONING, LAND USES, AND FUTURE LAND USES			
Direction	**Zoning**	**Existing Land Use(s)**	**Future Land Use**
North	Residential High Density (RHD)	Single Family Detached Dwelling	Downtown Core
South	Residential Low Density (RLD)	Single Family Detached Dwelling	Downtown Support
East	Residential High Density (RHD)	Single Family Detached Dwelling	Downtown Core
West	Residential Low Density (RLD)	Religious Institution	Downtown Support

REVIEW CRITERIA

This project is reviewed under the Unified Development Code (UDC). Per 155.705 of the UDC, prior
to approval of a Conditional Rezoning with Site Plan the Town Council may consider the following Approval Criteria outlined in 155.705(J):

1. Consistency with the adopted plans and policies of the Town;
2. Suitability of the subject property for uses permitted by the current versus proposed conditional district;
3. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, and water supply facilities, and stormwater drainage facilities for the proposed conditional district;
5. It has been determined that the legal purposes for which zoning exists are not contravened;
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; and
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.

Additionally, the associated Site Plan is subject to the following Approval Criteria by Town Council, per UDC 155.705(L):

1. Compliance with 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;
2. Consistency with the Clayton General Design Guidelines;
3. Conformance of the proposal with the stated purpose of the requested Conditional Zoning District;
4. Compatibility of the proposed development with the adjacent community;
5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
6. Compatible relationships between each component of the overall project;
7. Self-sufficiency of each phase of the overall project;
8. The fiscal impact of the proposal and the proposed financing of required improvements;
9. The success of the proposal in providing adequate pedestrian and bicycle links within the

development and with the adjacent community; and

10. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

CONSISTENCY WITH COMPREHENSIVE PLAN AND FUTURE LAND USE MAP

The Town's Future Land Use Map (FLUM) designates the subject site as Downtown Core, envisioning an urban environment characterized by a sensitive blending of carefully preserved older structures, high quality and context-sensitive new construction, and public spaces all working together and integrated with surrounding neighborhoods. The Downtown Core includes a variety of uses including commercial services (restaurants, retail, professional services, and entertainment), office, high-density residential, upper-story apartments, and older homes renovated to accommodate commercial uses. This area provides a connected grid-style street network with alley access, future transit opportunities and pedestrian
friendly sidewalks, safe crossings and streets with on-street parking and slow speeds.

The request, as proposed, is consistent with the FLUM and the Goals & Policies of the 2045 Comprehensive Growth Plan:

- Goal LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas.
- Goal DT 1: Promote quality adaptive re-use, and infill development projects Downtown while preserving historic character.
    - Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages infill development that increases residential activity.
- The request is compatible with surrounding zoning and land uses.

PLANNING BOARD CONSIDERATIONS

The Planning Board heard this item for recommendation in a public meeting dated October 27, 2025. The Planning Board recommended approval, including a modification to the conditions of approval to increase the maximum residential density from 8.7 units per acre to 15 units per acre. This was done to accurately reflect the unit count shown on the Site Plan and resolve a discrepancy between the Site Plan and Conditions of Approval. No members of the public spoke in opposition to the rezoning request at this public meeting.

TOWN COUNCIL CONSIDERATIONS

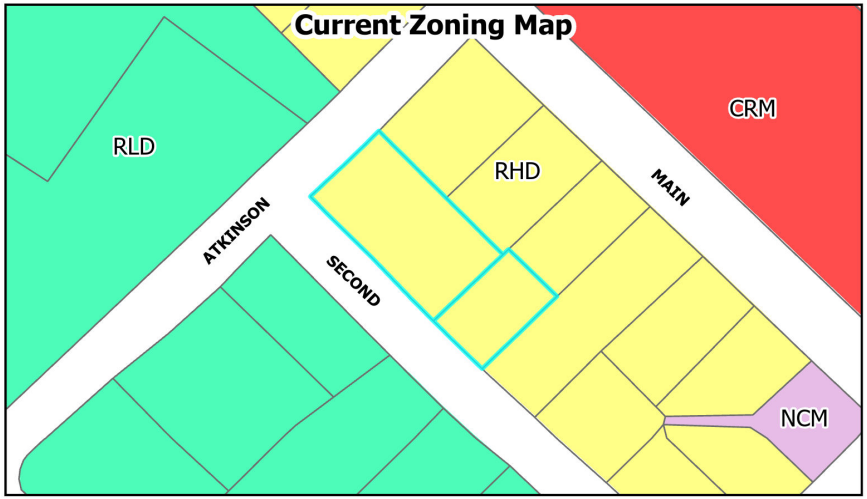
Following the October 27, 2025 Planning Board Meeting, this application has been scheduled for a November 17th, 2025 Town Council public hearing. The Town Council shall make a final decision pertaining to rezoning requests.

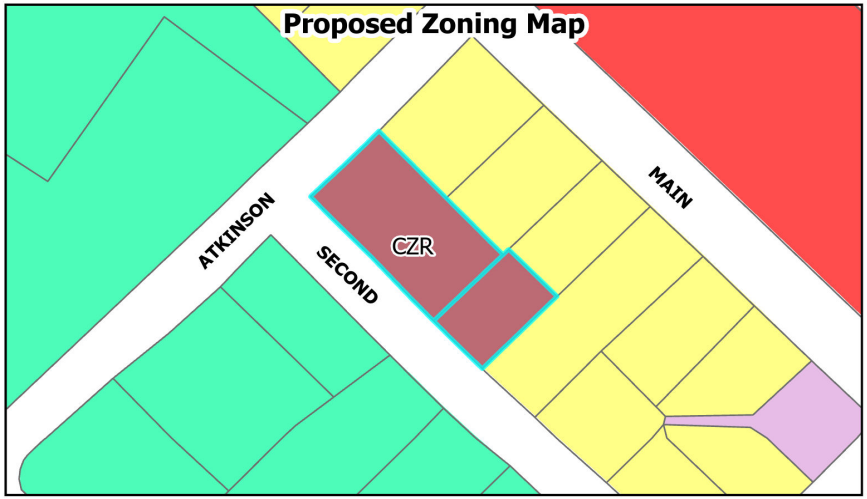
STAFF RECOMMENDATION

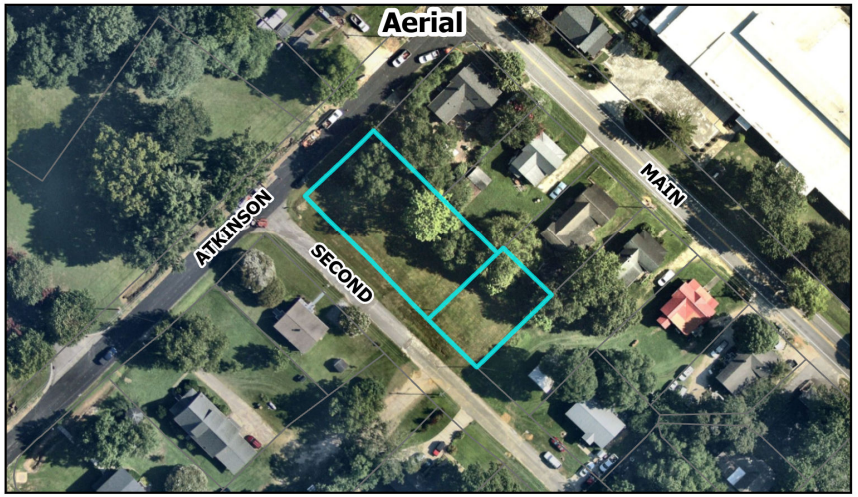
The Technical Review committee has thoroughly reviewed the proposed rezoning and associated site plan. ***Planning staff recommends approval of the request, with the associated site plan and conditions.***

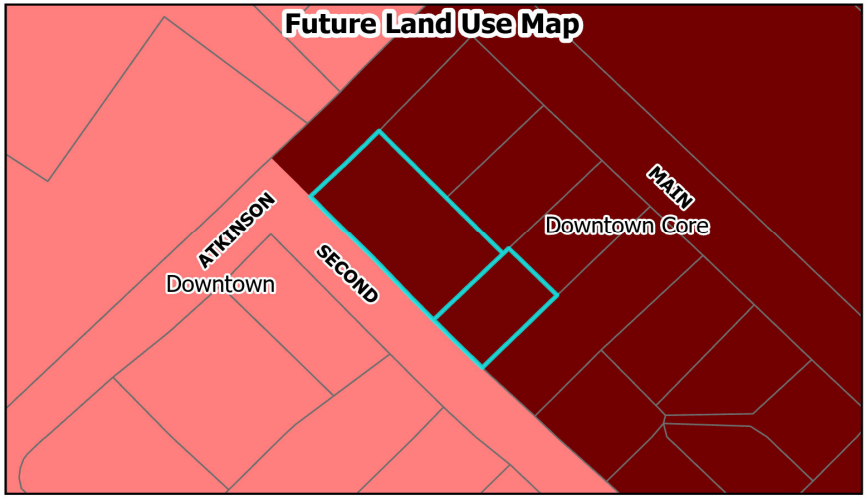
ATTACHMENTS:

1. Staff Report Maps
2. Application
3. Neighborhood Meeting Materials
4. Site Plan
5. Survey/Plat
6. Adjacent Property Owner Notice
7. Newspaper Ad
8. Public Noticing Certification
9. Proposed Conditions of Approval
10. Consistency Statements Sheet
11. Ordinance, 2025-11-02









Request: Conditional Rezoning - Type III
Project Name: W Second Street Duplexes
Project Number: 2023-87-CZM

Applicant: Molly Herring and Curk Lane
Property Owner: Riverbrooke Custom Homes, LLC
Tag#: 05026043A and 05026045B

Site Location

Staff Report Map
September 29, 2025

N

0 100 200 400 Feet

Disclaimer: Parcel Boundaries are shown for reference only. The Town of Clayton assumes no legal responsibility for this information.

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

Conditional Zoning w/Master Plan Coversheet

Name of Project: West Second St. Duplexes **Date:** 5/19/23 6/6/23

Applicant Name: True Line Surveying

The following checklist to be completed by applicant:

[☑] Pre-Application Meeting on: 12/6/22
[☐] Review Fee
[☐] Completed Application
[☐] Owner's Consent Form
[☐] Adjacent Property Owner's List
[☐] Neighborhood Meeting Letter (one copy)
[☐] 2 sets of stamped, addressed, empty envelopes for adjacent property owner notification
[☐] Signed & sealed boundary survey
[☐] Copy of signed & sealed boundary survey in PDF on USB

[☐] Master Plan Set to include the following:
- Cover Sheet
- Survey
- Bubble Plan Outlining:
  a. Where and which uses or groups of uses will occur
  b. The proposed intensity/density of those uses
  c. General location of internal and external network of public right-of-way and public infrastructure
  d. All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering

Reviewed by:_____

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

Conditional Zoning w/Master Plan Application

Conditional Rezoning w/Associated Site Plan Fee: $1000 + $5.00 per acre
Advertising Fee: $200.00

SITE INFORMATION

Name of Project: West Second St.

Acreage of Property: 0.419 **Zoning District:** R-6

County Tag #: 05026043A, 05026045B **NC Pin #:** 165912-75-8251, 165912-85-0139

Address/Location: West Second St.

Existing Zoning District: Vacant **Proposed Zoning District:** Duplexes CZR

APPLICANT INFORMATION

Applicant: True Line Surveying

Mailing Address: 205 W. Main St., Clayton, NC 27520

Phone Number: 919-359-0427 **Fax:** 919-359-0428

Contact Person: Molly Herring or Curk Lane

Email Address: molly@truelinesurveying.com curk@truelinesurveying.com

PROPERTY OWNER INFORAMTION

Name: Riverbrooke Custom Homes, LLC

Mailing Address: 605 Page St., Clayton, NC 27520

Phone Number: (919) 369-6145 **Fax:** _____

Email Address: riverbrookecustomhomes@gmail.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

January 2021

EXPLANATION OF PROJECT

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

Adjustment to the building setbacks to allow for a total of three duplex units to fit per lot.

APPROVAL CRITERIA – REZONING

All applications for a Conditional Rezoning must address the following Approval Criteria:

1. Consistency with the adopted plans of the Town.

   Yes, the project is consistent with the adopted plans of the Town of Clayton.

2. Suitability of the subject property for uses permitted by the current vs. the proposed conditional district.

   Suitability of the subject property will not be changed. It will still be used as a residential use.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

   Yes, it meets the specific demands in the Town being that we have increase growth and we need to meet the demands of available housing.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply facilities and stormwater drainage facilities is available for the proposed conditional district.

   Yes, adequate capacity is available.

5. It has been determined that the legal purposes for which zoning exists are not violated.

   Legal purposes for which zoning exists 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.

   Yes, there will be no adverse effect upon adjoining property owners.

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.

Yes, no one property owner or small group of property owners will benefit from the change.

APPROVAL CRITERIA- MASTER PLAN

All associated Master Plans must address the following Approval Criteria:

1. Compliance with code section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter.

Compliance with this code section and all other applicable requirements have been met.

2. Consistency with the Clayton General Design guidelines.

Project is consistent with the Clayton General Design guidelines.

3. Conformance of the proposal with the stated purpose of the requested conditional zoning district.

Yes, the proposed project will conform with the correct requested conditional zoning district requirements.

4. Compatibility of the proposed development with the adjacent community.

Yes, the proposed development is compatible with the adjacent community because it is all residential use.

5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out.

Yes, there will be a cohesive environment at project completion.

6. Compatible relationships between each component of the overall project.

Yes, there will compatible relationships between each component of the overall project.

7. Self-sufficiency of each phase of the overall project.

Each phase self sufficient.

8. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.

The proposed infrastructure improvements will accommodate the changes to infrastructure required for this development, as shown on the utility plan sheet

9. The fiscal impact of the proposal and the proposed financing of required improvements.

A 900k project

10. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.

The success of the proposal is depending on the success of the Town of Clayton fiscal responsibility of pavement from the Town of Clayton.

11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

There are no ecological sensitive areas within this project.

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.

Molly Herring	Molly Herring	6/6/23
Print Name	***Signature of Applicant***	***Date***

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held at least 10 days prior to the 1st scheduled public meeting date.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

a. The applicant must contact all adjacent property owners via first class mailing (see sample letter).

b. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.

c. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- ☐ Copy of the letter mailed *Should be submitted with original application packet*
- ☐ Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- ☐ Neighborhood Meeting Summary Form with minutes (see below) *Submit 10 days prior to 1st public hearing*

January 2021

ADJACENT PROPERTY OWNERS LIST

Project Name: West Second St. Duplexes

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

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

PARCEL NUMBER	NAME	ADDRESS
05026036	PERDUE, PERRY D.	615 W. 2ND ST., CLAYTON, NC 27520
05026039	OCHOA, CESAR	1002 DELTA RIVER WAY, Knightdale, NC 27545
05026040	BERRY, CAROL CAPPS	612 W. 2ND ST., CLAYTON, NC 27520
05026030C	JANCUSKA, THOMAS R	116 ALLISON WAY,ARCHER LODGE, NC 27520
05026045A	MOSS, DANNY	327 E BOBBITT RD, CLAYTON, NC 27520
05026043	HORRALL, MICHELE RAYMOND	715 W. MAIN ST., CLAYTON, NC 27520
05026086	BARBOUR, LELAND ANTHONY	3800 LA VARRA DR., CLAYTON, NC 27520
05026052	WORLEY, TIMOTHY LERAY	707 W. MAIN ST., CLAYTON, NC 27520
05026053	SMITH, BRANDY CAPPS	218 WHITLEY DR., SMITHFIELD, NC 27577
05026010	BARBOUR, GERALDINE T	705 W. MAIN ST., CLAYTON, NC 27520
05026055	HOGG, MELODY T.	803 W. MAIN ST., CLAYTON, NC 27520
05026082	FELLOWSHIP BAPTIST CHURCH	PO Box 535, Clayton NC 27528
05026083	FELLOWSHIP BAPTIST CHURCH	PO Box 535, Clayton NC 27528

SAMPLE NEIGHBORHOOD MEETING LETTER
(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

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 proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: _____ Meeting Time: _____

Meeting Location: _____

Type of Application: _____

Project/proposal property address: _____

Description of project/proposal: _____

_____

Upcoming public meetings for this application (Planning Board and/or Town Council): _____

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

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

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

If you have any questions prior to or after this meeting, you may contact us at ***<Insert phone number of applicant>***. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

January 2021

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

NAME	ADDRESS
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January 2021

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:

Date of Mailing:

Date of Meeting: Time of Meeting:

Location of Meeting:

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: Signature:

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

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

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: West Second St. Duplexes **Address or PIN #:** 165912-75-8251
165912-85-0139

AGENT/APPLICANT INFORMATION:

True Line Surveying
(Name - type, print clearly)

205 N. Main St.
(Address)

Clayton, NC 27520
(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)***:

Special Use

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:

Josh Bunn - River Brooke custom homes
(Name - type, print clearly)

853 Sack Rd
(Address)

(Owner's Signature)

Clayton NC 27520
(City, State, Zip)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me Josh Bunn, a Notary Public for the above State and County, this the 21 day of February, 2023.

SEAL

MOLLY L. HERRING NOTARY PUBLIC My Comm. Expires JOHNSTON COUNTY, NC

Notary Public

My Commission Expires: 11/5/24

July 2018

6/6/23

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 proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: TBD
Meeting Time: 6:00pm
Meeting Location: True Line Surveying, 205 W. Main St., Clayton, NC 27520
Type of Application: Conditional Zoning
Project/proposal property address: West Second St.
Description of project/proposal: Adjustments to the building setbacks to allow for a total of three duplex units to fit per lot.

Upcoming public meetings for this application (Planning Board and/or Town Council):

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:
1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.
If you have any questions prior to or after this meeting, you may contact us at ***919-359-0427***.
You may also contact the Planning Department at 919-553-5002.

Sincerely,

Curk Lane
True Line Surveying
Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: West Second St.

Application: Conditional Zoning

Location/Date: 8/21/23 True Line Survyeing, 205 W. Main St. Clayton, NC 27520

	NAME	ADDRESS
1	Mary Danne	715 W. Main St., Clayton, NC 27520
2	Mike Horrall	715 W. Main St., Clayton, NC 27520
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20		

January 2021

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Conditional Zoning

Date of Mailing: 8/3/23

Date of Meeting: 8/21/23 Time of Meeting: 6:00pm

Location of Meeting: True Line Survyeing, 205 W. Main St. 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:

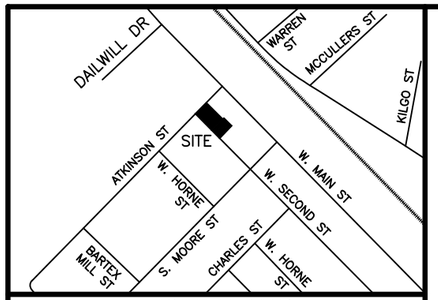
Printed Name: Molly Herring Signature:

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.*

Neighborhood meeting was held by Curk Lane on August 21, 2023, 6pm at True Line Surveying. The attendance list is included as a part of these minutes. Mary Danne and Mike Horrall, property owners had a few questions. Are the units going to be rented and are they going to move the water line? Mike Horrall has prior agreement of $500. Curk Lane was able to address both of these questions.

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

January 2021



VICINITY MAP
NOT TO SCALE

INDEX

SHEET 1 – COVER SHEET
SHEET 2 – SITE PLAN
SHEET 3 – LANDSCAPE PLAN
SHEET 4 – LANDSCAPE NOTE & DETAILS
SHEET 5 – UTILITIES
SHEET 6 – UTILITY NOTES & DETAILS
SHEET 7 – ELEVATION 992
SHEET 8 – ELEVATION 1140
SHEET 9 – RECORDED SUBDIVISION PLAT
SHEET 10 – CONDITIONS OF APPROVAL

2023-87-CZM

SITE PLAN
OF
WEST SECOND STREET DUPLEXES
TOWN OF CLAYTON
FOR
RIVERBROOKE CUSTOM HOMES

SCALE: 1" = 30'

15 0 30 60

TRUE LINE SURVEYING, P.C.

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

C-1589

JOB NO: 2030.064	DRAWN: DANNY	DATE: 9/10/25	CHECKED: CURK

SHEET 1 – COVER SHEET

ZONING: R-6
PROPOSED BUILDING SETBACKS

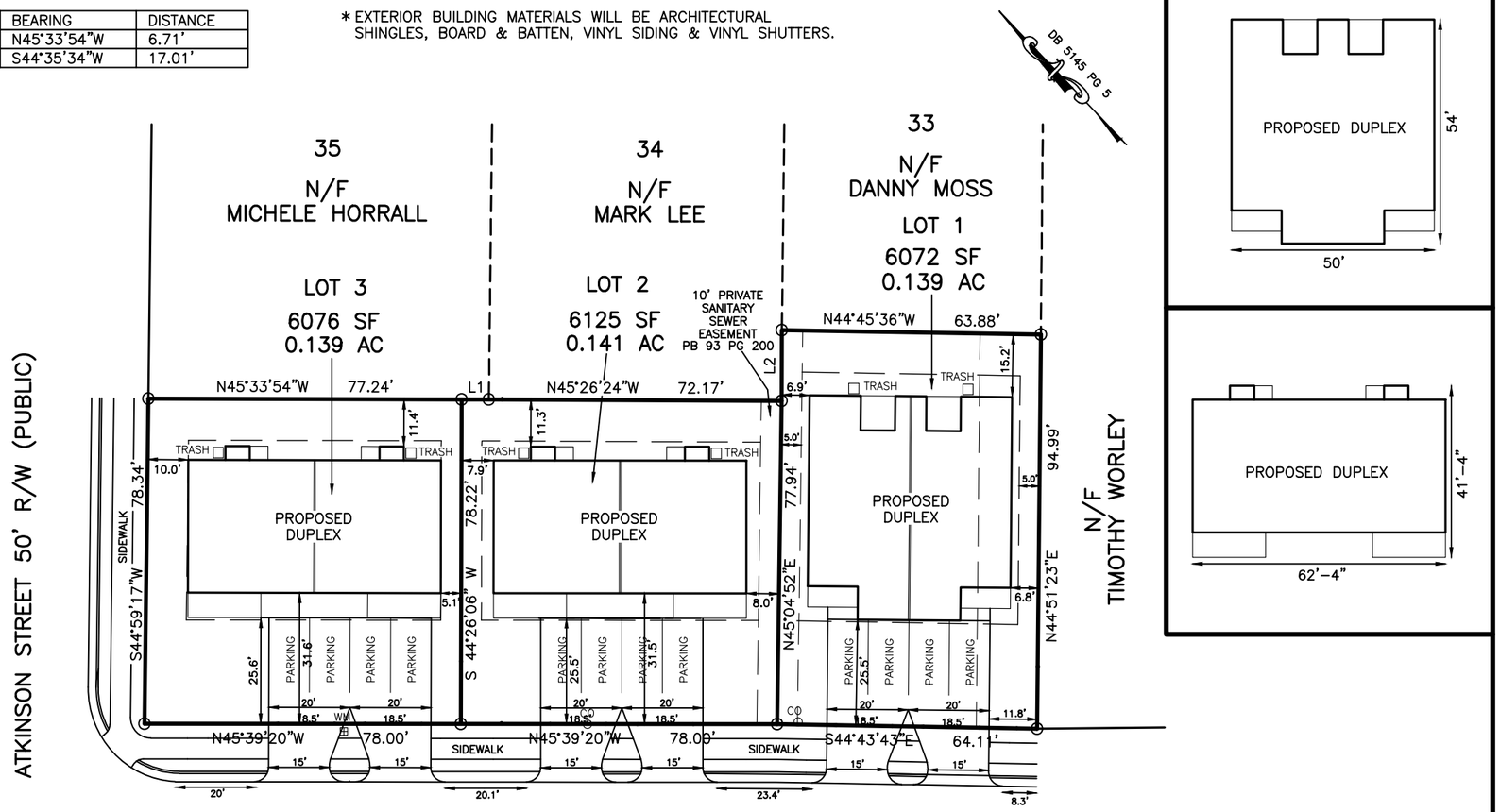
FRONT.....25'
SIDE (STREET).....10'
SIDE (INTERIOR).....05'
REAR.....10'

MAXIMUM HEIGHT 15' PER UDC §155.201(C)(1)
MAXIMUM GROSS DENSITY = 15 UNITS PER ACRE

Existing Property Data
NC Pins: 165912-75-8251
County Tags: 05026043A
Property Size: 0.310 acres
Proposed Use: Duplex*
Previous Zoning (per UDC): Single-Family Residential-6 (R6)
Existing Zoning (per UDO): Residential High Density (RHD)
Proposed Zoning: Conditional Residential (CZR)
*Existing Plat, Book 93 Page 200, has subdivided this property into two separate lots of which each with a duplex, per Condition No. 16
NC Pin: 165912-85-0139
County Tag: 05026045B
Property Size: 0.140 acres
Proposed Use: Duplex
Previous Zoning (per UDC): Single-Family Residential-6 (R6)
Existing Zoning (per UDO): Residential High Density (RHD)
Proposed Zoning: Conditional Residential (CZR)

LINE	BEARING	DISTANCE
L1	N45°33'54"W	6.71'
L2	S44°35'34"W	17.01'

* EXTERIOR BUILDING MATERIALS WILL BE ARCHITECTURAL SHINGLES, BOARD & BATTEN, VINYL SIDING & VINYL SHUTTERS.



NOTE: LOTS 1 & 2 ARE RECORDED PER PLAT BOOK 93 PAGE 200 AND SHALL BE CONVEYED PER CONDITION NO. 16.

