Town of Clayton
Town Council Regular Meeting Agenda
Monday, July 21, 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

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
- June 2, 2025 - Work Session
- June 2, 2025 - Regular Session
- June 16, 2025 - Regular Session
- June 16, 2025 - Closed Session

Presenter: Sam Johnson-Phillips, Deputy Town Clerk
June 2, 2025 - Work Session
June 2, 2025 - Regular Session
June 16, 2025 - Regular Session

b. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Highgate Ph. 5
Presenter: Josh Cotten, Engineering Technician
Resolution #2025-48

c. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Grifols Phase II Wastewater Effluent Line
Presenter: Josh Cotten, Engineering Technician
Resolution #2025-50

d. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Highgate Phase 4 Waterline Extension Resolution
Presenter: Daniel Buckman, Engineering Technician
Resolution #2025-56

e. Resolution Directing the Clerk to Investigate 2024-77-ANX: Coulan Company Annexation
Presenter: Robert Tate, Senior Planner
Resolution #2025-57

f. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 2E
Presenter: Michael Worner, Engineering Technician
Resolution #2025-59

g. Lighting Requests for Awareness Campaigns Policy ADMIN 2025-01
Presenter: Heidi Holland, Town Clerk
Resolution #2025-60

h. Town Standard File Name Policy Amendment ADMIN 2023-02A
Presenter: Heidi Holland, Town Clerk
Resolution #2025-61

i. Resolution Granting Wastewater Treatment Capacity 2025-07-SP-CD: Mads Ovlisen Art Center
Presenter: Michael Worner, Engineering Technician
Resolution #2025-64

j. Resolution Piggybacking on Town of Apex's Odor Control Chemical Bid
Presenter: Shaun Mizell, Procurement Contracts and MWBE Manager
Resolution #2025-66

k. Resolution Granting Wastewater Treatment Capacity 2025-13-SP-CD: Clayton Commerce Center
Presenter: Michael Worner, Engineering Technician
Resolution #2025-68

l. Final Resolution to Award - Arbors Lift Station Diversion Project
Presenter: Shannon Poole, Project Controls Specialist
Resolution #2025-69

m. Johnston County Emergency Services Agreements FY26
Presenter: David Ranes, Fire Chief
Johnston County Emergency Services Agreements FY26

n. Knightdale Fire Department Fire Protection Automatic Aid Agreement
Presenter: David Ranes, Fire Chief
Knightdale Fire Department Fire Protection Automatic Aid Agreement

o. Obsolescence Letter from NC State Parks for Legend Park
Presenter: Scott Barnard, Parks and Recreation Director
Obsolescence Letter from NC State Parks for Legend Park

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Clayton 4U
- Clayton Utility Tracker

Presenter: Nathanael Shelton, Communication Director

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. National Parks and Recreation Month Proclamation
Presenter: Council Member Anderson to Present to Parks and Recreation Department
National Parks and Recreation Month Proclamation

b. National Intern Day Proclamation
Presenter: Council Member Williams to Present to Interns
National Intern Day Proclamation

6. PUBLIC HEARINGS

a. Unified Development Ordinance Text Amendments (UDOTA 1-25)
Continued from the June 16, 2025 Meeting
Presenter: Conrad Olmedo, Planning Director
Unified Development Ordinance Text Amendments (UDOTA 1-25)

POTENTIAL ACTION: Adoption of Ordinance #2025-06-02 and Statement of Consistency and Reasonableness

7. QUASI-JUDICIAL HEARING

a. 2024-143-SUP Magnolia Pointe Special Use Permit, Substantial Deviation
Presenter: Audrey Duchesne, Senior Planner
2024-143-SUP Magnolia Pointe Special Use Permit

POTENTIAL ACTION: Adoption of Ordinance #2025-07-01

8. OLD BUSINESS

9. NEW BUSINESS

a. Adopting the Town Emergency Operations Plan (EOP) and Authorizing the Development & Administrative Management of Continuity of Operations Plan (CoOP)
Presenter: Stacey Turner, Deputy Fire Chief
Resolution #2025-65

POTENTIAL ACTION: Adoption of Resolution #2025-65

10. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

12. 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 Purchasing of Real Property in Accordance with NC GS 143-318.11 (a)(5)

POTENTIAL ACTION: Motion To Go Into Closed Session

POTENTIAL ACTION: Motion To Return To Open Session

13. 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 HEARING

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.

11. OTHER BUSINESS – INFORMAL DISCUSSION & PUBLIC COMMENT

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 of Clayton
Town Council Work Session Minutes
Monday, June 2, 2025 at 3:00 PM
Rotary Room, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Council Member Andria Archer
Mayor Pro Tem Michael Sims
Council Member Porter Casey
Council Member Ruth Anderson
Council Member Gretchen Williams

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Robert McKie, Jr., Finance Director
David Ranes, Fire Chief
Conrad Olmedo, Planning Director
Michelle Snyder, Executive Asst. to Town Manager
Todd Melton, Budget Manager
Joshua Baird, Water Resources Director

1 CALL TO ORDER

a) Mayor McLeod called the meeting to order at 3:07 p.m.

2 ADJUSTMENT OF THE AGENDA

a) **Adopt or Adjust the Agenda**

RESULT:	**CARRIED 5-0**
MOVER:	Ruth Anderson
SECONDER:	Gretchen Williams
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

3 STAFF INTRODUCTIONS AND RECOGNITIONS

a) 3:00 - 3:10 p.m.

- Jon Weckesser, Senior Zoning and Code Enforcement Officer
  Presenter: Conrad Olmedo, Planning Director

- Jessica Watkins, Finance Intern
  Presenter: Todd Melton, Budget Manager

- Tucker Whitley, Water Resources Intern

Presenter: Joshua Baird, Water Resources Director

Staff introduced interns and those that have received promotions were introduced and acknowledged. Council welcomed and congratulated all.

4 ITEMS FOR DISCUSSION

a) 3:10 - 3:55 p.m.
Clayton on the Move, Town of Clayton Comprehensive Transportation Plan (CTP)
Presenters: Leah Weaver, WSP USA; Shivang Shelat, WSP USA; and Conrad Olmedo, Planning Director

Mr. Olmedo introduced Shivang Shelat, consultant who has been working on this plan. The Planning Board provided an unanimous recommendation of approval to Council at their meeting May 27, 2025.

Shared were the changes made in each chapter. Highlights included:
Chapter 4: Bicycle and Pedestrian Facilities discussed recommending multi-use paths on one side of major roads. 61 multi-use path network projects, 93 miles of new multi-use paths (one-side) and 23 miles of new multi-use path (both sides) have been recommended. Sidewalks have been proposed on one side for most recommendations; only a few have proposed on both sides. 88 projects, 80 miles of new sidewalks on one side, and 5 miles of new sidewalks on both sides have been recommended.

Bicycle facility recommendations are an on-road bike improvement to one side of the road. 34 projects in the Greenway network and 60 miles of new Greenways are being recommended. The crossing recommendations are designed to allow pedestrians and cyclists to safely cross the roads. Identified were intersections that lack appropriate crossing facilities. 130 crossing improvements have been proposed.

Shared were the proposed cross-sections for the bikes and pedestrians. Recommended and alternate dimensions were provided.

Chapter 5: Transit. Transit emphasis areas came from where transit user concentrations are higher. Demographic data, key destinations, future land use and zoning maps, and future transit system recommendations were reviewed to determine these areas. The recommended strategies that were developed as part of this plan are only preliminary and demonstrate there is a demand for transit in Clayton, but further study is needed to determine more details.

Chapter 6: Roadway. 13 miles of new roadway, 61 miles of road widening, and 9 miles of operational improvements which equals 144 lane-miles of new

pavement. Shared were the 17 collector streets recommendations. Typical Sections were shared; the recommended dimensions are based on NCDOT standards; alternate dimensions were shared to provide flexibility.

Special Recommendation 1 along Clayton Boulevard was discussed. The existing project with NCDOT is proposing to convert this section to a superstreet in the short term and a 6-lane road at 55 mph in the long term. The Town's vision for the road is for it to be a commercial corridor. Both scenarios were modeled and being proposed is keeping Clayton Boulevard as four lanes at 45 mph. This would have an impact on daily traffic volumes but not much of an impact to congestion in 2050.

The other special recommendation being made in the plan is a downtown one-way pair. The current NCDOT project on N. O'Neil Street is recommending adding a center two-way left turn lane. This would go through a historic district which would have limitations on right-of-way. Proposed is to convert O'Neil and Fayetteville Streets to a one-way pair that could address some movement concerns. This would be studied further.

A chart comparing the 2020 Official Model with the 2050 Modified Model, which is the base case for future travel metrics. In comparing those two, there would be approximately 1,000 fewer hours of daily delay than the baseline scenario. That reduction in delay would result in 10,000 additional auto daily trips but considering the population is projected to triple by 2050, these changes are not significant.

As part of the parking analysis, they found that parking demand may double between now and 2050. Recommended strategies include add lane striping on Second Street where parking is already, provide additional paved surfaces for parking in Downtown areas behind buildings or within the NCRR corridor, and to conduct a Downtown parking study.

Chapter 7: Safety. The intersection recommendations were based on intersections with safety issues. Shared were designs that came out of identifying those intersections. Short-term and long-term improvements are being proposed.

Chapter 8: Prioritization. As part of this process, CTP goals and objectives were converted into performance measures. Projects were then assessed using those performance measures to prioritize. Shared was the list. Policy implementation strategies were developed; these correlate to the roadway projects, studies, and policies. These policies were put into an implementation matrix that shows where the policies fall as far as meeting goals.

Next steps would be a public hearing and potential adoption at the June 16, 2025 council meeting.

The Planning Board had a key discussion Items which included:

- Provide measurable goals in the Vision component of the Plan to demonstrate success in the coming years of implementation.

- Desire for increased bicycle and pedestrian facilities and safe crossings, especially across Clayton Blvd.

- Discussion on cross sections, to make more urban rather than suburban, have number-references for minimums, and expand upon NCDOT typicals.

Council Member Casey stated he appreciated Mr. Olmedo addressing the Planning Board's recommendations. Council Member Archer stated there were a lot of great suggestions provided by the Planning Board.

5 BREAK

a) 3:55 - 4:00 p.m.

6 ITEMS FOR DISCUSSION

a) 4:00 - 4:40 p.m.
Unified Development Ordinance Text Amendments (UDOTA 1-25)
Presenter: Conrad Olmedo, Planning Director

Mr. Olmedo stated this is the 4th round of amendments; there are over 107 changes organized into six groups. Shared was an overview of the six groups.

Discussion began on the changes.

<u>Procedural Changes:</u>

- §2.3.2 Alternative Plans (Pg. 57, 554, 608, 651)
- §2.3.5 Building Permit (pg. 66)
- §2.3.7 Conditional Rezoning (pg. 73-75)
- §2.3.9 Construction Drawings (Pg. 81, 113, 136)
- §2.3.19 Subdivisions (Pg. 113, 116)
- §2.3.20 Performance Guarantee (Pg. 124-129)
- §2.3.21 Sign Permit (Pg. 130, 152)
- §2.3.22 Site Plan (Pg. 137-138)
- §2.3.25/26 Street Renaming/Closure (Pg. 148-151)
- §2.3.28 Text Amendment (Pg. 154)
- §2.3.29 Transportation Impact Analysis (Pg. 158)
- §2.3.33 Zoning Compliance Permit (Pg. 173)
- §2.4.5 Application Fees (Pg. 179-180)
- §2.4.10 Conditions of Approval (Pg. 188)

- §2.4.12 Concurrent Processing (Pg. 189)
- §2.2.3 Procedural Flowcharts (Pg. ~)
- §7.6.2 / 7.6.4 Violations (Pg. 722)

Density Changes:

- §3.2.12 – 3.2.17 Residential Districts (Pg. 230-248)
- §6.17.4 Sustainable Development Incentives (Pg. 708)

Dimensional Standards Changes:

- §3.2.11 PUB District (Pg. 228)
- §3.4.3.C Flag Lots (Pg. 261)
- §3.4.7 & § 6.9.4.G Unified Developments (Pg. 263, 388, 612)

Use Type Changes (Principal)

- §4.2.5 Principal Use Table (Pg. 310-316)
- Simplifies Some Use-Specific Standards
- §4.2.5 Adds Governmental Maintenance or Storage Facility Use (Pg. 315)
- §4.3.45 Family Care Home (Pg. 330)
- §4.3.113 Large Format Retail (Pg. 352, 494, 616)
- §4.3.121 Solar Energy Conversion (Pg. 355)
- §4.3.131 Triplex/Quadplex (Pg. 373, 499)

Use Type Changes (Principal)

- §4.5.5.S Adds Membrane Structure Use Type (Pg. 385)
- §4.5.5.HH Adds Urban Archery Use Type (Pg. 403)
- §4.5.5.N Flagpole (Pg. 391)
- §4.5.5.Q Home Occupation Level 1 (Pg. 392)
- §4.5.5.T Outdoor Dining and Seating (Pg. 396)

Use Type Changes (Temporary)

- §4.6.4 Temporary Uses (Pg. 407-408)
- §4.7.2 Use Category Descriptions (Tables) (Pg. 416-427)

Development Standards

- §6.1.4 & § 6.9.7 Driveway/Parking Lot Surfacing (Pg. 450, 451, 627)
- §6.1.4.E Driveway Depth (Non-residential) (Pg. 456)
- §6.1.5 Pedestrian Circulation (Pg. 458)
- §6.3.2.B & §6.3.3 Fences & Walls (Pg. 506-507)
- §6.5.9 Clarifies the Town must utilize the most-recently adopted uniform Fire Code SL2024-49 (Pg. 531)
- §6.5.10.B & §6.5.12.B Removes minimum distance rules for potable water and sanitary sewer extension in favor of all new development (except individual SFD) connecting to potable water and sanitary sewer

(Pg. 532-533 & 548-550)

- §6.5.10.G Private water lines may not cross lot line boundaries (only public lines may cross lot boundaries) (Pg. 534)
- §6.5.11.H Clarifies that the Town must accept curb and gutter designs consistent with NCDOT standards SL2024-49 (Pg. 546)
- §6.6.16 Sidewalks within a NCDOT ROW serving 20 or fewer lots in the ETJ must be maintained by the Town SL2024-49 (Pg. 587)
- §6.6.7 & §6.6.12.D Defines mass grading, and requires doubled perimeter buffers (width and plant count) and slope limitations within 100 feet of lot lines when mass grading is proposed (Pg. 556, 573-576)
- §6.6.11Clarifies credits towards landscaping are 2:1 and applied as aggregate caliper inches required (Pg. 564)
- §6.6.16 Removes street tree requirements (in favor of streetscape landscaping) in the NCM, CZM, and CZR districts; establishes more clarity regarding street tree spacing standards (Pg. 587)
- §6.3.2 Signage Applicability (Pg. 644)
- §6.3.3 Signage Exemptions (Pg. 645)
- §6.3.7.C Signs in Public Street Rights-of-Way (Pg. 647)
- §6.13.9.C Flags (Pg. 660)
- §6.13.9.D Ground Signs (Pg. 661)
- §6.13.9.I Walls Signs (Pg. 669)
- §6.13.10.A Banners (Pg. 673)
- §6.13.10.C Short-term Signs (Pg. 676)
- §6.13.10.D Sock Signs (Pg. 678)
- §6.13.10.E Walkway Decal Signs (Pg. 679)

At the May 27, 2025 Planning Board meeting, the board provided a unanimous recommendation of approval to Council at their May 27, 2025 meeting with three redactions: 2.3.18: Minor Subdivision (Concern with regards to family subdivisions and difficulty to subdivide in the ETJ), 2.3.28: Text Amendment (To allow owners of land within planning jurisdiction and residents of Clayton or its ETJ to submit UDOTA), and 4.5.5.HH: Urban Archery (As written, prohibits shooting or poisoning of squirrel).

Discussion items included regarding density, to remove caps which may conflict with the 2045 Growth Plan and regarding Outdoor Dining, to increase number of seats from 12 to 16 or 20 before a Site Plan is triggered. There was a citizen present at the meeting who shared his concern on shipping containers. Staff would further evaluate how to treat shipping containers as temporary versus permanent.

Next steps would be a public hearing and potential adoption at the June 16, 2025 council meeting.

b) 4:40 - 5:00 p.m.

FY26 Budget Review
Presenters: Rich Cappola, Town Manager and Robert McKie, Jr., Finance Director

Mr. Cappola stated another public hearing for the budget would be held at tonight's regular session; there have not been a lot of changes since the first public hearing. The real property under appeal has been reduced from $480M to $379M. Johnston County has hit us with a 10% water and sewer increase that would be passed onto end users and Duke Energy rates would go up 3.5%. Detailed budget reports were provided to Council and has been posted on the website. The average monthly cost for State Health Plan for each employee would not be determined until August.

7 ADJOURNMENT

a) With nothing further, the meeting was adjourned at 5:02 p.m.

Motion To Adjourn

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Duly adopted by the Town Council this 21st day of July 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, MMC, NCCMC
Town Clerk

Town of Clayton
Town Council Regular Meeting Minutes
Monday, June 2, 2025 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Mayor Pro Tem Michael Sims
Council Member Andria Archer
Council Member Porter Casey
Council Member Ruth Anderson
Council Member Gretchen Williams

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
David Ranes, Fire Chief
Robert McKie, Jr., Finance Director
Nathanael Shelton, Communication Director
Ann Game, Revenue & Utility Customer Service Director

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:00 p.m.

b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

a. Council Member Casey requested to move item 3f. FY 2026 Capital Improvement Plan to 9b. and Attorney Cauley requested to add a Closed Session to discuss a legal matter in accordance with NC GS 143-318.11(a)(3).

Adopt or Adjust the Agenda

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Gretchen Williams
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

3. CONSENT AGENDA

a. Minutes
- May 5, 2025 - Regular Session
- May 19, 2025 - Regular Session
- May 19, 2025 - Closed Session

Presenter: Heidi Holland, Town Clerk

b. Certification of Sufficiency by the Clerk: 2025-05-ANX Powhatan Self Storage
Presenter: Heidi Holland, Town Clerk

c. Resolution Setting Public Hearing: 2025-05-ANX Powhatan Self Storage Annexation
Presenter: Haley Downey, Assistant Planning Director

d. Resolution Authorizing the Wake County Tax Administrator to Levy and Collect Property Taxes for the Town of Clayton
Presenter: Robert McKie, Jr., Finance Director

e. Resolution Authorizing the Johnston County Tax Administrator to Levy and Collect Property Taxes for the Town of Clayton
Presenter: Robert McKie, Jr., Finance Director

f. ~~FY 2026 Capital Improvement Plan~~ (This item was moved to 9b.)
Presenter: Christopher Gallant, Capital Program Manager

g. Resolution to Acquire Easements for Starmount Pump Station Decommission Project
Presenter: Christopher Gallant, Capital Program Manager

Adoption of Consent Agenda as Presented

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

4. ADMINISTRATIVE ITEMS

a. Clayton4U
- Water Reclamation

Presenter: Nathanael Shelton, Communication Director

Shared was the latest episode discussing wastewater.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. National Gun Violence Awareness Day Proclamation

Presenter: Mayor Pro Tem Sims to Present to Johnston County Chapter of Moms Demand Action For Gun Sense in America

Mayor Pro Tem Sims read the proclamation and presented to the Johnston County Chapter of Moms Demand Action For Gun Sense in America.

b. Pride Month Proclamation
Presenter: Council Member Archer

Council Member Archer read the proclamation into the record.

6. PUBLIC HEARINGS

a. FY2026 Manager Recommended Budget - Second Reading
Presenter: Rich Cappola, Town Manager and Todd Melton, Budget Manager

Mr. Cappola stated at the last meeting, the first public hearing was held. Since then, there are a few updates to add and a couple highlights to mention. Mr. Melton stated tonight for the second public hearing he would provide some quick updates.

Since the May 19, 2025 council meeting, the amount of property under repeal decreased from $480M to $379M although we do not know the effect of that decrease yet. The impact of the costs of utilities we buy and resell would increase 10% for water and sewer and 3.5% for electric; these costs were factored into the budget last week. We are recommending rate increases for both water and sewer, the rate we are recommending is just above 10% and our electric rate recommendation is 2% which is lower than the expected increase in our power. Mayor McLeod clarified the 10% water and sewer increase is directly connected to the 10% increase in cost the County is requiring to Clayton, Mr. Melton stated yes.

Council has been provided with a detailed budget report by department and is available for review. County tax rate is still undecided, currently the recommended rate is $.64 cents per $100 value; that is a $0.03 cent decrease from the FY25 rate. We recommend $0.49 cents, which is just $0.04 cents over our revenue neutral rate.

The Town did implement a base budget strategy this year to trim the budget. Operating expenses, contracts, more discretionary line items and reviewed the last few years of actual expenses in those areas, took an average and compared them to the current budget. Department heads had the opportunity to ask for increases with justifications. A new budgeting software is being used, ClearGov which would eventually allow staff to show Council how the budget lines up with the Strategic Plan.

General Fund is currently balanced at $67.2M with a recommended $0.49 per

$100 valuation tax rate, Capital outlay is $17.9M which includes a $7.5M land banking opportunity, water and sewer fund is balanced at $48.3M, and the electric fund is balanced at $25.7M.

Shared were economic considerations, major revenue assumptions, employee benefit assumptions. It was stated State Health Plan Employee only coverage is expected to go up either $40 or $100 per month depending on the plan.

Final thoughts were shared. An updated FY2026 Expenditure Budget Summary was shared. There were a few small shifts from the last public hearing, but the overall numbers remained the same.

Council Member Casey stated he appreciated the baseline budget and the detailed budget that was shared. He stated for clarity, there is revenue neutral and over revenue neutral, what is the over revenue neutral request? Mr. Melton stated $0.49 cents. Council Member Casey stated the equipment purchases are almost $1.2M, he asked if that included vehicles, Mr. Melton stated there are vehicles budgeted in the capital budget but is not sure off the top of his head, he stated he would get that information. Council Member Casey asked for elaboration regarding the $7.5M land acquisition, Mr. Cappola stated they did include for a provision within the budget to be able to take advantage of opportunities that all discussed internally and some that we may not know of just yet with regards to strategic land acquisition for several uses that the Town or in partnership with some other entities, may want to secure for future needs. That money is in the budget as both revenue and expense. That money is not funded through the tax rate this year, that would be debt service that would come online in subsequent fiscal years. The net impact overall to the budget this year flat.

Mayor Pro Tem Sims shared his concern that 46% of the budget is salaries and benefits. Looking from FY2022-FY2025, as far as the increase in personnel is concerned, he wonders as we increase are we lining up with the taxes and money the Town brings in. He is curious from a percentage standpoint, how we show the public that we are lining up from a percentage standpoint and benefits to what our tax growth is. Mr. Cappola stated from an overall budgetary scenario, yes, from the general fund, if you look at the $30.8M out of the $67.2M we are sitting at about 45.8% for salaries. On the electric and water and sewer fund, it is about 8% because a lot of the support services are born out of the general fund. Taking that into consideration, we are sitting more around 25-28%. That ratio of salaries and benefits to the overall budget is consistent with other growing areas. He stated every year salaries and benefits are reviewed through comp studies to stay competitive. Mayor Pro Tem Sims stated we need to make sure we are being fiscally responsible. Mr. McKie added, across all three funds, the average percentage of salaries and wages to the grand total is roughly 26%.

Council Member Casey stated this is our second public hearing and not voting tonight; Mr. Cappola stated it is staff's recommendation to close tonight's public hearing and defer the decision until the June 16, 2025 meeting. Due to noticing requirements, especially with the electric rate, our intent is to have the comprehensive list of fees and the budget formally approved at the June 16, 2025 meeting. Council Member Casey stated we are actually giving another two weeks for citizens to reach out, he thinks it's important that we are not pushing this through and giving its due diligence.

Mayor McLeod stated this has been noted as a public hearing and asked if anyone wished to speak. With no one wishing to speak, the public hearing was closed.

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

9. NEW BUSINESS

a. FY2025 Audit Contract
Presenter: Robert McKie, Jr., Finance Director

Mr. McKie stated tonight's request is for Council to approve the audit contract for FY2025 which is performed by Anderson, Smith, & Wike. The maximum fee increase went up $1,000 and is directly attributable to the single audit requirements for our federal and state programs we have, Sam's Branch being the biggest.

Approval of Contract

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

b. FY 2026 Capital Improvement Plan

Council Member Casey stated this relates to the upcoming budget and our CIP plan, which is a wish list of prioritized projects needed in the community to keep a level of service. He stated there may be projects on the list that are not as high as others but tag along with other projects and make sense to do them in tandem. He had a question regarding the East Main Street Sidewalk project and parking.

Mr. Cappola stated in the general fund CIP line 54 currently calls for East Main Street new parking lot. He stated as recalled, as part of discussion moving

forward with what is line 2 on the CIP, which is the East Main Street Sidewalk Connector, that parking lot is adjacent to the sidewalk that would be constructed and is to mitigate some of the parking losses along Main Street. At previous work sessions the possibility of combining those two projects or adding that parking lot into the East Main Street Sidewalk Connector was discussed. That is the plan moving forward, the numbers would be adjusted accordingly. Discussions are being held with the railroad to finalize that design. The intent would be to wrap up easement acquisitions and finalize agreements with NCRR later this summer to be able to bid this out and have construction begin late this year or first quarter of 2026. He clarified item on line 54 on the CIP list would be incorporated into item 2 and begin at the same time.

Adoption of Resolution #2025-44

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

10. STAFF REPORTS

a. Town Manager

Mr. Cappola stated June 7, 2025 the Fire Department would be hosting Fire Alarm Saturday, which is a coordinated effort throughout the State. The Fire Department will be installing smoke alarms in residences throughout Town. 80 have been provided by the Office of the State Fire Marshal and some provided at a discount from Wal-Mart. Door hangers went out last week for citizens.

For the third year in a row the Town would host a Juneteenth celebration. It will be held Saturday, June 14 at 3:00 p.m. in The Clayton Center. A presentation of Jackie Robinson's life will be performed. This event is free to the public.

b. Town Attorney

c. Town Clerk

d. Other Staff

Energy Audits
Presenter: Nathanael Shelton, Communication Director

Mr. Shelton shared information on a program with the Customer Service department and Electricities. Beginning June 23, 2025, free energy audits would be offered to our customers; 25 slots would be available over the course of a week. An email including a video would go out to all customers. The video was shared. Ms. Game stated that added on the Town's website is a self-

service energy audit for customers. Customers enter in details about the size of their home, age of windows/doors, and HVAC system; based on temperatures it will provide estimates of daily and monthly usage. This is another tool for customers to understand how their consumption and their households impact their bills. Mayor McLeod stated this is a perfect opportunity for anyone to apply for an audit or to use the tool online to educate themselves on what their house is requiring and what could be done to make it better.

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

Dee Johnson-Phillips, National Board Member for Bayard Rustin LBGTQ Chapter APRI and Executive Director of the official Clayton Pride Board. On behalf of the LGBTQ community, she is honored to accept the Pride proclamation from the Town.

b. Council Comments

Mayor Pro Tem Sims thanked Police Department, Fire Department, Parks and Rec, Coke, and Stevens Hot Dogs for their involvement in the Clyde Sinclair Basketball Tournament, he stated it was a huge success. He recognized the late Marlon Lee, Council Member for Smithfield who passed away last week. He stated to carry on his legacy; we should all go out and make everyone feel like someone. Mayor McLeod spoke of Mr. Lee and the group he created at Clayton High called Men of Distinction. He stated speaking for that group was one of the best things that has happened to him since becoming Mayor in 2003. Council Member Anderson thanked Chief Ranes for the smoke detector program, she stated it was a huge success last year and she is excited to see it continue.

Council Member Archer introduced an organization called Military Missions in Action that assists disabled and homeless veterans and active-duty members of the armed forces and their families. Michael Strauss of Design Hauss who serves as the Vice-President of TANG and Jenny Williams serves as TANG's Community Outreach Chair were present. A fundraiser, Stars and Stripes Fest, was held May 10, 2025 at Apple Law where $2,284 was raised for the organization; $0.80 on the dollar goes directly to the veterans, active members and their families. Mayor Pro Tem Sims stated if there is anything they need to let him know how he can assist.

12. CLOSED SESSION

a. Closed Session to discuss a legal matter in accordance with NC GS 143-318.11(a)(3)

Motion To Go Into Closed Session

RESULT:	**CARRIED**

MOVER:	Porter Casey
SECONDER:	Andria Archer
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Motion To Return To Open Session

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

13. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 7:36 p.m.

Motion To Adjourn

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Duly adopted by the Town Council this 21st day of July 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

Town of Clayton
Town Council Regular Meeting Minutes
Monday, June 16, 2025 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Mayor Pro Tem Michael Sims
Council Member Andria Archer
Council Member Porter Casey
Council Member Ruth Anderson
Council Member Gretchen Williams

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Sam Johnson-Phillips, Deputy Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Michelle Snyder, Executive Assistant
Joe Stallings, Economic Development Director
David Ranes, Fire Chief
Robert McKie, Jr., Finance Director
Conrad Olmedo, Planning Director
Haley Downey, Assistant Planning Director
Emily Stoll, Communications Specialist
Todd Melton, Budget Manager
Amy Shearin, Community Development

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:01 p.m.

b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

a. **Adopt or Adjust the Agenda**

RESULT:	**CARRIED 5-0**

MOVER:	Michael Sims
SECONDER:	Gretchen Williams
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

3. CONSENT AGENDA

a. Minutes
- June 2, 2025 - Closed Session

Presenter: Sam Johnson-Phillips, Deputy Town Clerk

b. Sole Source Justification – Standardization for SCADA/Controls Integration Services
Presenter: Shaun Mizell, Procurement, Contracts and MWBE Manager and Jason Newman, Maintenance Superintendent, Water Resources

c. Human Resources Personnel Policy Amendment (Sections 9 & 13)
Presenter: Rich Cappola, Town Manager

d. Clayton Community Farmers Market & Horne Square Use Policy Amendment
Presenter: Shaun Mizell, Contracts and MWBE Manager and Amy Shearin, Community Development

e. Budget Amendments - Yearend Closeout
Presenter: Robert McKie, Finance Director

Adoption of Consent Agenda as Presented

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Gretchen Williams
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

4. ADMINISTRATIVE ITEMS

a. Clayton4U
- Fire Trucks. Engine. Ladder. Rescue.

Presenter: Nathanael Shelton, Communication Director

Emily Stoll, Communication Specialist, shared the latest episode discussing engine trucks, ladder trucks, rescue trucks and their importance to the Fire Department fleet.

b. Square-to-Square Independence Day Festival Report
Presenter: Amy Shearin, Community Development

Shared were the different vendors that would be present and the events. This

would be the second year that the two events would be combined (Square to Square Street Festival and Fireworks). Ms. Shearin discussed parking, road closures and places where the fireworks could be viewed.

It was stated The Street Festival would be held July 4, 2025, from 6:00 p.m. - 9:00 p.m. on Main Street from Town Square to Horne Square and the Fireworks would be launched from Clayton High School at 9:15 p.m.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

6. PUBLIC HEARINGS

a. 2025-05-ANX Powhatan Road Self Storage Annexation
Presenter: Haley Downey, Assistant Planning Director

The applicant has requested a non-contiguous annexation of approximately 1.34 acres in the ETJ, the location is 3936 Powhatan Road. It was stated American Self Storage, Inc. is both the Applicant and the Owner. Important Dates mentioned were:

- May 19, 2025: Resolution for Sufficiency
- June 2, 2025: Setting of Public Hearing
- June 4, 2025: Publication of Legal Ad
- June 16, 2025: Public Hearing

It was reported that the parcel historically was used for outdoor storage. In 2024 there was a Special Use Permit and Site Plan approved for an indoor storage facility.

The Future Land Use Map designated it as an employment center as well as the surrounding parcels.

Mayor McLeod opened the Public Hearing, with no one wishing to speak the Public Hearing was closed and turned over to the Council for comments. Council did not provide any comments.

Adoption of Ordinance #2025-06-01

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Ruth Anderson
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

b. Clayton on the Move, Town of Clayton Comprehensive Transportation Plan (CTP)

Presenter: Leah Weaver, WSP USA; Shivang Shelat, WSP USA; and Conrad Olmedo, Planning Director

Mr. Shelat, Transportation Planner, presented the final version. It was stated that the Comprehensive Transportation Plan began August 2023. During that time the vision and goals were established, and the existing and future conditions analysis were created. The first round of Public Engagement was in November 2023, and the second round was held in June 2024.

Mr. Shelat provided an overview of each of the chapters.

Chapter 1: Background
This chapter provided Context, Introduction to Comprehensive Transportation Planning, Project Development Process, Project Overview, Vision and Goals and the Existing Plans and Studies Review.

Chapter 2: Existing Conditions Analysis
It was reported that the Town's population would grow three-fold in the next 30 years. This chapter also includes Travel Characteristics, Work Travel Characteristics, Land Use and Development and Environment and Demographics.

Chapter 3: Public & Stakeholder Engagement
Mr. Shelat stated there have been eight Stakeholder Engagement touch points and two Public Engagement Phases.

Chapter 4: Bicycle & Pedestrian Facilities
It was shared that there was an overwhelmingly positive response towards the pedestrian facilities. Mr. Shelat stated they began with the multi-use path recommendations which would form the backbone of the bike network in the Town, followed by the sidewalk recommendations which are denser in downtown. It was explained that bicycle facilities would be limited to "sharrows", which are shared lane markings that may be utilized on low traffic roads without the need for construction or lane modifications.

This chapter also discussed, Existing Network, Existing and Future Travel Demand and Project Recommendations.

Chapter 5: Transit
It was reported that the transit supportiveness of the area was analyzed, and a few routes were then developed. Mr. Shelat reported this was proof of concept which would require further detailed studies.

Chapter 6: Roadway Analysis
It was reported that there is about 13 miles of new roadway and approximately

144 lane miles of new pavement.

It was shared that Collector Street is a street that would be developed as the development occurs.

Mr. Shelat discussed two Roadway Recommendations:

- It was reported to review the planned widening of Clayton Boulevard by NCDOT. This concept would need further study. It was shared with or without widening the congestion, it appears to be in the same location.
- A local study to avoid additional right-of-way acquisitions of O'Neil St and Fayetteville St. This would be required if one of those lanes were to be converted to a turn lane per NCDOT plan.

Chapter 7: Roadway Policy Analysis

Mr. Shelat discussed recommended strategies which included drawing parking lane stripes on Second Street where there is current parking. To provide additional paved surfaces for parking in Downtown areas behind buildings or within the NCRR corridor and to conduct a Downtown Parking Study to determine demand, supply, and future need for parking.

Policy recommendations were discussed. Mentioned:

- Develop a UDO code language based on the recommendations provided in sections 6.5A through 6.5E to improve roadway connectivity.
- Constitute an empowered committee to discuss the implications of the recommended UDO code language.
- Develop incentives and allowances based on adherence to higher than required connectivity standards.

Mr. Shelat also discussed developing a UDO code language to increase bicycle and pedestrian connectivity based on the policy recommendations provided in section 6.5F. It was suggested to seek third party evaluation and ratings for bicycle and pedestrian connectivity.

Chapter 8: Safety

Discussed were Roadway Safety Analysis, Bicycle and Pedestrian Safety Analysis, Intersection Safety Analysis and Policy and Design recommendations. Mr. Shelat stated analysis were conducted on hotspot intersections, four intersections were selected to provide recommendations to improve traffic operations and safety. The four selected were:

- Amelia Church Rd. and Shotwell Rd.
- East Front St. and Church St.
- Champion St. and Amos St.
- Fayetteville St. between Clayton Blvd. and Front St.

Chapter 9: Prioritization
Mr. Shelat discussed Prioritization Methodology, Prioritized Recommendations and Implementation Strategies. The Comprehensive Transportation Plan's (CTP) goals and objectives were converted to correlating performance measures. Those projects were then assessed using performance measures to identify the highest priority projects.

Adoption Process
It was stated during the May 27, 2025, Planning Board meeting, there was a unanimous recommendation of approval. On June 2, 2025, there was a presentation to Town Council during the Work Session meeting. Mr. Shelat shared this was duly noticed per NCGS Public Noticing requirements for the June 16, 2025, Public Hearing.

Council Member Casey expressed appreciation for the work that has been done.

Council Member Archer expressed appreciation to Mr. Shelat as well as to the Steering Committee.

Mayor McLeod noted this as a public hearing and opened the floor for public comment.

Mr. Chen, Town resident, supports the Transport Plan and asked that safety be the top priority.

With no one else wishing to speak, Mayor McLeod closed the public hearing.

Adoption of Ordinance #2025-06-03

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Ruth Anderson
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

c. Unified Development Ordinance Text Amendments (UDOTA 1-25)
Presenter: Conrad Olmedo, Planning Director

This item was continued until July 21, 2025, Council Meeting

Mr. Olmedo stated following the Town Council Work session on June 2, 2025, staff requested additional time to revise the UDOTA 1-25 and to have the public hearing tonight.

Mayor McLeod noted this as a public hearing and asked if there was anyone that wished to speak.

Mr. Woodfield, Town resident spoke in support of the Urban Archery Program.

With no one else wishing to speak, Mayor McLeod continued the Public Hearing, Item and discussion to the July 21, 2025, meeting.

d. FY26 Comprehensive List of Fees Public Hearing
Presenter: Rich Cappola, Town Manager and Todd Melton, Budget Manager

It was stated there were two Public Hearings. Mr. Melton stated according to the NCGS there is a requirement to have one Public Hearing, two have been held to date.

It was stated that the property tax rate is currently 4% above revenue neutral. Water/sewer combined rate increase recommendation would be 10.2% and the electric rate would be a 2% increase.

The power and water that was purchased for resale would increase by 10%.

There were adjustments in fees in Public Works. Those adjustments were made for sidewalk repair, driveway permits, and right-of-way use. New and adjusted charges reflect cost of materials and labor.

Planning and Development it was reported to be an increase. The increased fees were rezoning, site plans, plats, and zoning verification. This new structure would better reflect staff review time and complexity.

Parks and Recreation, it was reported there would be a few adjustments. Updated was program and rental fees to reflect market comparisons.

Public Safety (Police/Fire), there were adjustments to special event permits and inspection fees.

Mr. Melton stated the focus remains on cost recovery service alignment. The focus remains on transparency of these fees.

The need of these changes was discussed. Mentioned was to keep pace with inflation and increased service demands, reflect updated cost-of-service data, ensure regulatory compliance (especially in utilities) and provide support.

It was reported Public Hearings were held in accordance with statutory requirements.

The proposed fee schedule would support long-term financial health and service sustainability. It was stated the adoption of the fee ordinance would enable the Town to meet current and future needs responsibly.

Mayor McLeod noted this as a Public Hearing. With no one wishing to speak, the Public Hearing was closed.

Adoption of Ordinance #2025-06-06

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Gretchen Williams
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

a. FY 2025-26 Budget Ordinance
Presenter: Rich Cappola, Town Manager and Todd Melton, Budget Manager

Mr. Cappola mentioned at the last Town Council meeting there was a request to have the decision tabled to allow the FY26 Comprehensive List of Fees to coincide.

Mr. Cappola advised of one minor change that was emailed to Council last week, it was stated there was a rounding error on the pay scale. It was requested should the ordinance be approved, let it be approved with the amended updated pay scale.

Adoption of Ordinance #2025-06-04

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Ruth Anderson
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

9. NEW BUSINESS

10. STAFF REPORTS

a. Town Manager

Mr. Cappola expressed appreciation to Council for voting on the FY 2025-26 Budget Ordinance. He also expressed appreciation to the Police Department for their efforts last weekend.

Mr. Cappola stated the Juneteenth program was well attended and the program was great.

It was noted that Council was provided a draft notice that would be sent out with the utility bills. Mr. Cappola stated if there were any comments or changes, reach out to him or the Communications Department.

Mr. Cappola stated there would not be a meeting the first Monday in July, the next meeting would be July 21, 2025.

b. Town Attorney

c. Town Clerk

d. Other Staff

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

Mayor Pro Tem Sims expressed appreciation to the Public Safety Department, Police Department and the Communications Department last weekend.

Mayor Pro Tem Sims also expressed thanks to the Clayton Town Center staff for the Juneteenth celebration.

Council Member Anderson expressed thanks to Mrs. Game and the Utility Department for notifying her of a high-water rate. She stated that they monitor things like this, and this is done for anyone.

12. 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 Purchasing of Real Property in Accordance with NC GS 143-318.11 (a)(5)

Motion To Go Into Closed Session

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Porter Casey

YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Motion To Return To Open Session

RESULT:	**CARRIED 5-0**
MOVER:	Michael Sims
SECONDER:	Ruth Anderson
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

13. ADJOURNMENT

a. Adjourn

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

Motion To Adjourn

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Ruth Anderson
YES:	Michael Sims, Andria Archer, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Duly adopted by the Town Council this 21st day of July 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips, CMC
Deputy Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Highgate Ph. 5

Presenter(s)

Josh Cotten

Suggested Action

Place on Consent Agenda

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

Public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. Engineering staff recommends acceptance of the subject public utility infrastructure and pump station and entering the one-year warranty period.

Funding Source

N/A

Corresponding Documentation

Utility_Final_Acceptance_Resolution_Letter

Submitted By: Josh Cotten, Engineering

Reviewed By:

Michael Worner, Construction Project Administrator	Approved - Jun 13 2025
Courtney Tanner, Deputy Town Manager	Approved - Jul 01 2025
Heidi Holland, Town Clerk	Approved - Jul 08 2025

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Highgate Ph. 5

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below were monitored and inspected for any construction deficiencies; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on May 27, 2025, and recommends final acceptance by the Town Council for operation and maintenance by the Town;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina that: accept this list of public utilities and their apparatuses into the Town of Clayton public utility system.

SUBDIVISION	LOCATION DESCRIPTION	UTILITIY TYPE & SIZE	LENGTH
Highgate Ph. 5	Railcar Way	8” Waterline	1,514 LF
Highgate Ph. 5	Cloudberry Ct (Formerly Catalina Ct)	6” Waterline	180 LF
Highgate Ph. 5	Windflower Ct (Formerly Avalon Ct)	6” Waterline	185 LF
		Total:	1,879 LF

SUBDIVISION	LOCATION DESCRIPTION	UTILITIY TYPE & SIZE	LENGTH
Highgate Ph. 5	Railcar Way	8’ Sanitary Sewer	1,432 LF
Highgate Ph. 5	Cloudberry Ct (Formerly Catalina Ct)	8” Sanitary Sewer	156 LF
Highgate Ph. 5	Windflower Ct (Formerly Avalon Ct)	8” Sanitary Sewer	156 LF
		Total:	1,744 LF

Duly adopted this 21st day of July 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips, CMC
Deputy Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Grifols Phase II Wastewater Effluent Line

Presenter(s)

Josh Cotten

Suggested Action

Place on Consent Agenda - Resolution #2025-50

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

Public Utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. Engineering staff recommends acceptance of the subject public utility infrastructure and pump station.

Funding Source

N/A

Corresponding Documentation

Grifols_Utility_Final_Acceptance_Resolution

Submitted By: Josh Cotten, Engineering

Reviewed By:

Michael Worner, Construction Project Administrator	Approved - Jun 17 2025
Courtney Tanner, Deputy Town Manager	Approved - Jul 11 2025
Heidi Holland, Town Clerk	Approved - Jul 14 2025

Resolution #2025-50

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Grifols Phase II Wastewater Effluent Line

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below were monitored and inspected for any construction deficiencies; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on June 03, 2025, and recommends final acceptance by Town Council for operation and maintenance by the Town;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of public utilities and their apparatuses into the Town of Clayton Public Utility System.

PROJECT	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Grifols Effluent Line	Grifols to ECIA Pump Station	24" Sewer main	535 LF
		Total:	535 LF

Duly adopted this the 21st day of July 2025 while in regular session.

_____
Jody McLeod
Mayor

ATTEST:

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

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance –Highgate Phase 4 Waterline Extension Resolution

Presenter(s)

Daniel Buckman

Suggested Action

Place on Consent Agenda

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

Public Utilities, their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. Engineering staff recommends acceptance of the subject public utility infrastructure and entering the one-year warranty period.

Funding Source

N/A

Corresponding Documentation

Highgate phase 4 waterline extension resolution

Submitted By: Daniel Buckman, Engineering

Reviewed By:

Michael Worner, Construction Project Administrator	Approved - Jun 18 2025
Courtney Tanner, Deputy Town Manager	Approved - Jul 11 2025
Heidi Holland, Town Clerk	Approved - Jul 14 2025

Resolution #2025-56

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Highgate Phase 4 Waterline Extension

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on May 2, 2025, and recommends acceptance by Town Council for maintenance by the Town; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below will be placed under a warranty period for one year to monitor construction deficiencies, such warranty period expiring on May 1, 2026; and

WHEREAS, prior to expiration of the one-year warranty period, Town of Clayton Engineering staff will perform a final inspection and notify the developer to correct all deficient items (if any); and

WHEREAS, upon correction of all deficient items (if any), the Town of Clayton Engineering staff will issue a final acceptance notice to the developer;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of public utilities and their apparatuses into the Town of Clayton Public Utility System.

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Highgate, Phase 4	Covered Bridge Road	8" C900 waterline	971 LF
		Total	971 LF

Duly adopted this on the 21st day of July 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
July 21, 2025	CONSENT AGENDA

Item Title

Resolution Directing the Clerk to Investigate 2024-77-ANX: Coulan Company Annexation

Presenter(s)

Robert Tate, Senior Planner

Suggested Action

Place on Consent Agenda - Resolution #2025-57

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: § 160A-58.1

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

Requesting resolution to authorize the Town Clerk to investigate the sufficiency of the annexation petition 2024-77-ANX Coulan Company.

Background/History

This annexation petition is for 3733 Powhatan Road. The requested annexation is non-contiguous but located within the Town of Clayton ETJ. The existing land use on the subject site is vacant and wooded. The applicant is requesting annexation into town limits to receive services for future development. The area to be annexed is approximately 5.23 acres (including ROW) in size and is identified as Johnston County Tax ID 05I05014A.

Recommendation

Approval

Funding Source

N/A

Corresponding Documentation

1ResolutionToDirectClerk_Coulan_2024-77-ANX

2AnnexationApplication_Coulan_2024-77ANX

3LegalDescription_Coulan_2024-77-ANX

4AnnexationPlat_Coulan_2024-77-ANX

Meeting Timeline

July 21st: Resolution to authorize Town Clerk to investigate sufficiency
August 4th: Resolution to set the Public Hearing
August 18th: Public Hearing to consider 2024-77-ANX

Submitted By: Robert Tate, Planning

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Jul 09 2025
Conrad Olmedo, Planning Director	Approved - Jul 09 2025
Courtney Tanner, Deputy Town Manager	Approved - Jul 11 2025
Rich Cappola, Town Manager	Approved - Jul 16 2025
Heidi Holland, Town Clerk	Approved - Jul 17 2025

TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER NC G.S. 160A-58.1
2024-77-ANX Coulan Company

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 21, 2025, by the Clayton Town Council; and

WHEREAS, NC G.S. 160A-58.1 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation.

WHEREAS, the area proposed for annexation is described as follows:

Beginning at the approximate centerline intersection of Powhatan Road, NCSR 1901, and the North Carolina Railroad Company right-of-way, said point being the place and point of beginning;
Thence leaving the Powhatan Road centerline and following the center of the North Carolina Railroad Company right-of-way S53°09'15"E459.51 feet to an existing iron pipe;
Thence leaving the center of the North Carolina Railroad right-of-way S36°4 7'45"W 99.64 feet to an existing iron pipe;
Thence S36°47'45"W 449.17 feet to an existing rebar;
Thence N53°25'18"W 355.26 feet to an existing iron pipe on the eastern right-of-way of Powhatan Road;
Thence N53°25'18"W 32.59 feet to a point in the approximate centerline of Powhatan Road;
Thence with the approximate centerline of Powhatan Road along a curve having a Radius of 693.25 feet, an Arc Length of 189.70 feet, and a chord bearing and distance of N34°16'59"E 189.11 feet to a point;
Thence N26°51'17"E367.41 feet to the place and point of beginning and containing 5.23 acres more or less.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

The Town Clerk is hereby directed to investigate the sufficiency of the below-described petition and to certify as soon as possible to the Town of Clayton the result of her investigation.

Duly adopted this on the 21st day of July 2025, while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

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

DESCRIPTION/ADDRESS:

Pin #: 167700-59-3446
Tax #: 05I05014A
Location: 3733 Powhatan Road
Acreage: 5.23 acres
Owner: Coulan Company, LLC

Resolution #2025-57

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.

Application Review Fee: $300

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant. There is an initial 15 business day review cycle with 3 Council hearing meetings. Expect an estimated minimum of 2-3 months for review/approval.

Annexation Plat and Legal Description (Metes & Bounds) Submission: The plat and a legal description (metes and bounds) must be submitted with the application and review fee.

Is the proposed land for annexation located outside the Claytex Fire District? _X_ Yes ____ No

**If the proposed land for annexation is located outside of the Claytex Fire District, the Fire District in which the land is located must be notified by the Town, and a payment from the applicant to the Town covering the proportional share of Fire District Debt of the land (as determined by the Fire District) will be required to be made. This process will increase the timeline for approval of these annexations.*

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.

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. These first two actions generally occur during the Consent Agenda item on 2 consecutive Town Council meetings.

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. The Public Hearing is generally held during the 3rd Council meeting, following approval of the Certificated Sufficiency and Resolution setting the Public Hearing date.

Recordation: If the annexation is approved by the Town Council, the applicant is required to submit one (1) Mylar annexation plat to the Planning Department for signature. The Annexation Plat shall be recorded at the appropriate county Register of Deeds.

Revised July 2023

Name of Project: The Coulan Company, LLC **Date:** 8-12-2024

Applicant Name: Harold B. Kivlan, IV **Phone:** 703-980-1448 **Email:** brad@fluorofusion.com

Petition for Voluntary Annexation Application

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

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

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 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: 5.23 Existing Housing Units: 0

   Population of acreage to be annexed: 0 Fire District: Wilsons Mills

   Existing Zoning District*: HID Proposed Town Zoning District*: HID

   County Recorded Plat Book and Page #: NA

   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 the 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: _____

Revised July 2023

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, The Coulan Company, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 12th day of August, 20 24.

Name of Limited Liability Company: The Coulan Company, LLC

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, Harold B. Kivlan, IV, a Notary Public for the above State and County, this 12th day of, August, 20 24.

SEAL

Steven S. Sanderson
Notary Public
Wake County, NC
My Commission Expires 11-3-27

_____ Notary Public

My Commission Expires: 11-3-2027

Revised July 2023

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:
Beginning at the approximate centerline intersection of Powhatan Road, NCSR 1901, and the North Carolina Railroad Company right-of-way, said point being the place and point of beginning;
Thence leaving the Powhatan Road centerline and following the center of the North Carolina Railroad Company right-of-way S53˚09'15"E 459.51 feet to an existing iron pipe;
Thence leaving the center of the North Carolina Railroad right-of-way S36˚47'45"W 99.64 feet to an existing iron pipe;
Thence S36˚47'45"W 449.17 feet to an existing rebar;
Thence N53˚25'18"W 355.26 feet to an existing iron pipe on the eastern right-of-way of Powhatan Road;
Thence N53˚25'18"W 32.59 feet to a point in the approximate centerline of Powhatan Road;
Thence with the approximate centerline of Powhatan Road along a curve having a Radius of 693.25 feet, an Arc Length of 189.70 feet, and a chord bearing and distance of N34˚16'59"E 189.11 feet to a point;
Thence N26˚51'17"E 367.41 feet to the place and point of beginning and containing 5.23 acres more or less.

STATE OF NORTH CAROLINA _____ COUNTY

Filed for Registration at _____ M.

_____ 20___ in the

Register of Deeds Office

Recorded in Book _____ Page _____

BY _____

REGISTER OF DEEDS

I do hereby certify that the Clayton Town Council approved the annexation on _____ and officially adopted this annexation map.

_____

Date Town Clerk

_____

Date Planning Director

Exempt per G.S. 47-30 (j) as amended

STATE OF NORTH CAROLINA _____ COUNTY

COUNTY OF _____

I, _____, Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

REVIEW OFFICER DATE:

STATE OF NORTH CAROLINA Johnston COUNTY

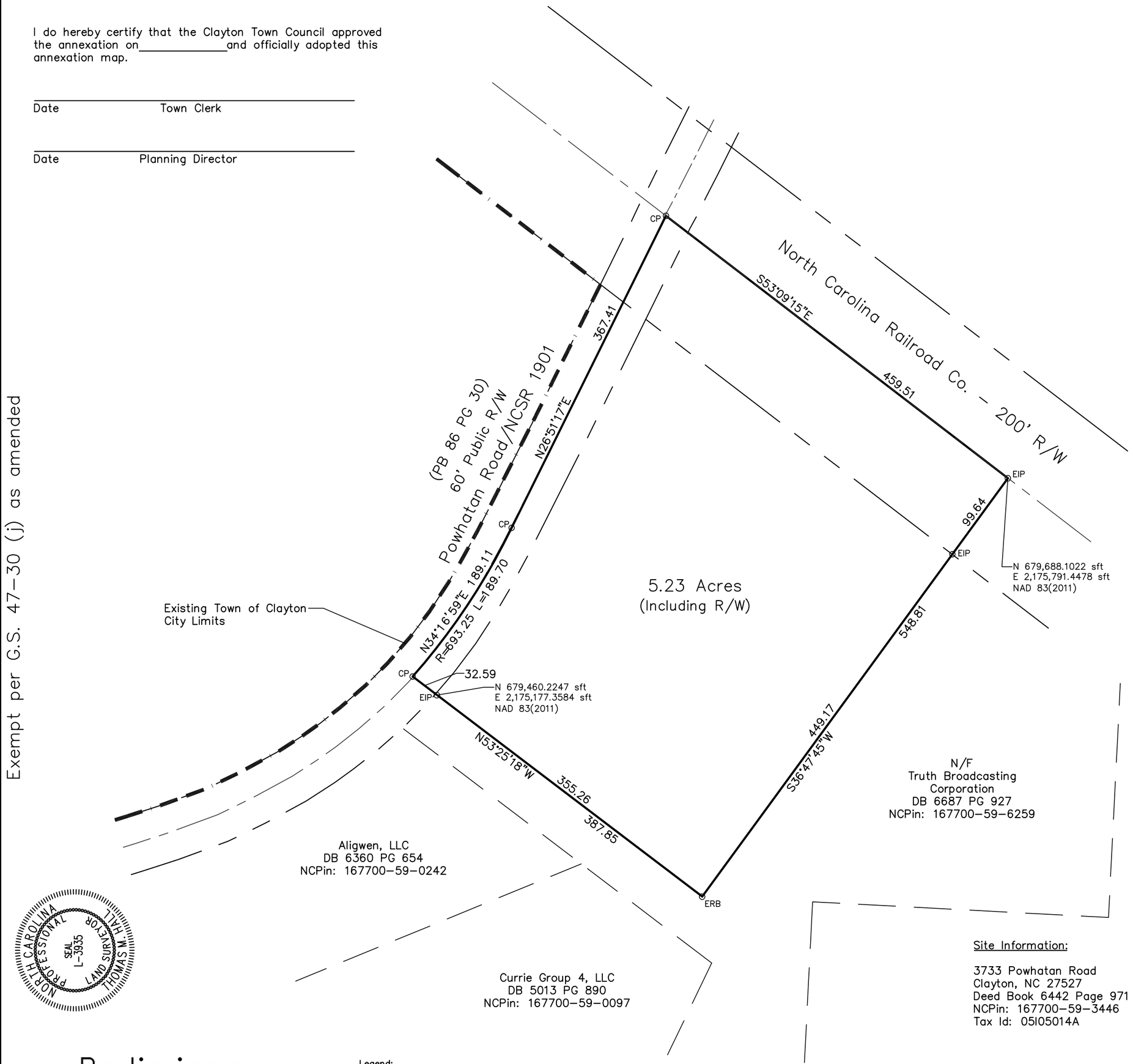
I, Thomas M. Hall certify that this plat was drawn under my supervision from an actual survey made under my supervision, deed description recorded in Book 6442, page 971, that the boundaries not surveyed are clearly indicated as drawn from information found in book page N/A; that the ratio of precision or positional accuracy as calculated is [redacted]

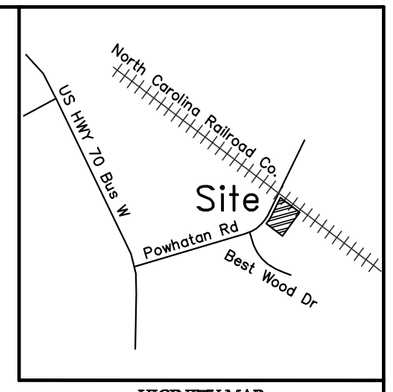
Witness my original signature, license number and seal this 22nd day of April A.D., 2025.

L-3935

License No.

Professional Land Surveyor





VICINITY MAP
Not to Scale

REFERENCE:
-PB 56 PG 350
PB 86 PG 30
-DB 6442 PG 971
-Unrecorded map by James R. Wilson, PLS entitled "The Coulan Company, LLC" dated 3/5/23

Notes:

No NCGS monuments found within 2000 feet. Grid control established by using the North Carolina GNSS Real Time Network.

Iron pipe, rebar, or nails at all corners unless noted otherwise.

Zoning: HID

This map does not meet GS47-30 as amended nor was it intended to. This map is not for the conveyance of property. The sole purpose of the map is for the annexation of property and was drawn from a partial field survey and deeds.

The annexation area graphically appears not to be in a special flood hazard area as determined by NC Floodplain Mapping.
Map No. 3720167700 K,
Effective date June 20, 2018.

This survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street.

04/22/25

Professional Land Surveyor Date

L-3935

NORTH CAROLINA PROFESSIONAL SEAL L-3935 LAND SURVEYOR THOMAS M. HALL

NORTH CAROLINA PROFESSIONAL SEAL L-3935 LAND SURVEYOR THOMAS M. HALL

Site Information:

3733 Powhatan Road
Clayton, NC 27527
Deed Book 6442 Page 971
NCPin: 167700-59-3446
Tax Id: 05I05014A

Owner:

Coulan Company, LLC
P.O. Box 1238
Clayton, NC 27528
Deed Book 6442 Page 971
NCPin: 167700-59-3446
Tax Id: 05I05014A

Preliminary
For Review Only
AREA BY COORDINATE COMPUTATION

80 40 0 80 160

GRAPHIC SCALE
All Distances Are Horizontal Ground
Unless Noted Otherwise

Legend:
ERB - Existing Rebar
EIP - Existing Iron Pipe
CP - Calculated Point
PB - Plat Book
DB - Deed Book
PG - Page
Rd - Road
St - Street
sft - Survey Feet
NAD 83(2001) - North American Datum 1983(2001)
N/F - Now-or-Formerly
R/W - Right-of-Way
NCSR - North Carolina State Road
NCPin - North Carolina Parcel Identification Number

Satellite Annexation Map For The Town of Clayton:

Coulan Company, LLC
(Powhatan Road Property)

TOWNSHIP Clayton	COUNTY Johnston	STATE NC	
SURVEYED BY TMH/CFF	DRAWN BY TMH		
DATE 04/22/25	SCALE 1"=80'	DRAWING NO. HLS23-0035	

Hall Land Surveying, Inc.
1899 Steven's Chapel Road
Smithfield, NC 27577
(919) 868-8132
Firm# C-3441

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 2E

Presenter(s)

Michael Worner

Suggested Action

Place on Consent Agenda

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

Public Utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. Engineering staff recommends acceptance of the subject public utility infrastructure and entering the one-year warranty period.

Funding Source

N/A

Corresponding Documentation

Carolina Overlook Ph.E-UtilityAcceptanceResolution-warranty

Submitted By: Michael Worner, Engineering

Reviewed By:

Michael Worner, Construction Project Administrator	Approved - Jun 23 2025
Courtney Tanner, Deputy Town Manager	Approved - Jul 11 2025
Heidi Holland, Town Clerk	Approved - Jul 14 2025

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 2E

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on June 15, 2025 and recommends acceptance by Town Council for maintenance by the Town; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below will be placed under a warranty period for one-year to monitor construction deficiencies, such warranty period expiring on June 21, 2026; and

WHEREAS, prior to expiration of the one-year warranty period, Town of Clayton Engineering staff will perform a final inspection and notify the developer to correct all deficient items (if any); and

WHEREAS, upon correction of all deficient items (if any), the Town of Clayton Engineering staff will issue a final acceptance notice to the developer; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of public utilities and their apparatuses into the Town of Clayton Public Utility System.

SUBDIVISION	LOCATION DESCRIPTION	UTILITIY TYPE & SIZE	LENGTH
Carolina Overlook Phase 2E	Steeplechase Blvd.	8” Watermain	1997 LF
Carolina Overlook Phase 2F	Oaklawn Dr	8” Watermain	182 LF
Carolina Overlook Phase 2F	Churchill Dr.	8” Watermain	181 LF
		Total:	2,360 LF

SUBDIVISION	LOCATION DESCRIPTION	UTILITIY TYPE & SIZE	LENGTH
Carolina Overlook Phase 2F	Steeplechase Blvd.	8” Sewer main	1857 LF
Carolina Overlook Phase 2F	Oaklawn Dr.	8” Watermain	166 LF
Carolina Overlook Phase 2F	Churchill Dr	8” Watermain	157 LF
		Total:	2,180 LF

Duly adopted this on the 21st day of July 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

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

Resolution #2025-59

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Lighting Requests for Awareness Campaigns Policy

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Place on Consent Agenda - Adoption of Resolution #2025-60

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 Town of Clayton receives requests from individuals, nonprofit organizations, advocacy groups, and community members to light municipal buildings, monuments, fountains, or other structures in various colors in recognition of causes, awareness campaigns, or commemorative events.

While the Town appreciates the efforts of these organizations and recognizes the value of awareness campaigns, this policy establishes the Town's position regarding such lighting requests in order to maintain neutrality, manage limited resources, and ensure equitable treatment of all causes.

Funding Source

N/A

Corresponding Documentation

Lighting Requests for Awareness Campaigns Policy ADMIN 2025-01

2025-60 Lighting Requests for Awareness Campaigns Policy

Submitted By: Heidi Holland, Clerks

Reviewed By:

Heidi Holland, Town Clerk Approved - Jun 23 2025

	TOWN OF CLAYTON POLICY	
	Department: Administration	**Effective: July 21, 2025**
Policy Title: Lighting Requests for Awareness Campaigns **Version #ADMIN 2025-01** **Resolution #2025-60**		**Supersedes:** Click or tap here to enter text.
		Prepared By: Heidi Holland, Town Clerk
Approved By: Town Council ☒ or Town Manager ☐ **Date: July 21, 2025**		

I. Purpose

The Town of Clayton receives requests from individuals, nonprofit organizations, advocacy groups, and community members to light municipal buildings, monuments, fountains, or other structures in various colors in recognition of causes, awareness campaigns, or commemorative events.

While the Town appreciates the efforts of these organizations and recognizes the value of awareness campaigns, this policy establishes the Town's position regarding such lighting requests in order to maintain neutrality, manage limited resources, and ensure equitable treatment of all causes.

II. Policy Statement

It is the policy of the Town of Clayton not to authorize or participate in lighting municipal buildings or facilities in specific colors or displays in recognition of third-party events, social causes, commemorative dates, or awareness campaigns.

This decision is rooted in the following guiding principles:

- **Governmental Neutrality:** The Town must remain neutral on a wide range of social and political issues, many of which, while important, may be controversial or divisive. Supporting one cause over another can unintentionally imply governmental endorsement or opposition.

- **Equity and Consistency:** The Town recognizes that accommodating some requests while denying others could result in perceived favoritism or unfairness. The sheer volume and diversity of causes make it impractical to acknowledge every request equally.

- **Resource and Operational Constraints:** Managing special lighting requests requires staff time, scheduling, equipment adjustments, and possible expenditures of public funds. These resources are best directed toward core municipal functions

III. Scope

This policy applies to all permanent and temporary lighting displays on Town-owned buildings, structures, fountains, monuments, gateways, bridges, and other publicly visible municipal infrastructure.

IV. Exceptions

The Town Manager or their designee may authorize exceptions to this policy in rare circumstances, based on criteria that include:

- Direct municipal involvement in the event or program
- Public safety significance or declared state/national observance
- Emergency need or community-wide impact

Such exceptions will be made sparingly and will not include third-party awareness or advocacy requests.

V. Questions and Policy Review

Questions regarding this policy may be directed to the Town Manager's Office. This policy shall be reviewed periodically and may be amended as needed by the Town Council.

TOWN OF CLAYTON
LIGHTING REQUESTS FOR AWARENESS CAMPAIGNS POLICY

BE IT RESOLVED by the Clayton Town Council to adopt Lighting Requests for Awareness Campaigns Policy:

I. Purpose

The Town of Clayton receives requests from individuals, nonprofit organizations, advocacy groups, and community members to light municipal buildings, monuments, fountains, or other structures in various colors in recognition of causes, awareness campaigns, or commemorative events.

While the Town appreciates the efforts of these organizations and recognizes the value of awareness campaigns, this policy establishes the Town's position regarding such lighting requests in order to maintain neutrality, manage limited resources, and ensure equitable treatment of all causes.

II. Policy Statement

It is the policy of the Town of Clayton not to authorize or participate in lighting municipal buildings or facilities in specific colors or displays in recognition of third-party events, social causes, commemorative dates, or awareness campaigns.

This decision is rooted in the following guiding principles:

- **Governmental Neutrality:** The Town must remain neutral on a wide range of social and political issues, many of which, while important, may be controversial or divisive. Supporting one cause over another can unintentionally imply governmental endorsement or opposition.

- **Equity and Consistency:** The Town recognizes that accommodating some requests while denying others could result in perceived favoritism or unfairness. The sheer volume and diversity of causes make it impractical to acknowledge every request equally.

- **Resource and Operational Constraints:** Managing special lighting requests requires staff time, scheduling, equipment adjustments, and possible expenditures of public funds. These resources are best directed toward core municipal functions

III. Scope

This policy applies to all permanent and temporary lighting displays on Town-owned buildings, structures, fountains, monuments, gateways, bridges, and other publicly visible municipal infrastructure.

IV. Exceptions

The Town Manager or their designee may authorize exceptions to this policy in rare circumstances, based on criteria that include:

- Direct municipal involvement in the event or program
- Public safety significance or declared state/national observance
- Emergency need or community-wide impact

Such exceptions will be made sparingly and will not include third-party awareness or advocacy requests.

V. Questions and Policy Review

Questions regarding this policy may be directed to the Town Manager's Office. This policy shall be reviewed periodically and may be amended as needed by the Town Council.