NORTH CAROLINA PROFESSIONAL SEAL L-3990 LAND SURVEYOR CURT F. LANE

LOT 1
OVERALL HOUSE DIMENSIONS: 50' x 54'

IMPERVIOUS SURFACE TABLE	
HOUSE	2626 SF
DRIVEWAY & WALKS	1478 SF
TOTAL IMPERVIOUS	4104 SF
TOTAL LOT AREA	6072 SF
IMPERVIOUS COVERAGE	67.6%
MAX. IMPERVIOUS COVERAGE	70%

LOT COVERAGE TABLE	
HOUSE	2626 SF
LOT AREA	6072 SF
LOT SIZE	0.139 AC
PERCENT OF LOT COV.	43.3%
MAXIMUM LOT COVERAGE:	50%

LOT 2
OVERALL HOUSE DIMENSIONS: 62'-4" X 41'-4"

IMPERVIOUS SURFACE TABLE	
HOUSE	2281 SF
DRIVEWAY & WALKS	1477 SF
TOTAL IMPERVIOUS	3758 SF
TOTAL LOT AREA	6125 SF
IMPERVIOUS COVERAGE	61.4%
MAX. IMPERVIOUS COVERAGE	70%

LOT COVERAGE TABLE	
HOUSE	2251 SF
LOT AREA	6125 SF
LOT SIZE	0.141 AC
PERCENT OF LOT COV.	36.8%
MAXIMUM LOT COVERAGE:	50%

LOT 3
OVERALL HOUSE DIMENSIONS: 62'-4" X 41'-4"

IMPERVIOUS SURFACE TABLE	
HOUSE	2281 SF
DRIVEWAY & WALKS	1481 SF
TOTAL IMPERVIOUS	3762 SF
TOTAL LOT AREA	6076 SF
IMPERVIOUS COVERAGE	61.9%
MAX. IMPERVIOUS COVERAGE	70%

LOT COVERAGE TABLE	
HOUSE	2251 SF
LOT AREA	6076 SF
LOT SIZE	0.139 SF
PERCENT OF LOT COV.	37.0%
MAXIMUM LOT COVERAGE:	50%

SHEET 2 - SITE PLAN

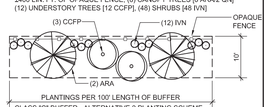
SITE PLAN
OF
WEST SECOND STREET DUPLEXES
TOWN OF CLAYTON
FOR
RIVERBROOKE CUSTOM HOMES

SCALE: 1" = 30'
15 0 30 60

TRUE LINE SURVEYING, P.C.
205 W. MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com
C-1589

JOB NO: 2030.064	DRAWN: DANNY	DATE: 9/10/25	CHECKED: CURK

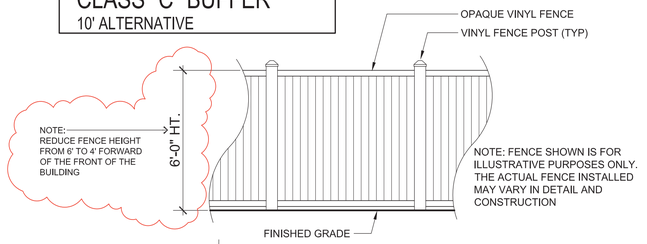
TOTAL LENGTH OF CLASS "C", 10' ALTERNATIVE BUFFER: 400 LN.FT.
TREES/SHRUBS/OPAQUE FENCE PROVIDED FOR LENGTH OF BUFFER:
±400 LIN. FT. OF OPAQUE FENCE, (8) CANOPY TREES [6 ARA/2 QN]
(12) UNDERSTORY TREES [12 CCFP], (48) SHRUBS [48 IVN]



CLASS "C" BUFFER - ALTERNATIVE 2 PLANTING SCHEME
REQUIRED PER 100':
(2) CANOPY TREES
(3) UNDERSTORY TREES
(12) SHRUBS
OPAQUE FENCE

NOTE:
LAYOUT IS ILLUSTRATIVE ONLY
SEE PLAN FOR ACTUAL LAYOUT

CLASS "C" BUFFER
10' ALTERNATIVE



Plant List

PLANT LIST - WEST SECOND STREET DUPLEXES						
QUAN	KEY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	COMMENTS
NEW CANOPY TREES: 13 TOTAL						
6	ARA	Acer Rubrum 'Armstrong'	Armstrong Maple	2.5" Cal.	8' Min.	Buffer Tree
2	QN	Quercus Nuttallii	Nuttall Oak	2.5" Cal.	8' Min.	Street/Buffer Tree
5	ZSG	Zelkova serrata 'Green Vase'	Green Vase Zelkova	2.5" Cal.	8' Min.	Street Tree
NEW UNDERSTORY TREES: 8 TOTAL						
12	CCFP	Cercis Canadensis 'Forest Pansy'	Forest Pansy Redbud	2.0" Cal.	6' Min.	Buffer Tree
NEW SHRUBS: 48 TOTAL						
48	IVN	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	-	24" Min.	Buffer Shrub
6	LCPD	Loropetalum chinense 'Plum Delight'	Plum Delight Loropetalum	-	36" Min.	Additional Buffer
Note: All landscape material to meet Town of Clayton standards and specifications for code compliant sizes						
Note: All landscape material to be installed as per Town of Clayton Standards and Specification						
Note: The landscape contractor is responsible for verifying quantities						
Note: Substitutions must be made in writing to the landscape architect. Once approved an administrative amendment to the landscape plan must be submitted to the Town of Clayton for review and approval						

STREET TREE CALCULATIONS - WEST SECOND STREET DUPLEXES				
STREET NAME	STREET LENGTH (LIN FT)	TREE SPACING (LIN FT)	TREES REQUIRED	TREES PROPOSED
ATKINSON STREET-EAST SIDE	78	40	2	2
W. SECOND STREET-NORTH SIDE	220	40	6	5*
*NOTE: ONLY (5) TREES ARE PROPOSED FOR W. SECOND STREET DUE TO CONFLICTS WITH THE SANITARY SEWER EASEMENT				

Plant Symbol Key

Landscape Notes

GENERAL LANDSCAPE NOTES

1. ALL PLANT MATERIALS AND PLANTING BEDS SHALL BE LOCATED BY SCALED DIMENSIONS FROM BUILDINGS, CURBS, PAVEMENTS, ETC. LOCATION OF ALL PLANTS SHALL BE REVIEWED IN THE FIELD BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. THE CONTRACTOR SHALL PROVIDE 48 HOURS NOTICE FOR REVIEW.

2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION OR PLANTING AND SHALL BE RESPONSIBLE FOR THEIR REPAIR OR PAY FOR ALL DAMAGES MADE TO UNDERGROUND UTILITIES.

3. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES.

4. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED IN WRITING OF ANY PROPOSED PLANT SUBSTITUTIONS BY THE LANDSCAPE CONTRACTOR. NO SUBSTITUTIONS SHALL BE MADE UNDER ANY CIRCUMSTANCES WITHOUT PRIOR APPROVAL BY THE LANDSCAPE ARCHITECT.

5. ALL DISTURBED AREAS NOT IDENTIFIED TO EITHER BE SEEDED OR SODDED SHALL BE MULCHED IN ACCORDANCE WITH THE SPECIFICATIONS.

6. A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO ALL PLANTING BEDS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. ALL PLANTING BEDS, SAUCERS, AND AREAS DESIGNATED TO BE MULCHED SHALL BE MULCHED WITH A MINIMUM OF 3-4 INCHES OF TRIPLE SHREDDED HARDWOOD MULCH.

8. PLANTING BEDS AND SAUCERS SHALL BE EDGED TO PROVIDE A 2" TO 3" DEEP "V" CUT ALONG ITS BORDER WITH SODDED OR SEEDED AREAS.

9. ALL SAUCERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.

10. GUYING SHALL BE REMOVED AFTER ONE FULL GROWING SEASON.

11. THE LANDSCAPE CONTRACTOR SHALL INSTALL ALL LANDSCAPING IN ACCORDANCE WITH THE DETAILS AND SPECIFICATIONS SHOWN AND ENUMERATED ON THIS SHEET UNLESS ALTERNATIVE METHODS OR PRACTICES ARE REVIEWED AND ACCEPTED BY THE LANDSCAPE ARCHITECT.

12. AT INSTALLATION AND CONTINUOUSLY DURING THE MAINTENANCE CONTRACT, ALL PROPOSED SHRUBS THAT ARE SQUARE IN SHAPE AND ARRANGED IN ROWS SHOULD BE PRUNED INTO BOXED AND CLIPPED HEDGEROWS.

13. ALL LANDSCAPED AREAS SHALL BE MAINTAINED IN AN ATTRACTIVE AND HEALTHY CONDITION BY THE DEVELOPMENT'S H.O.A. DEAD OR DISEASED PLANTINGS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION.

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

15. AS PER UDC SECTION 155.402(G)(4)(A), ALL ROOF, GROUND AND WALL MOUNTED MECHANICAL EQUIPMENT INCLUDING, BUT NOT LIMITED TO, AIR HANDLING EQUIPMENT, VENTS, COMPRESSORS, DUCT WORK, TRANSFORMERS AND ELEVATOR EQUIPMENT WILL BE SCREENED FROM VIEW.

NOTE:
PLANT MATERIAL TO BE FIELD ADJUSTED AS NEEDED TO AVOID CONFLICTS WITH EXISTING OR PROPOSED UTILITIES, DRAINAGE STRUCTURES AND DEVICES AS WELL AS WATERWAYS

STREET YARD TREES

1. STREET YARD TREES WILL BE REQUIRED ALONG ALL RIGHTS OF WAY AT THE RATE OF (1) CANOPY TREE PER LOT OR (1) CANOPY TREE FOR EVERY 40 LINEAR FEET (SPACE AT A MAXIMUM OF 50 FEET APART)

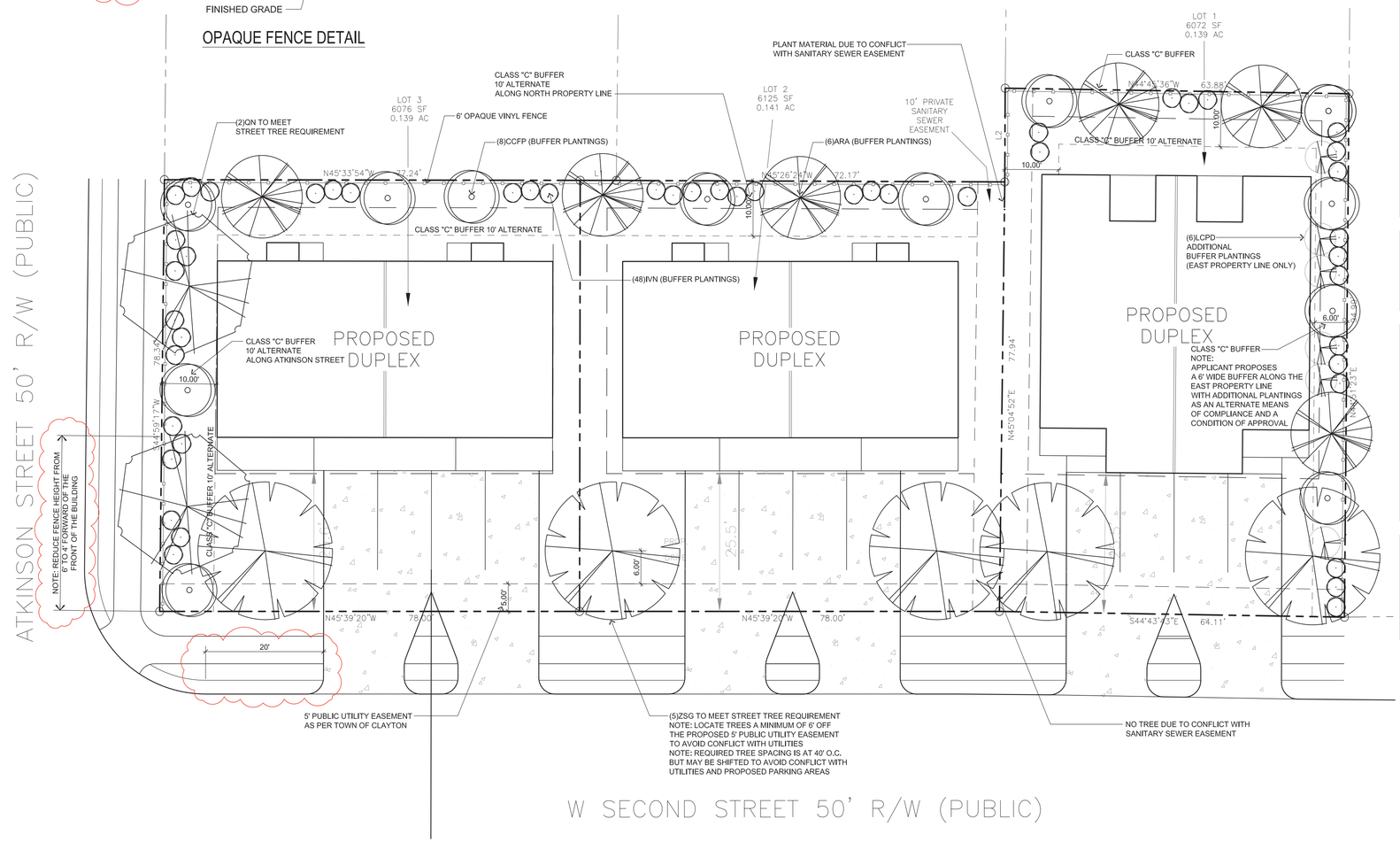
2. ALL STREET YARD TREES WILL BE A MINIMUM OF 2 1/2 CALIPER INCHES AT TIME OF PLANTING AND WILL BE PLANTED NO LESS THAN 5 FEET OR MORE THAN 15 FEET FROM THE BACK OF THE SIDEWALK

3. SPECIES SELECTION WILL COMPLY WITH TOWN OF CLAYTON APPROVED LIST

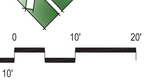
CALL BEFORE YOU DIG!
NORTH CAROLINA LAW REQUIRES NOTIFICATION OF THE UNDERGROUND FACILITY OWNER NOT LESS THAN TWO (2) BUT NO MORE THAN TEN (10) WORKING DAYS PRIOR TO EXCAVATION OR DEMOLITION
NORTH CAROLINA 811
www.nc811.org
1-800-632-4949
North Carolina One-Call Center, Inc.

TRC COMMENTS 09.25.2025

OPAQUE FENCE DETAIL



LANDSCAPE PLAN



10' 5' 0 10' 20'
SCALE: 1" = 10'

100 DOVE CT
CLAYTON, NC 27520
919.810.8408
TALMAGE "MARK" HALL, PLA
PROFESSIONAL LANDSCAPE ARCHITECT
talmagemark@gmail.com

LANDSCAPE PLAN
WEST SECOND STREET DUPLEXES
CLAYTON, NORTH CAROLINA
RIVERBROOKE CUSTOM HOMES, LLC

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 874 TALMAGE MARK HALL

FOR REVIEW AND COMMENT ONLY

		DATE
PROJECT:	.	03.2023
ISSUE:	LANDSCAPE PLAN	03.03.2023
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REVISIONS:	TRC COMMENTS	02.14.2024
	TRC COMMENTS	09.09.2024
	TRC COMMENTS	09.30.2024
	TRC COMMENTS	02.10.2025
	TRC COMMENTS	04.02.2025
	TRC COMMENTS	09.10.2025
DRAWN BY:	TMH	
CHECKED BY:	TMH	
CONTENT:	LANDSCAPE PLAN	
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TOWN OF CLAYTON PROJECT NO: 20XX-XXX-XXX

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LANDSCAPE WORK SPECIFICATIONS

JOB CONDITIONS: ATTENTION SHALL BE DIRECTED TO THE LOCATION OF ACTIVE UTILITIES WITHIN THE LIMITS OF WORK. BEFORE COMMENCING ANY WORK REQUIRED BY THE CONTRACT, THE CONTRACTOR SHALL LOCATE ALL UTILITIES, SUBSURFACE DRAINAGE, AND UNDERGROUND CONSTRUCTION SO THAT PROPER PRECAUTIONS MAY BE TAKEN NOT TO DISTURB OR DAMAGE ANY SUBSURFACE IMPROVEMENTS. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR MAKING, AT HIS OWN EXPENSE, ALL REPAIRS TO DAMAGED UTILITIES RESULTING FROM THE WORK COVERED BY THE CONTRACT.

MATERIALS AND WORK: THE SELECTION OF ALL MATERIALS AND THE EXECUTION OF ALL WORK REQUIRED UNDER THE CONTRACT SHALL BE SUBJECT TO APPROVAL BY THE OWNER OR HIS AGENT. THE OWNER SHALL HAVE THE RIGHT TO REJECT ANY AND ALL MATERIALS AND ANY AND ALL WORK WHICH, IN HIS OPINION, DOES NOT MEET THE REQUIREMENTS OF THE CONTRACT DOCUMENTS AT ANY STAGE OF THE OPERATIONS. ALL REJECTED MATERIALS SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR.

PLANT MATERIALS: ALL MATERIALS SHALL BE NURSERY GROWN, FRESHLY DUG IF FIELD GROWN, NATURALLY SHAPED, AND WELL-BRANCHED; FULL FOLIAGED WHEN IN LEAF WITH HEALTHY, WELL-DEVELOPED ROOT SYSTEMS. TREES MUST BE SELF-SUPPORTING, WITH STRAIGHT TRUNKS AND LEADERS INTACT. ALL PLANTS FURNISHED SHALL BE FREE OF ANY INSECT INFESTATIONS OR THEIR EGGS, AND SHALL HAVE BEEN GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE OF THE PROJECT LOCALE. ALL PLANTS SHALL BE TRUE TO SPECIES AND VARIETY.

PLANT SIZE: SPECIFIED SIZES INDICATE MINIMUM ALLOWABLE SIZES AT PLANTING. WHERE CONTAINER AND SIZE ARE INDICATED FOR A SINGLE SPECIES, BOTH REQUIREMENTS MUST BE MET.

PLANT HANDLING & STORAGE: PLANTS AND THEIR ROOT SYSTEMS SHALL BE ADEQUATELY PROTECTED FROM DRYING OUT AT ALL TIMES. PLANT MATERIALS SHALL BE WATERED PRIOR TO TRANSPORT AND KEPT MOIST PRIOR TO PLANTING. PLANTS THAT CANNOT BE PLANTED IMMEDIATELY UPON DELIVERY SHALL BE KEPT IN THE SHADE AND WELL-WATERED. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN THREE DAYS AFTER DELIVERY.

BALLED & BURLAPPED PLANTS SHALL BE LIFTED FROM THE BOTTOM ONLY, NOT BY STEMS OR TRUNKS.

CARE SHALL BE TAKEN WHEN REMOVING THE CONTAINER FROM CONTAINER-GROWN PLANTS SO AS NOT TO INJURE THE PLANT'S ROOTS.

SUBSTITUTIONS: IF PROOF IS SUBMITTED THAT ANY PLANT SPECIFIED IS NOT AVAILABLE, A WRITTEN PROPOSAL FOR USE OF A SIMILARLY-SIZED AND TYPE OF PLANT AND CORRESPONDING COST ADJUSTMENT WILL BE CONSIDERED. ALL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

BACKFILL MATERIAL: NATIVE SOIL SHALL NOT BE USED FOR BACKFILL BUT IS ACCEPTABLE FOR CONSTRUCTION OF REQUIRED SAUCERS AROUND PLANTS. THE REMAINDER OF UNUSED NATIVE SOIL SHALL BE HAULED AWAY FROM THE SITE. BACKFILL MATERIAL SHALL BE A BLENDED SOIL MATERIAL AND SHALL BE CONSIST OF 40% COMPOST, 35% SAND, AND 25% CLAY. THE COMPOST SHALL A TURKEY COMPOST BEARING THE U.S. COUNCIL SEAL OF ASSURANCE. THE SAND SHALL BE OBTAINED FROM A SAND QUARRY AND FREE OF ALL VIABLE WEED SEED. OTHER CONDITIONS OF THE BACKFILL SHALL BE AS FOLLOWS:

MAXIMUM SOLUBLE SALTS:	350 PPM
RELATIVE DENSITY:	25%-60%, LOOSE
RELATIVE PERMEABILITY:	2.5-10 IN./HR.
PLASTIC INDEX:	4-10
PH RANGE:	6.0-6.8

BACKFILL MATERIAL SHALL BE TESTED AND TEST RESULTS SHALL BE FURNISHED TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO USE.

PLANT FERTILIZER: SHALL BE A COMPLETE FERTILIZER, OF WHICH 50% OF THE NITROGEN IS DERIVED FROM NATURAL ORGANIC SOURCES OR UREAFORM. IT SHALL CONTAIN BY PERCENTAGE THE FOLLOWING: 10% NITROGEN, 10% PHOSPHORIC ACID, AND 10% POTASH. IT SHALL BE DELIVERED IN UNOPENED, LABELED CONTAINERS AND STORED IN A WEATHERPROOF PLACE.

WATER: SHALL BE FURNISHED BY THE OWNER.

PLANT MATERIAL INSTALLATION: MATERIALS SHALL ONLY BE PLANTED DURING PERIODS OF SUITABLE WEATHER CONDITIONS.

THE OWNER SHALL BE NOTIFIED OF SUBSURFACE CONDITIONS THAT WOULD PROVE DETRIMENTAL TO PLANT SURVIVAL OR GROWTH. ALTERNATE LOCATIONS FOR MATERIAL SHALL BE DETERMINED BY THE CONTRACTOR AND LANDSCAPE ARCHITECT.

ALL TREES AND SHRUBS SHALL BE PLANTED IN INDIVIDUAL HOLES. THE SIDES AND BOTTOM OF HOLES SHALL BE SCARIFIED PRIOR TO PLANTING. BACKFILL WITH THE SOIL MIXTURE SPECIFIED ON THE DRAWINGS. BACKFILLING SHALL BE ACCOMPLISHED IN LIFTS TO ENSURE ELIMINATION OF ALL AIR POCKETS. ALL PLANTS SHALL BE POSITIONED TO PLACE MOST ATTRACTIVE SIDE TO VIEW AND IN A PLUMB POSITION.

INSTALL 6 FT. DIAMETER SAUCERS MADE OF SOIL AROUND LARGE TREES AND 4 FT. DIAMETER SAUCERS AROUND SMALL TREES.

IMMEDIATELY FOLLOWING PLANTING, PLANTS SHALL BE MULCHED. WHERE PLANTS ARE PLANTED IN GROUPS, THE AREA ABOUT THE PLANT AS WELL AS THE AREA BETWEEN PLANTS SHALL BE COVERED WITH MULCH. PLANTS SHALL BE THOROUGHLY WATERED FOLLOWING MULCHING.

STAKE ALL TREES IN ACCORDANCE WITH THE DRAWINGS.

PRUNING SHALL BE LIMITED TO THE REMOVAL OF INJURED BRANCHES AND TWIGS. USE CLEAN AND SHARP PRUNING TOOLS.

SIDEWALKS AND PAVEMENTS SHALL BE KEPT CLEAN DURING PROGRESS OF INSTALLATION WORK.

PLANTING BEHIND SEGMENTAL RETAINING WALLS: CONTRACTOR SHALL EXERCISE EXTREME CARE IN THE INSTALLATION OF PROPOSED TREES AND SHRUBS BEHIND SEGMENTAL RETAINING WALLS. CONTRACTOR SHALL PROCEED WITH CAUTION WHEN EXCAVATING SO AS NOT TO TEAR OR REMOVE SECTIONS OF THE GEOGRID FABRIC THAT IS TYPICALLY LOCATED 18 TO 24 INCHES BELOW FINISHED GRADE. PENETRATION OF THE GEOGRID IS PERMITTED TO PLANT INDIVIDUAL TREES OR LARGE SHRUBS AS NECESSARY; HOWEVER, EXCAVATION OF THE PLANTING HOLE AND PERFORATION OF THE GEOGRID FABRIC SHALL BE ACCOMPLISHED USING AN AUGER OR BY HAND-CUTTING THE FABRIC FOLLOWING EXCAVATION BY A BACKHOE WITH A SMOOTH-EDGE BUCKET.

MAINTENANCE OF PLANT MATERIALS: PLANT MATERIALS SHALL BE MAINTAINED FOLLOWING PLANTING AND UNTIL FINAL ACCEPTANCE IS GRANTED BY THE OWNER. MAINTENANCE SHALL CONSIST OF WATERING, WEEDING, PRUNING, MULCHING, ADJUSTMENT OF GUYING, RESTORATION OF PLANT POSITION OR SAUCERS, AND SPRAYING IF NECESSARY. FINAL ACCEPTANCE FOR SEGMENTS OF THE CONTRACT WORK MAY BE GRANTED BY THE OWNER.

THE CONTRACTOR SHALL PROTECT PLANTED AREAS WITH STAKES AND FLAGGING TO LIMIT DAMAGE.

SIDEWALKS AND PAVEMENTS SHALL BE KEPT CLEAN WHEN MAINTENANCE OPERATIONS ARE IN PROGRESS.

ALL INSTALLED MATERIALS SHALL BE IN ACCEPTABLE CONDITION WHEN CONTRACTOR APPLIES FOR PAYMENT.

INSPECTION AND ACCEPTANCE OF WORK: UPON 48 HOURS ADVANCE NOTICE, THE LANDSCAPE ARCHITECT SHALL INSPECT ALL WORK FOR ACCEPTANCE. THE CONTRACTOR'S RESPONSIBILITY FOR MAINTENANCE SHALL TERMINATE AT THE DATE OF ACCEPTANCE OF EACH SEGMENT OF WORK. UPON THE DATE OF ACCEPTANCE, THE GUARANTEE PERIOD SHALL COMMENCE.

GUARANTEE: THE CONTRACTOR SHALL GUARANTEE TO PROVIDE TO THE OWNER THRIVING PLANT MATERIALS TO INCLUDE TREES, SHRUBS, AND GROUND COVERS FOR A PERIOD OF ONE YEAR FOLLOWING FINAL ACCEPTANCE. ADDITIONALLY, THE CONTRACTOR SHALL GUARANTEE TO THE OWNER THRIVING PERENNIALS, ANNUALS, WELL-ESTABLISHED SEEDED AREAS, AND WELL-ROOTED SODDED AREAS FOR A PERIOD OF 90 DAYS FOLLOWING FINAL ACCEPTANCE. THE GUARANTEES ARE SUBJECT TO THE FOLLOWING CONDITIONS:

THE OWNER IS RESPONSIBLE FOR PROPER WATERING OF PLANT MATERIALS, SEEDED AREAS, AND SODDED AREAS FOLLOWING FINAL ACCEPTANCE. THE CONTRACTOR SHALL PROVIDE TO THE OWNER WRITTEN INSTRUCTIONS SPECIFYING THE RATES AND EXTENT OF WATERING REQUIRED. THE CONTRACTOR SHALL MAKE MONTHLY INSPECTIONS FOR A PERIOD, OF (1) YEAR AT NO EXTRA COST TO THE OWNER, TO DETERMINE WHAT CHANGES, IF ANY, SHOULD BE MADE TO THE WATERING PROGRAM. ANY RECOMMENDATIONS SHALL BE SUBMITTED TO THE OWNER IN WRITING.

DAMAGE CAUSED TO PLANT MATERIALS FROM ACTS OF NATURE, VANDALISM, EROSION, OR MALICIOUS ACTS WILL VOID THE GUARANTEE FOR ANY EFFECTED MATERIALS.

DAMAGE TO PLANT MATERIALS CAUSED BY DISEASE INCLUDING BROWN PATCH IN TURF GRASSES EXCLUDE ANY EFFECTED MATERIALS FROM THE GUARANTEE.

PLANT MATERIAL REPLACEMENT: THE CONTRACTOR SHALL REPLACE WITHOUT COST TO THE OWNER, AND AS SOON AS WEATHER CONDITIONS PERMIT, ALL PLANTS NOT IN THRIVING CONDITION AS DETERMINED BY THE OWNER DURING AND AT THE END OF THE GUARANTEE PERIOD. THE GUARANTEE OF ALL REPLACED PLANTS SHALL EXTEND FOR AN ADDITIONAL 30 CALENDAR DAYS.

TURF MATERIALS: MATERIALS REQUIRED FOR SEEDING AND OR SODDING SHALL CONFORM TO THE FOLLOWING.

FERTILIZER: SHALL BE A TURFGRADE, HIGH PHOSPHORUS FERTILIZER, IN WHICH 1/2 TO 3/4 OF THE NITROGEN IS SLOWLY AVAILABLE. IT SHALL CONTAIN BY PERCENTAGE THE FOLLOWING: 18% NITROGEN, 24% PHOSPHORIC ACID, AND 10% POTASH. IT SHALL BE DELIVERED IN UNOPENED, LABELED CONTAINERS AND STORED IN A WEATHERPROOF PLACE.

LIME: SHALL BE NATURAL DOLOMITIC LIMESTONE CONTAINING NOT LESS THAN 85% OF TOTAL CARBONATES WITH A MINIMUM OF 30% MAGNESIUM CARBONATES IN A PELLETIZED FORM.

ANTIEROSION MULCH: SHALL BE CLEAN, SEED-FREE SALT HAY OR THRESHED STRAW OF WHEAT, RYE, OATS, OR BARLEY.

GRASS SEED: SHALL BE FRESH, CLEAN, NEW-CROP SEED COMPLYING WITH TOLERANCE FOR PURITY AND GERMINATION ESTABLISHED BY "OFFICIAL SEED ANALYSTS OF NORTH AMERICA". PROVIDE TYPE OR MIXTURE COMPOSED OF SPECIES AS SPECIFIED ON THE CONSTRUCTION DRAWINGS.

SOD: SHALL BE FRESHLY CUT, DROUGHT-RESISTANT SOD, FREE OF OBJECTIONABLE BROADLEAF OR GRASSY WEEDS. PROVIDE TYPE AS SPECIFIED BELOW.

PREPARATION OF TURF AREAS: PRIOR TO SEEDING OR SOD INSTALLATION, VERIFY THAT ALL TRENCHING AND OTHER LAND DISTURBING ACTIVITIES HAVE BEEN COMPLETED.

ALL DISTURBED AREAS SHALL BE DRESSED TO TYPICAL SECTIONS AND GRADES SHOWN ON THE CONSTRUCTION DRAWINGS. REMOVE FROM THE SITE ALL TEMPORARY SEEDING OR STABILIZATION MEASURES.

ALL AREAS TO RECEIVE SEED OR SOD SHALL BE PREPARED ACCORDING TO THE FOLLOWING PROCEDURE:

REMOVE ANY UNDESIRABLE VEGETATION OR DEBRIS.

APPLY LIMESTONE ACCORDING TO SOIL TEST RECOMMENDATION OR AT A RATE OF 4000 LBS. PER ACRE.

RIP THE AREA TO A MINIMUM DEPTH OF 4 TO 6 INCHES.

REMOVE ALL LOOSE ROCKS, ROOTS, AND OTHER DEBRIS AND PULVERIZE THE TOP 2 INCHES OF LOOSENED SOIL TO PROVIDE A SMOOTH AND UNIFORM SURFACE.

APPLY TURFGRADE FERTILIZER IN A MANNER THAT ENSURES UNIFORM DISTRIBUTION. FERTILIZER SHALL BE APPLIED AT A RATE THAT PROVIDES 5 LBS. OF PHOSPHORUS PER 1000 S.F. LIGHTLY MIX WITH SOIL AND SMOOTH SURFACE.

SODDING: APPLY DROUGHT-RESISTANT, TURF-TYPE FESCUE SOD (E.G. "REBEL III", "BONANZA", "CONFEDERATE", ETC.) IN THE FOLLOWING MANNER:

SOD SHALL BE PLACED ON A SMOOTH, EVEN SURFACE CONFORMING TO FINISH GRADE REQUIREMENTS. FINISH GRADE SHALL BE 1 INCH BELOW SURFACES OF ADJACENT SIDEWALKS AND CURBING. SOIL SHALL BE WATERED BEFORE SOD IS LAID. ALL SOD SHALL BE CUT BY APPROVED MECHANICAL SOD CUTTER. UNDER NO CIRCUMSTANCES SHALL ANY SODDING WORK BE DONE UNLESS WEATHER AND SOIL CONDITIONS ARE SUITABLE.

HANDLING OF SOD SHALL BE DONE IN A MANNER AS TO PREVENT TEARING, BREAKING, DRYING, OR OTHER DAMAGE.

SOD SHALL BE INSTALLED ON-SITE IN NOT MORE THAN 72 HOURS AFTER CUTTING. IF THE SOD IS NOT INSTALLED WITHIN 48 HOURS AFTER CUTTING, IT SHALL BE UNSTACKED OR UNROLLED, PLACED IN SHADE, AND KEPT MOIST UNTIL INSTALLATION.

LAY SOD PARALLEL TO THE DIRECTION OF THE SLOPE AND IN A MANNER WHICH WILL PERMIT JOINTS TO ALTERNATE.

FIT SOD PIECES TOGETHER TIGHTLY SO THAT NO JOINT IS VISIBLE, AND TAMP SOD FIRMLY AND EVENLY BY HAND.

AFTER SODDING IS COMPLETE AND APPROVED BY LANDSCAPE ARCHITECT, SODDED AREAS SHALL BE ROLLED WITH A 200 LB. ROLLER.

WATER SODDED AREAS IMMEDIATELY AFTER FINAL ROLLING WITH A FINE SPRAY TO A DEPTH OF 4 INCHES. KEEP ALL SODDED AREAS CONTINUOUSLY MOIST THEREAFTER UNTIL 30 CALENDAR DAYS FOLLOWING INSTALLATION. USE FINE SPRAY NOZZLES ONLY.

INSPECT AND MAINTAIN SODDED AREAS AND MAKE NECESSARY REPAIRS DURING THE SPECIFIED GUARANTEE PERIOD. IF 60% OR MORE OF SODDED AREAS FAIL TO BECOME ROOTED, THE CONTRACTOR, AT NO ADDITIONAL EXPENSE TO THE OWNER, WILL REPEAT THE ENTIRE PROCESS WITH NEW SOD MATERIALS.

SEEDING: APPLY TURF-TYPE SEED MIXTURE (E.G. "CONFEDERATE" FESCUE MIXTURE, "TRHBLEND", ETC.) AT A RATE OF 6 LBS. PER 1000 S.F. KENTUCKY 31 TALL FESCUE IS UNACCEPTABLE.

CULTIPACK SEEDED AREAS AND APPLY ANTI-EROSION MULCH AT A RATE OF 2 TONS PER ACRE.

INSPECT AND MAINTAIN SEEDED AREAS AND MAKE NECESSARY REPAIRS DURING THE SPECIFIED GUARANTEE PERIOD. IF 60% OR MORE OF SEEDED AREAS FAIL TO BECOME ESTABLISHED, THE CONTRACTOR, AT NO ADDITIONAL EXPENSE TO THE OWNER, WILL REPEAT THE ENTIRE PROCESS FOR ESTABLISHMENT OF A SUITABLE TURFGRASS.

LANDSCAPE WORK SPECIFICATIONS | 6
SCALE: NTS

GENERAL LANDSCAPE NOTES

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2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION OR PLANTING AND SHALL BE RESPONSIBLE FOR THEIR REPAIR OR PAY FOR ALL DAMAGES MADE TO UNDERGROUND UTILITIES.

3. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES.

4. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED IN WRITING OF ANY PROPOSED PLANT SUBSTITUTIONS BY THE LANDSCAPE CONTRACTOR. NO SUBSTITUTIONS SHALL BE MADE UNDER ANY CIRCUMSTANCES WITHOUT PRIOR APPROVAL BY THE LANDSCAPE ARCHITECT.

5. ALL DISTURBED AREAS NOT IDENTIFIED TO EITHER BE SEEDED OR SODDED SHALL BE MULCHED IN ACCORDANCE WITH THE SPECIFICATIONS.

6. A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO ALL PLANTING BEDS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. ALL PLANTING BEDS, SAUCERS, AND AREAS DESIGNATED TO BE MULCHED SHALL BE MULCHED WITH A MINIMUM OF 3-4 INCHES OF TRIPLE SHREDDED HARDWOOD MULCH.

8. PLANTING BEDS AND SAUCERS SHALL BE EDGED TO PROVIDE A 2" TO 3" DEEP "V" CUT ALONG ITS BORDER WITH SODDED OR SEEDED AREAS.

9. ALL SAUCERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.

10. GUYING SHALL BE REMOVED AFTER ONE FULL GROWING SEASON.

11. THE LANDSCAPE CONTRACTOR SHALL INSTALL ALL LANDSCAPING IN ACCORDANCE WITH THE DETAILS AND SPECIFICATIONS SHOWN AND ENUMERATED ON THIS SHEET UNLESS ALTERNATIVE METHODS OR PRACTICES ARE REVIEWED AND ACCEPTED BY THE LANDSCAPE ARCHITECT.

12. AT INSTALLATION AND CONTINUOUSLY DURING THE MAINTENANCE CONTRACT, ALL PROPOSED SHRUBS THAT ARE SQUARE IN SHAPE AND ARRANGED IN ROWS SHOULD BE PRUNED INTO BOXED AND CLIPPED HEDGEROWS.

13. ALL LANDSCAPED AREAS SHALL BE MAINTAINED IN AN ATTRACTIVE AND HEALTHY CONDITION. DEAD OR DISEASED PLANTINGS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION

LANDSCAPE NOTES | 5
SCALE: NTS

NOTES

1. THE PLANTING PROCES IS SIMILAR FOR DECIDUOUS AND EVERGREEN TREES.

2. FOR SINGLE STEM TREES, DO NOT SUPPLY TREES WITH MULTIPLE LEADERS, ONLY PROVIDE TREES WITH A SINGLE LEADER. DO NOT PRUNE TREE AT PLANTING EXCEPT FOR SPECIFIC STRUCTURAL CORRECTIONS AND TO INSURE COMPLIANCE WITH SIGHT DISTANCE STANDARDS.

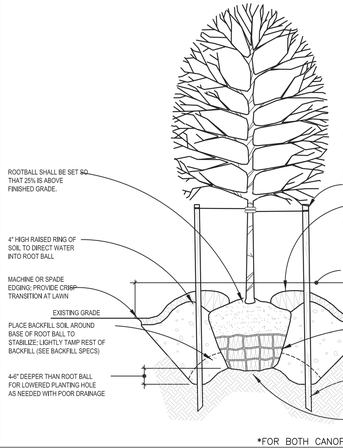
3. MARK THE NORTH SIDE OF THE TREE AT THE NURSERY AND LOCATE TO THE NORTH IN THE FIELD.

4. WHERE SEVERAL TREES WILL BE PLANTED CLOSE TOGETHER SUCH THAT THEY WILL LIKELY SHARE ROOT SPACE, TILL IN SOIL AMENDMENTS TO A DEPTH OF 4" TO 6" OVER THE ENTIRE BED AREA.

5. FOR CONTAINER-GROWN TREES, SET THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL, THEN CUT OR PULL APART ANY ROOTS CIRCLING THE PERIMETER OF THE CONTAINER.

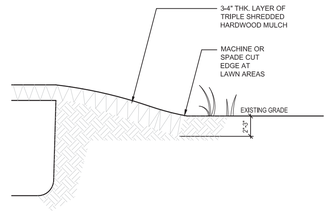
6. THOROUGHLY SOAK THE TREE ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.

7. IF PLANTING HOLES ARE DUG WITH A LARGE AUGER, BREAKING DOWN THE SIDES WITH A SHOVEL TO ELIMINATE GLAZING AND CREATE THE SLOPING SIDE PROFILE SHOWN ON THE DETAIL.

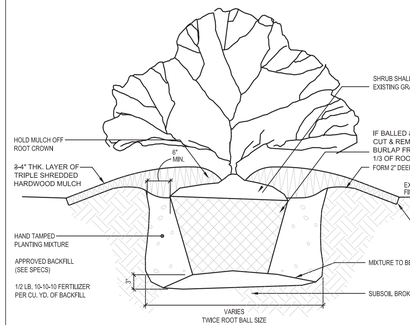


*FOR BOTH CANOPY OR UNDERSTORY STREES

* TYPICAL TREE INSTALLATION | 4
SCALE: NTS

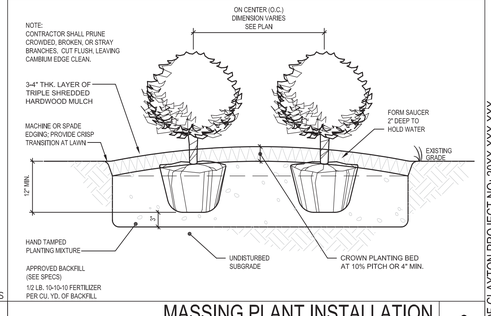


BED EDGING | 1
SCALE: NTS



*FOR BOTH CONTAINER OR B&B SHRUBS

*TYPICAL SHRUB INSTALLATION | 2
SCALE: NTS



MASSING PLANT INSTALLATION | 3
SCALE: NTS

LANDSCAPE DETAILS

9/16/2025 12:46 PM C:\Users\Engineer\Documents\Talmage Mark Hall, ASLA\TMH-PLA 2023\TRUELINE\DUPLEX SITES\DWG\RIVERBROOKE-LP07.dwg

100 DOVE CT
CLAYTON, NC 27520
919.810.8408
TALMAGE "MARK" HALL, PLA
PROFESSIONAL LANDSCAPE ARCHITECT
talmagemark@gmail.com

LANDSCAPE PLAN
WEST SECOND STREET DUPLEXES
CLAYTON, NORTH CAROLINA
RIVERBROOKE CUSTOM HOMES, LLC

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 874 TALMAGE MARK HALL

FOR REVIEW AND COMMENT ONLY

		DATE
PROJECT:	.	03.2023
ISSUE:	LANDSCAPE PLAN	03.03.2023
	.	.
	.	.
	.	.
REVISIONS:	TRC COMMENTS	02.14.2024
	TRC COMMENTS	09.09.2024
	TRC COMMENTS	09.30.2024
	TRC COMMENTS	02.10.2025
	TRC COMMENTS	04.02.2025
	TRC COMMENTS	09.10.2025
DRAWN BY:	TMH	
CHECKED BY:	TMH	
CONTENT:	LANDSCAPE DETAILS	
	.	
	.	
	.	

LP02

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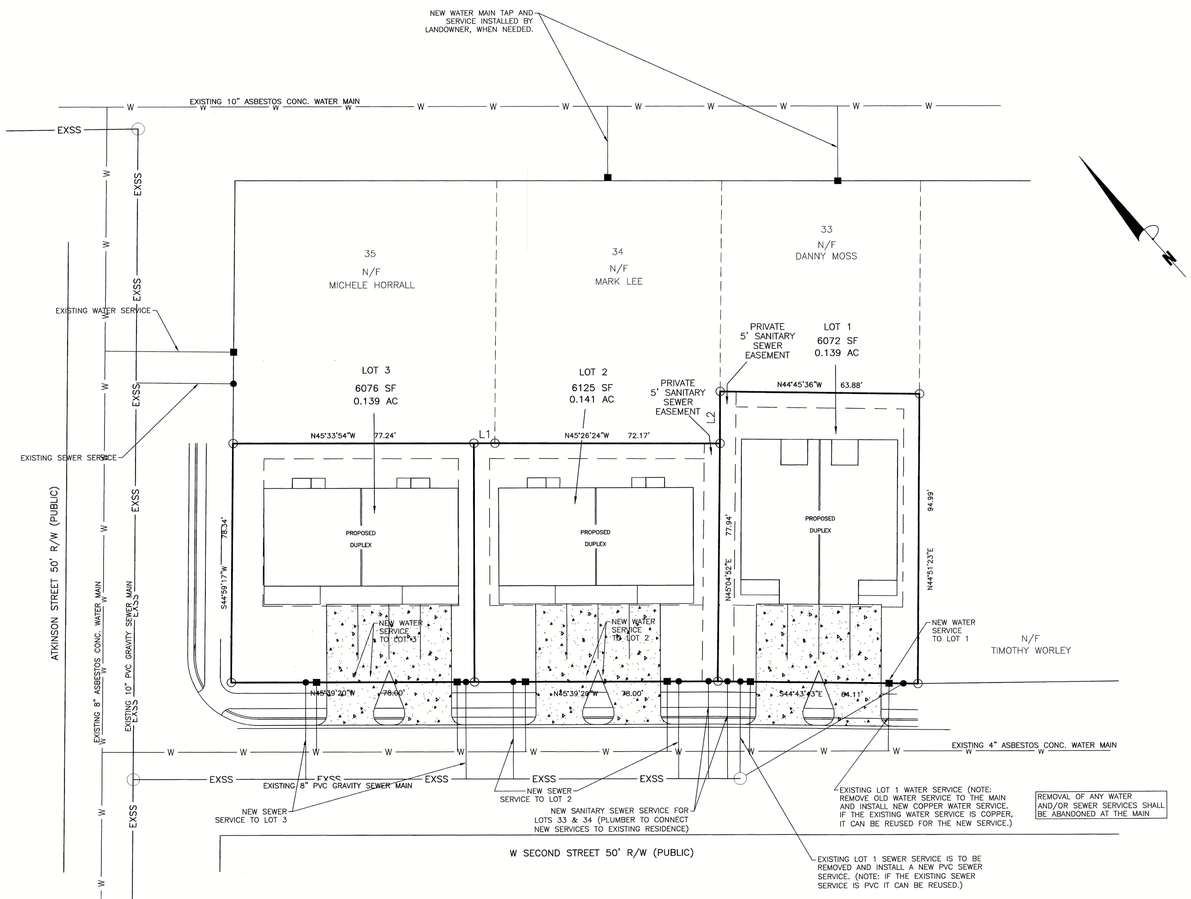
TOWN OF CLAYTON PROJECT NO: 20XX-XXX-XXX

NOTE:
THE WATER AND SEWER MAINS' LOCATION, SIZE AND MATERIAL AS SHOWN ON THIS PLAN WERE TAKEN FROM AS-BUILT MAPS PROVIDED BY THE TOWN OF CLAYTON ON THE TOWN OF CLAYTON WEB SITE.



SCALE: 1" = 20'
0 10 20 40

CALL BEFORE YOU DIG!
NORTH CAROLINA LAW REQUIRES NOTIFICATION OF THE UNDERGROUND FACILITY OWNER NOT LESS THAN TWO (2) BUT NO MORE THAN TEN (10) WORKING DAYS PRIOR TO EXCAVATION OR DEMOLITION
North Carolina One-Call Center, Inc.
www.ncocc.org
1-800-632-4949

REVISION 003: ADDRESSED TOWN OF CLAYTON ENGINEERING COMMENTS – 9/25/25
REVISION 002: ADDRESSED TOWN OF CLAYTON ENGINEERING COMMENTS – 7/10/25
REVISION 001: ADDRESSED TOWN OF CLAYTON ENGINEERING COMMENTS – 3/5/24

UTILITIES PLAN SHEET
FOR
SECOND STREET DUPLEX LOTS
TOWN OF CLAYTON - JOHNSTON COUNTY, N.C.

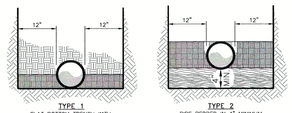
PRELIMINARY NOT FOR CONSTRUCTION
T. DALTON 9/25/25

Dalton Engineering and Associates, P. A.
446 East Main Street
P.O. Box 426
Clayton, NC 27520
(919)550-4740
Fax (919) 550-4741

Job: 23011	**Date:** 4/6/23	**Revision:** 003
File: 23011 Master	**Drawn:** WJB	**Sheet:** 1 OF 2

C:\Users\Bill Brown\Documents\Projects\23011 Job Box - Dalton Services\23011 Master.dwg\Bill BROWN 9/25/2025 9:46 AM

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 08/08/2025 – 10:45:13 AM



NOTES:

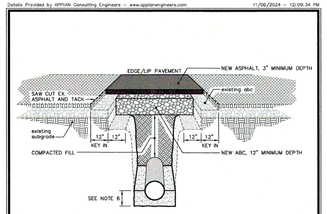
1. For normal pipe sizes 14 inch and larger, consideration should be given to the use of laying conditions other than Type 1.
2. Consideration of the pipe-zone embedment conditions included in this figure may be influenced by factors other than pipe strength. For additional information on pipe bedding and backfill, see ANSI/AWWA C600.
3. See detail 511.01 for unsuitable trench subgrade requirements.
4. See Specifications Section 02275, Section 2.1.2 for pipe bedding definitions.
5. Loose soil shall be either native soil excavated from trench or borrow, both conforming in composition to "Select Earth Backfill" as defined in Specifications Section 02275, Part 2 – PRODUCTS.

TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

WATER MAIN EMBEDMENT DETAILS

SCALE: Not To Scale | DETAIL # 511.02
REVISION DATE(S): July, 2010 | SHEET # 1 of 4

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 11/06/2024 – 12:09:34 PM



NOTES:

1. Trench is to be backfilled in 6" lifts with suitable material and compacted to a density of at least 95% as determined by AASHTO test method T-99.
2. The final 1' of fill shall consist of ABC material compacted to a density equal to 100% as determined by AASHTO test method T-180. Bituminous base or binder may be supplemented with the approval of the transportation engineer.
3. The entire existing depth of pavement shall be saw cut, clean of any debris, and tacked prior to paving.
4. The same depth of pavement material shall be reinstalled to match what exists. In no case shall the asphalt be less than 3" thick.
5. Patch shall be installed and compacted to provide a smooth and even transition.
6. For RCP 36" or greater, #57 washed stone shall be installed to the spring line prior to backfill
7. All density tests may be required to be performed in the presence of a Town Construction Inspector.
8. For small, non-compatible holes, flowable fill may be required.
9. All pavement shall be repaired within the same week it is cut.
10. See detail 511.01 for location of metallic tape and marker bals over nonferrous pipelines. See also detail C01.04.

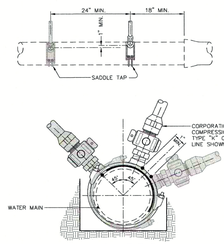
TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

PAVEMENT SURFACE REPAIR FOR UTILITY CUTS

SCALE: Not To Scale | DETAIL # 511.03
REVISION DATE(S): July, 2010 | SHEET # 1 of 4

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 08/08/2025 – 10:40:57 AM

PART	MANUFACTURER MODEL / Cat. No.
SADDLE (BRASS OR BRONZE FOR "CC" THREADS)	FORD / 202B MUELLER / H-10128 SMITH BLAIR / 325-000 SERIES (OR APPROVED EQUAL)
CORP. STOP (BRASS OR BRONZE FOR "CC" THREADS)	MUELLER / H-15008 SERIES FORD / F-10000 A.Y. McDONALD / 4701T (OR APPROVED EQUAL)



SADDLE TAP

NOTES:

1. If 2 taps are made on each side of the main there shall be a minimum of 24" horizontal separation. Multiple taps on the same side shall have a minimum 24" horizontal separation and staggered a minimum of 1" vertically to prevent damage to the main.

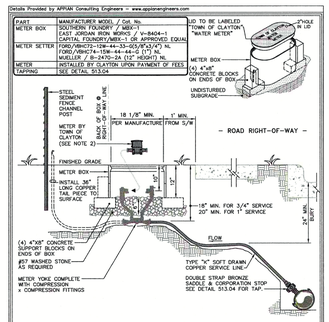
TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

STANDARD WATER TAP DETAIL (3/4" AND 1" TAPS)

SCALE: Not To Scale | DETAIL # 513.04
REVISION DATE(S): July, 2010 | SHEET # 1 of 4

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 08/08/2025 – 10:40:57 AM

PART	MANUFACTURER MODEL / Cat. No.
METER BOX	SOUTHERN FOUNDRY / MB6-T EAST JORDAN IRON WORKS / V-8404-1 CAPITAL FOUNDRY/MBS-1 OR APPROVED EQUAL
METER SETTER	FORD/VBHC72-12W-44-33-(Q7/B7)43/47 NL FORD/VBHC74-10W-44-44-G (17) NL MUELLER / B-2470-2A (12" HEIGHT) NL
METER	INSTALLED BY CLAYTON UPON PAYMENT OF FEES
TAPPING	SEE DETAIL 513.04



NOTES:

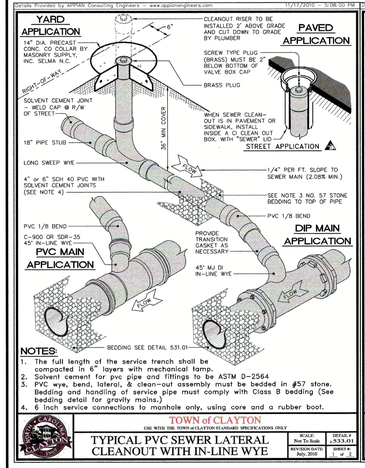
1. Contractor to place meter box in non-traffic area only.
2. Meter must be located across meter connections.
3. Lock setter with hightield security prod. part#93210142 & 93280148 after waterline testing is completed.

TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

3/4" & 1" WATER METER SERVICE DETAIL

SCALE: Not To Scale | DETAIL # 513.01
REVISION DATE(S): July, 2012 | SHEET # 1 of 2

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 11/17/2025 – 3:08:10 PM



NOTES:

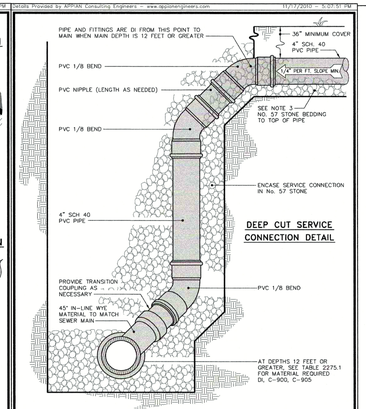
1. The full length of the service trench shall be compacted in 6" layers with mechanical tamp.
2. Solvent cement for pvc pipe and fittings to be ASTM D-2564
3. PVC wye, bend, lateral, & clean-out assembly must be bedded in #57 stone. Bedding and handling of service pipe must comply with Class B bedding (See bedding detail for gravity mains.)
4. 6 inch service connections to manhole only, using core and a rubber boot.

TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

TYPICAL PVC SEWER LATERAL CLEANOUT WITH IN-LINE WYE

SCALE: Not To Scale | DETAIL # 533.01
REVISION DATE(S): July, 2010 | SHEET # 1 of 1

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 11/17/2025 – 3:09:01 PM

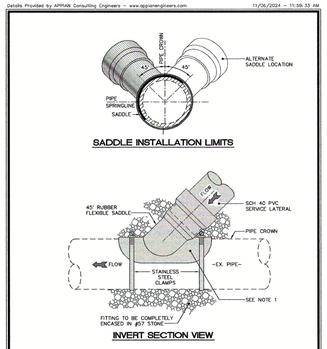


TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

TYPICAL PVC SEWER LATERAL CLEANOUT WITH IN-LINE WYE

SCALE: Not To Scale | DETAIL # 533.01
REVISION DATE(S): July, 2010 | SHEET # 1 of 1

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 11/26/2024 – 11:59:33 AM



NOTES:

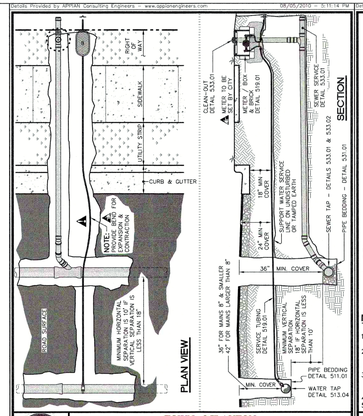
1. Existing mains only. – New construction must use In-Line Wye.

TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

LATERAL SADDLE INSTALLATION DETAIL FOR PVC PIPE

SCALE: Not To Scale | DETAIL # 533.02
REVISION DATE(S): Oct., 2022 | SHEET # 1 of 1

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 08/05/2025 – 3:11:14 PM

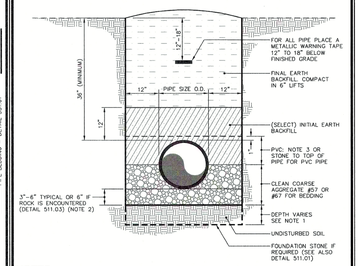


TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

TYPICAL RESIDENTIAL WATER & SEWER SERVICE SCHEMATIC

SCALE: Not To Scale | DETAIL # C707.03
REVISION DATE(S): July, 2010 | SHEET # 1 of 1

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 11/17/2025 – 3:08:38 PM



NOTES:

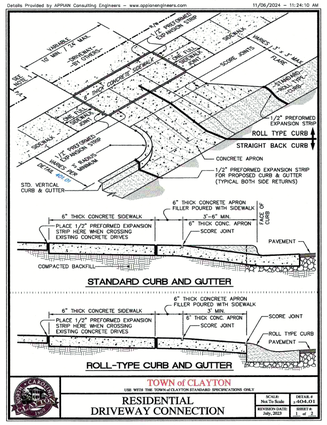
1. Foundation stone shall be required when soil conditions are unsuitable. See detail C01.02.
2. An additional 1 inch depth of bedding material will be required for each additional 2 feet of trench depth in excess of 16 feet up to a maximum of 12 inches.
3. Haunching depth for flexible wall pipe (C900 PVC and SDR35) shall be outside pipe diameter + 1 inch. Haunching shall be thoroughly compacted #57 or #67 stone.
4. Where rock is encountered, refer to detail 511.03 for subgrade preparation.
5. For all force mains, embedment to be Type 1 or 2 as shown on detail 511.02.

TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

SANITARY SEWER PIPE LAYING CONDITIONS

SCALE: Not To Scale | DETAIL # 531.01
REVISION DATE(S): July, 2010 | SHEET # 1 of 1

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 11/06/2024 – 11:24:10 AM



TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

RESIDENTIAL DRIVEWAY CONNECTION

SCALE: Not To Scale | DETAIL # 534.01
REVISION DATE(S): July, 2025 | SHEET # 1 of 2

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 11/06/2024 – 11:24:03 AM

NOTES:

1. The min. corner clearance from the curb line or edge of pavement of the intersecting streets shall be at least 20' from the PT of the radius curvature or 20' from the intersection of the right-of-way lines; whichever is greater and no closer than 3.5' min. to any lot line.
2. Entire entrance including gutter and apron shall be poured monolithically.
3. Width of curb & gutter shall match width of existing curb & gutter.
4. Street type driveways are permitted.

TOWN of CLAYTON
USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

RESIDENTIAL DRIVEWAY CONNECTION

SCALE: Not To Scale | DETAIL # 534.01
REVISION DATE(S): November, 2022 | SHEET # 2 of 2

J:\Users\WJB - Personal\Documents\Projects\23011 - Josh Barnes - Clayton Simplex\23011 Master.dwg\SEL - RSH AND\9/11/2025 1:57 AM

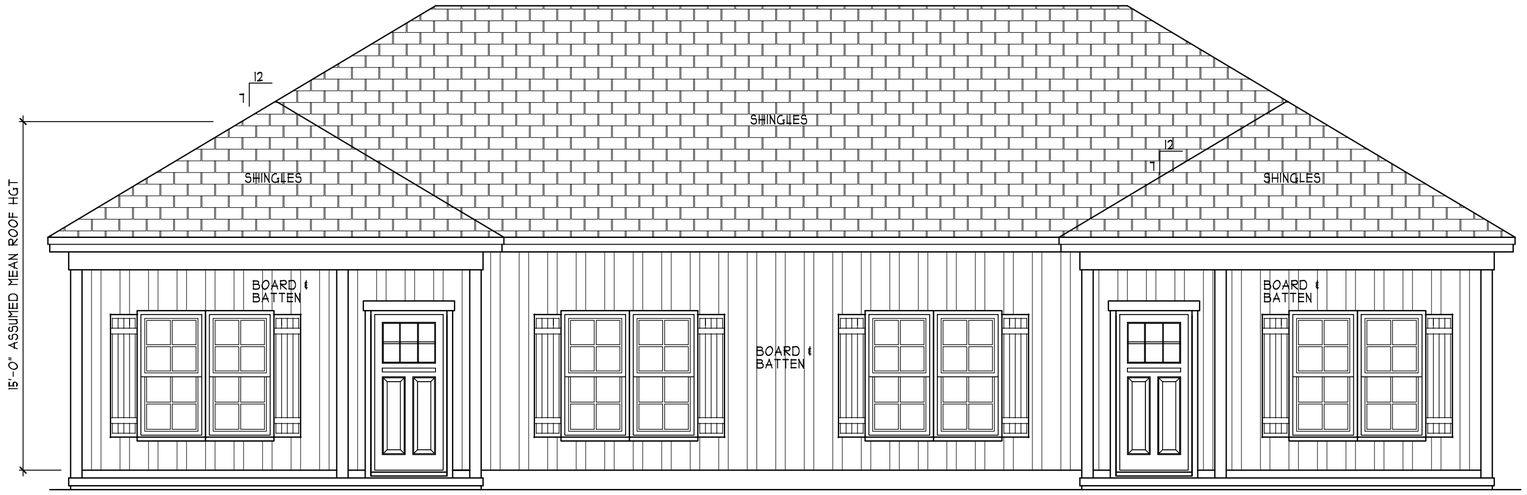
SANITARY SEWER AND WATER DETAIL SHEET
FOR
SECOND STREET DUPLEX LOTS
TOWN OF CLAYTON - JOHNSTON COUNTY, N.C.

REVISION 001: ADDED RESIDENTIAL DRIVEWAY DETAIL PER TOWN OF CLAYTON – 9/11/25

PRELIMINARY NOT FOR CONSTRUCTION

Dalton Engineering and Associates, P. A.
446 East Main Street
P.O. Box 426
Clayton, NC 27520
(919)550-4740
Fax (919) 550-4741

Job: 23011	**Date:** 4/6/23	**Revision:** 001
File: 23011 Master	**Drawn:** WJB	**Sheet:** 2 OF 2



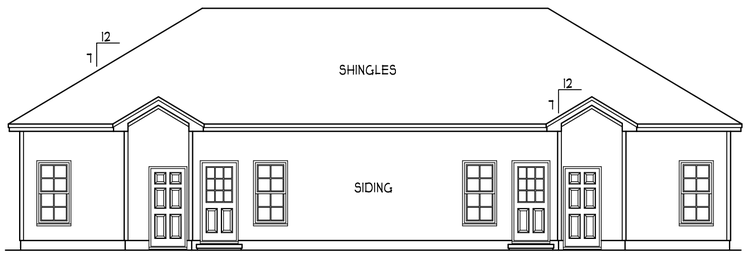
FRONT ELEVATION

SCALE 1/4" = 1'-0"

ENERGY COMPLIANCE

ZONE 3 = MAX. GLAZING U-FACTOR .35
R-VALUE = CEILING R38, WALLS R15, FLOORS R19
FOR JOHNSTON, SAMPSON, WAYNE COUNTY

ZONE 4 = MAX. GLAZING U-FACTOR .35
R-VALUE = CEILING R38, WALLS R15, FLOORS R19
FOR WAKE, DURHAM, ORANGE COUNTY



REAR ELEVATION

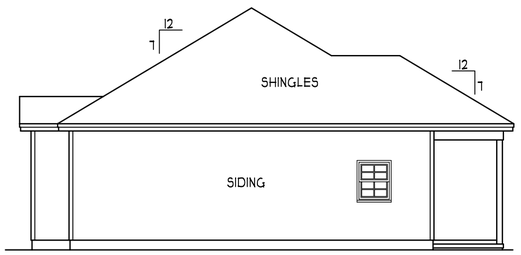
SCALE 1/8" = 1'-0"

ATTIC VENTILATION:

THE NET FREE VENTILATING AREA SHALL BE NOT LESS THAN 1 TO 150 OF THE AREA OF THE SPACE VENTILATED EXCEPT THAT THE AREA MAY BE 1 TO 300 , PROVIDED AT LEAST 50 PERCENT OF THE REQUIRED VENTILATING AREA IS PROVIDED BY VENTILATORS LOCATED IN THE UPPER PORTION OF THE SPACE TO BE VENTILATED AT LEAST 3 FEET ABOVE EAVE OR CORNICE VENTS WITH THE BALANCE OF THE REQUIRED VENTILATION TO BE PROVIDED BY EAVE OR CORNICE VENTS.

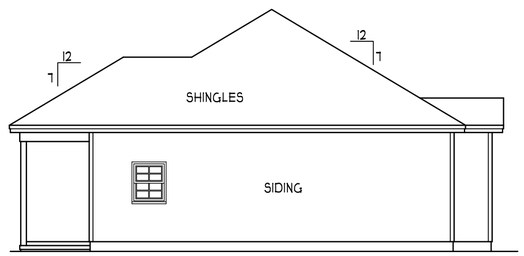
GROSS ATTIC AREA TO BE VENTILATED 2200 SQ.FT.

2200/150 = 14.67 SQ.FT. NET FREE AREA



LEFT ELEVATION

SCALE 1/8" = 1'-0"



RIGHT ELEVATION

SCALE 1/8" = 1'-0"

CONCEPTUAL ELEVATIONS

DUPLEX #992

RIVERBROOKE CUSTOM HOMES, LLC

HEATED FOOTAGE: PER UNIT:
#992

SQUARE FOOTAGE:

FIRST FLOOR	= 992
SECOND FLOOR	= 108
STORAGE	= 20

DESIGNED BY:
HEATHER or JOHNATHAN HALL
165 HEATHERSTONE CT
BENSON NC 27504
(919) 207-1403

H SQUARED HOME DESIGN, INC.

ANY DEVIATION OF THE SPECIFIED MEASUREMENTS OR DIMENSIONS VOIDS H SQUARED HOME DESIGN, INC.'S LIABILITY.

THIS PLAN HAS BEEN DRAWN IN ACCORDANCE WITH NORTH CAROLINA STATE RESIDENTIAL BUILDING CODES 2018 EDITION.

THIS PLAN IS TO ONLY BE BUILT BY THE ABOVE CITED BUILDER OR HOMEOWNER. NOT FOR MULTIPLE BUILDS UNLESS APPROVED BY H SQUARED.

DATE:
01/13/2023

DUPLEX

FILE:
120422

FRONT ELEVATION

SCALE 1/4" = 1'-0"

REAR ELEVATION

SCALE 1/8" = 1'-0"

ATTIC VENTILATION:

THE NET FREE VENTILATING AREA SHALL BE NOT LESS THAN 1 TO 150 OF THE AREA OF THE SPACE VENTILATED EXCEPT THAT THE AREA MAY BE 1 TO 300 , PROVIDED AT LEAST 50 PERCENT OF THE REQUIRED VENTILATING AREA IS PROVIDED BY VENTILATORS LOCATED IN THE UPPER PORTION OF THE SPACE TO BE VENTILATED AT LEAST 3 FEET ABOVE EAVE OR CORNICE VENTS WITH THE BALANCE OF THE REQUIRED VENTILATION TO BE PROVIDED BY EAVE OR CORNICE VENTS.

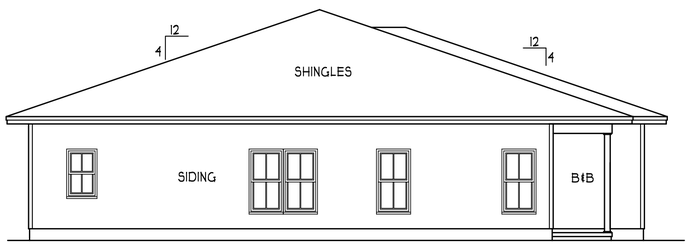
GROSS ATTIC AREA TO BE VENTILATED 2256 SQ.FT.

2256/150 = 15.04 SQ.FT. NET FREE AREA

ENERGY COMPLIANCE

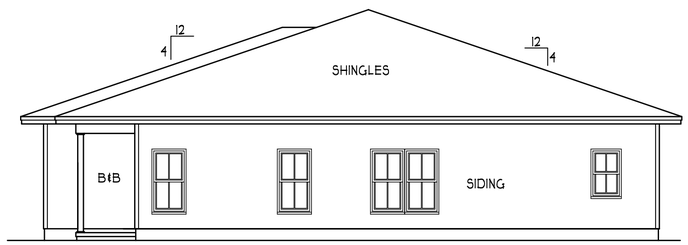
ZONE 3 = MAX. GLAZING U-FACTOR .35
R-VALUE = CEILING R38, WALLS R15,
FLOORS R19 FOR JOHNSTON, WAYNE COUNTY

ZONE 4 = MAX. GLAZING U-FACTOR .35
R-VALUE = CEILING R38, WALLS R15,
FLOORS R19 FOR WAKE, ORANGE COUNTY



LEFT ELEVATION

SCALE 1/8" = 1'-0"



RIGHT ELEVATION

SCALE 1/8" = 1'-0"

CONCEPTUAL ELEVATIONS

DUPLEX #1140

RIVERBROOKE CUSTOM HOMES, LLC

HEATED FOOTAGE PER UNIT: #1140

SQUARE FOOTAGE:

FIRST FLOOR	= 1140
PORCHES	= 132
STORAGE	= 31

HEATHER HALL
165 HEATHERSTONE CT
BENSON NC 27504
(919) 207-1403

H SQUARED HOME DESIGN, INC.

ANY DEVIATION OF THE SPECIFIED MEASUREMENTS OR DIMENSIONS VOIDS H SQUARED HOME DESIGN, INC.'S LIABILITY.

THIS PLAN HAS BEEN DRAWN IN ACCORDANCE WITH NORTH CAROLINA STATE RESIDENTIAL BUILDING CODES 2018 EDITION.

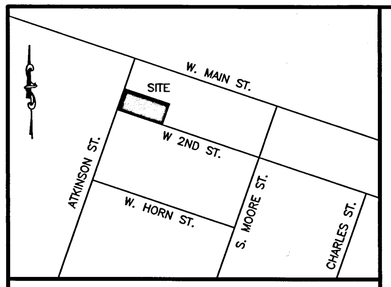
THIS PLAN IS TO ONLY BE BUILT BY THE ABOVE CITED BUILDER OR HOMEOWNER. NOT FOR MULTIPLE BUILDS UNLESS APPROVED BY H SQUARED.

DATE: 01/12/2022

DUPLEX

FILE: 062322

DocuSign Envelope ID: E6A2A2CF-EDAD-4503-BF08-39708A3896F7



VICINITY MAP (NOT TO SCALE)

I, HEREBY CERTIFY THAT THIS RECORD PLAT HAS BEEN FOUND TO COMPLY WITH THE UNIFIED DEVELOPMENT CODE OF CLAYTON, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE REGISTER OF DEEDS OF JOHNSTON COUNTY.

4/14/2021 DATE _____ PLANNING DIRECTOR

LINE	BEARING	DISTANCE
L1	S88°21'07"W	37.17'
L2	N45°33'54"W	6.71'
L3	S44°35'34"W	17.01'

NOTES:

1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
2) AREAS COMPUTED BY COORDINATE METHOD.
3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
5) NO HORIZONTAL CONTROL FOUND WITHIN 2000' OF SURVEY
6) PARENT TRACT DEED DB 5145 PG 5
7) ZONING: R-6
8) NC PIN NO. 165912-75-8251
9) PARCEL NO. 05026043A

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC AND PRIVATE USE AS NOTED. FURTHERMORE, I DEDICATE ALL ELECTRICAL SYSTEMS AND ALL SEWER AND WATER LINES TO THE TOWN OF CLAYTON.

4/13/21 DATE _____ OWNER

* WATER, SEWER, & ELECTRICAL PROVIDED BY TOWN OF CLAYTON UTILITES.

PROPERTY SHOWN HEREON_____IS __XXX__IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE.
FEMA FLOOD HAZARD PANEL NO. 3720165900 K
EFFECTIVE DATE: JUNE 20, 2018

4/12/21 DATE _____ SURVEYOR

THIS SURVEY:

CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

4/12/21 DATE _____ SURVEYOR

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

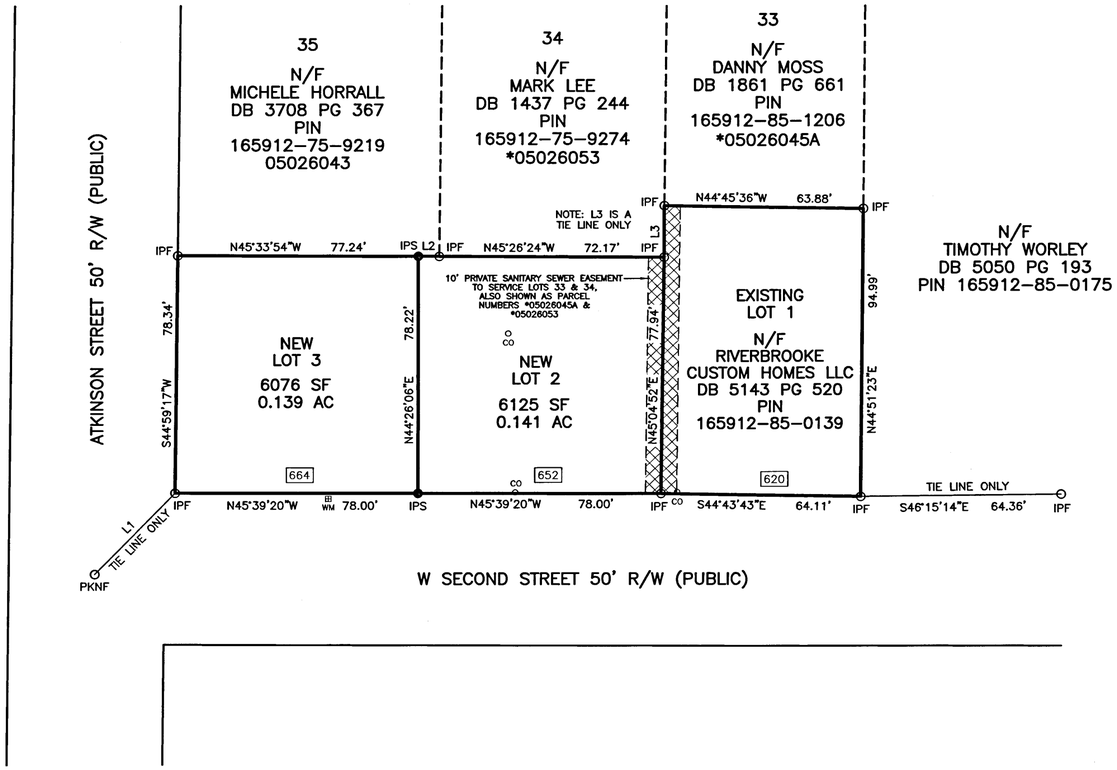
4/12/21 DATE _____ SURVEYOR

STATE OF NORTH CAROLINA, JOHNSTON COUNTY
I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5145, PAGE 5, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 5145, PAGE 5, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 12th DAY OF APRIL, A.D., 2021

NORTH CAROLINA PROFESSIONAL SEAL L-3990 LAND SURVEYOR CURK T. LANE

_____ SURVEYOR

L - 3990

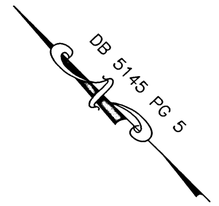


R-6 LOT STANDARDS

MIN. LOT AREA	6000 SF
MIN. LOT WIDTH	50'
MAX. LOT COVERAGE	35%
MAX. IMPERVIOUS SURFACE	60%

ZONING: R-6 SETBACKS

FRONT	25'
SIDE STREET	10'
SIDE	06'
REAR	20'



0 30 60 90

1" = 30'

REVIEW OFFICER'S CERTIFICATE

I, Joni Sanderford REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

4/15/2021 DATE — DocuSigned by: Joni Sanderford B7334DB6C6E1484... REVIEW OFFICER

OWNER: RIVERBROOKE CUSTOM HOMES LLC
605 PAGE STREET
CLAYTON, NC 27520

LEGEND

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

MINOR SUBDIVISION PLAT
FOR

RIVERBROOKE CUSTOM HOMES LLC

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
APRIL 12, 2021

SURVEYED BY:	WES
DRAWN BY:	DANNY
CHECKED BY:	C. LANE - PLS
DRAWING NAME:	SUBDIVISION.DWG
SURVEY DATE:	6/25/18
JOB NO.	2030.064

TRUE LINE SURVEYING, P.C.

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

C-1859

Filed in JOHNSTON COUNTY, NC CRAIG OLIVE, Register of Deeds Filed 04/15/2021 09:33:44 AM
PLAT BOOK: 93 PAGE: 200 INSTRUMENT # 2021144015
Deputy/Assistant Register of Deeds: LaMarcus Neal

Submitted electronically by "True Line Surveying"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Johnston County Register of Deeds.

CONDITIONS OF APPROVAL

1. Following Town Council approval, an electronic copy of the Site Plan and the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved site plan.
3. The Development shall be constructed in substantial conformance with the Conditional Zoning approved by the Clayton Town Council and the associated Site Plan as approved by Town staff.
4. These Conditions of Approval, and any others included with the associated Site Plan shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and approval.
5. The Development shall be constructed in substantial conformance with the Site Plan as approved by the Clayton Town Council.
6. Uses in the development shall be limited to Duplexes, and any allowed residential accessory uses within the Town of Clayton Unified Development Code.
7. In accordance with the associated Site Plan, the maximum gross density for the site shall be 15 dwelling units per acre.
8. The following standards will apply to the Development:

- Minimum Lot Area: 6,000 square feet
- Minimum Lot Width: 50 feet
- Maximum Impervious Surface: 70%
- Minimum Setbacks:
  - Front: 25 feet
  - Side Interior: 5 feet
  - Side Street: 10 feet
  - Rear: 10 feet
- Maximum Structure Height: 35 feet
- Maximum Building Coverage: 50%

9. A 10–foot Class 'C' Alternative 1 Perimeter Buffer will be provided along the outermost sides and rear of the development. the buffer will include a minimum 4–foot vinyl privacy fence in front of the building, a 6–foot vinyl privacy fence behind the front of the building, and plantings at a ratio of 2 canopy trees, 3 understory trees, and 12 shrubs per 100 linear feet.
10. Any ground–mounted utility or mechanical equipment shall be screened from view of adjacent public rights–of–way in accordance with the screening requirements under Section 155.402(G)(4)–(5) of the Town of Clayton Unified Development Code.

CONDITIONS OF APPROVAL (CONT.)

11. Two–Family buildings shall include the using of the following primary exterior materials:
- Siding: Board & Batten/Vinyl
- Trim: Vinyl
- Shutters: Vinyl
- Roofing: Shingles

12. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.
13. To the extent of any conflict between the Site Plan and these Conditions of Approval, these Conditions shall control.
14. The associated Site Plan and Conditions of Approval for this project shall allow for any changes in Town Development regulations, either through text or the official Zoning Map, that are considered as upzoning, downzoning, or establishment of any nonconformity.
15. In the event the development contemplated in a Conditional Rezoning application is not substantially commenced within three (3) years from the date of the approval, the Town Council may initiate a rezoning application to return the land to its prior or to some other appropriate zoning district designation.
16. A new deed will be drafted to confirm the 3 separate parcels shown on existing and recorded Plat Book 93 page 200.
17. Applicant proposes a 6 foot wide buffer along the eastern property line with additional plantings as an alternate means of compliance and a condition of approval.
18. This development shall be specifically exempt from UDC §155.402. part 1 Site Interior Landscape Requirements.

SHEET 10 – CONDITIONS OF APPROVAL

SITE PLAN
OF
WEST SECOND STREET DUPLEXES
TOWN OF CLAYTON
FOR
RIVERBROOKE CUSTOM HOMES

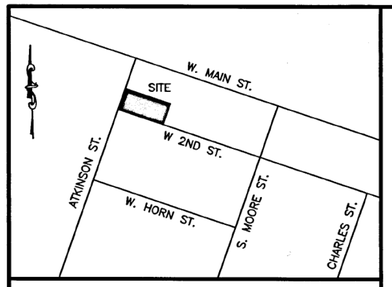
SCALE: 1" = 30'
15 0 30 60

TRUE LINE SURVEYING, P.C.