Duly adopted this the 21st day of July 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, MMC, NCCMC
Town Clerk

Resolution #2025-60

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Town Standard File Name Policy Amendment ADMIN 2023-02A

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Place on Consent Agenda - Adoption of Resolution #2025-61

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 following statement was added to the current policy: SharePoint has a 400-charecter limit on the entire file path, including the site name, folder names, and the file name itself. In Windows, file and folder names cannot exceed 255 characters, including the path (folders, and the file name itself).

Background/History

This policy was originally adopted on November 20, 2023, by Resolution #2023-82. Resolution #2025-61 supersedes and replaces Resolution #2023-82.

Funding Source

N/A

Corresponding Documentation

ADMIN-2023-02A Town Standard File Naming Policy

2025-61 Town Standard File Naming Policy Amendment

Submitted By: Heidi Holland, Clerks

Reviewed By:
Heidi Holland, Town Clerk Approved - Jun 23 2025

TOWN OF CLAYTON POLICY

Department: Administration	**Effective: July 21, 2025**
Policy Title: Town Standard File Naming Policy **Version #**ADMIN 2023-02A, Resolution #2025-61	**Supersedes:** ADMIN 2023-02; Resolution #2023-82 **Prepared By:** Heidi Holland Town Clerk
Approved By: Town Council ☒ or Town Manager ☐	**Date: July 21, 2025**

Purpose

The purpose of this policy is to establish a consistent and standardized approach to naming electronic files created, received, or stored by the Town. A uniform file naming convention improves efficiency, ensures accurate records management, enhances searchability, reduces duplication, and supports transparency and compliance with public records laws. This policy is intended to promote clarity, consistency, and long-term accessibility of municipal records across all departments.

Town Standard File Naming Policy

June
2025
Version 2.0 v02

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Purpose

Just like paper files, electronic files need to be well-organized and labeled correctly so that they are identifiable and accessible by all employees. Efficient management of electronic records begins with accurate file naming. This is especially important for government offices in order to comply with legal requirements to ensure the availability, integrity, accessibility, and, if appropriate, the confidentiality of public records. General Statute §132-8.1 provides that each agency shall establish and maintain an active, continuing program for the economical and efficient management of records of that agency.[1]

This document is intended to be used primarily by individuals creating records on a daily basis. The rules discussed below will be Town standards and used by all staff creating and naming records on a daily basis; however, there may be exceptions. Regardless, this document should provide a foundation for developing a consistent and easy to use file naming standard to be implemented in any office. This document explores the general characteristics of records, how records are used and referenced, and the file naming rules that should be applied to all electronic records.

Default File Naming Explained

An electronic record is machine-readable, a series of 1s and 0s and requires hardware and software to be accessed and read. Organization is especially important so that these records can be found and retrieved. Electronic records include documents, spreadsheets, databases, images, video, and audio, as well as other file types. If not managed, a computer assigns a unique name for these files when saved, but these names do not provide a context for the file, nor are they logical from a human-readable perspective. For example, the default file name for a Microsoft Word document consists of the first few words written on the first page. Imaging devices automatically name images with sequential numbers. These types of file names do not promote accessibility and ease of identification. For ease of explanation, the examples in these guidelines will focus primarily on documents; however, the standards outlined below apply to all file formats. In addition, these guidelines frequently use “record” and “file” interchangeably, as the records discussed here are electronic records and, therefore, generally files on a computer.

Records Will Be Accessed by Others

Many offices utilize a network server to store files so that they are accessible from multiple locations by various people. This requires that file names (as well as folder structures) make sense to more than just the files’ creator. A file name should be clear to everyone in the department or agency in which the file was created. A record should be distinguishable from files with similar subjects as well as different versions of the same file.

When other individuals access a record, they may be using different operating systems (Microsoft Windows, Mac OSX), different versions of the system (e.g. Windows 7, Windows 10), or different software (e.g.

[1] https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_132/GS_132-8.1.pdf

Microsoft Word, OpenOffice.org Writer, Notepad); therefore, it is important to follow rules that will allow a file to be recognized in as many different environments as possible.

Rule #1: Avoid Using Special Characters In a File Name Such As \ / : * ? " < > | [ ] $, .

Computers and other electronic devices frequently use the characters listed above for specific tasks in an electronic environment. For example, a forward slash is used to identify folder levels in Microsoft products, while Mac operating systems use the colon. Periods are used in front of file-name extensions to denote file formats such as .jpg and .doc; using them in a file name could result in lost files or errors. Using these reserved characters can cause the system to misinterpret or be unable to read the file.

Rule #2: Err On the Side of Brevity

Different operating systems and software have different limits on the acceptable length of file names and file paths. Some systems allow up to 256 characters, while others allow far fewer. Keeping file names short can help prevent any future issues. Generally, about 25-30 characters is a sufficient length to capture enough descriptive information for naming a record. SharePoint has a 400-charecter limit on the entire file path, including the site name, folder names, and the file name itself. In Windows, file and folder names cannot exceed 255 characters, including the path (folders, and the file name itself).

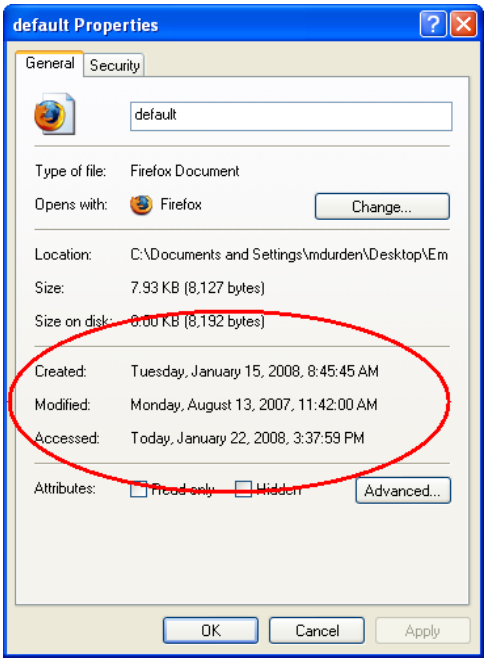
Rule #3: File Name Should Begin with the Company Name

With computers having the option to sort files from A to Z, when retrieving a file, it is easing to find the file when the file name begins with a letter rather than a date. Example: McGriff & Associates COI 10252023

Rule #4: Include Dates and Format Them Consistently

The point of organizing an agency's electronic records is to enable accessibility not only by current users, but by future users as well. Records retention schedules are applied to electronic records just as they are to paper records. Having the relevant date associated with the file is essential. Though many operating systems store this information with the file, as users move the file among folders and computers and as the file is re-saved as revisions are made, those dates change. A file could have a "created on" date that does not accurately reflect when they were created.

For example, the image to the right displays the properties for a file named 'default'. The date modified appears to be before the date created. This disparity appeared when the file was copied from a server to the desktop of a PC.



The best way to prevent confusion is to embed the relevant date (the date that the file was created or revised) in the file name itself.

The best way to list the date is based on an international standard – ISO 8601. ISO 8601 specifies numeric representations of date and time to be used in electronic format. The international standard date notation is:

MMDDYYYY

MM is the month of the year between 01 (January) and 12 (December), DD is the day of the month between 01 and 31 and YYYY is the year. For example, January 5, 2008 is written as 01052008.

This format allows ease of sorting and comparing files by date and prevents confusion with other date formats (especially in other formats that use just two digits for the year).

For example, this document could be named:

Filename 01052008

to reflect that this draft was last edited on January 5, 2008

Rule #5: Include a Version Number on Documents To Manage Drafts and Revisions More Easily

A file will frequently have multiple versions, especially when it is created by a workgroup. Specifying the version of a file can help you quickly identify the most accurate or most definitive version of the document.

The easiest way to do this is to use the letter "v" to represent "version number." Then, "v01, v02, v03" can be added as needed to a file and the main file name can stay the same. This is much more effective than other common additions like "update," "new," "old," etc. An exception to this rule is using "FINAL" to indicate the final version of the document. When using "FINAL", be sure to use it *instead* of the version number, rather than in addition to it.

Rule #6: Be Consistent

The most important rule of file naming is to be consistent. Some choices will need to be made about organizations that affect the entire workgroup – where to include the date, what abbreviations to use, etc. Regardless of what the group decides, it is only effective if everyone follows the rules consistently.

There Will Be Exceptions

One notable consideration is the batch-scanning process. This process typically relies on a program that sets its own parameters on the file names allowed. If this is the case, take advantage of the folder hierarchy and, when possible, apply the rules outlined here to folder names. Be consistent throughout the project; consider developing a file naming standard for all batch-scanning projects.

Remember: this document is not going to apply absolutely to every situation; it should be used as a guide to encourage discussion in offices and workgroups to develop file naming practices that work best in those specific environments.

Additional Resources

Controlled Vocabulary. "**Recommendations for Limitations on Image Filenaming."**
http://www.controlledvocabulary.com/imagedatabases/filename_limits.html

"Document Naming Conventions." Information Management Branch. Alberta Government. February 2018.
https://www.alberta.ca/assets/documents/im-naming-conventions.pdf

Kuhn, M. "A summary of the international standard date and time notation."
http://www.cl.cam.ac.uk/~mgk25/iso-time.html

Minnesota Historical Society. "File Naming." March 2004.
http://www.mnhs.org/preserve/records/electronicrecords/docs_pdfs/erfnaming.pdf

Resolution #2025-61

TOWN OF CLAYTON
TOWN STANDARD FILE NAMING POLICY AMENDMENT

BE IT RESOLVED by the Clayton Town Council to adopt the amendment to the Town Standard File Naming Policy as follows:

Rule #2: Err On the Side of Brevity

Different operating systems and software have different limits on the acceptable length of file names and file paths. Some systems allow up to 256 characters, while others allow far fewer. Keeping file names short can help prevent any future issues. Generally, about 25-30 characters is a sufficient length to capture enough descriptive information for naming a record. SharePoint has a 400-charecter limit on the entire file path, including the site name, folder names, and the file name itself. In Windows, file and folder names cannot exceed 255 characters, including the path (folders, and the file name itself).

This resolution supersedes resolution #2023-82.

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

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, MMC, NCCMC
Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Resolution Granting Wastewater Treatment Capacity 2025-07-SP-CD: Mads Ovlisen Art Center

Presenter(s)

Michael Worner, Engineering Technician

Suggested Action

Place on Consent Agenda - Resolution #2025-64

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 Novo Nordisk Pharmaceutical has made an application for Town of Clayton Wastewater Allocation to support its new amenity center located at 1988 Gordan Rd (Project 2025-07-SP-CD) in Clayton, NC. The applicant requests a wastewater allocation of 19,172 gallons per day. Per Town of Clayton Wastewater Allocation Policy, requests greater than 10,000 gpd must be approved by Town Council. Staff recommend approval of the Resolution #2025-64 granting 19,172 gallons per day to the project.

Funding Source

N/A

Corresponding Documentation

Novo Art Center Wastewater Resolution

Submitted By: Michael Worner, Engineering

Reviewed By:

Courtney Tanner, Deputy Town Manager	Approved - Jul 11 2025
Rich Cappola, Town Manager	Approved - Jul 16 2025
Heidi Holland, Town Clerk	Approved - Jul 17 2025

APPROVAL OF A RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY
2025-07-SP-CD: MADS OVLISEN ART CENTER

WHEREAS, the Town of Clayton operates a wastewater treatment plant known and permitted as the "Little Creek Water Reclamation Facility"; and

WHEREAS, said facility is permitted to treat a maximum average of 2.5 million gallons daily; and

WHEREAS, the Town of Clayton holds several interlocal agreements which secure additional wastewater treatment capacity from other available sources; and

WHEREAS, the Town of Clayton is constructing a new wastewater treatment facility permitted to treat up to 6 million gallons daily and expected to be completed by early 2026; and

WHEREAS, the North Carolina Department of Environment Quality (NCDEQ) regulates, reviews, and permits flow tributaries to newly extended or installed wastewater treatment collection facilities tributary to the Town of Clayton system; and

WHEREAS, the flow from sanitary sewer customers tributaries to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements regarding wastewater treatment;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following are found:

1. The Town of Clayton has, according to the most recent accounting, sufficient excess, and unallocated treatment capacity to approve additional allocation subject to the completion of the Sam's Branch Wastewater Reclamation Facility.

2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.

3. A total allocation for wastewater treatment capacity is granted in the amount of 19,172 gallons per day (GPD) to Mads Ovlisen Art Center.

4. Allocation for wastewater treatment capacity will be allotted accordingly unless otherwise modified by the Engineering Director due to treatment capacity availability and regulatory requirements at time of permitting. In the event treatment capacity is unavailable at time of permitting, the Engineering Director will make a good faith effort to execute project permits and forms as soon as treatment capacity is available.

Resolution #2025-64

5. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

6. Said allocation is non-transferable, non-assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.

7. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property rights are conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.

8. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

9. Said allocation is subject to expiration one (1) year from the approved date if the project has not progressed in construction plan approval, building-permit approval, or on-site construction. Upon request in writing, the Engineering Director may grant a one (1) year extension.

10. This resolution solely pertains to the granting of wastewater treatment capacity. It does not guarantee the availability or adequacy of wastewater transmission or conveyance capacity. Transmission capacity may be limited or conditioned by the status of downstream infrastructure, system hydraulics, or required improvements, and may also be subject to the terms and constraints of agreements with external or adjacent partner agencies. Any necessary upgrades for transmission shall be the responsibility of the applicant and shall comply with all applicable standards, regulations, and approvals.

Duly adopted this 21st day of July 2025, while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

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

Resolution #2025-64

Resolution #2025-64

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Piggybacking on Town of Apex's Odor Control Chemical Bid

Presenter(s)

Shaun Mizell, Procurement Contracts and MWBE Manager

Suggested Action

Place on Consent Agenda - Adoption of Resolution #2025-66

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 Town seeks to obtain Sulphatrox, Sulphatrox EX and Ferrotrox at a competitive price and in a timely manner to ensure uninterrupted service to residents. Under North Carolina General Statute §143-129(g), a local government may purchase goods through a contract previously entered into by another governmental unit, provided that the original contract was entered into through a formal competitive bidding process and the vendor is willing to extend the same terms.

The Town of Apex awarded a competitively bid contract to Cape Fear Water Solutions for the provision of Sulphatrox, Sulphatrox EX and Ferrotrox on July 1, 2025, and that contract remains active through June 30, 2028. Cape Fear Water Solutions has agreed to honor the pricing and terms of that contract for the benefit of the Town of Clayton and piggybacking on the Town of Apex contract offers favorable pricing and avoids the delay and cost of issuing a separate competitive bid.

Funding Source

N/A

Corresponding Documentation

Piggybacking on Town of Apex's Odor Control Chemical Bid - SM

CAPE FEAR_ Bid Response

Cape Fear-Odor Corrosion Ctrl FY 26-28 + Town of Apex document

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Submitted By: Shaun Mizell, Procurement

Reviewed By:

Rich Cappola, Town Manager	Approved - Jul 16 2025
Heidi Holland, Town Clerk	Approved - Jul 17 2025

TOWN OF CLAYTON
A RESOLUTION AUTHORIZING THE PURCHASE OF ODOR CONTROL CHEMICALS THROUGH PIGGYBACKING ON A CONTRACT AWARDED BY THE TOWN OF APEX TO CAPE FEAR WATER SOLUTIONS PURSUANT TO N.C.G.S. 143-129(g)

WHEREAS, the Town of Clayton has an ongoing need for odor control chemicals for its wastewater treatment operations; and

WHEREAS, the Town seeks to obtain Sulphatrox, Sulphatrox EX and Ferrotrox at a competitive price and in a timely manner to ensure uninterrupted service to residents; and

WHEREAS, under North Carolina General Statute §143-129(g), a local government may purchase goods through a contract previously entered into by another governmental unit, provided that the original contract was entered into through a formal competitive bidding process and the vendor is willing to extend the same terms; and

WHEREAS, the Town of Apex awarded a competitively bid contract to Cape Fear Water Solutions for the provision of Sulphatrox, Sulphatrox EX and Ferrotrox on July 1, 2025, and that contract remains active through June 30, 2028; and

WHEREAS, Cape Fear Water Solutions has agreed to honor the pricing and terms of that contract for the benefit of the Town of Clayton; and

WHEREAS, piggybacking on the Town of Apex contract offers favorable pricing and avoids the delay and cost of issuing a separate competitive bid.

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

1. The Town hereby authorizes the purchase of Sulphatrox, Sulphatrox EX and Ferrotrox from Cape Fear Water Solutions pursuant to the terms of the contract awarded by the Town of Apex, in accordance with N.C.G.S. §143-129(g).

2. The Town Council finds that this action is in the best interest of the Town and complies with applicable public purchasing laws.

3. The Town Manager is hereby authorized to execute any and all agreements, documents, and purchase orders necessary to complete this transaction.

4. This Resolution shall become effective upon adoption.

Resolution #2025-66

Duly adopted this 21st day of July 2025, while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

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

Resolution #2025-66

CAPE FEAR water solutions

Odor Control Proposal for Apex, NC

Cape Fear Water Solutions will provide the Town of Apex, NC sewer collection system with odor and corrosion control per the RFP titled "Full-Service Odor Control Program".

Proposal Costs

Item	Equivalent To	Unit Cost
Sulphatrox	Bioxide	$2.32/gal
Sulphatrox EX	Bioxide 71	$3.78/gal
Ferrotrox	Odophos	$0.99/gal
Routine Service	Bi-Monthly Routine Service	$0 – Routine Service is included with chemical purchase from Cape Fear Water Solutions
Chemical Control Panel Installation	VDLT Dosing Upgrade	$550 (Monthly)
Vapor Phase System Service	Vapor Phase System Service	$100 (Monthly)
Service and H2S Monitoring	Service and H2S Monitoring	$0 – Continuous Atmospheric H2S monitoring is provided at the specified sites

The following pages outline the chemical specifications, scope of services, and equipment specifications offered by Cape Fear Water Solutions.

Regards,

Maurice Hester
Vice President, COO
Cape Fear Water Solutions Inc.

Scope of Routine Service

- **Monthly** site visit to monitor chemical inventory level and perform routine preventative maintenance to dosing pump system.
- Dosing pump system corrective maintenance.
- 24/7/365 on-call technical assistance.
- Commitment of 2-hour response time to odor complaints, reports of chemical pump malfunctions, etc.
- Monthly measurement of product residuals, dissolved sulfide, and other key parameters to achieve cost-efficient odor and H2S control.
- Adjust chemical feed rates based on atmospheric H2S and dissolved sulfide results.
- At no extra cost, Cape Fear Water Solutions will provide any investigative odor/H2S detection studies.
- Monthly report of chemical deliveries, maintenance findings, atmospheric H2S results, and water sample results.

Chemical Control Panel Installation

- Attached to this proposal is the specification in which Cape Fear Water Solutions will provide a PLC controlled chemical feed system that includes alarms for tank levels, pump failures, etc.

Scope of H2S Monitoring

- Continuous atmospheric H2S monitoring at specified locations
- Access to Cape Fear Water Solutions' web-based portal to view H2S levels

Vapor Phase System Service

- Monthly inspection of key operating parameters
- Deliver and provide nutrient for biofiltration
- Inspection of mechanical equipment
- Optimization of water and nutrient flow rates

CAPE FEAR
water solutions

Reference List and Technical Data Provided by
Cape Fear Water Solutions Inc.

1. **Project Team:**

Team Member	Project Responsibility	Experience & Qualifications
Chad Garner	Lead Service Technician – Certified CDL Driver Located in Dublin, NC	4 years of experience in: • dosing system preventative and corrective maintenance. • H2S detection testing (atmospheric & dissolved sulfide). • Wastewater septicity testing.
Maurice Hester	Project Liaison – Back-up Service Technician Located in Tar Heel, NC	• 4 years of experience in cost effective H2S mitigation in wastewater streams. • 9 years of process control and optimization experience. • Mechanical Engineer
Joey Dockery	Business Manager – Back-up Service Technician Certified CDL Driver Located in Orrum, NC	• 25 years' experience in wastewater treatment. • NC Licensed Collections and Distribution Operator

Qualifications/Experience:

1. PWC – Fayetteville
   a. Project Summary: H2S mitigation of the regional wastewater collection system comprised of 13 chemical dosing locations, utilizing both calcium nitrate and ferrous-iron based treatment chemicals. Project work includes maintaining healthy chemical inventory levels at each site, dosing pump preventative and corrective maintenance, dosing pump calibration, routine atmospheric and in-solution H2S monitoring, on-call response to odor complaints, and monthly treatment system performance and maintenance reports.
   b. Client Contact Information:

      Tracy Dowd
      PWC
      PO Box 1089
      Fayetteville, NC 28302
      Phone: 910-223-4790

   c. Year of Contract: 2016 – Present
   d. Statement of Extent of Success: Renewed commitment 7 times since contract origination in 2016
   e. Contract Length: Annual

2. Harnett County Public Utility
    a. Project Summary: H2S mitigation of the regional wastewater collection system comprised of 15 chemical dosing locations. Project work includes chemical delivery on an as needed basis, dosing pump corrective maintenance and treatment system optimization in coordination with HCPU program manager.
    b. Client Contact Information:
        Vicky Paysuer
        Harnett County Public Utility
        200 McKinny Pkwy
        Lillington, NC 27546
        Phone: 910-893-2424
    c. Year of Contract: 2011 – Present
    d. Statement of Extent of Success: Renewed commitment 12 times since contract origination in 2011
    e. Contract Length: Annual

3. Warren County Utilities
    a. Project Summary: H2S mitigation of the regional wastewater collection system comprised of 4 chemical dosing locations. Project work includes maintaining healthy chemical inventory levels at each site, dosing pump preventative and corrective maintenance, atmospheric and in-solution H2S monitoring, on-call response to odor complaints, and treatment system optimization based on system changes and H2S test results.
    b. Client Contact Information:
        Marcie Byrd
        PO Box 577
        Warrenton, NC 27589
        Phone: 252-257-3647
    c. Year of Contract: 2012 – Present
    d. Statement of Extent of Success: Renewed commitment 11 times since contract origination in 2012
    e. Contract Length: Annual

4. South Granville Water and Sewer Authority
    a. Project Summary: H2S mitigation of the regional wastewater collection system comprised of 15 chemical dosing locations. Project work includes maintaining healthy chemical inventory levels at each site, dosing pump preventative and corrective maintenance, atmospheric and in-solution H2S monitoring, on-call response to odor complaints, and treatment system optimization based on system changes and H2S test results.
    b. Client Contact Information:
        Robert Jackson
        SGWASA
        415 Central Ave. Suite B
        Butner, NC 27509

Phone: 919-575-3112 ext 2

c. Year of Contract: 2010 – Present
d. Statement of Extent of Success: Renewed commitment 7 times since contract origination in 2016
e. Contract Length: Annual

5. Cumberland County Public Utility
   a. Project Summary: H2S mitigation of the regional wastewater collection system comprised of 3 chemical dosing locations. Project work includes maintaining healthy chemical inventory levels at each site, dosing pump preventative and corrective maintenance, dosing pump calibration, routine atmospheric and in-solution H2S monitoring, on-call response to odor complaints, and monthly treatment system performance and maintenance reports.
   b. Client Contact Information:
      Amy Hall
      Cumberland County Public Utility
      PO Box 1829
      Fayetteville, NC 28302
      Phone: 910-678-7637
      Fax: 910-678-7635
   c. Year of Contract: 2016 – Present
   d. Statement of Extent of Success: Renewed commitment 7 times since contract origination in 2016
   e. Contract Length: Annual

6. Town of Cary, NC
   a. Project Summary: Delivery of calcium nitrate chemical on an as-needed basis, dosing pump maintenance, supply dosing system repair parts, and recommend system changes for treatment optimization.
   b. Client Contact Information:
      Bryan Campbell
      Town of Cary
      400 James Jackson Ave.
      Cary, NC 27513
      Phone: 919-427-8021
   c. Year of Contract: April 2023 – Present
   d. Statement of Extend of Success: Renewal of contract
   e. Contract Length: Annual

7. Town of Fuquay-Varina, NC
   a. Project Summary: H2S mitigation of the regional wastewater collection system comprised of 9 chemical dosing locations. Project work includes maintaining healthy chemical inventory levels at each site, dosing pump preventative and corrective maintenance, dosing pump calibration, routine atmospheric and in-solution H2S monitoring, on-call response to odor complaints, treatment optimization based on H2S test results, and monthly treatment system performance and maintenance reports.
   b. Client Contact Information:
      Jonathan Joyner

Town of Fuquay-Varina
1415 Holland Rd
Fuquay-Varina, NC 27526
Phone: 919-499-7459

c. Year of Contract: No contract required – Service began June 2023
d. Statement of Extent of Success: increased services to 15 dosing locations beginning July 2024
e. Contract Value: N/A
f. Contract Length: N/A

8. Aqua North Carolina
    a. Project Summary: Municipal odor studies/H2S detection in wastewater collection systems, conduct H2S mitigation pilot studies, provide municipal collection systems with an optimized treatment plan utilizing calcium nitrate based on pilot study results, mitigate fats, oils, and grease problems in lift stations via chemical treatment.
    b. Client Contact Information:
        Joseph Pearce
        Aqua North Carolina
        202 Mackenan Dr
        Cary, NC
        Phone: 919-467-8712
    c. Year of Contract: No contract required – Service began February 2021
    d. Statement of Extend of Success: N/A
    e. Contract Length: N/A

Scope of Service/Methodology

The services being requested by this project include an un-interrupted supply of calcium nitrate solution at the available chemical dosing sites, 24/7/365 atmospheric H2S monitoring, waste stream solution testing, chemical treatment optimization, vapor-phase system monitoring and optimization to extend the life of the carbon while achieving standard levels of H2S adsorption. The primary objectives of the aforementioned actions are to minimize odor complaints from citizens and protect the wastewater infrastructure from corrosion.

Chemical Application and H2S Control

Initial actions taken by Cape Fear Water Solutions in any wastewater system are to conduct atmospheric H2S monitoring at specified points downstream of the dosing location. Atmospheric monitoring paired with in-solution H2S, ORP, and pH levels upstream, downstream, and on-location of the dosing site at different times of day is used to determine the septicity of the waste stream. Utilizing these results, a dosing plan is calculated based on the amount of incoming dissolved and atmospheric H2S. The dosing plan consists of variable flow rates to minimize excess chemical addition. Monitoring of local events and weather is also conducted to account for any major variations in wastewater flow.

Maintenance Plans

Cape Fear Water Solutions is prepared to dedicate a service technician to visit the dosing and monitoring sites as outlined by the contract. Typical site visits will occur twice

a week, on a Monday/Thursday and Tuesday/Friday split schedule and more frequently as deemed necessary. Wednesday is scheduled for non-routine testing at various locations. Pump settings and calibrations will be noted on the pump as well as stored in the Cape Fear Water Solutions maintenance database. Site visit checks include:

- Check the physical operating condition of the pump.
- Look for the presence of any abnormal noise, excessive vibration, low flow and pressure output or high temperatures.
- Check for leaks around fittings or as a result of deteriorating tubing e.g. when standard white translucent discharge tubing is exposed to direct sunlight. Take appropriate action to correct leak by tightening fittings or replacing components.
- Keep the pump free of dirt and debris as this provides insulation and can lead to excessive pump temperatures.
- Chemical inventory level.

Odor Complaints and Troubleshooting

Upon receipt of the complaint, a Cape Fear Water Solutions representative (Project Manager or Service Technician) will be dispatched to the site of the complaint, equipped with H2S testing equipment to survey the site and report the findings. After the site inspection is complete a site visit to the upstream chemical dosing location(s) will be completed to inspect the dosing system. Once all data is collected, a final report with a determining factor and any actions (if any) that were taken to remediate the complaint.

Avoiding Residual Product Reactions

The most effective way to reduce the potential of residuals from product reactions in hydrogen sulfide control is to maintain a proper dose of calcium nitrate, specifically avoiding over feeding the chemical. Cape Fear Water Solutions uses the ORP (oxidation-reduction potential) level, residual nitrate, and H2S levels to determine if there is an overfeeding of calcium nitrate. An ORP level target between -50mV and 50mV is optimal to allow for denitrification processes to occur in the water and slime layer. ORP ranges in this threshold does not allow sulfide or volatile acid formation.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

PURCHASE ORDER #: FY 26-TBD
Infor Contract #: 455
STANDARD SERVICES AGREEMENT

THIS STANDARD SERVICES AGREEMENT (hereinafter "Agreement") is entered into this 1st of July, 2025 by and between, Cape Fear Water Solutions, Inc. , a North Carolina limited liability company with its principal business offices located at 399 Old NC 87, Dublin, NC 28332 (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

The Town and the Contractor, for the consideration stated herein, agree as follows:

1. SCOPE OF SERVICES.
The Contractor agrees to perform for the Town the following services: Provide delivery of odor and corrosion control chemicals to pump stations: Sulphatrox to Shepherds Vineyard, Jordan Pointe 2, Colvin Park, Pleasant Park, Salem Village, Williams Creek, Waterford Green 1; Sulphatrox EX to Jordan Pointe 1; and Ferrotrox to Middle Creek WRF.

Provide the following services at pump stations: continuous atmospheric H2S monitoring at Jordan Pointe 1 and 2, Williams Creek, and Waterford Green 1; monthly vapor phase system service at Shepherds Vineyard; and bi-monthly routine service at Shepherds Vineyard, Jordan Pointe 1 and 2, Colvin Park, Pleasant Park, Salem Village, Williams Creek,Waterford Green 1, Middle Creek WRF.

See Exhibit A, Cape Fear Water Solutions, Inc. quote for detailed scope of service and Exhibit B, 2025 Odor Control Chemicals Formal Bid Request for details of expected service at each pump station station. This contract does not include VDLT Dosing Upgrade at Jordan Pointe 1.

In the event of a conflict between the terms of the attached Scope of Services and this Agreement, this Agreement shall control.

2. SPECIFICATIONS.
Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Upon request by the Town, Contractor will provide plans and specifications prior to engaging in any services under this Agreement. Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between any provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.
Contractor shall commence the work required in this Agreement no more than 30 days after the date of execution of this Agreement, and the Contractor shall complete entire work no later than 6/30/2028. If a Scope of Services is provided Contractor shall also comply with all timelines and deadlines documented in the Scope of Services. If Contractor has not satisfactorily commenced or completed the work within the

times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies. Any changes to the schedule(s) provided in the Agreement must be agreed to in writing by the Town and the Contractor.

4. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor the total sum of $ 260,000 (annually) as provided in Exhibit C, Full Service Odor Control Bid Tabulation, to be paid according to the following schedule: 30 days from receipt of invoice. Town has the right to require the Contractor to produce for inspection all of Contractor's records and charges to verify the accuracy of all invoices. Town shall pay Contractor's invoices at times set forth above unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5.

6. INDEMNIFICATION.

To the extent permitted by law, the Contractor agrees to defend, pay on behalf of, indemnify, and hold-harmless the Town of Apex, its elected and appointed officials, employees, agents, and volunteers against any and all claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the Town of Apex, its elected or appointed officials, employees, agents, and volunteers by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof resulting from the negligence of the Contractor.

7. APPLICABILITY OF LAWS AND REGULATIONS.

The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Wake, and the Town of Apex in the performance of the services outlined in this Agreement and any attached specifications.

This Agreement shall be governed by the laws of the State of North Carolina. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or nonperformance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Wake County, North Carolina, or the United States District Court sitting in Wake County, North Carolina, and it is agreed by the Parties that no other court shall have jurisdiction or venue with respect to such suits or actions.

7. E-VERIFY COMPLIANCE.

The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Contractor shall require all of the Contractor's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

8. ANTI-HUMAN TRAFFICKING.

The Contractor warrants and agrees that no labor supplied by the Contractor or the Contractor's subcontractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

9. QUALITY AND WORKMANSHIP.

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided.

10. INSURANCE.

The Contractor shall maintain valid general liability insurance in the minimum amount of $1,000,000, commercial automobile liability insurance in the minimum amount of $2,000,000, and provide certificates of such insurance naming the Town of Apex as an additional insured by endorsement to the policies. If the policy has a blanket additional insured provision, the contractor's insurance shall be primary and non-contributory to other insurance. Additionally, the contractor shall maintain and show proof of workers' compensation and employer's liability insurance in the minimum amount of $1,000,000. The Contractor shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company. All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Contractor to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

11. PRE-PROJECT SAFETY REVIEW MEETING.

When specified by the Safety and Risk Manager, the Contractor shall attend a pre-project safety review meeting with the contacting Department Head and Supervisors and Safety and Risk Manager prior to the start of work.

12. DEFAULT.

In the event of substantial failure by Contractor to perform in accordance with the terms of this Agreement, Town shall have the right to terminate Contractor upon seven (7) days written notice in which event Contractor shall have neither the obligation nor the right to perform further services under this Agreement.

13. TERMINATION FOR CONVENIENCE.

Town shall have the right to terminate this Agreement for the Town's convenience upon thirty (30) days written notice to Contractor. Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay Contractor for all services satisfactorily performed.

14. NOTICE.

Any formal notice, demand, or request required by or made in connection with this Agreement shall be deemed properly made if delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

TO CONTRACTOR:
Cape Fear Water Solutions, Inc.
PO Box 416
Dublin, NC 28332
Maurice.hester@capefearwatersolutions.com

TO TOWN: Town of Apex
Attention: Michael Deaton
PO Box 250
Apex, NC 27502
Michael.deaton@apexnc.org

15. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town, having taken commercially reasonable precautions, shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall mean, but is not limited to, delay caused by natural disaster, fire, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, civil disobedience, or other event reasonably outside of the parties' control. Due to the ever-changing circumstances surrounding the COVID-19 pandemic, situations may arise during the performance of this Agreement that affect availability of resources and staff of Contractor or the Town. There could be changes in anticipated performance times and service costs. Contractor will exercise reasonable efforts to overcome the challenges presented by current circumstances. In the event of changes in performance times or service costs caused by the COVID-19 pandemic the Town reserves the right to terminate this Agreement in accordance with its terms. The Parties agree that they shall not be liable to each other for any delays, expenses, losses, or damages of any kind arising out of the impact of the COVID-19 pandemic.

16. NONWAIVER FOR BREACH.

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

17. CONSTRUCTION.

Should any portion of this Agreement require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

18. NO REPRESENTATIONS.

The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Agreement, and they rely on no such representations; that they have fully read and understood this Agreement before signing their names; and that they act voluntarily and with full advice of counsel.

19. SEVERABILITY.

In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

20. COUNTERPARTS.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

21. MODIFICATION.
This Agreement contains the full understanding of the parties. Any modifications or addendums to this Agreement must be in writing and executed with the same formality as this Agreement.

22. BINDING EFFECT.
The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

23. ASSIGNMENT.
Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town. Nothing contained in this paragraph shall prevent Contractor from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist Contractor in the performance of services rendered.

24. INDEPENDENT CONTRACTOR.
Contractor is an independent contractor and shall undertake performance of the services pursuant to the terms of this Agreement as an independent contractor. Contractor shall be wholly responsible for the methods, means and techniques of performance.

25. NON-APPROPRIATION.
Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Town.

26. IRAN DIVESTMENT ACT CERTIFICATION.
N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement the Contractor hereby certifies that the Contractor is not listed on the Final Divestment List created by the North Carolina State Treasurer and that the Contractor will not utilize any subcontractors found on the Final Divestment List.

27. NONDISCRIMINATION.
Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Contractor hereby warrants and agrees that Contractor will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement "protected class" includes age, race, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair

style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

28. ELECTRONIC SIGNATURE.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The Parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this_ July 1st, 2025 _____.

Contractor



Maurice Hester , Vice President
Email: maurice.hester@capefearwatersolutions.com
Timestamp: Wednesday, June 18th, 2025 7:16 PM UTC

Town of Apex

Randal E. Vosburg, Town Manager
Email: randy.vosburg@apexnc.org
Timestamp: [empty signing timestamp]

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance

[empty member name] , Interim Finance Director
Email: Jessica.Murphy-Rhem@apexnc.org
Timestamp: [empty signing timestamp]

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Resolution Granting Wastewater Treatment Capacity 2025-13-SP-CD: Clayton Commerce Center

Presenter(s)

Michael Worner, Engineering Technician

Suggested Action

Place on Consent Agenda - Resolution #2025-68

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 Clayton Commerce Center has made an application for Town of Clayton Wastewater Allocation to support its new amenity center located at 8121 Clayton Blvd (Project 2025-13-SP-CD) in Clayton, NC. The applicant requests a wastewater allocation of 10,175 gallons per day. Per Town of Clayton Wastewater Allocation Policy, requests greater than 10,000 gpd must be approved by Town Council. Staff recommends approval of the Resolution #2025-68 granting 10,175 gallons per day to the project.

Funding Source

N/A

Corresponding Documentation

Clayton Commerce Center Wastewater Resolution

Submitted By: Michael Worner, Engineering

Reviewed By:

Courtney Tanner, Deputy Town Manager	Approved - Jul 16 2025
Rich Cappola, Town Manager	Approved - Jul 16 2025
Heidi Holland, Town Clerk	Approved - Jul 17 2025

APPROVAL OF A RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY-2025-13-SP-CD: CLAYTON COMMERCE CENTER

WHEREAS, the Town of Clayton operates a wastewater treatment plant known and permitted as the "Little Creek Water Reclamation Facility"; and

WHEREAS, said facility is permitted to treat a maximum average of 2.5 million gallons daily; and

WHEREAS, the Town of Clayton holds several interlocal agreements which secure additional wastewater treatment capacity from other available sources; and

WHEREAS, the Town of Clayton is constructing a new wastewater treatment facility permitted to treat up to 6 million gallons daily and expected to be completed by early 2026; and

WHEREAS, the North Carolina Department of Environment Quality (NCDEQ) regulates, reviews, and permits flow tributaries to newly extended or installed wastewater treatment collection facilities tributary to the Town of Clayton system; and

WHEREAS, the flow from sanitary sewer customers tributaries to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements regarding wastewater treatment;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following are found:

1. The Town of Clayton has, according to the most recent accounting, sufficient excess, and unallocated treatment capacity to approve additional allocation subject to the completion of the Sam's Branch Wastewater Reclamation Facility.

2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.

3. A total allocation for wastewater treatment capacity is granted in the amount of 10,175 gallons per day (GPD) to Clayton Commerce Center

4. Allocation for wastewater treatment capacity will be allotted accordingly unless otherwise modified by the Engineering Director due to treatment capacity availability and regulatory requirements at time of permitting. In the event treatment capacity is unavailable at time of permitting, the Engineering Director will make a good faith effort to execute project permits and forms as soon as treatment capacity is available.

Resolution #2025-68

5. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

6. Said allocation is non-transferable, non-assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.

7. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property rights are conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.

8. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

9. Said allocation is subject to expiration one (1) year from the approved date if the project has not progressed in construction plan approval, building-permit approval, or on-site construction. Upon request in writing, the Engineering Director may grant a one (1) year extension.

10. This resolution solely pertains to the granting of wastewater treatment capacity. It does not guarantee the availability or adequacy of wastewater transmission or conveyance capacity. Transmission capacity may be limited or conditioned by the status of downstream infrastructure, system hydraulics, or required improvements, and may also be subject to the terms and constraints of agreements with external or adjacent partner agencies. Any necessary upgrades for transmission shall be the responsibility of the applicant and shall comply with all applicable standards, regulations, and approvals

Duly adopted this 21st day of July 2025, while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

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

Resolution #2025-68

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Johnston County Emergency Services Agreements FY26

Presenter(s)

David Ranes, Fire Chief

Suggested Action

Approval of Contract

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

Four agreements have been updated to reflect revised county funding for emergency services provided to the Claytex Insurance District. These agreements include:

1. Interlocal Agreement for the Provision of Fire Protection Services
2. Fire Department Medical Responder Agreement
3. Rescue Services Agreement
4. Cardiac Arrest Assistance Agreement

Together, these agreements commit a total of $4,731,391.05 in funding to the Town of Clayton for FY26 emergency services in the Claytex Insurance District. All agreements are set to expire on June 30, 2026.

Background/History

These updated agreements highlight the long-standing partnership between the Town of Clayton and Johnston County. They support enhanced service levels for residents within the Claytex Insurance District by leveraging Clayton Fire Department resources, all while maintaining a cost-effective model for Johnston County.

Recommendation

It's the recommendation for Council to approve these contracts.

Funding Source

N/A

Corresponding Documentation

ILA for Provision of Fire Protection Services

FD Medical Responder Agreement

Rescue Services Agreement

Cardiac Arrest Agreement

Submitted By: David Ranes, Fire Department

Reviewed By:

Rich Cappola, Town Manager	Approved - Jul 16 2025
Heidi Holland, Town Clerk	Approved - Jul 17 2025

JOHNSTON COUNTY EMERGENCY SERVICES
RYAN PARKER | EMERGENCY SERVICES DIRECTOR
2875 US HWY 70 BUS E | PO BOX 530 | SMITHFIELD, NC 27577 | PHONE: (919) 989-5050 | FAX: (919) 989-5052

NORTH CAROLINA
JOHNSTON COUNTY

INTERLOCAL AGREEMENT FOR PROVISION OF FIRE PROTECTION SERVICES

This Agreement (sometimes referred to as "Contract"), made and entered into this the first day of July, 2025, by and between County of Johnston, a political subdivision of the State of North Carolina, hereinafter referred to as the "County," and the ***Town of Clayton***, a body politic and corporate of the State of North Carolina, hereinafter referred to as the "Town" or "Contractor";

WHEREAS, the Town and the County are authorized pursuant to N.C. General Statute § 160A-460, *et seq*., to enter into an interlocal agreement; and

WHEREAS, the Town and the County wish to enter into such an agreement by which the County will assess and collect a special fire tax and the Town will provide certain fire protection services as described herein.

Now therefore, in consideration of the mutual promises contained herein and other good and valuable consideration, the parties hereto contract and agree as follows:

1) The County agrees that it will cause to be assessed or levied a special fire tax within statutory limits and will collect said fire tax on an ad valorem basis on property within the **Claytex** Fire Insurance District (hereinafter the "District").

2) The Town shall submit in writing to the Johnston County Fire Marshal an adopted budget approved by the Town by the established deadline each year.

3) "Fire Department" as used herein refers to the Town, acting by and through its Fire Department.

4) The County agrees to pay Fire Department for services provided under this Agreement from fire service tax district funds in an amount as determined by the annual County Budget Ordinance, which for 2025-2026 is **$4,731,391.05**. All County funds are subject to the requirements of this Agreement and policies and procedures as may be set forth by the Johnston County Finance Office. Payments shall be made in equal monthly installments payable on the 15th day of each month.

5) Fire Protection Service District (N.C. General Statute 153A-301) funds levied and collected by the County and paid to the Fire Department by the County shall be used exclusively for fire department operations to provide fire protection and emergency services in the District, whether within or outside the Town's corporate boundaries, and other areas of response as dispatched and to meet the standards established by this Agreement.

6) The Fire Department will furnish fire protection and related emergency services pursuant to the standards set forth by the North Carolina Department of Insurance, County, and all other pertinent federal, state, and local laws and regulations within the Fire District (sometimes referred to herein as "primary service area") and shall provide the necessary equipment, personnel, and those things necessary for furnishing such protection in the District. The District is defined in the map of the Fire Insurance District on record with the Clerk to the Johnston County Board of Commissioners and in the GIS/Land Records Management of Johnston County. The services shall be in accordance with minimum standards set forth in this Agreement and all future amendments adopted in accordance with paragraph 19 of this Agreement. The Fire Department shall furnish said fire protection without charge

to all persons and property located in the District in an efficient and competent manner. This provision shall not prohibit the Fire Department from recouping costs and expenses from incidents or from entering into contracts with the Federal, State, or local governments or utility companies for the provision of emergency protection services for a fee, or from applying for and/or receiving any donations, grants, or contributions of any kind, whether governmental or private.

a. The Fire Department shall provide fire protection and related emergency services from the following location(s); having been inspected by the North Carolina Office of State Marshal and determined to meet or exceed the minimum requirements for a rated and certified district:
    i. Station 1
        1. 325 W Horne Street, Clayton, NC 27520
    ii. Station 2
        1. 800 NC Highway 42 E, Clayton, NC 27527

7) Fire Department agrees that County has the right to inspect all books and accounts of Fire Department at any time. Said inspection shall be conducted by the Johnston County Board of Commissioners through the Johnston County Fire Marshal, the Johnston County Finance Officer, or other designees of the Johnston County Board of Commissioners. The Fire Department shall furnish all applicable materials and financial statements for the purpose of the annual audit conducted by the Town in conformity with General Accepted Accounting Principles or other comprehensive basis of accounting. The Town shall follow the applicable statutory procedures for letting of public contracts for fire apparatus, equipment, and construction as may be amended by the North Carolina Legislature from time to time. Fire Department shall maintain an accurate inventory of any property with a purchase price of $5,000.00 or greater purchased in whole or in part with County Fire District funds for the purpose of providing and furnishing fire protection services to the Fire District pursuant to this Agreement.

8) If any condition of this Agreement is not being fulfilled by Fire Department to the satisfaction of County, in County's sole discretion, the Johnston County Finance Officer has the right to withhold any and all funds to be paid to Fire Department under this Agreement at any time and until such time as the Fire Department complies with the terms of this Agreement. If Fire Department refuses or fails to provide fire protection services, facilities, or functions as contemplated under this Agreement and to the sole satisfaction of County, the Johnston County Fire Marshal shall investigate the cause of said refusal or failure. During the investigation by the Johnston County Fire Marshal, County may withhold any and all funds due and payable to Fire Department. If the investigation by the Johnston County Fire Marshal determines that Fire Department has refused or failed to perform the duties and obligations of it as required herein, and certifies the results of the investigation to the County Manager, the County Manager may instruct the Finance Officer to withhold any and all funds to be aid to Fire Department under this Agreement until a resolution regarding the refusal or failure to perform is reached by the parties. If a resolution is unable to be reached by the parties, County, in its sole discretion, may withhold any and all funds to be paid to Fire Department under this Agreement, terminate this Agreement for cause, or take any other such action as County deems necessary to protect the citizens of the District. Fire Department's failure to file reports required of it to any Federal, State, or local authority shall be grounds for County to terminate this Agreement with Fire Department for cause. If this Agreement is terminated by County for cause, Fire Department shall be liable to County for any and all funds appropriated and paid to Fire Department during the fiscal year in which the termination occurs. Additionally, Fire Department shall not be relieved of its obligations to County under paragraph (7) of this Agreement. Nothing herein shall affect Fire Department's ultimate rights to payments, or County's responsibility for payments, as outlined herein for services actually rendered by Fire Department prior to the effective date of any termination. Nothing herein shall prevent County and Fire Department, in the event of a termination of this Agreement for any reason, from entering into an agreement to provide services beyond the effective date of any such termination.

9) The Fire Department shall obtain and keep in force during the term of this contract the following minimum insurance coverage:

   a. Worker's Compensation: Coverage for all paid and volunteer workers meeting the statutory requirements of the State of North Carolina;
   b. Comprehensive General Liability, Malpractice, and Errors and Omissions: Coverage with minimum limits of $1,000,000.00 per occurrence, $1,000,000.00 aggregate combined single minimum for bodily injury liability and property damage liability;
   c. Business Auto Policy: Coverage with minimum limits of $1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired, and non-owned vehicles and employee non-ownership.
   d. Management or Directors and Officers Liability: Coverage with minimum limits of $1,000,000.00 per claim and $2,000,000.00 aggregate.
   e. Umbrella Liability: Coverage with a minimum limit of $1,000,000.00 with underlying coverage of auto liability, general liability, employer's liability, and $1,000,000.00 aggregate.
   f. County as an Additional Insured: County of Johnston shall be named as an additional insured on all policies of insurance required hereunder. Fire Department shall furnish County a certificate of insurance annually.
   g. Indemnity Agreement: Fire Department shall and hereby agrees to indemnify and save harmless County, from any and all liability and expenses, including attorney's fees, court costs, and other costs incurred by County caused by the negligent acts or omissions of Fire Department, its volunteers, agents and employees.
   h. Nothing contained herein shall be construed as a waiver of immunity by the County.

10) The Fire Department shall provide services within the District (N.C. General Statute 153A-233) and maintain a minimum of a 9S/E rating or better with the North Carolina Department of Insurance, Office of State Fire Marshal. The Fire Department, shall continuously comply with all applicable laws, ordinances, and State regulations. Fire Department shall submit to the Johnston County Fire Marshal a written plan outlining how it will maintain or upgrade its current insurance rating when requested by the Johnston County Fire Marshal.

11) The Fire Department shall use reporting software supplied by Johnston County. The following information is required to be reported in the reporting software to be used for compiling reports: 1. Incident; 2. Staff; 3. Hydrants Testing and Maintenance; 4. Training. Fire Incident Reports shall be completed, utilizing the software provided by County, by the 10th day of the month showing completion of the reports for the previous month. The Fire Department shall keep all reports and records on site at Contractor's principal place of business for at least five years from the creation date. All mandatory State and County reports and rosters shall be submitted to the appropriate authority by the requested deadline.

12) The Fire Department shall provide annually to the Johnston County Fire Marshal's Office a current and complete roster of members of the Fire Department to include contact numbers for the Chief and Assistant Chief(s).

13) The Fire Department agrees to provide automatic and mutual aid services to other emergency services providers in Johnston County. The Fire Department understands that other agencies will maintain their own liability policies and be responsible for their own expenses. The Fire Department further agrees that it will be responsible for its own expenses while responding to a request for mutual aid to another agency within the county. The current automatic aid agreement is included in Appendix A of this contract.

    In areas where the fire district has been extended to six miles, the Fire Department agrees to maintain agreements with adjoining districts to respond with a minimum of one apparatus capable of

transporting a minimum of 1,000 gallons of water to all alarms involving reported structure fires. This apparatus will be dispatched simultaneously with the department within whose district the incident occurs.

14) The Fire Department shall obtain a criminal history record check of applicants to and current members of Fire Department in accordance with N.C.G.S. Sect 143B-943 and applicable North Carolina law, as may be amended from time to time.

15) The following minimal performance standards are agreed upon by the County, Town, and the Fire Department and are part of this contract:

a. The Fire Department shall comply with the procedures for radio communications and established protocols for the dispatch of emergencies as defined by the Johnston County Communications Center Protocols.

b. The Fire Department officer in charge at all fire scenes shall attempt to determine the origin and cause of every fire. When the officer in charge cannot determine the origin and cause of the fire, or where significant injury or death occurs related to the fire, or if the cause is suspected to be of an incendiary nature, the officer in charge shall request assistance from the Johnston County Fire Marshal's Division.

c. The Fire Department shall keep all records on site for minimum period of five (5) years. These records include all those "Records and Documents" required to be maintained in order to meet and/or retain 9S classification, as published in that memo entitled "Requirements to Meet the 9S Rating for Initial Certification/Re-Inspection of Fire Departments in North Carolina," or any superseding memorandum or directive, published by the Office of the State Fire Marshal. All State and County required reports and rosters shall be submitted by the requested deadlines.

d. The Fire Department shall adopt a standard operating guideline that addresses the number of firefighters required on all types of fire calls. A current, valid copy of the Contractor's guideline shall be kept on file with the Johnston County Fire Marshal. The Fire Department shall place at least four (4) personnel on the scene to operate at least one (1) pumper on all structure fire calls.

e. The Fire Department shall have the minimum standard training requirements, as established by the State of North Carolina, for providing fire, rescue, and emergency management services. The Fire Department shall maintain training levels in accordance with National Incident Management System (NIMS) directives.

f. The Fire Department shall participate in at least two (2) or more county wide mutual aid trainings each year.

g. The Fire Department shall develop a pre-fire incident survey and update it annually for all commercial buildings within the Fire Protection Service District. Facilities that should be given priority are those buildings displaying NFPA 704 placards, as well as hazardous, institutional, and assembly occupancies. The Fire Department agrees to cooperate with local fire code enforcement officials to determine hazards and occupancies. Upon request, the Johnston County Fire Marshal or his designee shall assist the Fire Department in developing pre-fire incident surveys for buildings within the Johnston County Fire Marshal's fire code enforcement service area.

h. If pressurized fire hydrants are located within the fire district, the Fire Department shall adhere to the guidelines established by the Johnston County Public Utilities Department for the flowing of hydrants. The Fire Department shall immediately report any malfunctions or damage to hydrants to the entity owning the water system. The Fire Department shall conduct fire hydrant testing and maintenance on not less than an annual basis. Testing shall ensure that every wet and dry fire hydrant in the Fire Protection Service District is flushed and checked for accessibility, functionality, visibility, and operation. Records of fire hydrant tests and maintenance conducted by the Fire Department shall be completed and maintained in compliance with the North Carolina Rating System.

i. The Fire Department shall follow the Johnston County Emergency Operations Plan when responding to an emergency or disaster.

j. During a declared State of Emergency affecting the County, the Fire Department shall assist, within the limits of its personnel and equipment and capabilities and with deference to its primary service area, to the extent possible with the following services: 1) Debris removal from roadways; 2) Traffic Control; 3) Alert and notification; 4) Search and rescue; 5) Evacuation; and 6) other life saving and property protection measures as necessary. Request for additional assistance outside the primary service area shall be directed to the Fire Chief or designee. All operations shall be in accordance with the Johnston County Emergency Operations Plan.

k. The Fire Department should have a public fire/life safety education program or similar activities for, at a minimum, educating persons regarding life safety from fire.

l. When determining the need and location of additional facilities (fire stations, etc.), the Fire Department shall participate in a planning process involving the County Fire Marshal which evaluates, at a minimum, the needs of the department, the effects on property owners, the effects on insurance grading, and the impacts on adjoining fire districts. The Fire Department shall follow the procedure outlined in the Johnston County Fire Service Station Location Request Policy. The policy is attached as Exhibit 2 of this contract.

m. Each Fire Department may elect to voluntarily participate in certain services. Each department that provides these services shall be contracted or franchised for the operation of such service, pursuant to the rules set forth by the Johnston County Board of Commissioners. If the Fire Department has chosen to participate in any of these programs, the agreements can be found as Appendices of this contract:

SERVICE	APPENDIX #
Aid Agreement for Fire Protection	A
Medical Services	B
Rescue Services	C
Cardiac Arrest Assistance Agreement	

16) This agreement shall become effective the first day of July 2025, and remain in effect until June 30, 2025, subject to the continued legal existence of the District and the Fire Department, and further subject to the termination provisions of paragraph 8 and 18 hereof.

17) This agreement may not be transferred or assigned by the Town, nor may the services contracted for herein be sub-contracted to other parties unless approved by the Johnston County Board of Commissioners.

18) This contract may be terminated by either party upon advance notification to the other party by certified mail at least sixty (60) days prior to termination.

19) Either party may propose an amendment to this agreement by submitting the amendment in writing at least sixty (60) days in advance of the amendment's proposed effective date. Amendments to this agreement must be approved by both the County and the Town prior to becoming effective.

20) If any part of this Contract is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that part shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this Contract.

21) This contract is not intended to serve for the benefit of any third party. The rights and obligations contained herein belong exclusively to the entities that are parties hereto and no third party shall rely upon anything contained herein as a benefit to that third party.

22) The terms and provisions herein contained constitute the entire agreement by and between the County and the Town and shall supersede all previous communications, representations, or agreements, either oral or written between the parties hereto with respect to the subject matter hereof.

23) RELATIONSHIP OF THE PARTIES. The relationship of the parties established by this Agreement is solely that of independent contractors, and nothing contained in this contract shall be construed to (i) give any party the power to direct or control the day-to-day activities of the other; (ii) constitute such parties as partners, joint ventures, co-owners or otherwise as participants in a joint or common undertaking; (iii) make either party an agent of the other for any purpose whatsoever; or (iv) give either party the authority to act for, bind, or otherwise create or assume any obligation on behalf of the other. Nothing herein shall be deemed to eliminate any fiduciary duty on the party of the Fire Department to the County that may arise under the law or under the terms of this Agreement.

24) IRAN DIVESTMENT AND DIVESTMENT FROM COMPANIES BOYCOTTING ISRAEL. By signing this agreement Contractor certifies that as of the date of execution they are not listed on the Final Divestment List created by the NC Office of State Treasurer pursuant to NCGS 147 Article 6E, Iran Divestment Act, Iran Divestment Act Certification. Contractor shall not utilize any subcontractor that is identified on the Final Divestment List. Any organization defined under NCGS 147-86.80(2), Divestment from Companies Boycotting Israel, shall not engage in business totaling more than $1,000 with any company or business that boycotts Israel. A list of companies that boycott Israel is maintained by the NC Office of State Treasurer, pursuant to NCGS 147-86.81(a)(1). Any company listed as boycotting Israel is not eligible to do business with any State agency or political subdivision of the State.

25) E-VERIFY. Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Further, if Contractor utilizes a subcontractor, Contractor shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.

26) 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 FIRE DEPARTMENT: Town of Clayton Fire Department
Post Office Box 879
Clayton, NC 27520

Attn: Fire Chief

TO COUNTY: Johnston County Emergency Services
Post Office Box 530 (mail)
2875 US-70 BUS (physical)
Smithfield, North Carolina 27577
Attn: Johnston County Fire Marshal

With copy to: County of Johnston
Post Office Box 1049 (mail)
Courthouse 206-B
207 E. Johnston Street (physical)
Smithfield, North Carolina 27577
Attn: County Attorney

27) Either party to this Contract 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 party in the manner set forth above.

IN TESTIMONY WHEREOF, the County has caused this instrument to be executed by the Chairman of the Board of County Commissioners and attested by the Clerk to the Board of County Commissioners, and **Town of Clayton** has caused this instrument to be signed in its name by its Mayor, attested by its Clerk, all by the authorization of their respective Boards duly given.

Johnston County Board of County Commissioners

By: _____
Chairman: R.S. (Butch) Lawter, Jr.

Attest:

_____
Clerk

Town of Clayton

By: _____
Mayor

Attest:

_____
Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By: _____
J. Chad McLamb, Finance Officer

JOHNSTON COUNTY EMERGENCY SERVICES
RYAN PARKER | EMERGENCY SERVICES DIRECTOR
2875 US HWY 70 BUS E | PO BOX 530 | SMITHFIELD, NC 27577 | PHONE: (919) 989-5050 | FAX: (919) 989-5052

APPENDIX B

NORTH CAROLINA
JOHNSTON COUNTY

FIRE DEPARTMENT MEDICAL RESPONDER AGREEMENT

WHEREAS, Johnston County and all emergency medical providers desire to promote better medical care for its constituency; and,

WHEREAS, that in cases of severe life-threatening illness and/or trauma, the intervention of trained personnel at the earliest possible time can greatly enhance the chances of recovery by the victim; and,

WHEREAS, Fire Departments agreeing to participate in the Fire Department Based Medical First Response Program have been approved by the Johnston County Emergency Services Department for that purpose;

THEREFORE, let it be resolved that ***Clayton Fire Department – Town of Clayton*** agrees to become a participating party in the Johnston County Fire Department Based Medical First Response Program and that the following provisions and conditions will be in force and that the parties to this understanding agree to abide by the following:

A. The Fire Department will organize and maintain a medical responder unit that will comply with the applicable terms of the Johnston County Emergency Services EMS Division Fire Department Based Medical First Response Program Guidelines.
B. The Fire Department will operate at the Johnston County First Responder, NC EMR or NC EMT certification level, as approved by the Johnston County EMS System per the Johnston County Emergency Services EMS Division Fire Department Based Medical First Response Program Guidelines.
C. The Fire Department will properly document all relevant incident information into the provided Johnston County Records Management software.

This Agreement will be in effect from _____ until such time as either party terminates the agreement upon sixty (60) days written notice to withdraw.

Executed this the _____ day of _____, 20____.

_____
DIRECTOR
JOHNSTON CO. EMERGENCY SERVICES

_____
PRESIDENT/MAYOR/MANAGER/CHIEF
FIRE DEPARTMENT

JOHNSTON COUNTY EMERGENCY SERVICES
RYAN PARKER | EMERGENCY SERVICES DIRECTOR
2875 US HWY 70 BUS E | PO BOX 530 | SMITHFIELD, NC 27577 | PHONE: (919) 989-5050 | FAX: (919) 989-5052

APPENDIX C

NORTH CAROLINA
JOHNSTON COUNTY

RESCUE SERVICES AGREEMENT

WHEREAS, Johnston County and the Johnston County Fire Departments desire to provide and promote the highest level of emergency services possible for Johnston County; and,

WHEREAS, the Fire Department is currently under contract with Johnston County to provide fire protection and emergency services and is a participant in the Johnston County Mutual Aid Agreement; and,

WHEREAS, the Fire Department voluntarily agrees to accept additional emergency duties for its designated geographic area; and,

NOW THEREFORE, let it be resolved that ***Clayton Fire Department – Town of Clayton*** agrees to become a participating party in the program(s) indicated below:

[X] EXTRICATION SERVICES PROVIDER
[ ] LIGHT RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)
[ ] MEDIUM RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)
[X] HEAVY RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)
[ ] WATER RESCUE – DIVE RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)
[X] WATER RESCUE – SURFACE WATER RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)
[X] WATER RESCUE – SWIFTWATER RESCUE PROVIDER (as outlined by N.C. Assoc. of Rescue and EMS)

[X] Confined Space Rescue (as outlined by N.C. Assoc. Of Rescue and EMS)
[X] High Angle Rescue (as outlined by N.C. Assoc. Of Rescue and EMS)
[X] Trench Rescue (as outlined by N.C. Assoc. Of Rescue and EMS)

AND THEREFORE, let it be resolved that the following provisions and conditions will be in force and that the parties to this understanding agree to abide by the following:

A. The Fire Department will maintain the necessary equipment to provide the service(s) indicated above.
B. The Fire Department will ensure that members involved are properly trained to provide the services(s) indicated above.
C. The Fire Department will be available for response twenty-four hours daily to the extent possible, realizing that the number of responders may be limited.

This Agreement will be in effect from _____ until such time as either party terminates the agreement upon sixty (60) days written notice to withdraw.

Executed this the _____ day of _____, 20____.

_____
DIRECTOR
JOHNSTON CO. EMERGENCY SERVICES

_____
PRESIDENT/MAYOR/MANAGER/CHIEF
FIRE DEPARTMENT

JOHNSTON COUNTY EMERGENCY SERVICES
RYAN PARKER | EMERGENCY SERVICES DIRECTOR
2875 US HWY 70 BUS E | PO BOX 530 | SMITHFIELD, NC 27577 | PHONE: (919) 989-5050 | FAX: (919) 989-5052

NORTH CAROLINA
JOHNSTON COUNTY

CARDIAC ARREST ASSISTANCE AGREEMENT

WHEREAS, Johnston County and all emergency service providers desire to promote better care for its constituency; and,

WHEREAS, that in cases of cardiac arrest, the intervention of trained personnel at the earliest possible time can greatly enhance the chances of recovery by the victim; and,

WHEREAS, the Fire Department is currently under contract with Johnston County to provide fire protection and emergency services and is a participant in the Johnston County Mutual Aid Agreement; and,

WHEREAS, the Fire Department voluntarily agrees to accept additional emergency duties for its designated geographic area; and,

NOW THEREFORE, let it be resolved that ***Clayton Fire Department - Town of Clayton*** agrees to be dispatched to and to provide personnel for assistance with management of cardiac arrest emergencies.

AND THEREFORE, let it be resolved that the following provisions and conditions will be in force and that the parties to this understanding agree to abide by the following:

A. The Fire Department will maintain the necessary equipment to provide this service.

B. The Fire Department will ensure that members involved are properly trained and certified to provide this service, specifically including certification in providing cardio-pulmonary resuscitation.

C. The Fire Department will be available for response twenty-four hours daily to the extent possible, realizing that the number of responders may be limited.

D. The Fire Department will properly document all relevant incident information into the provided Johnston County Records Management software.

This Agreement will be in effect from _____ until such time as either party terminates the agreement upon sixty (60) days written notice to withdraw.

Executed this the _____ day of _____, 20____.

_____
DIRECTOR
JOHNSTON CO. EMERGENCY SERVICES

_____
PRESIDENT/MAYOR/MANAGER/CHIEF
FIRE DEPARTMENT

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Knightdale Fire Department Fire Protection Automatic Aid Agreement

Presenter(s)

David Ranes, Fire Chief

Suggested Action

Approval of Contract

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

This automatic aid agreement with the Knightdale Fire Department formalizes the Clayton Fire Department's commitment to providing the closest unit response to the Alert Fire District. Agreements of this nature are standard practice and help ensure rapid and effective emergency response. Recently, the Knightdale Fire Department entered into a similar agreement to provide automatic aid to Clayton for properties in the Shotwell Road area. There is no additional cost associated with this agreement beyond the existing operational expenses, such as on-duty personnel and fuel required for fire apparatus deployment.

Background/History

While the practice of automatic aid with the Knightdale Fire Department has been in place for several years, it has operated without a formal agreement. This contract serves to officially document and formalize that long-standing partnership.

Recommendation

It's the recommendation that Council approve this contract with the Knightdale Fire Department.

Funding Source

N/A

Corresponding Documentation

KFD_CFD AA Elaine Dr. Signed & Stamped

Submitted By: David Ranes, Fire Department

Reviewed By:

Rich Cappola, Town Manager	Approved - Jul 16 2025
Heidi Holland, Town Clerk	Approved - Jul 17 2025

FIRE PROTECTION AUTOMATIC AID AGREEMENT FOR STATION LOCATION

THIS AGREEMENT made and entered into this _1st_ day of July, 2025, by and between the: Knightdale Fire Department, Wake County, North Carolina and the Clayton Fire Department, Johnston County, North Carolina.

WITNESSETH:

THAT, ***WHEREAS***; both the above Fire Departments desire to participate in Automatic Aid, and

WHEREAS, both above-named Fire Departments desire to provide the highest level of fire protection possible to their respective fire districts along with the lowest possible ISO public protection classification ratings, and

WHEREAS, both above Fire Departments desire to enter into an agreement whereby automatic aid assistance as described therein will be provided for all structure fire calls.

NOW THEREFORE, in consideration of the mutual covenants contained herein by and among the parties hereto, it is hereby agreed:

1. That automatic aid assistance will be provided in the following areas:

   a. The automatic aid assistance will be provided in the areas within the Alert Fire District. The specific areas covered under this agreement are outlined on the ***attached district map***, which is hereby incorporated into this agreement.

2. The Automatic Aid department shall be dispatched with the initial alarm to the area(s) defined on the attached map to all structure fires.

3. Automatic Aid assistance received from the Clayton Fire Department will be comprised of:

   a. 1 Class A Pumper / Certified Engine
   b. Minimum of 3 firefighters

4. Each party to this agreement shall assume all costs of salaries, wages, bonuses, or other compensation for its own personnel that responds for duty under the terms of this agreement and shall also assume all costs involving the use of apparatus, equipment, tools used specifically in response to the request for aid and shall make no charge for such use to the party requesting assistance.

5. Both parties will work with their respective Emergency Communications Center Directors to maintain accurate information pertaining to this automatic aid agreement.

6. Any party may, at any time, terminate this agreement upon a 60-day written notice to the other party.

THEREFORE, the governing boards of each Fire Department agrees to this automatic aid agreement and authorizes the Fire Chief to execute and maintain this document.

KNIGHTDALE DEPARTMENT (Primary)

Loren T. Cone
Fire Chief Signature

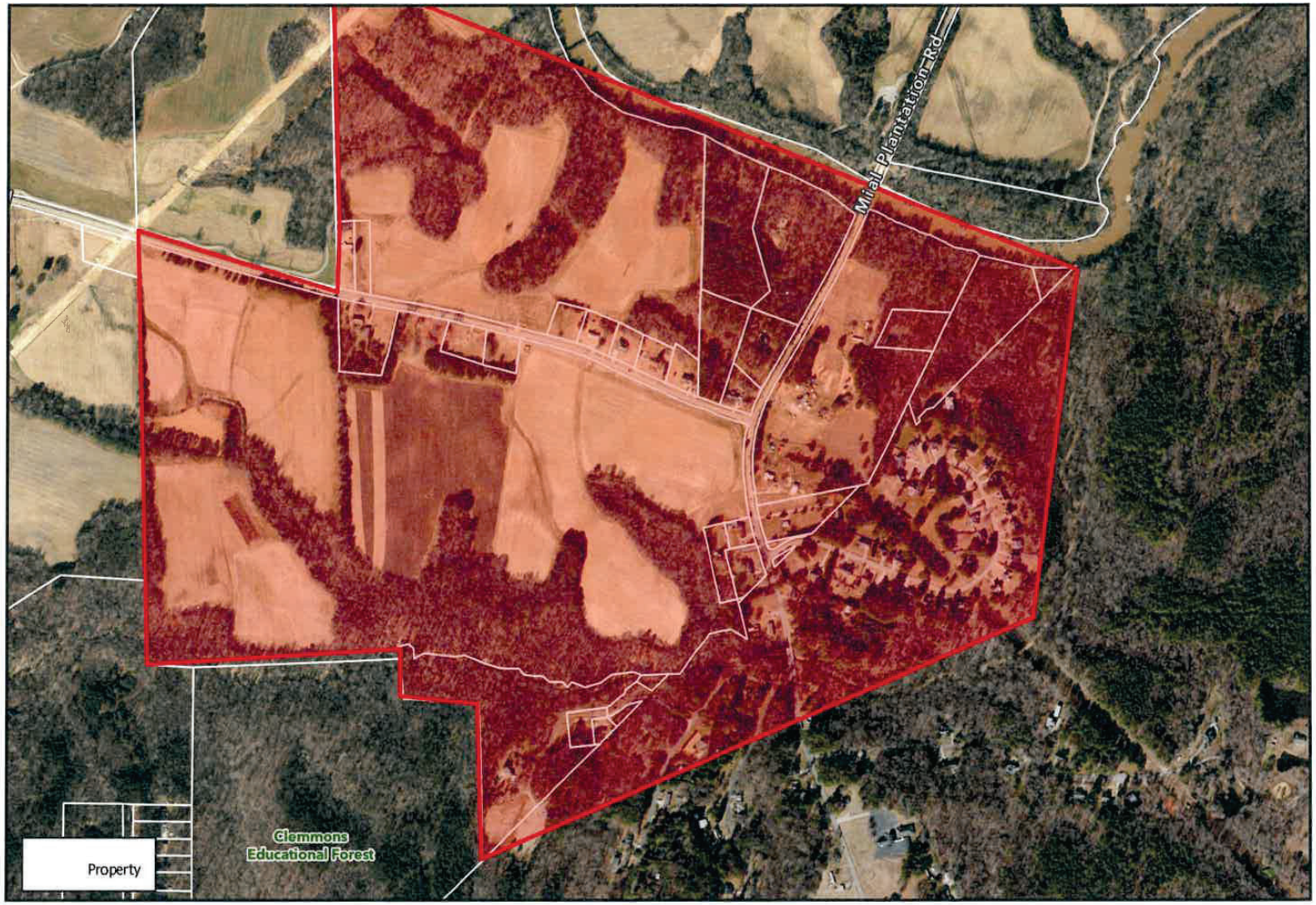
Manager

KNIGHTDALE • 1927 • NORTH CAROLINA

CLAYTON DEPARTMENT (Auto Aid)

David R. Ravs
Fire Chief Signature

Mayor/Mayor Pro Tem



KFD _ CFD AA Elaine Dr. Large

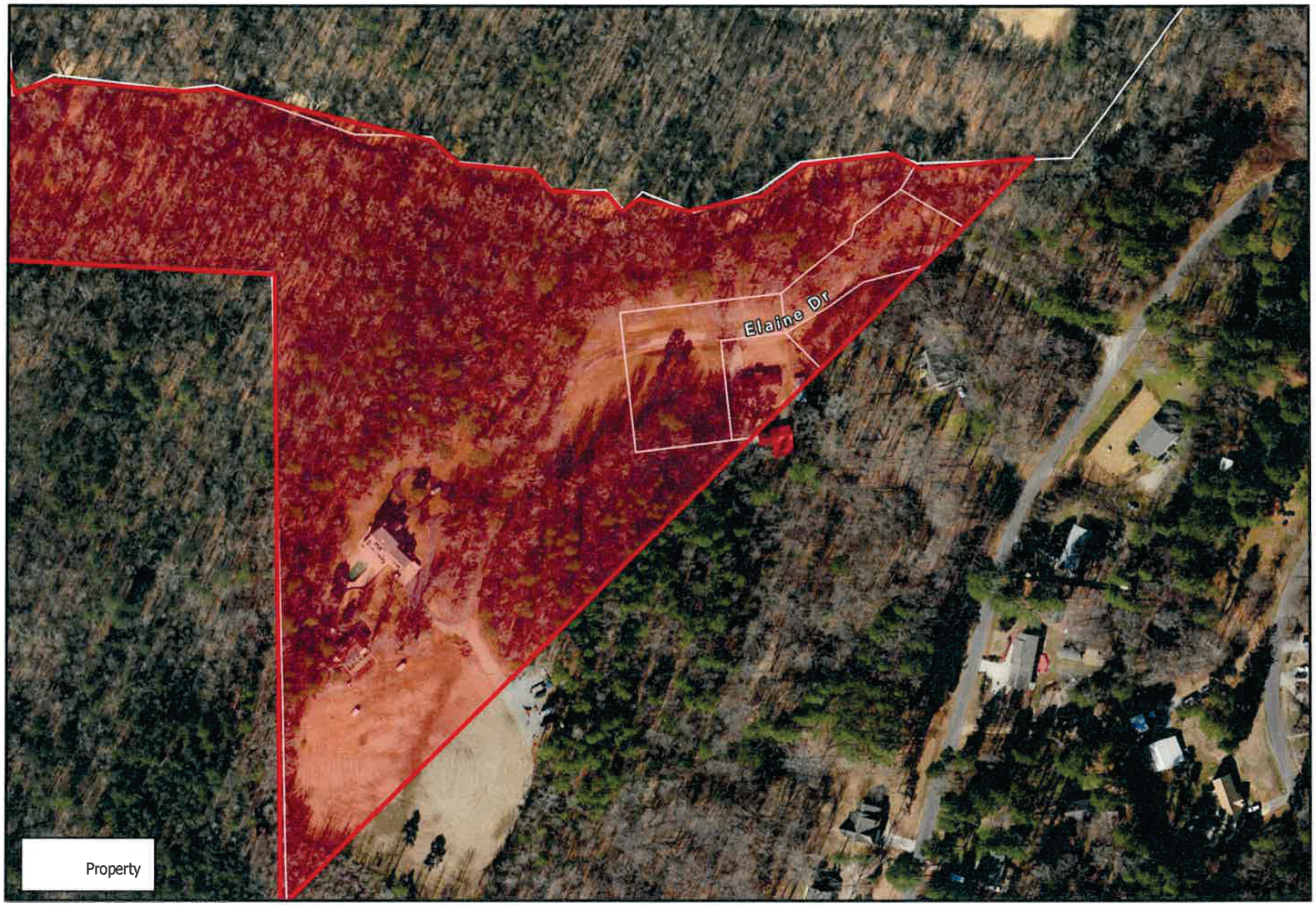
N

0 400 800 1,600 ft

1 inch equals 800 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*



KFD _ CFD AA Elaine Dr. Inset

N

0 100 200 400 ft

1 inch equals 200 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	CONSENT AGENDA

Item Title

Obsolescence Letter from NC State Parks for Legend Park

Presenter(s)

Scott Barnard, Parks and Rec. Director

Suggested Action

Place on Consent Agenda

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 N.C. Department of Natural and Cultural Resources (DNCR) has reviewed the Town's request to declare the ballfield, including its fencing, lighting, and bleachers, at Legend Park obsolete due to environmental concerns and restrictions on its future use as a ballfield, and the benefits of turning it into a picnic area, open field, and further public greenway access.

The Town understands that the obsolete elements must remain in some form of outdoor recreation use in perpetuity. The Town has provided ample documentation of the obsolescence need that prompted this request.

In compliance with the LWCF contract, the Town will continue to use the LWCF property in perpetuity for only public recreation.

Funding Source

N/A

Corresponding Documentation

37-00772 - Town of Clayton Obsolescence Approval (signed) (002)

Submitted By: Heidi Holland, Parks + Recreation

Reviewed By:

Dolores Gill, Deputy Town Manager	Approved - Jul 02 2025
Rich Cappola, Town Manager	Approved - Jul 16 2025
Heidi Holland, Town Clerk	Approved - Jul 17 2025

Division of Parks and Recreation
NC Department of Natural and Cultural Resources

Governor Josh Stein

Secretary Pamela B. Cashwell

May 14, 2025

Mr. Richard Cappola
Town Manager
Town of Clayton, NC
PO Box 879
Clayton, NC, 27528

Re: Obsolescence Request
LWCF #37-00772
Legend Park (Clayton Community Park)
Clayton, NC

Dear Mr. Cappola:

The N.C. Department of Natural and Cultural Resources (DNCR) has reviewed your request to declare the ballfield, including its fencing, lighting, and bleachers, at Legend Park obsolete due to environmental concerns and restrictions on its future use as a ballfield, and the benefits of turning it into a picnic area, open field, and further public greenway access.
The town understands that the obsolete elements must remain in some form of outdoor recreation use in perpetuity. The town has provided ample documentation of the obsolescence need that prompted this request.

In compliance with the LWCF contract, the town will continue to use the LWCF property in perpetuity for only public recreation. The county will need to provide DNCR with an updated LWCF boundary map after the changes have been made.

We are pleased to assist you in meeting the parks and recreation needs of your community. If you need additional information or have any questions, please contact our LWCF Compliance Specialist, Aiden Manley, at aiden.manley@ncparks.gov

Sincerely,

Vonda Martin
Alternate State Liaison Officer

Brian L. Strong, Director
NC Division of Parks and Recreation
1615 MSC - Raleigh, NC 27699-1615
919.707.9300 / ncparks.gov

NORTH CAROLINA STATE PARKS
Naturally Wonderful

TOWN OF CLAYTON
PROCLAMATION
NATIONAL PARKS AND RECREATION MONTH

WHEREAS, parks and recreation is an integral part of communities throughout this country, including the Town of Clayton; and

WHEREAS, parks and recreation promotes health and wellness, improving the physical and mental health of people; and

WHEREAS, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimers; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month.

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby recognize the benefits derived from parks and recreation resources and proclaim July as Parks and Recreation Month.

Proclaimed by the Clayton Town Council this the 21st day of July 2025.

_____

Jody L. McLeod
Mayor

TOWN OF CLAYTON
PROCLAMATION
NATIONAL INTERN DAY

WHEREAS, National Intern Day is a day of recognition and appreciation for interns who contribute their time, energy, and talent to gain meaningful experience in the workplace and support the missions of the organizations they serve; and

WHEREAS, internships provide invaluable learning opportunities for students and emerging professionals, helping them develop practical skills, explore career paths, and gain insight into public service and civic engagement; and

WHEREAS, the Town of Clayton is proud to host interns who demonstrate enthusiasm, professionalism, and a strong commitment to learning and serving the community; and

WHEREAS, interns across the nation are making a positive impact in government, nonprofit, business, education, and other sectors, while also building the future workforce; and

WHEREAS, on the last Thursday in July, National Intern Day is celebrated across the country by millions of students, higher education institutions, employers and other organizations; and

WHEREAS, in recognition of National Intern Day, the Town of Clayton is committed to elevating awareness, advancing meaningful and diverse work-based learning opportunities, and acknowledging those involved in internships: students, education institutions and employers.

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim July 31, 2025 as National Intern Day.

Proclaimed by the Clayton Town Council this the 21st day of July 2025.

_____

Jody L. McLeod
Mayor

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	PUBLIC HEARINGS

Item Title

Unified Development Ordinance Text Amendments (UDOTA 1-25)

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

Updates Since Previous Presentation

- **Title Sheet**: Now includes Town Administration and Town Staff for improved transparency and accountability.
- **Zoning Compliance Permit**: Clarified applicability to better define when and where the permit is required.
- **Mass Grading**: Standards and definitions aligned with sustainability incentives and are formalized to provide consistency in application.
- **Construction Drawings**: Revised to place the alternative sequencing submission option at the Final Plat stage for Major Subdivisions.
- **Urban Archery**: Regulations now specifically address the hunting of deer within Town planning area.
- **Outdoor Seating**: Capacity limit expanded to allow seating for up to 20 people.
- **Flags**: Categorized as temporary signage under the updated signage provisions.

Summary

A presentation to the Town Council of the Town of Clayton's Unified Development Ordinance Text Amendments (UDOTA 1-25) for adoption. This item was introduced at the June 16, 2025 Town Council meeting and the Public Hearing has been continued to the July 21, 2025 Town Council meeting. Since then, the UDOTA 1-25 has been revised to account for received feedback from the business community, the Planning Board comments from their May 27, 2025 meeting, and comments provided at the June 2, 2025 Town Council Work Session. Saff is requesting that Town Council adopt the Ordinance 2025-06-2 for UDOTA 1-25.

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.

Recommendation

At their May 27, 2025 meeting, the Planning Board recommended unanimous approval of the UDO Text Amendments with redactions. Modifications to UDOTA 1-25 have been made to account for Planning Board comment and other community-related feedback. Staff is recommending that the UDO Text Amendments (UDOTA 1-25) be approved.

Funding Source

N/A

Corresponding Documentation

01_Staff Report_UDOTA 1-25_TC 7.21.25 (1)

02_UDOTA 1-25 Executive Summary - TC 7.21.25 - v2

03_Presentation_UDOTA 1-25 TC PH - 7.16.25 (1)

04_Summary Table_UDOTA 1-25 - 5-16-25 (1)

05_Clayton UDO 6-16-25 5-21-25 version - 7.17.25 - Reduced - Redline

06_UDO Procedures Manual - Draft - Formatted - 7.22.25 (1)

07_Consistency Statements Sheet - UDOTA 1-25_TC 7.21.25 (1)

08_Ordinance - UDOTA 1-25 _TC_7.21.25 (1)

Submitted By: Conrad Olmedo, Planning

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Jul 17 2025
Conrad Olmedo, Planning Director	Approved - Jul 17 2025
Heidi Holland, Town Clerk	Approved - Jul 17 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

Town Council Public Hearing (Continued): July 21, 2025
Town Council Public Hearing: June 16, 2025
Town Council Work Session: June 2, 2025
Planning Board: May 27, 2025

STAFF REPORT	
Project Number:	UDOTA 1-25
Project Name:	Unified Development Ordinance Text Amendments (UDOTA 1-25)
Property Pin #:	N/A
Location:	Town of Clayton Planning Area
Applicant:	Conrad Olmedo, Planning Director | Town of Clayton Planning Department
Property Owner:	N/A
Public Noticing Dates:	Newspaper Ad Published May 28, 2025 and June 4, 2025
Request:	Consideration of the following items related to Unified Development Ordinance Text Amendments (UDOTA 1-25): • Act on Plan Consistency Statement • Make a decision on UDO Text Amendment 1-25

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 communicated that the UDO would be updated on a reoccurring basis to reflect feedback from its implementation. This is the fourth round of UDO Text Amendments and consists of over 100-line items that comprise of technical clarifications, feedback from the public, and staff observations from implementation.

The UDO is a living document that is reflective of lessons learned through daily implementation, community input, and state law compliance. Upon the adoption of the UDO it was understood that text amendments would be an integral part of keeping the UDO relevant.

In this UDOTA 1-25, there are sections of the UDO that have been removed and relocated into a newly created UDO Procedures Manual. No action is required by the

Planning Board nor by Town Council on the UDO Procedures Manual. It is solely included in this report as a reference item. Subsequent changes to the UDO Procedures Manual will occur at the Town staff administrative level.

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 May 27, 2025 meeting, the Planning Board made a unanimous recommendation to approve UDOTA 1-25 with three redactions to proposed changes for UDO Sections: 1) 2.3.18. Minor Subdivisions 2) 2.3.28. Text Amendment and 3) 4.5.5.HH. Urban Archery.

TOWN COUNCIL CONSIDERATIONS

Following the June 2, 2025 Town Council Work Session presentation of UDOTA 1-25 and June 16, 2025 Town Council Public Hearing, staff has had made the following changes to UDOTA 1-25:

- Updated title sheet of UDO includes both Town Administration and Town Staff.
- Clarified Zoning Compliance Permit applicability.
- Updated mass grading standards, alignment with sustainability incentives, and definition.
- Construction Drawing Alternative Sequence removed and tied to the Final Plat in Major Subdivision's.
- Modified the scope of Urban Archery to the hunting of deer only.
- Increased outdoor seating to 20 people.
- Changed the classification of flags to temporary signage.
- Technical corrections to subdivisions-related language.
- Updated exemptions for traffic-control signage.

STAFF RECOMMENDATION

UDOTA 1-25 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. Staff Report 2. Executive Summary 3. UDOTA 1-25 Presentation 4. UDOTA 1-25 Summary Tracking Form as of May 14, 2025 5. UDOTA 1-25 Redline Changes as of July 14, 2025 6. UDO Procedures Manual – Reference Only, No Action Required 7. Consistency Statements Sheet 8. Ordinance 2025-06-02

Executive Summary for UDOTA 1-25 | Town Council Public Hearing (continued), July 21, 2025

The fourth round of amendments to the Unified Development Ordinance (UDO), titled **UDOTA1-25**, introduces over **100 changes**, organized into **six key categories** aimed at improving clarity, efficiency, and economic vitality within the Town's development regulations. These updates reflect statutory changes, best practices, and community feedback.

UDOTA 1-25 in Brief:

- Supports **transparent governance** with cleaner procedures and clear staff roles.
- Balances **economic development** with **environmental responsibility** and **community character**.
- Prepares the UDO for **future growth**, **state policy compliance**, and a **more efficient approval pipeline**.

1. Procedures Manual / Clean-Up

- Updated Planning Board roster and clarified the structure of the UDO.
- Introduced a **new UDO Procedures Manual** including FAQs, application checklists, plat certifications, and recommended plant lists.
- Added and removed several definitions to improve clarity and alignment with current practices.

2. Procedural Changes

- Streamlined and clarified numerous development procedures:
  - Created consistent processes for **alternative plans** and **conditional rezonings**.
  - Enabled **at-risk building permits** and **performance guarantees** with new rules.
  - Separated **construction drawings** from Site Plan and Major Subdivision applications.
  - Enhanced transparency in approvals, expirations, and procedural flowcharts.
  - Updated standards for **sign permits**, **transportation impact analyses**, and **zoning compliance**.

3. Density Changes

- **Removed or increased density limits** in several zoning districts to promote development flexibility (CRM, DTNC, MXD and corresponding Conditional Zonings).

- Replaced static residential density bonuses with a **sustainable development incentive system**, allowing up to an additional **30 units/acre** for eligible projects.

4. Dimensional Standards Changes

- Relaxed or removed dimensional constraints in certain districts:
  - **Reduced setbacks** in the PUB district.
  - Prohibited **new flag lots**.
  - Modified **unified development** standards and **non-residential parking ratios**.

5. Use Type Changes

- **Principal Uses**:
  - Expanded allowable uses in districts such as PUB, CZC, and CZM.
  - Simplified standards for uses: **multi-family dwellings**, **convenience stores**, and **solar energy systems**.
- **Secondary Uses**:
  - Introduces new types like **urban archery** and **membrane structures**.
  - Adjusted rules for **home occupations**, **outdoor dining**, and **flagpoles**.
- **Temporary Uses**:
  - Defined clearer durations and standards for uses like **yard sales** and **construction offices**.

6. Development Standards Changes

- Updated rules for **infrastructure**, **landscaping**, **signage**, and **pedestrian access**:
  - Aligned **driveway and parking surfacing** standards with NCDOT.
  - Revised **mass grading** to align with sustainability incentives.
  - Revised **sign types**, including new allowances for **banners**, **sock signs**, and **walkway decals**.
  - Increased flag and ground sign dimensions and clarified street right-of-way usage.

Prior Actions:

- **Planning Board Recommendation**: May 27, 2025
  - Unanimous **Recommendation for Approval** with the following redactions:
    - 2.3.1.9 - regarding minor subdivisions (keep the minor subdivision)
    - 2.2.1.8 - UDOTA allow for the public to place a request
    - 4.5.5.HH - Urban Archery to be removed from UDO
- **Town Council Work Session**: June 2, 2025
- **Town Council Public Hearing**: June 16, 2025, continued to July 21, 2025

Staff Updates since Town Council June 16, 2025:

- **Title Sheet**: Now includes Town Administration and Town Staff for improved transparency and accountability.
- **Zoning Compliance Permit**: Clarified applicability to better define when and where the permit is required.
- **Mass Grading**: Standards and definitions aligned with sustainability incentives and are formalized to provide consistency in application.
- **Construction Drawings**: Revised to place the alternative sequencing submission option at the Final Plat stage for Major Subdivisions.
- **Urban Archery**: Regulations now specifically address the hunting of deer within Town planning area.
- **Outdoor Seating**: Capacity limit expanded to allow seating for up to 20 people.
- **Flags**: Categorized as temporary signage under the updated signage provisions.
- **Subdivisions**: technical corrections to related language.
- **Signs**: clarified exemption for traffic-controls signage.

Next Steps:

- **Town Council Public Hearing**: June 21, 2025 (continuation)
- **Make Updated UDO Available** following final approval and revisions

CODIFY

CLAYTON

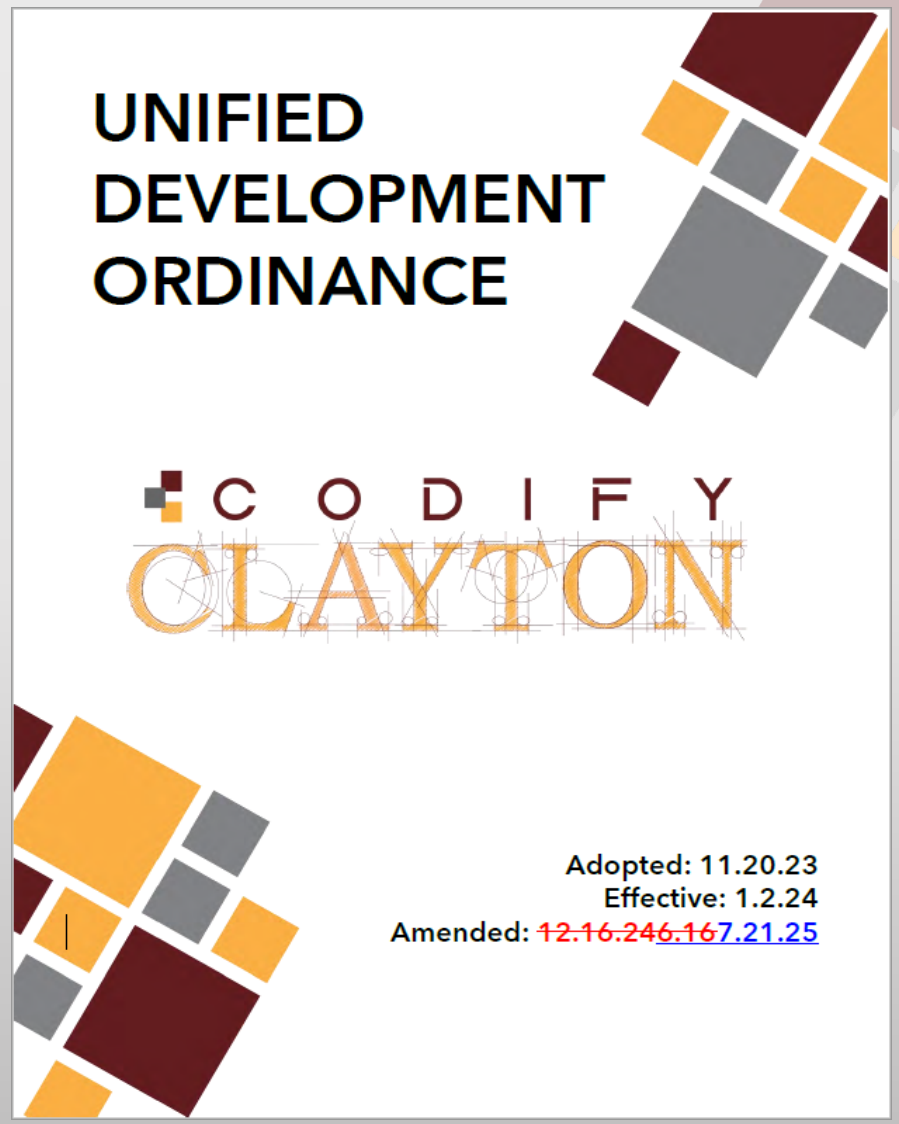
UDOTA1-25

Town Council Public Hearing (continued)

7.21.25

OVERVIEW

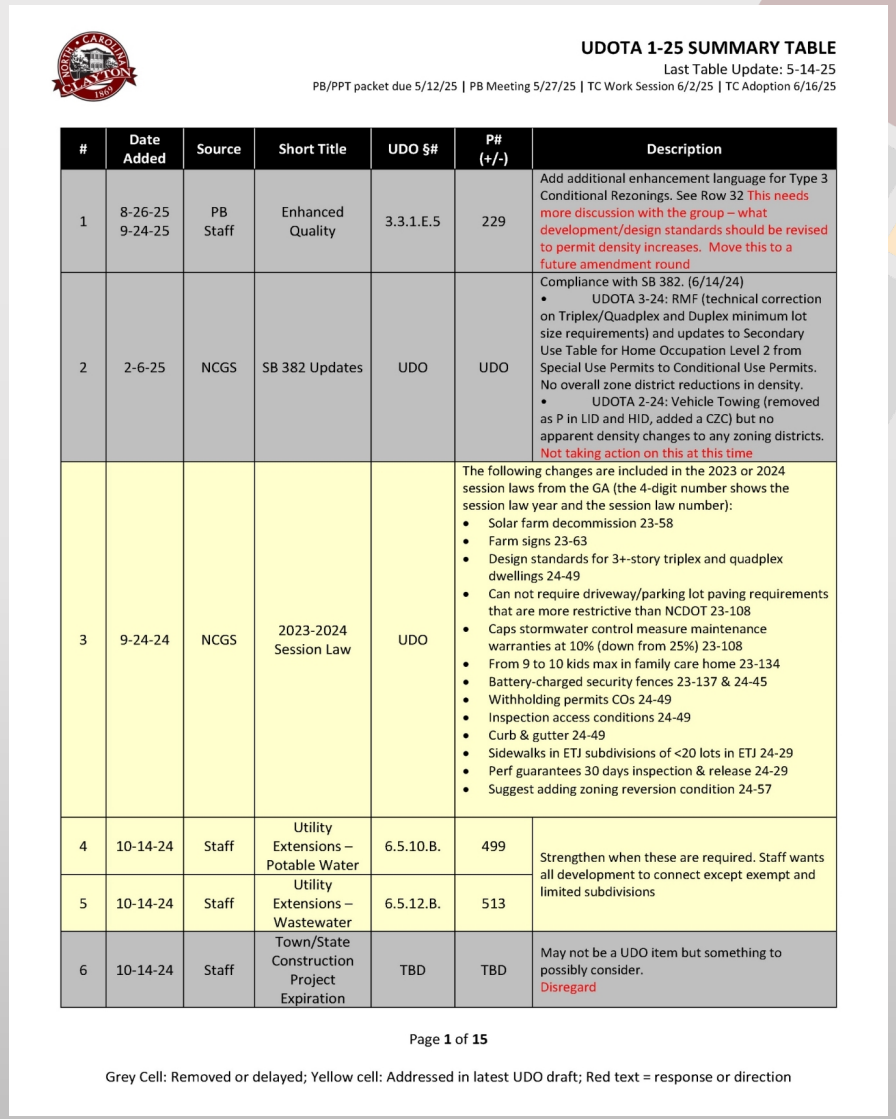
- 4th Round of UDO Amendments
- 107 +/- Changes Organized into Six Groups
- Public Hearing opened at 6.16.25 Town Council Meeting
- Changes made since 6.16.25 are highlighted



OVERVIEW

UDOTA1-25
Six Groups of Proposed Changes

1. Procedures Manual / Clean Up
2. Procedural Changes
3. Density Changes
4. Dimensional Standards Changes
5. Use Type Changes (principal, secondary, temporary)
6. Development Standards Changes



UDOTA 1-25 SUMMARY TABLE

Last Table Update: 5-14-25

PB/PPT packet due 5/12/25 | PB Meeting 5/27/25 | TC Work Session 6/2/25 | TC Adoption 6/16/25

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
1	8-26-25 9-24-25	PB Staff	Enhanced Quality	3.3.1.E.5	229	Add additional enhancement language for Type 3 Conditional Rezonings. See Row 32 This needs more discussion with the group – what development/design standards should be revised to permit density increases. Move this to a future amendment round
2	2-6-25	NCGS	SB 382 Updates	UDO	UDO	Compliance with SB 382. (6/14/24) • UDOTA 3-24: RMF (technical correction on Triplex/Quadplex and Duplex minimum lot size requirements) and updates to Secondary Use Table for Home Occupation Level 2 from Special Use Permits to Conditional Use Permits. No overall zone district reductions in density. • UDOTA 2-24: Vehicle Towing (removed as P in LID and HID, added a CZC) but no apparent density changes to any zoning districts. Not taking action on this at this time
3	9-24-24	NCGS	2023-2024 Session Law	UDO	The following changes are included in the 2023 or 2024 session laws from the GA (the 4-digit number shows the session law year and the session law number): • Solar farm decommission 23-58 • Farm signs 23-63 • Design standards for 3+-story triplex and quadplex dwellings 24-49 • Can not require driveway/parking lot paving requirements that are more restrictive than NCDOT 23-108 • Caps stormwater control measure maintenance warranties at 10% (down from 25%) 23-108 • From 9 to 10 kids max in family care home 23-134 • Battery-charged security fences 23-137 & 24-45 • Withholding permits COs 24-49 • Inspection access conditions 24-49 • Curb & gutter 24-49 • Sidewalks in ETJ subdivisions of <20 lots in ETJ 24-29 • Perf guarantees 30 days inspection & release 24-29 • Suggest adding zoning reversion condition 24-57	
4	10-14-24	Staff	Utility Extensions – Potable Water	6.5.10.B.	499	Strengthen when these are required. Staff wants all development to connect except exempt and limited subdivisions
5	10-14-24	Staff	Utility Extensions – Wastewater	6.5.12.B.	513	
6	10-14-24	Staff	Town/State Construction Project Expiration	TBD	TBD	May not be a UDO item but something to possibly consider. Disregard

Page **1** of **15**

Grey Cell: Removed or delayed; Yellow cell: Addressed in latest UDO draft; Red text = response or direction

1. Procedures Manual / Clean Up

A. Acknowledgments (pg. 1)
Updated Planning Board roster; staff listing updated

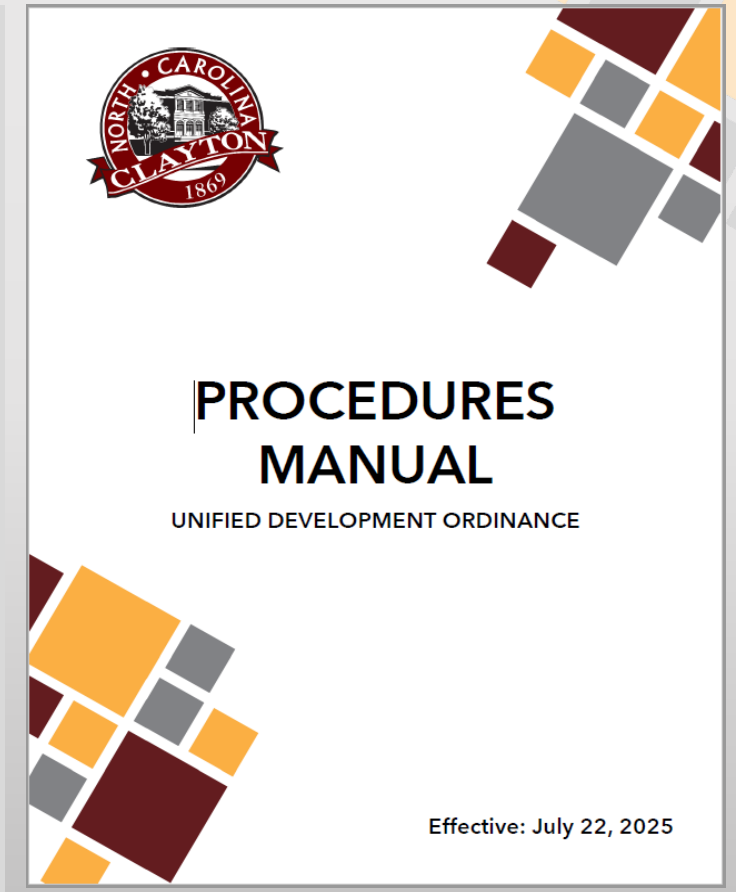
B. About this UDO (pg. 2)
Identifies the Procedures Manual

C. FAQ (pg. 3)
Relocated to the Procedures Manual

D. New Definitions (pg. 778. 802, 815, 816, 817, 844, 861)
Chronic Violator, Government Maintenance Facility, Mass Grading, Membrane Structure, Modular Home, Temporary Sign, Urban Archery

E. Removed Definitions (pg. 771, 809, 816, 838, 853)
Barber Shop/Beauty Salon, Large Format Retail, Minor Subdivision

F. New Procedures Manual
FAQ, Certifications, Plan/Plat Checklist, Submittal Requirements, Plant List, Use Category Descriptions, etc.



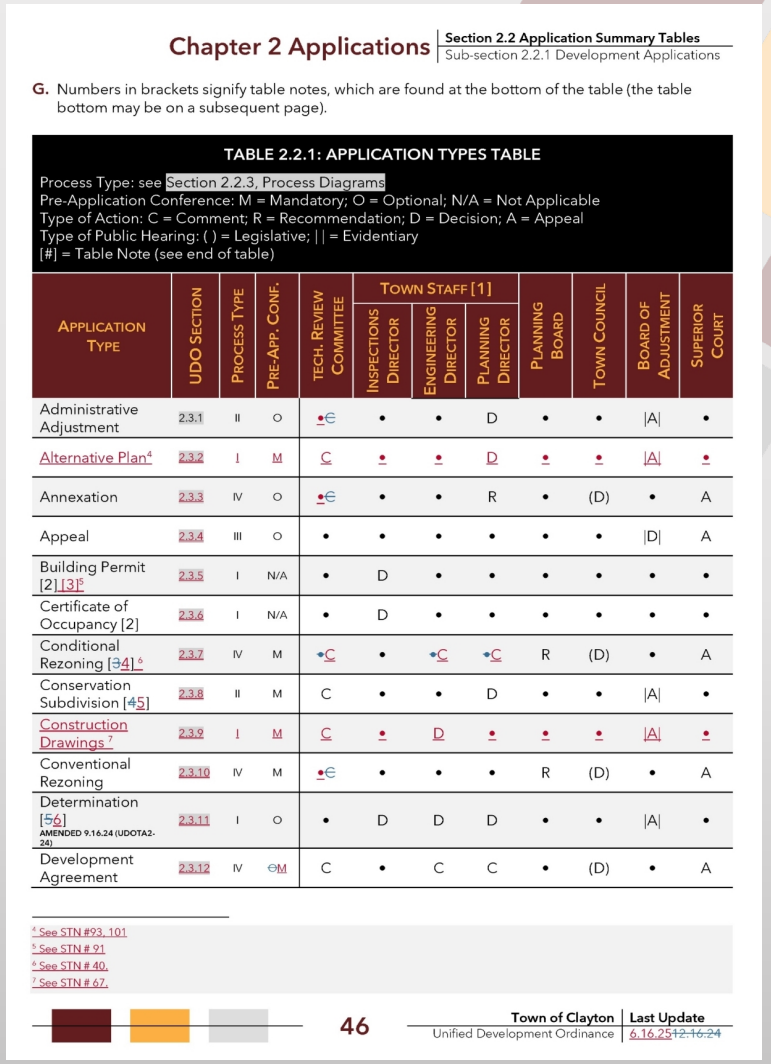
2. Procedural Changes

A. §2.3.2 Alternative Plans (Pg. 71-72, 573, 627, 672)
- Creates a uniform procedure for alternative plans (parking, landscaping, signage)
- Minor adjustments to the landscaping, parking, and signage standard portions of Ch. 6 for cross-referencing
- Decided by Planning Director (not Town Council), based on criteria

B. §2.3.5 Building Permit (pg. 80)

Adds at "at-risk" option that requires a pre-application conference SL2023-142

C. §2.3.7 Conditional Rezoning (pg. 84-90)
- Changes concept plan from site-specific vesting plan to condition of approval that runs with the land
- Clarified that any site configuration features not identified as running with the land as a condition will be subject to the UDO standards in place at the time of permit application
- Adds a reversion clause that allows Town to revert to the prior district designation if no development occurs within 3 years
- Relocated concept plan content provisions to Procedures Manual
- Clarified that use-specific standards may not be waived or reduced via a conditional rezoning



Chapter 2 Applications | Section 2.2 Application Summary Tables
Sub-section 2.2.1 Development Applications

G. Numbers in brackets signify table notes, which are found at the bottom of the table (the table bottom may be on a subsequent page).

TABLE 2.2.1: APPLICATION TYPES TABLE

Process Type: see Section 2.2.3, Process Diagrams
Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable
Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
Type of Public Hearing: ( ) = Legislative; | | = Evidentiary
[#] = Table Note (see end of table)

Application Type	UDO Section	Process Type	Pre-App. Conf.	Tech. Review Committee	Town Staff [1]			Planning Board	Town Council	Board of Adjustment	Superior Court
					Inspections Director	Engineering Director	Planning Director				
Administrative Adjustment	2.3.1	II	O	•∈	•	•	D	•	•	|A|	•
Alternative Plan[4]	2.3.2	I	M	C	•	•	D	•	•	|A|	•
Annexation	2.3.3	IV	O	•∈	•	•	R	•	(D)	•	A
Appeal	2.3.4	III	O	•	•	•	•	•	•	|D|	A
Building Permit [2] [3][5]	2.3.5	I	N/A	•	D	•	•	•	•	•	•
Certificate of Occupancy [2]	2.3.6	I	N/A	•	D	•	•	•	•	•	•
Conditional Rezoning [~~3~~4][6]	2.3.7	IV	M	•C	•	•C	•C	R	(D)	•	A
Conservation Subdivision [45]	2.3.8	II	M	C	•	•	D	•	•	|A|	•
Construction Drawings[7]	2.3.9	I	M	C	•	D	•	•	•	|A|	•
Conventional Rezoning	2.3.10	IV	M	•∈	•	•	•	R	(D)	•	A
Determination [56] AMENDED 9.16.24 (UDOTA2-24)	2.3.11	I	O	•	D	D	D	•	•	|A|	•
Development Agreement	2.3.12	IV	~~O~~M	C	•	C	C	•	(D)	•	A

[4] See STN #93, 101
[5] See STN # 91
[6] See STN # 40.
[7] See STN # 67.

2. Procedural Changes (con't)

D. §2.3.9 Construction Drawings (Pg. 95-98)
- Now a stand-alone procedure (removed from Site Plan & Subdivision procedures)
- Relocated Alternative Sequencing to Recordation in Major Subdivision and removed Inspection and As-Built Plans section.

E. §2.3.19 Subdivisions (Pg. 127, 134)
- Removes Minor Subdivisions (lowers threshold for Major Subdivision)
- Removed Alternative Sequencing and distinguishes Non-Residential and Residential requirements for Final Plat recordation.
- Technical updates through out Exempt, Limited, and Major Subdivisions and Final Plat and Preliminary Plat definitions.

F. §2.3.20 Performance Guarantee (Pg. 137-142)
- All decided by staff (removed TC decision)
- Reduces range of ineligible features to fire protection, sedimentation control, and traffic control devices
- Inspections must be conducted within 30 days of request SL2024-49
- Performance Guarantees must be refunded within 30 days of completion SL2024-49
- SCM maintenance warranties reduced to 10% and may not be held by the Town SL2024-49

2. Procedural Changes (con't)

G. §2.3.21 Sign Permit (Pg. 143, 166)

Temporary signs subject to a Sign Permit, no longer a temporary permit

H. §2.3.22 Site Plan (Pg. 147-151)

- Construction Drawings now its own procedure (removed from subdivision & site plan)
- Expiration increased from one year to two years

I. §2.3.25/26 Street Renaming/Closure (Pg. 161-165)

- Split into 2 separate procedures

J. §2.3.28 Text Amendment (Pg. 168)

Initiation limited to staff, appointed board, or TC

2. Procedural Changes (con't)

K. §2.3.29 Transportation Impact Analysis (Pg. 172)
- Clarified TIA is "accepted" not "approved"
- Clarified 2-year expiration term

L. §2.3.33 Zoning Compliance Permit (Pg. 187)
- Clarified ZCP required for fences/walls of 36" above grade (up from 24")
- Clarified required for establishment of a secondary use or structure
- Clarified types or requests requiring a ZCP

M. §2.4.5 Application Fees (Pg. 193-195)

Application fees refunded if withdrawn prior to completeness review; fees not refunded if application is abandoned

N. §2.4.10 Conditions of Approval (Pg. 203)

May not condition an approval on access for inspections of non-public areas SL2024-49

2. Procedural Changes (con't)

O. §2.4.12 Concurrent Processing (Pg. 204)

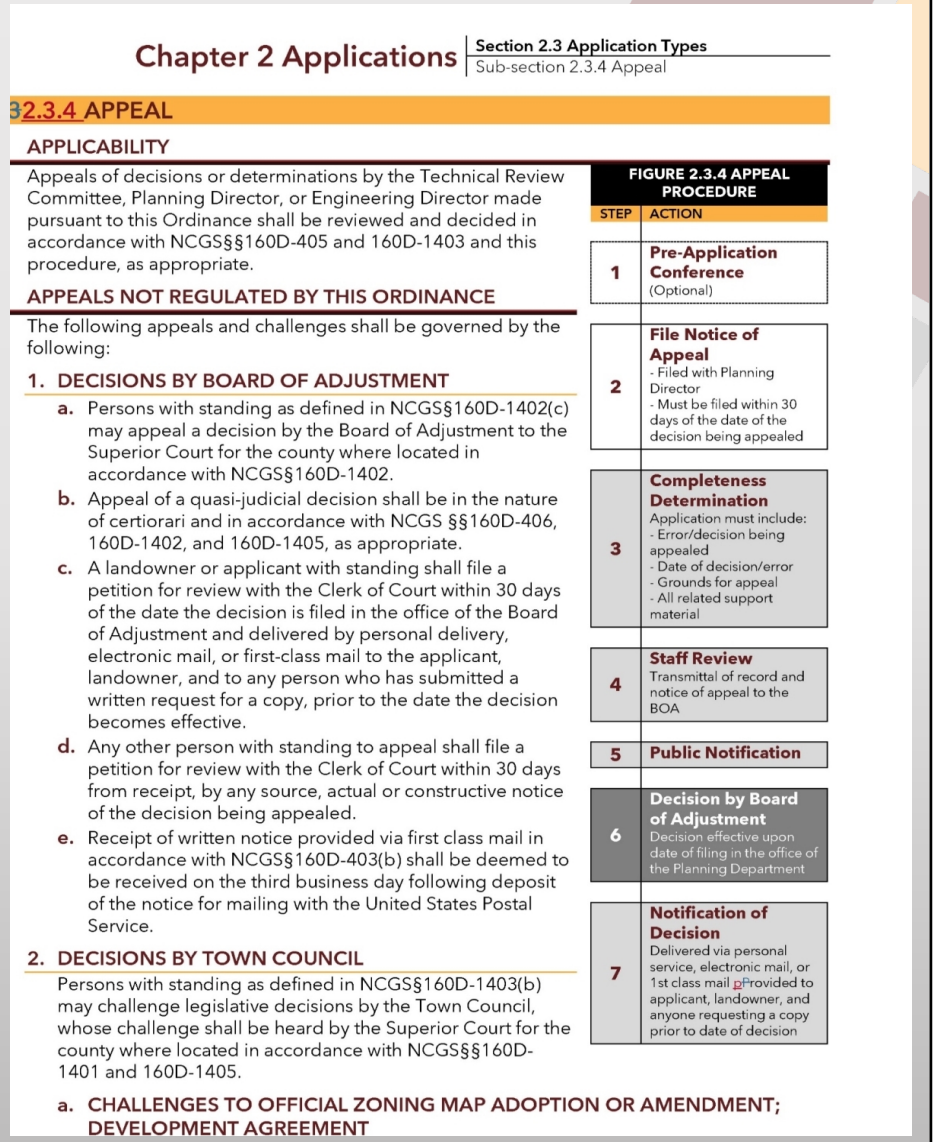
Clarifies concurrent processing rules for building permits and sign permit

P. §2.2.3 Procedural Flowcharts (Pg. ~)

Each application has its own new procedural flowchart

Q. §7.6.2 / 7.6.4 Violations (Pg. 739)

The Town may not withhold a permit on one site for a violation on a different site SL2024-49



Chapter 2 Applications | Section 2.3 Application Types
Sub-section 2.3.4 Appeal

2.3.4 APPEAL

APPLICABILITY

Appeals of decisions or determinations by the Technical Review Committee, Planning Director, or Engineering Director made pursuant to this Ordinance shall be reviewed and decided in accordance with NCGS§§160D-405 and 160D-1403 and this procedure, as appropriate.

APPEALS NOT REGULATED BY THIS ORDINANCE

The following appeals and challenges shall be governed by the following:

1. DECISIONS BY BOARD OF ADJUSTMENT
   - a. Persons with standing as defined in NCGS§160D-1402(c) may appeal a decision by the Board of Adjustment to the Superior Court for the county where located in accordance with NCGS§160D-1402.
   - b. Appeal of a quasi-judicial decision shall be in the nature of certiorari and in accordance with NCGS §§160D-406, 160D-1402, and 160D-1405, as appropriate.
   - c. A landowner or applicant with standing shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the Board of Adjustment and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
   - d. Any other person with standing to appeal shall file a petition for review with the Clerk of Court within 30 days from receipt, by any source, actual or constructive notice of the decision being appealed.
   - e. Receipt of written notice provided via first class mail in accordance with NCGS§160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.
2. DECISIONS BY TOWN COUNCIL

   Persons with standing as defined in NCGS§160D-1403(b) may challenge legislative decisions by the Town Council, whose challenge shall be heard by the Superior Court for the county where located in accordance with NCGS§§160D-1401 and 160D-1405.

   a. CHALLENGES TO OFFICIAL ZONING MAP ADOPTION OR AMENDMENT; DEVELOPMENT AGREEMENT

FIGURE 2.3.4 APPEAL PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Notice of Appeal** - Filed with Planning Director - Must be filed within 30 days of the date of the decision being appealed
3	**Completeness Determination** Application must include: - Error/decision being appealed - Date of decision/error - Grounds for appeal - All related support material
4	**Staff Review** Transmittal of record and notice of appeal to the BOA
5	**Public Notification**
6	**Decision by Board of Adjustment** Decision effective upon date of filing in the office of the Planning Department
7	**Notification of Decision** Delivered via personal service, electronic mail, or 1st class mail Provided to applicant, landowner, and anyone requesting a copy prior to date of decision

3. Density Changes

Density Limitation Removed				Moderate Density Increase				
3.2.1	CRM Corridor Commercial	(was 6.0)	Pg. 216	3.2.9	NCM Neighborhood Commercial	(was 6.0)	now 7.2	Pg. 238
3.2.3	DTNC Downtown Core	(was 30.0)	Pg. 220	3.2.10	OFI Office & Institutional	(was 5.0)	now 7.2	Pg. 241
3.2.8	MXD Mixed-Use	(was 12.0)	Pg. 235					
3.3.2	CZC Conditional Commercial	(was 6.0)	Pg. 272					
3.3.3	CZD Conditional Downtown	(was 30.0)	Pg. 273					
3.3.5	CZM Conditional Mixed Use	(was 12.0)	Pg. 275					

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

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	
Manufactured Home (Class B Singlewide)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•	4.3.79
Manufactured Home Park	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•	4.3.80
Mobile Home	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	-
Mobile Home Park	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	-
Multi-Family Dwelling[55]	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	P	•	C	C	C	C	•	4.3.86
Pocket Neighborhood [1]	•	•	•	P	P	P	•	•	•	•	P	•	•	•	•	P	•	C	C	•	C	•	4.3.101
Single-Family Attached Dwelling [1]	•	•	•	•	P	P	•	•	•	•	•	•	•	•	•	P	•	C	C	C	C	•	4.3.118
Single-Family Detached Dwelling	P	P	P	P	P	P	•	•	P	P	P	•	•	•	•	P	•	C	•	•	C	•	4.3.119
Triplex or Quadplex [1] AMENDED 4.15.24 (UDOTA1-24)	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	P	•	C	C	C	C	•	4.3.131
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 downtown boundary as designated in the 2045 Comprehensive Growth Plan Future Land Use Map unless permitted by and located within the CZD zoning district.

3. Density Changes (con't)

- §3.2.12 – 3.2.17 Residential Districts
  (Pg. 246-266)
  Replaces current density bonus (1 DU/AC) with sustainable development incentives

- §6.17.4 Sustainable Development Incentives
  (Pg. 729)
  Increases density bonuses from 1, 2, 3 units per acre for provision of sustainable development features upwards to 10, 20, or 30 units per acre
  - Added incentives to align with Mass Grading changes.

TABLE 6.17.4: SUSTAINABLE DEVELOPMENT PRACTICE INCENTIVES

Type of Incentive	Minimum Number of Sustainable Development Practices Necessary to Utilize Incentive	
	From Schedule A	From Schedule B
A density bonus of up to ten~~one~~ additional dwelling unit per acre beyond the maximum allowed in the base zoning district [1]	1	2
A density bonus of up to 20~~two~~ additional dwelling units per acre beyond the maximum allowed in the base zoning district [2]	1	3
A density bonus of up to ~~three~~ 30 additional dwelling units per acre beyond the maximum allowed in the base zoning district [2]	2	4
An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district	2	3
A reduction from the minimum parking space requirements by 15 percent, or an increase to the maximum allowable number of parking spaces provided by 15 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or ground-based signs by 10 percent	1	3
Mass grading of 10 acres or more in area of a phase, single lot, Major Subdivision, or Unified Development [3]	2	1

NOTES:
[1] All zoning district dimensional requirements still apply.
[2] Zoning district dimensional requirements may be reduced in accordance with the standards and procedures for an Administrative Adjustment.
[3] Practices shall be specifically from the "Water Conservation and Quality Protection" section of Table 6.17.6: Menu of Sustainable Development Practices.

4. Dimensional Standards Changes

A. §3.2.11 PUB District (Pg. 244)
   - Removes lot area, open space, building height, spacing between buildings, and perimeter setbacks
   - Reduces all setbacks to 5 feet

B. §3.4.3.C Flag Lots (Pg. 279)
   - Bars creation of new flag lots

C. §3.4.7 & § 6.9.4.G Unified Developments (Pg. 281, 327, 631)
   - Removes requirements for unified development to be operated as a single use
   - Establishes new parking standards for non-residential uses of 1/250SF
   - Exempts drive through canopies from setbacks

5A. Use Type Changes (Principal)

A. §4.2.5 Principal Use Table (Pg. 328-335)

- PUB District – adds several 20+ use types
  (horticulture; offices; parking structure; storage; theatres; vehicle painting, repair, towing, washing; warehouse; wind energy; day care; community center; fraternal lodge; religious institution; schools)
- CZM District – adds 3 use types
  (convenience store; outdoor commercial recreation, parking structure)
- CZC District –
  (adds multi-family dwellings; removes triplex/quadplex)

B. Simplifies Some Use-Specific Standards

- §4.3.23 Pg. 342 - Business Incubator
- §4.3.30 Pg. 343 – Coffee Shop
- §4.3.37 Pg. 345 – Convenience Store
- §4.3.55 Pg. 350 – Gasoline Sales
- §4.3.86 Pg. 360 – Multi-Family Dwelling
  (removes off-street parking location, reduces the number of units with balconies, adds more allowance for longer buildings)

5A. Use Type Changes (Principal, con't)

C. §4.2.5 Adds Governmental Maintenance or Storage Facility Use (Pg. 350)

D. §4.3.45 Family Care Home (Pg. 348)

- Increases max. number of children from 9 to 10 SL2023-108

E. §4.3.113 Large Format Retail (Pg. 371, 515, 635, 838)

- Removes large format retail as a use type (treats as a commercial use instead)
- Relocates fenestration flexibility for 70,000+ sf single tenant buildings
- Removes specific parking location & entry feature design standards for these buildings

F. §4.3.121 Solar Energy Conversion (Pg. 375)

- Adds requirements for compliance with new State decommissioning rules SL2023-58

G. §4.3.131 Triplex/Quadplex (Pg. 392, 517)

- Buildings over 2 stories are subject to design standards SL2024-49

5B. Use Type Changes (Secondary)

H. §4.5.5.S Adds Membrane Structure Use Type (Pg. 404, 412)

I. §4.5.5.HH Adds Urban Archery Use Type (Pg. 404, 422)

Changes to specify hunting activity for deer only.

H. §4.5.5.N Flagpole (Pg. 411)

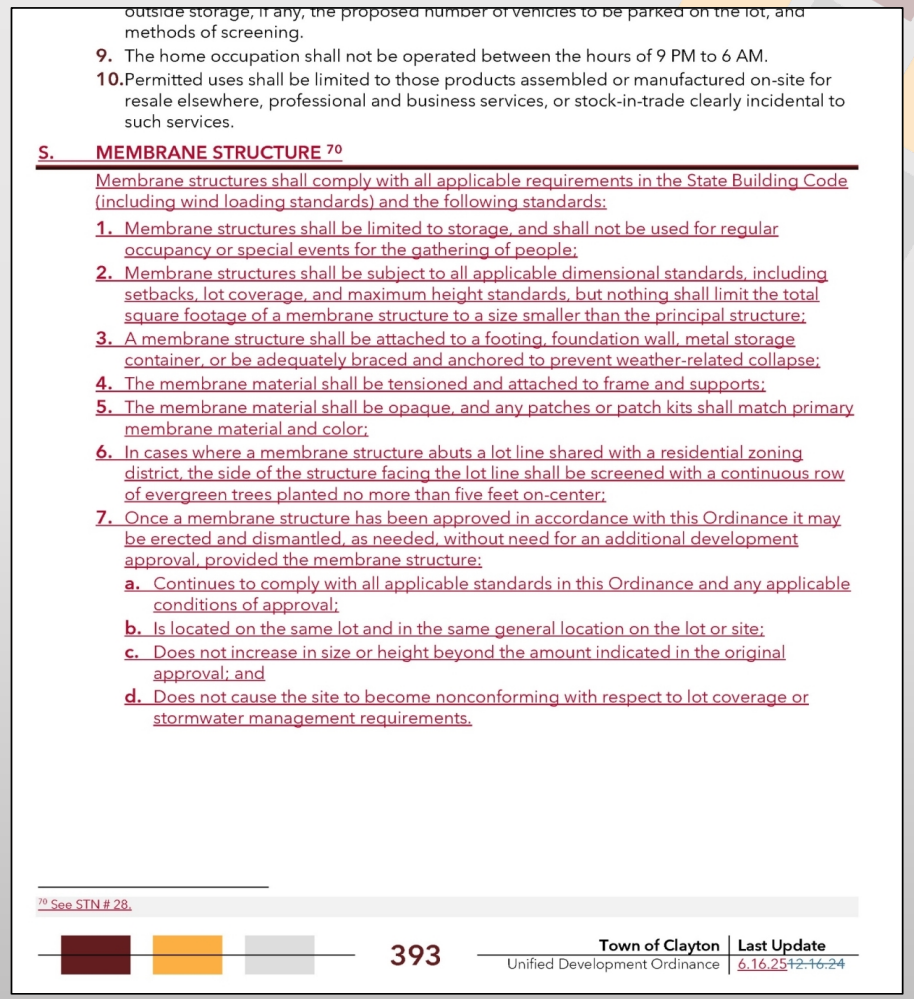
Increases flagpole height to 40 feet (up from 25)

I. §4.5.5.Q Home Occupation Level 1 (Pg. 411)

Limits the sale of vehicles or trailers as a home occupation

J. §4.5.5.T Outdoor Dining and Seating (Pg. 415)

Allows up to 20 seats with a Zoning Compliance Permit; more than 20 requires Site Plan approval



outside storage, if any, the proposed number of vehicles to be parked on the lot, and methods of screening.

9. The home occupation shall not be operated between the hours of 9 PM to 6 AM.
10. Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, professional and business services, or stock-in-trade clearly incidental to such services.

S. MEMBRANE STRUCTURE [70]

Membrane structures shall comply with all applicable requirements in the State Building Code (including wind loading standards) and the following standards:

1. Membrane structures shall be limited to storage, and shall not be used for regular occupancy or special events for the gathering of people;
2. Membrane structures shall be subject to all applicable dimensional standards, including setbacks, lot coverage, and maximum height standards, but nothing shall limit the total square footage of a membrane structure to a size smaller than the principal structure;
3. A membrane structure shall be attached to a footing, foundation wall, metal storage container, or be adequately braced and anchored to prevent weather-related collapse;
4. The membrane material shall be tensioned and attached to frame and supports;
5. The membrane material shall be opaque, and any patches or patch kits shall match primary membrane material and color;
6. In cases where a membrane structure abuts a lot line shared with a residential zoning district, the side of the structure facing the lot line shall be screened with a continuous row of evergreen trees planted no more than five feet on-center;
7. Once a membrane structure has been approved in accordance with this Ordinance it may be erected and dismantled, as needed, without need for an additional development approval, provided the membrane structure:
   a. Continues to comply with all applicable standards in this Ordinance and any applicable conditions of approval;
   b. Is located on the same lot and in the same general location on the lot or site;
   c. Does not increase in size or height beyond the amount indicated in the original approval; and
   d. Does not cause the site to become nonconforming with respect to lot coverage or stormwater management requirements.

[70] See STN # 28.

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Town of Clayton | Last Update
Unified Development Ordinance | 6.16.25~~12.16.24~~

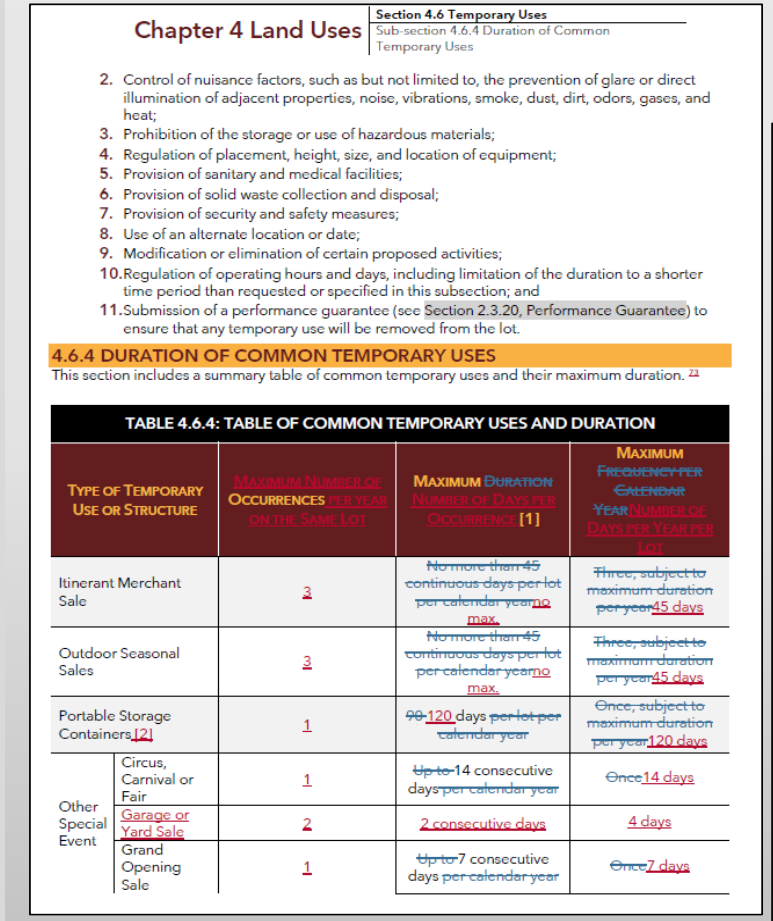
5C. Use Type Changes (Temporary)

M. §4.6.4 Temporary Uses (Pg. 427-428)

- New summary table of maximum duration & frequency per year
- Adds standards for garage/yard sales, temporary signs, model sales homes, and construction offices

N. §4.7.2 Use Category Descriptions (Tables) (Pg. 436-446)

- Relocated to Procedures Manual



Chapter 4 Land Uses | Section 4.6 Temporary Uses | Sub-section 4.6.4 Duration of Common Temporary Uses

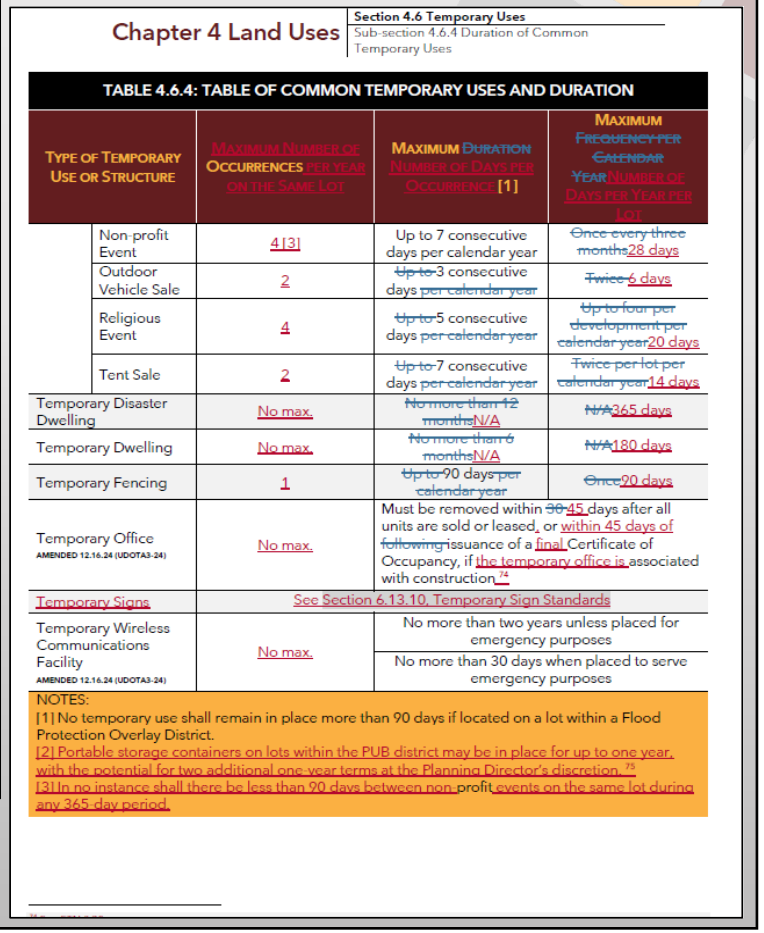
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Prohibition of the storage or use of hazardous materials;
4. Regulation of placement, height, size, and location of equipment;
5. Provision of sanitary and medical facilities;
6. Provision of solid waste collection and disposal;
7. Provision of security and safety measures;
8. Use of an alternate location or date;
9. Modification or elimination of certain proposed activities;
10. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
11. Submission of a performance guarantee (see Section 2.3.20, Performance Guarantee) to ensure that any temporary use will be removed from the lot.

4.6.4 DURATION OF COMMON TEMPORARY USES

This section includes a summary table of common temporary uses and their maximum duration. [1]

TABLE 4.6.4: TABLE OF COMMON TEMPORARY USES AND DURATION

Type of Temporary Use or Structure		Maximum Number of Occurrences per year on the same lot	Maximum Duration Number of Days per Occurrence [1]	Maximum ~~Frequency per Calendar Year~~ Number of Days per Year per Lot
Itinerant Merchant Sale		3	~~No more than 45 continuous days per lot per calendar year~~no max.	~~Three, subject to maximum duration per year~~45 days
Outdoor Seasonal Sales		3	~~No more than 45 continuous days per lot per calendar year~~no max.	~~Three, subject to maximum duration per year~~45 days
Portable Storage Containers [2]		1	~~90~~120 days ~~per lot per calendar year~~	~~Once, subject to maximum duration per year~~120 days
Other Special Event	Circus, Carnival or Fair	1	~~Up to~~14 consecutive days ~~per calendar year~~	~~Once~~14 days
	Garage or Yard Sale	2	2 consecutive days	4 days
	Grand Opening Sale	1	~~Up to~~7 consecutive days ~~per calendar year~~	~~Once~~7 days



Chapter 4 Land Uses | Section 4.6 Temporary Uses | Sub-section 4.6.4 Duration of Common Temporary Uses

TABLE 4.6.4: TABLE OF COMMON TEMPORARY USES AND DURATION

Type of Temporary Use or Structure		Maximum Number of Occurrences per year on the same lot	Maximum Duration Number of Days per Occurrence [1]	Maximum ~~Frequency per Calendar Year~~ Number of Days per Year per Lot
	Non-profit Event	4 [3]	Up to 7 consecutive days per calendar year	~~Once every three months~~28 days
	Outdoor Vehicle Sale	2	~~Up to~~3 consecutive days ~~per calendar year~~	~~Twice~~6 days
	Religious Event	4	~~Up to~~5 consecutive days ~~per calendar year~~	~~Up to four per development per calendar year~~20 days
	Tent Sale	2	~~Up to~~7 consecutive days ~~per calendar year~~	~~Twice per lot per calendar year~~14 days
Temporary Disaster Dwelling		No max.	~~No more than 12 months~~N/A	~~N/A~~365 days
Temporary Dwelling		No max.	~~No more than 6 months~~N/A	~~N/A~~180 days
Temporary Fencing		1	~~Up to~~90 days ~~per calendar year~~	~~Once~~20 days
Temporary Office AMENDED 12.16.24 (UDOTA3-24)		No max.	Must be removed within ~~30~~45 days after all units are sold or leased, or within 45 days of ~~following~~ issuance of a final Certificate of Occupancy, if the temporary office is associated with construction. [4]	
Temporary Signs		See Section 6.13.10, Temporary Sign Standards		
Temporary Wireless Communications Facility AMENDED 12.16.24 (UDOTA3-24)		No max.	No more than two years unless placed for emergency purposes	
			No more than 30 days when placed to serve emergency purposes	

NOTES:
[1] No temporary use shall remain in place more than 90 days if located on a lot within a Flood Protection Overlay District.
[2] Portable storage containers on lots within the PUB district may be in place for up to one year, with the potential for two additional one-year terms at the Planning Director's discretion. [5]
[3] In no instance shall there be less than 90 days between non-profit events on the same lot during any 365-day period.