205 W. MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359–0427
FAX: (919) 359–0428
www.truelinesurveying.com
C–1589

JOB NO: 2030.064	DRAWN: DANNY	DATE: 9/10/25	CHECKED: CURK

DocuSign Envelope ID: E6A2A2CF-EDAD-4503-BF08-39708A3896F7



VICINITY MAP (NOT TO SCALE)

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4/14/2021 DATE — PLANNING DIRECTOR

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9) PARCEL NO. 05026043A

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MAX. IMPERVIOUS SURFACE	60%

ZONING: R-6 SETBACKS

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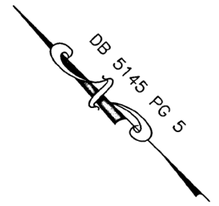

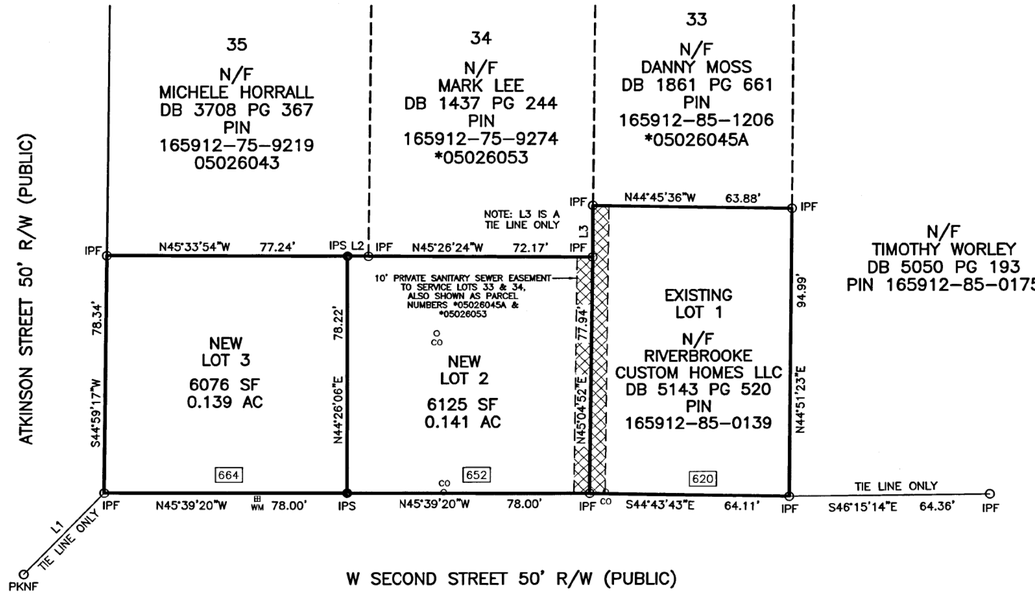

CERTIFICATE OF OWNERSHIP AND DEDICATION

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4/13/21 DATE — OWNER

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PROPERTY SHOWN HEREON_____IS__XXX__IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE.
FEMA FLOOD HAZARD PANEL NO. 3720165900 K
EFFECTIVE DATE: JUNE 20, 2018

4/12/21 DATE — SURVEYOR

THIS SURVEY:

CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

4/12/21 DATE — SURVEYOR

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STATE OF NORTH CAROLINA, JOHNSTON COUNTY
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[redacted] SURVEYOR

L - 3990

0 30 60 90
1" = 30'

REVIEW OFFICER'S CERTIFICATE

I, Joni Sanderford REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

4/15/2021 DATE — DocuSigned by: Joni Sanderford B7334DB6... REVIEW OFFICER

OWNER: RIVERBROOKE CUSTOM HOMES LLC
605 PAGE STREET
CLAYTON, NC 27520

LEGEND

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

MINOR SUBDIVISION PLAT
FOR

RIVERBROOKE CUSTOM HOMES LLC

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
APRIL 12, 2021

SURVEYED BY:	WES
DRAWN BY:	DANNY
CHECKED BY:	C. LANE - PLS
DRAWING NAME:	SUBDIVISION.DWG
SURVEY DATE:	6/25/18
JOB NO.	2030.064

TRUE LINE SURVEYING, P.C.
205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com
C-1859

Submitted electronically by "True Line Surveying"
In compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Johnston County Register of Deeds.

Filed in JOHNSTON COUNTY, NC CRAIG OLIVE, Register of Deeds Filed 04/15/2021 09:33:44 AM
PLAT BOOK: 93 PAGE: 200 INSTRUMENT # 2021044015
Deputy/Assistant Register of Deeds: LAMEKA Neal

TOWN OF CLAYTON
PLANNING DEPARTMENT
111 E Second Street
Clayton, NC 27520
919-553-5002

PUBLIC NOTICE

Scan **QR Code** for more information:

November 7, 2025

«Name1»
«Name2»
«Address1»
«Address2»
«CityStateZip»

RE: A Public Hearing by the Clayton Town Council

Dear Clayton Area Property Owner,

You are receiving this public notice because, according to Johnston County Tax Office records, you are listed as the owner of property identified as Parcel ID «ParcelID». This property is located within 300 feet of a proposed project in the Town of Clayton Planning Area.

You are invited to attend a public hearing hosted by the Clayton Town Council to share your comments on the proposed project. The meeting will be held on November 17, at 6:00 PM in the Council Chambers at Town Hall located at 111 E. Second St., Clayton, NC 27520. The meeting will address the following:

Project:	2023-87-CZM, W Second Street Duplexes
Location:	Located on the northernly side of West Second Street at its intersection with Atkinson Street.
PIN #(s):	165912-75-8251 and 165912-85-0139
Applicant:	Molly Herring and Curk Lane, True Line Surveying
Request:	A Conditional Rezoning request to rezone two parcels totaling 0.419 acres of land from Residential High Density (RHD) to Conditional Residential (CZR) zoning district, permitting the Duplex Dwelling principal use. The request includes a Site Plan and Conditions of Approval, in accordance with requirements of 155.705 of the Unified Development Code (UDC).

If you have questions about this notice or the proposed project, please feel free to contact me at (919) 553-5002, ext. 5503 or at rtate@townofclaytonnc.org.

Sincerely,

Robert Tate, AICP | Senior Planner

TOWN OF CLAYTON
COMMUNITY DEVELOPMENT
111 E Second Street
Clayton, NC 27520
919-553-5002

AVISO PÚBLICO

Escanee el **código QR** para más información:

7 de noviembre de 2025

«Name1»
«Name2»
«Address1»
«Address2»
«CityStateZip»

RE: Una audiencia pública por parte del Concejal de Clayton

Estimado propietario del área de Clayton:

Usted está recibiendo este aviso público porque, según los registros de la Oficina de Impuestos del Condado de Johnston, usted figura como propietario de una propiedad identificada como Parcel ID «ParcelID». Esta propiedad está ubicada a 300 pies de un proyecto propuesto en el área de planificación del Pueblo de Clayton.

Está invitado a asistir a una audiencia pública organizada por el Concejal de Clayton para compartir sus comentarios sobre el proyecto propuesto. La reunión se llevará a cabo el 17 de noviembre de 2025 a las 6:00 PM en la Sala del Consejo del Ayuntamiento ubicada en 111 E. Second St., Clayton, NC 27520. La reunión abordará los siguientes:

Proyecto:	2023-87-CZM, Dúplexes en W Second Street
Ubicación:	Ubicado en el lado norte de West Second Street en su intersección con Atkinson Street.
PIN #(s):	165912-75-8251 y 165912-85-0139
Solicitante:	Molly Herring y Curk Lane, Topografía True Line
Pedido:	Una solicitud de Rezonificación Condicional para rezonar dos parcelas que suman un total de 0.419 acres de terreno de Residencial de Alta Densidad (RHD) a Residencial Condicional (CZR), permitiendo el uso principal de Vivienda Dúplex. La solicitud incluye un Plan del Sitio y Condiciones de Aprobación, de acuerdo con los requisitos del 155.705 del Código de Desarrollo Unificado (UDC).

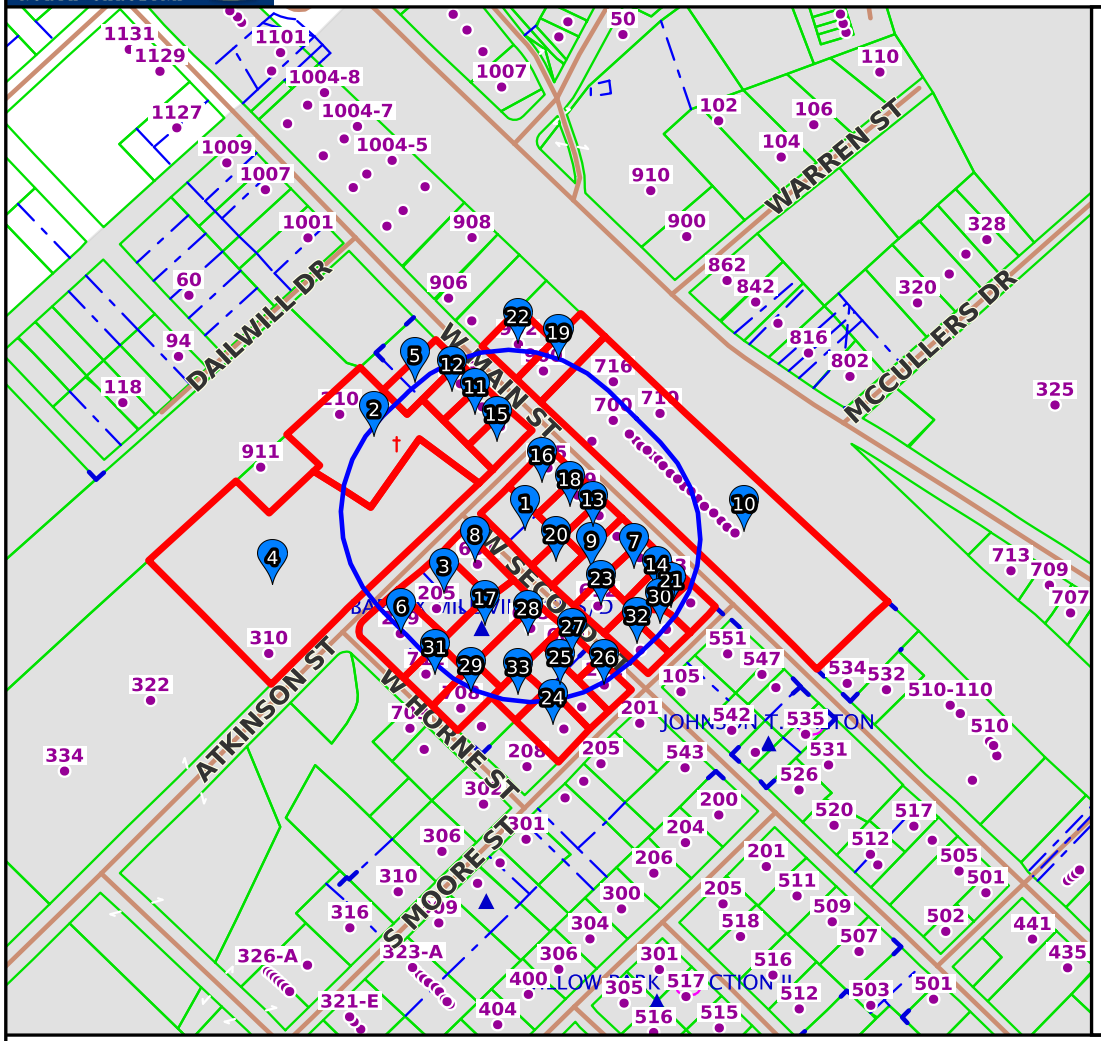
Si tiene preguntas sobre este aviso o el proyecto propuesto, no dude en comunicarse conmigo al (919) 553-5002, ext. 5503 o en rtate@townofclaytonnc.org.

Atentamente,

Robert Tate, AICP | Planificador Senior

***** DISCLAIMER *****

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



Result 1

id:	05026043A
Tag:	05026043A
NCPin:	165912-75-8251
Mapsheet No:	165912
Owner Name 1:	RIVERBROOKE CUSTOM HOMES LLC
Owner Name 2:	
Mail Address 1:	853 JACK RD
Mail Address 2:	
Mail Address 3:	CLAYTON, NC 27520-6118
Site Address 1:	
Site Address 2:	
Book:	05145
Page:	0005
Market Value:	29780
Assessed Acreage:	0.310
Calc. Acreage:	0.315
Sales Price:	35000
Sale Date:	2018-05-04

Scale: 1:4311 - 1 in. = 359.22 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
September 29, 2025

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

Result 2

id: 05026082
Tag: 05026082
Owner Name 1: FELLOWSHIP BAPTIST CHURCH
Owner Name 2:
Mail Address 1:
Mail Address 2:
Mail Address 3:
Book: 00856
Page: 0514

Result 3

id: 05026038
Tag: 05026038
Owner Name 1: OCHOA, CESAR
Owner Name 2:
Mail Address 1: 1002 DELTA RIVER WAY
Mail Address 2:
Mail Address 3: KNIGHTDALE, NC 27545-7326
Book: 04719
Page: 0511

Result 4

id: 05026083
Tag: 05026083
Owner Name 1: FELLOWSHIP BAPTIST CHURCH
Owner Name 2:
Mail Address 1:
Mail Address 2:
Mail Address 3:
Book: 00835
Page: 0010

Result 5

id: 05026058
Tag: 05026058
Owner Name 1: FELLOWSHIP BAPTIST CHURCH
Owner Name 2: OF CLAYTON
Mail Address 1: 911 WEST MAIN ST
Mail Address 2: P O BOX 535
Mail Address 3: CLAYTON, NC 27520-0000
Book: 02006
Page: 0009

Result 6

id: 05026038A
Tag: 05026038A
Owner Name 1: BENNETT, JOEL
Owner Name 2:
Mail Address 1: 209 ATKINSON ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2103
Book: 05410
Page: 0181

Result 7

id: 05026010
Tag: 05026010
Owner Name 1: BARBOUR, GERALDINE T
Owner Name 2:
Mail Address 1: 705 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00638
Page: 0473

Result 8

id: 05026040
Tag: 05026040
Owner Name 1: BERRY, CAROL CAPPS
Owner Name 2:
Mail Address 1: 651 W 2ND ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2247
Book: 06322
Page: 0379

Result 9

id: 05026052
Tag: 05026052
Owner Name 1: WORLEY, TIMOTHY LERAY
Owner Name 2: WORLEY, MICHAEL LYNN
Mail Address 1: 1840 JACK RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6167
Book: 05050
Page: 0193

*** DISCLAIMER ***

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

Result 10

id: 05026054
Tag: 05026054
Owner Name 1: SUNNYVALE INVESTMENTS, LLC
Owner Name 2:
Mail Address 1: 700 W MAIN ST STE 102
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1657
Book: 04893
Page: 0801

Result 11

id: 05026056
Tag: 05026056
Owner Name 1: GUZMAN, JUAN CARLOS PANIAGUA
Owner Name 2: SILVA-PANIAGUA, CAROL
Mail Address 1: 805 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1618
Book: 05390
Page: 0671

Result 12

id: 05026057
Tag: 05026057
Owner Name 1: SOUTH FAYETTEVILLE STREET LLC
Owner Name 2:
Mail Address 1: 603 SOUTH FAYETTEVILLE STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03422
Page: 0887

Result 13

id: 05026045A
Tag: 05026045A
Owner Name 1: MOSS, DANNY
Owner Name 2: MOSS, LISA T
Mail Address 1: 327 E BOBBITT RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01861
Page: 0661

Result 14

id: 05026051
Tag: 05026051
Owner Name 1: SINAI HOMES, LLC
Owner Name 2:
Mail Address 1: 121 RUSTIC LN
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-9531
Book: 06370
Page: 0031

Result 15

id: 05026055
Tag: 05026055
Owner Name 1: HOGG, MELODY T.
Owner Name 2:
Mail Address 1: 803 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1618
Book: 04729
Page: 0636

Result 16

id: 05026043
Tag: 05026043
Owner Name 1: HORRALL, MICHELE RAYMOND
Owner Name 2: DUNNE, MARY JOSEPHINE
Mail Address 1: 715 WEST MAIN STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03708
Page: 0367

Result 17

id: 05026039
Tag: 05026039
Owner Name 1: OCHOA, CESAR
Owner Name 2:
Mail Address 1: 1002 DELTA RIVER WAY
Mail Address 2:
Mail Address 3: KNIGHTDALE, NC 27545-7326
Book: 04719
Page: 0511

*** DISCLAIMER ***

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

Result 18

id: 05026053
Tag: 05026053
Owner Name 1: AYALA, ARY HERNANDEZ
Owner Name 2: HERNANDEZ, ROBERTO CARLOS COLMENARES
Mail Address 1: 709 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1616
Book: 06648
Page: 0267

Result 19

id: 05026089
Tag: 05026089
Owner Name 1: CUPO, MICHAEL G
Owner Name 2: CUPO, KAREN D
Mail Address 1: 900 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01434
Page: 0959

Result 20

id: 05026045B
Tag: 05026045B
Owner Name 1: RIVERBROOKE CUSTOM HOMES LLC
Owner Name 2:
Mail Address 1: 853 JACK RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6118
Book: 05143
Page: 0520

Result 21

id: 05026050
Tag: 05026050
Owner Name 1: DAMELO GROUP LLC
Owner Name 2:
Mail Address 1: 915 5TH ST NW
Mail Address 2:
Mail Address 3: WASHINGTON, DC 20001-2501
Book: 04598
Page: 0136

Result 22

id: 05026070
Tag: 05026070
Owner Name 1: BRIGHTLEAF #2004, LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 1266
Mail Address 3: SMITHFIELD, NC 27577-1266
Book: 06038
Page: 0271

Result 23

id: 05026086
Tag: 05026086
Owner Name 1: BARBOUR, LELAND ANTHONY
Owner Name 2: BARBOUR, BLESSL
Mail Address 1: 3800 LA VARRA DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-8641
Book: 05241
Page: 0635

Result 24

id: 05026028
Tag: 05026028
Owner Name 1: WILLIAMS, JAMES CLARENCE
Owner Name 2:
Mail Address 1: 206 MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2218
Book: 00852
Page: 0213

Result 25

id: 05026029
Tag: 05026029
Owner Name 1: TART, JEAN
Owner Name 2:
Mail Address 1: 204 MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2218
Book: 04150
Page: 0912

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Result 26

id: 05026030A
Tag: 05026030A
Owner Name 1: DRB ENTERPRISES INC
Owner Name 2:
Mail Address 1: 940 WHITE HORSE DR
Mail Address 2:
Mail Address 3: GREENVILLE, NC 27834-7755
Book: 02578
Page: 0060

Result 27

id: 05026030C
Tag: 05026030C
Owner Name 1: JANCUSKA, THOMAS R
Owner Name 2:
Mail Address 1: 116 ALLISON WAY
Mail Address 2:
Mail Address 3: ARCHER LODGE, NC 27527-5717
Book: 03542
Page: 0143

Result 28

id: 05026036
Tag: 05026036
Owner Name 1: MCKENNA, SHAWN
Owner Name 2: MCKENNA, JILL
Mail Address 1: 615 W 2ND ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2247
Book: 06526
Page: 0119

Result 29

id: 05026035
Tag: 05026035
Owner Name 1: WILLIAMS, JAMES C
Owner Name 2:
Mail Address 1: 206 MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2218
Book: 00854
Page: 0796

Result 30

id: 05026049
Tag: 05026049
Owner Name 1: JAIMES, RODRIGO FAUSTINO DIAZ
Owner Name 2: MALDONADO, LORENA DIAZ
Mail Address 1: 106 MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2216
Book: 05526
Page: 0546

Result 31

id: 05026037
Tag: 05026037
Owner Name 1: FROHEN, BERNADETA
Owner Name 2:
Mail Address 1: 712 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2243
Book: 06789
Page: 0302

Result 32

id: 05026048
Tag: 05026048
Owner Name 1: JAIMES, RODRIGO DIAZ
Owner Name 2: MALDONADO, LORENA DIAZ
Mail Address 1: 106 S MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03461
Page: 0199

Result 33

id: 05E99199
Tag: 05E99199
Owner Name 1: WILLIAMS, J CLARENCE
Owner Name 2:
Mail Address 1: 206 S MOORE STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00788
Page: 0279

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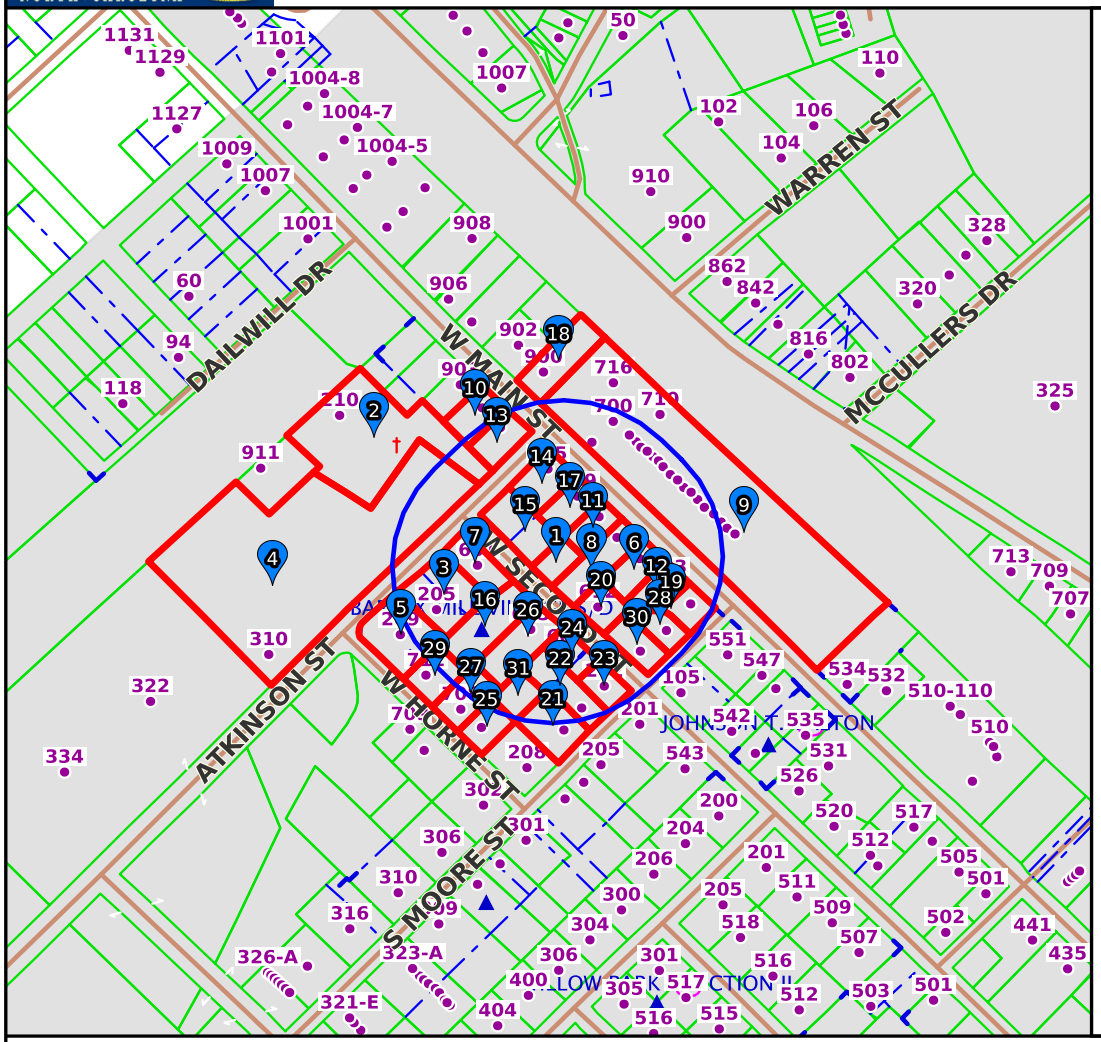

Result 1

id:	05026045B
Tag:	05026045B
NCPin:	165912-85-0139
Mapsheet No:	165912
Owner Name 1:	RIVERBROOKE CUSTOM HOMES LLC
Owner Name 2:	
Mail Address 1:	853 JACK RD
Mail Address 2:	
Mail Address 3:	CLAYTON, NC 27520-6118
Site Address 1:	
Site Address 2:	
Book:	05143
Page:	0520
Market Value:	20480
Assessed Acreage:	0.140
Calc. Acreage:	0.140
Sales Price:	25000
Sale Date:	2018-05-02

Scale: 1:4311 - 1 in. = 359.22 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
September 29, 2025

*** DISCLAIMER ***

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Result 2

id: 05026082
Tag: 05026082
Owner Name 1: FELLOWSHIP BAPTIST CHURCH
Owner Name 2:
Mail Address 1:
Mail Address 2:
Mail Address 3:
Book: 00856
Page: 0514

Result 3

id: 05026038
Tag: 05026038
Owner Name 1: OCHOA, CESAR
Owner Name 2:
Mail Address 1: 1002 DELTA RIVER WAY
Mail Address 2:
Mail Address 3: KNIGHTDALE, NC 27545-7326
Book: 04719
Page: 0511

Result 4

id: 05026083
Tag: 05026083
Owner Name 1: FELLOWSHIP BAPTIST CHURCH
Owner Name 2:
Mail Address 1:
Mail Address 2:
Mail Address 3:
Book: 00835
Page: 0010

Result 5

id: 05026038A
Tag: 05026038A
Owner Name 1: BENNETT, JOEL
Owner Name 2:
Mail Address 1: 209 ATKINSON ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2103
Book: 05410
Page: 0181

Result 6

id: 05026010
Tag: 05026010
Owner Name 1: BARBOUR, GERALDINE T
Owner Name 2:
Mail Address 1: 705 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00638
Page: 0473

Result 7

id: 05026040
Tag: 05026040
Owner Name 1: BERRY, CAROL CAPPS
Owner Name 2:
Mail Address 1: 651 W 2ND ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2247
Book: 06322
Page: 0379

Result 8

id: 05026052
Tag: 05026052
Owner Name 1: WORLEY, TIMOTHY LERAY
Owner Name 2: WORLEY, MICHAEL LYNN
Mail Address 1: 1840 JACK RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6167
Book: 05050
Page: 0193

Result 9

id: 05026054
Tag: 05026054
Owner Name 1: SUNNYVALE INVESTMENTS, LLC
Owner Name 2:
Mail Address 1: 700 W MAIN ST STE 102
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1657
Book: 04893
Page: 0801