6. Development Standards Changes

A. §6.1.4 & § 6.9.7 Driveway/Parking Lot Surfacing (Pg. 468, 469, 647)
   - Removes the ability of the Town to apply more stringent driveway drive aisle or parking lot surfacing standards than NCDOT SL2024-49

B. §6.1.4.E Driveway Depth (Non-residential) (Pg. 474)
   - Reduces minimum depth requirements

C. §6.1.5 Pedestrian Circulation (Pg. 476)
   - Expands requirements for pedestrian connections to lot lines abutting vacant lots

D. §6.3.2.B & §6.3.3 Fences & Walls (Pg. 524-530)
   - Exempts battery-charged security fences from the UDO (subject to State law) SL2024-45
   - Requires maintenance easements that cross lot lines

6. Development Standards Changes (con't)

E. Infrastructure

- §6.5.9 Clarifies the Town must utilize the most-recently adopted uniform **Fire Code** SL2024-49 (Pg. 549)
- §6.5.10.B & §6.5.12.B Removes **minimum distance** rules for potable water and sanitary sewer extension in favor of all new development (except individual SFD) connecting to potable water and sanitary sewer (Pg. 550-551 & 566-568)
- §6.5.10.G Private **water lines** may not cross lot line boundaries (only public lines may cross lot boundaries) (Pg. 552)
- §6.5.11.H Clarifies that the Town must accept **curb and gutter** designs consistent with NCDOT standards SL2024-49 (Pg. 564-565)
- §6.6.16 **Sidewalks** within a NCDOT ROW serving 20 or fewer lots in the ETJ must be maintained by the Town SL2024-49 (Pg. 658)

6. Development Standards Changes (con't)

F. Landscaping

- §6.6.7, §6.17, and §8.3 Provides **mass grading** standards update, alignment with sustainability incentives and definition (Pg. 575-576, 729, and 815)

- §6.6.11Clarifies **credits** towards landscaping are 2:1 and applied as aggregate caliper inches required (Pg. 583)

- §6.6.16 Removes **street tree** requirements (in favor of streetscape landscaping) in the NCM, CZM, and CZR districts; establishes more clarity regarding street tree spacing standards (Pg. 606)

6. Development Standards Changes (con't)

G. §6.3.2 Signage Applicability (Pg. 665)
- Organizes sign type standards into permanent and temporary

H. §6.3.3 Signage Exemptions (Pg. 666)
- Added exemptions for farm signs SL2023-63
- Clarifies government signage not exempt from UDO (currently exempt)

I. §6.3.7.C Signs in Public Street Rights-of-Way (Pg. 668)
- Clarifies which types of signage may be located within a right-of-way

J. §6.13.9.C Flags (Pg. 695)
- Distinguishes flags from banners
- Increases flag pole heights from 30 to 40 feet
- Increases flag size up to 60 sf
- Decreases clearance to 8' above sidewalk

6. Development Standards Changes (con't)

K. §6.13.9.D Ground Signs (Pg. 681)
- Requires increased setbacks (up to 10 feet from 5 for ground signs over 75 sf in face area)

L. §6.13.9.I Walls Signs (Pg. 689)
- Allows wall signs on tertiary building walls

M. §6.13.10.A Banners (Pg. 693)
- Makes banner signs temporary
- Adds new building wall and pole-mounted banner types (including poles in the public ROW)

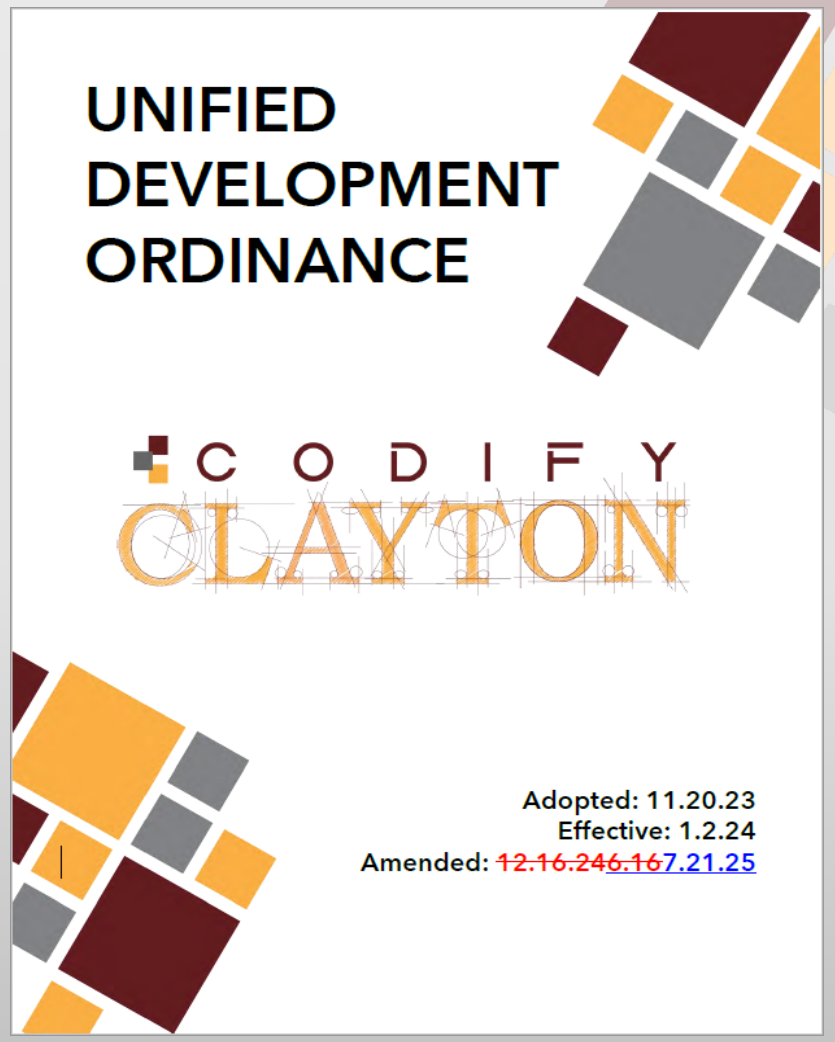
N. §6.13.10.C Short-term Signs (Pg. 697)
- Changes "temporary" signs to "short-term" signs

O. §6.13.10.D Sock Signs (Pg. 699)
- Adds a new "sock" sign type

P. §6.13.10.E Walkway Decal Signs (Pg. 700)
- Adds a new walkway decal sign type

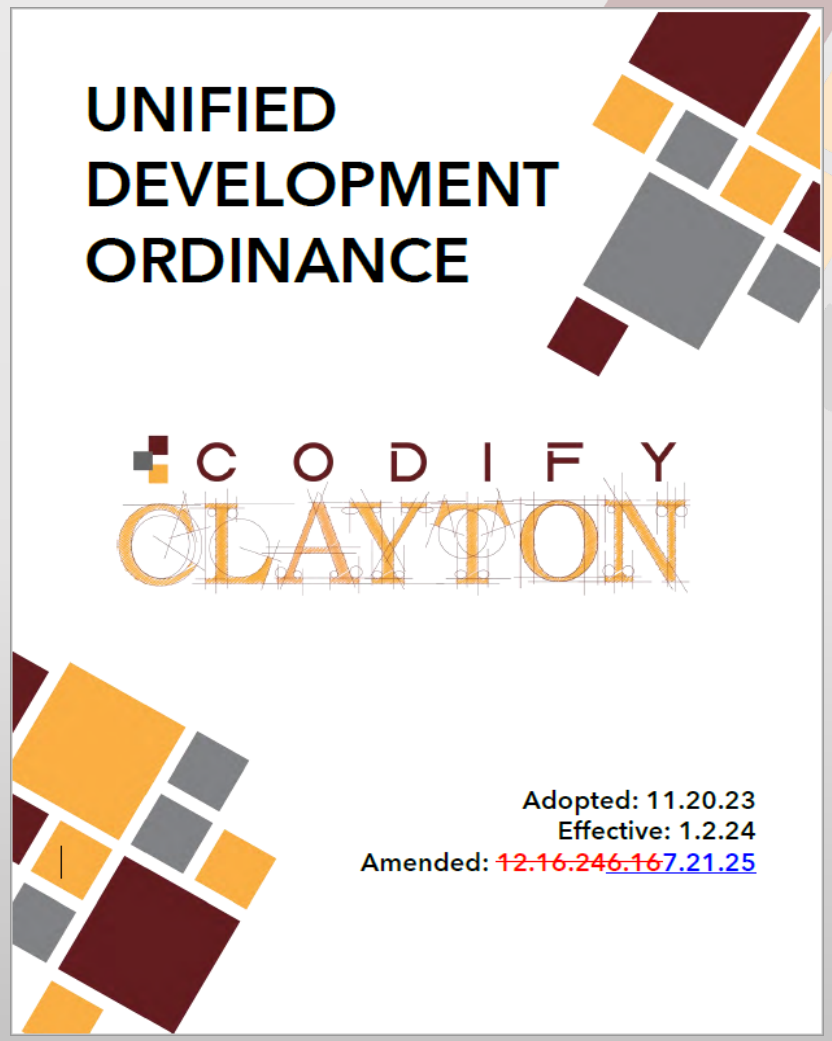
Planning Board Meeting on May 27, 2025

- Unanimous Recommendation for Approval with three redactions:
  - 2.3.18: Minor Subdivision
    - Concern with regards to family subdivisions and difficulty to subdivide in the ETJ.
    - ***No changes by staff**
  - 2.3.28: Text Amendment
    - To allow owners of land within planning jurisdiction and residents of Clayton or its ETJ to submit UDOTA.
    - ***No changes by staff**
  - 4.5.5.HH: Urban Archery
    - As written, prohibits shooting or poisoning of squirrel.
    - ***Changes made by staff**



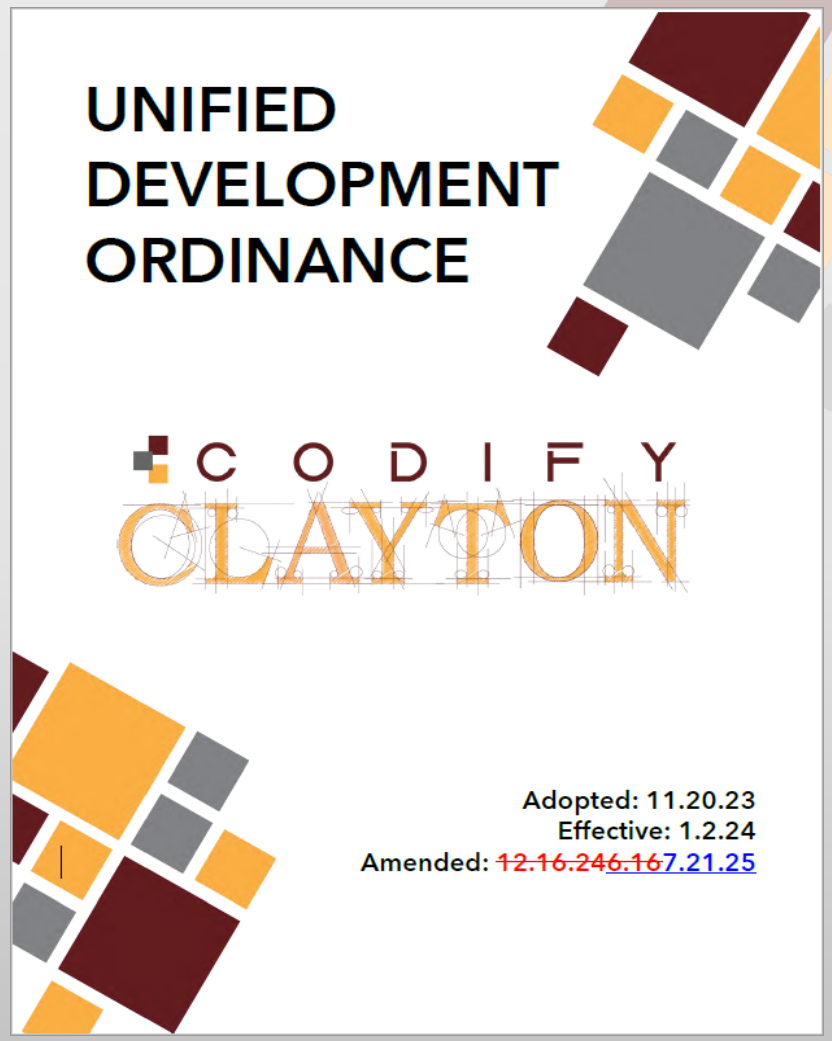
Planning Board – cont'd

- Discussion Items:
  - Density – to remove caps may conflict with 2045 Growth Plan.
  - Outdoor Dining – to increase number of seats from 12 to 16 or 20 before a Site Plan is triggered.
  - ***Changes made by staff**
- Citizen Comment:
  - Shipping Containers – to further evaluate how to treat as temporary versus permanent.



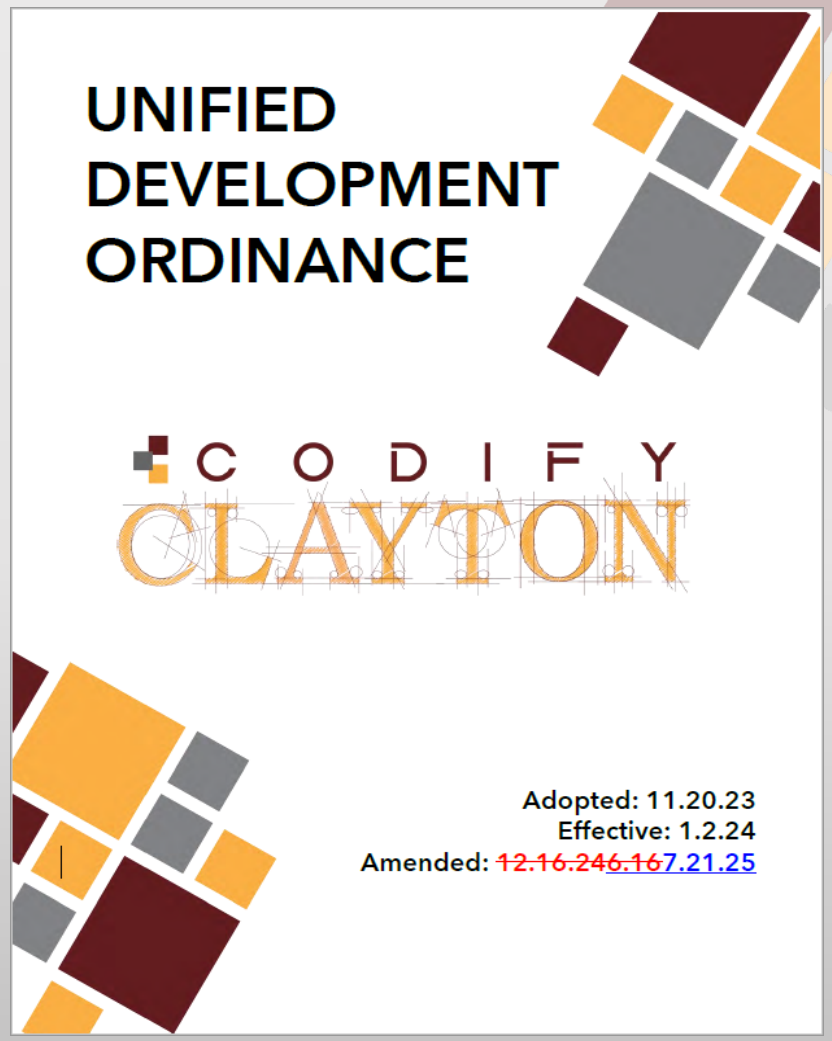
Town Council Work Session on June 2, 205

- Discussion Items:
  - Staff Included on Cover Sheet
    - Staff at the Director and above level are proposed to be included.
    - ***Changes made by staff**
  - Mass Grading
    - Consider revised language based on additional research and staff input.
    - ***Changes made by staff**
  - Outdoor Dining Seating
    - Consider increasing the number of seats from 12 to 20 to be permitted by a Zoning Compliance Permit
    - ***Changes made by staff**



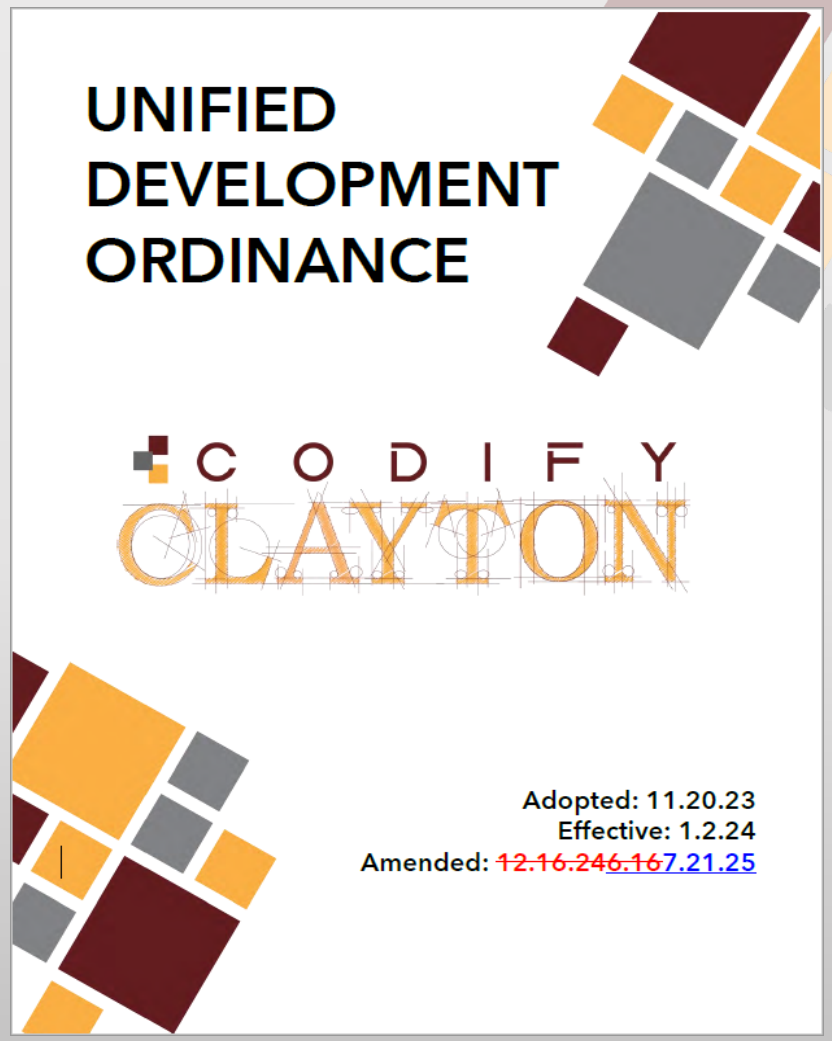
Staff Updates since Town Council June 16, 2025

- **Title sheet** of UDO includes Town Administration and Town Staff.
- Clarification on **Zoning Compliance Permit** applicability
- **Mass Grading** standards, alignment, and definition
- Construction Drawing **Alternative Sequence** placement in Major Subdivision's Final Plat Stage
- **Urban Archery** specific to the hunting of deer
- **Outdoor Seating** has been increased to 20 persons
- **Flags** are classified as temporary signage
- **Subdivisions** have technical corrections to related language.
- **Signs** have clarified exemption for traffic-controls signage.



Next Steps

- Planning Board held on 5/27/25
  - Unanimous Recommendation for Approval with three redactions.
- Town Council Work session 6/2/25
- Town Council Public Hearing 6/16/25
- Town Council Public Hearing Continued **7/21/25**
- Revise UDO
- Post Updated UDO



UDOTA 1-25 SUMMARY TABLE

Last Table Update: 5-14-25

PB/PPT packet due 5/12/25 | PB Meeting 5/27/25 | TC Work Session 6/2/25 | TC Adoption 6/16/25

UDOTA1-25

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
1	8-26-25 9-24-25	PB Staff	Enhanced Quality	3.3.1.E.5	229	Add additional enhancement language for Type 3 Conditional Rezonings. See Row 32 This needs more discussion with the group – what development/design standards should be revised to permit density increases. Move this to a future amendment round
2	2-6-25	NCGS	SB 382 Updates	UDO	UDO	Compliance with SB 382. (6/14/24) • UDOTA 3-24: RMF (technical correction on Triplex/Quadplex and Duplex minimum lot size requirements) and updates to Secondary Use Table for Home Occupation Level 2 from Special Use Permits to Conditional Use Permits. No overall zone district reductions in density. • UDOTA 2-24: Vehicle Towing (removed as P in LID and HID, added a CZC) but no apparent density changes to any zoning districts. Not taking action on this at this time
3	9-24-24	NCGS	2023-2024 Session Law	UDO	The following changes are included in the 2023 or 2024 session laws from the GA (the 4-digit number shows the session law year and the session law number): • Solar farm decommission 23-58 • Farm signs 23-63 • Design standards for 3+-story triplex and quadplex dwellings 24-49 • Can not require driveway/parking lot paving requirements that are more restrictive than NCDOT 23-108 • Caps stormwater control measure maintenance warranties at 10% (down from 25%) 23-108 • From 9 to 10 kids max in family care home 23-134 • Battery-charged security fences 23-137 & 24-45 • Withholding permits COs 24-49 • Inspection access conditions 24-49 • Curb & gutter 24-49 • Sidewalks in ETJ subdivisions of <20 lots in ETJ 24-29 • Perf guarantees 30 days inspection & release 24-29 • Suggest adding zoning reversion condition 24-57	
4	10-14-24	Staff	Utility Extensions – Potable Water	6.5.10.B.	499	Strengthen when these are required. Staff wants all development to connect except exempt and limited subdivisions
5	10-14-24	Staff	Utility Extensions – Wastewater	6.5.12.B.	513	
6	10-14-24	Staff	Town/State Construction Project Expiration	TBD	TBD	May not be a UDO item but something to possibly consider. Disregard

Grey Cell: Removed or delayed; Yellow cell: Addressed in latest UDO draft; Red text = response or direction

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
7	1-14-25	Staff	Text Amendments – Citizen Initiated	2.3.26.C.2	136	Remove the ability of "All Others" to submit a request for a Text Amendment. Limit the ability to submit a text amendment solely to Town staff, the Town Council
8	10-24-24	Staff	Change of Species	6.6.10.B. and 6.6.10.C.3	528 – 529	Clarification that change of plant species is allowed as a minor revision (addendum to an approved landscape plan). OK, provided the species sought is not invasive
9	10-24-24	Staff	MSSD Manual	6.5	489	Have UDO contain language in which the MSSD can be enforced/applied. Clayton Manual of Specifications | Clayton, NC Add that public infrastructure needs to comply with the Manual of Specifications, Standards, and Design
10	10-24-24	Staff	Alternative Sign Plan	2.3.20.K.5	118	Language is QJ in current Findings, copy from CZ Review Criteria: "The advisability of approving an Alternative Sign Plan 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 a proposed Alternative Sign Plan, the Town Council may weigh the relevance of and consider the following:" Add above to prefatory sentence in 2.3.20.K.5
11	10-24-24	Staff	Vested Rights	2.3.30	152	Concerning prior approved master plans, items not articulated in approvals, have 7 years of vested under the codes in effect at the time? The Town wishes to permit concept plans associated with a conditional rezoning or special use permit run with the land. Further, there is a desire to clarify that any aspect of the approval not specifically addressed in the concept plan or conditions of approval shall be subject to the UDO standards in affect at the time of the subsequent subdivision or site plan.
12	10-29-24	Staff	PD Conversion to CZ	1.10.3.C & Table 3.1.3	39 & 178-9	Reiterate this conversion and amend Table 3.1.3. to reflect the change; confirm that rezoning does not need property owner notification. Correct, no text change needed
13	10-29-24	Staff	Checklist in UDO	Table 9.2.3	810	Consideration of removal of checklists in the UDO and place in as a Procedures Manual. Confirm reasoning as to why this was put as was? OK
14	2-6-25	Staff	FAQ in UDO	NA	3	FAQ in UDO is not current and modification will require TC action. Remove from the UDO and place in as a Procedures Manual. OK
15	10-29-24	Staff	Certificates	Chapter 9	799	*Suggestion to remove and place in a Procedures Manual* OK

Grey Cell: Removed or delayed; Yellow cell: Addressed in latest UDO draft; Red text = response or direction

UDOTA 1-25 SUMMARY TABLE

Last Table Update: 5-14-25

PB/PPT packet due 5/12/25 | PB Meeting 5/27/25 | TC Work Session 6/2/25 | TC Adoption 6/16/25

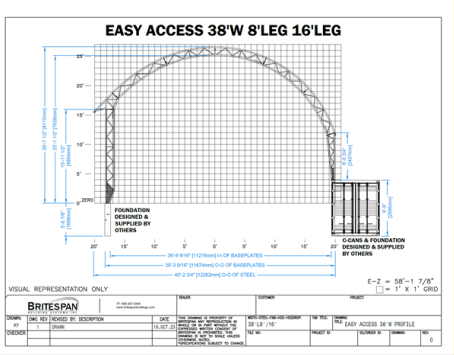
#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
16	10-29-24	Staff	Native Vegetation Plan List	NA	NA	For UDO Procedures Manual, to include the list from City of Burlington. Can staff handle this as we do not have the Manual? Staff to provide in the updated UDO Procedures Manual.
17	10-29-24	Staff	Process Types for Minor/Major Modifications	2.3.22.J, 2.3.6.O., 2.4.16.H, etc.	70, 126, 100	To include the Process Type per Figure 2.2.3 for minor/major modification requests. Clarify if Type 1 or Type 4 Not needed as we are replacing the procedure types with individual process flowcharts
18	10-30-24	Staff	Minor Subdivision	2.3.18	108	Remove, unless required by NCGS, in order to have the following three subdivision types: Exempt, Limited, and Major. Ok. Minors become majors
19	10-30-24	Staff	HOC Level 2	4.5.5.R.8	368	Language is when HOC required an SUP, which now requires a Concept Plan. Also, need to confirm to revert this back to SUP per UDO pre 12.14.24 for SB 382. Disregard for now
20	11-1-24	Staff	NCGS Updates			1. Wastewater Allocation Scoring: New statutory language that prohibits scoring based on the size of a residential dwelling and architectural features. Looking at Clayton's scoring policy, this may lead to issues with the scoring done based on size of townhome units, as well as the use of multi-car garages and use of masonry materials (as it pertains to residential dwellings...scoring sheet currently doesn't specify is masonry is limited to be scored based on commercial vs. residential uses). Apparently, this went into effect in July....This should be addressed in Town Policy, but the UDO does not include anything in need of revision here. 2. Landscaping & COs: No longer can withhold a CO due to lack of landscaping on a single-family lot or lack of landscaping completion in common areas. The only issue I can see this for is HVAC unit screening and street trees (in instances where street trees are on the individual lots vs. in the ROW). This relates to SL2024-49 which turns on the issue of withholding building permits or COs on one property for failure to complete landscaping on a different property. The new Session Law does not go as far as indicated in the description by staff above, and this issue has been addressed in the Violations chapter. 3. Bond Releases: There is now a 30-day shot clock for bond release inspections to be performed. This should be easy enough to do, but I think from talking with Michael right now these are being submitted to DSCs and then put into bluebeam. I suppose the key here will just be to make sure that whatever review schedule they are on in bluebeam is within 30-days. I'm not sure if inspections are done and commented on in bluebeam and then sent out to applicants by DSCs, or if the engineering/planning departments just review in bluebeam and then coordinate directly with the applicants. Regardless, I think it's worth just verifying this process to make sure it's all occurring within that 30-days. This is mostly an engineering thing, but Planning is involved too for specific items to inspect. Add ref to 30-day clock for inspection upon request. This has been added to performance guarantee sections – must also release within 30 days of completion

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#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
21	11-1-24	Staff	Crossing Service Lines	NA	NA	UDO Flag: can we confirm that private service lines (water & sewer) cannot cross private property in a private easement. Must be public extension. This language already exists for wastewater service and has been added to potable water lines
22	11-1-24	Staff	Process Types Images	Multiple	Multiple	Include an image/figure of the Process type with each application type for visual clarity. Use the existing images on Page 52 & 53.
23	11-7-24	Staff	Flags	6.13.9.D & 4.5.5.N.	621 & 367	Flag height in table says 40' but figure shows 30'. In "N", has max height of 25'. Need to make consistent in these three areas for flags.
24	11-7-24	Staff	SFD Definition	Table 8.3	722	Consider clarifying that it is Type A and Type B Manufactured Homes in the SFD definition, to clarify the common use of "manufactured" and "modular": DWELLING, SINGLE-FAMILY DETACHED: A dwelling in a single structure located on its own fee simple lot containing one principal dwelling unit meeting the minimum size requirements in the North Carolina Building Code that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, mobile homes, or recreational vehicles. An accessory dwelling unit may be within, attached to, or on the same lot as a single-family detached home.

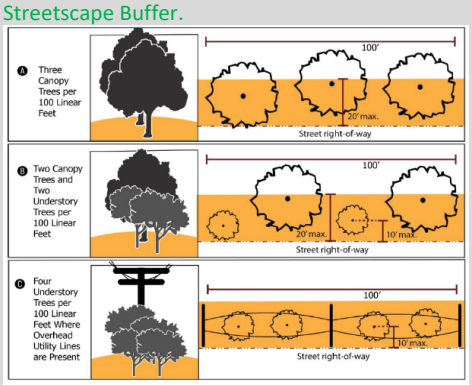
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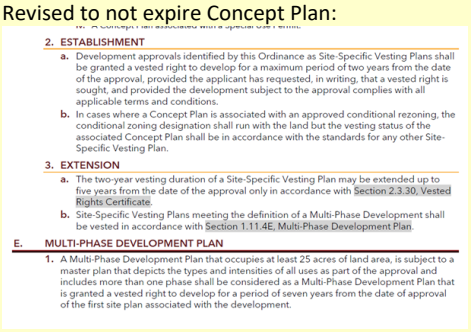
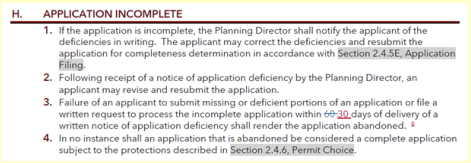
#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
25	11-7-24	Staff	Concept Plan	Table 8.3, Table 9.2, 3.3.1.E, 2.3.22.C.1	759, 808, 228, 124	Distinguish further that a Concept Plan is not a site plan, definition perhaps. Requirements to include in a Concept Plan differ for CZ and SUP. More Context: • The requirements for a Concept Plan seem unclear. The CZ and SUP sections specifically speak to what is needed on a Concept Plan in their respective parts of the code. CZ does this for Type 3 in Sub-section 3.3.1 with a whole list of requirements on the plan to be shown. However, when looking in the Appendices, the requirements for a Concept Plan have a lot more detailed information noted in the table as required. For example, the SUP section of the UDO just states that a Concept plan must show the proposed uses and overall site configuration, and any changes or extensions proposed to public infrastructure. This section also says that a TIA is required as deemed necessary. But, when looking int he appendices, the table checks a TIA as required for a Concept Plan (doesn't give any allowance for it not to be) and also requires even more details on the plan such as architectural elevations of buildings, landscaping details, etc.. • I think this may confuse some applicants. If an engineer/applicant looks at the CZ or SUP section that discusses Concept Plan requirements and doesn't know to look in the Appendices then they may submit an incomplete application. Additionally, newer staff may review based on the CZ/SUP sections but not know to look at the checklist in the Appendices. As you know I'm not a huge fan of having that level of plan checklists codified, but if the Town plans to keep the Concept Plan checklist in the Appendices as part of the UDO it may be best to just reference the Appendices in the CZ/SUP sections regarding what is required on a Concept Plan to avoid confusion. This way everyone is looking at the same list of minimum requirements when designing and reviewing. Tables removed. References to outside Procedures Manual included.
26	11.20.24	Staff	Site Plan Expiration	2.3.21.L.1, 2, 3, 4	123	Update so that Site Plans expire 2 years after their approval. Allow for an extension of up to 2 years as well. This will align with SUP, Major Subdivision
27	8.26.24	PB & Staff	TIA Expiration	2.3.27.K	140	Update so that the TIA expires after 2 years of its approval (note, Engineering Director approves).Acceptance be sure “accept” not “approve”

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
28	11.22.24	Staff	Comex Storage Containers	4.6.5.D.2	382	Request from PW to allow comex continers are part of a design that includes covers. Permanent use though (although referenced in UDO as a Temporary Use). Add a comex structure as a secondary use type. Allow in PUB only. Requires ZCP. The term "comex" is not common. Britespan refers to these as "fabric" buildings. Suggest the term "membrane structure" instead. 
29	12.3.24	Staff	Removal of Density Caps for Type 3 Conditional Rezonings	3.3.2.C, 3.3.3.C, 3.3.4.C, 3.3.5.C, and 3.3.6.C	231, 232, 233, 234, and 235	Removal of density caps. Disregard this change for now.
30	12.11.24	PB	Temp Construction Office	4.6.5.H.2.c	384	Removal of Temporary Construction Office Trailer forty-five (45) days after final Certificate of Occupancy.
31	12.11.24	PB	RCA for Open Space	6.11.2.D	602	Further clarification to consider with regards to RCA counting towards Open Space Set-Aside (may not be an issue as written).
32	12.11.24	PB	Refuse Containers	4.5.5.BB.3	375	Further clarification to consider with regards to location at the rear of the building that abutting a public ROW (buildings whose rear abuts ROW).
33	12.11.24	PB	Bona Fide Farms	1.1.13.B	23	NCGS 160D-903 lists municipal and county zoning, may need simple check with compliance with NCGS. Done, current language is in accordance with NCGS.
34	12.11.24	Staff	Conditional Deviations	3.3.2.E, 3.3.3.E, 3.3.4.E, 3.3.5.E and 3.3.6.E	231, 232, 233, 234 and 235	Remove language indicating that use-specific standards may be modified; conflicts with 3.3.1.E.9.d.

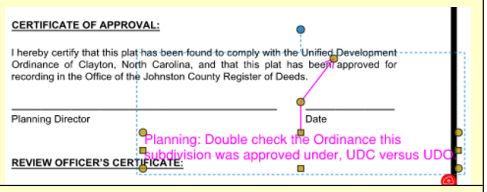
#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
35	12.1.24	Public Comment	Urban Archery	4.5	357	New Secondary Use, Urban Archery to mirror Town Code Chapter 91.09, and to allow in Clayton ETJ and reduce minimum lot size requirement: Pull 91.09 out of City Code and relocate it to the UDO https://codelibrary.amlegal.com/codes/claytonnc/latest/clayton_nc/0-0-0-17927. List as a temporary use and x-ref Town Code (do not pull text out) and add FN about need to update Town Code
36	12.16.24	Staff	Other Updates			UDO updates next year: signs (need to evaluate if we are allowing/prohibiting signs as necessary - see WF's signs --- banners are being placed on baseball field fencing), See subsequent comments on signs implement Downtown Plan (want outline for this prior to drafting), Hold this for a subsequent amendment Construction plans (needs to be an application type -- not always tied to site plan or subdivision) move this to its own procedure, OK Flow charts with each application type done use current Type images , annexation (only one legal notice required) OK
37	12.16.24	Staff	Expiration Dates for Site Plans and Preliminary Plats			Also, change site plan and preliminary plat approval to two years. One year is just not possible And strike the extension. Basically, they need to have substantial work in the field. The Preliminary Plat already has a two-year expiration. Note that this comment is in direct conflict with Note 26 in this table.

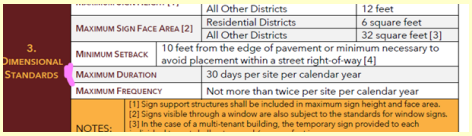
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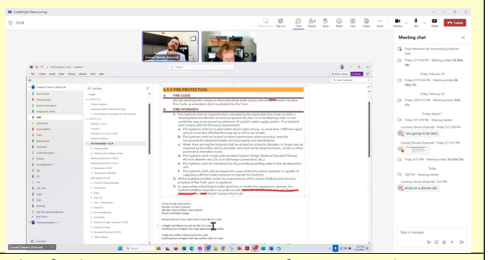
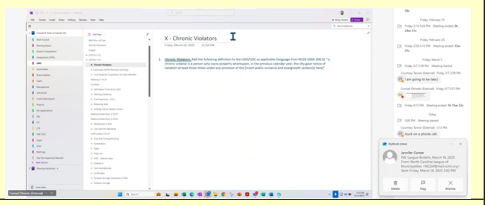
#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
38	12.16.24	Staff	Street Trees	6.6.15		Need to have a "Required Plant Material", Need a figure for Figrue 6.6.15., like the Streetscape Buffer: There is already a figure and a table of species. Please explain comment. This is added and NCM, CZR, and CZM moved from zoning districts from Street Trees to Streetscape Buffer. 
39	12.17.24	Staff	Performance Guarantee	Table 2.2.1		Table 2.2.1., TC and BOA are Decisions makers? 51 *Flag, double check Yes, Council approves guarantee applications filed after work has already started
40	12.17.24	Staff	TRC			Conditional Rezonings, needs TRC Comment Engineering Director Comment Planning Director Recommendation
41	12.17.24	Public Comment	Mass Grading			Revisit this requirement where a more dense width and planting is required adjacent to a lower density zoning district. Provide a definition to include in 4 acres or more to be the qualifier for mass grading. See new standards
42	12.20.24	Public Comment	Laboratory			Consider having permitted in LID:
43	12.23.24	Staff	Street Closure			Street closing and renaming need to be separate applications since the public hearing process is different. Road closures have clear parameters in NCGS whereas renaming have implied authority with no specific legal requirement.

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
44	12.30.24	Staff	Concept Plan Expiration			Revised to not expire Concept Plan:  2. ESTABLISHMENT a. Development approvals identified by this Ordinance as Site-Specific Vesting Plans shall be granted a vested right to develop for a maximum period of two years from the date of the approval, provided the applicant has requested, in writing, that a vested right is sought, and provided the development subject to the approval complies with all applicable terms and conditions. b. In cases where a Concept Plan is associated with an approved conditional rezoning, the conditional zoning designation shall run with the land but the vesting status of the associated Concept Plan shall be in accordance with the standards for any other Site-Specific Vesting Plan. 3. EXTENSION a. The two-year vesting duration of a Site-Specific Vesting Plan may be extended up to five years from the date of the approval only in accordance with Section 2.3.30, Vested Rights Certificate. b. Site-Specific Vesting Plans meeting the definition of a Multi-Phase Development shall be vested in accordance with Section 1.11.4E, Multi-Phase Development Plan. E. MULTI-PHASE DEVELOPMENT PLAN 1. A Multi-Phase Development Plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval and includes more than one phase shall be considered as a Multi-Phase Development Plan that is granted a vested right to develop for a period of seven years from the date of approval of the first site plan associated with the development. See earlier discussion on concept plan
45	1.2.25	Staff	Refunding Incomplete Applications			 H. APPLICATION INCOMPLETE 1. If the application is incomplete, the Planning Director shall notify the applicant of the deficiencies in writing. The applicant may correct the deficiencies and resubmit the application for completeness determination in accordance with Section 2.4.5E, Application Filing. 2. Following receipt of a notice of application deficiency by the Planning Director, an applicant may revise and resubmit the application. 3. Failure of an applicant to submit missing or deficient portions of an application or file a written request to process the incomplete application within ~~60~~ 30 days of delivery of a written notice of application deficiency shall render the application abandoned. [4] 4. In no instance shall an application that is abandoned be considered a complete application subject to the protections described in Section 2.4.6, Permit Choice. For this, we need to talk about fee. Do we refund. Do we partial refund. Etc. Not refunding application fee for abandoned applications
46	1.3.25	Staff	Table Updates			Performance Guarantees; fix the BOA and TC Vested Rights, go to TC, fix the table says it goes to BOA Scribe Technical Error, page 49 of .doc (text is proper, the table is wrong).
47	1.3.25	Staff	Secondary Structure for PUB			Allow secondary structures to exceed the size of the principal structure in the PUB Zoning District To allow shelters to store machines and equipment under the roof; bulky items require more square footage. Standards as exist are meant for home. This is addressed by the new membrane structure provisions.
48	1.3.25	Staff	Outdoor Storage			Is this a typo in 4.2.5 ?  Should it just be Storage, Outdoor? This is how it is in .124 and in the definitions.

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#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
49	1.3.25	Staff	Portable Storage Containers in PUB			Exemption: Portable Storage Containers may be placed and used and configured in a manner that allows for coverings on a property in the PUB zoning district for a period of 6 months with a renewal for no more than 3 years with a Temporary Use Permit. Page 385: At the Planning Director's discretion, a Temporary Use Permit may be granted for placement of mobile or modular structures **and portable containers** in the PUB district for up to one year, subject to the following standards: This is confusing as it lists two different durations…also what is "allows for coverings"? Resolve to allow up to 3 years for storage containers as a temporary use and allow storage containers part of a membrane structure to be permitted as secondary use.
50	1.3.25	Staff	Certificates			Remove from UDO, make these a policy. Remove UDO in cert. 
51	1.16.25	Staff	Chapter 9			Checklist, take this out of UDO, page 814.
52	1.23.25	Staff	HOC - Vehicle Sales			Clarification that vehicle sales are prohibited as a HOC Lvl 1
53	1.28.25	Staff	Flag Lots			Remove from UDO to not have this. Can not establish a new flag lot as part of a limited or major subdivision.

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
54	2.3.25	Staff	Signs			Review of Sign Ordinance to compare to Signage per Wake Forest. Focus on Temporary Signs and others as may be considered. Split current sign standards by sign type into permanent and temporary subsections. Added new standards for banners, ideological signs, sock signs, walkway decals, and revised the current temporary sign standards to apply standards based upon number of supports. Temporary Signs, add duration to Table 4.6.4., Included cross reference to new temporary sign standards section Add cumulative for Table K.3., "cumulative of up to 30 days…" 30 total or cumulative. You can have the sign on the site for 30 days. There are up to 2 instances. And combined total of days is 30 OK  3. DIMENSIONAL STANDARDS All Other Districts: 12 feet MAXIMUM SIGN FACE AREA [2]: Residential Districts: 6 square feet; All Other Districts: 32 square feet [3] MINIMUM SETBACK: 10 feet from the edge of pavement or minimum necessary to avoid placement within a street right-of-way [4] MAXIMUM DURATION: 30 days per site per calendar year MAXIMUM FREQUENCY: Not more than twice per site per calendar year NOTES: [1] Sign support structures shall be included in maximum sign height and face area. [2] Signs visible through a window are also subject to the standards for window signs. [3] In the case of a multi-tenant building, the temporary sign provided to each Moved permitting of temporary signage to the Sign Permit procedure rather than the Temporary Permit procedure.
55	2.6.25	Staff	Fenestration	ii		Primary Building Wall, allow for alternative fenestration or not? Hold for now
56	2.7.25	Staff	Final Plat Timing/Bonding			Include language requiring performance guarantees for public infrastructure prior construction plan approval. You can not require performance guarantees. They are voluntary on the part of the applicant at the discretion of the Town. The timing of the plat also needs to change. For new homes, we need to require functional fire. That, however, is not necessarily required for non-residential. These changes are needed since current practice does not align with industry standards and some financial arms will not release funding to build public infrastructure if there is not a recorded plat. Added to Final Plat review criteria, as well as requirements for the base and initial courses of street paving
57	3/14/25	Staff	CZC typo	3.3.2	248	Fix typo in CZC to reflect CRM not CZM.

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
58	3/14/25	Staff	PUB District	Table 4.2.5	306	Allow warehouses in PUB
59	3/14/25	Staff	Parking for temp offices	4.6.5.H	402, 403	Allow temporary real estate office/model home and construction office to have 100% temporary parking located off-site
60	3/14/25	Staff	Wall Easements	6.3.3	495	Only require retaining wall maintenance easements when it crosses lot lines
61	3/14/25	Staff	Permits for fences and walls	2.3.32	169	ZCP permit applicability revise to require a ZCP for retaining walls when 36" or more between grade and top of wall. Go from 24" to 36" before we trigger ZCP
62	3/14/25	Staff	Fire Code Adoption Dates	6.5.9.A & B	519	Remove year from Fire provisions 
63	3/14/25	Staff	Planting credit	6.6.11.A	549	Clarify that is ACI, not just # of trees + reduce to 1.5 times
64	3/14/25	Staff	Features allowed in landscaping areas	6.6.10.H.1.a	549	Remove (a) principal buildings from allowable encroachments
65	3/14/25	Staff	Chronic Violators definition	Table 8.3	734	Chronic violator definition 
66	3/14/25	Staff	On-site pedestrian circulation and connections	6.1.5	446	Want to require more than one connection, that it could be a sidewalk or multi-use path, greenway, or other internal on-site ped connections on adjacent lots must make at logical connections may be more than one at PD discretion
67	2/18/25	staff	Construction Drawings	2.3.18; 2.3.21	111; 129	Make construction drawings its own procedure and remove from major subdivision and site plan. Ok
68	2/18/25	Staff	Performance guarantees	2.3.19	120-121	Remove ineligible features from the list except for functional fire protection and the base and initial courses of street paving for development that include residential occupancy
69	2/18/25	Staff	CZC District	Table 4.2.5	306, 307	Remove triplex/quadplex and townhouse Add multifamily

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70	2/18/25	Staff	CZM District	Table 4.2.5	301, 302	Add parking structure, convenience store with gas sales, and outdoor commercial recreation
71	2/18/25	Staff	Nonresidential Districts	3.2.1, 3.2.3, 3.2.8, 3.2.9, 3.2.10 Table 4.2.5	195, 199, 213, 215, 217, 308, 309	Remove density from CRM, DTNC, MXD Change density to 7.2 DU/AC in NCM and OFI Revise allowable residential uses in NCM to just upper story and live/work units – remove bungalow courts, family care homes, detached dwellings, and pocket neighborhoods Disregard these changes Revise allowable residential uses in OFI to remove live/work and upper story residential Disregard these changes
72	3/25/25	Staff	Acknowledgements	Cover Page	1	Planning Board and Town Staff members will be updated by staff to reflect current folks. Removed staff listing as this changes frequently
73	3/25/25	Staff	Process Types	Table 2.2.1	46	The Process Type column in the table will be kept and cross-references to the applications types will also be kept.Done
74	4/2/25	Staff	Chronic Violator	Table 8.3	806	Change word usage from “previous calendar year” to “...previous 12 months”. Also, to include the start of those 12 months to start from when the first violation was issued.
75	4/4/25	Staff	Garage/Yard Sale	4.7		There is a definition for this but no standards, staff is moving to have this be a special/temporary event, 1 day per 180 days.
76	4/10/25	Staff	Uses in PUB Districts	4.2.5		Allow a broader array of use types (like schools) to occur in PUB Zoning DistrictDone, see also STN# 98
77	4/10/25	Staff	PUB District Dimensional Standards	3.2.11	205	Remove max height restriction for PUB district See STN# 97
78	4/8/25	Staff	Zoning Compliance Permit	2.3.32.B	178	Does not include that all changes in use types that need ZCP, only says it is needed for change in principle use in non-residential, multi-family, or mixed-use structures or when utility account is changing. Does not include home occupations or other secondary uses Added
79	4/8/25	Staff	Standards for Temporary Uses	4.6.5.2.d	461	Change "real estate office/model home" to "construction office"
80	4/8/25	Staff	Nonconforming Site Features	5.4.1.B.1	483	Change "nonconforming off-street parking;" to "nonconforming off-street parking and driveways;" as driveways can be distinct from parking areas, even on single family detached dwelling lots

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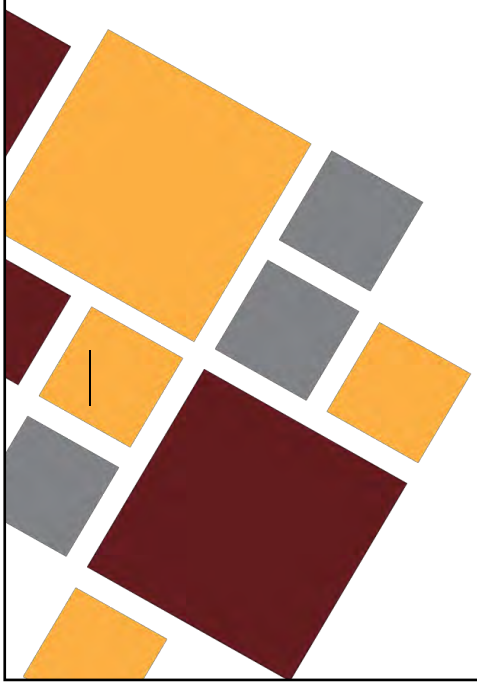
#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
81	4/8/25	Staff	Fences and Walls	6.3.2.A.3	552	Change "retaining walls, fences, or privacy walls" to "retaining walls, fences or privacy walls" because the added comma doesn't make sense and indicates retaining walls are permitted like fences or privacy walls
82	3/28/35	Staff	About the UDO		2	States, "may be found on the Planning Department's tab of the Town's website (https://www.townofclaytonnc.org). Done
83	3/28/35	Staff	Application Types Table	TABLE 2.2.1	46	Correct UDO section for the building permit. Done
84	3/28/35	Staff	Application Types Table	TABLE 2.2.1	46	Correct UDO section for conventional zoning Done
85	3/28/35	Staff	Application Types Table	TABLE 2.2.1	46	Building permit pre-app, for at-risk building permits, state law requires a pre-app. Need to clarify that. Done
86	3/28/35	Staff	Application Types Table	TABLE 2.2.1	46	Change development agreement pre-app to mandatory Done
87	3/28/35	Staff	Application Types Table	TABLE 2.2.1	46 -47	Change TRC from C to • for Administration, Annexation, Conventional Rezoning, Fee-in-Lieu, Performance Guarantee, Text Amendment, Temporary Permit, Tree Clearing Certificate Done
88	3/28/35	Staff	Application Types Table	TABLE 2.2.1	47-48	Change TRC from • to C for Special Use Permit, Transportation Impact Analysis Done
89	3/28/35	Staff	Application Types Table	TABLE 2.2.1	47	Correct UDO section for temporary permit Done
90	3/28/35	Staff	Application Types Table	TABLE 2.2.1	47	Remove Planning Board from Street Renaming and Street Closure Done
91	3/28/35	Staff	Application Types Table	TABLE 2.2.1	47	Pre-App: Building Permit – require by state law for at-risk. Add an appropriate note. Exempt Sub, street closure, – change to Optional Text Amendment – change to N/A Done
92	3/28/35	Staff	Application Types Table	TABLE 2.2.1	47	Note 7: All performance guarantees will be approved at the staff level. Done
93	3/28/35	Staff	Application Types Table	TABLE 2.2.1	47	Alternative Sign Plan is a completely different application type form a Sign permit. Add to table and create associated UDO section. Strike note 8. Done, except broadened to address all current forms of alternative plan (landscaping, paking, and signage)
94	3/28/35	Staff	Annexation workflow	Figure 2.3.2	57	Remove vested rights declaration in annexation workflow. Done
95	3/28/35	Staff	Appeal workflow	Figure 2.3.3	60	In workflow step 7, unbold "1st class mail…." and use a lowercase p in provided. Done
96	3/28/35	Staff	Appeal	2.3.3	62	Sequence subsection is missing Added
97	4/10/25	Staff	PUB Dimensional Standards	3.2.11.C		Change A, B, Min. Open Space, and Max Building Height to N/A. Change E, F, and G to five feet. Strike H, I, and J. Done

Grey Cell: Removed or delayed; Yellow cell: Addressed in latest UDO draft; Red text = response or direction

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
98	4/10/25	Staff	Listing of Common Principal	TABLE 4.2.5		Add all potential public uses (e.g., schools, contractor services office/yard, etc.) Add": Vehicle Painting/Bodywork, Vehicle Repair and Service, Vehicle Towing or Storage, Vehicle Washing or Detailing. Also, Theatre, Indoors, Theatre, Outdoors Done
99	4/17/25	Staff	Plan Review Sequencing	2.4.12	196	articulate that: "The building permit however cannot be approved until site plan, subdivision, and/or construction drawings plan is approved." – add to sub A Done
100	4/17/25	Staff	FIL for Parkland Dedication	2.3.14.B.1. b.	95	FIL may be paid in lieu of parkland dedication and sequencing is in H., page 9 Done
101	5/1/25	Staff	Alterantive Plans	2.3.2		Establish a unified procedure for alternative plans (signage, parking, landscaping) and ensure the particular development standard provisions align with this change. Clarify that changes to already-approved plans or permits are amendments to a previous approval. Done
102	5/13/25	Staff	Large format retail	6.6		Review and append the rules to remove large retail as a use type. Address as a unified development. Remove/relocate large retail design standards and establish a uniform parking standard for unified developments Done
103	5/13/25	Staff	Use-Specific Standards	4.3	~	Soften use-specific standards in accordance with staff direction. Done
104	5/1/25	Staff	Govt. Maintenance Facility	4.3		Add a new government maintenance facility use type and use standards. Done
105	5/13/25	Staff	Multi-family standards	4.3		Soften the max distance and outdoor patio requirements. Done
106	5/13/25	Staff	Urban Archery	4.5		Relocate the urban archery standards from the Town Code and apply to entire ETJ. Reduce min. lot size from 5 acres to 2 acres. Done.
107	5/13/25	Staff	Temporary Uses	4.6.4		Update the temporary use duration table for clarity. Done

Grey Cell: Removed or delayed; Yellow cell: Addressed in latest UDO draft; Red text = response or direction

UNIFIED DEVELOPMENT ORDINANCE



CODIFY CLAYTON

Adopted: 11.20.23
Effective: 1.2.24
Amended: ~~12.16.24~~6.16~~7~~.21.25

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~~James Moore~~, Chair
Derrick Applewhite
~~Jodie Dupree~~, Vice-Chair
~~Derrick Applewhite~~
Anita Bland
~~Jodie Dupree~~
Daniel Gleason
~~Kevin Lee~~
~~James Lipscomb~~
~~Jeffrey Spence~~
Mike Surasky
Ronald Williams
Jason Carter
Deborah Hooker
Mark Hall
Tom McKearney

Town Administration ~~Staff~~

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

~~Anthony Atkinson, Deputy Fire Chief/Fire Marshal~~
~~Barry Alston, Interim Building Inspections Director~~
Vacant, Electric Director

~~Joshua Baird~~Vacant, Engineering Director
Michael Tatum, Fire Marshal
Barry Alston, Inspections Director
Conrad Olmedo, Planning Director
~~Byron Poelman~~Joshua Baird, Water Resources Director
~~Allen Turnage, Electric Director~~
~~Ethan Poppe, Energy Services Technician~~
~~Conrad Olmedo, Planning Director~~

Consultant

Chad Meadows, CodeWright Planners, LLC

ABOUT THIS UDO

This document is the Town of Clayton's Unified Development Ordinance (or "UDO"). It contains the rules that govern:

- How land can be used in the Town and the Town's extraterritorial jurisdiction;
- What kinds of land uses may be located in particular locations (based on the zoning map); and
- How new development must be configured.

The following paragraphs explain some of the attributes of this document.

Clayton's zoning map is the graphical depiction of the location of the zoning districts and is adopted by reference into this UDO.

This UDO includes a text formatting system comprised of numbered section and sub-section headings that are designed to help code users understand how the text is organized. Section headings include different color backgrounds and sub-section headings use underlining to help them be more visible.

This UDO has ~~9~~ 8 chapters, which are ordered alphabetically~~, including an appendix~~. Most sections within each chapter are also ordered alphabetically. Some chapters also include an introductory section that explains how the regulations in the chapter are structured and how to use them effectively.

The top of almost every page in the UDO includes the chapter's number and name, as well as the number and name of the section addressed on that page. This is done so users may use the tops of pages to quickly navigate the document (since articles and main sections are ordered alphabetically). Page numbers are included at the bottom of each page.

To ensure that a user is reviewing the most recent version of the document, the bottom of the page also includes the date the UDO was last updated. The most recent version of the document is maintained on the Town's webpage and is also available in the Town's Planning Department office. The table of amendments at the very end of the document summarizes the amendments made to the text since its original effective date.

~~-~~Highlighted text in this UDO is a dynamic cross reference that, when selected with a mouse, will automatically advance to the location of the cross-referenced text in this UDO. Individual table of contents entries and index entries are also dynamic cross references that when selected, will automatically advance to the selected location.

There is an index of key terms and concepts at the end of the document. Code users may use this index to quickly locate a particular section or set of regulations.

Plan and plat submittal requirements, plat certification and declaration statements, and plat content requirements, and related material for applicants may be found in the Town's UDO Procedures Manual. The digital version of this UDO and the UDO Procedures Manual may be found on the Planning Department's tab of the Town's website (https://www.townofclaytonnc.org).

~~Questions about this UDO, or any part of the Codify Clayton project may be posted on the project website (www.codifyclayton.com), or applicants~~ Anyone with questions about the UDO or the Town's development requirements may contact the Planning Department at 919-553-5002. [1]

[1] See STN # 13.

FREQUENTLY ASKED QUESTIONS

FREQUENTLY ASKED QUESTIONS

The following is a list of frequently asked questions about the UDO and the development review process. UDO users who are not sure what they are looking for should consult these questions and answers before reviewing the UDO or contacting Town staff. In the event of conflict between an answer listed in this frequently asked questions section and the adopted UDO text, the UDO text will control.

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. It 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/217/Planning
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/217/Planning
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. Within the plan are recommendations for economic development, land use, parks, public services, infrastructure, and arts and culture, among others. This plan was adopted by the Town Council 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
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. Anyone with questions about what is allowed on their land should contact the Town of Clayton Planning Department at (919) 553-5002 for more information.

e. The production of a non-farm product that the North Carolina 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.

3. Land or activities seeking exemption from the provisions of this Ordinance under sub-section (1) above shall maintain current documentation of one or more of the items in sub-section (2) above. Failure to provide evidence of active participation in bona fide farm purposes for a period of four years or more shall extinguish exempted status of agricultural, agritourism, or forestry activities under this Ordinance. **AMENDED 12.16.24 (UDOTA3-24)**
4. In no instance shall the forms of development and activities listed under sub-section (1) above be exempted from the following standards in this Ordinance: **AMENDED 12.16.24 (UDOTA3-24)**
   a. Standards associated with the subdivision of land;
   b. The flood damage prevention standards in Section 3.7.2 FPOD Flood Protection Overlay District~~FPOD Flood Protection Overlay District~~;
   c. The water supply watershed protection standards in Section 3.7.5, WPOD Watershed Protection Overlay District~~WPOD Watershed Protection Overlay District~~;
   d. The standards in Section 6.15, Stormwater~~Stormwater~~; and
   e. The standards in Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~.
5. Except for structures engaged in the storage of cotton, peanuts, or sweet potatoes, development activities incidental to farming, forestry, or agritourism must be located on the farm or forestry land in question in order to be exempted from the provisions of this Ordinance. In no instance shall ownership of land by an entity conducting farming, forestry, or agritourism, in and of itself, entitle land not on the farm or in the forestry area to exemption from the provisions of this Ordinance. **AMENDED 12.16.24 (UDOTA3-24)**
6. Non-farm, non-agritourism, or non-forestry-related development and activities shall be subject to the standards of this Ordinance even when taking place on land identified for bona fide farm purposes in sub-section (2) above. Goodness Grows in North Carolina non-farm products shall be considered farm or agricultural products when produced in accordance with NCGS§106-743.2. **AMENDED 12.16.24 (UDOTA3-24)**
7. Except for forestry activities associated with a forestry management plan approved in accordance with NCGS §160D-921, any farm-related, agritourism, or agricultural development or activity taking place on land within the City's corporate limits shall be subject to the requirements of this Ordinance unless otherwise exempted by State law. **AMENDED 12.16.24 (UDOTA3-24)**

C. ANNEXATION

Land annexed to the Town of Clayton in accordance with NCGS§§ 160A-31 or 160A-58 shall become subject to the standards of this Ordinance upon the effective date of the annexation approval by the Town.

D. EXTRATERRITORIAL JURISDICTION

In cases where the Town is seeking approval of ETJ extension from a county government, the Town may review development applications from the area and provide a recommendation to the county government considering the ETJ request in accordance with NCGS§160D-204.

1. Chapter 160A, Article 8 (Police Powers);
2. Chapter 160A, Article 15 (Streets, Traffic, and Parking);
3. Chapter 160D (Local Planning and Development Regulation);
4. Chapter 143, Article 21 (Water and Air Resources);

B. The Charter of the Town of Clayton, North Carolina; and

C. Other relevant laws, including but not limited to:

1. All other relevant laws of the State of North Carolina; and
2. Any special legislation enacted for the Town of Clayton and its planning jurisdiction by the General Assembly.

1.3 CONFLICT

1.3.1 CONFLICT BETWEEN STANDARDS IN THIS ORDINANCE

A. GENERALLY

Unless subject to the standards in Section 1.3.1B, Alternatives~~Alternatives~~, or where otherwise stated in writing in this Ordinance, in cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.

B. ALTERNATIVES

1. AUTHORIZED DEVIATIONS

Deviations from Ordinance requirements, such as an approved Administrative Adjustment, Conditional Rezoning, Variance, or alternative form of compliance that are authorized by and established in accordance with this Ordinance shall control and shall not be considered to conflict with other more restrictive standards in this Ordinance.

2. INCENTIVES

Incentives, like density incentives for voluntary compliance with single-family residential design guidelines, incentives provided in response to other forms of preferred development like a Conservation Subdivisions, or incentives like those associated with voluntary use of sustainable development features, shall control, and are not considered to conflict with other more restrictive standards in this Ordinance.

3. DEVELOPMENT STANDARDS AND DISTRICT STANDARDS

In cases where a development standard from Chapter 6, Standards, conflicts with a zoning district standard in Chapter 3, Districts, the zoning district standard in Chapter 3 shall control.

4. DEVELOPMENT STANDARDS AND USE STANDARDS

In cases where a development standard from Chapter 6, Standards, or a zoning district standard from Chapter 3, Districts, conflicts with a standard in in Chapter 4, Land Uses, the standards in Chapter 4, Land Uses, shall control.

5. OVERLAY DISTRICT STANDARDS

a. In the event of a conflict between an overlay zoning district standard in Section 3.7, Overlay Zoning Districts~~Overlay Zoning Districts~~, and another standard in this Ordinance, the overlay zoning district standard shall control even in cases where the overlay zoning district standard is less restrictive.

1.4.2 CONFORMANCE

This Ordinance is intended to ensure that all development within the Town is in conformance with the goals, objectives, policies, strategies, and actions expressed in the Town's adopted policy guidance. While conformance with adopted policy guidance is desired, it is not legally required.

1.4.3 CONSISTENCY

A. To the extent this Ordinance or the Official Zoning Map is or becomes inconsistent with the Town's adopted policy guidance, it should be amended to remain consistent.

B. Consistency with adopted policy guidance is not a prerequisite for approval of a rezoning or application, and the future land use map portion of the Comprehensive Plan shall be deemed amended when the Town Council approves a rezoning that is inconsistent with the future land use map in accordance with NCGS§160D-605. **AMENDED 12.16.24 (UDOTA3-24)**

1.4.4 POLICY DOCUMENTS IDENTIFIED

The Town's adopted policy guidance shall include, but is not limited to the following:

A. The Comprehensive Growth Plan;

B. The Town of Clayton Comprehensive Transportation Plan, as amended;

C. The Downtown Master Plan;

D. The Parks and Recreation Comprehensive Plan, as amended;

E. The Clayton Pedestrian Plan;

F. The Comprehensive Bicycle Plan; and

G. Any other policy document adopted by the Town of Clayton in accordance with State law.

1.5 DOCUMENT TITLE

1.5.1 ORDINANCE TEXT

This Ordinance shall be officially known as the "Unified Development Ordinance of the Town of Clayton, North Carolina" and may be referred to "this Ordinance" and several abbreviated references, including "the UDO" or "this UDO."

1.5.2 ZONING MAP

The zoning map referenced in this Ordinance is officially titled as the "Zoning Map, Town of Clayton, North Carolina" and may be referred to as "the Official Zoning Map" or the "Zoning Map."

1.6 EFFECTIVE DATE

A. This Ordinance shall be adopted on November 20, 2023.

B. This Ordinance shall be in full force and effect on January 2, 2024, and repeals and replaces the Unified Development Code of the Town of Clayton, North Carolina, as originally adopted on February 15, 2021.

C. Development applications filed between November 20, 2023, and January 2, 2024, shall be processed in accordance with Section 2.4.6, Permit Choice~~Permit Choice~~, and NCGS§160D-108.

D. Nothing shall limit an applicant from voluntary compliance with this Ordinance prior to its effective date.

c. In the event a Town staff member deciding an application has a conflict of interest, the decision shall instead be assigned to a supervisor or to the Town Manager.

4. ADMINISTRATIVE DECISIONS

In cases where an administrative decision or action to be performed by Town staff has an outcome reasonably likely to have a direct, substantial, and readily identifiable financial impact as identified in NCGS§160D-109, or the designated Town staff member has a close familial, business, or other associational relationship with the applicant or a responsible entity, the Town Manager shall make the decision, take the specified action, or delegate the responsibility for the decision or action to a different member of Town staff.

C. MEETINGS

The provisions of this section apply to the Town Council, Planning Board, and Board of Adjustment.

1. ADVERTISED

Notice of all meetings of the elected or appointed bodies under this Ordinance shall be provided to the public in accordance with NCGS§143-318 (Meetings of Public Bodies), and shall be conducted in accordance with the procedures set forth in these regulations, the Town Code of Ordinances, Adopted Policy Guidance, and rules of procedure adopted by the respective review authorities.

2. MINUTES AND RECORDS

a. Accurate minutes of each meeting shall be maintained by each review authority showing the vote of each member on each question, or if absent or failing to vote, indicating such fact.

b. Each review authority shall keep records of its examinations and official actions.

c. All minutes and records shall be filed and maintained in the offices of the Planning Department, and shall be made available for inspection by members of the general public during normal business hours.

3. OPEN TO PUBLIC

All meetings of elected or appointed bodies under this Ordinance shall be open to the public in accordance with NCGS§143-318 (Meetings of Public Bodies), and shall be conducted in accordance with the procedures set forth in these regulations, the Town Code of Ordinances, Adopted Policy Guidance, and rules of procedure adopted by the respective review authorities.

D. RULES OF PROCEDURE

All review authorities shall adopt formal rules of procedure consistent with the level of decision-making delegated to that authority. Adopted rules of procedure shall be kept on file, made available on the Town's webpage, are available for public inspection, and shall be maintained by the designated staff to the review authority.

1.8.3 TOWN COUNCIL

A. The Town Council is the elected body of the Town of Clayton, North Carolina, and shall have the power to initiate, review, and decide applications in accordance with Section 2.2, Application Summary Tables~~Application Summary Tables~~.

B. The Town Council shall also have all the powers and duties ascribed to it by State law, the Town's Charter, Chapter 30 of the Town Code of Ordinances, and any special legislation.

C. Meetings of the Town Council shall be conducted in accordance with Chapter 30 of the Town Code of Ordinances.

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~~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.

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~~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.
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

vacant and there is no qualified alternate or when a board member has been recused from voting based upon a conflict of interest and there is no qualified alternate.

E. ORDERS

Each decision of the Board of Adjustment on an application or petition filed under this Ordinance shall be reduced to writing, indicate the findings of fact and conclusions of law associated with the Board's decision, be signed by the Chair or presiding officer, and shall include the applicant's written consent to any conditions of approval.

1.8.6 TECHNICAL REVIEW COMMITTEE (TRC)

The Technical Review Committee (TRC) is hereby established in accordance with NCGS§160D-306 and the following:

A. COMPOSITION

1. The Technical Review Committee is a group of Town staff members, such as the Planning Director, Engineering Director, and other technical staff, along with representatives from external State and County agencies like NCDOT. A full description of the Committee's member composition shall be established in its rules of procedure.
2. The Planning Director shall serve as the Chair of the Technical Review Committee.
3. Attendance at meetings by some or all of the TRC members shall be at the discretion of the TRC Chair. In no instance shall the TRC Chair exclude participation of a TRC member in a TRC meeting.

AMENDED 4.15.24 (UDOTA1-24)

B. POWERS AND DUTIES

The Technical Review Committee shall have the power to review and provide a recommendation or comments on applications in accordance with Section 2.2, Application Summary Tables~~Application Summary Tables~~.

C. RULES OF PROCEDURE

The Technical Review Committee 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 Committee's operating procedures, composition, leadership provisions, and other relevant information not already included in this Ordinance.

1.8.7 TOWN STAFF

A. PLANNING DIRECTOR

The Planning Director shall have the responsibilities for decision making, recommendations, and comments on applications in accordance with Section 2.2, Application Summary Tables~~Application Summary Tables~~, as well as the following other powers and duties:

1. To preside over the Technical Review Committee;
2. To conduct pre-application conferences;
3. To enforce the provisions of this Ordinance, including entering any building, structure, or premises, as provided by law, to perform any duty imposed by this Ordinance;
4. To apply remedies for violations of this Ordinance;
5. To maintain the Official Zoning Map and related materials;
6. To process development applications and prepare staff reports as indicated in this Ordinance;

7. To maintain public records pertaining to this Ordinance and to make those records available to members of the public upon request;
8. To maintain rules of procedures for each review authority in this Ordinance;
9. To provide technical assistance to review authorities, upon request; and
10. To carry out any other powers and duties delegated by the Town Council that are consistent with this Ordinance and State law.

B. INSPECTIONS DIRECTOR

The Inspections Director shall have the responsibilities for decision making, in accordance with Section 2.2, Application Summary Tables~~Application Summary Tables~~. **AMENDED 9.16.24 (UDOTA2-24)**

C. ENGINEERING DIRECTOR

The Engineering Director shall have the responsibilities for decision making, recommendations, and comments, on applications in accordance with Section 2.2, Application Summary Tables~~Application Summary Tables~~, as well as the following:

1. The Engineering Director shall provide comments on Development Agreements; and
2. The Engineering Director shall perform the duties of the Floodplain Administrator and Stormwater Administrator.

D. FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. POWERS AND DUTIES

The Floodplain Administrator shall have the following powers and duties:

a. Review all floodplain development applications and issue permits for all proposed development within the special flood hazard areas to assure that the requirements of this Ordinance have been satisfied;
b. Advise an applicant when additional federal or State permits (wetlands, endangered species, erosion and sedimentation control, riparian buffer, mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit;
c. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;
d. Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished;
e. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of this Ordinance are met;
f. Obtain the actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures;
g. Obtain the actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed;
h. Obtain the actual elevation (in relation to mean sea level) of all public utilities;
i. When floodproofing is utilized for a particular structure, obtain certifications from a professional engineer or architect licensed by the State of North Carolina;

j. Interpret the exact location of boundaries of the special flood hazard areas or some component of the special flood hazard area;
k. Obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, State, or other source in order to administer the provisions of this Ordinance;
l. Obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, State, or other source when no floodway or non-encroachment area data has been provided;
m. Advise property owners of the option to apply for a Letter of Map Amendment (LOMA) from FEMA when the lowest ground elevation of a parcel or structure in a special flood hazard area is above the base flood elevation;
n. Maintain copies of Letters of Map Amendment (LOMA) issued by FEMA;
o. Permanently maintain all records that pertain to the FPOD, floodplain development permits, and elevation certificates, and make these records available for public inspection;
p. Make on-site inspections of work in progress. The Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the Town's jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action;
q. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;
r. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for:
    i. Any substantial departure from the approved application, plans, or specifications;
    ii. Refusal or failure to comply with the requirements of State or local laws;
    iii. Making false statements or misrepresentations in securing the permit; or
    iv. Mistaken issuance in violation of an applicable State or local law;
s. Make periodic inspections throughout all lands within the special flood hazard areas;
t. Follow through with corrective procedures in Chapter 7, Violations;
u. Review, provide input, and make recommendations for water-related variance requests;
v. Maintain a repository to include, but not limited to, the FIS Reports, FIRM and other official flood maps and studies adopted in accordance with the standards in Section 3.7.2, FPOD Flood Protection Overlay District~~FPOD Flood Protection Overlay District~~, including any revisions thereto including letters of map change, issued by FEMA;
w. Notify the State and FEMA of any mapping needs; and
x. Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-F) and letters of map revision (LOMR).

E. STORMWATER ADMINISTRATOR

The Stormwater Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. POWERS AND DUTIES

a. The Stormwater Administrator shall render final decisions regarding applications for stormwater permits.

b. The Stormwater Administrator shall have the following powers and duties under this UDO:

i. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to stormwater management;

ii. To make determinations about the stormwater management-related provisions of this Ordinance;

iii. To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the Town Council on applications for development or redevelopment approvals;

iv. To enforce the stormwater management provisions of this Ordinance in accordance with its enforcement provisions;

v. To maintain records, maps, and official materials as related to the adoption, amendment, enforcement, or administration of the stormwater management-related aspects of this Ordinance;

vi. To provide expertise and technical assistance to the Town Council and the Planning Board, upon request;

vii. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator; and

viii. To take any other action necessary to administer the stormwater management provisions of this Ordinance.

F. DELEGATION OF AUTHORITY

1. Whenever a provision of this Ordinance requires or authorizes a Town staff or designated official to take some action or perform some duty, the Town staff or designated official may designate, delegate, or authorize professional-level subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.
2. For the purposes of this section, "professional-level subordinate" shall mean another person employed by the Town who meets the Town's minimum qualifications for the position, and has the minimum amount of experience or professional authority reasonably necessary to execute or undertake the designated action, in the sole opinion of the delegating Town staff member of official.

G. APPEAL OF TOWN STAFF DECISIONS TO THE BOARD OF ADJUSTMENT

1. Except for the Building Inspector, appeals of decisions or actions by a Town staff member shall be to the Board of Adjustment in accordance with Section 2.3.4, Appeal~~Appeal~~.
2. Appeals of decisions or actions of the Inspections Director shall be to the North Carolina Commissioner of Insurance in accordance with applicable State law. **AMENDED 9.16.24 (UDOTA2-24)**

1.9 SEVERABILITY

1.9.1 INVALIDATION

Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

1.9.2 PREJUDICIAL APPLICATION

Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

1.9.3 LAWFUL PRESUMPTION

There shall be a conclusive presumption when a review authority authorizes regulatory action, that the review authority would not have authorized the action except in the belief that such action was lawful.

1.10 TRANSITIONAL PROVISIONS

The standards in this subsection address existing violations, nonconformities, and applications in process at the time this Ordinance is made effective.

1.10.1 PRIOR AND PENDING APPLICATIONS

A. PRIOR APPROVAL

1. Any development approvals granted before January 2, 2024, shall remain valid until their expiration date.
2. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.
3. If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
4. An applicant shall be deemed to have initiated an approved development upon the subsequent application for and diligent pursuit of other required Town, State, or federal permits or approvals.
5. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.
6. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions in Chapter 5, Nonconformities.

B. PENDING APPROVAL

1. COMPLETE APPLICATIONS

Applications accepted as complete prior to January 2, 2024, may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant in accordance with Section 2.4.6, Permit Choice~~Permit Choice~~.

2. IF APPROVED

To the extent such a complete application is approved and proposes development that does not comply with this Ordinance, the development, although permitted, shall be nonconforming and subject to the provisions in Chapter 5, Nonconformities.

3. FILED, BUT NOT COMPLETE APPLICATIONS

Applications that have been filed prior to January 2, 2024, but not determined to be complete by the Planning Director as of that date shall be reviewed and decided in accordance with this Ordinance.

1.10.2 EXISTING NONCONFORMITIES

If any use, structure, lot, or sign, legally existed on January 2, 2024, but does not fully comply with the standards of this Ordinance, the use, structure, lot, or sign, is considered nonconforming under this Ordinance and shall comply with the requirements in Chapter 5, Nonconformities.

1.10.3 PRE-EXISTING PERMITS

A. PRE-EXISTING CONDITIONAL USE PERMITS

Existing conditional use permits approved prior to January 2, 2024, are hereby converted to special use permits and shall continue to apply as approved. In the event an applicant seeks to revise development subject to a conditional use permit, all changes shall be considered in accordance with Section 2.3.23, Special Use Permit~~Special Use Permit~~.

B. PRE-EXISTING SPECIAL USE ZONING DISTRICTS

Special use zoning districts existing as of January 2, 2024, is automatically converted to the closest corresponding conventional zoning district upon adoption of this Ordinance.

C. PRE-EXISTING PLANNED DEVELOPMENT DISTRICTS

Land designated as a planned development prior to January 2, 2024, is automatically converted to the closest corresponding conditional zoning district upon adoption of this Ordinance. Revisions to a prior planned development zoning district shall only be permitted subject to compliance with Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~.

1.10.4 PRE-EXISTING USES

A. If a use was a lawfully established permitted use before January 2, 2024, and is subsequently made a special use in Table 4.2.5, Listing of Common Principal Uses, the use shall be considered by the Town as a lawfully established nonconforming use.

B. Any modifications to the use or the site after January 2, 2024, shall require approval of a special use permit in accordance with Section 2.3.23, Special Use Permit~~Special Use Permit~~.

1.10.5 VIOLATIONS

A. Violations of the previous ordinance shall continue to be violations under this Ordinance, unless the development complies with this Ordinance and is no longer considered to be in violation, or the ability to address the violation has lapsed in accordance with Section 7.7, Statute of Limitations~~Statute of Limitations~~.

B. Violations of this Ordinance shall be subject to the penalties and enforcement provisions in Chapter 7, Violations.

1.11 VESTED RIGHTS

1.11.1 PURPOSE AND INTENT

This section is intended to implement NCGS§160D-108 with respect to the establishment of zoning vested rights for landowners or applicants who have received a development approval from the Town.

1.11.2 VESTED RIGHTS DEFINED

As used in this Ordinance, a zoning vested right is defined as the right to undertake and complete the development and use of land under the terms and conditions of a development approval issued by the Town.

1.11.3 EFFECT OF A VESTED RIGHT

A. Development approvals that have an established vested right in accordance with NCGS§160D-108 and this section shall preclude any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.

B. Except when subject to sub-section (C) below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:

1. Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and NCGS§143-755;
2. Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and NCGS§143-755;
3. A site-specific vesting plan approved in accordance with this Ordinance and NCGS§160D-108.1;
4. A multi-phase development approved in accordance with this Ordinance and NCGS§160D-108; and
5. A vested right established by the terms of an approved development agreement in accordance with this Ordinance and Article 10 of Chapter 160D of the North Carolina General Statutes.

C. Amendments to this Ordinance shall apply to vested development approvals if:

1. A change to State or federal law occurs and has a retroactive effect on the development or use;
2. There is written consent to be subject to the amendment by the landowner;
3. The development approval expires; or
4. The development is not undertaken or completed in accordance with the approval.

1.11.4 ESTABLISHMENT OF A VESTED RIGHT

A vested right may only be established following an approval of a development application in accordance with this section and the applicable requirements in the North Carolina General Statutes. The following sub-sections detail the ways in which a vested right may be established.

A. COMMON LAW VESTED RIGHTS

1. DEFINED

A common law vested right establishes the right to undertake and complete the development and use of property on substantial expenditures in good faith reliance on a valid governmental approval. Such approvals include, but are not limited to:

a. Zoning Compliance Permits;
b. Sign Permits;
c. Building Permits;
d. Special Use Permits; and
e. ~~Subdivision~~ Preliminary Plats.

2. ESTABLISHMENT

A request for a determination of a common law vested right will be reviewed and acted upon by the Planning Director in accordance with Section 2.3.11, Determination~~Determination~~.

3. APPLICATION

The applicant shall provide satisfactory proof that each of the following standards are met in order to establish a common law vested right:

a. The applicant has, prior to the adoption or amendment of an ordinance, made substantial expenditures of time, effort, or money on a proposed development; and

b. The obligations and/or expenditures were incurred in good faith; and

c. The obligations and/or expenditures were made in reasonable reliance on and after the issuance of a valid governmental permit, if such permit is required provided however, a mistakenly-issued governmental permit shall not give rise to a common law vested right; and

d. The amended or newly adopted ordinance is a substantial detriment to the applicant.

B. ISSUANCE OF A BUILDING PERMIT

Issuance of a building permit by the Town in accordance with the applicable standards in this Ordinance and applicable State law shall entitle the building permit holder to vested rights to develop the proposal as identified in the approved building permit, subject to the following standards:

1. The applicant shall not be required to file for a determination to establish common law vested rights or maintain vested status during the time period for which the building permit remains valid.
2. The owner has a vested right only as long as the building permit remains valid and only for the work approved by the building permit.
3. The building permit shall expire six months after issuance if work has not substantially commenced.
4. The building permit shall expire after work commences if there is a 12-month discontinuance of work.
5. The building permit may be revoked for any substantial departure from the approved plans, failure to comply with any applicable local or State law (not just the building code and UDO), and any misrepresentations made in securing the permit.
6. Building permits mistakenly issued may be revoked.
7. If the building permit expires or is revoked, the vested right based on it is also lost.

C. STATUTORY VESTED RIGHTS

Development permits for a building, use of a building, use of land, or subdivision of land establishes statutory vested rights, which shall entitle the permit holder to vested rights to develop the proposal as identified in the approved permit, subject to the following standards:

1. Issuance of a building permit is not considered a development permit, and the vesting term shall only continue in accordance with Section 1.11.4B, Issuance of a Building Permit~~Issuance of a Building Permit~~.
2. A development permit is valid for one year after issuance, unless otherwise specified by statute, and the applicant is vested in that permit for the term of validity.
3. If the applicant fails to substantially commence authorized work within one year, then the development permit and vesting expire.
4. Vesting shall continue provided there is a substantial commencement of authorized work under a valid development permit.

5. The development permit and vesting shall expire after substantial work commences if there is a two-year period of intentional and voluntary discontinuance of work unless otherwise specified by statute.

D. SITE-SPECIFIC VESTING PLAN

1. DEFINED

a. For the purposes of this section, a site-specific vesting plan is defined as a plan submitted to the Town in which the applicant requests vesting, describing with reasonable certainty on the plan, the type and intensity of use for a specific parcel or parcels of property.

b. A site-specific vesting plan must provide, with reasonable certainty, all of the following:

i. The boundaries of the development;
ii. Topographic and natural features affecting the site;
iii. The approximate location of proposed buildings, structures, and other improvements;
iv. The approximate dimensions, including height, of proposed buildings and other structures;
v. The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;
vi. The type or types of proposed land uses; and
vii. The density or intensity of development.

c. ~~A Sketch Plan, Concept Plan, or a~~Any ~~other~~ document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a Site-Specific Vesting Plan.

~~**c.**~~

d. The following development approvals constitute a Site-Specific Vesting Plan: [2]

~~**i.** A Concept Plan associated with a Conditional Rezoning application;~~
~~**ii.**~~**i.** A Preliminary Plat for a Major Subdivision;
~~**iii.**~~**ii.** A Site Plan~~s~~; and
iii. A ~~Concept Plan associated with a~~ Special Use Permit.

e. A Concept Plan associated with a Type 3 Conditional Rezoning approval is considered a condition of approval that runs with the land not a site-specific vesting plan. Type 3 Conditional Rezoning Concept Plans are subject to the limitations in Section 2.3.7K, Conditions~~Conditions~~.

2. ESTABLISHMENT [3]

~~**a.**~~ Development approvals identified by this Ordinance as Site-Specific Vesting Plans shall be granted a vested right to develop for a maximum period of two years from the date of the approval, provided the applicant has requested, in writing, that a vested right is sought, and provided the development subject to the approval complies with all applicable terms and conditions.

~~**b.** In cases where a Concept Plan is associated with an approved conditional rezoning, the conditional zoning designation shall run with the land but the vesting status of the associated Concept Plan shall be in accordance with the standards for any other Site-Specific Vesting Plan.~~

[2] See STN # 11 & 44.
[3] See STN # 11 & 44.

3. EXTENSION

a. The two-year vesting duration of a Site-Specific Vesting Plan may be extended up to five years from the date of the approval only in accordance with Section 2.3.32, Vested Rights Certificate~~Vested Rights Certificate~~.

b. Site-Specific Vesting Plans meeting the definition of a Multi-Phase Development shall be vested in accordance with Section 1.11.4E, Multi-Phase Development Plan~~Multi-Phase Development Plan~~.

E. MULTI-PHASE DEVELOPMENT PLAN

1. A Multi-Phase Development Plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval and includes more than one phase shall be considered as a Multi-Phase Development Plan that is granted a vested right to develop for a period of seven years from the date of approval of the first site plan associated with the development.
2. Vesting shall commence upon approval of the Site Plan for the first phase of the development.
3. The vested right shall remain in effect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

F. DEVELOPMENT AGREEMENT

A Development Agreement shall be vested in accordance with the vesting term identified in the Development Agreement.

G. VOLUNTARY ANNEXATION

1. Any petition for Annexation filed with the Town in accordance with Section 2.3.3, Annexation~~Annexation~~ shall contain a signed statement from the applicant indicating if vested rights on the properties subject to the petition have been established in accordance with NCGS§160D-108.
2. A statement that declares that no zoning vested right has been established or the failure to provide a statement declaring whether vested rights have been established, shall result in a termination of any vested rights established prior to Annexation.

1.11.5 TERMINATION OF A VESTED RIGHT

A. GENERALLY

1. Vested rights established in accordance with this Ordinance shall run with the land.
2. In no instance shall vesting status extend beyond the maximum duration for the type of development application approval.
3. In no instance shall the vesting status of a development approval continue after the development approval expires or if the development approval is revoked for failure to comply with the terms of the approval or of this Ordinance.
4. In no instance shall the vesting status of a development approval continue after it is determined that the development approval was based upon intentional inaccurate information or material misrepresentations.
5. In no instance shall vested rights continue if the Town Council finds, after a duly noticed public hearing, that natural or man-made hazards resulting from the development would result in a serious threat to public health, safety, or welfare if the development were to be continued or completed.

2.1 CHAPTER INTRODUCTION

2.1.1 CHAPTER ORGANIZATION

A. This chapter includes all the development application review provisions, and is comprised of the following three sections:

1. A section setting out the summary tables of application types (Section 2.2, Application Summary Tables~~Application Summary Tables~~);
2. A section with the application procedures (Section 2.3, Application Types~~Application Types~~); and
3. A section containing a set of common or standard review procedures used by the Town regardless of the type of application being reviewed (Section 2.4, Review Procedures~~Review Procedures~~).

B. The summary tables in Section 2.2, Application Summary Tables~~Application Summary Tables~~, identifies all the development application types in this Ordinance and the review authorities who decide them as well as a summary of the different kinds of subdivision procedures in this Ordinance.

C. Section 2.3, Application Types~~Application Types~~, describes each application type in detail, including:

1. Applicability and the types of development exempted from the procedure;
2. The review standards;
3. How the approved application may be amended (if applicable);
4. If and how the approval may expire; and
5. How decisions on a particular application are appealed.

D. Section 2.4, Review Procedures~~Review Procedures~~, describes the steps in the application review process that are identical for each type application, including pre-application conferences, application filing, staff review, notification of decision, and others. In cases where a particular application type follows a procedure that differs from that in Section 2.4, Review Procedures~~Review Procedures~~, those distinctions are noted in Section 2.3, Application Types~~Application Types~~.

2.2 APPLICATION SUMMARY TABLES

2.2.1 DEVELOPMENT APPLICATIONS

A. The Application Types Table below lists each of the specific application types in this Ordinance and the review authority (ies) involved in the decision-making process. Review authorities are listed in columns across the top of the table and procedures are listed in alphabetical order in rows down the table's side. Cells in the middle of the table show actions taken by a particular review authority as part of the review process.

B. Generally speaking, comments ("C") are provided prior to recommendations ("R"). Both comments and recommendations are provided prior to decisions ("D"). Appeals ("A") take place after decisions are made.

C. Blank cells ("·") in the table indicate that a particular review authority has no role in the particular procedure.

D. The "UDO Section" Column identifies the section in this Ordinance where the procedural language is located.

E. The "Pre-App Conference" Column includes an "M", "O", or "N/A", to indicate if a pre-application conference is mandatory, optional, or not applicable to a particular kind of application.

F. Some decision and appeal actions in the table include lines or brackets around them. These lines signify if that particular stage of the review process includes a legislative public hearing, or an evidentiary public hearing.

G. Numbers in brackets signify table notes, which are found at the bottom of the table (the table bottom may be on a subsequent page).

TABLE 2.2.1: APPLICATION TYPES TABLE

Process Type: see Section 2.2.3, Process Diagrams~~Process Diagrams~~
Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable
Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
Type of Public Hearing: ( ) = Legislative; | | = Evidentiary
[#] = Table Note (see end of table)

Application Type	UDO Section	Process Type	Pre-App. Conf.	Tech. Review Committee	Town Staff [1]			Planning Board	Town Council	Board of Adjustment	Superior Court
					Inspections Director	Engineering Director	Planning Director				
Administrative Adjustment	2.3.1	II	O	•~~C~~	•	•	D	•	•	|A|	•
Alternative Plan[4]	2.3.2	I	M	C	•	•	D	•	•	|A|	•
Annexation	2.3.4	IV	O	•~~C~~	•	•	R	•	(D)	•	A
Appeal	2.3.5	III	O	•	•	•	•	•	•	|D|	A
Building Permit [2] [3][5]	2.3.6	I	N/A	•	D	•	•	•	•	•	•
Certificate of Occupancy [2]	2.3.7	I	N/A	•	D	•	•	•	•	•	•
Conditional Rezoning [~~3~~4][6]	2.3.8	IV	M	•C	•	•C	•C	R	(D)	•	A
Conservation Subdivision [~~4~~5]	2.3.9	II	M	C	•	•	D	•	•	|A|	•
Construction Drawings [7]	2.3.10	I	M	C	•	D	•	•	•	|A|	•
Conventional Rezoning	2.3.11	IV	M	•~~C~~	•	•	•	R	(D)	•	A
Determination [~~5~~6] **AMENDED 9.16.24 (UDOTA2-24)**	2.3.12	I	O	•	D	D	D	•	•	|A|	•

[4] See STN #93, 101
[5] See STN # 91
[6] See STN # 40.
[7] See STN # 67.

TABLE 2.2.1: APPLICATION TYPES TABLE

Process Type: see Section 2.2.3, Process Diagrams~~Process Diagrams~~
Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable
Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
Type of Public Hearing: ( ) = Legislative; | | = Evidentiary
[#] = Table Note (see end of table)

Application Type	UDO Section	Process Type	Pre-App. Conf.	Tech. Review Committee	Town Staff [1]			Planning Board	Town Council	Board of Adjustment	Superior Court
					Inspections Director	Engineering Director	Planning Director				
Development Agreement	2.3.13	IV	~~O~~M	C	•	C	C	•	(D)	•	A
Driveway Permit	2.3.14	I	O	•	•	D	•	•	•	|A|	•
Exempt Subdivision	2.3.15	I	~~N/A~~O	•	•	•	D	•	•	|A|	•
Fee-in-Lieu [~~6~~7]	2.3.16	II	O	•~~C~~	•	D	D	•	•	A	•
Floodplain Permit	2.3.17	I	O	•	•	D	•	•	•	|A|	•
Land Disturbance Permit AMENDED 9.16.24 (UDOTA2-24)	2.3.18	I	O	•	•	D	•	•	•	|A|	•
Limited Subdivision	2.3.19	I	O	•	•	•	D	•	•	|A|	•
Major Subdivision	2.3.20	II	M	C	•	•	D	•	•	|A|	•
~~Minor Subdivision~~	~~2.3.18~~	~~II~~	~~O~~	~~C~~	~~•~~	~~•~~	~~D~~	~~•~~	~~•~~	~~|A|~~	~~•~~
Performance Guarantee [~~7~~8]	2.3.21	II	O	•~~C~~	•	D	D	•	•~~D~~	|A|	•~~A~~
Sign Permit [~~8~~]	2.3.22	I	O	•	•	•	D	•	•	|A|	•
Site Plan [9]	2.3.23	II	M	C	•	•	D	•	•	|A|	•
Special Use Permit [10]	2.3.24	III	M	•C	•	•	•	•	•	|D|	A
Stormwater Permit	2.3.25	I	O	•	•	D	•	•	•	|A|	•
Street ~~Renaming/~~ Closure	2.3.26	IV	M	C	•	•	•	•R	(D)	•	A
Street Renaming	2.3.27	IV	M	•	•	•	•	•	(D)	•	A

TABLE 2.2.1: APPLICATION TYPES TABLE

Process Type: see Section 2.2.3, Process Diagrams~~Process Diagrams~~
Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable
Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
Type of Public Hearing: ( ) = Legislative; | | = Evidentiary
[#] = Table Note (see end of table)

Application Type	UDO Section	Process Type	Pre-App. Conf.	Tech. Review Committee	Town Staff [1]			Planning Board	Town Council	Board of Adjustment	Superior Court
					Inspections Director	Engineering Director	Planning Director				
Temporary Permit	2.3.28	II	O	•~~C~~	•	C	D	•	•	|A|	•
Text Amendment	2.3.29	IV	N/A~~O~~	•~~C~~	•	•	C	R	(D)	•	A
Transportation Impact Analysis	2.3.30	I	M	•C	•	D	•~~C~~	•	•	|A|	•
Tree Clearing Certificate	2.3.31	II	O	•~~C~~	•	•	D	•	•	|A|	•
Variance [11]	2.3.32	III	M	•	•	•	•	•	•	|D|	A
Vested Rights Certificate	2.3.33	III	O	•	•	•	R	•	(D)	•	A
Zoning Compliance Permit	2.3.33	I	O	•	•	•	D	•	•	|A|	•

TABLE 2.2.1: APPLICATION TYPES TABLE

Process Type: see Section 2.2.3, Process Diagrams~~Process Diagrams~~
Pre-Application Conference: M = Mandatory; O = Optional; N/A = Not Applicable
Type of Action: C = Comment; R = Recommendation; D = Decision; A = Appeal
Type of Public Hearing: ( ) = Legislative; | | = Evidentiary
[#] = Table Note (see end of table)

Application Type	UDO Section	Process Type	Pre-App. Conf.	Tech. Review Committee	Town Staff [1]			Planning Board	Town Council	Board of Adjustment	Superior Court
					Inspections Director	Engineering Director	Planning Director				

NOTES:
[1] Decision-making authority may be delegated in accordance with Section 8.2.8, Delegation of Authority~~Delegation of Authority~~.
[2] Appeals are filed with the North Carolina Commissioner of Insurance.
[3] Building Permit applications filed "at risk" by an applicant require a pre-application conference.
[4] In cases where a Conditional Rezoning application includes a Concept Plan, the TRC shall review the plan prior to consideration by the Planning Board.
[5~~4~~] Approval of a Conservation Subdivision also requires approval of a Major ~~Preliminary Plat~~Subdivision.
[6~~5~~] The Engineering Director shall make determinations on matters pertaining to stormwater, erosion control, and infrastructure requirements.
[7~~6~~] The review authority responsible for making the decision on the associated development application shall also be responsible for making the decision on a Town-mandated Fee-In-Lieu request.
[8~~7~~] Decisions on Performance Guarantee applications shall be made by the Planning Director or the Engineering Director, as appropriate~~The review authority responsible for making the decision on the associated development application shall also be responsible for making the decision on a Performance Guarantee request. Requests for Performance Guarantees filed after an associated application approval shall be decided by the Planning Director.~~.
[9~~8~~] ~~Alternative Sign Plan requests shall be reviewed and decided by the Town Council. AMENDED 9.16.24 (UDOTA2-24)~~
~~[9]~~ Site Plans that include ~~changes to or extension of~~new or extended public infrastructure shall ~~include construction drawings, which shall be decided by the Engineering Director~~also be subject to a requirement for approved Construction Drawings.
[10] The TRC shall review the Concept Plan prior to consideration by the Board of Adjustment.
[11] The Environmental Management Commission shall decide Major Water Supply Watershed and Riparian Buffer Variance applications.

2.2.2 SUBDIVISION TYPES

The Subdivision Types Table below identifies the range of subdivision types addressed by this Ordinance, including details on the maximum number of lots that may be created, minimum tract size before division, whether or not the subdivision involves the extension of public infrastructure, and whether or not the lots in the subdivision must comply with the zoning district dimensional standards. Each subdivision process is described in more detail in Section 2.3, Application Types~~Application Types~~.

AMENDED 4.15.24 (UDOTA1-24)

TABLE 2.2.2: SUBDIVISION TYPES TABLE

Common Subdivision or Development Type	Number of Lots Involved (#)	Initial Tract Size (Acres)	Involves Extension of Public Infra. (Yes/No)	Compliance With District Dimensional Standards	Application Type [1]	UDO Sec.
Conservation Subdivision	6 or more	N/A	Yes	No	Major Subdivision	2.3.8
Combination/ Recombination [2]	N/A	N/A	No	No	Exempt Subdivision	2.3.14
Court-ordered Subdivision [3]	N/A	N/A	No	No	Exempt Subdivision	2.3.14
10+-Acre Estate Lot Subdivision	[4]	N/A	No	Yes	Exempt Subdivision	2.3.14
Family Subdivision [5] ~~[6]~~	Up to 2	N/A	No	Yes	~~Minor~~ Limited Subdivision	2.3.18~~1.1.1~~
Governmental Acquisition	N/A	N/A	No	No	N/A	5.2.5
Limited Subdivision	Max. of 3	5 or more	No	Yes	Limited Subdivision	2.3.18
Major Subdivision~~[7]~~	~~2~~ 1 or more	N/A	Yes	Yes	Major Subdivision	2.3.19
~~Minor Subdivision [8]~~	~~Up to 5~~	~~N/A~~	~~No~~	~~Yes~~	~~Minor Subdivision~~	~~2.3.18~~
Special Purpose Lot / Easement Plat [~~9~~6]	N/A	N/A	No	No	N/A	3.4.5
Two Acres into Three Lots	Max. of 3	2 or less	No	Yes	Exempt Subdivision	2.3.14

TABLE 2.2.2: SUBDIVISION TYPES TABLE

Common Subdivision or Development Type	Number of Lots Involved (#)	Initial Tract Size (Acres)	Involves Extension of Public Infra. (Yes/No)	Compliance With District Dimensional Standards	Application Type [1]	UDO Sec.

NOTES:
[1] Regardless of the subdivision process type noted in this table, subdivisions that include the extension of public infrastructure shall be reviewed as a Major Subdivision.
[2] Combinations / recombinations that result in lots that do not meet the minimum dimensional standards for the zoning district where located shall be reviewed as a ~~Minor~~ Major Subdivision.
[3] Lots within a Court-ordered ~~S~~subdivision are not required to comply with the dimensional requirements for the zoning district where located.
[4] All lots created shall be at least 10 acres in area or larger, otherwise the subdivision shall be reviewed as a ~~Minor~~ Limited or Major Subdivision, based on the number of lots created.
[5] Family subdivisions are Exempt Subdivisions or Limited ~~s~~Subdivisions created for conveyance between husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews. Family Subdivisions that exceed the limitations of a Limited Subdivision ~~and~~ shall be reviewed as a ~~an exempt subdivision, a limited subdivision, or a minor~~ Major Ssubdivision~~, as appropriate~~.
[6] ~~May be reviewed as an Exempt Subdivision or a Limited Subdivision, based on the number of lots created.~~
~~[7] Minor subdivisions of 6 or more shall be reviewed as a Major Subdivision even if the subdivision does not include the extension of public infrastructure.~~
~~[8] Lots must comply with district dimensional standards except for combinations or recombinations of existing lots.~~
~~[9]~~ May be accomplished as part of a subdivision establishing new development or as its own Exempt Subdivision. [8]

2.2.3 PROCESS DIAGRAMS AND PROCEDURAL FLOWCHARTS [9]

A. Development applications in this Ordinance shall be reviewed and decided in accordance with the "~~p~~Process ~~t~~Type" column indicated in Table 2.2.1, Application Types Table, Section 2.4, Review Procedures~~Review Procedures~~, and this sub-section.

B. The process types used in this Ordinance are illustrated in process ~~flowcharts below (see~~ diagrams in Figure 2.2.3, Process Diagrams). The process ~~flowcharts~~ diagrams depict the general procedural steps for each application type. In cases where the actual application review process differs from the corresponding ~~flowchart~~process diagram, details on differences are identified in Section 2.3, Application Types~~Application Types~~.

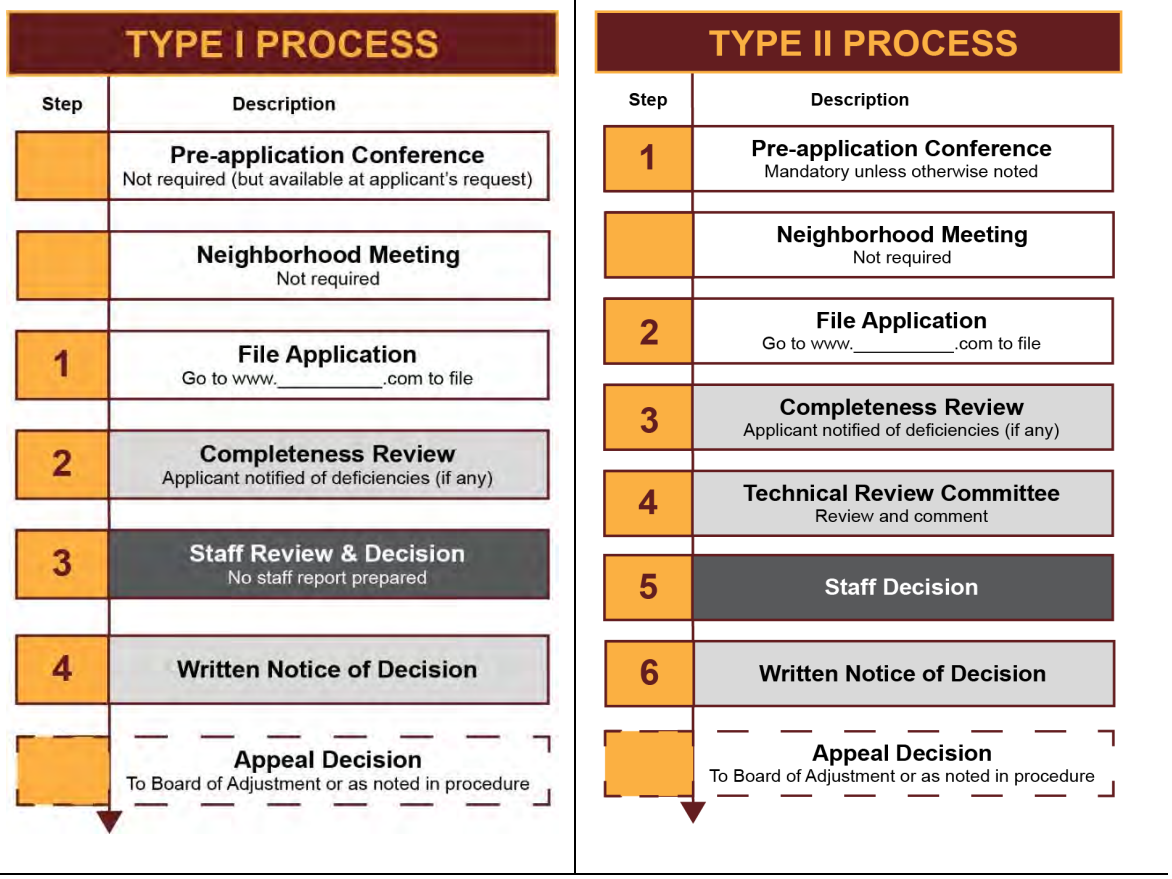
C. Each specific application in Section 2.3, Application Types~~Application Types~~, includes a procedural flowchart figure that depicts the specific steps in the application review process. The procedural flowcharts use a symbol for each step in the process with text inside the symbol describing the step in greater detail. Some boxes may include cross references to other parts of the Ordinance. ~~The procedural flowcharts use a text box to denote each step in the process.~~ Details on each individual step are ~~located~~ described in greater detail in Section 2.4, Review Procedures~~Review Procedures~~.

D. ~~The~~ Each procedural flowchart is color coded to depict differing responsibilities. White boxes indicate actions or responsibilities of the applicant. Boxes with dashed lines show optional steps an applicant may choose to undertake. Light grey boxes indicate actions of Town staff. Dark grey boxes show the stage of the process where a recommendation or a decision is made (as appropriate).

[8] See STN # 18.
[9] See STN # 22 & 36.

~~D.~~**E.** Applicants seeking greater detail on the steps in the application review process should consult Section 2.4, Review Procedures~~Review Procedures~~, the Town's UDO Procedures Manual, or Town staff.

FIGURE 2.2.3: PROCESS DIAGRAMS



2.3 APPLICATION TYPES

2.3.1 ADMINISTRATIVE ADJUSTMENT

A. APPLICABILITY

1. Except where otherwise prohibited, an Administrative Adjustment may be requested for a modification or deviation to any of the following:
   a. A zoning district dimensional standard in Chapter 3, Districts.
   b. A numeric use-specific standard in Chapter 4, Land Uses.
   c. A numeric requirement in Chapter 5, Standards.
2. In no instance shall an Administrative Adjustment application seek to reduce any of the following:
   a. The required minimum lot area in a zoning district;
   b. Increases in the maximum allowable residential density on a lot;
   c. Reduce the minimum required separation distance between two use types;
   d. The requirements specified in a transportation impact analysis;
   e. Reductions to the standards pertaining to flood damage prevention, water supply watershed protection,; or **AMENDED 9.16.24 (UDOTA2-24)**
   f. Reductions to required infrastructure standards, including streets, potable water, or wastewater system requirements.
3. Development subject to a Variance shall not also be subject to an Administrative Adjustment.

B. AMOUNT OF ADJUSTMENT

An Administrative Adjustment may allow a deviation from a numeric standard in this Ordinance in accordance with the amount specified in Table 2.3.1, Maximum Adjustment Amount.

TABLE 2.3.1: MAXIMUM ADJUSTMENT AMOUNT

Location or Type of Development	Maximum Permitted Amount of Adjustment
Establishment of a new principal building on a non-conforming lot of record	50% (setbacks only)
New development or redevelopment within the Downtown zoning district	15%
Redevelopment within all zoning districts except Downtown	10%
New development within all zoning districts except Downtown	5%

C. PROCESS TYPE

Type II (see Section 2.2.3, Process Diagrams~~Process Diagrams~~), including comment by the Technical Review Committee.

D. REVIEW CRITERIA

An application for an Administrative Adjustment shall be approved by the Planning Director in accordance with Figure 2.3.1 and Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, only upon a finding that the applicant has demonstrated that all of the following criteria are met:

1. The Administrative Adjustment is consistent with the type and maximum thresholds for an Administrative Adjustment established in this section; and
2. The Administrative Adjustment:
   a. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general, including size or shape of the lot; or
   b. Is necessary to allow for proper functioning of public or private infrastructure; or
   c. Saves healthy existing trees; or
   d. Helps limit the need for site grading or revision to existing drainage patterns; and
3. Approval of the Administrative Adjustment is not expected to pose a danger to the public health or safety; and
4. The Administrative Adjustment will not negatively impact the function or performance of on-site wastewater or stormwater management devices; and
5. Adverse impacts resulting from the Administrative Adjustment will be fully mitigated; and
6. The development requirement being adjusted is not the subject of a previously approved Administrative Adjustment, condition of approval, or Variance on the same site.

FIGURE 2.3.1 ADMINISTRATIVE ADJUSTMENT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**Neighborhood Meeting** (Optional)
3	**File Application** - Filed with Planning Director - May be filed as a stand-alone application or as part of another application (like a Site Plan) for the same site
4	**Completeness Determination**
5	**Staff Review** ~~Includes comment by TRC~~
6	**Decision by Planning Director** If submitted as part of another application, a decision on an Administrative Adjustment is rendered first
7	**Notification of Decision**
8	**Proceed with Other Applications** (If applicable)

E. SEQUENCE

1. An Administrative Adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
2. In cases when submitted with another application, the Administrative Adjustment application shall be decided prior to the other associated applications.
3. Applications for Conditional and Conventional Rezonings or Variances shall not include requests for Administrative Adjustments.

F. AMENDMENT

Amendment of an Administrative Adjustment approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

G. EXPIRATION

1. If an Administrative Adjustment is submitted with another development application, the expiration of the Administrative Adjustment shall be the same as the associated development application.

2. See Section 2.4.17, Expiration~~Expiration~~, in cases where an Administrative Adjustment is submitted as a stand-alone application.

H. VESTING

1. If an Administrative Adjustment is submitted with another development application, the vesting term of the Administrative Adjustment shall be the same as the associated development application.
2. In cases where an Administrative Adjustment is submitted as a stand-alone application, see Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

I. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

2.3.2 ALTERNATIVE PLAN[10]

~~J.~~A. PURPOSE AND INTENT

1. The alternative plan procedure is included to allow for creativity of site design and configuration in ways that do not otherwise comply with the applicable standards of this Ordinance, but that are found to be in closer alignment with the Town's Adopted Policy Guidance or the provisions in Section 1.7, Purpose and Intent of Ordinance~~Purpose and Intent of Ordinance~~, than would result from the strict application of the signage provisions of this Ordinance.
2. The procedure is also included to help address difficult or challenging sites or instances when strict compliance with the applicable ordinance requirements is impractical or impossible.

FIGURE 2.3.2 ALTERNATIVE PLAN PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**File Application** Submitted to Planning Director
3	**Completeness Determination**
4	**Staff Review** Including comment by the TRC
5	**Planning Director Decision**
6	**Notification of Decision**
7	**Consideration of Site Plan or Other Associated Permits**

B. APPLICABILITY

1. Any application for development that that deviates from the allowable requirements in the following sections:
   a. Section 6.6, Landscaping and Screening~~Landscaping and Screening~~;
   b. Section 6.9, Parking and Loading~~Parking and Loading~~; and
   c. Section 6.13, Signage~~Signage~~.
2. Applications for deviations from landscaping, parking, and signage portions of an approved Site Plan, subdivision, Sign Permit, or other approval shall be reviewed in accordance with Section 2.4.16, Amendment of Approved Application~~Amendment of Approved Application~~.

C. APPLICATION

Requests for an Alternative Plan shall be filed prior to an application for a Site Plan, subdivision, Sign Permit, and shall include all of the following.

D. PROCEDURE

Type II (see Section 2.2.3, Process Diagrams~~Process Diagrams~~), including comment by the Technical Review Committee. The process for consideration of alternative plan shall be in accordance with Figure 2.3.2.

E. REVIEW CRITERIA

An application for an Alternative Plan shall be approved by the Planning Director in accordance with Figure 2.3.2, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, the relevant standards in Chapter 6, Standards, and the following criteria:

1. The Alternative Plan request is permitted by this Ordinance, and does not seek to modify an already-approved Site Plan, subdivision, or permit;
2. The Alternative Plan is proposed in response to an allowable site condition or challenge;
3. The type of modification or deviation is among those permitted by this Ordinance;

[10] See STN # 101.

4. The application provides sufficient detail to evaluate the request in light of applicable standards;
5. The development anticipated by the Alternative Plan is in closer alignment with the Town's Adopted Policy Guidance or the standards in Section 1.7, Purpose and Intent of Ordinance~~Purpose and Intent of Ordinance~~, than a strict application of the applicable standards; and
6. In the case of an alternative sign plan:
   a. The proposed design, size, color, illumination, and placement of signage is compatible in style and character with the site, any surrounding structures, and/or the district character or architectural character of the area in which it is located;
   b. The Alternative Plan proposes innovative, but appropriate, use of materials and design techniques in response to unique characteristics of the specific site, if applicable; and
   c. The anticipated signage will be consistent with approved neighborhood plans, studies, or area plans.

F. SEQUENCE

1. Applications for an Alternative Plan may be filed concurrently with a Site Plan, subdivision, or other application but the Alternative Plan shall be reviewed and decided prior to consideration of a Site Plan, subdivision, or other application.
2. In no instance shall a Sign Permit application be submitted on a lot or site proposed for development requiring Site Plan or subdivision approval until the Site Plan or subdivision approval has been made.

G. EFFECT

Approval of an Alternative Plan permits review of the associated Site Plan, subdivision, Sign Permit, or other approval type.

H. AMENDMENT

Amendment of an Alternative Plan approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. EXPIRATION

An Alternative Plan approval shall not expire unless subject to a conditional of approval specifying the timing by which the approved development feature must be established, and the applicant fails to meet the required timing condition. In the event an Alterative Plan expires, it shall be null and void.

J. VESTING

Not Applicable.

K. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal.

~~2.3.2~~2.3.3 ANNEXATION

A. APPLICABILITY

1. The Town may review and decide voluntary Annexation petitions from:
   a. The owners of land that is contiguous with the Town's primary corporate limits; and
   b. The owners of land that is not contiguous to the primary corporate limits when the proposed satellite annexation complies with the following standards:
      i. The area must be so situated that the Town will be able to provide the same services as it provides within its primary corporate limits; and
      ii. The nearest point on the proposed satellite annexation is not more than three miles from the primary corporate limits of the Town; and
      iii. No portion of the land proposed for annexation is closer to the contiguous corporate limits of another municipality unless the land is subject to an approved annexation agreement; and
      iv. If the land proposed for annexation is part of a recorded subdivision as defined in NCGS§160D-802, all lots in the recorded subdivision are part of the annexation petition; and
      v. The area within the proposed satellite annexation, when added to the area within all other satellite annexations by the Town of Clayton, may not exceed ten percent of the area within the primary corporate limits of the Town.
2. The Town may accept voluntary Annexation petitions from landowners that do not meet the criteria in sub-section (1) above, but may not decide them until the application is consistent with sub-section (1) above.

FIGURE 2.3.3 ANNEXATION PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Voluntary Annexation Petition** ~~Including signed vested rights declaration~~
3	**Completeness Determination**
4	**Staff Review** Recommendation by Planning Director
5	**Certification of Sufficiency by Town Council**
6	**Public Notification of Public Hearing**
7	**Decision by Town Council** Including effective date of annexation
8	**Notification of Decision**
9	**Recordation**

B. APPLICATION

1. The Annexation petition shall be signed by all the owners of land proposed for annexation.
2. An Annexation petition shall include a signed statement declaring whether or not any vested right with respect to the land subject to the petition has been established under NCGS§160D-108.
3. The application shall identify the volunteer fire district where the land subject to the petition is located.
4. An annexation petition shall not require a neighborhood meeting to be conducted prior to submittal of the petition. **AMENDED 9.16.24 (UDOTA2-24)**

C. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams~~Process Diagrams~~), except for the following:

1. Following receipt of an Annexation petition the Town Council shall direct the Town Clerk to investigate the sufficiency of the petition.
2. The Town Clerk shall investigate and certify whether the petition is legally sufficient. Only legally sufficient petitions shall be considered by the Town.

3. The Planning Director shall review the petition and comment on the Town's ability to provide municipal services prior to consideration of the petition's legal sufficiency by the Town Council.
4. The Town shall notify the applicable fire district where the land is located.
5. Following investigation by the Town Clerk and the Planning Director, the Town Council shall determine if the petition is legally sufficient. If the petition is determined to be legally sufficient, the Town Council shall schedule a public hearing to consider the petition.
6. The Planning Board shall not review the application.
7. If the annexation petition is approved, the applicant shall be responsible for preparation of a plat suitable for recording with the Register of Deeds to document the annexation.

D. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with Figure 2.3.3 and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Approval of the Annexation petition;
   b. Denial of the Annexation petition; or
   c. Remand of the Annexation petition to Town staff for further consideration.

E. REVIEW CRITERIA

Approval of an Annexation is a matter committed to the legislative discretion of the Town Council. The voluntary Annexation petition may be approved upon a finding the petition complies with all the standards in NCGS§§160A-31 or 160A-58.1, as appropriate, and:

1. The Annexation petition bears the signatures of all landowners within the area to be annexed;
2. The area to be annexed can be adequately served by the same municipal services provided within the Town's primary corporate limits;
3. The debt obligations from serving the subject lands do not exceed the anticipated revenues to the Town;
4. If any of the land that is the subject of an annexation petition is also proposed for a subdivision, the entire land area occupied by the subdivision is included in the annexation petition; and
5. The public health, safety, and welfare of Town residents and the residents of the lands proposed for annexation will be best served by the Annexation.

F. EFFECTIVE DATE

1. CONTIGUOUS ANNEXATIONS

In accordance with NCGS§160A-31(d), the Town Council shall make the Annexation ordinance effective:

a. Immediately; or
b. Within 24 months of the date the Annexation ordinance was adopted.

2. NONCONTIGUOUS OR SATELLITE ANNEXATIONS

The Town Council shall make the Annexation ordinance effective date immediately or on any specified date within six months from the date the annexation ordinance was passed.

G. RECORDATION

1. An ordinance approving a voluntary Annexation adopted by the Town, together with a plat of the annexed area, shall be promptly recorded in the office of the Register of Deeds for the county where located following adoption of the Annexation.
2. The applicant shall be responsible for preparing a plat meeting the State's minimum requirements.
3. The ordinance approving a voluntary Annexation adopted by the Town, together with a plat of the annexed area, shall be filed in the office of the Secretary of State within 30 days following the effective date of the annexation ordinance.

H. SEQUENCE

1. In cases where land proposed for Annexation is subject to any additional development applications, the Annexation application shall be reviewed and decided prior to the decision on any other applications.
2. The Town Council may consider the initial zoning of newly annexed land immediately or at any other time following approval of an Annexation application.
3. Nothing shall limit the Town Council from adopting a Development Agreement that involves land that is not annexed to the Town.

I. EFFECT

1. Upon the effective date of Annexation, the land shall be subject to the debts, laws, ordinances, and regulations of the Town, and shall be entitled to the same privileges and benefits as other parts of the Town.
2. In cases where land to be annexed is located outside the Claytex Volunteer Fire District, the applicant for annexation shall submit payment to the Town corresponding to the land's proportional share of all debt obligations owed by the Town. The Town shall notify the applicant of the applicable amount of the payment.
3. In cases where the applicant does not make payment upon annexation, the Town may require execution of a development agreement, the imposition of conditions of approval on the annexation petition, or other Town-accepted process for securing the land's pro rata share of applicable debt obligation from the applicant as part of annexation.

J. AMENDMENT

Not applicable.

K. EXPIRATION

Not applicable. Land may be de-annexed only by an act of the North Carolina General Assembly.

L. VESTING

Not applicable.

M. APPEAL

In accordance with Section 2.3.4B.2, Decisions by Town Council~~Decisions by Town Council~~.

~~2.3.3~~2.3.4 APPEAL

A. APPLICABILITY

Appeals of decisions or determinations by the Technical Review Committee, Planning Director, or Engineering Director made pursuant to this Ordinance shall be reviewed and decided in accordance with NCGS§§160D-405 and 160D-1403 and this procedure, as appropriate.

FIGURE 2.3.4 APPEAL PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Notice of Appeal** - Filed with Planning Director - Must be filed within 30 days of the date of the decision being appealed
3	**Completeness Determination** Application must include: - Error/decision being appealed - Date of decision/error - Grounds for appeal - All related support material
4	**Staff Review** Transmittal of record and notice of appeal to the BOA
5	**Public Notification**
6	**Decision by Board of Adjustment** Decision effective upon date of filing in the office of the Planning Department
7	**Notification of Decision** Delivered via personal service, electronic mail, or 1st class mail pProvided to applicant, landowner, and anyone requesting a copy prior to date of decision

B. APPEALS NOT REGULATED BY THIS ORDINANCE

The following appeals and challenges shall be governed by the following:

1. DECISIONS BY BOARD OF ADJUSTMENT

a. Persons with standing as defined in NCGS§160D-1402(c) may appeal a decision by the Board of Adjustment to the Superior Court for the county where located in accordance with NCGS§160D-1402.

b. Appeal of a quasi-judicial decision shall be in the nature of certiorari and in accordance with NCGS §§160D-406, 160D-1402, and 160D-1405, as appropriate.

c. A landowner or applicant with standing shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the Board of Adjustment and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

d. Any other person with standing to appeal shall file a petition for review with the Clerk of Court within 30 days from receipt, by any source, actual or constructive notice of the decision being appealed.

e. Receipt of written notice provided via first class mail in accordance with NCGS§160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

2. DECISIONS BY TOWN COUNCIL

Persons with standing as defined in NCGS§160D-1403(b) may challenge legislative decisions by the Town Council, whose challenge shall be heard by the Superior Court for the county where located in accordance with NCGS§§160D-1401 and 160D-1405.

a. CHALLENGES TO OFFICIAL ZONING MAP ADOPTION OR AMENDMENT; DEVELOPMENT AGREEMENT

i. Legislative decisions made by the Town Council pursuant to the adoption of the Official Zoning Map, amendment to the Official Zoning Map, or with respect to a Development Agreement shall be subject to review at the request of any aggrieved party by the Superior Court for the county where located as detailed in NCGS§§160D-1401 and 160D-1405.

D. INITIATION

1. An applicant, property owner, or other person with standing shall initiate an Appeal by filing a notice of appeal with the Planning Director within 30 days of the date they receive the written notice of decision being appealed.
2. Receipt of written notice of decision provided via first class mail in accordance with NCGS§160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

E. APPLICATION

1. Petitions for Appeal shall specify the grounds for the Appeal.
2. The Planning Director shall transmit to the Board of Adjustment all the papers constituting the record upon which the action being appealed was taken.

F. PROCESS TYPE

Type III (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

G. DECISION

1. The decision shall be based on the competent, material, and substantial evidence in the record of the Appeal, as supplemented by arguments presented at the evidentiary hearing, Figure 2.3.4, and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Affirmation of the decision or determination (in whole or in part);
   b. Modification of the decision or determination (in whole or in part); or
   c. Reversal of the decision or determination (in whole or in part).
3. Voting shall be in accordance with Section 2.4.9C.5, Voting~~Voting~~.
4. If a motion to reverse or modify is not made, or a motion fails to receive a majority vote from Board of Adjustment members eligible to vote, then the Appeal shall be denied.
5. Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
6. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
7. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning Department.

H. REVIEW CRITERIA

1. The Board of Adjustment is limited to the following decisions in considering the appeal:
   a. Whether the review authority erred in the determination of this Ordinance; or
   b. Whether the review authority erred in determining whether a standard of this Ordinance was met.
2. The Board of Adjustment shall not hear any evidence or make any decision based on hardships or special conditions, except as part of an application for a Variance.

I. SEQUENCE

Not applicable.

~~I.~~J. EFFECT

1. The filling of an appeal shall stay all of the following:

a. Any further proceedings or actions conducted by the applicant except in such cases where such stoppage would cause imminent peril to life or property as determined by the Planning Director;
b. The application of any further remedies for violation of this Ordinance by the Town; and
c. The accumulation of any further fees or fines associated with violation of this Ordinance.

2. In cases where the Town official from whose decision an appeal is taken certifies to the Board of Adjustment that a stay would cause imminent peril to life or property or would seriously interfere with enforcement of this Ordinance; administrative proceedings shall not be stayed except through issuance of a restraining order by a court of competent jurisdiction.
3. In the event enforcement proceedings are not stayed by an Appeal, the appellant may file a request for an expedited hearing of the appeal in accordance with NCGS§160D-405(f), and the Board of Adjustment shall conduct a meeting to hear the Appeal within 15 days of the date the request for an expedited hearing is filed.
4. Nothing shall prevent the Board of Adjustment from staying the issuance of any final approval of development applications, including Building Permits, affected by the issue being appealed in accordance with NCGS§160D-405(f).

~~J.~~K. AMENDMENT

Not applicable.

~~K.~~L. EXPIRATION

Not applicable.

~~L.~~M. VESTING

Not applicable.

~~M.~~N. APPEAL

In accordance with Section 2.3.4B.1, Decisions by Board of Adjustment~~Decisions by Board of Adjustment~~.

~~2.3.4~~2.3.5 BUILDING PERMIT[11]

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~~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;
4. 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);
5. Fences or privacy walls of six feet in height or less, 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~~Process Diagrams~~).
2. In cases where an applicant is filing for an "at risk" Building Permit, a pre-application conference shall be mandatory.

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~~Staff Review and Action~~, and all of the following: **AMENDED 9.16.24 (UDOTA2-24)**

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;

[11] See STN # 85.

6. All other standards or conditions of any prior, applicable permits, and development approvals; and
7. All other applicable requirements of this Ordinance, Town policy, State law, and federal law.
8. In cases where commencement or completion of development proposed in a Building Permit application requires infrastructure to be in place and such infrastructure is not in place when required, then a life/safety plan for protecting life/safety shall be filed with an application for a Building Permit.

E. SEQUENCE

A Building Permit application may be submitted simultaneously with another application but shall be processed in accordance with Section 2.4.12, Concurrent Processing~~Concurrent Processing~~.

F. EFFECT

Approval of a Building Permit authorizes the commencement of on-site or off-site construction activities.

G. AMENDMENT

A Building Permit application may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EXPIRATION

1. A building permit shall expire and become null and void if the development it authorizes is not substantially commenced within six months of the permit issuance.
2. A building permit shall expire if work is discontinued for a period of 12 months after work has commenced.

I. VESTING

1. See Section 1.11.4B, Issuance of a Building Permit~~Issuance of a Building Permit~~.
2. In cases when a Building Permit is associated with a site-specific vesting plan, the vesting period of the Building Permit shall be the same as the development in the associated site-specific vesting plan.

J. APPEAL

An appeal of a decision on a Building Permit shall be filed with the North Carolina Commissioner of Insurance, in accordance with NCGS§160D-1127.

~~2.3.5~~2.3.6 CERTIFICATE OF OCCUPANCY

A. APPLICABILITY

Except where exempted by Section 2.3.5B, Exemptions~~Exemptions~~, no land, newly erected building or structure, or existing building or structure that has been moved or enlarged or changed in use shall be occupied or used until a Certificate of Occupancy certifying that the land, building, or structure, and its use complies with this Ordinance and the applicable standards of the State Building Code(s) is issued in accordance with this section and Chapter 150 of the Clayton Town Code of Ordinances.

FIGURE 2.3.6 CERTIFICATE OF OCCUPANCY PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Request** - Submitted to Inspections Director - May take the form of a temporary or permanent certificate - Performance Guarantees must be approved first, if requested
3	**Completeness Determination**
4	**Inspections Director Review and Decision**
5	**Notification of Decision**

B. EXEMPTIONS

Development exempted from a Building Permit in accordance with Section 2.3.5B, Exemptions~~Exemptions~~, shall also be exempted from this section.

C. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

D. REVIEW CRITERIA

An application for a Certificate of Occupancy shall be decided by the Inspections Director in accordance with Figure 2.3.6, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the degree to which the land, building, structure, or proposed use complies with: **AMENDED 9.16.24 (UDOTA2-24)**

1. All relevant standards of this Ordinance;
2. Any other applicable Town requirements;
3. All applicable conditions of approval;
4. The Building Permit;
5. The applicable State Building Code(s) requirements; and
6. All applicable State and federal requirements.

E. TEMPORARY CERTIFICATE OF OCCUPANCY

1. A Temporary Certificate of Occupancy may be issued permitting occupancy for a stated period of time of either the entire building or property or of specified portions of the building if the Inspections Director finds that the building or property may safely be occupied prior to the completion of development activity.
2. A temporary Certificate of Occupancy may be issued in cases where the Town has mandated, or the applicant has requested and the Town has approved, payment of a fee-in-lieu. In no instance shall a final Certificate of Occupancy be issued by the Town in cases where payment of fee-in-lieu is required, but has not taken place.
3. The Planning Director may require the applicant to submit a Performance Guarantee (see Section 2.3.20, Performance Guarantee~~Performance Guarantee~~), in an amount necessary to ensure that any work not completed as specified in the development approval will be completed within the specified timeframe for a Certificate of Occupancy. A Performance Guarantee, submitted in accordance with Section 2.3.20, Performance Guarantee~~Performance Guarantee~~, shall be required for any incomplete infrastructure or other required site features.

~~2.3.6~~2.3.7 CONDITIONAL REZONING

A. PURPOSE AND INTENT

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district in cases where the standards of a conventional zoning district are inadequate to appropriately address the anticipated impacts generated by development. The conditional zoning district, if approved, establishes a unique zoning district that is tailored to the specific proposal and subject to unique conditions of approval. It is the intent of these standards to provide a process where an applicant may voluntarily place additional limitations on the development potential of their land. It is also intended to allow an applicant to request greater flexibility in the application of some development requirements in pursuit of a higher quality of development.

B. APPLICABILITY

1. This procedure is solely for the establishment of a conditional zoning district designation on land within the Town's planning jurisdiction.
2. In no instance shall a Conventional Rezoning application be converted to a Conditional Rezoning application, nor shall a Conditional Rezoning application be converted to a Conventional Rezoning application.
3. In no instance shall any lot or tract that is the subject of a Conditional Rezoning application also be the subject of any other rezoning application at the same time.
4. Special use zoning districts established prior to January 2, 2024, shall be subject to the standards in Section 1.10.3B, Pre-Existing Special Use Zoning Districts~~Pre-Existing Special Use Zoning Districts~~.
5. Planned development zoning districts established prior to January 2, 2024, shall be subject to the standards in Section 1.10.3B, Pre-Existing Special Use Zoning Districts~~Pre-Existing Special Use Zoning Districts~~.

C. CONDITIONAL REZONING DISTRICTS DISTINGUISHED

All Conditional Rezoning applications shall seek to establish one of the following three forms of conditional zoning district:

1. A Type I Conditional Rezoning application to establish a "limited use" conditional zoning district, which include an applicant-sponsored reduction in the range of allowable use types but no other deviations from required standards; or

FIGURE 2.3.7 CONDITIONAL REZONING PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**Neighborhood Meeting** Required when increasing density, intensity, or annexing land outside the ETJ
3	**File Application** - Must be signed by all landowners - Must include details from neighborhood meeting, if conducted - Type 3 applications require concept plans - Must include proposed conditions of approval, if any
4	**Completeness Determination**
5	**Staff Review** Includes concept plan review by TRC and comments by Town staff
6	**Review & Recommendation by Planning Board**
7	**Public Notification**
8	**Decision by Town Council** Must include written statement of reasonableness and consistency with adopted policy guidance
9	**Notification of Decision**
10	**Amend Official Zoning Map** If approved
11	**Proceed with Subdivision or Site Plan Application(s)**

2. A Type 2 Conditional Rezoning application to establish a "limited standard" conditional zoning district, which include applicant-sponsored modifications that exceed minimum requirements applied to other forms of development (e.g., deeper setbacks, larger lot areas, more restrictive use-standards, or limits on the range of allowable use types); or
3. A Type 3 Conditional Rezoning application to establish an "unlimited" conditional zoning district, which is subject to a Concept Plan and applicant-sponsored conditions that may be more or less restrictive that other applicable Ordinance standards, subject to Section 3.3.1E.9, Limitations on Reductions~~Limitations on Reductions~~, and Section 2.4.10, Conditions of Approval~~Conditions of Approval~~. Unlimited applications may include deviations or reductions from otherwise applicable standards.

D. APPLICATION

1. All Conditional Rezoning applications shall:
   a. Be initiated and signed by all the landowner(s) of the land subject to the application;
   b. Include all applicant-proposed conditions of approval;
   c. Include a detailed written description of the range of potential principal and secondary use types, which shall be treated as a condition;
   d. Not include a Concept Plan in cases where the application is a Type 1 or Type 2 Conditional Rezoning application (see Section 2.3.7C, Conditional Rezoning Districts Distinguished~~Conditional Rezoning Districts Distinguished~~);
   e. Include a Concept Plan prepared in accordance with Section 3.3.1E, Concept Plans Associated with a Type 3 Conditional Rezoning~~Concept Plans Associated with a Type 3 Conditional Rezoning~~, if a Type 3 Conditional Rezoning application, seeking to enhance, reduce, or otherwise deviate from an applicable dimensional, or development ~~, or use-specific~~ standard in this Ordinance;
   f. Include a Transportation Impact Analysis or Traffic Assessment, as appropriate, when required by Section 2.3.29, Transportation Impact Analysis~~Transportation Impact Analysis~~;
   g. Include a wastewater allocation request prepared in accordance with all Town requirements if proposing a Type 3 Conditional Rezoning that seeks to utilize public sewer;
   h. Identify requests for reductions from applicable standards in this Ordinance when requested and why such requests are necessary; and
   i. Provide evidence indicating the ways in which a Conditional Rezoning seeking a reduction from standards in this Ordinance will result in development that is in closer alignment with Section 1.7, Purpose and Intent of Ordinance~~Purpose and Intent of Ordinance~~, and the Town's adopted policy guidance.
2. Applications complying with a Town-mandated Fee-in-Lieu or anticipated to include an applicant-requested Fee-in-Lieu shall include information mandated in Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.
3. Applications subject to a required neighborhood meeting shall include required information in accordance with Section 2.4.4, Neighborhood Meeting~~Neighborhood Meeting~~.

E. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams~~Process Diagrams~~), except that the Technical Review Committee shall review and comment on all Concept Plans filed with a Conditional Rezoning application prior to consideration of the application by the Planning Board.

F. RECOMMENDATION

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application based on its consistency with Section 2.4, Review Procedures~~Review Procedures~~
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted policy guidance.
3. During its review, the Planning Board may suggest revisions to the application, consistent with Section 2.4.10, Conditions of Approval~~Conditions of Approval~~. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

G. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with Figure 2.3.7 and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Approval of the application;
   b. Denial of the application;
   c. Approval of a revised application; or
   d. Remand of the application to the Planning Board or the Technical Review Committee for further consideration.
3. The decision shall be based on the legislative discretion of the Town Council, taking into consideration the recommendation of the Planning Board, citizen comments, if provided, and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
4. In making its decision, the Town Council shall adopt a written statement of reasonableness and consistency with the Town's adopted policy guidance in accordance with NCGS§160D-605.

H. CITIZEN COMMENT

In cases where a resident or landowner submits written comments to the Town at least two business days prior to the date a decision is being made on the application, the Town Clerk shall deliver the statement(s) to the Town Council.

I. APPLICATION REVISION

The applicant may make changes to a Conditional Rezoning application, including changes recommended by the Planning Board or the Town Council at any time prior to the Town Council's decision. The applicant may only propose changes provided that:

1. Changes shall be made in writing to the Planning Director; and
2. Changes shall be signed by all landowners or their agents.

J. REVIEW CRITERIA

The advisability of approving a Conditional Rezoning application 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 a proposed Conditional Rezoning, the Town Council may weigh the relevance of and consider the following:

1. If the application is consistent with the applicable standards in Section 3.3, Conditional Zoning Districts~~Conditional Zoning Districts~~;
2. Whether the proposed Conditional Rezoning advances the public health, safety, or welfare;

3. Whether and the extent to which the proposed Conditional Rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
4. Whether an approval of the Conditional Rezoning is reasonable and in the public interest;
5. Whether and the extent to which the Concept Plan associated with the Conditional Rezoning is consistent with this Ordinance; and
6. Any other factors the Town Council may determine to be relevant.

K. CONDITIONS

1. Only conditions mutually agreed to by the applicant and the Town Council may be approved as part of a Conditional Rezoning.
2. Conditions shall be limited to those that address conformance of development and use on the site with Town regulations and adopted policy guidance and that address the impacts reasonably expected to be generated by the development or use of the site.
3. All conditions shall comply with Section 2.4.10, Conditions of Approval~~Conditions of Approval~~.
4. Conditions shall be in writing and may be supplemented with text, plans, or maps as permitted by this Ordinance.
5. The Concept Plan approved as part of a Type 3 Conditional Rezoning shall be considered a condition that runs with the land in perpetuity instead of as a site-specific vesting plan or multi-phase development plan. In cases where a Type 3 Conditional Rezoning application approval is reverted to an alternative zoning districts in accordance with Section 2.3.7L, Reversion~~Reversion~~, the conditions of approval, including the Concept Plan, shall be null and void.
6. Any aspect of the proposed development not specifically addressed by the approved Concept Plan or stated in the approved conditions of approval shall be subject to the UDO standards in place at the time of submittal of a Subdivision, Site Plan, or Zoning Compliance Permit, as appropriate. It shall be insufficient for an applicant to propose a condition that that simply references UDO sections in place at the time of the Concept Plan approval. Instead, applications must be accompanied by a narrative description and or annotated illustrations of the site features the applicant seeks to make conditions of approval that run with the land. Failure to identify a specific development configuration aspect as a condition of approval that runs with the land shall subject the proposed development to requirements for compliance with the development standards in place at the time of the Subdivision, Site Plan, or Zoning Compliance Permit.[12]
7. In the case of disagreement between an applicant and the Town as to whether or not a Concept Plan or narrative includes the necessary degree of specificity or the clear intent that a depicted development configuration feature warrants treatment as a condition of approval, the Planning Director shall decide the issue in accordance with Section 2.3.11, Determination~~Determination~~.

~~4.~~

[12] See STN # 11 & 44.

L. REVERSION

In cases where the Town has proposed, and the applicant has accepted, a condition of approval permitting the Town to initiate a zoning map amendment to revert the land to its prior conventional zoning district classification (or the closest corresponding conventional zoning district) unless an application for a building permit (or other similar permit for uses which do not involve the construction of a structure) for any part of the associated concept plan is submitted within three years of the initial approval, the Town may initiate such amendment without obtaining landowner consent. [13]

~~5.~~M. DESIGNATION

~~6.~~1. The Planning Director shall cause changes to be made to the Official Zoning Map promptly after approval of a Conditional Rezoning application by the Town Council.

~~7.~~2. In cases when a Conditional Rezoning application is deemed inconsistent with adopted policy guidance, but is approved by the Town Council, the future land map shall be amended with a note referencing the application approval.

~~L.~~N. SEQUENCE

1. Applications for Subdivisions, Site Plans, and Zoning Compliance Permits may be submitted with a Conditional Rezoning application, but the Conditional Rezoning application establishing the conditional zoning district shall be decided first.
2. A Concept Plan shall not substitute for a required Site Plan or Subdivision Plat, and all applications for required Site Plans or Subdivision Plats shall be reviewed separately from the Conditional Rezoning application.

~~M.~~O. EFFECT

1. In cases where the Town Council approves a Conditional Rezoning application deemed to be inconsistent with the Town's adopted policy guidance, the Conditional Rezoning approval shall also have the effect of amending any applicable future land use map included in the Town's adopted policy guidance, and no additional request or application for a comprehensive plan amendment shall be required.
2. Lands subject to an approved Conditional Rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map. ~~In cases where a Concept Plan is approved as part of a Conditional Rezoning application, the vesting term of the Concept Plan shall be in accordance with the applicable standards in Section 1.11, Vested Rights.~~
3. Development located outside the Clayton corporate limits shall comply with Town policies and standards related to annexation and the extension of utilities.
4. Regardless of the type of Conditional Rezoning application, the development shall be subject to subsequent review and approval of a Site Plan or Subdivision Plat, as required under this Ordinance.

~~N.~~P. AMENDMENT

Concept Plans shall only be amended in accordance with the standards in this section. Amendments to a Concept Plan approval shall be considered as minor modifications or major modifications, and must be considered in accordance with the following:

[13] See STN # 3.

~~O.~~Q. EXPIRATION

1. Not applicable.
2. In the event the development contemplated in a Conditional Rezoning application is not substantially commenced within three 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 in accordance with Section 2.3.7L, Reversion~~Reversion~~.

~~P.~~R. VESTING

~~1. The establishment of a conditional zoning district, shall run with the land[14], but a Concept Plan approval associated with a Type 3 Conditional Rezoning application shall not run with the land, and shall be subject to Section 1.11.4D, Site-Specific Vesting Plan. AMENDED 9.16.24 (UDOTA2-24)~~

~~Applicants seeking a longer vesting term may file an application in accordance with Section 2.3.30, Vested Rights Certificate.~~Not Applicable. Conditional rezoning classifications and associated Concept Plans shall run with the land in accordance with Section 2.3.7K, Conditions~~Conditions~~.

~~O.~~S. APPEAL

In accordance with Section 2.3.4B.2, Decisions by Town Council~~Decisions by Town Council~~.

~~[14] See STN # 44.~~

~~2.3.7~~2.3.8 CONSERVATION SUBDIVISION

A. PURPOSE AND INTENT

The purpose and intent of this section is to provide landowners in certain portions of the Town's planning jurisdiction a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects surrounding community character, agricultural activities, or sensitive environmental features on the site. This is done in order to:

1. Conserve open land, including those areas containing prime agricultural soils, areas of steep slopes, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;
2. Promote established community character particularly in areas visible from major roadways in the Town;
3. Retain and protect existing wildlife habitat and environmental, natural, and cultural resources;
4. Create a linked network of open lands; and
5. Provide reasonable economic use of the land.

FIGURE 2.3.8 CONSERVATION SUBDIVISION PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**Neighborhood Meeting** (optional)
3	**File Site Analysis Map** Submitted to the TRC
4	**Conduct Site Inspection** Conducted with TRC Representative
5	**Prepare Conservation and Development Plan**
6	**Completeness Determination**
7	**Staff Review**
8	**Review & Decision by Planning Director**
9	**Notification of Decision**
10	**File Major Subdivision Application**

B. APPLICABILITY

1. TYPE OF DEVELOPMENT

This Conservation Subdivision option shall be limited to development of single-family detached residential dwellings (including manufactured homes) on individual lots in subdivisions of more than five lots. The Conservation Subdivision option shall not be available for any other form of development or use type.

2. WHERE PERMITTED

Single-family detached residential subdivisions of more than five lots on and served by a public wastewater system may be developed as a Conservation Subdivision, in accordance with the standards in this section and Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~.

3. RELATIONSHIP TO WATERSHED PROTECTION OVERLAY DISTRICT

a. Land located within a Watershed Protection Overlay District may be configured in accordance with the cluster development option in Section 3.7.5Q, Cluster Development~~Cluster Development~~, but a cluster development may not be configured as a conservation subdivision.

b. In the event a C~~c~~onservation S~~s~~ubdivision is proposed on land within a Watershed Protection Overlay District, the density shall not exceed that permitted under the cluster development option in Section 3.7.5Q, Cluster Development~~Cluster Development~~.

C. PROCESS TYPE

1. Type II (see Section 2.2.3, Process Diagrams~~Process Diagrams~~). Figure 2.3.8 sets out the steps in the Conservation Subdivision application review procedure.
2. Establishment of a Conservation Subdivision also requires review and approval of a Major Subdivision.

D. CONSERVATION AND DEVELOPMENT PLAN

Prior to review of a Major Subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning Director in accordance with the following steps and the standards in Section 2.4, Review Procedures~~Review Procedures~~.

1. STEP 1: SITE ANALYSIS MAP

The applicant shall prepare a site analysis map that analyzes existing conditions both on the land proposed for the development and land within 500 feet of the site, and submit the site analysis map to the Technical Review Committee. It is the intent of this section that the information required in the site analysis map be produced from existing sources and maps to ensure the process is economical for the applicant.

2. STEP 2: SITE INSPECTION

After receipt of the site analysis map, a representative from the Technical Review Committee shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a Town staff member. The purpose of this site visit is to:

a. Familiarize the staff with the existing site conditions and features of the site;
b. Identify potential site development issues, including the best location for the development to minimize its visibility from existing neighborhoods and adjacent major roadways; and
c. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

3. STEP 3: CONSERVATION AND DEVELOPMENT PLAN

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development plan. The conservation and development plan shall include the following:

a. A site analysis map;
b. A conservation and development areas map that depicts areas intended for conservation and areas intended for development; and
c. A preliminary site improvements plan, showing proposed site development, including the approximate locations of utilities, streets, other development features, buffers (if applicable), and lot lines in the proposed development area.

4. STEP 4: REVIEW

The Planning Director shall review and decide the conservation and development plan based on the standards in Section 2.4, Review Procedures~~Review Procedures~~.

E. REVIEW CRITERIA

A Conservation Subdivision shall comply with the following standards:

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~~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 application has been filed, the associated Conservation Subdivision approval shall be subject to the expiration provisions associated with the Preliminary Plat.

J. VESTING

See Section 1.11.4D, Site-Specific Vesting Plan~~Site-Specific Vesting Plan~~.

K. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

2.3.9 CONSTRUCTION DRAWINGS [15]

~~1.~~A. PURPOSE AND INTENT

The purpose and intent of this section is to establish a process for the review and approval of technical plans pertaining to the installation of new or extension of existing public infrastructure such as streets, sanitary sewer, public potable water, street drainage, or public sidewalks, as well as aspects such as stormwater and erosion control. ~~Construction Drawings are the middle stage of a proposed Major Subdivision and include the installation of public infrastructure as indicated in the associated Preliminary Plat. Major Subdivisions that do not include any public infrastructure remain subject to these Construction Drawing requirements as part of Land Disturbance Permit and Stormwater Permit approvals. Construction Drawings shall be reviewed and configured in accordance with the following:~~

FIGURE 2.3.9 CONSTRUCTION DRAWING PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**File Application** Submitted to Engineering Director
3	**Completeness Determination**
4	**Staff Review** Including Comment by TRC
5	~~**Inspections**~~ **Engineering Director Review and Decision**
6	**Notification of Decision**
7	**File Application for Land Disturbance Permit**

B. APPLICABILITY

Construction Drawings, reviewed and approved in accordance with these standards, are required as part of:

1. Any Major Subdivision or Site Plan application that includes the installation of new or the extension of existing public infrastructure as part of the development;
2. The construction or extension of public infrastructure without an associated subdivision or Site Plan;
3. Any development that includes erosion control and sedimentation features; and
4. Any development that includes on-site or community-level stormwater control measures.

~~2.~~C. APPLICATION

~~Following approval of a Preliminary Plat for a division of land that include changes to or extension of public infrastructure, an application for approval of Construction Drawings shall be submitted in accordance with the following:~~

~~a.~~ Construction Drawings shall ~~be prepared for changes to or extensions of public infrastructure, configuration of erosion control and sedimentation features, stormwater control measures~~be configured in accordance with the following:~~:~~

~~b.~~1. Construction Drawings shall be prepared by, signed, and stamped by a licensed professional engineer;

~~c.~~2. Construction Drawings shall show both the horizontal or "plan" view of infrastructure as well as the vertical or "profile" view of infrastructure; ~~and~~

~~d.~~3. When a ~~s~~Subdivision or a Site Plan is to be developed in phases, Construction Drawings shall indicate the number of phases in the plat or Site Plan, and public infrastructure shall be provided so that each lot is adequately served by public infrastructure at the time of conveyance regardless of the phase of development;~~:~~

[15] See STN# 67.

~~c.~~4. Phasing shown in Construction Drawings must match the phasing approved as part of the Preliminary Plat (if applicable). In no instance shall only a portion of a development's phase be submitted for Construction Drawing review; and~~.~~

5. If included as part of a phased development, each phase shall be configured to be inclusive of all land area located within the particular phase(s) under review.

D. PROCESS TYPE

1. Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).
2. Figure 2.3.9 sets out the steps in the Construction Drawings application review procedure.

~~3.~~E. REVIEW CRITERIA

Applications for approval of Construction Drawings shall be decided by the Engineering Director in accordance with Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

~~a.~~1. Construction Drawings shall be prepared by a professional engineer licensed by the State of North Carolina;

~~b.~~2. The location and configuration of public infrastructure shall be substantially consistent with the Site Plan or the Preliminary Plat, including the number of any boundaries of phases;

~~c.~~3. If included as part of a phased development, be configured to be inclusive of all land area located within the particular phase(s) under review;

~~d.~~4. Public infrastructure elements depicted in the Construction Drawings are configured in accordance with all applicable Town and State requirements;

~~e.~~5. The Construction Drawings include all design sheets necessary to determine compliance; and

~~f.~~6. Copies of all required third-party agreements, permits, and approvals necessary to begin construction are included.

F. SEQUENCE

~~GENERALLY~~

1. In cases where Construction Drawings are required as part of a Major Subdivision, applications for Construction Drawings may be filed concurrently with an application for a Preliminary Plat, but in no instance shall Construction Drawings be approved prior to approval of the Major Subdivision.
~~, and must be filed prior to the filing of an application for a Final Plat. Unless subject to Section 2.3.9F.5, Alternative Sequence, Construction Drawings shall be approved prior to the application for a Final Plat.~~
2. In cases where Construction Drawing are required as part of a Site Plan, applications for Construction Drawings may be filed concurrently with an application for a Site Plan, but in no instance shall Construction Drawings be approved prior to approval of the Site Plan.
3. In cases where Construction Drawings are not associated with a ~~Site Plan or~~ Major ~~s~~Subdivision or Site Plan, applications for Construction Drawings may be filed concurrently with an application for a Building Permit, but in no instance shall a Building Permit be approved prior to approval of Construction Drawings.
~~A Building Permit shall not be issued until after a Site Plan, Construction Drawings, or a Final Plat, is approved.~~

~~ALTERNATIVE SEQUENCE~~

~~The Engineering Director may allow an applicant to file an application for a Final Plat concurrently with or prior to application for Construction Drawings. The Town may approve a Final Plat for recording prior to approval of associated Construction Drawings provided:~~

- ~~The applicant has provided documentation, to the satisfaction of the Town, that financing for the installation of public infrastructure is unavailable prior to recordation of a Final Plat; and~~
- ~~Functional fire protection has been installed to ensure any development in the particular phase(s) is safe from fire; and~~
- ~~The applicant has furnished a performance guarantee in accordance with Section 2.3.20, Performance Guarantee; and~~
- ~~The applicant has filed an affidavit of acknowledgement that the Town shall not issue a Certificate of Occupancy for any structures in the development unless and until the public infrastructure is complete, inspected, and accepted.~~

~~4.~~G. EFFECT

~~a.~~ Approval of Construction Drawings permits a subdivider to commence construction of public infrastructure following issuance of a Land Disturbance Permit and conducting a pre-construction meeting on-site with Town staff.

~~b. A subdivider may file an application for a Final Plat before work associated with Construction Drawings is completed, but in no instance shall a Final Plat be approved or Certificate of Occupancy be issued until all public infrastructure associated with approved Construction Drawings is complete, inspected, and accepted, or subject to a Performance Guarantee (see Section 2.3.19, Performance Guarantee).~~

~~5.~~H. AMENDMENT

Amendment of Construction Drawings may only be reviewed and considered in accordance with the procedures and standards established for their original approval.

~~6. INSPECTION~~

~~A passing inspection by Town staff or certification from a third-party utility service provider shall be obtained prior to issuance of a Final Plat or Certificate of Occupancy.~~

~~7. AS-BUILT PLANS~~

~~As-built plans shall be required prior to issuance of a Final Plat or Certificate of Occupancy in accordance with Section 2.3.19J, .~~

~~8.~~I. EXPIRATION

1. Approval of an application for Construction Drawings shall expire and become null and void if substantial commencement is not undertaken within two years of the date of approval.
2. Approval of an application for Construction Drawings shall expire and become null and void after substantial commencement if work is voluntarily stopped by the developer and the development fails to maintain substantial progress for a period of one year or longer.

~~See Section 2.4.17, Expiration.~~

~~9.~~J. VESTING

See Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

~~10.~~K. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~CONSTRUCTION DRAWINGS ASSOCIATED WITH A SITE PLAN~~

~~DRAWING REQUIREMENTS~~

~~Site Plan applications that include changes to or extensions of public infrastructure shall include construction drawings configured in accordance with the following:~~

- ~~Construction drawings shall be prepared by, signed, and stamped by a licensed professional engineer;~~
- ~~Construction drawings shall show both the horizontal or "plan" view of infrastructure as well as the vertical or "profile" view of infrastructure; and~~
- ~~When a Site Plan is to be developed in phases, construction drawings shall be submitted for each individual phase and public infrastructure shall be provided so that each lot is adequately served by public infrastructure at the time of conveyance regardless of the phase of development.~~

~~CONSTRUCTION DRAWING REVIEW CRITERIA~~

~~The portion of a Site Plan application including construction drawings shall be decided by the Engineering Director in accordance with Section 2.4.7, Staff Review and Action, and the following:~~

- ~~Construction Drawings shall be prepared by a professional engineer licensed by the State of North Carolina;~~
- ~~The location and configuration of public infrastructure shall be substantially consistent with the Site Plan;~~
- ~~Public infrastructure elements depicted in the construction drawings are configured in accordance with all applicable Town and State requirements;~~
- ~~The construction drawings include all design sheets necessary to determine compliance; and~~
- ~~Copies of all required third-party agreements, permits, and approvals necessary to begin construction are included.~~

~~CONSTRUCTION DRAWINGS~~

- ~~Construction drawings for all public infrastructure included with the Site Plan application shall be approved prior to street and utility construction in accordance with the applicable Town standards.~~
- ~~In the case of a multi-phase Site Plan, any street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.~~
- ~~In no instance shall a portion of a phase be submitted for Construction Drawing review.~~
- ~~If included as part of a phased development, each phase shall be configured to be inclusive of all land area located within the particular phase(s) under review.~~

~~AS-BUILT PLANS~~

~~As-built plans for all public infrastructure shall be submitted in accordance with Section 2.3.19J, As-built Plans Required, prior to issuance of a Certificate of Occupancy or other final approval.~~

~~2.3.8~~2.3.10 CONVENTIONAL REZONING

A. PURPOSE AND INTENT

This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map to establish or revise a conventional zoning district or overlay zoning district boundary whenever the public necessity, general welfare, the Town's adopted policy guidance, or appropriate land use practices justify or require doing so.

B. APPLICABILITY

This procedure is solely for the establishment of a conventional zoning district or overlay zoning district designation on land within the Town's planning jurisdiction.

C. APPLICATION

1. Applications may be initiated by the Town Council, the Planning Board, the Planning Director, a landowner(s), or a contract purchaser(s) of the land in the proposed application. Conventional Rezoning applications shall only be processed in accordance with the Town's conventional rezoning application processing schedule, on file in the office of the Planning Department. **AMENDED 4.15.24 (UDOTA1-24)**
2. In no instance shall the Town accept third-party rezoning applications submitted by persons who are not owners or agents authorized to act on behalf of landowners.
3. Applications for a Conventional Rezoning shall not include a Concept Plan or any applicant-sponsored conditions. **AMENDED 12.16.24 (UDOTA3-24)**
4. In cases where a Conventional Rezoning application seeks to rezone only a portion of a lot or tract, the remainder of the lot or tract shall be of a size and location that make it possible to subdivide or develop that portion of the property in accordance with the requirements in this Ordinance.
5. Applications subject to a required neighborhood meeting shall include required information in accordance with Section 2.4.4, Neighborhood Meeting~~Neighborhood Meeting~~.

D. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

FIGURE 2.3.10 CONVENTIONAL REZONING PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**Neighborhood Meeting** Required when increasing density, intensity, or annexing land outside the ETJ
3	**File Application** ~~- Must be signed by all landowners~~ ~~-~~Must include details from neighborhood meeting, if conducted ~~- Type 3 applications require concept plans~~ ~~- Must include proposed conditions of approval, if any~~
4	**Completeness Determination**
5	**Staff Review**
6	**Review & Recommendation by Planning Board**
7	**Public Notification**
8	**Decision by Town Council** Must include written statement of reasonableness and consistency with adopted policy guidance
9	**Notification of Decision**
10	**Amend Official Zoning Map** If approved

E. RECOMMENDATION

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application based on its consistency with Section 2.4, Review Procedures~~Review Procedures~~.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted policy guidance.

F. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with Figure 2.3.10 and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Approval of the application;
   b. Denial of the application;
   c. Approval of a revised application; or
   d. Remand of the application to Town staff for further consideration.
3. The decision shall be based on the legislative discretion of the Town Council, taking into consideration the recommendation of the Planning Board, citizen comments, if provided, and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
4. In making its decision, the Town Council shall adopt a written statement of reasonableness and consistency with the Town's adopted policy guidance in accordance with NCGS§160D-605.

G. CITIZEN COMMENT

In cases where a resident or landowner submits written comments to the Town at least two business days prior to the date a decision is being made on the application, the Town staff member processing the application shall deliver the statement(s) to the Town Council.

H. APPLICATION REVISION

1. In no instance shall a Conventional Rezoning application be converted into a Conditional Rezoning application.
2. Nothing shall limit the Town Council from approving a more restrictive or less intense zoning district than requested by the applicant. In cases where the Town Council decides to approve a more restricted or less intense zoning district than requested, the application shall not require remand back to the Planning Board or any additional public notification.

I. REVIEW CRITERIA

The advisability of approval of a Conventional Rezoning application 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 a rezoning application, the Town Council may weigh the relevance of the following:

1. Whether the proposed rezoning advances the public health, safety, or welfare;
2. Whether and the extent to which the proposed rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
3. Whether an approval of the rezoning is reasonable and in the public interest; and
4. Other factors, as the Town Council may determine to be relevant.

J. DESIGNATION

1. The Planning Director shall make changes to the Official Zoning Map promptly after approval of a Conventional Rezoning application by the Town Council.
2. In cases when a rezoning application is deemed inconsistent with adopted policy guidance, but is approved by the Town Council, the future land use map shall be amended with a note referencing the rezoning application approval.

K. SEQUENCE

A Conventional Rezoning application may be filed with an Annexation petition in accordance with NCGS§§160A-31 or 160A-58.1, but no other application types shall be submitted with a rezoning application.

L. EFFECT

1. Lands subject to an approved Conventional Rezoning application shall be subject to all the applicable standards in this Ordinance, which shall be binding and shall run with the land.
2. Development located outside the Town's corporate limits shall comply with all Town policies related to annexation and the extension of utilities.
3. In cases where the Town Council approves a Conventional Rezoning application they deem to be inconsistent with the Town's adopted policy guidance, the rezoning approval shall also have the effect of amending any applicable future land use map included in the Town's adopted policy guidance, and no additional request or application for a comprehensive plan amendment shall be required.

M. AMENDMENT

Not applicable.

N. EXPIRATION

Not applicable.

O. VESTING

Not applicable.

P. APPEAL

In accordance with Section 2.3.4B.2, Decisions by Town Council~~Decisions by Town Council~~.

~~2.3.9~~2.3.11 DETERMINATION

A. APPLICABILITY

1. ENGINEERING DIRECTOR

The Engineer Director shall provide determinations on the portions of this Ordinance pertaining to infrastructure (water lines, sewer lines, etc.); construction-related aspects associated with streets, sidewalks, and driveways; land disturbance; special flood hazard area standards; stormwater requirements; watershed-related provisions; and the Town's Engineering Specifications and Design Manual. **AMENDED 9.16.24 (UDOTA2-24)**

2. INSPECTIONS DIRECTOR

The Inspections Director shall provide determinations on aspects related to the State Building Code or the Residential ~~Building~~ Code. **AMENDED 9.16.24 (UDOTA2-24)**

3. PLANNING DIRECTOR

The Planning Director shall determine all other aspects of this Ordinance, including boundaries on the Official Zoning Map, undefined terms, unlisted use types, prior conditions of approval, the vesting status of development.

FIGURE 2.3.11 DETERMINATION PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** - Filed with appropriate review authority - Clarify if a formal determination or advisory opinion is sought
3	**Completeness Determination**
4	**Staff Review** May include consultation with Town Attorney
5	**Decision by Review Authority** Formal determinations are made in writing and may be appealed to the BOA
6	**Notification of Decision**

B. DETERMINATIONS DISTINGUISHED

1. FORMAL DETERMINATIONS

a. Formal determinations shall be in writing and prepared in accordance with this section.

b. Only formal determinations are subject to appeal as an administrative decision.

2. ADVISORY OPINIONS

a. Any written or oral opinions that do not meet the strict requirements of this section are advisory opinions.

b. Advisory opinions have no binding effect and are not considered formal determinations subject to appeal.

C. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

D. DECISION

1. The Planning Director, ~~or~~ Engineering Director, or Inspections Director, as appropriate, shall provide determinations of this Ordinance or the Official Zoning Map in accordance with Figure 2.3.11 and Section 2.4, Review Procedures~~Review Procedures~~.
2. Prior to rendering a determination, a Town staff member may consult with the Town Attorney or other Town officials.

E. REVIEW CRITERIA

1. OFFICIAL ZONING MAP BOUNDARIES

Interpretation of district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 3.8.3, Interpretation of Map Boundaries~~Interpretation of Map Boundaries~~, and consistent with the Town's adopted policy guidance.

2. TEXT PROVISIONS AND PRIOR APPROVALS

Interpretation of this text and approved applications shall be based on the standards in Section 8.2, Language Construction~~Language Construction~~, Section 1.10, Transitional Provisions~~Transitional Provisions~~, and the following considerations:

- **a.** The legislative intent of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
- **b.** When the legislative intent of a provision is unclear, the Planning Director shall consider the clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision, as established in Section 8.3, Terms Defined~~Terms Defined~~, and by the common and accepted usage of the term;
- **c.** The general purposes served by this Ordinance, as set forth in Section 1.7, Purpose and Intent of Ordinance~~Purpose and Intent of Ordinance~~; and
- **d.** Consistency with the Town's adopted policy guidance.

3. UNLISTED USE TYPES

Determination of whether an unlisted use is similar to a use identified in Table 4.2.5, Listing of Common Principal Uses, shall be based on consistency with ~~Section 4.7.2, Use Category Descriptions,~~ the Town's adopted policy guidance, and the following standards:[16]

- **a.** The function, product, or physical characteristics of the use;
- **b.** The impact on adjacent lands created by the use;
- **c.** The type, size, and nature of buildings and structures associated with the use;
- **d.** The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
- **e.** The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
- **f.** The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
- **g.** Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
- **h.** Any dangerous, hazardous, toxic, or explosive materials associated with the use;
- **i.** The amount and nature of any nuisances generated on the premises, including noise, smoke, odor, glare, vibration, radiation, and fumes; and
- **j.** Any prior applicable determinations made by the Planning Director or decisions made by the Board of Adjustment.

[16] See STN # 108.

4. UNDEFINED TERMS

If a term in this Ordinance is undefined or the meaning is unclear, the Planning Director may determine the term's meaning based upon appropriate definitions in any of the following sources:

- **a.** The North Carolina General Statutes;
- **b.** The North Carolina Administrative Code;
- **c.** The State Building Code(s);
- **d.** Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute;
- **e.** The Oxford Dictionary of Construction, Surveying, and Civil Engineering;
- **f.** Black's Law Dictionary; or
- **g.** Other professionally accepted source.

5. VESTING STATUS

The determination of whether or not certain development activity or a development application approval is vested from changes in this Ordinance and the duration of the vesting shall be based on the following:

- **a.** The standards in Section 1.11, Vested Rights~~Vested Rights~~;
- **b.** The standards in NCGS§160D-108; and
- **c.** Prior judicial determination from comparable cases, as determined in the sole discretion of the Planning Director.

F. EFFECT

A written Determination shall be binding on subsequent decisions by the Planning Director or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the Determination is modified in accordance with this section, the Determination is later determined to have been made in error, or the text of this Ordinance is amended.

G. AMENDMENT

Not applicable.

H. EXPIRATION

Not applicable.

I. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.10~~2.3.12 DEVELOPMENT AGREEMENT

A. PURPOSE AND INTENT

The Development Agreement procedure is a flexible, voluntary process for the establishment and review of large-scale development projects likely to build out over several years, projects that include over-sizing of public utilities, or projects outside the Town's planning jurisdiction.

B. APPLICABILITY

The Town Council may enter into a Development Agreement with a developer for a development of any size and for any reasonable duration, provided the duration is specified in the agreement. All Development Agreements shall be subject to NCGS§§ 160D-1001 through 160D-1012.

C. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) except that the Planning Board shall not review the application.

D. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with Figure 2.3.12 and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Enter into the Development Agreement, as submitted;
   b. Enter into the Development Agreement, subject to changes agreed to in writing by the developer; or
   c. Not enter into the Development Agreement.
3. The decision shall be based on the legislative discretion of the Town Council, taking into consideration the standards in Section 2.4, Review Procedures~~Review Procedures~~.

FIGURE 2.3.12 DEVELOPMENT AGREEMENT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** ~~(Optional)~~
2	**Neighborhood Meeting** (Optional)
3	**File Application** Filed with Planning Director
4	**Completeness Determination**
5	**Staff Review** Includes preparation of a staff report prepared in consultation with Town legal staff
6	**Public Notification**
7	**Review and Decision by Town Council**
8	**Notification of Decision**
9	**Annual Review**

E. REVIEW CRITERIA

1. The Development Agreement shall comply with the applicable standards in NCGS§160D-1006.
2. The development shall demonstrate the impact on existing and future provisions of capital improvements by the Town, including all of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreation, and health systems and facilities.
3. The Development Agreement shall not require the Town to exercise any authority or make any commitment that is unauthorized by general or local act, or impose any unauthorized tax or fee.

F. SEQUENCE

A Development Agreement shall be approved prior to any subsequent development subject to the agreement's provisions.

G. ANNUAL REVIEW

During any period of time in which a permit or development approval subject to a Development Agreement is active, the Planning Director shall review the development at least once every year for compliance with the agreement and file a report with the Town Council.

H. AMENDMENT

1. A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
2. Consideration of a proposed amendment of a Development Agreement shall be reviewed and considered in accordance with NCGS§160D-1003 and the procedures and standards established for its original approval.

I. EXPIRATION

A Development Agreement shall run for the duration of its term unless the agreement is terminated.

J. VESTING

The Development Agreement shall specify the terms and duration of vesting.

K. APPEAL

In accordance with Section 2.3.4B.2, Decisions by Town Council~~Decisions by Town Council~~.

~~2.3.11~~2.3.13 DRIVEWAY PERMIT

A. APPLICABILITY

1. All lots seeking to gain vehicular access to a Town-maintained or North Carolina Department of Transportation (NCDOT)-maintained street via a driveway shall obtain a driveway permit in accordance with this section. Lots seeking to obtain vehicular driveway access to an NCDOT-maintained street shall also obtain NCDOT approval prior to issuance of a Driveway Permit. Town staff will inform applicants of the need to contact the NCDOT for a prior NCDOT approval.
2. Lots seeking to gain vehicular access to a private street are not required to obtain a Driveway Permit from the Town, but shall obtain a Zoning Compliance Permit (see Section 2.3.33, Zoning Compliance Permit~~Zoning Compliance Permit~~), and provide proof of permission from the owner of the street if no public access easement is recorded or public access agreement is in place. **AMENDED 9.16.24 (UDOTA2-24)**

FIGURE 2.3.13 DRIVEWAY PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** - Submitted to Engineering Director - Permits on NCDOT streets also require NCDOT review
3	**Completeness Determination**
4	**Engineering Director Review and Decision**
5	**Notification of Decision**

B. APPLICATION

An application for a Driveway Permit shall be accompanied by plans or drawings prepared by a development or construction professional familiar with preparing such plans or drawings. Plans or drawings shall demonstrate compliance with all applicable requirements of this Ordinance, other Town documents, and NCDOT's Policy on Street and Driveway Access to North Carolina Highways, if applicable. **AMENDED 9.16.24 (UDOTA2-24)**

C. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

D. REVIEW CRITERIA

An application for a Driveway Permit shall be decided by the Engineering Director, in accordance with Figure 2.3.13, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. The applicable requirements of the Town's Engineering Specifications and Design Manual;
2. The Town Code of Ordinances or other policy documents;
3. Any applicable requirements of this Ordinance, including but not limited to Section 6.1, Access and Circulation~~Access and Circulation~~;
4. NCDOT's Policy on Street and Driveway Access to North Carolina Highways, if applicable; and
5. All other standards or conditions of any prior, applicable permits, and development approvals.

E. SEQUENCE

Applications for a Driveway Permit may be submitted with a Site Plan, Subdivision, or Zoning Compliance Permit, but the Driveway Permit shall be approved after these permit types.

F. INSPECTION

Inspections of the proposed driveway or driveway apron if the driveway is unpaved shall be conducted by the Engineering Director or a designee after the forms demarking the driveway are in place and again after driveway construction is complete but before the approval is finalized.

G. AMENDMENT

A Driveway Permit application may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EXPIRATION

A Driveway Permit shall expire if substantial commencement has not taken place within six months of the approval.

I. VESTING

See Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

J. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.12~~2.3.14 EXEMPT SUBDIVISION

A. EXEMPT SUBDIVISIONS, GENERALLY

1. Subdivisions exempted from this Ordinance are identified in NCGS§160D-802 and Table 2.2.2, Subdivision Types Table.
AMENDED 4.15.24 (UDOTA1-24)
2. The Town may not require a ~~plat~~ Final Plat for an Exempt Subdivision~~,~~ but the Register of Deeds may require a ~~plat~~ Final Plat to record the division of land.
3. Land divided as an Exempt Subdivision is subject to other requirements in this Ordinance, including but not limited to water supply watershed standards, stormwater, and flood damage protection.

FIGURE 2.3.14 EXEMPT SUBDIVISION PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** Applications are voluntary at the discretion of the subdivider
3	**Completeness Determination**
4	**Planning Director Review and Decision**
5	Notification of Decision
6	**File Applications for Other Required Permits** Including Stormwater Permits

B. APPLICATION

Applications for review of an Exempt Subdivision are strictly voluntary and at the discretion of the landowner or subdivider.

C. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

D. REVIEW CRITERIA

An application for an Exempt Subdivision shall be decided by the Planning Director in accordance Figure 2.3.14, with Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. GENERALLY

Except for a combination~~s~~ or recombination~~s~~ of lots, an Exempt Subdivision's Final Plat shall be approved provided it complies with the following:

a. ~~The plat i~~Includes a title block identifying the subdivision as an Exempt Subdivision, and describes what makes the subdivision exempt per NCGS§160D-802;

b. ~~The plat c~~Complies with the standards in NCGS§47-30;

c. ~~The plat i~~Is prepared, signed, and sealed by a ~~registered~~ licensed professional land surveyor;

d. ~~The plat c~~Complies with the impervious surface requirements, and the minimum buffer requirements, to the maximum extent practicable, if located within the (WPOD) Watershed Protection Overlay District; and

e. ~~The plat i~~Includes all applicable statements and declarations identified in the UDO Procedures Manual~~Chapter 9 of this Ordinance~~.

2. COMBINATIONS OR RECOMBINATIONS

a. An Exempt Subdivision consisting of a combination or recombination of lots shall be approved provided it complies with the following:

i. The resultant lots comply with the minimum dimensional requirements of the zoning district where located;

ii. The total number of lots is not increased;

iii. All the metes and bounds boundaries of the affected lots are shown;

iv. All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;

v. ~~The plat c~~Complies with the standards in NCGS§47-30;
vi. The ~~-~~title block contains the word "Recombination;"
vii. ~~The plat i~~Is signed by all property owners if either the number of lots is reduced or different property owners for different lots are involved in the recombination;
viii. ~~The plat i~~Is prepared, signed, and sealed by a ~~registered~~ licensed professional land surveyor; and
ix. ~~The plat i~~Includes all applicable statements and declarations identified ~~in Chapter 9 of this Ordinance~~the UDO Procedures Manual.

b. A combination or recombination of lots where one or more of the newly-established lots does not meet the minimum dimensional requirements of the zoning district where located shall not be considered an Exempt Subdivision, and shall be reviewed in accordance with Section ~~2.3.18, Minor Subdivision~~ 2.3.19, Major Subdivision ~~Major Subdivision~~.

E. STORMWATER PERMIT REQUIRED

While exempt subdivisions are exempted from the subdivision regulations in this Ordinance, they are not exempt from the requirements in Section 2.3.24, Stormwater Permit~~Stormwater Permit~~, and may also be subject to the standards in Section 2.3.17, Land Disturbance Permit~~Land Disturbance Permit~~, based on the amount of land disturbance involved.

F. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.13~~2.3.15 FEE-IN-LIEU

A. PURPOSE AND INTENT

This fee-in-lieu procedure creates a uniform process for consideration of Town-mandated or applicant-requested payment of a fee instead of providing required land or infrastructure. The fee-in-lieu process is intended to create flexibility in the provision of required aspects of development when payment of a fee is appropriate and in closer alignment with the Town's adopted policy guidance than the alternative.

FIGURE 2.3.15 FEE-IN-LIEU PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** - Town-mandated fee-in-lieu requests are reviewed as part of a Site Plan, Subdivision, or Zoning Compliance Permit - Filed with the appropriate review authority
3	**Completeness Determination**
4	**Staff Review**
5	**Decision by Review Authority**
6	Notification of Decision
7	**Pay Fee**

B. APPLICABILITY

Payment of a fee-in-lieu may be approved by the Planning Director or the Engineering Director, as appropriate, only for the following forms of development:

1. LAND DEDICATION OR EASEMENT

Payment of a fee-in-lieu of dedication of the land or granting an easement to the Town for the following features:

- **a.** Public street right-of-way land, including land needed for sidewalks, bike lanes, on-street parking, turn lanes, and ingress or egress into a site;
- **b.** Park land; and
- **c.** Greenway or sidewalk right-of-way. **AMENDED 4.15.24 (UDOTA1-24)**

2. PUBLIC INFRASTRUCTURE

Payment of a fee-in-lieu of construction of the following public infrastructure features:

- **a.** Streets, including on-street parking;
- **b.** Curb and gutter;
- **c.** Bicycle facilities; and
- **d.** Sidewalks, multi-use paths, or greenways. **AMENDED 4.15.24 (UDOTA1-24)**

3. PRIVATE SITE FEATURES

Payment of a fee-in-lieu of inclusion of the following features:

- **a.** Required open space set-aside; and
- **b.** Parking lot cross-access.

C. REQUESTS DISTINGUISHED

1. APPLICANT-REQUESTED

In cases where an applicant or developer desires to provide a fee-in-lieu, the process for considering such requests shall be in accordance with this section.

2. TOWN-MANDATED

- **a.** Town-mandated fee-in-lieu payments are decided by Town staff as part of a Site Plan, Subdivision, or Zoning Compliance Permit application review in accordance with the applicable standards in Section 2.4, Review Procedures~~Review Procedures~~.

b. Notification of the requirement for provision of a fee-in-lieu shall be in writing, and shall be delivered to the applicant or developer prior to the notice of decision on the associated application.

c. Upon receipt of notification, an applicant shall provide the required fee-in-lieu in accordance with Section 2.3.15H, Acceptance of Fee-in-Lieu~~Acceptance of Fee-in-Lieu~~, or the applicant may appeal the decision in accordance with Section 2.3.4, Appeal~~Appeal~~.

D. APPLICATION

Applicant-requested fee-in-lieu proposals shall be made in writing and shall identify the following:

1. The purpose(s) for the fee-in-lieu;
2. The rationale for why a fee-in-lieu is in closer alignment with the purpose and intent of this Ordinance;
3. The items or site features being replaced by the proposed fee-in-lieu;
4. The amount of the proposed fee-in-lieu; and
5. How the fee amount was determined.

E. PROCESS TYPE

Type II (see Section 2.2.3, Process Diagrams~~Process Diagrams~~), including comment by the Technical Review Committee.

F. REVIEW CRITERIA

An application for a fee-in-lieu shall be decided by the Planning Director or Engineering Director, as appropriate, in accordance with Figure 2.3.15, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. GENERALLY

a. Approval of the fee-in-lieu proposal will not negatively impact public health or safety; and

b. Approval of the fee-in-lieu proposal does not interfere with Town's ability to serve landowners and residents; and

c. The proposal is consistent with necessary amount of funding; and

d. The proposal meets any specialized criteria listed below, as appropriate.

2. PARK LAND

a. There is sufficient public park land in proximity to the proposed development based on a review of the Town's adopted policy guidance and information from Town staff;

b. Private common open space resources provided on the subject site will be available for public use and will mitigate park land needs created by the proposed development;

c. Collected funds could be utilized to further improve an existing park facility in a proximate location;

d. The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;

e. The amount of park land to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;

f. The intended location of the park land is too far from existing recreation and park areas to be efficiently maintained; or

g. Adequate access is not available to the proposed park land.

I. SEQUENCE

1. Applications for payment of fee-in-lieu may be submitted with the associated development application or at any time prior to issuance of a Certificate of Occupancy or other final approval.
2. In cases where a fee-in-lieu is requested by the applicant and approved by the Town, the payment shall take place prior to recordation of a Final Plat or approval of the Construction Drawing phase of a Site Plan.
3. In cases where a fee-in-lieu is mandated by the Town, the payment shall take place prior to the approval of a final Certificate of Occupancy or other final approval. A temporary Certificate of Occupancy may be issued pending receipt of required or approved payment of fee-in-lieu.

J. EFFECT

Approval of fee-in-lieu for a private site feature shall not render the site nonconforming.

K. AMENDMENT

Not applicable.

L. EXPIRATION

Not applicable.

M. VESTING

Not applicable.

N. APPEAL

Appeals of decision by Town staff shall be in accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.14~~2.3.16 FLOODPLAIN PERMIT

A. APPLICABILITY

The following forms of development shall obtain a Floodplain Permit in accordance with this section prior to or concurrent with an application for a Site Plan or Building Permit, as appropriate:

1. Development proposed on land in the Flood Protection Overlay District, also known as the Flood Hazard Overlay District, as defined by the National Flood Insurance Program (NFIP); and
2. Development that is proximate to and may be impacted by unmapped streams or where regulatory flood elevations are not delineated in the NFIP, in accordance with Section 3.7.2B.3, Standards for Floodplains without Established Base Flood Elevations~~Standards for Floodplains without Established Base Flood Elevations~~.

FIGURE 2.3.16 FLOODPLAIN PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** Submitted to Engineering Director
3	**Completeness Determination**
4	**Engineering Director Review and Decision**
5	Notification of Decision
6	**Apply for Elevation Certificate**

B. APPLICATION

Application for a floodplain permit shall be made prior to any development activities located within the Flood Protection Overlay District or other special flood hazard areas. Applications for a floodplain permit shall include, at a minimum, the following items:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
   a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
   b. The boundary of the special flood hazard area as delineated on the FIRM or other flood Town-designated map, or a statement that the entire lot is within the special flood hazard area;
   c. The flood zone(s) designation of the proposed development area as determined on the FIRM or other flood Town-designated map;
   d. he boundary of the floodway(s) or non-encroachment area(s);
   e. The base flood elevation (BFE) where provided as set forth in Section 8.3, Terms Defined~~Terms Defined~~;
   f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
   g. The certification of the plot plan by a registered land surveyor or professional engineer.
2. The proposed elevation, and method thereof, of all development within the Flood Protection Overlay District, or other special flood hazard area including but not limited to:
   a. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
   b. Elevation in relation to NAVD 1988 to which any non-residential structure in Zone E will be floodproofed; and
   c. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

3. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
4. A foundation plan drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this chapter, are met. These details include but are not limited to:
   a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
   b. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 3.7.2B.2.d, Elevated Buildings~~Elevated Buildings~~, when solid foundation perimeter walls are used in Zones A, E, AH, AO, A99.
5. Usage details of any enclosed areas below the lowest floor.
6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
7. Certification that all other local, State, and federal permits required prior to floodplain development permit issuance have been received including copies of the issued approvals.
8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Section 3.7.2B.2.f, Recreational Vehicles~~Recreational Vehicles~~, and Section 3.7.2B.2.g, Temporary Non-residential Structures~~Temporary Non-residential Structures~~, are met.
9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

C. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

D. PERMIT REQUIREMENTS

The Floodplain Permit shall include, but not be limited to:

1. A complete description of all the development to be permitted under the Floodplain Permit (e.g., house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
2. The special flood hazard area determination for the proposed development per available data specified in Section 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas~~Basis for Establishing Special Flood Hazard Areas~~.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 3.7.2B.5, Floodways and Non-Encroachment Areas~~Floodways and Non-Encroachment Areas~~, have been met.
7. The flood openings requirements, if in Zones A, E, AH, AO, A99.

E. MODIFICATIONS TO EXISTING STRUCTURES

For applications for Building Permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this Section is required.

F. REVIEW CRITERIA

An application for a Floodplain Permit shall be decided by the Floodplain Administrator in accordance with Figure 2.3.16, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. The permit is issued prior to the commencement of development; and
2. The development complies with all applicable standards in Section 3.7.2 FPOD Flood Protection Overlay District~~FPOD Flood Protection Overlay District~~.

G. SEQUENCE

Applications for Floodplain Permits may be submitted with any other application for development in a special flood hazard area, but a Floodplain Permit shall be reviewed and approved prior to any other application type.

H. EFFECT

Approval of a Floodplain Permit authorizes an applicant to obtain all required elevation certificates or other required certificates and proceed with development following issuance of a Building Permit.

I. CERTIFICATES REQUIRED

1. ELEVATION CERTIFICATES

a. GENERAL REQUIREMENTS

i. An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988.
ii. Elevation certification shall be prepared by, or under direct supervision of, a registered land surveyor or professional engineer and certified by same.
iii. The Floodplain Administrator shall review the certificate data submitted.
iv. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction.

i. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Occupancy.
ii. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988.
iii. A floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same.
iv. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan.
v. Deficiencies detected by the review shall be corrected by the applicant prior to Certificate of Occupancy.
vi. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Permit.
vii. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Occupancy.

c. MANUFACTURED HOMES IN SPECIAL FLOOD HAZARD AREA

If a manufactured home is placed within Zones A, E, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 3.7.2B.2.c, Manufactured Homes~~Manufactured Homes~~.

d. WATERCOURSE ALTERATION

If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Permit.

e. CERTIFICATION EXEMPTIONS

The following structures, if located within Zones A, AB, AH, AO, A99, are exempt from these elevation/floodproofing certification requirements:

i. Recreational vehicles that a placed temporarily in accordance with Section 3.7.2B.2.f.i, Temporary Placement;
ii. Temporary structures in accordance with Section 3.7.2B.2.g, Temporary Non-residential Structures~~Temporary Non-residential Structures~~; and
iii. Secondary structures less than 150 square feet or less or valued at $3,000 or less and meeting requirements of Section 3.7.2B.2.h, Secondary Structures~~Secondary Structures~~.

3. FAILURE TO PROVIDE A CERTIFICATE IS A VIOLATION

The Floodplain Administrator shall review the certificate and advise the applicant of any errors or deficiencies, which shall be corrected prior to any further work progressing. Failure to correct errors or deficiencies on an elevation or floodproofing certificate shall be a violation of this Ordinance subject to the provisions in Section 7.6.9, Stop Work Orders~~Stop Work Orders~~.

J. AMENDMENT

A Floodplain Permit application may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

K. REVOCATION

A Floodplain Permit may be revoked by the Floodplain Administrator, following written notice to the violator, for any of the following reasons:

1. Failure or refusal to comply with all applicable State laws or flood damage prevention requirements of this Ordinance;

2. Conduct of development activities that represent a substantial departure from an approved permit, plan, or specification; and
3. False or misrepresented information provided as part of the application.

L. EXPIRATION

A Floodplain Permit shall expire and become null and void if the development it authorizes is not substantially commenced within six months of permit issuance or if activity associated with the permit becomes inactive for a period of one year or longer.

M. VESTING

See Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

N. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.15~~2.3.17 LAND DISTURBANCE PERMIT

A. APPLICABILITY

1. Land-disturbing activities occupying one acre or more in area (regardless of the number of different lots or ownership patterns) shall be subject to a Land Disturbance Permit issued in accordance with this section.
2. Land-disturbing activities occupying less than one acre are exempted from the requirement to obtain a Land Disturbance Permit, but shall still be subject to the standards in Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~.

B. APPLICATION

1. An application for a Land Disturbance Permit shall include an erosion control plan prepared in accordance with Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~.
2. The permit application shall identify the person financially responsible for the land disturbing activity and shall be signed by the landowner, and the person financially responsible for the land-disturbing activity, or their agent, who shall be licensed to do business in the State of North Carolina.
3. Land-disturbing activity subject to NCGS§113A(1) shall include all necessary environmental documentation.

FIGURE 2.3.17 LAND DISTURBANCE PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**File Application** - Submitted to Engineering Director - Requires submittal of an erosion control plan
3	**Completeness Determination**
4	**Engineering Director Review and Decision**
5	Notification of Decision
6	**Secure Performance Guarantee**

C. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) except that a pre-application conference is required.

D. "EARLY GRADING" OPTION

1. An applicant may, in their sole discretion, apply for an optional early grading approval that permits the commencement of tree removal and land disturbance on a development site.
2. Issuance of an approval for early grading by the Town shall not require prior approval of a Site Plan or Construction Drawings but shall require prior approval of a Tree Cleaning Certificate (see Section 2.3.30, Tree Clearing Certificate~~Tree Clearing Certificate~~).
3. In no instance shall an approval for early grading from the Town authorize the installation of any infrastructure, which may only take place following the issuance of a Land Disturbance Permit in accordance with this section.

E. REVIEW CRITERIA

An application for a Land Disturbance Permit shall be decided by the Engineering Director in accordance with Figure 2.3.17, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. All relevant standards in NCGS Art. 4 of Chapter 113A;
2. All relevant standards in Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~;
3. All State rules pertaining to protection of riparian buffers along surface waters;

4. All other applicable State and federal requirements in place at the time of application acceptance;
5. All other applicable requirements of this Ordinance;
6. Evidence the site where land disturbance is proposed is not already in violation of the soil erosion and sedimentation control standards of this Ordinance; and
7. Evidence the applicant for the Land Disturbance Permit is in compliance with the requirements of this Ordinance with respect to soil erosion and sedimentation and provided there are no outstanding civil penalties related to erosion control requirements.

F. PERFORMANCE GUARANTEE

All required erosion control measures depicted in an erosion control plan and identified in a Land Disturbance Permit shall be installed and inspected by the Town, and final stabilization shall be subject to a Performance Guarantee in accordance with Section 2.3.20, Performance Guarantee~~Performance Guarantee~~.

G. SEQUENCE

1. See Section 2.4.13, Phased Development~~Phased Development~~.
2. Land Disturbance Permits shall only be issued after approval of a Site Plan or Construction Drawings.
3. Optional early grading approval shall not take place until a Tree Clearing Certificate is approved.

H. EFFECT

1. Approval of a Land Disturbance Permit shall permit the applicant to commence land-disturbing activity.
2. The approved Land Disturbance Permit shall be displayed on site in a location easily accessible to members of the public.

I. AMENDMENT

A Land Disturbance Permit application may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. REVOCATION

A Land Disturbance Permit may be revoked by the Engineering Director, following written notice to the violator and in accordance with this process, for any of the following reasons:

1. Failure or refusal to comply with all applicable State laws or soil erosion and sedimentation control requirements of this Ordinance;
2. Conduct of land-disturbing activities that represent a substantial departure from an approved permit, plan, or specification; and
3. False or misrepresented information provided as part of the application.

K. EXPIRATION

See Section 2.4.17, Expiration~~Expiration~~.

L. VESTING

See Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

M. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.16~~2.3.18 LIMITED SUBDIVISION

A. APPLICABILITY

1. The standards in this section shall apply to divisions of land meeting all the following criteria:
   a. The proposed division of land is not exempted from the subdivision standards of this Ordinance in accordance with NCGS§160D-802;
   b. The proposed division will not result in more than three lots (including any residual or "parent" parcel), with each lot meeting or exceeding the applicable dimensional requirements of the zoning district where located;
   c. The area of land subject to the division shall be comprised of at least five acres under common ownership;
   d. No land included in a~~n~~ limited subdivision application shall have been the subject of a~~n~~ limited subdivision application approval within the preceding ten years;
   e. No extension of public infrastructure (streets, water, or sewer) is proposed; and
   f. A proposed permanent means of ingress and egress to each lot is recorded.
2. Divisions of land not meeting all these standards shall be reviewed as a Major ~~or Minor~~ Subdivision, as appropriate.

FIGURE 2.3.18 LIMITED SUBDIVISION PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** - Must include Health Department evaluation if served by on-site wastewater
3	**Completeness Determination**
4	**Planning Director Review and Decision**
5	Notification of Decision
6	**Recordation**

B. APPLICATION

1. Applications for a Limited Subdivision shall include a Final P~~p~~lat prepared by a ~~registered~~ professional land surveyor ~~or professional engineer~~ licensed to practice in North Carolina.
2. Applications for a Limited Subdivision served by on-site wastewater systems shall include an evaluation from the appropriate county health department indicating that an on-site wastewater system may be used on each lot included in the subdivision.

C. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

D. REVIEW CRITERIA

~~An application for a~~The Limited Subdivision's Final Plat shall be decided by the Planning Director in accordance with Figure 2.3.18, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. ~~The Limited Subdivision plat i~~Is on a sheet or sheets suitable for recording with the Register of Deeds in the county where the subdivision is located;
2. ~~The Limited Subdivision plat i~~Is prepared and sealed by a ~~licensed~~ professional land surveyor ~~or licensed professional engineer~~licensed to practice in North Carolina;
3. ~~The Limited Subdivision plat c~~Complies with all applicable standards in this Ordinance and NCGS§47-30;
4. ~~The Limited Subdivision c~~Complies with all applicable water supply watershed protection provisions, if located within the (WPOD) Watershed Protection Overlay District;

5. ~~The Limited Subdivision c~~Complies with all applicable requirements in Section 6.15, Stormwater~~Stormwater~~;
6. ~~The Limited Subdivision plat i~~Includes all required certifications and declarations identified in the UDO Procedures Manual;
7. The applicant has secured all required State and federal permit approvals;
8. All lots have been certified by the appropriate county Health Department as capable of accommodating the wastewater generated from the proposed use, if served by an on-site wastewater system;
9. All lots ~~in the Limited Subdivision~~ comply with the applicable dimensional requirements for the zoning district and overlay zoning district standards where located;
10. No drainage or utility easements will be required to serve any interior lots;
11. ~~The~~ All lots ~~is~~are served by a depicted permanent means of ingress and egress ~~that is depicted on the plat~~; and
12. Do not ~~No~~ include any lots recorded~~land included in a Limited Subdivision application shall have been the subject~~ as part of a Limited Subdivision Final Plat ~~application approval~~ within the preceding ten years.~~, and~~
13. ~~The development complies with all applicable overlay zoning district standards.~~

E. RECORDATION

1. Once a ~~Limited Subdivision plat~~ Final Plat is approved, a signed statement by the Planning Director shall be entered on the face of the Final P~~p~~lat. The Final P~~p~~lat may not be recorded without this and all other required certifications.
2. Following certification, the subdivider shall record the Final P~~p~~lat and any associated protective covenants and deed restrictions in the office of the Register of Deeds in the county where the development is located. Failure to record the Final P~~p~~lat in accordance with Section 2.3.19G.7, Expiration~~Expiration~~, shall render the plat null and void.
3. Land may not be conveyed, or construction started until the ~~Limited Subdivision~~ Final Plat is recorded.

F. SEQUENCE

1. An application for Site Plan, Special Use Permit, or Zoning Compliance Permit may be filed with a Limited Subdivision application, but the ~~Limited Subdivision~~ Final Plat ~~application~~ shall be ~~approved~~ recorded first.
2. A L~~l~~imited ~~s~~Subdivision shall also be subject to the standards in Section 2.3.24, Stormwater Permit~~Stormwater Permit~~, and may also be subject to the standards in Section 2.3.17, Land Disturbance Permit~~Land Disturbance Permit~~, based on the amount of land disturbance.

G. EFFECT

1. Approval of the ~~Limited Subdivision plat~~ Final Plat allows the sale or conveyance of lots within the subdivision.
2. Building permits may be issued following the recording of the ~~Limited Subdivision~~ Final P~~p~~lat.
3. ~~Land~~ All lots recorded as part of ~~subject to~~ a Limited Subdivision ~~approval~~ shall not be further subdivided as a Limited Subdivision ~~within~~ for a period of ten years. ~~of the date of the prior subdivision recordation.~~

H. AMENDMENT

Amendment of a Limited Subdivision Final Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. EXPIRATION

A Limited Subdivision ~~plat~~ Final Plat shall be null and void unless it is recorded in the office of the Register of Deeds of the county where it is located within ~~10~~ 60 days of its approval.

J. VESTING

See Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

K. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.17~~2.3.19 MAJOR SUBDIVISION [17]

A. PURPOSE AND INTENT

The purpose for this Major Subdivision procedure is to establish a fair, consistent, and predictable process for the division of land into a series of lots for development or sale in ways that promote the public's health, safety, and welfare. The intent of these standards is to ensure:

1. Orderly growth and development;
2. Coordination of transportation and utility networks;
3. Preservation of open space for purposes of recreation or natural resource protection;
4. Protection from flooding, damaging sedimentation, and decreased surface water quality; and
5. Distribution of population in ways that supports infrastructure investment and diminishes the impact of traffic and overcrowding.

B. APPLICABILITY

Unless exempted by NCGS§160D-802(a) in accordance with Section 2.3.14, Exempt Subdivision~~-~~ or configured in accordance with Section 2.3.18, Limited Subdivision~~Limited Subdivision~~, all divisions of land involving the creation of one or more new lots ~~following~~ shall be considered Major Subdivisions subject to the standards of this section.~~:~~

~~1. Two or more lots along with the provision of or changes to streets or other public infrastructure (e.g., water lines, sewer lines, storm sewer, etc.); or~~

~~2. Six or more lots with no changes to or extension of public infrastructure.~~

C. STAGES OF REVIEW

The review of a Major Subdivision application is organized into the following ~~three~~ stages:

1. Stage One, review of a Preliminary Plat;
2. ~~-~~Stage Two, review of Construction Drawings for the installation of new or extension of existing public infrastructure; and~~review of Construction Drawings, in cases where changes to of extension of public infrastructure is included as part of the development; and~~
2.
3. Stage Three, ~~Stage Three,~~ review of a Final Plat.
~~3.~~4. Subdivisions that include installation of new or extensions of existing public infrastructure (like streets, sidewalks, or sewer lines) require~~s~~ approval of Construction Drawings in accordance with Section 2.3.9, Construction Drawings ~~Construction Drawings~~. ~~Unless subject to the standards in Section 2.3.9F.5, Alternative~~

FIGURE 2.3.19 MAJOR SUBDIVISION PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**File Application** Preliminary Plat stage
3	**Completeness Determination**
4	**Staff Review** Includes comment by TRC
5	**Decision by Planning Director** Preliminary Plat
6	**Notification of Decision**
7	**Proceed with Construction Drawings** (If applicable)
8	**File Application** Final Plat stage
9	**Completeness Determination**
10	**Staff Review** Includes comment by TRC
11	**Decision by Planning Director** Final Plat
12	**Notification of Decision**
13	**Recordation of Final Plat**

[17] See STN # 18.

Sequence. Construction Drawings shall be approved prior to the application for a Final Plat. In no instance shall a Certificate of OccupancyBuilding Permit be issued until all public infrastructure is installed, inspected, and accepted.

4. Nothing shall prevent the review of application materials associated with Stages One and Two concurrently.

D. PROCESS TYPE

1. Type II (see Section 2.2.3, Process DiagramsProcess Diagrams) for each of the three stages of review.
2. The Technical Review Committee shall comment on plats and plans prepared as part of each stage.

E. STAGE 1, PRELIMINARY PLAT

A Preliminary Plat is the initial design stage of a proposed Major Subdivision, and shall be reviewed and configured in accordance with the following:

1. APPLICATION

a. A Preliminary Plat shall be prepared by a licensed professional surveyor, registered professional landscape architect, or licensed professional engineer.

b. When a Major Subdivision is to be developed in phases, a master plan shall be submitted for the entire development and a Preliminary Plat shall be submitted for each phase, though there is no limitation on the number of phases that may be included in a Preliminary Plat. Phasing shall be in accordance with Section 2.4.13, Phased DevelopmentPhased Development.

c. The application shall include a Transportation Impact Analysis, or Traffic Assessment, as appropriate, when required by Section 2.3.29, Transportation Impact AnalysisTransportation Impact Analysis.

d. In cases where lots in the subdivision will utilize on-site wastewater, the subdivider shall provide a report from a licensed soil scientist in the form of a letter, signed and dated, that describes the possibilities of lot sizes the site can support and their general locations within the subdivision.

e. Subdivisions seeking to utilize public sewer shall include a wastewater allocation request completed in accordance with all Town requirements.

f. All Major Subdivisions shall submit a stormwater management plan prepared in accordance with Section 6.15, StormwaterStormwater, and the most current edition of the North Carolina Department of Environmental Quality, Division of Water Quality's Stormwater Best Management Practices Manual.

g. Applications complying with a Town-mandated Fee-in-Lieu or anticipated to include an applicant-requested Fee-in-Lieu shall include information mandated in Section 2.3.15, Fee-in-LieuFee-in-Lieu.

h. In cases where a Major Subdivision is seeking to take advantage of sustainability incentives, allowable density bonuses, or allowable alternative forms of compliance, the application shall include supplemental details and justification for the use of these provisions.

2. REVIEW CRITERIA

An application for a Preliminary Plat shall be decided by the Planning Director in accordance with Figure 2.3.19, Section 2.4.7, Staff Review and ActionStaff Review and Action, and the following:

a. The Preliminary Plat is prepared and sealed by a professional land surveyor, professional landscape architect, or professional engineer, licensed to practice in North Carolina;

b. The Preliminary Plat includes all applicable certifications and declarations identified in the UDO Procedures Manual;

c. All lots are served by a Town-maintained, NCDOT-maintained, or private street configured in accordance with NCDOT or Town standards, as appropriate;

d. All lots have been certified by a county Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) are served by on-site wastewater systems;

e. The Preliminary Plat includes a stormwater management plan configured in accordance with applicable requirements;

~~f. The Preliminary Plat complies with all applicable overlay districts standards in Section 3.7, Overlay Zoning Districts;~~

~~g.~~f. The lots shown on the Preliminary Plat are in conformance with all applicable requirements in the zoning district and overlay district standards where located;

~~h.~~g. The Preliminary Plat complies with all standards and conditions of any applicable master plans, permits and development approvals from outside agencies, utilities, volunteer fire departments, and any other applicable agency or service provider;

~~i.~~h. The name of the Major ~~s~~Subdivision does not duplicate or is not phonetically similar to the name of an existing Major ~~s~~Subdivision in the Town's Planning jurisdiction or Johnston County;

~~j.~~i. Documentation has been provided that all ~~S~~street names have been accepted by the County~~s comply with all applicable Town and County requirements~~; and

~~k.~~j. The Preliminary Plat complies with all other applicable requirements in this Ordinance and Town policy.

3. EFFECT

a. Approval of a Preliminary Plat does not constitute the approval for recording a subdivision with the Register of Deeds, or approval for the conveyance of lots, but nothing shall prohibit the landowner or the subdivider, as appropriate, from entering into contracts to sell or lease land by reference to an approved Preliminary Plat in accordance with NCGS§160D-807(c). However, conveyance of ownership may not take place until after recordation of a F~~f~~inal P~~p~~lat in accordance with Section 2.3.19G, Stage 3, Final Plat~~Stage 3, Final Plat~~.

b. In cases where Stages One and Two of the Major Subdivision review are conducted separately, approval of a Preliminary Plat authorizes the subdivider to submit Construction Drawings for the installation of public infrastructure in accordance with Section 2.3.19F, Stage 2, Construction Drawings~~Stage 2, Construction Drawings~~.

c. In cases where Stages One and Two of the Major Subdivision review are conducted separately, an approved Preliminary Plat authorizes the submittal of soil erosion and sedimentation control plans and the issuance of an erosion control permit in accordance with Section 2.3.22H.4, Erosion Control Permit~~Erosion Control Permit~~ (as applicable).

d. In cases where Stages One and Two of the Major Subdivision review are conducted separately, an approved Preliminary Plat authorizes the submittal of C~~c~~onstruction D~~d~~rawings, but approval of stormwater management plans and the issuance of a ~~s~~Stormwater ~~p~~Permit in accordance with Section 2.3.24, Stormwater Permit~~Stormwater~~

~~Permit~~, shall only take place following the approval of Construction Drawings~~completion of Stage Two)~~.