*** DISCLAIMER ***
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Result 10

id: 05026056
Tag: 05026056
Owner Name 1: GUZMAN, JUAN CARLOS PANIAGUA
Owner Name 2: SILVA-PANIAGUA, CAROL
Mail Address 1: 805 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1618
Book: 05390
Page: 0671

Result 11

id: 05026045A
Tag: 05026045A
Owner Name 1: MOSS, DANNY
Owner Name 2: MOSS, LISA T
Mail Address 1: 327 E BOBBITT RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01861
Page: 0661

Result 12

id: 05026051
Tag: 05026051
Owner Name 1: SINAI HOMES, LLC
Owner Name 2:
Mail Address 1: 121 RUSTIC LN
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-9531
Book: 06370
Page: 0031

Result 13

id: 05026055
Tag: 05026055
Owner Name 1: HOGG, MELODY T.
Owner Name 2:
Mail Address 1: 803 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1618
Book: 04729
Page: 0636

Result 14

id: 05026043
Tag: 05026043
Owner Name 1: HORRALL, MICHELE RAYMOND
Owner Name 2: DUNNE, MARY JOSEPHINE
Mail Address 1: 715 WEST MAIN STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03708
Page: 0367

Result 15

id: 05026043A
Tag: 05026043A
Owner Name 1: RIVERBROOKE CUSTOM HOMES LLC
Owner Name 2:
Mail Address 1: 853 JACK RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-6118
Book: 05145
Page: 0005

Result 16

id: 05026039
Tag: 05026039
Owner Name 1: OCHOA, CESAR
Owner Name 2:
Mail Address 1: 1002 DELTA RIVER WAY
Mail Address 2:
Mail Address 3: KNIGHTDALE, NC 27545-7326
Book: 04719
Page: 0511

Result 17

id: 05026053
Tag: 05026053
Owner Name 1: AYALA, ARY HERNANDEZ
Owner Name 2: HERNANDEZ, ROBERTO CARLOS COLMENARES
Mail Address 1: 709 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-1616
Book: 06648
Page: 0267

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Result 18

id: 05026089
Tag: 05026089
Owner Name 1: CUPO, MICHAEL G
Owner Name 2: CUPO, KAREN D
Mail Address 1: 900 W MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01434
Page: 0959

Result 19

id: 05026050
Tag: 05026050
Owner Name 1: DAMELO GROUP LLC
Owner Name 2:
Mail Address 1: 915 5TH ST NW
Mail Address 2:
Mail Address 3: WASHINGTON, DC 20001-2501
Book: 04598
Page: 0136

Result 20

id: 05026086
Tag: 05026086
Owner Name 1: BARBOUR, LELAND ANTHONY
Owner Name 2: BARBOUR, BLESSL
Mail Address 1: 3800 LA VARRA DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-8641
Book: 05241
Page: 0635

Result 21

id: 05026028
Tag: 05026028
Owner Name 1: WILLIAMS, JAMES CLARENCE
Owner Name 2:
Mail Address 1: 206 MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2218
Book: 00852
Page: 0213

Result 22

id: 05026029
Tag: 05026029
Owner Name 1: TART, JEAN
Owner Name 2:
Mail Address 1: 204 MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2218
Book: 04150
Page: 0912

Result 23

id: 05026030A
Tag: 05026030A
Owner Name 1: DRB ENTERPRISES INC
Owner Name 2:
Mail Address 1: 940 WHITE HORSE DR
Mail Address 2:
Mail Address 3: GREENVILLE, NC 27834-7755
Book: 02578
Page: 0060

Result 24

id: 05026030C
Tag: 05026030C
Owner Name 1: JANCUSKA, THOMAS R
Owner Name 2:
Mail Address 1: 116 ALLISON WAY
Mail Address 2:
Mail Address 3: ARCHER LODGE, NC 27527-5717
Book: 03542
Page: 0143

Result 25

id: 05026032
Tag: 05026032
Owner Name 1: RICHARD ALIOTO TRUST
Owner Name 2: ALIOTO, RICHARD TRUSTEE
Mail Address 1: 12 LAFOY DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-6620
Book: 06136
Page: 0959

*** DISCLAIMER ***

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Result 26

id: 05026036
Tag: 05026036
Owner Name 1: MCKENNA, SHAWN
Owner Name 2: MCKENNA, JILL
Mail Address 1: 615 W 2ND ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2247
Book: 06526
Page: 0119

Result 27

id: 05026035
Tag: 05026035
Owner Name 1: WILLIAMS, JAMES C
Owner Name 2:
Mail Address 1: 206 MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2218
Book: 00854
Page: 0796

Result 28

id: 05026049
Tag: 05026049
Owner Name 1: JAIMES, RODRIGO FAUSTINO DIAZ
Owner Name 2: MALDONADO, LORENA DIAZ
Mail Address 1: 106 MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2216
Book: 05526
Page: 0546

Result 29

id: 05026037
Tag: 05026037
Owner Name 1: FROHEN, BERNADETA
Owner Name 2:
Mail Address 1: 712 W HORNE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2243
Book: 06789
Page: 0302

Result 30

id: 05026048
Tag: 05026048
Owner Name 1: JAIMES, RODRIGO DIAZ
Owner Name 2: MALDONADO, LORENA DIAZ
Mail Address 1: 106 S MOORE ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03461
Page: 0199

Result 31

id: 05E99199
Tag: 05E99199
Owner Name 1: WILLIAMS, J CLARENCE
Owner Name 2:
Mail Address 1: 206 S MOORE STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00788
Page: 0279

PUBLIC NOTICE

The Clayton Town Council will hold a Public Hearing at 6:00 PM on Monday, November 17, 2025, at Town Hall, 111 E. Second Street, regarding the application listed and described below. This public hearing has been scheduled and will be heard in accordance with the requirements of NCGS.

- 2023-87-CZM W Second Street Duplexes Conditional Rezoning: A request to rezone two parcels approximately 0.419 acres in size from Residential High Density (RHD) to Conditional Residential (CZR). This is a Conditional Rezoning, which includes a Site Plan and associated zoning conditions that limit the range of permitted land uses and establish site-specific standards. The parcels are located along West Second Street, at the intersection with Atkinson Street with unassigned addresses and are identified as Johnston County Tax IDs 05026043A and 05026045B.

These are open meetings, and the public is invited to attend. To obtain more information regarding these applications, members of the public may contact the Planning Department at 919-553-5002 or email at planning@townofclaytonnc.org.

Heidi Holland, CMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

_____
The Johnstonian Newspaper

Please advertise on the following dates:

November 5, 2025
November 12, 2025

Affidavit of publication required.

TOWN OF CLAYTON
PLANNING DEPARTMENT
111 E Second Street
Clayton, NC 27520
919-553-5002

PUBLIC NOTICE CERTIFICATION

This certifies that the project and the associated application have been publicly noticed according to NCGS, Town UDO, and Planning Department policy:

Project:	**W Second Street Duplexes – 2023-87-CZM**
Town Board:	**Town Council**
Date of Meeting:	**November 17, 2025**
Public Notice Deadline:	**November 7, 2025**

Public Notice Checklist			
Type	**Action**	**Staff**	**Date Complete**
1. Letters Mailed	Request sent to Administration to mail property owner letters within 300' of subject property	Robert Tate	RT 11/6/25
2. Property Posted	Request sent to Code Enforcement to post property	Susan Long ~~Jon Weekesser~~	11/7/2025
3. Website Updated	Request sent to Administration to upload project to Planning website	Lori Bryant	AB 11/5/25
4. Newspaper Publish	Request sent to Town Clerk to publish the Legal Ad	N/A	N/A

Certified by:

Haley Downey, AICP, CZO
Assistant Planning Director

11/7/25
Date

Conditions of Approval (2023-87-CZM West Second Street – Conditional Zoning District):

1. Following Town Council approval, an electronic copy of the Site Plan and the Conditions of Approval shall be submitted to the Planning Department for final approval.

2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved site plan.

3. The Development shall be constructed in substantial conformance with the Conditional Zoning approved by the Clayton Town Council and the associated Site Plan as approved by Town staff.

4. These Conditions of Approval, and any others included with the associated Site Plan shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and approval.

5. The Development shall be constructed in substantial conformance with the Site Plan as approved by the Clayton Town Council.

6. Uses in the development shall be limited to Duplexes, and any allowed residential accessory uses within the Town of Clayton Unified Development Code.

7. In accordance with the associated Site Plan, the maximum gross density for the site shall be 15 dwelling units per acre.

8. The following standards will apply to the Development:
    - Minimum Lot Area: 6,000 square feet
    - Minimum Lot Width: 50 feet
    - Maximum Impervious Surface: 70%
    - Minimum Setbacks:
        Front: 25 feet
        Side Interior: 5 feet
        Side Street: 10 feet
        Rear: 10 feet
    - Maximum Structure Height: 35 feet
    - Maximum Building Coverage: 50%

9. A 10-foot Class 'C' Alternative 1 Perimeter Buffer will be provided along the outermost sides and rear of the development. The buffer will include a minimum 4-foot vinyl privacy fence in front of the building, a 6-foot vinyl privacy fence behind the front of the building, and plantings at a ratio of 2 canopy trees, 3 understory trees, and 12 shrubs per 100 linear feet.

10. Any ground-mounted utility or mechanical equipment shall be screened from view of adjacent public rights-of-way in accordance with the screening requirements under Section 155.402(G)(4)-(5) of the Town of Clayton Unified Development Code.

11. Two-Family buildings shall include the using of the following primary exterior materials:
    - Siding: Board & Batten/Vinyl
    - Trim: Vinyl
    - Shutters: Vinyl

- Roofing: Shingles

12. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.

13. To the extent of any conflict between the Site Plan and these Conditions of Approval, these Conditions shall control.

14. The associated Site Plan and Conditions of Approval for this project shall allow for any changes in Town Development regulations, either through text or the official Zoning Map, that are considered as upzoning, downzoning, or establishment of any nonconformity.

15. In the event the development contemplated in a Conditional Rezoning application is not substantially commenced within three (3) years from the date of the approval, the Town Council may initiate a rezoning application to return the land to its prior or to some other appropriate zoning district designation.

16. A new deed will be drafted to confirm the 3 separate parcels shown on existing and recorded Plat Book 93 page 200.

17. Applicant proposes a 6 foot wide buffer along the eastern property line with additional plantings as an alternative means of compliance and a condition of approval.

18. This development shall be specifically exempt from UDC §155.402. Part 1 Site Interior Landscape Requirements.

PROPERTY OWNER AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am/are in agreement with the conditions as they are outlined within this letter.

josh bunn	josh bunn (Oct 31, 2025 12:33:59 EDT)	31/10/2025
Print Name	***Signature of Property Owner***	***Date***

Signature affirms compliance with North Carolina General Statutes § 160D-703 (b).

W Second Street Duplexes Conditional Rezoning | 2023-87-CZM

Motions for Consistency Statements

The Town Council may choose from one of the four suggested motions below.

Staff Recommends the Motion in Red Bold Text

Motion 1: Approval – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to approve this Conditional Rezoning, Site Plan, and Conditions of Approval, Ordinance 2025-11-02, based on consistency with the adopted 2045 Comprehensive Growth Plan, in that:

- The subject site is designated on the Future Land Use Map as Downtown Core.
- Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages infill development that increases residential activity.
- The request is compatible with surrounding zoning and land uses

Motion 2: Approval – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion to approve this Conditional Rezoning, Site Plan, and Conditions of Approval, Ordinance 2025-11-02, based on inconsistency with the adopted 2045 Comprehensive Growth Plan, in that:

- The subject site is designated on the Future Land Use Map as Downtown Core.
- Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.
    - Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages infill development that increases residential activity.

- The request is compatible with surrounding zoning and land uses

Motion 3: Denial – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to deny this Conditional Rezoning, Site Plan, and Conditions of Approval, Ordinance 2025-11-02. While the request is consistent with the adopted 2045 Comprehensive Growth Plan, in that:

- The subject site is designated on the Future Land Use Map as Downtown Core.
- Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.
    - Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages infill development that increases residential activity.
- The request is compatible with surrounding zoning and land uses

Motion 4: Recommend Denial – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion to recommend approval of this Conditional Rezoning, Site Plan, and Conditions of Approval, Ordinance 2025-11-02, based on inconsistency with the adopted 2045 Comprehensive Growth Plan, in that:

- The subject site is designated on the Future Land Use Map as Downtown Core.
- Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.
    - Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages infill development that increases residential activity.

- The request is compatible with surrounding zoning and land uses

TOWN OF CLAYTON
AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF CLAYTON, NORTH CAROLINA IN ACCORDANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC)
2023-87-CZM W SECOND STREET DUPLEXES CONDITIONAL REZONING

WHEREAS an application has been filed with the Town of Clayton requesting an amendment to the Zoning Map of the Town of Clayton by conditionally rezoning property from the Residential High Density (RHD) zoning district to the Conditional Residential (CZR) zoning district. The subject properties are approximately 0.419 acres combined and are located within the Town of Clayton limits, on the northernly side of West Second Street at its intersection with Atkinson Street, with unassigned addresses and identified as NC PIN #s (Johnston County Tax IDs): 165912-75-8251 (05026043A) and 165912-85-0139 (05026045B); and

WHEREAS said properties are owned by Riverbrooke Custom Homes, LLC and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed rezoning request at their October 27, 2025 meeting and made a recommendation thereupon; and

WHEREAS notice of a Public Hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by the Town of Clayton Unified Development Code §155.702(D) and North Carolina General Statutes §160D-602; and

WHEREAS a notice of a public hearing to consider the proposed zoning change was mailed to the owner of the parcel(s) of land involved, as shown on the Johnston County Tax Listing, and to the owners of all parcels of land abutting that (those) parcels(s) of land and within 300 feet of the subject parcel(s) of land, as shown on the Johnston County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by the Town of Clayton Unified Development Code §155.702(D) and by North Carolina General Statutes §160D-602; and

WHEREAS notice of a public hearing to consider the proposed zoning change was posted on the property as required by the Town of Clayton Unified Development Code §155.702(D) and by North Carolina General Statues §160D-602 of the; and

WHEREAS the said public hearing was conducted at the Town Council meeting held at 6:00 p.m. on Monday, November 17, 2025, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change to make relevant comments; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON, NORTH CAROLINA, THAT:

SECTION 1. The Official Zoning Map of the Town of Clayton is hereby amended to designate the following described property as part of the Conditional Residential (CZR) district:

General Description:
Within Clayton Town limits located on the northernly side of West Second Street at its intersection with Atkinson Street, with unassigned addresses and identified as NC PIN #s (Johnston County Tax IDs): 165912-75-8251 (05026043A) and 165912-85-0139 (05026045B).

SECTION 2. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Ordinance.

SECTION 3. The applicant is requesting to require these conditions of approval:

Conditions of Approval (2023-87-CZM W Second Street Duplexes - Conditional Rezoning)

1. Following Town Council approval, an electronic copy of the Site Plan and the Conditions of Approval shall be submitted to the Planning Department for final approval.

2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved site plan.

3. The Development shall be constructed in substantial conformance with the Conditional Zoning approved by the Clayton Town Council and the associated Site Plan as approved by Town staff.

4. These Conditions of Approval, and any others included with the associated Site Plan shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and approval.

5. The Development shall be constructed in substantial conformance with the Site Plan as approved by the Clayton Town Council.

6. Uses in the development shall be limited to Duplexes, and any allowed residential accessory uses within the Town of Clayton Unified Development Code.

7. In accordance with the associated Site Plan, the maximum gross density for the site shall be 15 dwelling units per acre.

8. The following standards will apply to the Development:
    - Minimum Lot Area: 6,000 square feet
    - Minimum Lot Width: 50 feet
    - Maximum Impervious Surface: 70%
    - Minimum Setbacks:
        Front: 25 feet
        Side Interior: 5 feet
        Side Street: 10 feet
        Rear: 10 feet
    - Maximum Structure Height: 35 feet
    - Maximum Building Coverage: 50%

9. A 10-foot Class 'C' Alternative 1 Perimeter Buffer will be provided along the outermost sides and rear of the development. The buffer will include a minimum 4-foot vinyl privacy fence in front of the building, a 6-foot vinyl privacy fence behind the front of the building, and plantings at a ratio of 2 canopy trees, 3 understory trees, and 12 shrubs per 100 linear feet.

10. Any ground-mounted utility or mechanical equipment shall be screened from view of adjacent public rights-of-way in accordance with the screening requirements under Section 155.402(G)(4)-(5) of the Town of Clayton Unified Development Code.

11. Two-Family buildings shall include the using of the following primary exterior materials:
    - Siding: Board & Batten/Vinyl
    - Trim: Vinyl
    - Shutters: Vinyl
    - Roofing: Shingles

12. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.

13. To the extent of any conflict between the Site Plan and these Conditions of Approval, these Conditions shall control.

14. The associated Site Plan and Conditions of Approval for this project shall allow for any changes in Town Development regulations, either through text or the official Zoning Map, that are considered as upzoning, downzoning, or establishment of any nonconformity.

15. In the event the development contemplated in a Conditional Rezoning application is not substantially commenced within three (3) years from the date of the approval, the Town Council may initiate a rezoning application to return the land to its prior or to some other appropriate zoning district designation.

16. A new deed will be drafted to confirm the 3 separate parcels shown on existing and recorded Plat Book 93 page 200.

17. Applicant proposes a 6 foot wide buffer along the eastern property line with additional plantings as an alternative means of compliance and a condition of approval.

18. This development shall be specifically exempt from UDC §155.402. Part 1 Site Interior Landscape Requirements.

SECTION 4. That the Town Council hereby adopts the following Statement of Consistency and Reasonableness for the proposed rezoning:

The request is consistent with the adopted 2045 Comprehensive Growth Plan in that:

- The subject site is designated on the Future Land Use Map as Downtown Core.
- Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy DT 1.4: Increase residential activity and promote mixed-use projects in Downtown.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages infill development that increases residential activity.
- The request is compatible with surrounding zoning and land uses

SECTION 5. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 17th day of November 2025, while in regular Session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	PUBLIC HEARINGS

Item Title

Debt Issuance - Limited Obligation Bond, Series 2025

Presenter(s)

Robert McKie - Finance Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☒ Vibrant Downtown	☒ Desirable Amenities and Spaces	☒ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☒ Diversified Economic Development	☒ Community Outreach and Engagement	☒ Public Safety

Public Hearing: Yes - Legislative

Applicable General Statute Number: G.S 160A-20(g)

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Public Forum/Input Session
- ☐ Press Release
- ☐ E-News Distribution
- ☐ Website
- ☐ Social Media
- ☐ Survey

☐ Special Mailing ☒ None Required

Summary

The Town will issue a Limited Obligation Bond, Series 2025 in an amount not to exceed $21 million with a true interest cost not to exceed 5%. The financing proceeds will be utilized for the following: the acquisition of land and buildings for future use as public facilities and potential economic development purposes; renovations to existing Town facilities including the Hocutt-Ellington Memorial Library, Fire Station #1, Town offices, warehouse space, recreation facilities, and a parking lot (collectively, the “Projects”) in conjunction with the related financing costs.

Recommendation

The Executive Team recommends approval of the resolutions.

Funding Source

Debt proceeds and $5.4 million of non-debt funding sources.

Cost

Yes

Corresponding Documentation

Town of Clayton - 2025 LOBs - Approval Resolution(213103743.2)

Town of Clayton - 2025 LOBs - Findings Resolution(212692854.1)

Submitted By: Robert McKie, Jr., Finance Department

Reviewed By:

Robert McKie, Jr., Finance Director	Approved - Nov 10 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

Resolution #2025-121

TOWN COUNCIL
OF THE TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting on
November 17, 2025

Present: Mayor _____ presiding, and Councilmembers _____

_____

Absent:_____

* * * * * * * * * *

RESOLUTION AUTHORIZING ISSUANCE OF LIMITED OBLIGATION BONDS TO FINANCE CERTAIN TOWN PROJECTS, AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the Town of Clayton, North Carolina (the "Town") intends to finance (a) the acquisition of land and buildings for future use as public facilities and potential economic development purposes, (b) certain renovations to existing Town facilities including the Hocutt-Ellington Memorial Library, Fire Station #1, Town offices, warehouse space, recreation facilities, and a parking lot (collectively, the "Projects"), and (c) related financing costs; and

WHEREAS, to finance the Projects, the Town proposes to issue its Limited Obligation Bond, Series 2025 (the "2025 Bond") pursuant to a Trust Agreement dated as of December 1, 2025 (the "Trust Agreement"), and a First Supplemental Trust Agreement dated as of December 1, 2025 (the "First Supplemental Trust Agreement"), each between the Town and U.S. Bank Trust Company, National Association, as trustee (the "Trustee"), with the Trust Agreement and the First Supplemental Trust Agreement being agreements authorized under Section 160A-20 of the General Statutes of North Carolina, as amended (the "Act"), and having payments made thereunder by the Town subject to appropriation by the Town Council of the Town (the "Town Council"); and

WHEREAS, in connection with the issuance of the 2025 Bond, the Town will execute a Deed of Trust dated as of December 1, 2025 (the "Deed of Trust"), granting a lien of record on some or all of the sites of the Projects; and

WHEREAS, the 2025 Bond will be sold to Webster Bank, National Association ("Webster"), pursuant to a Bond Purchase Agreement to be dated the date of sale of the 2025 Bond (the "Bond Purchase Agreement"), between Webster and the Town; and

WHEREAS, there have been presented to the Town Council forms of the following documents (collectively, the "Documents") which the Town proposes to use in connection with the issuance of the 2025 Bond:

1. Trust Agreement;

2. First Supplemental Trust Agreement, with the form of the 2025 Bond attached thereto;

3. Deed of Trust; and

4. Bond Purchase Agreement; and

WHEREAS, the Town Council desires to approve the Documents and to authorize other actions in connection therewith; and

WHEREAS, pursuant to the Act, the Town Council has today held a public hearing regarding the financing of the Projects through the execution and delivery of the 2025 Bond; and

WHEREAS, the Town Council has today made certain findings with respect to the issuance of the 2025 Bond and the financing of the Projects; and

WHEREAS, the Act requires that the North Carolina Local Government Commission (the "LGC") approve the Town's issuance of the 2025 Bond and it is expected that the LGC will consider the Town's application for approval of the financing of the Projects at its meeting on December 2, 2025;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON, NORTH CAROLINA:

1. The issuance of the 2025 Bond and the financing of the Projects pursuant to and in accordance with the terms and conditions of the Documents, in the aggregate principal amount not to exceed $21,000,000, with a true interest cost not to exceed 5.00%, and a final maturity not to extend beyond December 31, 2045, is hereby approved.

2. The Mayor, the Town Manager and the Finance Director of the Town (the "Authorized Officers"), or any of them, are hereby authorized and directed to execute and deliver the Documents to which the Town is a party, which shall be in substantially the forms previously submitted, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by any of the Authorized Officers, with the advice of the Town Attorney and Bond Counsel, including such changes as may be required by the LGC, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes. The Town Clerk or any Deputy Town Clerk shall attest and seal such documents as require the Town Clerk's attestation and the Town seal.

3. The Town Council hereby approves the execution and delivery, as applicable, by the Town of the Documents and any other documents or certificates that may be required in connection with the issuance of the 2025 Bond.

4. Each of the Authorized Officers, the Town Attorney and the Town Clerk is hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this resolution and to effect the financing pursuant to the Documents. Without limiting the generality of the foregoing, each of the Authorized Officers is authorized to approve all details of the financing, including without limitation, the annual payments due under the 2025 Bond, the interest rates on the 2025 Bond, and the term for the 2025 Bond under the First Supplemental Trust Agreement. Execution of the Documents by any of the Authorized Officers shall conclusively evidence approval of all such details of the financing.

5. To the extent permitted by law, each of the Town Manager, the Finance Director or such other officer or employee of the Town as may be responsible from time to time for the preparation of the Town's annual budget, is hereby authorized and directed to carry out the obligations imposed by the Documents on such officer or employee.

6. All other actions of the officers of the Town which are in conformity with the purposes or intent of this resolution and in furtherance of the execution and delivery of the Documents to which the Town is a party are hereby ratified, approved and confirmed. The representations of the Town made in the Documents to which it is a party are hereby confirmed.

7. The following financing team members shall serve for the issuance of the 2025 Bond:

Financial Advisor:	Davenport & Company LLC
Bank:	Webster Bank, National Association
Bank's Counsel:	Gilmore & Bell
Bond Counsel:	McGuireWoods LLP
Trustee:	U.S. Bank Trust Company, National Association

8. All resolutions or parts thereof in conflict herewith are hereby repealed.

9. This resolution shall take effect immediately.

Councilmember _____ moved the passage of the foregoing resolution, Councilmember _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not Voting: _____

* * * * * * * * * *

I, Heidi Holland, Town Clerk of the Town of Clayton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council at a regular meeting duly called and held November 17, 2025, as it relates in any way to the resolution hereinabove set forth. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council is on file in my office.

WITNESS my hand and the common seal of the Town, this 17th day of November, 2025.

_____
Town Clerk
Town of Clayton, North Carolina

(SEAL)

Resolution #2025-122

TOWN COUNCIL
OF THE TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting on
November 17, 2025

Present: Mayor _____ presiding, and Councilmembers _____

_____

Absent:_____

* * * * * * * * * *

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF AN INSTALLMENT FINANCING CONTRACT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES §160A-20 AND MAKING CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA GENERAL STATUTES § 159-151

WHEREAS, the Town of Clayton, North Carolina (the "Town") intends to finance (a) the acquisition of land and buildings for future use as public facilities and potential economic development purposes, (b) certain renovations to existing Town facilities including the Hocutt-Ellington Memorial Library, Fire Station #1, Town offices, warehouse space, recreation facilities, and a parking lot (collectively, the "Projects"), and (c) related financing costs; and

WHEREAS, it is anticipated that the cost of financing the Projects, including issuance expenses in connection therewith, will be not more than $21,000,000; and

WHEREAS, the Town expects to finance the Projects through an installment financing and issuance of limited obligation bonds, which will be secured by a deed of trust granting a lien on one or more of the sites of the Projects, together with any improvements or fixtures located or to be located thereon, subject to permitted encumbrances; and

WHEREAS, financing the Projects pursuant to N.C.G.S. § 160A-20 must be approved by the North Carolina Local Government Commission (the "LGC") and will only be approved if the findings of N.C.G.S. § 159-151(b) have been made; and

WHEREAS, the Town Council of the Town (the "Town Council") has on this day held a public hearing with respect to the financing of the Projects pursuant to N.C.G.S. § 160A-20, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON, NORTH CAROLINA:

1. After consideration, the Town Council has determined that the most advantageous manner of financing the Projects is by one or more installment financing contracts (which may be in the form of limited obligation bonds) pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended. In support thereof, the Town Council hereby makes the following findings of fact:

(a) The proposed financing is necessary or expedient because the Projects will (i) replace or repair aging facilities of the Town and (ii) serve as local assets that will aid economic development throughout the Town.