4. DEVELOPMENT PHASING

a. Phased development shall comply with Section 2.4.13, Phased Development~~Phased Development~~.

b. The ~~initial~~ Preliminary Plat may depict one or more phases of the development.

c. Construction Drawings and Final Plats may be prepared by phase and there is no limitation on including two or more phases on the same set of Construction Drawings or Final Plat provided that the phasing submitted must match the phasing approved as part of the Preliminary Plat. In no instance shall a portion of a phase be submitted for Construction Drawing or Final Plat review.

5. AMENDMENT

Amendment of a Preliminary Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

6. EXPIRATION

a. An approved Preliminary Plat shall be valid for two years from the date of its approval.

b. Failure to submit an application for Construction Drawings or a Final Plat for the phase of the land subject to the Preliminary Plat within two years of its approval shall render the Preliminary Plat void.

c. A master plan for a phased Major Subdivision shall not expire.

7. VESTING

a. See Section 1.11.4D, Site-Specific Vesting Plan~~Site-Specific Vesting Plan~~. Applicants seeking a longer vesting term may file an application in accordance with Section 2.3.32, Vested Rights Certificate~~Vested Rights Certificate~~.

b. In cases where the proposed subdivision has multiple phases, vesting shall be in accordance with Section 1.11.4E, Multi-Phase Development Plan~~Multi-Phase Development Plan~~.

8. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

F. STAGE 2, ~~STAGE 2,~~ CONSTRUCTION DRAWINGS ~~ASSOCIATED WITH SUBDIVISION~~

1. Subdivisions that include installation of new or extension of existing public infrastructure (like streets, sidewalks, water or sewer lines, etc.) shall require review and approval of Construction Drawings in accordance with Section 2.3.9, Construction Drawings~~Construction Drawings~~, prior to approval of a Final Plat.
2. A Final Plat may be approved prior to completion of required public infrastructure depicted in approved Construction Drawings only in accordance with Section 1.1.1A.1~~2.3.9F.5~~, ~~Alternative Sequence~~.

G. STAGE 3~~3~~, FINAL PLAT

Submittal of a Final Plat application is the last stage of a proposed Major Subdivision. The Final Plat ensures that the Major S~~s~~ubdivision and associated public infrastructure is configured in substantial conformity with the Preliminary Plat and all applicable regulations. It also helps ensure the Town or another landowner may readily determine and accurately reproduce the location, bearing, radius (as applicable) and length of the elements of a Major Subdivision.

1. APPLICATION

a. A Final Plat shall be submitted for every Preliminary Plat.

b. In cases where a Major Subdivision has multiple phases, each phase must be depicted on its own Final Plat though there is no limitation on including two or more different phases on the same Final Plat.

c. A Final Plat shall be prepared by a ~~licensed~~ professional land surveyor licensed to practice in North Carolina.

2. REVIEW CRITERIA

Applications for a Final Plat shall be decided by the Planning Director in accordance with Figure 2.3.19 and Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

a. The Final Plat is on a sheet or sheets suitable for recording with the county Register of Deeds;

b. The Final Plat is prepared and sealed by a ~~licensed~~ professional land surveyor lincesned to practice in North Carolina;

c. The Final P~~p~~lat complies with the standards in NCGS§47-30;

d. The Final Plat includes all required certifications and declarations identified in the UDO Procedures Manual;

e. All lots shown on the plat have an assigned street address in accordance with Town and County requirements;

f. All required infrastructure improvements (e.g., streets, sewer lines, water lines, drainage, etc.) depicted on the Construction Drawings are installed, inspected, and accepted by the Town, or are subject to a Performance Guarantee (see Section 2.3.20, Performance Guarantee~~Performance Guarantee~~);

~~f.~~g. In cases where the Final Plat includes lots intended for residential occupancy, functional fire protection~~, as well as the base and initial courses of street paving~~ shall be in place ~~and accepted by the Town~~; [18]

~~g.~~h. All required easements and rights-of-way are properly depicted on the Final Plat;

~~h.~~i. If no public wastewater service is associated with the Major Subdivision, all lots have been certified by the county Health Department (as appropriate) as capable of accommodating the wastewater generated from the proposed use;

~~i.~~j. The Final Plat is in substantial conformance with the associated Preliminary Plat(s);

~~j.~~k. The applicant has secured all required State, federal, and other applicable County permit approvals; and

~~k.~~ The Final Plat complies with all standards and conditions of any applicable permits and development approvals and requirements in this Ordinance and Town policy~~, and~~

l. ~~The Final Plat complies with all other applicable requirements in this Ordinance and Town policy~~.

3. RECORDATION

a. GENERAL

i. Once a Final Plat is approved, a signed statement by the Planning Director shall be entered on the face of the ~~plat~~Final Plat. The Final Plat may not be recorded without this and all other required certifications.

[18] See STN # 56.

ii. Following Final Plat certification, the applicant, or the Town staff, as appropriate, shall record the Final Plat and all associated protective covenants and deed restrictions in the office of the Register of Deeds in the county where the development is located. Failure to record the final plat in accordance with Section 2.3.19G.7, ExpirationExpiration, shall render the plat null and void. AMENDED 9.16.24 (UDOTA2-24)

iv. In cases where the applicant records the Ffinal pPlat, the applicant shall be responsible for delivering a digital copy of the recorded Final Plat to the Planning Department. Failure to deliver the digital copy in accordance with Section 2.3.19G.7, ExpirationExpiration, may interfere with the Town's ability to review any subsequent development applications associated with the land identified in the Final Plat. AMENDED 9.16.24 (UDOTA2-24)

b. RESIDENTIAL

A Final Plat may not be recorded until after:

i. Public infrastructure has been accepted by the Town; or

ii. Functional fire protection has been installed and performance agreement provided in accordance with Section 2.3.20, Performance Guarantee.

c. NON-RESIDENTIAL

~~a.~~

i. A Final Plat may not be recorded until after public infrastructure has been accepted by the Town or has been made subject to a performance agreement in accordance with Section 2.3.20, Performance GuaranteePerformance Guarantee.

~~b.a. Following certification, the applicant, or the Town staff, as appropriate, shall record the Final Plat and all associated protective covenants and deed restrictions in the office of the Register of Deeds in the county where the development is located. Failure to record the final plat in accordance with Section 2.3.19G.7, Expiration, shall render the plat null and void. AMENDED 9.16.24 (UDOTA2-24)~~

~~c.a. In cases where the applicant records the final plat, the applicant shall be responsible for delivering a digital copy of the recorded Final Plat to the Planning Department. Failure to deliver the digital copy in accordance with Section 2.3.19G.7, Expiration, may interfere with the Town's ability to review any subsequent development applications associated with the land identified in the Final Plat. AMENDED 9.16.24 (UDOTA2-24)~~

4. ACCEPTANCE OF PUBLIC INFRASTRUCTURE

a. Approval and recordation of a Final Plat constitutes an offer of dedication by the owner of the right-of-way of each public street and any other public infrastructure shown on the Plat.

b. Approval of the Final Plat does not constitute acceptance for maintenance responsibility of any improvements within a right-of-way or easement and the Town assumes no responsibility to open, operate, repair, or maintain any improvements until it is in the public interest to do so.

c. Improvements within rights-of-way or easements, such as streets, drainage facilities, or sidewalks may be accepted for maintenance by the Town, when deemed appropriate, in the Town's sole discretion.

d. The Town Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes when the lands or facilities are located within the extraterritorial jurisdiction.

e. Acceptance of dedication of lands or facilities located within the extraterritorial jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair or maintain any street, utility line, or other land or facility, and the Town shall not be held responsible in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

f. A Final Plat shall not be recorded until public water and sewer service is accepted and in service, if lots in the subdivision are served by public water and sewer service.

5. EFFECT

a. Approval of a Final Plat allows the sale or conveyance of lots within the subdivision following recordation in the office of the Register of Deeds.

b. Building Permits may be issued following recordation of the Final Plat.

6. AMENDMENT

Amendment of a Final Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

7. EXPIRATION

a. A Final Plat shall be null and void unless it is recorded in the office of the Register of Deeds for the county where the development is located within 60 days of approval.

b. If a Final Plat is not recorded within two years of the associated Preliminary Plat approval, or if there is a lapse of more than four years between the recording of different sections or phases, then the Preliminary Plat shall expire. In such cases, the Town may record a notice of expiration in the office of the Register of Deeds for the county where the development is located.

c. An expired Preliminary Plat may be resubmitted in accordance with Section 2.3.19E, Stage 1, Preliminary Plat~~Stage 1, Preliminary Plat~~.

8. VESTING

See Section 1.11.4D, Site-Specific Vesting Plan~~Site-Specific Vesting Plan~~.

9. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~

2.3.18 MINOR SUBDIVISION

A. APPLICABILITY

1. Divisions of land that include up to five lots (including the parent parcel) with no extension of or changes to public infrastructure (streets, sewer, water, etc.) shall be reviewed in accordance with the standards in this section.
2. No lot within a Minor Subdivision (including the parent parcel) shall be the subject of another Minor Subdivision application for a period of three years from the date the initial Minor Subdivision is recorded.

B. APPLICATION

1. Applications for a Minor Subdivision shall include a plat prepared by a registered land surveyor or professional engineer licensed to practice in North Carolina.
2. The application shall include a Transportation Impact Analysis, or Traffic Assessment, when required by Section 2.3.27, Transportation Impact Analysis.
3. Applications for a Minor Subdivision served by on-site wastewater systems shall include an evaluation from the appropriate county health department indicating that an on-site wastewater system may be used on each lot included in the subdivision.
4. Applications complying with a Town-mandated Fee-in-Lieu or anticipated to include an applicant-requested Fee-in-Lieu shall include information mandated in Section 2.3.13, Fee-in-Lieu.
5. In cases where a Minor Subdivision is seeking to take advantage of sustainability incentives, allowable density bonuses, or allowable alternative forms of compliance, the application shall include supplemental details and justification for the use of these provisions.

C. PROCESS TYPE

Type II (see Section 2.2.3, Process Diagrams) except that a pre-application conference is optional, and the Technical Review Committee shall comment on the proposed plat.

D. REVIEW CRITERIA

An application for a Minor Subdivision shall be decided by the Planning Director in accordance with Section 2.4.7, Staff Review and Action, and the following:

1. GENERALLY

a. The Minor Subdivision plat is on a sheet or sheets suitable for recording with the Register of Deeds in the county where the subdivision is located;
b. The Minor Subdivision plat is prepared and sealed by a licensed professional land surveyor or licensed professional engineer;
c. The Minor Subdivision plat complies with all applicable standards in this Ordinance and NCGS§47-30;
d. The Minor Subdivision plat includes all required certifications and declarations;
e. The applicant has secured all required State and federal permit approvals;
f. All lots have been certified by the appropriate county Health Department as capable of accommodating the wastewater generated from the proposed use, if served by an on-site wastewater system;
g. No drainage or utility easements will be required to serve any interior lots;
h. All lots will have frontage on existing approved streets or qualify for ingress and egress via a shared driveway (see Section 6.1.4D.5, Alternative Access);

i. Except in cases of a combination or recombination involving existing lots of record, all lots in the Minor Subdivision comply with the applicable dimensional requirements for the zoning district where located; and

j. The development complies with all applicable overlay zoning district standards in Section 3.7, Overlay Zoning Districts.

2. FAMILY SUBDIVISION

In cases where the Minor Subdivision is also a Family Subdivision, the following criteria shall also apply in addition to the criteria in sub-section (1) above:

a. The owner and grantee certify, in writing, that the grantee of each lot is the husband, wife, mother, father, brother, sister, child (biological, adopted, or step), grandmother, grandfather, grandchild (biological, adopted, or step), aunt, uncle, niece, or nephew of the owner;

b. The owner and grantee certify, in writing, that no consideration shall be paid for any of the lots; and

c. The owner and grantee certify that the purpose of the Minor Subdivision is not to circumvent the provisions of this Ordinance, and that none of the lots shall be conveyed to third parties for a period of not less than three years, and that the plat shall indicate this three-year limitation.

d. Family subdivisions shall not be subject to the limit on successive minor subdivisions in Section 2.3.18F, Limit on Successive Minor Subdivisions.

E. RECORDATION

1. Once a Minor Subdivision plat is approved, a signed statement by the Planning Director shall be entered on the face of the plat. The plat may not be recorded without this and all other required certifications.

2. Following certification, the subdivider shall record the plat, any certifications associated with a Family Subdivision, and any associated protective covenants and deed restrictions in the office of the Register of Deeds in the county where the development is located.

3. Failure to record the plat in accordance with Section 2.3.18J, Expiration, shall render the plat null and void.

4. Land may not be conveyed, or construction started until the Minor Subdivision is recorded.

F. LIMIT ON SUCCESSIVE MINOR SUBDIVISIONS

The Planning Director may, in their sole discretion, determine that an application for a Minor Subdivision shall be processed as a Major Subdivision in cases where the land that is the subject of a Minor Subdivision application has already part of a Minor Subdivision approved after January 2, 2024.

G. SEQUENCE

1. An application for Site Plan, Special Use Permit, or Zoning Compliance Permit may be filed with a Minor Subdivision application, but the Minor Subdivision application shall be approved first.

2. A limited subdivision shall also be subject to the standards in Section 2.3.23, Stormwater Permit, and may also be subject to the standards in Section 2.3.15, Land Disturbance Permit, based on the amount of land disturbance.

H. EFFECT

1. Approval of the Minor Subdivision plat allows the sale or conveyance of lots within the subdivision.

2. Building permits may be issued following the recordation of the Minor Subdivision plat.

I. AMENDMENT

Amendment of a Minor Subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

A Minor Subdivision plat shall be null and void unless the signed or certified plat is recorded in the office of the Register of Deeds of the county where it is located within 30 days of approval.

K. VESTING

See Section 1.11.4C, Statutory Vested Rights.

L. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.2, Appeal.

~~2.3.19~~2.3.20 PERFORMANCE GUARANTEE

A. PURPOSE AND INTENT

1. These standards create the additional flexibility necessary for lots in a Major S~~s~~ubdivision to be conveyed or for issuance of a Building Permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Town, and provided funds have been reserved for completion of these features.
2. These provisions ensure that funds are available for the Town's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

FIGURE 2.3.20 PERFORMANCE GUARANTEE PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** - Filed with appropriate review authority - Applications filed after commencement of construction are decided by Town Council
3	**Completeness Determination**
4	**Staff Review** ~~Includes review by TRC~~
5	**Decision by Review Authority** ~~Applications considered by Town Council do not require public notification~~
6	**Notification of Decision**
7	**Install Required Features**
8	**Inspection**
9	**Release**

B. ELIGIBLE FEATURES

1. Performance Guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a Performance Guarantee is in the sole discretion of the Town, which is under no obligation to accept a request for or approve a Performance Guarantee for any feature or under any circumstance.
2. Requests for submittal of a Performance Guarantee instead of completion in advance of F~~f~~inal P~~p~~lat approval or Building Permit issuance may be filed with the Town for any of the following public infrastructure elements or private site features:
   - **a.** Sidewalks, multi-use paths, and greenways; **AMENDED 4.15.24 (UDOTA1-24)**
   - **b.** The final lift of asphalt on a Town-maintained public street;
   - **c.** Street lights and on-site exterior lighting;
   - ~~**c.**~~**d.** Traffic control signals;
   - ~~**d.**~~**e.** Active and passive recreation features located within open space set-aside;
   - ~~**e.**~~**f.** Private stormwater control measures; and
   - ~~**f.**~~**g.** Placement or replacement of required vegetation and landscaping, except when required as part of erosion control measures. **AMENDED 9.16.24 (UDOTA2-24)**

C. INELIGIBLE FEATURES [19]

1. RESIDENTIAL DEVELOPMENT

In cases where new development includes lots or structures intended for residential occupancy, ~~T~~the following forms of public infrastructure may not be subject to a Performance Guarantee, and shall be completed, dedicated to the Town, and inspected prior to conveyance of lots or issuance of a Certificate of Occupancy:

~~1. Public potable water;~~

[19] See STN # 56 & 68.

~~2. Public sanitary sewer;~~
~~3.~~a. Functional fire protection infrastructure;
~~4.~~b. The base and initial courses of asphalt on a street;
~~5. Drainage facilities associated with a street right-of-way;~~
~~6. Public stormwater control measures;~~
~~7. Curb and gutter;~~
~~a.~~ Street signs ~~and traffic control signals~~; and
c.
~~8.~~d. Land disturbance features related to sedimentation or erosion control. **AMENDED 9.16.24 (UDOTA2-24)**

2. NON-RESIDENTIAL DEVELOPMENT

The following forms of public infrastructure may not be subject to a Performance Guarantee, and shall be completed, dedicated to the Town, and inspected prior to conveyance of lots or issuance of a Certificate of Occupancy:

a. Street signs ~~and traffic control signals~~; and

b. Land disturbance features related to sedimentation or erosion control.

~~D.~~E. STORMWATER AND EROSION CONTROL FACILITIES

Stormwater control measures and erosion control facilities shall comply with the specific provisions for Performance Guarantees associated with these features in accordance with NCGS§160D-804 rather than the standards in this section.

~~E.~~F. FORM

1. The form of a Performance Guarantee shall take one of the following forms, at the sole discretion of the applicant:
   a. A surety bond issued by a firm licensed to operate in the State of North Carolina;
   b. A letter of credit issued by a financial institution licensed to operate in the State of North Carolina; ~~or~~
   c. Cash or certified check; or
   d. Another form of guarantee that provides equivalent security to the forms listed above, as determined by the Town.
2. In cases where more than one facility or site feature is requested to be subject to a Performance Guarantee, the applicant may provide a single, consolidated Performance Guarantee for all facilities or site features. In no instance shall Performance Guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other Performance Guarantee.
3. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the Town guaranteeing the following:
   a. That the escrow account shall be held in trust until released by the Town and may not be used or pledged by the developer for any other matter during the term of the escrow;
   b. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the Town, immediately pay the funds deemed necessary by the Town to complete or repair the improvements up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town; and

c. The financial institution holding the cash or other instrument shall indicate to the Town its notification requirements for release or payment of funds.

~~F.~~G. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

~~1. Requests for provision of a Performance Guarantee shall be decided in the same manner as is used by the review authority for deciding the related application type based on the standards in Section 2.4, Review Procedures.~~

~~2. In cases where a request for a Performance Guarantee is filed after approval of a development application, or there is a request for renewal or extension, the Town Council shall decide the Performance Guarantee.~~ ~~AMENDED 9.16.24 (UDOTA2-24)~~

~~G.~~H. REVIEW CRITERIA

1. An application for a Performance Guarantee shall include a map or plan showing the infrastructure and site improvements to be subject to a Performance Guarantee.
2. A Performance Guarantee application shall be decided by the Planning Director or the Engineering Director, as appropriate, in accordance with Figure 2.3.20, Section 2.4.7, Staff Review and Action, and~~may be approved if the application complies with~~ the following:[20]
   a. The request is for an eligible facility or site feature;
   b. The request is in the form and the amount required;
   c. The term of the guarantee is for the minimum period of time necessary; and
   d. The application complies with this section, Section 1.7, Purpose and Intent of Ordinance~~Purpose and Intent of Ordinance~~, and the Town's applicable Adopted Policy Guidance.
3. The Performance Guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

~~H.~~I. AMOUNT

1. GENERALLY

a. The amount of the performance guarantee shall be 125% of the reasonably estimated cost of completion (including mobilization costs) at the time the Performance Guarantee is issued.
b. The Town may determine the amount of the Performance Guarantee or use a cost estimate determined by the applicant.
c. The reasonably estimated cost of completion shall include 100% of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing.
d. The additional 25% includes inflation and all costs of administration regardless of how such fees or charges are denominated.

2. ESTIMATED COSTS

Estimated costs of completing installation of required public infrastructure or private site features shall be itemized by improvement type and certified by the developer's licensed professional.

[20] See STN # 92.

3. EXTENSION

The amount of any extension of any Performance Guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

4. RENEWAL

If a Performance Guarantee is renewed, the Planning Director may require the amount of the Performance Guarantee be updated to reflect changes in cost over time.

~~I.~~J. SEQUENCE

1. Performance Guarantee applications may be filed along with or subsequent to any application for a Major Subdivision, Site Plan, Special Use Permit, Building Permit, or Zoning Compliance Permit, as appropriate.
2. Development subject to a Performance Guarantee shall not receive a Certificate of Occupancy or other final approval until all public infrastructure and private site features subject to a Performance Guarantee have been installed, inspected, and accepted by the Town or other appropriate agency.

~~J.~~K. AS-BUILT PLANS REQUIRED

1. PUBLIC IMPROVEMENTS

Upon completion of public improvements, a professional engineer shall certify, in writing, that the completed public improvements have been constructed in accordance with the approved plans and shall submit actual "as-built" plans for all public improvements after final construction is completed.

2. STORMWATER CONTROL MEASURES

Upon completion of a private stormwater control mechanism, the developer shall certify to the Engineering Director that the completed project is in accordance with all applicable requirements in this Ordinance and State law.

3. INSPECTION REQUIRED

A final inspection and approval by appropriate Town staff shall occur before the release of the Performance Guarantee.

~~K.~~L. MAINTENANCE WARRANTY

1. WARRANTY FOR STORMWATER CONTROL MEASURES

a. Upon completion of construction of public or private stormwater control measures, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Engineering Director and pass the warranty inspection, the developer shall submit the following to the Town:
   i. A set of acceptable as-built drawings;
   ii. A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance; and
   iii. A maintenance warranty payable to the Town equal to at least ~~25~~10% of the cost of the installation of such improvements. The applicant may retain the maintenance warranty provided evidence of the warranty shall be produced for the Town's inspection upon demand. [21]

[21] See STN # 3.

2. MAINTENANCE OF STREETS UNTIL ACCEPTANCE

Following completion, the developer of any development containing streets to be maintained by NCDOT or by an owners' association shall sign a street maintenance disclosure statement to guarantee that the streets will be properly maintained until the offer of dedication is accepted by the NCDOT, or until maintenance responsibility is transferred to an owners' association if streets are private.

~~L.~~M. MAXIMUM TERM

Performance Guarantees shall have a maximum term of one year, unless the developer determines a longer term is necessary to complete the public infrastructure or private site features. Acceptance of a proposed guarantee remains at the discretion of the Town.

N. INSPECTION

Inspection of guaranteed improvements by the Town shall take place within 30 days of the request for inspection by the applicant. [22]

~~M.~~O. EXPIRATION

1. The applicant shall demonstrate good faith towards the completion of public infrastructure or private site features subject to a Performance Guarantee. I~~-~~n the event the aspects subject to a guarantee are not completed prior to the expiration of the guarantee, the applicant shall request a renewal of the Performance Guarantee in accordance with these standards.
2. In the event an application for renewal of a Performance Guarantee has been filed with the Town prior to expiration of an existing guarantee, the Town shall delay the provision of notice of failure to install or complete improvements in accordance with Section 2.3.20P, Forfeiture~~Forfeiture~~.

~~N.~~P. FORFEITURE

1. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the Performance Guarantee (as may be extended), the Town shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

2. TOWN COMPLETION OF IMPROVEMENTS

a. After the 30-day notice period expires, the Town may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements.
b. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer.
c. In the event of a default triggering the use of the performance guarantee, the Town shall return any of the unused deposited cash funds or other security.

~~O.~~Q. RELEASE OR REDUCTION

1. RELEASE OR REDUCTION REQUESTED

The Town shall release or reduce a Performance Guarantee only after:

a. The owner or developer has submitted a written request to the Town for a release or reduction of the Performance Guarantee that includes certification by a professional

[22] See STN # 3 and 20.

engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);

b. Town staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; ~~and~~

c. No release or reduction in Performance Guarantee amounts will be considered until more than 25% of the work is in place and approved; and

~~c.~~**d.** Release of a performance guarantee shall take place no more than 30 days after the completion and/or acceptance of the guaranteed improvements by the Town has taken place.[23]

2. ACCEPTANCE SHALL BE DOCUMENTED

The Planning Director or Engineering Director, as appropriate, shall provide written notice of the Town's final acceptance of the improvements subject to a Performance Guarantee.

3. IMPROPER RELEASE OF PERFORMANCE GUARANTEE

If the Town releases a Performance Guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

~~P.~~R. APPEAL

Decisions by a Town Staff member may be appealed in accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~1. Decisions by the Board of Adjustment or Town Council may be appealed in accordance with In accordance with Section 2.3.2B.1, Decisions by Board of Adjustment, or in accordance with Section 2.3.2B.2, Decisions by Town Council, as appropriate.~~

[23] See STN # 3 & 20.

~~2.3.20~~2.3.21 SIGN PERMIT

A. APPLICABILITY

1. All signs except those exempted from the sign regulations in Section 6.13.3, Exemptions~~Exemptions~~, shall obtain a Sign Permit in accordance with this section before being erected, replaced, relocated, or altered.
2. Alterations limited to sign copy on a lawfully-established sign shall not require approval of a Sign Permit.
3. Temporary signage shall be reviewed in accordance with ~~Section 2.3.25, Temporary Permit~~these standards.[24]
4. Establishment of new outdoor advertising after January 2, 2024, shall be prohibited. Changes to existing outdoor advertising shall be considered in accordance with Section 2.3.23, Special Use Permit~~Special Use Permit~~.
5. Establishment of new development comprised of two or more principal buildings on one or more lots are encouraged to configure signage in accordance with a Uniform Sign Plan as a part of a Sign Permit application.
6. Applicants seeking to deviate from otherwise applicable signage provisions may request consideration of deviations in accordance with Section 2.3.2, Alternative Plan~~Alternative Plan2.3.20K, Alternative Sign Plan~~.

FIGURE 2.3.21 SIGN PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** - Submitted to Planning Director - Must indicate if application is for a temporary or permanent sign
3	**Completeness Determination**
4	**Staff Review**
5	**Planning Director Review and Decision**
6	**Notification of Decision**

B. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

C. REVIEW CRITERIA

Applications for a Sign Permit shall be decided by the Planning Director in accordance with Figure 2.3.21, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. GENERALLY

a. The standards in Section 6.13, Signage~~Signage~~;
b. The sign is located on the same lot or site as the business, product, or service being advertised;
c. The North Carolina State Building Code, including requirements for electrical service, if applicable;
d. All standards or conditions of any prior applicable permits and developments approvals; and
e. All other applicable requirements of this Ordinance.

2. UNIFORM SIGN PLANS

Uniform Sign Plans, if submitted, shall indicate each of the following:

a. A Uniform Sign Plan shall include measured drawings and details about the parameters of signage permitted by the Plan;
b. If the total amount of allowable signage in the development will be apportioned in a manner that deviates from the standards in Section 6.13, Signage~~Signage~~, and if so, how the signage will be apportioned;

[24] See STN # 54.

c. The maximum sign sizes by sign type, and by building type, if different;
d. The rules for signage placement on multi-tenant buildings;
e. The range of proposed unifying elements for signage in the development, including but not limited to style, illumination, color, material;
f. Any sight distance triangles on the site; and
g. Any additional information identified by the Planning Director as necessary to determine compliance with this Ordinance.

D. INSPECTION REQUIRED

Applicants for a Sign Permit shall request inspection of signage by the Town following completion. Operating a use type with signage subject to these Sign Permit requirements but without a passing sign inspection shall be a violation of this Ordinance.

E. SEQUENCE

1. In cases when a Sign Permit application ~~may be~~ is ~~filed~~ associated with ~~an application for~~ a Site Plan or~~,~~ Major Subdivision, the Sign Permit application shall not be submitted until after the Site Plan or Major Subdivision has been approved. ~~or Zoning Compliance Permit, but shall only be approved after these prior applications.~~
2. An application for a Sign Permit ~~must~~ may be submitted with a request for consideration of an Alternative ~~Sign~~ Plan, but the A~~a~~lternative ~~sign~~ P~~p~~lan request shall be decided prior to the Sign Permit.

F. EFFECT

1. SIGN PERMIT

Approval of a Sign Permit shall entitle a landowner to erect or modify signage on a development site.

2. UNIFORM SIGN PLAN

a. Development subject to a Uniform Sign Plan shall require all owners, tenants, sub-tenants, and individual use types within the development to comply with the approved Uniform Sign Plan.
b. No permanent signage shall be erected, altered, or maintained except in accordance with the approved Uniform Sign Plan.
c. In cases where a Uniform Sign Plan is more restrictive than the standards in Section 6.13, Signage~~Signage~~, the standards in the Uniform Sign Plan shall control.

~~3. ALTERNATIVE SIGN PLAN~~

~~Approval of an Alternative Sign Plan request shall permit consideration of the associated application for a Sign Permit.~~

G. AMENDMENT

Amendment of a Sign Permit or~~,~~ Uniform Sign Plan~~, or Alternative Sign Plan~~ may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EXPIRATION

If the work authorized by a Sign Permit is not substantially commenced within six months from the date of issuance, the Sign Permit shall become null and void.

I. VESTING

In accordance with Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

J. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~K. ALTERNATIVE SIGN PLAN~~

~~Development proposing to construct or modify existing signage in ways that do not comply with the standards in Section 6.13, Signage, shall be subject to the requirements for an alternative sign plan in accordance with this section.~~

~~1. PURPOSE~~

~~The alternative sign plan process is included to allow for creativity of sign design and configuration in ways that do not otherwise comply with the applicable standards of this Ordinance, but that are found to be in closer alignment with the Town's Adopted Policy Guidance or the provisions in Section 1.7, Purpose and Intent of Ordinance, than would result from the strict application of the signage provisions of this Ordinance.~~

~~2. APPLICABILITY~~

~~Any application for a Sign Permit may incorporate a request for an alternative sign plan configured in accordance with this section, but in no instance shall an alternative sign plan include prohibited signage identified in Section 6.13.5, Prohibited Signs.~~

~~3. CONTENTS~~

~~Requests for an Alternative Sign Plan shall be part of an application for a Sign Permit, and shall include all of the following:~~

- ~~**a.** A written statement detailing the project information, the proposed alternatives being requested, and an explanation of how the proposed alternative meets the standards in Section 2.4, Review Procedures;~~
- ~~**b.** The location of land subject to the Alternative Sign Plan;~~
- ~~**c.** The proposed allocation of permitted sign area among tenants and any other proposed signs;~~
- ~~**d.** The total allowable sign face area for the project;~~
- ~~**e.** Sketches of generic sign design and appearance for each sign type provided in Pantone Matching System (PMS) colors, vinyl manufacturer and numbers, or comparable industry standard of color identification;~~
- ~~**f.** Color specifications for each sign component shall be specified, including but not limited to sign face backgrounds, lettering, and the sign structure;~~
- ~~**g.** A plan or other graphical depiction showing where each particular sign type is proposed;~~
- ~~**h.** A written justification for the Alternative Sign Plan request, including how the proposed signage will result in a development that is in closer alignment with the Town's Adopted Policy Guidance or the standards in Section 1.7, Purpose and Intent of Ordinance, and~~
- ~~**i.** Any additional information requested by the Planning Director considers necessary to measure the application's conformance with the applicable review criteria.~~

~~4. PROCEDURE~~

~~Type IV (see Section 2.2.3, Process Diagrams), including comment by the Technical Review Committee. AMENDED 9.16.24 (UDOTA2-24)~~

~~5. REVIEW CRITERIA~~

~~An Alternative Sign Plan application shall be only approved provided on a finding the applicant demonstrates:~~

a. The contents of the Alternative Sign Plan request are consistent with the applicable requirements of this section;

b. The proposed sign design, size, color, illumination, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, any adjoining signage on the site, and/or the district character or architectural character of the area in which it is located;

c. The Alternative Sign Plan proposes innovative, but appropriate, use of materials and design techniques in response to unique characteristics of the specific site, if applicable;

d. The signage envisioned by the Alternative Sign Plan application will be consistent with approved neighborhood plans, studies, or area plans; and

e. The signage anticipated by the Alternative Sign Plan signage will result in a development that is in closer alignment with the Town's Adopted Policy Guidance or the standards in Section 1.7, Purpose and Intent of Ordinance.

6. CONDITIONS OF APPROVAL

The Town Council may apply conditions to any approval of an Alternative Sign Plan in accordance with Section 2.3.20K.6, Conditions of Approval. Conditions may include, but are not limited to, any of the following: **AMENDED 9.16.24 (UDOTA2-24)**

a. Specification of color(s);

b. The number of signs;

c. The total amount of sign face area;

d. The location of signs;

e. The maximum height of signs;

f. Sign illumination; and

g. The types of signs allowed.

7. AMENDMENT

Amendment of an Alternative Sign Plan approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

~~2.3.21~~2.3.22 SITE PLAN

A. APPLICABILITY

Except for development exempted from Site Plan review in accordance with Section 2.3.22B, Exemptions~~Exemptions~~, all of the following forms of development shall be subject to Site Plan review in accordance with this section:

1. Any development involving construction, moving, or significant alteration of a building or habitable structure;
2. Any development that results in the increase in the amount of impervious surface on a lot;
3. Any development that changes the vehicular access to or internal circulation on a lot; or
4. Any development subject to a Concept Plan.

FIGURE 2.3.22 SITE PLAN PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**Neighborhood Meeting** (Optional)
3	**File Application** - Filed with Planning Director - Must be prepared by a licensed professional
4	**Completeness Determination**
5	**Staff Review** Includes comment by TRC
6	**Decision by Planning Director**
7	**Notification of Decision**
8	**Proceed with Other Applications** (If applicable)

B. EXEMPTIONS

1. The following forms of development are exempted from Site Plan review, but remain subject to the applicable standards in this Ordinance:
   a. Construction of one single-family detached dwelling on an individual lot that does not include changes to or extension of public infrastructure;
   b. Placement of one manufactured or mobile home on its own lot in a zoning district permitting such uses that does not include changes to or extension of public infrastructure;
   c. Establishment of a secondary use in an existing structure, or a new secondary structure(s) of 1,000 square feet in floor area or less than the total floor area that existed on a lot on January 2, 2024;
   d. Interior fit-ups or changes to a lawfully-established non-residential structure or use type that do not result in the need for additional off-street parking spaces, additional screening or landscaping, any changes to existing impervious surface coverage, or changes to or extension of public infrastructure;
   e. The construction or alteration of a sign, subject to the requirements and procedures in Section 2.3.21, Sign Permit~~Sign Permit~~;
   f. The establishment of a temporary use or structure, subject to the requirements and procedures in Section 2.3.27, Temporary Permit~~Temporary Permit~~;
   g. The construction or alteration of a fence or wall, subject to the requirements of Section 2.3.33, Zoning Compliance Permit~~Zoning Compliance Permit~~;
2. Development exempted from Site Plan review is still required to obtain a Building Permit in accordance with the North Carolina State Building Code and a Zoning Compliance Permit in accordance with this Ordinance.

C. LIMITATIONS

A Site Plan application may be filed concurrently with an application for a Conditional Rezoning, ~~or~~ a Special Use Permit, or Construction Drawings, but a Site Plan shall not be a part of a Conditional Rezoning or Special Use Permit application. Conditional Rezoning and Special Use Permit applications shall include a Concept Plan, not a Site Plan. Site Plans shall be reviewed for consistency with an approved Special Use Permit or Conditional Rezoning Concept Plan, if applicable.

~~D. STAGES OF REVIEW~~

~~The review of a Site Plan application that includes changes to or the extension of public infrastructure is organized into the following two stages:~~

~~1. Stage One, review of the Site Plan;~~

~~2. Stage Two, review of Construction Drawings for associated public infrastructure, erosion control and sedimentation features, and stormwater control measures.~~

~~3. Nothing shall prevent the review of application materials associated with Stages One and Two concurrently.~~

~~E.~~D. PROCESS TYPE

Type II (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) ~~for each of the two stages of review~~.

~~1. The Technical Review Committee shall comment on plats and plans prepared as part of each stage.~~

~~F.~~E. APPLICATION

1. Site Plan applications shall be prepared by a North Carolina licensed professional qualified to prepare such documents. Site Plans shall be prepared to scale and shall include the basic information for Site Plans identified in the Town's requirements.
2. When a development includes phases, the Site Plan shall depict the entire development and shall indicate all phasing boundaries.
3. Phasing shall be in accordance with Section 2.4.13, Phased Development~~Phased Development~~.
4. The application shall include a Transportation Impact Analysis, or Traffic Assessment, when required by Section 2.3.29, Transportation Impact Analysis~~Transportation Impact Analysis~~.
5. The Site Plan application shall include a wastewater allocation request prepared in accordance with all Town requirements if proposing to utilize public sewer.
6. Applications that involve changes to or extension of public infrastructure, erosion control devices, or stormwater control measures shall include construction drawings prepared in accordance with Section 1.1.1A~~1.1.1A~~, .
7. Applications complying with a Town-mandated Fee-in-Lieu or anticipated to include an applicant-requested Fee-in-Lieu shall include information mandated in Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.
8. In cases where development is seeking to take advantage of sustainability incentives, allowable density bonuses, or allowable alternative forms of compliance, the application shall include supplemental details and justification for the use of these provisions.
9. Applications proposing to disturb one acre of land or more shall include details on compliance with Section 6.14.6, Erosion and Sedimentation Control Plans~~Erosion and Sedimentation Control Plans~~.

~~G.~~F. REVIEW CRITERIA

Applications for a Site Plan shall be decided by the Planning Director in accordance with Figure 2.3. 22, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. All standards or conditions of any prior applicable permits and development approvals;
2. Any applicable Concept Plans, master plans, or plats;
3. All applicable requirements of this Ordinance and Town policy; and
4. All applicable County, State, and federal requirements.

~~H.~~A. ~~CONSTRUCTION DRAWINGS ASSOCIATED WITH A SITE PLAN~~

~~1. DRAWING REQUIREMENTS~~

~~Site Plan applications that include changes to or extensions of public infrastructure shall include construction drawings configured in accordance with the following:~~

~~a. Construction drawings shall be prepared by, signed, and stamped by a licensed professional engineer;~~

~~b.a. Construction drawings shall show both the horizontal or "plan" view of infrastructure as well as the vertical or "profile" view of infrastructure; and~~

~~c.a. When a Site Plan is to be developed in phases, construction drawings shall be submitted for each individual phase and public infrastructure shall be provided so that each lot is adequately served by public infrastructure at the time of conveyance regardless of the phase of development.~~

~~2.~~1. ~~CONSTRUCTION DRAWING REVIEW CRITERIA~~

~~The portion of a Site Plan application including construction drawings shall be decided by the Engineering Director in accordance with Section 2.4.7, Staff Review and Action, and the following:~~

~~a. Construction Drawings shall be prepared by a professional engineer licensed by the State of North Carolina;~~

~~b.a. The location and configuration of public infrastructure shall be substantially consistent with the Site Plan;~~

~~c.a. Public infrastructure elements depicted in the construction drawings are configured in accordance with all applicable Town and State requirements;~~

~~d.a. The construction drawings include all design sheets necessary to determine compliance; and~~

~~e.a. Copies of all required third-party agreements, permits, and approvals necessary to begin construction are included.~~

~~I.~~G. SEQUENCE

1. Site Plan applications may be submitted or reviewed concurrently with ~~c~~Construction ~~d~~Drawings or any other development application, but Site Plans shall not receive final approval until after the approval of an associated Annexation, Development Agreement, Conditional Rezoning, Conventional Rezoning, or Major Subdivision~~application~~.

~~1.~~2. Construction Drawings associated with a Site Plan that include the installation of new or extension of existing public infrastructure shall not be approved until after the associated Site Plan has been approved.

~~2.~~3. Developments subject to a Site Plan shall also be required to obtain a Zoning Compliance Permit, a Building Permit, and may be required to obtain other approvals, such as a Tree Clearing Certificate. Permits associated with site features depicted on a Site

Plan may be filed with a Site Plan application, but shall not be issued until after the Site Plan is approved.

~~J.~~H. EFFECT

1. ZONING COMPLIANCE PERMIT

A Site Plan approval authorizes the submittal of or review of an application for a Zoning Compliance Permit in accordance with Section 2.3.33, Zoning Compliance Permit~~Zoning Compliance Permit~~. In cases where the Planning Director determines that a Zoning Compliance Permit is not required, then an applicant may file an application for a Building Permit in accordance with Section 2.3.5, Building Permit~~Building Permit~~.

2. CONSTRUCTION DRAWINGS

Approval of a Site Plan that includes the installation of new or extension of existing public infrastructure allows submittal or review of associated Construction Drawings in accordance with Section 2.3.9, Construction Drawings ~~Construction Drawings~~

~~2.1. CONSTRUCTION DRAWINGS~~

~~a. Construction drawings for all public infrastructure included with the Site Plan application shall be approved prior to street and utility construction in accordance with the applicable Town standards.~~

~~b.a. In the case of a multi-phase Site Plan, any street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.~~

~~c.a. In no instance shall a portion of a phase be submitted for Construction Drawing review.~~

~~d.a. If included as part of a phased development, each phase shall be configured to be inclusive of all land area located within the particular phase(s) under review.~~

~~3.1. AS-BUILT PLANS~~

~~As-built plans for all public infrastructure shall be submitted in accordance with Section 2.3.19J, As-built Plans Required, prior to issuance of a Certificate of Occupancy or other final approval.~~

~~4.~~3. PERFORMANCE GUARANTEES

All public infrastructure and private site features that have not been installed by the developer, inspected, and accepted by the Town shall comply with the requirements in Section 2.3.20, Performance Guarantee~~Performance Guarantee~~, prior to the issuance of a Certificate of Occupancy or other final approval.

~~5.~~4. EROSION CONTROL PERMIT

Stage Two Construction Drawing approval authorizes the submittal of soil erosion and sedimentation control plans and the issuance of a Land Disturbance Permit in accordance with Section 2.3.17, Land Disturbance Permit~~Land Disturbance Permit~~, if applicable.

~~6.~~5. STORMWATER PERMIT

Stage Two Construction Drawing approval authorizes the submittal of stormwater management plans and the issuance of a Stormwater Permit in accordance with Section 2.3.24, Stormwater Permit~~Stormwater Permit~~, if applicable.

~~7.~~6. FEE-IN-LIEU

A Site Plan approval authorizes the filing of an applicant-requested payment of Fee-in-Lieu, or payment of Town-mandated Fee-in-Lieu in accordance with Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.

~~K.~~I. AMENDMENT

Amendment of a Site Plan approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

~~L.~~J. EXPIRATION [25]

1. Approval of a Site Plan application shall expire and become null and void if substantial commencement is not undertaken within ~~one~~ two years of the date of approval.
2. Approval of a Site Plan application shall expire and become null and void if work is voluntarily stopped by the developer and the development fails to maintain substantial progress for a period of one year or longer.
3. Where more than one principal building is included with an approved Site Plan, the applicant may submit a series of Building Permit applications. The first application shall be submitted within one year from the date the Site Plan is approved. Each subsequent Building Permit application shall be submitted within 180 days from the date of issuance of a Certificate of Occupancy or other final approval for the previous building.
4. ~~An applicant may file a request, prior to the expiration of the Site Plan, for a one-time one-year extension to the approval of a Site Plan for good cause shown. The determination of good cause shall be at the sole discretion of the Planning Director.~~

~~M.~~K. VESTING

1. See Section 1.11.4D, Site-Specific Vesting Plan~~Site-Specific Vesting Plan~~, or Section 1.11.4E, Multi-Phase Development Plan~~Multi-Phase Development Plan~~, as appropriate.
2. Applicants seeking a longer vesting term may file an application in accordance with Section 2.3.32, Vested Rights Certificate~~Vested Rights Certificate~~.

~~N.~~L. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

[25] See STN # 26 and 37.

~~2.3.22~~2.3.23 SPECIAL USE PERMIT

A. PURPOSE AND INTENT

This Special Use Permit procedure defines the process for consideration of a proposed use type that may be allowable in a zoning district, but because of its nature or potential deleterious effects, it requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

FIGURE 2.3.23 SPECIAL USE PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**Neighborhood Meeting**
3	**File Application** Must include a Concept Plan
4	**Completeness Determination**
5	**Staff Review** Includes Concept Plan review and comment by TRC
6	**Public Notification of Public Hearing**
7	**Decision by Board of Adjustment** Decision effective upon date of filing in the office of the Planning Department
8	**Notification of Decision**

B. APPLICABILITY

1. Uses identified as requiring a Special Use Permit in Table 4.2.5, Listing of Common Principal Uses, or in Table 4.5.4, Listing of Common Secondary Uses, shall be approved in accordance with the procedures and standards of this section.
2. Applications subject to a required neighborhood meeting shall include required information in accordance with Section 2.4.4, Neighborhood Meeting~~Neighborhood Meeting~~.
3. In cases where a single use type located within a larger multi-building or multi-use development requires a Special Use Permit, only that particular use type and the lot it is located upon shall be subject to the Special Use Permit, not the entire development.

C. APPLICATION

~~1.~~ An application for a Special Use Permit shall include a Concept Plan depicting the ~~proposed use and site configuration~~aspects described in the Town's Procedures Manual. [26] The Technical Review Committee shall review and comment on the Concept Plan prior to consideration of the application by the Board of Adjustment.

~~2.~~1. The application shall include a wastewater allocation request prepared in accordance with all Town requirements if proposing development that seeks to utilize public sewer.

~~3.~~2. The application shall include a Transportation Impact Analysis, or Traffic Assessment, as appropriate, when required by Section 2.3.29, Transportation Impact Analysis~~Transportation Impact Analysis~~.

~~4.~~3. Applications that involve changes to or extension of public infrastructure shall identify these features on the Concept Plan.

~~5.~~4. Applications complying with a Town-mandated Fee-in-Lieu or anticipated to include an applicant-requested Fee-in-Lieu shall include information identified in Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.

~~6.~~5. In cases where development is seeking to take advantage of sustainability incentives, allowable density bonuses, or allowable alternative forms of compliance, the application shall include supplemental details and justification for the use of these provisions.

[26] See STN # 25.

~~7.~~6. Applications subject to a required neighborhood meeting shall include required information in accordance with Section 2.4.4, Neighborhood Meeting~~Neighborhood Meeting~~.

D. PROCESS TYPE

Type III (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) except that Special Use Permits are required to conduct a neighborhood meeting.

E. DECISION

1. A decision by the Board of Adjustment on a Special Use Permit shall be based on the competent, material, and substantial evidence in the record, as supplemented by arguments presented at the evidentiary hearing, Figure 2.3.23, and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Approval of the Special Use Permit, as submitted;
   b. Approval of a revised Special Use Permit; or
   c. Denial of the Special Use Permit.
3. In making its decision on a Special Use Permit, the Board of Adjustment shall not waive or reduce any applicable standard of this Ordinance. It is permissible for the Board of Adjustment to apply conditions of approval that exceed the standards in this Ordinance, as necessary, to mitigate any potentially negative impacts of the use on its surroundings.

F. REVIEW CRITERIA

A Special Use Permit shall be approved upon a finding of fact by the Board of Adjustment that the proposed special use:

1. Is subject to a Concept Plan that accurately depicts the proposed use's configuration and addresses public infrastructure if changes to or extension of public infrastructure are required as part of the application;
2. Complies with all required standards, conditions, and specifications of this Ordinance, including all zoning district dimensional requirements and use-specific standards;
3. Will not materially endanger the public health or safety;
4. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
5. Will not include or result in such additional traffic volume so as to strain the flow of traffic on the streets and roads of the Town; and
6. Will be in harmony with the intensity, scale, and character of existing or anticipated development in the area in which it is to be located.

G. CONDITIONS

1. The Board of Adjustment may apply conditions of approval that are reasonable and appropriate in accordance with NCGS§160D-705(c) and Section 2.4.10, Conditions of Approval~~Conditions of Approval~~.
2. Conditions may be proposed to:
   a. Assure that the use will be harmonious with the intensity, scale, and character of the area where proposed;
   b. Ensure the use is consistent with the purpose and intent of this Ordinance;
   c. Limit the permit to a specified duration;
   d. Place limits on the availability for occupancy of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities; or

e. Address other considerations necessary, in the sole discretion of the Board of Adjustment.

3. All conditions shall be identified in the approval, the notice of decision, and on any associated Concept Plans.
4. The notice of decision shall not be prepared until the applicant has consented to all applicable conditions of approval in writing.

H. SEQUENCE

1. Special Use Permit applications may include an application for a Site Plan, Zoning Compliance Permit, and Building Permit, but the Special Use Permit shall be decided first.
2. A Concept Plan shall not substitute for a required Site Plan or Major ~~s~~Subdivision ~~plat~~. Site Plans and Major ~~s~~Subdivision ~~plats~~ are reviewed after approval of the Special Use Permit.
3. Special Use Permit applications may be filed with a rezoning application, but the rezoning application shall be decided first.
4. Special Use Permit applications may be filed with an application for a Variance, but the Variance application shall be approved first.

I. EFFECT

1. Approval of a Special Use Permit allows an applicant to file an application for a Site Plan.
2. A Special Use Permit approval is perpetually binding and shall run with the land, unless amended or limited in duration by the Board of Adjustment.
3. An action invalidating a special use condition of approval (such as an intensity or hours of operation limitation) shall render the Special Use Permit and associated Concept Plan null and void.
4. Special uses shall meet all applicable State and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the Special Use Permit and associated Concept Plan.

J. AMENDMENT

Concept Plans shall only be amended in accordance with the standards in this section. Amendments to a Concept Plan approval shall be considered as minor modifications or major modifications, and must be considered in accordance with the following:

1. MINOR MODIFICATIONS

a. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the application approval.
b. Minor modifications shall be reviewed and decided by the Planning Director, in consultation with other appropriate Town staff.
c. Minor modifications may include any changes not identified as a major modification in Section 2.3.23J.2, Major Modifications~~Major Modifications~~.

2. MAJOR MODIFICATIONS

a. Changes that materially affect the basic configuration of the development, a condition of approval, or that require additional evidentiary support beyond that presented at the public hearing shall be considered major modifications.
b. Major modifications include, but are not limited to:
   i. A change in the boundaries of a site;
   ii. A change in the approved use type;

iii. An increase in the amount of floor area by five percent or more beyond that approved under the initial Special Use Permit;
iv. An increase in the total number of provided off-street parking spaces by ten percent or more beyond that approved under the initial Special Use Permit;
v. A change in the location of a principal or secondary structure by more than 10 feet in any direction;
vi. Structural alterations increasing the structure height;
vii. Alterations affecting the form, ornamentation, or appearance of a principal or secondary structure as shown in the Concept Plan;
viii. Changes in density or intensity;
ix. Decreases in open space;
x. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected) or pedestrian access or circulation;
xi. A change in the amount or location of proposed landscaping or required screening; or
xii. Changes to site features that require the application of professional judgment or discretion by a licensed landscape architect, architect, or professional engineer.

c. Major modifications must be reviewed and considered only in accordance with the procedures and standards established for the original application approval.

K. EXPIRATION

1. REPLACEMENT

If a special use is replaced by a use type permitted by right in the zoning district, the Special Use Permit and the corresponding Concept Plan approval is deemed abandoned and the Special Use Permit approval is null and void.

2. FAILURE TO START OR COMPLETE CONSTRUCTION

Unless otherwise stated in the Special Use Permit approval, a Special Use Permit and the corresponding Concept Plan shall expire and become null and void two years after the date of issuance if:

a. An application for a Site Plan or Major ~~s~~Subdivision ~~plat~~ has not been filed;
b. Substantial commencement of construction has not taken place; or
c. Construction activities have started, but the owner has voluntarily stopped construction and substantial progress has not been maintained.

3. MULTIPLE BUILDING PERMITS

Where more than one principal building is included with an approved Special Use Permit, the applicant may submit a series of Building Permit applications. The first application shall be submitted within one year of the date the Special Use Permit is approved. Each subsequent Building Permit application shall be submitted within 180 days from the date of issuance of a Certificate of Occupancy or other final approval for the previous building.

L. REVOCATION

1. In the event of failure to comply with the plans or any other conditions imposed upon the Special Use Permit approval, the Planning Director shall give the permit holder 10 days written notice of intent to revoke the permit and request the permit holder to contact staff to set a reasonable time for the violation to be corrected.
2. A Special Use Permit may only be revoked in accordance with the procedure used to grant its approval.

3. If the permit is revoked and the special use has not ceased, the use is considered a violation of this Ordinance and subject to enforcement and penalties in Chapter 7, Violations.

M. VESTING

1. See Section 1.11.4D, Site-Specific Vesting Plan~~Site-Specific Vesting Plan~~.
2. Applicants seeking a longer vesting term may file an application in accordance with Section 2.3.32, Vested Rights Certificate~~Vested Rights Certificate~~.

N. APPEAL

In accordance with Section 2.3.4B.1, Decisions by Board of Adjustment~~Decisions by Board of Adjustment~~.

~~2.3.23~~2.3.24 STORMWATER PERMIT

A. PURPOSE AND INTENT

This Stormwater Permit procedure governs the design, installation, and construction of proposed post-construction structural stormwater control measures or other design features intended to prevent or mitigate any adverse effects of increased post-construction stormwater runoff into receiving surface waters in accordance with Section 6.15, Stormwater~~Stormwater~~, and NCGS§160D-925.

FIGURE 2.3.24 DRIVEWAY PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** - Submitted to Engineering Director - must include a narrative or graphic stormwater plan
3	**Completeness Determination**
4	**Engineering Director Review and Decision**
5	**Notification of Decision**
6	**Certification**
7	**Provide As-Builts**

B. APPLICABILITY

1. The standards in this section shall apply to all forms of residential development that cumulatively disturbs an acre of land or more, including Exempt or Limited Subdivisions.
2. The standards in this section shall apply to all forms of mixed-use or non-residential development that cumulatively disturbs one-half-acre of land or more, including Exempt or Limited Subdivisions.
3. These standards shall also apply to development disturbing less than the specified amount of land area when it is a part of a larger development that will disturb more than the designated minimum threshold in aggregate even though multiple, separate, or distinct activities take place at different times on different schedules.

C. EXEMPTIONS

The following forms of development shall be exempted from these standards:

1. Development or redevelopment that cumulatively disturbs less than one acre and is not part of a larger master plan, Major ~~s~~Subdivision ~~plat~~, or common plan of development ~~is exempt from these standards~~;
2. Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (e.g., ongoing farming and forestry activities); and
3. A project owned or operated by a governmental agency that is already subject to a NPDES stormwater permit.

D. APPLICATION

1. An application for a Stormwater Permit shall describe how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Ordinance.
2. All applications shall include a written or graphic concept plan of the proposed post-development stormwater management system including:
   a. The stormwater management concept plan shall be prepared by a qualified licensed North Carolina professional engineer, surveyor, soil scientist, or landscape architect. The engineer, surveyor, soil scientist, or landscape architect shall perform services only within their area of competence.
   b. The stormwater management plan shall detail the following:
      i. An existing conditions and proposed site layout sketch plan showing existing and proposed topography, perennial and intermittent streams, mapping of predominant soils from soil

surveys, boundaries of existing predominant vegetation, proposed limits of clearing and grading, and location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.

ii. A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project, including a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.).

iii. Preliminary selection and location of proposed structural stormwater controls;

iv. Low-impact design elements;

v. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;

vi. Flow paths;

vii. Location of floodplain/floodway limits;

viii. Relationship of site to upstream and downstream properties and drainages; and

ix. Preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

c. The stormwater management plan shall contain a signed and sealed statement certifying that the design of all stormwater management facilities and practices will comply with the standards of this Ordinance and all other applicable requirements.

3. The Stormwater Administrator or developer may request a pre-application conference on a stormwater management concept plan to consider the post-construction stormwater management system to be utilized.

E. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

F. REVIEW CRITERIA

The Stormwater Administrator shall decide an application for a Stormwater Permit in accordance with Figure 2.3.24, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. All relevant standards in Section 6.15, Stormwater~~Stormwater~~;
2. The approved stormwater management plan and associated stormwater maintenance plan;
3. All standards or conditions of any prior applicable permits or development approvals;
4. All other applicable requirements of this Ordinance and Town policy; and
5. All applicable State and federal requirements in place at the time the application is accepted as complete.

G. FINAL APPROVAL

1. COMPLETENESS PRIOR TO RECORDATION

The construction of all structural stormwater management improvements shown on an approved and permitted Stormwater Management Plan shall be substantially complete or subject to a performance guarantee prior to Final Plat recordation or issuance of a Certificate of Occupancy.

2. CERTIFICATION

Upon completion of a project and its associated structural stormwater management improvements, and before a Certificate of Occupancy shall be granted, the professional responsible for its design shall certify, under seal, that the completed project is in accordance with the approved Stormwater Management Plan and the requirements of this Ordinance.

3. AS-BUILTS

a. The professional responsible for the stormwater management improvements shall also submit as-built plans in accordance with this section.

b. As-built plans shall be certified by a licensed North Carolina professional engineer, and shall show the final design specifications for all stormwater management improvements and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed.

c. The professional responsible for the stormwater management plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this Ordinance.

H. SEQUENCE

1. A Stormwater Permit may be filed along with a Site Plan or Preliminary Plat, but shall only be approved after a Site Plan or Construction Drawings for a Preliminary Plat for Major Subdivision.
2. A Stormwater Permit shall be approved prior to a Building Permit or a Final Plat.

I. EFFECT

1. A Stormwater Permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including engineered stormwater controls and other elements of site design for stormwater management.
2. Approval of a Stormwater Permit allows for applicants to convert temporary erosion control measures associated with Phase One of an Erosion Control Plan to permanent stormwater control measures associated with the approved Stormwater Permit.
3. A Stormwater Permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is required in accordance with the standards in Section 6.15, Stormwater~~Stormwater~~.

J. AS-BUILT PLANS

1. Upon completion of a project, and before a Certificate of Occupancy or Compliance is granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual as built plans for all stormwater management facilities or practices after final construction is completed.
2. The as-built plans shall show:
   a. The final design specifications for all stormwater management facilities and practices; The field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed; and
   b. Storm pipe systems with pipe sizes and inverts, as well as structure tops and inverts.
3. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices comply with the approved stormwater management plans and this Ordinance.

4. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance guarantees.

K. FINAL APPROVAL

1. Except where multiple units are served by the stormwater practice or facilities, no Certificate of Occupancy or Compliance shall be issued by the Town without final as-built plans and a final inspection and approval by the Stormwater Administrator.
2. In cases where multiple units are served by the stormwater practice or facilities, the Town may elect to withhold a percentage of permits or Certificates of Occupancy until as-built plans are submitted and final inspection and approval has occurred.

L. AMENDMENT

Amendment of a Stormwater Permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

M. EXPIRATION

1. A Stormwater Permit shall expire and become null and void if an applicant fails to make substantial progress on the site within one year after the date of approval.
2. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

N. VESTING

In accordance with Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

O. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.24~~2.3.25 STREET ~~RENAMING/~~ CLOSURE[27]

A. APPLICABILITY

This process for the ~~renaming or~~ closure of streets is applied to publicly-owned or maintained streets operated by the NCDOT or the Town.

B. APPLICATION

In cases where the Town initiates an application to abandon an existing or platted street, it shall first file a Resolution of Intent to Abandon the street in accordance with NCGS§160A-299.

~~1. In cases where an application to rename an existing street is filed by landowners (not the Town) the application shall be supplemented with a petition signed by at least 75 percent of the landowners that are affected by the renaming. The application shall also include the desired street name.~~

~~2. A petition is not required for street renaming applications initiated by the Town or another unit of government. AMENDED 4.15.24 (UDOTA1-24)~~

~~3. Applications for Street Renaming filed by landowners for reasons other than public safety or emergency service delivery shall require a determination of merit by Town staff prior to review by the Planning Board.~~

C. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) except that the Planning Board does not provide a recommendation to the Town Council.

D. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with Figure 2.3.25 and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Approve the Street ~~Renaming/~~ Closure of all or a portion of the street right-of-way;
   ~~b.~~ Denial of the Street ~~Renaming/~~ Closure~~; or~~
   ~~c.~~b. ~~Remand of the application to the Planning Board for further consideration~~.
3. ~~In no instance shall the Town Council approve a different street name or extent than requested without new public notification and another public hearing.~~

FIGURE 2.3.25 STREET CLOSURE PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**Neighborhood Meeting**
3	**Resolution of Intent to Abandon Street Right-of-Way** Required when initiated by Town
4	**File Application**
5	**Completeness Determination**
6	**Staff Review**
7	**Public Notification**
8	**Decision by Town Council**
9	**Notification of Decision**
10	**Recordation**

E. REVIEW CRITERIA

An application for a Street ~~Renaming/~~ Closure shall be approved, provided:

[27] See STN # 43.

~~1. STREET CLOSURE~~

~~a.~~1. Closing of the street is in the best interest of the public and will enhance public safety or will do no harm; ~~and~~

~~b.~~2. A landowner in the vicinity of the street would not be deprived of reasonable ingress or egress to their land;~~.~~

~~2. STREET RENAMING~~

~~a. The street renaming is in accordance with all applicable street name requirements;~~

~~3. The street renaming will serve the public interest by enhancing public safety or will do no harm;~~

~~4.~~3. The street ~~renaming~~ closure will not adversely affect land values or cause excessive economic impact to landowners or the Town; and

~~5.~~4. The street ~~renaming~~ closure will result in an overall public good that generally cannot be measured in monetary terms but is found to outweigh known or perceived economic interests and costs.

F. RECORDATION

The Town Clerk shall file a certified copy of a Street Closure approval in the office of the Register of Deeds in the county where located within a reasonable period of time after the approval.

G. SEQUENCE

Not Applicable.

H. EFFECT

~~1. STREET CLOSURE~~

Where a platted or existing street is abandoned in accordance with this section, the regulations applicable to a lot shall apply to the portion of the lot formerly occupied by the abandoned street.

~~2. STREET RENAMING~~

~~a. All approved street renaming applications shall have an effective date at least 45 days from the date of approval but may be further delayed for a set period of time not to exceed one year, to assist businesses and other affected landowners in preparing for the name change.~~

~~b. Street renaming initiated by the Town due to public safety or emergency service delivery issues may take effect immediately upon approval.~~

I. AMENDMENT

~~An application for a Street Renaming with the same name for the same street or portion of the same street shall not be filed within two years from the date of final action on the previous request, unless the Town Council determines a substantial change has occurred in the nature of the application that merits reconsideration.~~Not Applicable.

J. EXPIRATION

Not Applicable.

K. VESTING

Not Applicable.

L. APPEAL

In accordance with Section 2.3.4B.2, Decisions by Town Council~~Decisions by Town Council~~.

2.3.26 STREET RENAMING[28]

~~M.~~A. APPLICABILITY

This process for the renaming of streets is applied to publicly-owned or maintained streets operated by the NCDOT or the Town.

B. APPLICATION

1. In cases where an application to rename an existing street is filed by landowners (not the Town) the application shall be supplemented with a petition signed by at least 75 percent of the landowners that are affected by the renaming. The application shall also include the desired street name.
2. A petition is not required for street renaming applications initiated by the Town or another unit of government. **AMENDED 4.15.24 (UDOTA1-24)**
3. Applications for Street Renaming filed by landowners for reasons other than public safety or emergency service delivery shall require a determination of merit by Town staff prior to review by the Planning Board.

C. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) except that the Planning Board does not provide a recommendation to the Town Council.

D. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with Figure 2.3.26 and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Approve the Street Renaming of all or a portion of the street right-of-way; or
   b. Denial of the Street Renaming.
3. In no instance shall the Town Council approve a different street name or extent than requested without new public notification and another public hearing.

FIGURE 2.3.26 STREET RENAMING PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**Neighborhood Meeting**
3	**Petition for Name Change** Required when initiated by landowners
4	**File Application**
5	**Completeness Determination**
6	**Staff Review** Includes a Determination of Merit, if appropriate
7	**Public Notification**
8	**Decision by Town Council** Shall have an effective date of at least 45 days after the date of approval
9	**Notification of Decision**

E. REVIEW CRITERIA

An application for a Street Renaming shall be approved, provided:

1. The street renaming is in accordance with all applicable street name requirements;
2. The street renaming will serve the public interest by enhancing public safety or will do no harm;
3. The street renaming will not adversely affect land values or cause excessive economic impact to landowners or the Town; and

[28] See STN # 43.

4. The street renaming will result in an overall public good that generally cannot be measured in monetary terms but is found to outweigh known or perceived economic interests and costs.

F. SEQUENCE

Not Applicable.

G. EFFECT

1. All approved street renaming applications shall have an effective date at least 45 days from the date of approval but may be further delayed for a set period of time not to exceed one year, to assist businesses and other affected landowners in preparing for the name change.
2. Street renaming initiated by the Town due to public safety or emergency service delivery issues may take effect immediately upon approval.

H. AMENDMENT

An application for a Street Renaming with the same name for the same street or portion of the same street shall not be filed within two years from the date of final action on the previous request, unless the Town Council determines a substantial change has occurred in the nature of the application that merits reconsideration.

I. EXPIRATION

Not Applicable.

J. VESTING

Not Applicable.

K. APPEAL

In accordance with Section 2.3.4B.2, Decisions by Town Council~~Decisions by Town Council~~.

~~2.3.25~~2.3.27 TEMPORARY PERMIT

A. APPLICABILITY

1. The standards in this section apply to non-permanent uses and structures~~, including temporary signage,~~ that take place on a temporary basis whether on the same site or in different locations in the Town's planning jurisdiction.
2. Temporary uses occurring within the public right-of-way require approval by the Town Council or NCDOT, as appropriate, and are not subject to a Temporary Permit.

B. EXEMPTIONS

Temporary uses or structures operated by the Town or the County for public safety or as part of a sanctioned governmental event shall be exempted from these requirements.

C. PROCESS TYPE

Type II (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

D. REVIEW CRITERIA

The Planning Director shall decide applications for a Temporary Permit in accordance with Figure 2.3.27, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
2. The applicant has obtained the appropriate permits and approvals from the Town and other agencies;
3. The temporary use meets public utility and Town requirements for proper connection to water, sewer, electrical, and other utility service connections, as applicable;
4. Inclusion of any lighting or electrical service shall be subject to an approved electrical permit;
5. Any habitable structures shall require approval of a Building Permit;
6. The temporary use or activity complies with all applicable provisions in Section 4.6, Temporary Uses~~Temporary Uses~~;
7. The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;
8. The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting the site's ability to comply with other applicable requirements of this Ordinance;
9. The temporary use is located outside a special flood hazard area;
10. The temporary use provides adequate on-site restroom facilities, if necessary;
11. Adequate provisions for crowd control shall be provided, if necessary; and **AMENDED 4.15.24 (UDOTA1-24)** [29]
12. ~~Any signage associated with a Temporary Permit shall comply with the applicable standards in Section 6.13, Signage, and~~

FIGURE 2.3.27 TEMPORARY PERMIT PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** Filed with the Planning Director
3	**Completeness Determination**
4	**Staff Review**
5	**Decision by Planning Director**
6	Notification of Decision

[29] See STN # 54.

~~13.~~12. The site of the temporary use shall be cleared of all debris at the end of the temporary use and all temporary structures shall be cleared from the site within five days after the use is terminated.