(b) The proposed financing is preferable to a general obligation bond financing for the same purpose because (i) the cost to issue general obligation bonds would be greater and (ii) the Projects are ready to begin construction.

(c) The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the Town pursuant to Article V, Section 4, of the North Carolina Constitution. As the Projects do not produce revenue, the issuance of revenue bonds to support the Projects is not possible.

(d) The cost of financing under the proposed installment financing will not be materially greater than the cost of issuing general obligation bonds.

(e) The sums proposed to be provided under the financing are adequate and not excessive for the stated purpose of financing the Projects.

(f) The Town's debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.

(g) There will be no increase in taxes necessary to meet the sums to fall due under the proposed financing.

(h) The Town is not in default in any of its debt service obligations.

2. Pursuant to N.C.G.S. § 160A-20, the Town, through its staff, is hereby authorized to finance the Projects by entering into installment financing contracts (which may be in the form of limited obligation bonds) that will be secured by a deed of trust on one or more of the sites of the Projects, together with any improvements or fixtures located or to be located thereon, subject to permitted encumbrances, or other security instruments that create a security interest in some or all of the property being financed to secure repayment of such financing.

3. The attorney for the Town will render an opinion that the financing of the Projects is authorized by law and constitutes a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

4. Each of the Town Manager, the Town Finance Director and other appropriate officers of the Town is hereby authorized and directed to file an application with the LGC for its approval of the financing described above in an amount currently expected not to exceed $21,000,000, and the actions of any of the Town Manager, the Town Finance Director, and other officers of the Town in connection therewith are hereby approved and confirmed.

5. All other acts of the Town Council and the officers of the Town which are in conformity with the purposes and intent of this resolution and in furtherance of the financing of the Projects are hereby ratified, approved and confirmed.

6. This resolution shall take effect immediately.

Councilmember _____ moved the passage of the foregoing resolution, Councilmember _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not Voting: _____

* * * * * * * * * *

I, Heidi Holland, Town Clerk of the Town of Clayton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council at a regular meeting duly called and held November 17, 2025, as it relates in any way to the resolution hereinabove set forth. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council is on file in my office.

WITNESS my hand and the common seal of the Town, this 17th day of November, 2025.

_____
Town Clerk
Town of Clayton, North Carolina

(SEAL)

EXHIBIT A

CERTIFICATE AND SUMMARY OF PUBLIC HEARING

The undersigned Town Clerk of the Town of Clayton, North Carolina (the "Town") hereby certifies:

1. Attached hereto is an affidavit of publication with respect to a notice of a public hearing (the "Hearing") held on November 17, 2025, with respect to the issuance of limited obligation bonds in a principal amount currently expected not to exceed $21,000,000, the proceeds of which will be used to finance the acquisition of land and buildings for future use as public facilities and potential economic development purposes and certain renovations to existing Town facilities including the Hocutt-Ellington Memorial Library, Fire Station #1, Town offices, warehouse space, recreation facilities, and a parking lot, to be secured by a deed of trust granting a lien on one or more of the sites of such projects.

2. The presiding officer of the Hearing was _____.

3. The following is a list of the names and addresses of all persons who spoke at the Hearing:

4. The following is a summary of the oral comments made at the Hearing:

WITNESS my hand and the official seal of the Town this 17th day of November, 2025.

_____
Heidi Holland
Town Clerk
Town of Clayton, North Carolina

[SEAL]

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	NEW BUSINESS

Item Title

Bulk Water and Wastewater Agreement – Johnston County (Cornwallis Road Development Area)

Presenter(s)

Joshua Baird, PE - Water Resources Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

Vibrant Downtown	Desirable Amenities and Spaces	Sustainable Infrastructure	Mobility, Transportation, and Transit	Diversified Economic Development	Community Outreach and Engagement	Public Safety
☐	☐	☒	☐	☐	☐	☐

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

The proposed Bulk Water and Wastewater Agreement between the Town of Clayton and Johnston County establishes bulk utility service to support the Cornwallis Road Development Area, including the Troxler–Yeargan and Kenney properties. The agreement enables the Town to provide retail water and sewer service while transitioning bulk supply and treatment capacity to this area from Johnston County. This item is directly tied to current annexation applications and follows Johnston County Board of Commissioners' approval on November 3, 2025, ensuring coordination between both jurisdictions.

The Town and County have a long history of interlocal cooperation for utility services. This agreement expands that partnership to the Cornwallis Road area, using existing County facilities that have available capacity to serve the development. The Town will manage the day-to-day retail service to customers, while Johnston County will continue to handle bulk water delivery and wastewater treatment.

- Town of Clayton will provide retail water and sewer service to the Kenney Property and Troxler-Yeargan property and has the option to provide future retail water and sewer service to several parcels within the same sewer basin if they are annexed into Town limits in the future.
- The County will provide bulk water and sewer service to the Town for these parcels.
- The Town will transfer a portion of their existing wastewater treatment and transmission capacity owned in the County system to serve the area.
- The Town will coordinate with developer to construct or have constructed a 0.5 MG Flow Equalization Facility at the County's existing Swift Creek Wastewater Pump Station.
- The Town will coordinate with developer to install or have installed the required water and sewer master metering for the projects."
- The timing of this agreement coincides with annexation approvals so that infrastructure and service can proceed without delay.

Staff recommends and request Town Council approve the Bulk Water and Wastewater Agreement with Johnston County, approve Resolution 2025-93, and authorize the Town Manager or designee to take necessary administrative actions to implement the agreement.

Funding Source

N/A

Corresponding Documentation

Resolution 2025-93

CornwallisAgreement_10.24.25.FINALDRAFT

Submitted By: Joshua Baird, Water Resources

Reviewed By:

Joshua Baird, Water Resources Director — Approved - Nov 12 2025

Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

TOWN OF CLAYTON
RESOLUTION TO APPROVE A BULK WATER AND WASTEWATER AGREEMENT BETWEEN THE TOWN OF CLAYTON AND JOHNSTON COUNTY FOR THE CORNWALLIS ROAD DEVELOPMENT AREA

WHEREAS, the Town of Clayton and Johnston County have a long history of interlocal cooperation for the provision of water and wastewater services; and

WHEREAS, the Town and County desire to expand this partnership to the Cornwallis Road Development Area, including the Troxler–Yeargan and Kenney properties, in order to provide coordinated water and sewer service to support new development; and

WHEREAS, the agreement establishes the terms under which the Town will provide retail utility service while Johnston County provides bulk water supply and wastewater treatment capacity using existing County facilities; and

WHEREAS, the agreement further provides for the transfer and use of existing treatment capacity within Johnston County's system and outlines responsibilities for the Town to coordinate with developers on wastewater transmission improvements, including an equalization facility; and

WHEREAS, this agreement is directly associated with current annexation applications and was approved by the Johnston County Board of Commissioners on November 3, 2025, ensuring alignment between the two jurisdictions; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Town of Clayton that:
1. The Bulk Water and Wastewater Agreement between the Town of Clayton and Johnston County for the Cornwallis Road Development Area is hereby approved in substantial form, subject to final legal review.

2. The Town Manager, or designee, is hereby authorized to take all necessary administrative actions to implement the terms and intent of the agreement.

Duly adopted this 17th day of November 2025, while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____

Heidi L. Holland, MMC, NCCMC
Town Clerk

Resolution #2025-93

STATE OF NORTH CAROLINA

JOHNSTON COUNTY

BULK WATER AND WASTEWATER AGREEMENT
BETWEEN JOHNSTON COUNTY AND TOWN OF CLAYTON

(Cornwallis Road Development Area)

THIS AGREEMENT is made and entered into this the ___ day of _____, 2025, by and between the Town of Clayton, North Carolina, a municipal corporation, organized and existing under the laws of the State of North Carolina (hereinafter referred to as "Town") and Johnston County, a body politic organized and existing under the laws of the State of North Carolina (hereinafter referred to as "Johnston County" or "County").

WITNESSETH

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statues, as amended (the "Interlocal Act"), municipalities and counties are authorized to enter into Interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina;

WHEREAS, the Town and County entered into an Interlocal Agreement dated August 2, 1993 (the "1993 Interlocal Agreement") for the purposes of allowing for the transfer of wastewater between the Town and County;

WHEREAS, the Town and County also entered into an Interlocal Agreement dated February 19, 2001(the "2001 Interlocal Agreement");

WHEREAS, the Town and County also entered into a Memorandum of Understanding augmenting the 1993 Interlocal Agreement on March 20, 2008;

WHEREAS, the Town and County also entered into an Interlocal Agreement dated November 2, 2009 (the "2009 Interlocal Agreement");

DRAFT

WHEREAS, the Town and County also entered an Interlocal Agreement dated September 30, 2014 (the "2014 Interlocal Agreement");

WHEREAS, the Town and County also entered an Interlocal Agreement dated September 3, 2019 (the "2019 Interlocal Agreement");

WHEREAS, the Town and County also entered an Interlocal Agreement dated January 17, 2023 (the "2023 Interlocal Agreement");

WHEREAS, the Town currently holds the right to 1.44 million gallons per day (MGD) of capacity in the County's wastewater transmission system (with a 1.5 peak factor) in the US 70 W Sewer Service Basin and of treatment capacity at the County's wastewater treatment plant;

WHEREAS, the County owns an existing 1,225 gpm wastewater pump station (Swift Creek WWPS) permitted to receive up to 705,600 gallons per day (based on average day flow) at 4514 Cornwallis Road, which discharges into a 12" force main along Cornwallis Road for transmission and treatment in the County's wastewater system;

WHEREAS, the Town desires to provide retail water and sewer service to a proposed development to be located generally on properties with NC PIN 163700-69-9043, 163700-76-0525, and 163700-96-4601 (the "New Projects") identified as the Troxler-Yeargan Subdivision and the Kenney Property as shown on Exhibit A attached hereto, and furthermore the Town may desire to provide such service to parcels adjacent to the New Projects shown on Exhibit A as Potential Future Parcels provided that such Potential Future Parcels are annexed into the Town limits;

WHEREAS, the Town desires that the County provide bulk water and sewer service to the Town for the New Projects and the County agrees to provide such service;

DRAFT

WHEREAS, the County owns and operates the Central Johnston County Regional Wastewater Treatment Facility and the 210 Wastewater Treatment Facility (collectively, the "County's Wastewater Treatment Facilities") which discharge into the Neuse River under NPDES permit no. NC0030716 and have adequate capacity to treat the wastewater the County agrees to receive according to this Agreement; and

WHEREAS, the Town and County desire to set forth their agreement for such services herein.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and terms contained herein, as well as other mutual consideration that both the Town and County agree is sufficient, the parties hereto, intending to be legally bound hereby, agree as follows:

ARTICLE I

PURPOSE

The purpose of this agreement is to set forth the terms and conditions of agreement between the Town and the County regarding water and sewer services to the New Projects.

ARTICLE II

SERVICES

The parties hereby agree to the following:

A. Town Retail Service

1. The Town shall provide retail water and sewer service to all customers in the New Projects.
2. The Town shall discharge all wastewater received from the New Projects to the County at the County's existing Swift Creek Wastewater Pump Station

DRAFT

(WWPS) or other mutually agreed upon sewer infrastructure flowing to the Swift Creek WWPS (shown on Exhibit A).

3. The Town shall receive from the County all water to serve the New Projects at new bulk water master meters installed by the developer (shown on Exhibit B).

B. County Bulk Service

1. Water:

   i. The County shall provide to the Town at the new bulk water master meters installed by the developer up to 300,000 gallons per day of bulk water based on a monthly daily average which shall be used to serve the New Projects.

2. Wastewater:

   i. The County shall receive all wastewater from the New Projects at the County's existing Swift Creek WWPS (shown on Exhibit A).

   ii. The County agrees to transmit from the Swift Creek WWPS and treat at the County's Wastewater Treatment Facilities an average daily flow of wastewater to serve the New Projects not to exceed 300,000 gallons per day based on monthly average daily flow. The peak flow from New Projects into the 0.5 MG Flow Equalization Facility to be installed by the Town shall not exceed 750,000 gallons per day.

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iii. The County shall treat and discharge the wastewater received from the Town serving the New Projects in accordance with the requirements of the County's NPDES permit (NC0030716).

iv. All wastewater discharged by the Town to the County shall comply with the County's Sewer Use Ordinance.

ARTICLE III

INSTALLATION, OWNERSHIP, OPERATION & MAINTENANCE OF FACILITIES

A. Installation of New Facilities

1. The Town shall install or cause to be installed the following water and sewer facilities:

i. Bulk water master meters (as shown on Exhibit B) to meter water provided by the County to the Town to serve the New Projects.

ii. A 0.5 MG Flow Equalization Facility adjacent to the County's existing Swift Creek WWPS. The Town agrees to install or cause to be installed the 0.5 MG Flow Equalization Facility prior to the Town permitting peak day sewer flow discharge exceeding 250,000 gpd to the County's wastewater collection system.

iii. A sewer master meter (as shown on Exhibit B) for all flow discharged into the County's existing Swift Creek WWPS. An additional sewer master meter (as shown on Exhibit B) shall be installed to meter flow from the Kenney Property portion of the New Projects, if the Kenney property is developed prior to the Troxler-Yeargan Property.

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iv. All water and sewer infrastructure installed by the Town within the New Projects.

v. Items i, ii and iii shall be designed and constructed in accordance with County standards. The County shall review and approve the design prior to installation of all facilities. Water and wastewater meters shall be compatible with Town AMI system such that usage data may be directly transmitted to the Town.

B. Ownership, Operation and Maintenance of New Facilities

1. The Town shall own, operate and maintain all new water and sewer facilities constructed to serve the New Projects with the exception of the new bulk water and sewer master meters and the 0.5 MG Flow Equalization Facility and necessary associated improvements to the County's existing Swift Creek WWPS.
2. The County shall own, operate and maintain the new bulk water master meter installed to meter flow from the County to the Town for the New Projects.
3. The County shall own, operate and maintain the new sewer master meter installed to meter flow discharged from the Town to the County from the New Projects.
4. The County shall own, operate and maintain the Swift Creek WWPS, including the 0.5 MG Flow Equalization Facility, and other facilities transmitting wastewater from the Swift Creek Wastewater Pump Station to

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the County's Wastewater Treatment Facilities in accordance with the County's collection system permit (WQCS00060).

5. The County agrees to have a third party perform calibration services on the water and sewer master meters on a yearly or more frequent basis, as needed, and further agrees that both County and Town shall have access to the meters and the results of the calibrations. Town may at its expense perform additional calibrations after providing advance written notice to the County.

ARTICLE IV
SERVICE CHARGES

A. Monthly Billing

1. Flow Measurement

   i. Water – Water provided by the County to the Town shall be measured by the new bulk water master meters (shown on Exhibit B) installed by the developer or Town.

   ii. Sewer – Wastewater discharged to the County from the Town shall be measured by the new sewer master meter installed by the Town (shown on Exhibit B).

2. The County shall charge the Town a bulk water and sewer commodity rate for the Town's water and sewer usage pursuant to this Agreement. The rates may be adjusted annually with 90 days prior written notice to the Town. The bulk water and sewer commodity rates shall be adopted by the Johnston County Board of Commissioners.

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3. The County shall invoice the Town by the 15th day of each month for the previous month's services based on total water and sewer provided to the Town.

B. Payment

1. The Town shall pay the County all amounts due under this paragraph within thirty (30) days from receipt of the County's monthly invoice.

ARTICLE V

CAPACITY ALLOCATION

A. The Town and County agree the Town prior to this Agreement holds the right to 1.44 million gallons per day (MGD) of capacity in the County's wastewater treatment facilities which it previously purchased from the County as shown in the following table.

Approx. Purchase or Agreement Date	Average Capacity Purchased (gpd)	Equalization Factor of Transmission Capacity	Peak Transmission Capacity Purchased (gpd)	Transmission Cost Paid ($/gal)	Transmission Cost Specific to County's US 70 West Sewer Service Basin
06/13/2003	75,000	1.5	112,500		Yes
05/09/2005	150,000	1.5	225,000		Yes
05/18/2005	175,000	1.5	262,500	$0.85	Yes
05/01/2010	500,000	1.5	750,000	$0.66	Yes
08/30/2017	400,000	1.5	600,000	$0.66	Yes
08/17/2018	40,000	1.5	60,000	$0.66	Yes
09/17/2019	60,000	2.5	150,000	$2.50	No
01/15/2020	40,000	2.5	100,000		No
TOTAL	1,440,000				

B. The Town and County agree that the Town needs 300,000 gpd of average day wastewater transmission capacity and 450,000 gpd of peak day transmission capacity (after equalization improvements to the County's system) in the County's Swift Creek Sewer Service Basin to serve the New Projects. Furthermore, the Town previously purchased 100,000 gallons of average day sewer capacity (60,000 gpd on September 17, 2019 and 40,000 gpd on January 15, 2020) originally intended to serve projects in the County's US 70 W Sewer Service Basin, which

the County agrees to be transferred to the Swift Creek Sewer Service Basin. These two original capacity purchases were completed in accordance with the "Johnston County Water and Sewer Policies" as adopted by the Johnston County Commissioners and in place at the time of the purchases and did not limit sewer transmission capacity to the US 70 W Sewer Service Basin and the fee was based on a peak day flow of 2.5. Therefore, the County agrees that 100,000 gpd of average day transmission capacity and 250,000 gpd of peak day transmission capacity shall be moved from the County's US 70 Sewer Service Basin to the County's Swift Creek Sewer Service Basin to serve the New Projects.

Average Day Transmission Capacity Required in Swift Creek Sewer Service Basin to serve New Projects	300,000 gpd
Peak Day Transmission Capacity Required in Swift Creek Sewer Service Basin to serve New Projects (Average Day Transmission Capacity * 1.5)	450,000 gpd
Peak Day Transmission Capacity Transferred from US 70 West Sewer Service Basin to Swift Creek Sewer Service Basin to serve New Projects	250,000 gpd
Peak Day Transmission Capacity Needed in Swift Creek Sewer Service Basin to serve New Projects (450,000 gpd – 250,000 gpd)	200,000 gpd
Average Day Transmission Capacity Needed in Swift Creek Sewer Service Basin to serve New Projects (based on 1.5 flow equalization for New Projects)	133,333 gpd

C. The Town agrees to purchase 133,333 gpd of average day transmission capacity to serve the New Projects. The Town shall purchase the additional average day transmission capacity from the County prior to discharging peak day sewer flow to the County's wastewater collection system over 250,000 gpd.

1. The Town shall pay the County a bulk transmission capacity charge of $0.21/gpd. The fee is based on the County's bulk capacity fee model (adopted by the Johnston County Board of Commissioners in August 2025), which includes Capital Improvement Projects specific to provide wastewater transmission service in the Swift Creek Sewer Service Basin. In the event the Town does not pay the bulk transmission fee for the 133,333 gallons per

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day within 24 months of the execution of this agreement, the County may adjust the rate based on the most recent bulk capacity fee model approved by the Johnston County Board of Commissioners.

2. After execution of this Agreement, the Town and County agree that the Town will retain 1,058,750 gallons per day in the US 70 W Sewer Service Basin (based on average daily flow) of treatment capacity in the County's wastewater treatment system. In addition, the Town will retain 1,340,000 gallons of average daily flow (2,010,000 peak gallons per day) in the County's transmission system in the US 70 Sewer Service Area Basin.

ARTICLE VI

MISCELLANEOUS

A. Service to Potential Future Parcels. In the event some or all of the Potential Future Parcels shown on Exhibit A are annexed by the Town and the Town determines to provide retail water and sewer service to them, the County hereby agrees that such Parcels may be included in the proposed developments to be provided water and sewer service by the Town and County according to the Terms of this Agreement; however provided that the County may amend any provision or term of this Agreement as necessary to update such provision or term to be consistent with the County's then-current generally applicable practice or policy ("Updated Term"), and this Agreement shall be amended by written amendment signed by both Parties to include the Potential Future Parcels to be served and any Updated Term. In the event the Town does not annex any of the Potential Future Parcels or otherwise does not use all of the transmission capacity purchased pursuant to this agreement, the Town may use such unused transmission capacity to serve other development that the Town annexes in the same sewer service basin, and upon approval by the County this Agreement shall be amended to include such development. In the event the County

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does not approve use of the unused transmission capacity for such other development, at the request of the Town the County shall reacquire the unused transmission capacity by reimbursing the Town the amount it paid for the capacity.

B. **Effect on Other Agreements.** The provisions of this Agreement shall replace and/or control over any inconsistent provisions of other agreements between the Town and County regarding treatment charges, flow volumes, capacity allocations or other services applicable to water or wastewater flow from the Town to the County or from the County to the Town and any such inconsistent provisions are hereby amended or nullified; provided however that the remainder of such agreements not inconsistent with the provisions of this Agreement shall remain in full force and effect.

C. **Regulations.** Both Town's and County's obligations hereunder shall be subject to such restrictions, limitations and prohibitions as may be applicable as a result of contracts or agreements with, or lawful rules and regulations promulgated by, any State or Federal Department or Agency having jurisdiction over the Town or County and their operation of their respective waste water systems.

D. **Limitation of Liability and No Third Party Rights.** This Agreement does not and is not intended to confer any rights or remedies upon any person other than the signatories, and no party hereto shall be liable under this Agreement to any third party. Neither party shall be liable for failures of the facilities of the other party that are subject to this Agreement.

E. **Force Majeure.** It shall not be considered a breach of this contract and neither the Town nor the County shall not be responsible for an inability to perform or for any delays, damages, costs, expenses, liabilities or other consequences that may arise as a result of force majeure. A "force majeure" is defined as any event arising from causes beyond the reasonable

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control of the Town or County, including but not limited to fire, flood, acts of God, terrorism, war, natural disaster, tornado, hurricane, civil strikes or labor disputes, riots, system failure, broken pipes, or other actions causing an inability to perform beyond the reasonable control of the Town or County. A failure to perform due to a force majeure shall be remedied with all possible dispatch but shall not constitute a breach so long as such remedy is diligently being pursued.

F. **Amendment.** This Agreement may be amended through a supplementary agreement approved in writing by the Town and the County.

G. **Severability.** If any section of this Agreement is deemed to be illegal or otherwise unenforceable, it is the intent of the parties hereto that all other provisions of this Agreement shall remain in full force and effect.

H. **Transfer or Assignment.** Neither the Town nor the County may assign its rights or obligations under this Agreement, or sub-contract any part of this Agreement, without prior written approval from the other party.

I. **Mediation.** Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to the institution of legal or equitable proceedings by either party. The Parties agree that the mediation will be conducted and governed by the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions, and N.G.G.S. Sect. 7A-38.1(c) except as specifically provided otherwise herein. The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in Johnston County, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

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J. **Governing Law.** This Agreement is to be governed by and interpreted in accordance with the laws of the State of North Carolina.

K. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of the Parties and the successors and assigns of each.

L. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which shall constitute an original, and all such counterparts shall together constitute one instrument.

M. **Term of Agreement.** The term of this Agreement shall be for a term of twenty (20) years, and thereafter may be renewed or extended for up to two additional terms of ten (10) years each by mutual agreement of the Town and County.

N. **Notices.** All notices or other communications which shall be made pursuant hereto shall be in writing and shall be deemed to be given and received (a) when hand delivered to the address stated below, (b) three (3) days after being mailed to the address stated below, postage prepaid by certified or registered mail of the United States, return receipt requested to the address set forth below:

TO: Town of Clayton	TO: Johnston County
Attn: Town Manager PO Box 879 Clayton, NC 27520	Attn: County Manager PO Box 1049 Smithfield, NC 27577

Either party to this Agreement may change its designated person or designated address at any time and from time to time by giving notice of such change to the other.

IN WITNESS WHEREOF, the Mayor of the Town and the Chairman of the Board of Commissioners of the County have each executed this Interlocal Agreement to evidence the

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agreement of the parties hereto and the Town Clerk and the Clerk to the Board of Commissioners have affixed the seal of the Town and the County, as applicable to this Interlocal Agreement.

[Signatures on Next Page]

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TOWN OF CLAYTON, NORTH CAROLINA

[SEAL]

BY: _____
Jody McLeod, Mayor

ATTEST:

_____
Heidi Holland
Town Clerk

This instrument has been pre-audited in the manner required by
The Local Government Budget and Fiscal Control Act.

_____
Robert McKie, Finance Director

COUNTY OF JOHNSTON, NORTH CAROLINA

BY: _____
R.S. "Butch" Lawter, Chairman

[SEAL]

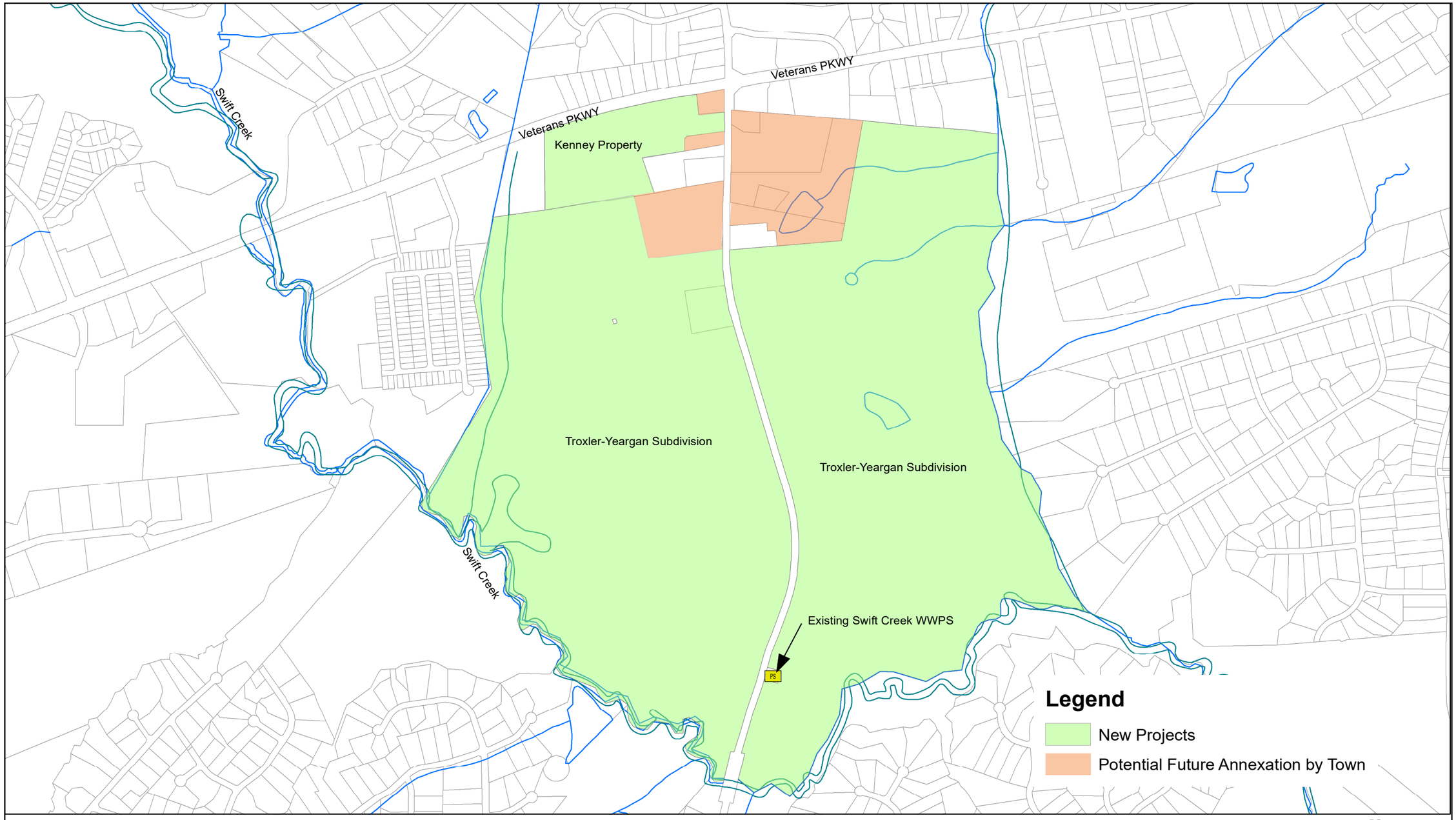
ATTEST:

_____
Dana Cuddington
Clerk to the Board

This instrument has been pre-audited in the manner required by
The Local Government Budget and Fiscal Control Act.

_____
Chad McLamb, County Finance Director

DRAFT



Johnston County
Public Utilities

Exhibit A

October 2025

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W E
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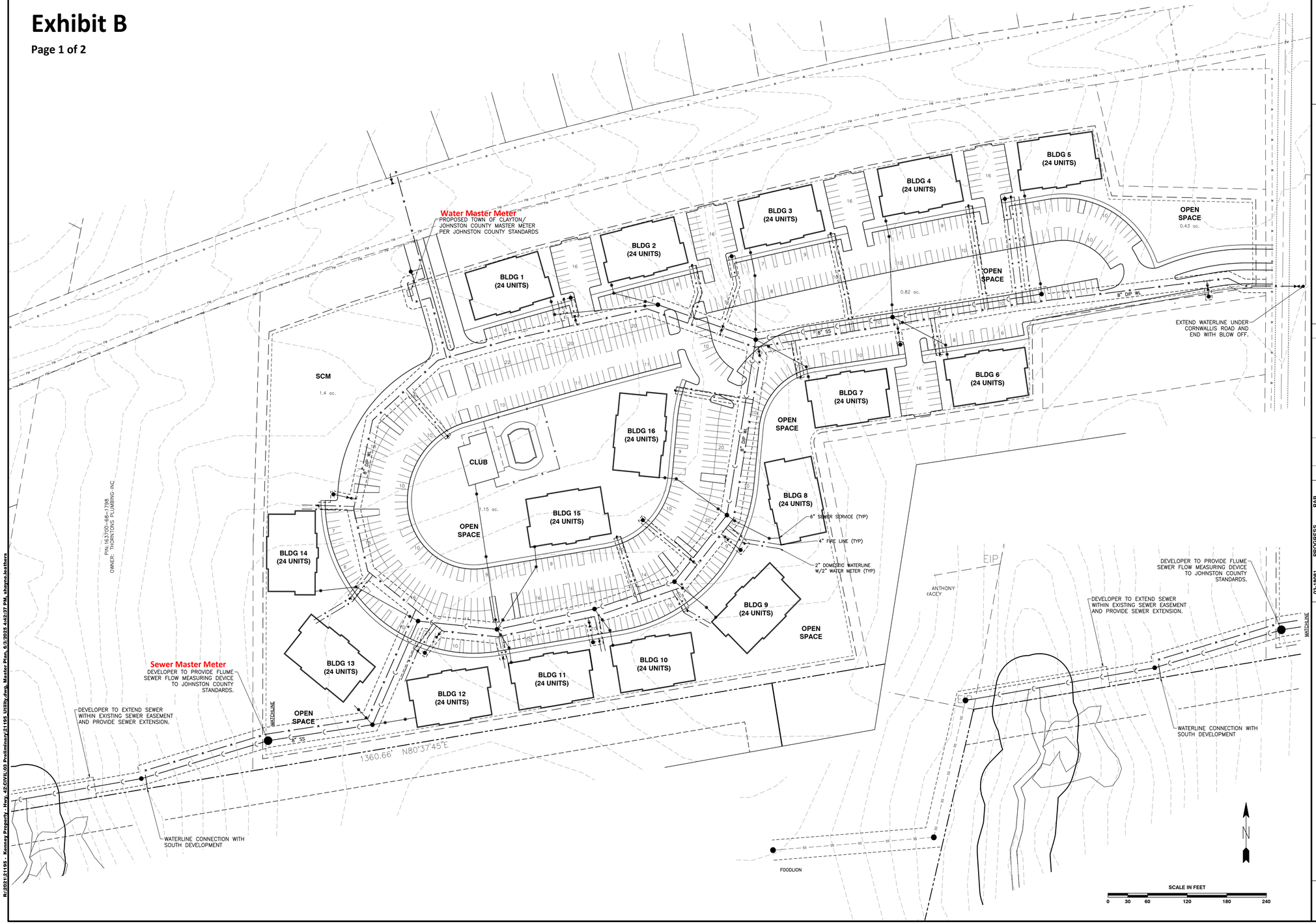
Exhibit B

Page 1 of 2



R:\2021\21195 - Kenney Property - Hwy 42\CIVIL\03 Preliminary\21195 Utility Dwg Master Plan, 6/3/2024 4:42:37 PM, shayne.leathers

BNK

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
• 6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
• 3319 HERITAGE TRADE DRIVE, SUITE 201, WAKE FOREST, NC 27587
TELEPHONE: (919)851-4422 OR (800)354-1979
FAX: (919)851-9869 (RALEIGH), (919)570-1502 (WAKE FOREST)

NO.	DATE	DESCRIPTION	BY
		REVISIONS	

JOB NO. 03.18081 | PROGRESS DATE | DRAWN BY: RAB | CHK BY: MDB

PRELIM UTILITY PLAN

SCALE:

KENNEY PROPERTY

TOWN OF CLAYTON, DURHAM COUNTY, NORTH CAROLINA

SHEET U-1 OF

NOT RELEASED FOR CONSTRUCTION

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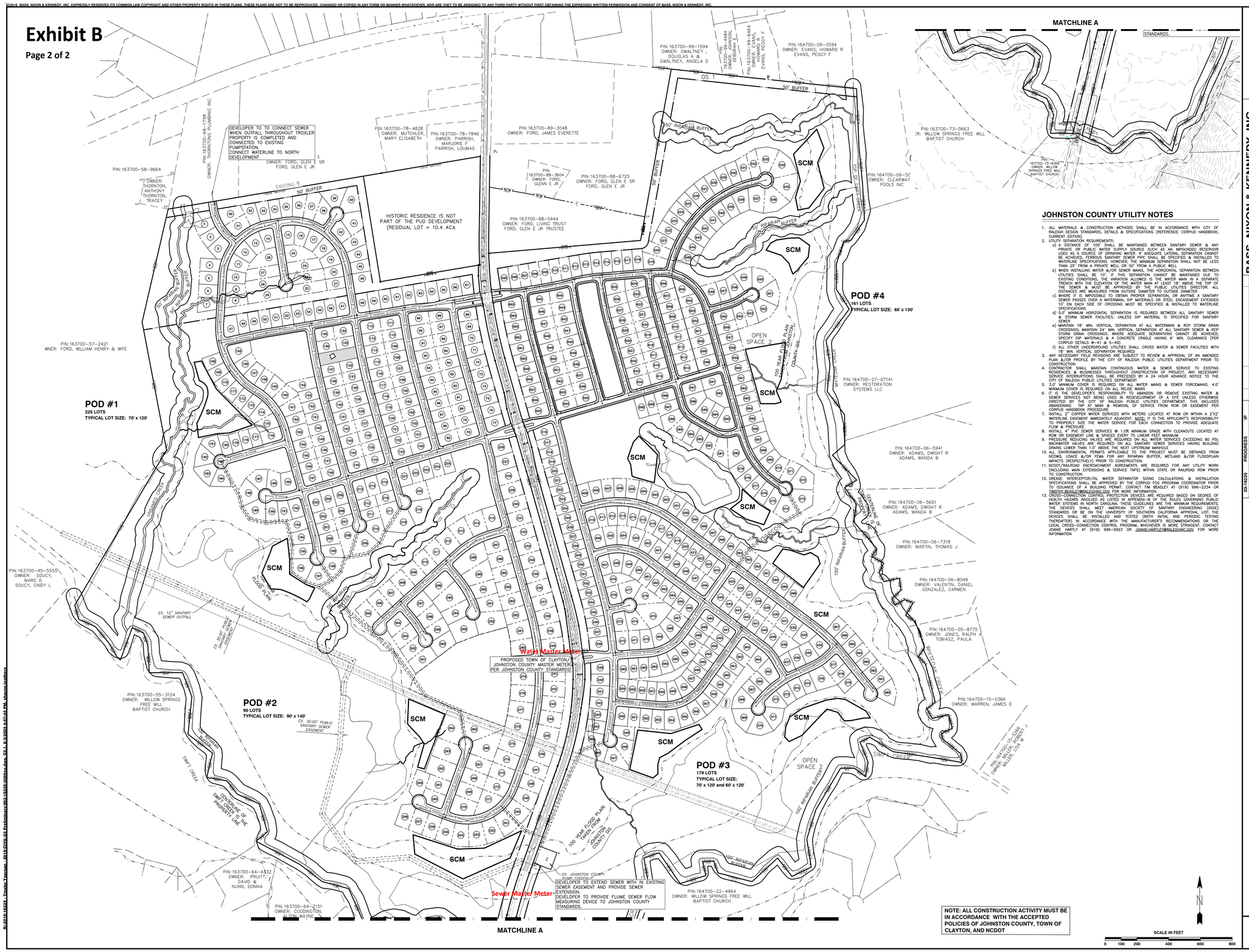
Exhibit B

Page 2 of 2



JOHNSTON COUNTY UTILITY NOTES

1. ALL MATERIALS & CONSTRUCTION METHODS SHALL BE IN ACCORDANCE WITH CITY OF RALEIGH DESIGN STANDARDS, DETAILS & SPECIFICATIONS (REFERENCE: CORPUD HANDBOOK, CURRENT EDITION)
2. UTILITY SEPARATION REQUIREMENTS:
   a) A DISTANCE OF 100' SHALL BE MAINTAINED BETWEEN SANITARY SEWER & ANY PRIVATE OR PUBLIC WATER SUPPLY SOURCE SUCH AS AN IMPOUNDED RESERVOIR USED AS A SOURCE OF DRINKING WATER. IF ADEQUATE LATERAL SEPARATION CANNOT BE ACHIEVED, FERROUS SANITARY SEWER PIPE SHALL BE SPECIFIED & INSTALLED TO WATERLINE SPECIFICATIONS. HOWEVER, THE MINIMUM SEPARATION SHALL NOT BE LESS THAN 25' FROM A PRIVATE WELL OR 50' FROM A PUBLIC WELL
   b) WHEN INSTALLING WATER &/OR SEWER MAINS, THE HORIZONTAL SEPARATION BETWEEN UTILITIES SHALL BE 10'. IF THIS SEPARATION CANNOT BE MAINTAINED DUE TO EXISTING CONDITIONS, THE VARIATION ALLOWED IS THE WATER MAIN IN A SEPARATE TRENCH WITH THE ELEVATION OF THE WATER MAIN AT LEAST 18" ABOVE THE TOP OF THE SEWER & MUST BE APPROVED BY THE PUBLIC UTILITIES DIRECTOR. ALL DISTANCES ARE MEASURED FROM OUTSIDE DIAMETER TO OUTSIDE DIAMETER
   c) WHERE IT IS IMPOSSIBLE TO OBTAIN PROPER SEPARATION, OR ANYTIME A SANITARY SEWER PASSES OVER A WATERMAIN, DIP MATERIALS OR STEEL ENCASEMENT EXTENDED 10' ON EACH SIDE OF CROSSING MUST BE SPECIFIED & INSTALLED TO WATERLINE SPECIFICATIONS
   d) 5.0' MINIMUM HORIZONTAL SEPARATION IS REQUIRED BETWEEN ALL SANITARY SEWER & STORM SEWER FACILITIES, UNLESS DIP MATERIAL IS SPECIFIED FOR SANITARY SEWER
   e) MAINTAIN 18" MIN. VERTICAL SEPARATION AT ALL WATERMAIN & RCP STORM DRAIN CROSSINGS; MAINTAIN 24" MIN. VERTICAL SEPARATION AT ALL SANITARY SEWER & RCP STORM DRAIN CROSSINGS. WHERE ADEQUATE SEPARATIONS CANNOT BE ACHIEVED, SPECIFY DIP MATERIALS & A CONCRETE CRADLE HAVING 6" MIN. CLEARANCE (PER CORPUD DETAILS W-41 & S-49)
   f) ALL OTHER UNDERGROUND UTILITIES SHALL CROSS WATER & SEWER FACILITIES WITH 18" MIN. VERTICAL SEPARATION REQUIRED
3. ANY NECESSARY FIELD REVISIONS ARE SUBJECT TO REVIEW & APPROVAL OF AN AMENDED PLAN &/OR PROFILE BY THE CITY OF RALEIGH PUBLIC UTILITIES DEPARTMENT PRIOR TO CONSTRUCTION
4. CONTRACTOR SHALL MAINTAIN CONTINUOUS WATER & SEWER SERVICE TO EXISTING RESIDENCES & BUSINESSES THROUGHOUT CONSTRUCTION OF PROJECT. ANY NECESSARY SERVICE INTERRUPTIONS SHALL BE PRECEDED BY A 24 HOUR ADVANCE NOTICE TO THE CITY OF RALEIGH PUBLIC UTILITIES DEPARTMENT
5. 3.0' MINIMUM COVER IS REQUIRED ON ALL WATER MAINS & SEWER FORCEMAINS. 4.0' MINIMUM COVER IS REQUIRED ON ALL REUSE MAINS
6. IT IS THE DEVELOPER'S RESPONSIBILITY TO ABANDON OR REMOVE EXISTING WATER & SEWER SERVICES NOT BEING USED IN REDEVELOPMENT OF A SITE UNLESS OTHERWISE DIRECTED BY THE CITY OF RALEIGH PUBLIC UTILITIES DEPARTMENT. THIS INCLUDES ABANDONING TAP AT MAIN & REMOVAL OF SERVICE FROM ROW OR EASEMENT PER CORPUD HANDBOOK PROCEDURE
7. INSTALL 2" COPPER WATER SERVICES WITH METERS LOCATED AT ROW OR WITHIN A 2'X2' WATERLINE EASEMENT IMMEDIATELY ADJACENT. NOTE: IT IS THE APPLICANT'S RESPONSIBILITY TO PROPERLY SIZE THE WATER SERVICE FOR EACH CONNECTION TO PROVIDE ADEQUATE FLOW & PRESSURE
8. INSTALL 4" PVC SEWER SERVICES @ 1.0% MINIMUM GRADE WITH CLEANOUTS LOCATED AT ROW OR EASEMENT LINE & SPACED EVERY 75 LINEAR FEET MAXIMUM
9. PRESSURE REDUCING VALVES ARE REQUIRED ON ALL WATER SERVICES EXCEEDING 80 PSI; BACKWATER VALVES ARE REQUIRED ON ALL SANITARY SEWER SERVICES HAVING BUILDING DRAINS LOWER THAN 1.0' ABOVE THE NEXT UPSTREAM MANHOLE
10. ALL ENVIRONMENTAL PERMITS APPLICABLE TO THE PROJECT MUST BE OBTAINED FROM NCDWQ, USACE &/OR FEMA FOR ANY RIPARIAN BUFFER, WETLAND &/OR FLOODPLAIN IMPACTS (RESPECTIVELY) PRIOR TO CONSTRUCTION.
11. NCDOT/RAILROAD ENCROACHMENT AGREEMENTS ARE REQUIRED FOR ANY UTILITY WORK (INCLUDING MAIN EXTENSIONS & SERVICE TAPS) WITHIN STATE OR RAILROAD ROW PRIOR TO CONSTRUCTION
12. GREASE INTERCEPTOR/OIL WATER SEPARATOR SIZING CALCULATIONS & INSTALLATION SPECIFICATIONS SHALL BE APPROVED BY THE CORPUD FOG PROGRAM COORDINATOR PRIOR TO ISSUANCE OF A BUILDING PERMIT. CONTACT TIM BEASLEY AT (919) 996-2334 OR TIMOTHY.BEASLEY@RALEIGHNC.GOV FOR MORE INFORMATION
13. CROSS-CONNECTION CONTROL PROTECTION DEVICES ARE REQUIRED BASED ON DEGREE OF HEALTH HAZARD INVOLVED AS LISTED IN APPENDIX-B OF THE RULES GOVERNING PUBLIC WATER SYSTEMS IN NORTH CAROLINA. THESE GUIDELINES ARE THE MINIMUM REQUIREMENTS. THE DEVICES SHALL MEET AMERICAN SOCIETY OF SANITARY ENGINEERING (ASSE) STANDARDS OR BE ON THE UNIVERSITY OF SOUTHERN CALIFORNIA APPROVAL LIST. THE DEVICES SHALL BE INSTALLED AND TESTED (BOTH INITIAL AND PERIODIC TESTING THEREAFTER) IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS OR THE LOCAL CROSS-CONNECTION CONTROL PROGRAM, WHICHEVER IS MORE STRINGENT. CONTACT JOANE HARTLEY AT (919) 996-5923 OR JOANE.HARTLEY@RALEIGHNC.GOV FOR MORE INFORMATION

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
• 6510 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NORTH CAROLINA 27607
• 10406E LIGON MILL ROAD, WAKE FOREST, NORTH CAROLINA 27587
TELEPHONE: (919)851-4422 or (800)334-1872
FAX: (919)851-8866 (RALEIGH), (919)570-2482 (WAKE FOREST)

NO.	DATE	DESCRIPTION
		REVISIONS

PROJECT NO. 03-16225
DRAWN BY: IP
PROGRESS
DATE
JOB NO.

OVERALL UTILITY PLAN

SCALE: 1" = 200'
CHK BY: MDB

TROXLER - YEARGAN SUBDIVISION

JOHNSTON COUNTY, NORTH CAROLINA

SHEET C2.1

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION

---- PROJECT NO. XX-XX-XX

R:\2016\16225 - Troxler, Yeargan - 2016\CIVIL\03 Preliminary\03-16225-Utilities.dwg, E2-1, 6/3/2016 6:57:45 PM, shanna.leathers

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
November 17, 2025	NEW BUSINESS

Item Title

Budget Amendments and Capital Project Ordinances

Presenter(s)

Robert McKie - Finance Director

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

Vibrant Downtown	Desirable Amenities and Spaces	Sustainable Infrastructure	Mobility, Transportation, and Transit	Diversified Economic Development	Community Outreach and Engagement	Public Safety
☒	☒	☒	☒	☒	☒	☒

Public Hearing: No

Applicable General Statute Number: G.S. 159-15; G.S. 159-13.2

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☐ Special Mailing ☒ None Required

Summary

The Finance Director will present budget amendments and capital project budget ordinances for the Town's program initiative and future water capacity purchases.

Recommendation

The Executive Team recommends adoption of the ordinances.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

Capital Project Budget Ordinance_Governmental Program Initiative

Capital Project Budget Ordinance_Water & Sewer Program Initiative

Capital Project Budget Ordinance_Electric System Program Initiative

Capital Project Budget Ordinance_Water Supply & Distribution

General Fund Budget Amendment_Transfer to Fund 610

Water & Sewer Fund Budget Amendment_Transfer to Fund 651

Electric Fund Budget Amendment_Transfer to Fund 665

Fund 645 Budget Amendment_Transfer to Fund 650

Submitted By: Robert McKie, Jr., Finance Department

Reviewed By:

Robert McKie, Jr., Finance Director	Approved - Nov 10 2025
Rich Cappola, Town Manager	Approved - Nov 13 2025
Heidi Holland, Town Clerk	Approved - Nov 14 2025

TOWN OF CLAYTON
GOVERNMENTAL PROGRAM INITIATIVE
CAPITAL PROJECT BUDGET ORDINANCE

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established as a capital reserve fund for unspent program initiative monies:

Revenues

Line Item	Description	Amount
610-49 80	Due from General Fund	$1,949,633
	Total	$1,949,633

Expenditures

Line Item	Description	Amount
610-54 61	Facility Parking Maintenance	$200,000
610-54 62	Greenway Maintenance	$177,750
610-54 63	Strategic Land Acquisition	$200,000
610-54 66	Signage and Striping	$140,374
610-58 61	Monument & Wayfinding	$66,851
610-58 62	Playground & Equipment	$100,000
610-58 63	Turf & Lights	$100,000
610-58 64	ADA Transition	$300,000
610-58 66	Sidewalk & Improvements	$300,000
610-58 67	Stormwater Program	$364,658
	Total	$1,949,633

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM

_____
Jim Cauley
Town Attorney

TOWN OF CLAYTON
WATER & SEWER PROGRAM INITIATIVE
CAPITAL PROJECT BUDGET ORDINANCE

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established as a capital reserve fund for unspent program initiative monies:

Revenues

Line Item	Description	Amount
651-49 81	Due from Water and Sewer Fund	$936,011
	Total	$936,011

Expenditures

Line Item	Description	Amount
651-58 72	Pump Station R&R	$211,011
651-58 73	Water Reclamation R&R	$625,000
651-58 74	Streets CIP Provision	$100,000
	Total	$936,011

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Sam Johnson-Phillips, CMC, NCCMC
Deputy Town Clerk

APPROVED AS TO FORM

_____
Jim Cauley
Town Attorney

TOWN OF CLAYTON
ELECTRIC SYSTEM PROGRAM INITIATIVE
CAPITAL PROJECT BUDGET ORDINANCE

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established as a capital reserve fund for unspent program initiative monies:

Revenues

Line Item	Description	Amount
665-49 82	Due from Electric Fund	$1,352,260
	Total	$1,352,260

Expenditures

Line Item	Description	Amount
665-54 70	Aging Infrastructure R&R	$76,502
665-58 80	New Development Infrastructure	$604,517
665-58 81	Line Replacement	$671,241
	Total	$1,352,260

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM

_____
Jim Cauley
Town Attorney

TOWN OF CLAYTON
WATER SUPPLY & DISTRIBUTION
CAPITAL PROJECT BUDGET ORDINANCE

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established for major water supply and distribution projects to meet future demand:

Revenues

Line Item	Description	Amount
650-49 85	Due from Capital Project Fund	$8,000,000
	Total	$8,000,000

Expenditures

Line Item	Description	Amount
650-56 00	Professional Services	$500,000
650-58 30	Water Line Improvements	$7,500,000
	Total	$8,000,000

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM

_____
Jim Cauley
Town Attorney

Ordinance #2025-11-11

Town of Clayton
Amendment to the FY 25-26 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 25-26 Budget:

Fund: General Fund

Line Item		Previous Appropriation	Adjustment	Revised Appropriation
Revenue				
100-40-00-48-99	Fund Balance Appropriated	$11,050,859	+1,949,633	$13,000,492
Expenditures				
100-40-00-59-23	Transfer to Capital Project Fund	-	+1,949,633	$1,949,633

Amendment necessary for the transfer of unspent program initiative monies to the Governmental Program Initiative Capital Project Fund. This amendment is required for compliance with G.S. 159-15.

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Sam Johnson-Phillips, CMC, NCCMC
Deputy Town Clerk

APPROVED AS TO FORM

_____
Jim Cauley
Town Attorney

Ordinance #2025-11-12

Town of Clayton
Amendment to the FY 25-26 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 25-26 Budget:

Fund: Water and Sewer Fund

Line Item		Previous Appropriation	Adjustment	Revised Appropriation
Revenue				
300-56-00-48-99	Fund Balance Appropriated	$3,279,792	+936,011	$4,215,803
Expenditures				
300-56-00-59-23	Transfer to Capital Project Fund	-	+936,011	$936,011

Amendment necessary for the transfer of unspent program initiative monies to the Water & Sewer Program Initiative Capital Project Fund. This amendment is required for compliance with G.S. 159-15.

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM

_____
Jim Cauley
Town Attorney

Ordinance #2025-11-13

Town of Clayton
Amendment to the FY 25-26 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 25-26 Budget:

Fund: Electric Fund

Line Item		Previous Appropriation	Adjustment	Revised Appropriation
Revenue				
310-57-00-48-99	Fund Balance Appropriated	$2,502,508	+1,352,260	$3,854,768
Expenditures				
310-57-00-59-23	Transfer to Capital Project Fund	-	+1,352,260	$1,352,260

Amendment necessary for the transfer of unspent program initiative monies to the Electric System Program Initiative Capital Project Fund. This amendment is required for compliance with G.S. 159-15.

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM

_____
Jim Cauley
Town Attorney

Town of Clayton
Amendment to the Capital Project Budget Ordinance

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the Water & Sewer Infrastructure Replacement Capital Project Budget Ordinance:

Fund: 645 – Water & Sewer Infrastructure Replacement

Line Item		Previous Appropriation	Adjustment	Revised Appropriation
Revenues				
645-48 99	Fund Balance Appropriated	-	+8,000,000	$8,000,000
Expenditures				
645-59 23	Transfer to Capital Project Fund	-	+8,000,000	$8,000,000

Explanation: Amending the capital project budget ordinance to reflect a transfer of unspent funds for water capacity purchases to the Water Supply & Distribution Capital Project Fund. This amendment is required for compliance with G.S. 159-13.2.

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

APPROVED AS TO FORM

_____
Jim Cauley
Town Attorney