E. SEQUENCE

Temporary Permits shall be issued prior to issuance for Building Permit for a temporary structure.

F. EFFECT

Approval of a Temporary Permit shall authorize the establishment of a temporary use, structure, or activity for the duration identified in the approval.

G. AMENDMENT

Amendment of a Temporary Permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EXPIRATION

1. If the work authorized by a Temporary Permit is not substantially commenced within six months from the date of issuance, the Temporary Permit shall become null and void.
2. An approval of a Temporary Permit is only valid for the term included in the approval. In cases where the activity associated with a Temporary Permit approval cannot be undertaken within the allowable duration, the applicant may withdraw the application and reapply.
3. Failure to achieve substantial commencement or complete the temporary use or activity within the permitted duration shall render the Temporary Permit approval null and void.

I. VESTING

The vesting terms shall be in accordance with Section 1.11.4B, Issuance of a Building Permit~~Issuance of a Building Permit~~.

J. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.26~~2.3.28 TEXT AMENDMENT

A. APPLICABILITY

The standards and requirements of this section shall apply to applications to revise the text of this Ordinance.

B. ~~APPLICATION~~REQUEST

~~Applications~~ Requests to amend the text of this Ordinance may be ~~initiated~~ made to~~by~~ the Town Council, the Planning Board, or Town staff~~, owners of land within the Town's planning jurisdiction, or by residents of the Town of Clayton or its extraterritorial jurisdiction~~. **AMENDED 12.16.24 (UDOTA3-24)**

~~C. TIMING OF REVIEW~~

~~1. TOWN-INITIATED AMENDMENT REQUESTS~~

~~Text amendment requests initiated by Town Council, the Planning Board, or Town staff shall be processed in accordance with a schedule established by the Town at the time of the amendment. AMENDED 12.16.24 (UDOTA3-24)~~

~~2. ALL OTHERS~~

~~Text amendment requests submitted by landowners or residents of the Town's planning jurisdiction shall only be processed in accordance with the Town's adopted schedule for such amendments, which are generally limited to two times per calendar year. AMENDED 12.16.24 (UDOTA3-24)~~

~~D.~~C. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

FIGURE 2.3.28 TEXT AMENDMENT PROCEDURE

STEP	ACTION
1	**Request Initiated~~Initiate Application~~**
2	**Completeness Determination**
3	**Staff Review**
4	**Review & Recommendation by Planning Board**
5	**Public Notification**
6	**Decision by Town Council** Must include written statement of reasonableness and consistency with adopted policy guidance
7	**Notification of Decision**
8	**Amend Ordinance Text** If approved

~~E.~~D. RECOMMENDATION

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 2.4, Review Procedures~~Review Procedures~~.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's Adopted Policy Guidance.

~~F.~~E. DECISION

1. The decision shall be based on the legislative discretion of the Town Council, taking into consideration any recommendation received from the Planning Director, prepared in consultation with other Town staff, the recommendation of the Planning Board, citizen comments, Figure 2.3.28 and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. In making its decision, the Town Council shall adopt a written statement of reasonableness and consistency with the Town's Adopted Policy Guidance in accordance with NCGS§160D-605.

~~G.~~F. CITIZEN COMMENT

In cases where a resident or landowner submits written comments to the Town at least two business days prior to the date a decision is being made on the application, the Town staff member processing the application shall deliver the statement(s) to the Town Council.

~~H.~~G. REVIEW CRITERIA

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.

~~I.~~H. SEQUENCE

A Text Amendment application shall not be submitted with another application.

~~J.~~I. EFFECT

The Planning Director shall make changes to the text of this Ordinance promptly after approval of a text amendment application by the Town Council.

~~K.~~J. AMENDMENT

Not Applicable.

~~L.~~K. EXPIRATION

Not Applicable.

~~M.~~L. VESTING

Not Applicable.

~~N.~~M. APPEAL

In accordance with Section 2.3.4B.2, Decisions by Town Council~~Decisions by Town Council~~.

~~2.3.27~~2.3.29 TRANSPORTATION IMPACT ANALYSIS

A. PURPOSE AND INTENT

This Transportation Impact Analysis (TIA) procedure allows an assessment of a proposed development's impact on the Town's transportation system. It identifies recommended transportation system improvements to be included by the proposed development as necessary to mitigate any negative impacts created by the proposed development.

FIGURE 2.3.29 TRANSPORTATION IMPACT ANALYSIS PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**File Application** Must be prepared by a professional engineer
3	**Completeness Determination**
4	**Staff Review** Including comment by ~~Planning Director~~TRC
	3rd Party Review If required by Town
4	**Engineering Director Review and Acceptance**
5	**Notification of Decision**

B. APPLICABILITY

A Transportation Impact Analysis, prepared in accordance with this section shall be required for any of the following:

1. A new development anticipated to generate 100 or more vehicle trips during any peak hour, or 1,000 or more vehicle trips per day, based on the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual; or
2. A new development that is part of a larger development that, when considered cumulatively, will generate 100 or more vehicle trips during the AM or PM peak hour, or 1,000 or more vehicle trips per day, based on the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual; or
3. The proposed development is located on a roadway that has a demonstrated transportation capacity issue, as determined by the Engineering Director; or
4. There are likely to be significant changes to adjacent development traffic patterns, as determined by the Engineering Director, as a result of the proposed development.

C. TRAFFIC ASSESSMENT OPTION

1. In cases where the number of vehicle trips is not known (such as in the case of a Conventional Rezoning application), or in cases where the proposed uses will not result in 100 or more vehicle trips during any peak hour nor more than 1,000 vehicle trips per day, the Engineering Director shall require a Traffic Assessment instead of a Transportation Impact Analysis. **AMENDED 4.15.24 (UDOTA1-24); 12.16.24 (UDOTA3-24)**
2. A Traffic Assessment is a general investigation of anticipated traffic on adjacent roadway capacity and function as opposed to detailed estimates of the number of trips and steps necessary to maintain a minimum operating level of service.

D. APPLICATION

1. The type, scope, and contents of a Transportation Impact Analysis shall be determined during the mandatory pre-application conference (see Section 2.4.3, Pre-Application Conference~~Pre-Application Conference~~).
2. A Traffic Impact Analysis shall be prepared by a professional engineer licensed in the State of North Carolina, and shall include all of the following:

a. The impact area examined, including the points of access and key streets and intersections to be affected by development;
b. Existing traffic volumes;
c. Planned and pending street improvements;
d. The analysis methodology;
e. An inventory of the data used;
f. The findings of the analysis; and
g. Recommendations based on the results.

3. The Engineering Director shall determine the geographic area to be included in a traffic impact analysis, which shall extend to a point the farther of:
   a. One-half mile from the edges of the development site; or
   b. Where the project traffic at build-out is less than 10% of the capacity of the roadway or intersection.
4. Traffic recorder and turning movement assessment locations may also have to be determined.

E. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) except that a pre-application conference is mandatory, and the Town may require third-party review of a proposed Transportation Impact Analysis prior to deciding an application.

F. THIRD-PARTY REVIEW

1. Transportation impact analyses that include State roads shall require review by the NCDOT.
2. The Engineering Director may require that an independent third party be hired by the Town at the applicant's expense to perform a required Transportation Impact Analysis, or to review a Transportation Impact Analysis filed by an applicant. The third party shall be a professional engineer licensed in the State of North Carolina to prepare such analyses, and the third party's contract shall be administered solely by the Town.
3. The Town shall determine the scope of services to be performed by a third party and receive a cost estimate from the third party for such services.
4. The applicant shall provide funds to the Town for the third-party review in accordance with the Town's fee schedule.
5. Funds for third-party review are not refundable if an applicant withdraws their application prior to third-party review.

G. REVIEW CRITERIA

The Engineering Director shall accept or not accept a Transportation Impact Analysis based on Figure 2.3.29, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, the findings of the third-party review (if conducted), and the following: **AMENDED 9.16.24 (UDOTA2-24)**

1. The analysis is prepared and sealed by a licensed professional engineer with expertise in traffic engineering;
2. The analysis includes a summary of findings and recommendations for mitigation based on the Town's Adopted Policy Guidance and applicable State regulations;
3. The analysis conforms with the requirements of this section and the Town's Engineering Specifications and Design Manual;
4. Full payment for all third-party review costs has been provided;

5. The analysis identifies the post-development roadway lane configurations and levels of service for signalized and unsignalized intersections within the study area;
6. The projected traffic generated by the project, combined with existing traffic, either does not exceed the desirable operating level established in the impact area as identified in Section 6.5.11, StreetsStreets, or the impacts of the project traffic are properly mitigated by on-site and off-site improvements recommended in the analysis;
7. The analysis identifies the parties responsible for any recommended improvements; and
8. The applicant is willing and able to successfully mitigate the proportional impact that the proposed development will have on the public transportation network as identified in the Transportation Impact Analysis.

H. SEQUENCE

A Transportation Impact Analysis may be filed concurrently with an application for a Conditional Rrezoning, Major sSubdivision, Site Plan, Special Use Permit, Zoning Compliance Permit, or Building Permit, but the Transportation Impact Analysis shall be decided before these other application types.

I. EFFECT

1. An application may be denied upon the basis of the Transportation Impact Analysis even in cases where the Engineering Director accepts the analysis. **AMENDED 9.16.24 (UDOTA2-24)**
2. Approval Acceptance of a Transportation Impact Analysis permits an applicant to file for the next kind of development approval in the sequence.
3. In some cases, the results of a Transportation Impact Analysis may result in an applicant amending other applications in one or more of the following ways:
   a. Changes in use type or scope to reduce the projected vehicle trips per day;
   b. The dedication of additional right-of-way;
   c. The rerouting of traffic or modifications or additions of the internal street network or proposed access and egress points;
   d. Participation in the funding of a traffic signal, intersection improvement, or other off-site transportation improvement; or
   e. Other modification determined to be necessary.

J. AMENDMENT

Amendment to an approved Transportation Impact Analysis may only be reviewed and considered in accordance with the procedures and standards established for its original approvalacceptance.

K. EXPIRATION

A Traffic Impact Analysis approval acceptance shall expire within two years of its acceptance unless the in accordance with the Concept Plan, Site Plan, Major sSubdivision plat, or other approvalZoning Compliance Permit it is associated with has a longer expiration term. [30]

L. VESTING

In accordance with Section 1.11.4C, Statutory Vested RightsStatutory Vested Rights.

M. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, AppealAppeal.

[30] See STN # 27.

~~2.3.28~~2.3.30 TREE CLEARING CERTIFICATE

This Tree Clearing Certificate implements the enabling legislation granted to the Town by the North Carolina General Assembly. The purposes of this procedure is to establish some basic requirements for preserving existing vegetation around the perimeter of lots, or tracts for use towards meeting landscaping requirements of this Ordinance in the event the lot or tract is subsequently developed in accordance with this Ordinance. The intent of this procedure is to:

1. Protect existing trees and shrubs located upon undeveloped sites for use as future buffers and streetscapes to meet future development requirements;
2. Preserve existing tree and vegetative cover to protect the health safety and welfare of the public by:
   a. Preserving the visual and aesthetic qualities of the Town;
   b. Maintaining property values;
   c. Controlling erosion; and
   d. Reducing sediment and other pollutant run-off into streams and waterways to protect water quality.

FIGURE 2.3.30 TREE CLEARING CERTIFICATE PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** Submitted to Planning Director
3	**Completeness Determination**
4	**Planning Director Review and Decision**
5	**Notification of Decision**

B. APPLICABILITY

Unless exempted in accordance with sub-section (C) below, a Tree Clearing Certificate shall be required for any land disturbing activities proposed on a site, lot or portion of a lot that is not subject to an approved Major ~~s~~Subdivision, Site Plan, Conditional Rezoning, Zoning Compliance Permit, Erosion Control Permit, or similar development approval.

C. EXEMPTIONS

1. The following forms of development, land disturbance, or other activities are exempted from this section, but shall be subject to other applicable Town, County, State, or federal requirements.
   a. Removal of existing trees on lots or tracts subject to an approved Major ~~s~~Subdivision, Site Plan, Conditional Rezoning, Zoning Compliance Permit, Erosion Control Permit, or similar development approval, which shall comply with the tree protection requirements included in the approval.
   b. The removal of existing trees on a single lot located within an approved single-family residential subdivision that is zoned for single-family use, and provided such trees are not included as required landscaping.
   c. Forestry activities on property taxed on its present-use value as agricultural, horticultural, or forestland in accordance with NCGS Ch. 105, Article 12, or forestry activity that is conducted in accordance with a forestry management plan prepared or approved by a forester registered pursuant to NCGS Ch. 89B, and provided such activities are accomplished in compliance with this section.
   d. The removal of vegetation by public or private agencies within the lines of any public street rights-of-way, utility easements, or other Town property, as may be necessary to ensure public safety, to obtain clear visibility at driveways or intersections, to perform authorized field survey work, or to preserve or enhance the symmetry and beauty of such Town property.

e. Town-initiated or -approved removal of any vegetation which is in an unsafe condition, constitutes a nuisance or noxious weed, or which by its nature is injurious to sanitary sewers, electrical power lines, gas lines, water lines, stream or conveyance channels, or other public improvements, or vegetation which is infected with any injurious fungus, insect, or other pest.

2. In cases where exemption is claimed based on forestry use, the applicant shall include proof that the property is taxed under the present-use value standard, or a copy of the valid forestry management plan prepared or approved by a North Carolina registered forester.

D. APPLICATION

Prior to the commencement of any vegetation clearing or removal on any undeveloped property, the owner or the owner's agent shall demonstrate exemption from the requirements of this section, or submit a Tree Clearing Certificate application in accordance with the following:

1. Applications for a Tree Clearing Certificate shall be filed only by all the owners of the property or by such owners' authorized agent.
2. The application shall be accompanied by a Vegetation Protection Plan on a sheet no larger than 24 inches by 36 inches, at a scale of one-inch equals 50 feet, that includes all of the following information:
   a. A vicinity map showing the location of the tract at a readable scale;
   b. A map of the entire tract, including the property boundary of the entire tract by courses and distances with references to true meridian and the location and dimension of all on-site and adjacent off-site easements (such as drainage, utility, public access, aerial utility, conservation, permanent and temporary construction easements);
   c. General information about the tract, including but not limited to the owner of the tract; the current zoning of the tract, the area of the tract, and any conditional zoning conditions, if applicable;
   d. The location and use(s) of all existing building(s) on the tract;
   e. The owner, current zoning, and present use of all contiguous properties (including property on opposite side of adjoining streets);
   f. The general classification of all existing and proposed adjacent roadways (as depicted in the Adopted Policy Guidance) and the ultimate right-of-way boundaries associated with these roadways;
   g. The location and width of all future required landscaping areas, including riparian buffers, perimeter landscaping buffers, and streetscapes;
   h. The proposed limits of tree removal or land disturbance activities; and
   i. The location and width of all required tree protection areas.
3. Requirements for a Vegetation Protection Plan may be waived only in situations where the applicant can demonstrate, to the satisfaction of the Planning Director, that all existing tree removal will take place outside of and away from areas that would be configured as required landscaping areas.

E. PROCESS TYPE

Type II (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

F. REVIEW CRITERIA

The Planning Director shall decide an application for a Tree Clearing Certificate in accordance with Figure 2.3.30, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. Other than the clearing necessary to gain reasonable access to the property, clearing and/or removal of trees shall be prohibited in the following areas:
   a. A tree save area with a width of 50 feet as measured from all ultimate property boundaries that adjoin existing public street rights-of-way. For the purposes of this section, "ultimate property boundary" means the final demarcation line around the perimeter of a lot or tract excluding all areas that must be dedicated to the Town for use as rights-of-way; and
   b. A tree save area with a width of 50 feet as measured from all property boundaries that adjoin developed property or vacant property with an approved Site Plan and/or Major ~~s~~Subdivision ~~plat~~; and
   c. A tree save area with a width of 25 feet as measured from all property boundaries that adjoin undeveloped property or vacant property without an approved Site Plan and/or Major ~~s~~Subdivision ~~plat~~; and
   d. Any other areas necessary for the protection of existing vegetation within riparian buffers, jurisdictional wetlands, and resource conservation areas.
2. In situations where one or more tree save areas overlap on the same site, then the area with the wider required width shall apply.
3. The total area of required tree save areas for any tract shall occupy at least 20% of the area of the tract, after subtracting required public street rights-of-way and any required conservation easements.

G. NON-COMPLIANCE

1. Failure to retain existing trees in areas subject to tree protection in accordance with this section shall be a violation of this Ordinance.
2. Noncompliance shall be addressed in accordance with Section 2.3.30I, Limitation on Development Proposals Following Clear Cutting~~Limitation on Development Proposals Following Clear Cutting~~. **AMENDED 12.16.24 (UDOTA3-24)**

H. INSPECTION

1. Approval of a Tree Clearing Certificate shall permit an applicant to install any and all barriers necessary to protect existing trees within required tree save areas from damage during tree removal or land disturbing activities. Failure to protect required tree save areas is a violation of this Ordinance and shall be subject to the standards in Section 2.3.30G, Non-Compliance~~Non-Compliance~~.
2. Once all barriers for the protection of existing trees have been installed, the applicant or their agent shall request inspection of such barriers for compliance with the requirements of this Ordinance.
3. Following a passing inspection of vegetation protection barriers, the Planning Director shall issue the Tree Clearing Certificate, and authorized vegetation clearing may commence.

I. LIMITATION ON DEVELOPMENT PROPOSALS FOLLOWING CLEAR CUTTING

AMENDED 12.16.24 (UDOTA3-24)

1. GENERALLY

a. Clear cutting of a lot or tract prior to approval of a development application or in a manner not consistent with the requirements of Section 2.3.30, Tree Clearing Certificate~~Tree Clearing Certificate~~, is prohibited and shall be subject to the requirements of this subsection.

b. For the purposes of these standards, "clear cutting" shall be defined as any activity that results in the removal of 80 percent or more of the tree canopy coverage over a lot or tract from existing trees that meet or exceed the minimum size at time of planting requirements in this Ordinance.

2. DELAY FOLLOWING CLEAR CUTTING AS PART OF EXEMPTED FORESTRY ACTIVITY OR AFTER FAILURE TO FOLLOW A TREE CLEARING CERTIFICATE

If 80 percent or more of a lot or site is cleared of trees that would have been protected by this section, no application for a Rezoning, Special Use Permit, Major Subdivision, or Site Plan shall be accepted for development of the land for a period of three years after the tree clearing activity.

3. DELAY FOLLOWING CLEAR CUTTING WITHOUT A TREE CLEARING CERTIFICATE

If 80 percent or more of the trees that would have been protected by this section are removed and the landowner failed to secure a Tree Clearing Certificate prior to clearing, no application for a Rezoning, Special Use Permit, Major Subdivision, or Site Plan shall be accepted for development of the land for a period of five years after completion of the tree removal.

4. ABILITY TO DEVELOP FOLLOWING MITIGATION

Delays on the acceptance of applications in accordance with subsections (2) or (3) above may be reduced or removed by the Town Council following a 3/4 majority vote of the Town Council.

J. SEQUENCE

A Tree Clearing Certificate shall be approved prior to authorization for early grading associated with a Land Disturbance Permit.

K. AMENDMENT

Amendment of a Tree Clearing Certificate may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

L. EXPIRATION

An approved Tree Clearing Certificate shall be valid for a period of not more than one year from the date of issuance.

M. VESTING

In accordance with Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

N. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

~~2.3.29~~2.3.31 VARIANCE

A. PURPOSE AND INTENT

The purpose of this Variance procedure is to allow deviations from certain standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes provisions for reasonable accommodation of persons with physical disabilities and variances pertaining to the Town's special flood hazard area requirements, water supply watershed protection standards, and stormwater provisions.

FIGURE 2.3.31 VARIANCE PROCEDURE

STEP	ACTION
1	**Pre-Application Conference**
2	**Neighborhood Meeting**
2	**File Application** - Filed with Planning Director - Clarify type of Variance sought
3	**Completeness Determination**
4	**Staff Review**
5	**Public Notification**
6	**Decision by Board of Adjustment**
7	**Notification of Decision**
8	**Transmit to NC Environmental Management Commission** If a Major WSW Variance

B. APPLICABILITY

1. VARIANCE

a. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.

b. No Variance may be sought for uses not allowed in a zoning district.

c. No Variance may be sought that increases development density (e.g., units per acre) beyond that allowed in the zoning district where located.

2. REASONABLE ACCOMMODATION

a. In cases where the strict application of the standards of this Ordinance would deprive an eligible person of their right to equal opportunity to use a dwelling under the federal Fair Housing Act, the person may apply for a Reasonable Accommodation in accordance with this section.

b. For the purposes of this section, an "eligible person" is a person who meets the definition of a disabled or handicapped person under federal law.

c. A person recovering from substance abuse is considered a person with a disability or handicap provided they are not currently engaging in the illegal use of controlled substances.

C. VARIANCES DISTINGUISHED

1. In addition to applications for a Reasonable Accommodation, this procedure recognizes the following different forms of Variance, each of which may have unique review processes and criteria:

a. Zoning or Subdivision Variances;

b. Flood Hazard Overlay Variances;

c. Stormwater Variances; and

d. Water Supply Watershed Variances. **AMENDED 4.15.24 (UDOTA1-24)**

2. Water Supply Watershed Variances shall take the form of a Minor Variance or a Major Variance. Minor Variances pertain to a relaxation, by a factor of up to 10% of any buffer, density, or built-upon area requirement under the low-density option. Major Variances pertain to any of the following:
   a. The relaxation, by a factor greater that 10%, of any management requirement under the low-density option;
   b. The relaxation, by a factor greater than five percent, of any buffer, density, or built upon area requirement under the high-density option; or
   c. Any variation in the design, maintenance, or operation requirements of an approved stormwater control measure.

D. APPLICATION

1. Applications for Zoning or Subdivision Variances and Reasonable Accommodations shall be processed by the Planning Director or a designee.
2. Applications subject to a required neighborhood meeting shall include required information in accordance with Section 2.4.4, Neighborhood Meeting~~Neighborhood Meeting~~.
3. Applications for Flood Hazard Overlay, Water Supply Watershed, and Stormwater Variances shall be processed by the Floodplain Administrator or Stormwater Administrator, as appropriate.
4. An application for Reasonable Accommodation may be made by a person with a disability or handicap, or their legal representative, or by a provider of housing for persons with disabilities or handicaps. An application for Reasonable Accommodation shall also include the following:
   a. The basis for the claim that the applicant or persons receiving services from the applicant is considered disabled or handicapped under federal law;
   b. The Ordinance provision from which the Reasonable Accommodation is being requested; and
   c. An explanation of why the Reasonable Accommodation is necessary to make specific land or development available for the applicant.

E. PROCESS TYPE

Type III (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) except that Major Water Supply Watershed Variances shall be decided by the North Carolina Environmental Management Commission following review and recommendation by the Board of Adjustment.

F. DECISION

1. GENERALLY

a. The decision shall be based on the competent, material, and substantial evidence in the record, as supplemented by arguments presented at the evidentiary hearing, Figure 2.3.31, and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
b. The decision shall be one of the following:
   i. Approval of the Variance or Reasonable Accommodation as proposed;
   ii. Approval of the Variance or Reasonable Accommodation with revisions; or
   iii. Denial of the Variance or Reasonable Accommodation as proposed.
c. Voting shall be in accordance with Section 2.4.9C.5, Voting~~Voting~~.
d. Each decision shall be made in writing and reflect the Board of Adjustment's determination of facts and their application to the standards in this Ordinance.

5. REASONABLE ACCOMMODATION

a. A Reasonable Accommodation application shall be approved on a finding the proposed accommodation:

i. Will be used by an individual or individuals with a disability or handicap protected under federal law;

ii. Is the minimum needed to provide accommodation; and

iii. Is reasonable and necessary.

b. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other Town standard, and it will not impose significant financial and administrative burden upon the Town.

c. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the Town's planning jurisdiction.

H. CONDITIONS

In granting a Variance, the Board of Adjustment may prescribe conditions of approval to assure that the use of the land to which the Variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood. Conditions of approval shall be in accordance with Section 2.4.10, Conditions of Approval~~Conditions of Approval~~, and the following:

1. Conditions of approval must be reasonably related to the application.
2. An application approval granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
3. Violation of a condition of approval shall be deemed a violation of this Ordinance.
4. If a violation or invalidation of a condition of approval occurs, the Planning Director, or Engineering Director, as appropriate, may revoke the authorization for the development subject to the approval.

I. SEQUENCE

A Variance application may be filed with any other application except an appeal or rezoning, but the Variance approval shall always be required prior to any other associated application.

J. EFFECT

1. GENERALLY

Approval of a Variance authorizes only the particular regulatory relief approved by the Board of Adjustment. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the Variance is granted should receive other permits or development approvals unless and until the relevant and applicable portions of this Ordinance are met.

2. NOTIFICATION REGARDING FLOOD INSURANCE COSTS

a. An applicant for whom a Flood Hazard Overlay Variance is approved shall be provided written notice by the Engineering Director specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is built. The notice shall inform the applicant about the risks to life and property from construction below the BFE and that issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance.

b. The notification shall be maintained by the Engineering Director with the record of the Variance action.

3. RECORDS OF FLOOD HAZARD OVERLAY VARIANCES

Upon request, the Engineering Director shall report all Flood Hazard Overlay Variances approved in accordance with this section to the Federal Emergency Management Agency and the State of North Carolina.

4. REASONABLE ACCOMMODATIONS

A Reasonable Accommodation shall not affect an applicant's obligation to comply with other applicable standards in this Ordinance that are not the subject of the reasonable accommodation application.

K. AMENDMENT

Not Applicable.

L. EXPIRATION

Not Applicable.

M. VESTING

Not Applicable.

N. APPEAL

In accordance with Section 2.3.4B.1, Decisions by Board of Adjustment~~Decisions by Board of Adjustment~~. Applications decided by the North Carolina Environmental Management Commission shall be taken to the Superior Court for the county where located in accordance with applicable State law.

~~2.3.30~~2.3.32 VESTED RIGHTS CERTIFICATE

A. PURPOSE AND INTENT

The purpose for this Vested Rights Certificate procedure is to permit an applicant to request vesting, or an extended vesting period, from changes in this Ordinance that take place after approval of a development application but prior to completion of an approved site-specific vesting plan associated with the application.

FIGURE 2.3.32 VESTED RIGHTS CERTIFICATE PROCEDURE

STEP	ACTION
1	**Pre-Application Conference** (Optional)
2	**File Application** May be filed as part of or after an application for a development approval constituting a site-specific vesting plan
3	**Completeness Determination**
4	**Staff Review and Recommendation** By Planning Director
5	**Public Notification**
8	**Decision by Town Council** Vesting duration limited to a maximum of five years
9	**Notification of Decision**
10	**Insert Vesting Term** If approved

B. APPLICABILITY

An application for a Vested Rights Certificate shall be limited to applications with an approved site-specific vesting plan in accordance with Section 1.11.4D, Site-Specific Vesting Plan~~Site-Specific Vesting Plan~~.

C. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams~~Process Diagrams~~) except that the Planning Board shall not provide a recommendation and a neighborhood meeting is not required.

D. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with Figure 2.3.32 and the standards in Section 2.4, Review Procedures~~Review Procedures~~.
2. The decision shall be one of the following:
   a. Approval of the Vested Rights Certificate as proposed;
   b. Approval of a revised Vested Rights Certificate; or
   c. Denial of the Vested Rights Certificate.
3. If approved, the Vested Rights Certificate is deemed established upon the date of approval of a qualifying site-specific vesting plan to which the application for a Vested Rights Certificate was attached.

E. REVIEW CRITERIA

An application for a Vested Rights Certificate shall be approved if:

1. The Vested Rights Certificate is for an approved site-specific vesting plan;
2. The development is valid and unexpired;
3. Any required Variances have been obtained; and
4. The request is in accordance with NCGS§160D-108, and Section 1.11, Vested Rights~~Vested Rights~~.

F. SEQUENCE

1. An application for a Vested Rights Certificate may be submitted concurrently with or following the application qualifying as a site-specific vesting plan, but consideration of a Vested Rights Certificate shall only take place following approval of the site-specific vesting plan.

2. A Vested Rights Certificate shall be approved prior to issuance of a Building Permit.

G. EFFECT

1. Each document used to establish a site-specific vesting plan shall bear the following notation:
   "Approval of this application establishes a zoning vested right under Section 160D-108 of the North Carolina General Statutes, as amended. Unless terminated at an earlier date, the vested right shall be valid until _____(date)."
2. The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through ordinances that are general in nature and are applicable to all property subject to land use regulation by the Town, including, but not limited to: building, fire, plumbing, electrical, and mechanical codes.

H. AMENDMENT

Amendment of Vested Rights Certificate may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. DURATION

1. In no instance shall a Vested Right Certificate provide a vested right for a period of longer than five years from the date of approval of the site-specific vesting plan.
2. A Vested Right Certificate shall expire and become null and void:
   a. At the end of the approved vesting period; or
   b. If a Building Permit application for the development subject to the certificate is not submitted within two years of the approval of the Vested Rights Certificate ~~associated with a Special Use Permit Concept Plan, Major Subdivision Preliminary Plat, or Site Plan, or five years of the approval of a Vested Rights Certificate associated with a Conditional Rezoning Concept Plan~~; or
   c. Upon a finding by the Town Council after public notice and a public hearing, that:
      i. Natural or man-made hazards on or in the immediate vicinity of the land, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated;
      ii. The landowner or landowner's representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site-specific vesting plan;
      iii. The landowner failed to comply with any condition imposed upon the establishment of the site-specific development plan or Vested Rights Certificate; or
   d. Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant fees incurred after approval of the certificate by the Town, together with interest at the legal rate until paid. Compensation shall not include any diminution in the value of the land which is caused by such action; or
   e. With the written consent of the affected landowner.
3. Upon enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan, the Town Council may modify the affected provisions of the certificate by ordinance, if after conducting a hearing, it finds the changed conditions created by the change in the State or federal law have a fundamental effect on the site-specific vesting plan.

J. EXPIRATION

Unless terminated in accordance with Section 1.11.5, Termination of a Vested Right~~Termination of a Vested Right~~, a Vested Rights Certificate shall expire at the end of the term identified in the approval.

K. APPEAL

In accordance with Section 2.3.4B.2, Decisions by Town Council~~Decisions by Town Council~~.

~~2.3.31~~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 [31]

1. A Zoning Compliance Permit is ~~shall be~~ required for ~~development applications that are exempted from requirements to obtain a Building Permit, and~~ the following:
   - **a.** Art Installations <>;
   - **b.** Driveway Permits (private street only) <>;
   - **c.** Family Care Homes <>;
   - ~~**a.**~~**d.** ~~Erection or modification of a f~~Fence~~, or privacy~~, or ~~retaining~~ wall less than or equal to 6 feet ~~over 24~~ 36 ~~inches~~ in height ~~above grade~~ <>; ~~or~~
   - **e.** Retaining walls less than 5 feet in height, including the buried portion <>;
   - **f.** Mobile Restaurant or Push Cart <>;
   - **g.** Ornamental or other pools with depths of less than 24 inches <>;
   - **h.** Outdoor Dining (up to 20 people) <>;
   - **i.** Outdoor Display (< 50 sf) <>;
   - **j.** Patios and At-Grade Walkways <>;
   - **k.** Playground equipment with a Residential Dwelling <>;
   - **l.** Secondary Structure (when no building permit required) <>;
   - **m.** Any change in principal use within an existing non-residential, multi-family, or mixed-use structure <>; ~~or~~
   - **n.** A home occupation <>; or
   - ~~**b.**~~ Establishment of a secondary use ~~or structure~~ <>; ~~or~~
   - ~~**c.** Land disturbing activities; or~~
   - ~~**d.**~~ Change of tenant~~Changes in utility customer accounts (e.g., when a water or electricity customer account changes from one person or entity to a different person or entity). AMENDED 12.16.24 (UDOTA3-24)~~
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. APPLICATION

1. Applications for a Zoning Compliance Permit shall include a generalized sketch of the development that identifies the lot lines and the outer extents of all of the following features (if present):
   - **a.** Principal structure(s);

[31] See STN # 61 & # 78.

b. Secondary structures (including those there on a temporary basis);
c. Open-air uses of land;
d. Required setbacks and allowable encroachments, if applicable;
e. Existing potable water wells, septic tanks, drain fields, and reserve or back-up drain field locations;
f. Required tree save areas;
g. Required stormwater control measures;
h. Any other features identified by the Planning Director as necessary for determining compliance with the requirements of this Ordinance; and
i. Proposed uses, structures, or development activity associated with the Zoning Compliance Permit.

2. Sketches are not required to be professionally prepared, but must be drawn to scale.
3. Development activity associated with signage shall comply with the standards in Section 2.3.21, Sign Permit~~Sign Permit~~.
4. Establishment of a temporary use, structure, or activity shall comply with the standards in Section 2.3.27, Temporary Permit~~Temporary Permit~~.
5. Applications for new development seeking to connect to public sewer shall include a wastewater allocation request completed in accordance with all Town requirements.

D. PROCESS TYPE

Type I (see Section 2.2.3, Process Diagrams~~Process Diagrams~~).

E. REVIEW CRITERIA

A Zoning Compliance Permit shall be decided by the Planning Director in accordance with Figure 2.3.33, Section 2.4.7, Staff Review and Action~~Staff Review and Action~~, and the following:

1. All standards or conditions of any prior applicable permits and developments approvals;
2. Any applicable County, State, and federal requirements;
3. All applicable requirements of this Ordinance, the Town Code of Ordinances, and any applicable Town manuals or associated regulatory documents; and
4. Approval of the Zoning Compliance Permit does not require any reduction, deviation, or waiver not already approved by the Town.

F. SEQUENCE

A Zoning Compliance Permit application may be filed with or after any other application type except for a Building Permit or Certificate of Occupancy. Development subject to a Building Permit shall not require a Zoning Compliance Permit application.

G. AMENDMENT

Amendment of a Zoning Compliance Permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EXPIRATION

1. A Zoning Compliance Permit shall expire and become null and void if the development it authorizes is not substantially commenced within six months of the permit issuance.
2. A Zoning Compliance Permit shall expire if work is discontinued for a period of 12 months after work has commenced.

I. VESTING

See Section 1.11.4C, Statutory Vested Rights~~Statutory Vested Rights~~.

J. APPEAL

In accordance with NCGS§160D-405, and Section 2.3.4, Appeal~~Appeal~~.

2.4 REVIEW PROCEDURES

2.4.1 OVERVIEW

A. This section describes the standard procedural steps and rules generally applicable to every development application reviewed under this Ordinance, except where identified in the particular application type in Section 2.3, Application Types~~Application Types~~.

B. Sub-sections are listed in chronological or sequential order as they relate to the application process rather than being listed in alphabetical order.

2.4.2 PURPOSE AND INTENT

This section establishes the procedures used by the Town for the processing of applications under this UDO. It is the intent of this section to establish a uniform set of processes to foster greater efficiency and predictability for applicants, residents, staff, and elected and appointed officials. The standards in this section are not intended as a substitute for the application of judgment or discretion by a review authority when necessary.

2.4.3 PRE-APPLICATION CONFERENCE

A. PURPOSE

The purpose of a pre-application conference is to provide an opportunity for the applicant to learn about the submittal requirements, procedures, and standards applicable to a particular development application. A pre-application conference is also an opportunity for Town staff to become familiar with, and offer preliminary comments about the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

B. APPLICABILITY

1. REQUIRED, OPTIONAL, OR NOT APPLICABLE

a. A pre-application conference is required before submittal of some applications, in accordance with Table 2.2.1, Application Types Table.

b. Pre-application conferences are optional while others do not have a pre-application conference associated with them, in accordance with Table 2.2.1, Application Types Table.

c. When a pre-application conference is not required, applicants may contact Town staff with questions about any development application procedure.

d. There are no limits on the number of pre-application conferences that may be conducted, though the Town may charge a pre-application fee for the third or any subsequent pre-application conference regarding the same project or development site.

C. DISCUSSIONS NON-BINDING

Discussions at a pre-application conference are not binding on the Town and do not constitute filing or review of an application.

D. SCHEDULING

Applicants for a pre-application conference may schedule the conference on the Town's webpage in accordance with Town policy.

E. SUBMITTAL REQUIREMENTS

1. Pre-application conferences for development applications that include a Site Plan, Major ~~s~~Subdivision, or Concept Plan shall require the applicant to provide a generalized sketch of

b. Street Renaming/Closures;
c. Special Use Permits; or
d. Variances.

2. Neighborhood meetings for any other kind of application identified in Table 2.2.1, Application Types Table, are optional. However, the Town Council may, by simple majority vote on a motion during a public hearing, require a neighborhood meeting to be conducted before rendering a decision on an application they are deciding.

3. In cases of a multi-part application that includes two or more portions each requiring a neighborhood meeting, only one neighborhood meeting shall be required prior to the filing of the initial portion of the application.

~~3.~~**4.** A townwide rezoning initiated by the Town shall not require a neighborhood meeting to be conducted prior to submittal of a request.

C. PROCEDURE

In cases when a neighborhood meeting is conducted, it shall comply with the following procedures:

1. TIMING

a. The meeting shall start between the hours of 6PM and 8PM on a weekday.
b. The meeting shall take place prior to the application being initially filed with the Town but no more than 60 days prior to the filing of the initial application. **AMENDED 9.16.24 (UDOTA2-24)**
c. Nothing shall limit the Town Council from requiring one or more neighborhood meetings be conducted prior to the application being decided. **AMENDED 4.15.24 (UDOTA1-24)**

2. LOCATION

a. The neighborhood meeting shall take place in a location open to the general public that is as close as possible to the site where development is proposed.
b. In the event no suitable location open to the general public is available, the meeting may take place at a Town-owned or -operated site, subject to any Town requirements for its use.
c. Virtual neighborhood meetings may be conducted when conducted in a manner consistent with the Town's policies for virtual meetings.

3. NOTIFICATION

a. The applicant shall provide notification of the neighborhood meeting via first class mail to all landowners within 300 linear feet of the parcel(s) where development is proposed.
b. Mailed notice shall be provided no less than ten days prior to the date of the neighborhood meeting.
c. Landowners are advised that any required public notice of a subsequent development application will be provided in accordance with Section 2.4.8, Public Notice~~Public Notice~~, which may be less than 300 feet from the parcel where development is proposed.
d. Multiple meetings may take place, but advance notification for each meeting shall be provided in accordance with this subsection.

4. INFORMATION PROVIDED

The applicant shall provide the following in the neighborhood meeting invitation:

a. The purpose of the meeting;

b. A description of the proposed development;
c. The time, date, and location of the meeting;
d. Telephone and email contact information for the applicant or applicant's representative; and
e. Any additional information that would promote understanding of the development proposal.

5. CONDUCT OF MEETING

At the meeting, the applicant shall explain the development proposal and the proposed application, respond to questions and concerns attendees raise about the application, and propose ways to resolve conflicts and concerns.

6. STAFF ATTENDANCE

Town staff may, in the sole discretion of the Planning Director, attend a neighborhood meeting but only in a professional capacity as a source of information about Town policy or requirements. Nothing shall limit a Town staff member from attending a neighborhood meeting as an interested citizen. **AMENDED 4.15.24 (UDOTA1-24)**

7. WRITTEN SUMMARY

The applicant shall submit a written summary of each neighborhood meeting, accompanied by copies of what was presented. At a minimum, the written summary shall include all of the following:

a. A list of all parties and mailing addresses who were mailed a meeting notice;
b. Written proof of mailing provided in accordance with Section 2.4.4C.3, Notification~~Notification~~;
c. A copy of the meeting notice;
d. A sign-in sheet of meeting attendees; and
e. A list of the items discussed, including any questions posed by attendees and the answers provided.

2.4.5 APPLICATION FILING

A. AUTHORITY TO FILE APPLICATIONS

1. Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be filed by the landowner, a contract purchaser with the owner's consent, or other person having a recognized property interest in the land on which development is proposed with the owner's consent.
2. Some applications (e.g., conditional rezoning) must be filed by all landowners, as required in Section 2.3, Application Types~~Application Types~~.
3. Third-party applications to downzone land shall be prohibited.

B. APPLICATION FORMS

The Town shall establish development application forms, which shall be maintained by the Planning Director. Applications may only be completed on the forms provided by the Town.

C. APPLICATION FEES

1. The Town Council shall establish application fees in its Comprehensive List of Fees and Charges which may be updated at the sole discretion of the Town Council.
2. Full payment of the required application fees shall take place concurrent with filing the application.

D. FILING AND REVIEW SCHEDULE

Town policy documents shall contain the filing and review schedules for applications reviewed under this Ordinance. Copies of the application filing and review schedule shall be on file in the Planning Department.

E. APPLICATION FILING

1. An application shall not be considered submitted until it is determined to be complete in accordance with Section 2.4.5G, Determination of Application Completeness~~Determination of Application Completeness~~.
2. No application shall be reviewed or decided until after it is determined to be complete.
3. The provisions in Section 2.4.6, Permit Choice~~Permit Choice~~, shall only apply to applications that are complete.
4. Multiple concurrent applications may be filed and reviewed in accordance with Section 2.4.12, Concurrent Processing~~Concurrent Processing~~.

F. BURDEN OF PRESENTING COMPLETE APPLICATION

The burden of presenting and maintaining a complete application shall be solely upon the applicant.

G. DETERMINATION OF APPLICATION COMPLETENESS

The Planning Director shall determine, within a reasonable period of time, whether an application is complete or incomplete. A complete application is one that:

1. Contains all information and materials identified in this Ordinance and all supporting documentation, as required for submittal of the particular type of application;
2. Is in the form and number of copies required by the Town;
3. Is legible and to scale, if including a plan or plat;
4. Is signed by the person(s) with the authority to file the application;
5. Includes information in sufficient detail to evaluate whether the application complies with the applicable review standards in this Ordinance;
6. Is accompanied by the required fee(s);
7. Occurs only after conduct of a pre-application conference if one is required;
8. Occurs only after conduct of a neighborhood information meeting if one is required; and
9. Is not subject to the limitations described in Section 2.4.15, Reconsideration of Denied Applications~~Reconsideration of Denied Applications~~.

H. APPLICATION INCOMPLETE [32]

1. If the application is incomplete, the Planning Director shall notify the applicant of the deficiencies in writing. The applicant may correct the deficiencies and resubmit the application for completeness determination in accordance with Section 2.4.5E, Application Filing~~Application Filing~~.

2. Following receipt of a notice of application deficiency by the Planning Director, an applicant may revise and resubmit the application.

~~2.~~3. Application fees associated with an application that is withdrawn prior to completeness determination shall be refunded.

~~3.~~4. Failure of an applicant to submit missing or deficient portions of an application or file a written request to process the incomplete application within 30 days of delivery of a written

[32] See STN # 45.

notice of application deficiency shall render the application abandoned. **AMENDED 12.16.24 (UDOTA3-24)**

5. In no instance shall an application that is abandoned be considered a complete application subject to the protections described in Section 2.4.6, Permit Choice~~Permit Choice~~.

~~4.~~6. Application fees associated with an abandoned application shall not be refunded.

I. APPLICATION COMPLETE

1. On determining that the application is complete, it shall be considered as submitted, and the Town shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.
2. Nothing shall preclude the Planning Director or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete. Such re-review shall not invalidate options or protections to a complete application extended under Section 2.4.6, Permit Choice~~Permit Choice~~.

2.4.6 PERMIT CHOICE

AMENDED 12.16.24 (UDOTA3-24)

A. In cases where the applicable provisions of this Ordinance are amended between the time that an application is declared complete (see Section 2.4.5G, Determination of Application Completeness~~Determination of Application Completeness~~) and when it is decided, the applicant may choose which version of this Ordinance shall apply to their application, in accordance with NCGS§143-755.

B. The applicant's decision shall be final, and review under a different set of requirements may only be accomplished through a withdrawal and re-submittal of the application.

C. The application shall be processed in accordance with the newest regulations unless the applicant requests, in writing, to have the application processed in accordance with the rules in place at the time of the application.

D. In cases where an applicant has had an opportunity to exercise permit choice under this section, and subsequently places their application on hold for a period of six consecutive months or more, the application shall be reviewed in accordance with the requirements in effect at the time the applicant requests recommencement of review.

E. In cases where an applicant has had an opportunity to exercise permit choice under this section, receives comments on the application or a request from the Town to provide additional information and fails to respond for a period of six consecutive months or more, the application shall be considered abandoned in accordance with Section 2.4.14C, Abandonment~~Abandonment~~.

F. The right to permit choice is forfeited when an application is abandoned.

2.4.7 STAFF REVIEW AND ACTION

A. STAFF REVIEW

AMENDED 12.16.24 (UDOTA3-24)

1. Applications shall be reviewed during the review cycle in place when the application is determined to be complete. Application review cycles are described in Town policy documents.
2. When an application is determined complete, it shall be distributed to all appropriate staff and review agencies for review and comment, and submitted for preparation of a staff report, in accordance with Town policy.
3. If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning Director shall notify the applicant of the deficiencies.

4. Failure of the applicant to respond to the notification of compliance deficiency within six months shall render the application abandoned in accordance with Section 2.4.14C, Abandonment~~Abandonment~~.

B. STAFF REPORT AND RECOMMENDATION

1. The Planning Director shall prepare a written staff report on any application to be reviewed or decided by the Town Council or the Board of Adjustment. **AMENDED 12.16.24 (UDOTA3-24)**
2. A staff report is not required for applications decided by a member of Town staff or the Technical Review Committee, though one may be prepared.
3. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance and adopted policy guidance, and recommend one of the decisions authorized for the particular type of application, based on the applicable review standards, in accordance with Section 2.4.7D, Applications Subject to Decision by Town Staff~~Applications Subject to Decision by Town Staff~~.
4. The staff report shall not include a recommendation from Town staff on Variance, Special Use Permit, or Appeal applications.
5. In cases where the staff finds an application does not comply with the provisions of this Ordinance, the staff report shall cite the specific code section(s) in question and the reasons why the application fails to comply.
6. The staff report may identify and recommend modifications to the development proposal that specify how compliance deficiencies might be corrected and how adverse effects of the development application (if any) might be mitigated.
7. Staff reports prepared for Conditional Rezonings, Special Use Permits, Variances, and Vested Rights Certificates may suggest conditions of approval for consideration by the review authority making the decision on the application.

C. DISTRIBUTION OF APPLICATION AND STAFF REPORT

The Planning Director shall take the following actions within a reasonable period of time before the application is scheduled for review: **AMENDED 12.16.24 (UDOTA3-24)**

1. Schedule and ensure any required public notice of the application is prepared in accordance with Section 2.4.8, Public Notice~~Public Notice~~;
2. Transmit the application, related materials, and staff report to the appropriate review authority(ies);
3. Transmit a copy of the staff report and any related materials to the applicant and the landowner, if different from the applicant; and
4. Make the application, related materials, and staff report available for examination by the public.

D. APPLICATIONS SUBJECT TO DECISION BY TOWN STAFF

1. In cases where a development application is decided by the Technical Review Committee, the Planning Director, or another designated Town staff member, the appropriate Town staff member shall make one of the following decisions in writing, based on the review standards set forth in Section 2.3, Application Types~~Application Types~~:
   a. Approve the application;
   b. Disapprove the application; or
   c. Delay decision making for a specified time to allow the applicant to revise the application for compliance with the requirements in this Ordinance.
2. In some instances, Town staff may decide an application contingent upon further revision by the applicant in accordance with the direction provided in the decision.

E. CONFLICT OF INTEREST

Town staff shall comply with all applicable provisions in Section 1.8.2B, Conflict of Interest~~Conflict of Interest~~.

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. 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 (UDOTA2-24)**
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 (UDOTA2-24)**	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.

TABLE 2.4.8: PUBLIC NOTIFICATION REQUIREMENTS

Type of Development Application	Type of Public Notification Required (R=Required)		
	Published [1]	Mailed [2]	Posted [3]

[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.
[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 (UDOTA2-24)**
[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 (UDOTA2-24)**
[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 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 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~~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~~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 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:

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.

2.4.9 PUBLIC HEARINGS AND MEETINGS

A. HEARINGS DISTINGUISHED

Public hearings identified in this Ordinance shall be either legislative or evidentiary (quasi-judicial) in nature.

B. LEGISLATIVE PUBLIC HEARINGS

Table 2.2.1, Application Types Table, identifies the kinds of development applications decided following completion of a legislative public hearing, which shall be conducted in accordance with the following requirements:

1. PROCEDURE

a. Legislative public hearings shall not be conducted until after provision of required public notice in accordance with Section 2.4.8, Public Notice~~Public Notice~~.

b. The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings.

c. Attendees shall be afforded the opportunity to comment during a public hearing, as authorized in the adopted rules of procedure.

2. VOTING

a. The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 2.3, Application Types~~Application Types~~.

b. 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~~Conflict of Interest~~.

c. A decision of the review authority on an application considered during a legislative public hearing shall be decided by a simple majority of the review authority members, excluding any members who are recused from voting due to a conflict of interest.

3. APPLICATION REVISION

a. Except in cases where an applicant has compelled the Town staff to process an incomplete application, an applicant may revise an application during a legislative public hearing in response to recommendations or suggestions of the public, the Town staff, or a review authority.

b. In cases where a substantial change to an application is proposed following review by a prior review authority, the review authority deciding the application shall determine if the prior review authority needs to re-review the application before a decision can be made.

c. The Town may provide additional public notice related to revision of an application on a case-by-case basis but is under no legal requirement to provide additional notice in cases where applications are revised in accordance with this section.

d. The review authority deciding the application may approve an application modified during a legislative public hearing provided that all changes are properly identified in the motion of approval and that any conditions of approval are consented to, in writing, by the applicant.

e. In cases where an application has been modified during a legislative 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.

4. REMAND

A review authority may remand the application to a prior review authority or Town staff for further consideration of new information or specified issues or concerns, if appropriate.

5. 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.

C. EVIDENTIARY PUBLIC HEARINGS

Table 2.2.1, Application Types Table, identifies the kinds of development applications decided following an evidentiary public hearing, which shall be conducted in accordance with State law, the review authority's rules of procedure, and the following requirements:

1. NOTICE REQUIRED

Evidentiary public hearings shall not be conducted until after the provision of required public notice in accordance with Section 2.4.8, Public Notice~~Public Notice~~.

2. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE

a. The applicant, the Town, and any party with standing shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of or cross examine the applicant, the applicant's representatives, anyone providing testimony during the hearing, Town staff, and the Town staff's representatives.

b. Determinations of standing shall be in accordance with NCGS§§160D-406(d) and 160D-1402(c).

3. LIMITATION ON EVIDENCE

a. The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.

b. Decisions shall not be based upon hearsay evidence though such evidence may be entered into the record.

c. Only evidence presented during the public hearing may be relied upon in deciding the application.

4. EX PARTE COMMUNICATION

Ex parte communications between an applicant or an affected party and a member of the review authority are prohibited. If it occurs, it shall be disclosed during the evidentiary public hearing.

5. VOTING

a. GENERALLY

The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 2.3, Application Types~~Application Types~~.

b. CLEARLY STATE FACTORS FOR DECISION

Unless stated otherwise in this Ordinance, the decision shall reflect the review authority's determination of any contested facts and their application to the applicable standards.

c. CONFLICTS OF INTEREST

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~~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 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. 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. 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~~Conflict of Interest~~.

2.4.10 CONDITIONS OF APPROVAL

A. Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.

B. Conditions shall be in writing and may be supplemented with text or plans and maps.

C. No condition shall be made part of the application which:

1. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
2. Establishes a minimum size of a dwelling unit;
3. Establishes a minimum value of buildings or improvements;
4. Excludes residents based upon race, religion, or income;
5. ~~4.~~ Requires an applicant to permit inspection of areas of a site that are not open to the general public; or [33]
6. ~~5.~~ Obligates the Town to perform in any manner relative to the approval of the application or the development of the land.

D. In no instance shall any of the following standards in this Ordinance be waived, reduced, or made less restrictive as part of an application:

1. Any of the applicable overlay district standards in Section 3.7, Overlay Zoning Districts~~Overlay Zoning Districts~~;
2. The maximum allowable residential density, unless subject to an authorized incentive permitted under this Ordinance;
3. The signage standards in Section 6.13, Signage~~Signage~~, unless part of Alternative Sign Plan; and
4. Technical requirements associated with public infrastructure.

E. All conditions of approval shall be consented to, in writing, by all owners of land or applicants subject to the conditions prior to delivery of a notice of decision (see Section 2.4.11, Written Notice of Decision).

F. All conditions of approval shall be identified in the approval, the notice of decision, and on any associated plans or plats.

G. Any condition of approval approved by the Town and the applicant shall become a part of the application approval and the applicant, landowner, or subsequent assign shall remain subject to its terms and requirements.

2.4.11 WRITTEN NOTICE OF DECISION

A. CONTENT

The notification of a decision on a development application shall be issued in the name of the applicant or applicant's agent, as appropriate, directed to the address(es) identified in the application materials, and shall identify the following:

1. The land or matter subject to the application;
2. A reference to any approved plans, as appropriate;
3. The approved use(s), if any; and
4. Any conditions of approval or other applicable requirements.

[33] See STN # 3.

B. TIMING

The Planning Director shall provide the applicant written notification of a decision or action within a reasonable time after a final decision on a development application has been made.

C. COPY OF DECISION

1. In addition to providing the notification of a decision on an application to an applicant, the Planning Director shall make a copy of the decision available to anyone who submits a written request prior to the issuance of the decision.
2. The Planning Director shall also make a copy of the notice of decision available to the public in the Town offices during normal business hours.

D. DELIVERY

~~2.~~ Applicants may request delivery of a written notice of decision via first class mail, electronic mail, or in-person receipt. [34]

2.4.12 ~~SIMULTANEOUS~~ CONCURRENT PROCESSING

A. Whenever possible, the Town shall process related development applications (e.g., a Site Plan, a Zoning Compliance Permit, and a Building Permit) ~~simultaneously or~~ concurrently.

B. Generally speaking, establishment of an appropriate zoning designation is a prerequisite to other related application types. A request for variation, deviation, reduction, or adjustment from required standards is a prerequisite to development plan approval. Plan approval is a prerequisite to Building Permit approval.

C. In the event a permit or development approval is a prerequisite to another permit or development approval (e.g., Administrative Adjustment or Variance approval prior to a Site Plan approval), a decision on the dependent application may not take place until all prerequisite approvals are obtained.

D. Except for "at risk" Building Permits, a Building Permit shall not be issued until after the Site Plan and Construction Drawings, as applicable, have been approved.

E. In the case of Major Subdivisions, a Building Permit shall not be issued until after the Final Plat has been approved unless the Construction Drawings are approved in accordance with Section 1.1.1A.1~~2.3.9F.5, Alternative Sequence~~.

~~A.~~F. Applications for Sign Permits on lots or sites subject to the requirement for review of a Site Plan or subdivision shall not be submitted until the Site Plan or subdivision application has been approved.

~~B.A. Generally speaking, establishment of an appropriate zoning designation is a prerequisite to other related application types. A request for variation, deviation, reduction, or adjustment from required standards is a prerequisite to development plan approval. Plan approval is a prerequisite to Building Permit approval.~~

~~C.A. In the event a permit or development approval is a prerequisite to another permit or development approval (e.g., Administrative Adjustment or Variance approval prior to a Site Plan approval), a decision on the dependent application may not take place until all prerequisite approvals are obtained.~~

~~D.~~G. Approval of one development application does not guarantee approval of any subsequent required development application.

[34] See STN # 3.

2.4.13 PHASED DEVELOPMENT

Nothing shall prohibit the construction of development in phases, sections, or portions, provided the development complies with the following:

A. Applications associated with phased development shall include plans that clearly identify each phase, the location and extent of each phase boundary, and the anticipated schedule of development (e.g., first phase, second phase, third phase, etc.). Construction Drawings submitted with a phase of a phased development shall be inclusive of all land within the phase.

B. Major subdivisions proposed to be phased shall be configured so that each phase includes at least the lesser of 15 lots or 50% of the land area within the phase. In no instance shall any individual phase include fewer than five lots.

C. Phased development may provide only the required public infrastructure or other required site features concurrently with the active phase(s) of the development.

D. Nothing shall limit the Town from requiring the establishment of public infrastructure or required site features in a physical location outside of the active phase(s) of development if such provision is necessary, in the sole discretion of the review authority, for the development to function as required.

E. Provision of a performance guarantee (see Section 2.3.20, Performance Guarantee~~Performance Guarantee~~) shall not be sufficient in cases where a review authority determines that required public infrastructure or required site features outside an active phase must be provided to ensure development functionality.

F. Each new phase shall be developed contiguous or adjacent to an earlier phase, to the maximum extent practicable.

2.4.14 CONTINUANCE, WITHDRAWAL, AND ABANDONMENT

An applicant may request that a review authority's consideration of a development application be continued or withdrawn by submitting a written request to the appropriate review authority.

A. PROCEDURE FOR CONTINUANCE OF APPLICATIONS SUBJECT TO A PUBLIC HEARING

1. In cases where an applicant seeks a continuance of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Planning Director shall consider and decide the request.
2. If public notification of the pending public hearing has been provided in accordance with this Ordinance, the request for continuance shall be placed on the public hearing agenda and be considered by the review authority. Additional public notification may be required for a continued application.
3. A request for continuance may be approved in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, bring the application into closer alignment with the Town's adopted policy guidance or the requirements of this Ordinance, or for good cause, as determined by the review authority.

B. WITHDRAWAL

1. An applicant may withdraw an application at any time following submittal of a signed request to withdraw the application.
2. If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.
3. Application fees for withdrawn applications shall not be refunded.

C. ABANDONMENT

AMENDED 12.16.24 (UDOTA3-24)

1. In cases where Town staff has notified the applicant in writing of a deficiency or a need for additional information in order to review or process an application and six consecutive months have lapsed with no response from the applicant, the application shall be considered abandoned, and the review process shall be halted.
2. Abandoned applications are considered withdrawn and shall be subject to the standards in Section 2.4.15, Reconsideration of Denied Applications~~Reconsideration of Denied Applications~~.
3. In accordance with NCGS§143-755, permit choice rights are extinguished following a determination of application abandonment, and any subsequent re-applications shall be reviewed for compliance with the standards in effect at the time of application filing.
4. Abandoned applications are returned to the applicant and application fees shall not be refunded.

2.4.15 RECONSIDERATION OF DENIED APPLICATIONS

A. LEGISLATIVE DECISIONS

If a development application requiring a legislative public hearing is denied, no application proposing the same or similar development on all or part of the same site shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit. For the purposes of this section, "the same or similar development" shall mean:

1. The same use type(s) in the same approximate location(s) as the denied application; or
2. The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

B. QUASI-JUDICIAL DECISIONS

There is no time limit on resubmitting an application that is denied during an evidentiary public hearing provided that any subsequent application may not be similar or substantially similar to the application that was denied, in the sole discretion of the review authority responsible for the decision.

C. REDUCTION IN TIME LIMIT

The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for reduction of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director, who shall transmit the request to the review authority. The review authority may grant the request only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
2. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
3. The new application proposed to be submitted is materially different from the prior application; or
4. The final decision on the prior application was based on a material mistake of fact.

2.4.16 AMENDMENT OF APPROVED APPLICATION

Except for Conditional Rezonings and Special Use Permits, applications identified as available for amendment in Section 2.3, Application Types~~Application Types~~, shall only be amended in accordance with the standards in this section. Amendments to a development application approval shall be considered as minor modifications or major modifications, and must be considered in accordance with the following:

A. MINOR MODIFICATIONS

1. Subsequent plans and permits for development may include minor modifications provided the development continues to meet the minimum requirements of this section. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the application approval.
2. The following minor modifications may be approved by the Planning Director, in consultation with other appropriate Town staff:
   a. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
   b. Changes to the configuration of parking areas, or an increase or decrease in the provided number of parking spaces by ten percent or less provided the use complies with the applicable off-street parking requirements;
   c. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
   d. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
   e. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the original approval; and
   f. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
3. In no instance shall a minor modification include any changes to the range of permitted uses or the overall density of the development.

B. MAJOR MODIFICATIONS

1. Changes that materially affect the basic configuration of the development, a condition of approval, or that exceed the scope of a minor change modification are considered major modifications.
2. Major modifications include, but are not limited to:
   a. Increases in building height;
   b. Changes in uses;
   c. Changes in density or intensity;
   d. Decreases in open space;
   e. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
   f. Change in the location of any public easement.
3. Major modifications must be reviewed and considered only in accordance with the procedures and standards established for the original application approval.

2.4.17 EXPIRATION

A. Unless otherwise specified in Section 2.3, Application Types~~Application Types~~, application approvals issued under this Ordinance shall expire within one year of the written notice of decision if the work authorized has not been substantially commenced.

B. In the event the work authorized by an approval has substantially commenced, but has subsequently been delayed or failed to maintain substantial progress for a period of one year or more, the application approval shall expire in accordance with NCGS§160D-403(c).

C. The one-year period identified in this sub-section shall not include the period of time associated with litigation or appeal of an approval.

D. The duration of vested rights associated with an application approval shall be in accordance with Section 1.11, Vested Rights~~Vested Rights~~, unless otherwise stated in this Ordinance.

3.1 CHAPTER INTRODUCTION

3.1.1 CHAPTER ORGANIZATION

A. CONVENTIONAL ZONING DISTRICTS SECTION

1. Sections 3.2.1 through 3.2.17 include the detailed purpose statements, dimensional standards, and interpretive diagrams for each conventional zoning district listed in Table 3.1.3, Zoning Districts Established. The conventional zoning districts in these sections are listed in alphabetical order.
2. The black lettered circles included in each district's dimensional standards table correspond to the black lettered circles in the same district's interpretive diagram. An interpretive diagram is provided for common use types permitted within the conventional zoning district.
3. The interpretive diagrams are for illustrative purposes only. In cases of conflict between the text and a diagram, the applicable standards in Section 1.3, Conflict~~Conflict~~, shall govern.
4. The range of allowable principal use types for each zoning district is identified in Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~.
5. In cases where a conventional zoning district also includes unique district-specific standards that apply to all lands in that zoning district classification, the unique district standards are found on pages following the interpretive diagram.

B. CONDITIONAL ZONING DISTRICTS SECTION

Section 3.3, Conditional Zoning Districts~~Conditional Zoning Districts~~, sets out the standards applicable to the conditional zoning districts listed in Table 3.1.3, Zoning Districts Established.

C. OVERLAY ZONING DISTRICTS SECTION

Section 3.7, Overlay Zoning Districts~~Overlay Zoning Districts~~, sets out the rules for each of the overlay districts and how they interact with one another and the underlying conventional or conditional zoning districts.

D. MEASUREMENTS AND EXCEPTIONS SECTION

Section 3.6, Measurements and Exceptions~~Measurements and Exceptions~~, sets down general dimensional requirements applied to all uses in the Town's planning jurisdiction and the rules of measurement for lots, setbacks, height, slope, and other dimensional requirements. It also includes the provisions for exceptions from general dimensional requirements.

E. INCENTIVES AND ALTERNATIVES SECTION

This section includes cross references to other UDO provisions that allow applicants to exceed allowable residential densities or deviate from certain Ordinance requirements as part of providing preferred development forms, providing identified sustainable development features, or complying with voluntary guidelines.

F. ZONING MAP SECTION

Section 3.8, Zoning Map~~Zoning Map~~, establishes the Official Zoning Map, describes how it is updated and interpreted, how copies may be obtained, and recognizes other related maps such as the FIRM map.

3.1.2 DISTRICTS DISTINGUISHED

All land within the Town's planning jurisdiction shall be in one or more of the following types of zoning districts:

A. All land subject to these standards shall be classified into one of the conventional or conditional zoning districts identified in Table 3.1.3, Zoning Districts Established.

B. Land in any conventional or conditional zoning district may also be classified with one or more overlay zoning district designations.

C. In cases where land is within an overlay zoning district, the standards in the overlay district apply in addition to the standards governing development in the underlying conventional or conditional zoning district.

D. Conflicts between underlying and overlay zoning districts are addressed in accordance with Section 1.3, Conflict~~Conflict~~.

E. Land in the Town's planning jurisdiction shall be classified or reclassified into a conventional or conditional zoning district only in accordance with the procedures and requirements set forth in Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~, or Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, as appropriate.

3.1.3 DISTRICTS ESTABLISHED

A. Table 3.1.3, Zoning Districts Established, sets out the conventional and conditional zoning districts established by this ~~o~~Ordinance. Conventional zoning districts are organized into Residential, Non-residential, and Special district categories.

B. On January 2, 2024, land zoned with a zoning district classification from the previous Unified Development Code is translated or reclassified to one of the zoning districts set forth in this Ordinance. The table below summarizes this translation. For example, the table shows that all lands classified as R-E, Residential Estate in the previous Unified Development Code under the column named "Former Zoning Districts" are now classified RLL, Residential Large Lot, in this Ordinance as shown under the column titled "Zoning Districts in this Ordinance."

TABLE 3.1.3: ZONING DISTRICTS ESTABLISHED

Former Zoning Districts (from the Prior UDC)		Zoning Districts in This Ordinance	
Conventional Residential Zoning Districts			
N/A		RUR	Rural
R-E	Residential Estate	RLL	Residential Large Lot
R-10	Single-Family Residential 10	RLD	Residential Low Density
R-8	Single-Family Residential 8	RMD	Residential Medium Density
R-6	Single-Family Residential 6	RHD	Residential High Density
N/A		RMF	Residential Multi-Family
Conventional Non-residential Zoning Districts			
O-R	Office Residential	OFI	Office Institutional
O-I	Office Institutional		

3.2 CONVENTIONAL ZONING DISTRICTS

3.2.1 (CRM) CORRIDOR COMMERCIAL DISTRICT

A. CORRIDOR COMMERCIAL DISTRICT PURPOSE STATEMENT

The Corridor Commercial (CRM) District is applied to lots along the Town's major commercial roadways and major intersections like those found along Highway 70 and NC Highway 42. The district accommodates the widest range of commercial development types, including large floorplate shopping uses likely to generate significant amounts of traffic. Development in the CRM district tends to be low-rise single-use buildings configured for easy access by patrons travelling in automobiles. Development sites may be comprised of a mix of individual buildings on individual sites and multi-tenant, or multi-building developments organized into shopping center or campus-style developments located near major roadway intersections. In addition to commercial uses, the district also accommodates a wide range of office and institutional uses. Limited forms of residential, such as upper-story residential and live/work units, are permitted as part of mixed-use development. Public water and sewer service is required for new development, and uses in the district are subject to standards intended to ensure safe vehicular and pedestrian circulation, and that development is well landscaped and aesthetically pleasing.

B. CORRIDOR COMMERCIAL DISTRICT PREFERRED DEVELOPMENT FORMS

The following images are provided as example forms of allowable development and site configuration. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. Conflicts between images and the text of this Ordinance are addressed in accordance with Section 1.3, ConflictConflict.

Stand-alone commercial building



In-line shopping center



Shopping center with outparcels



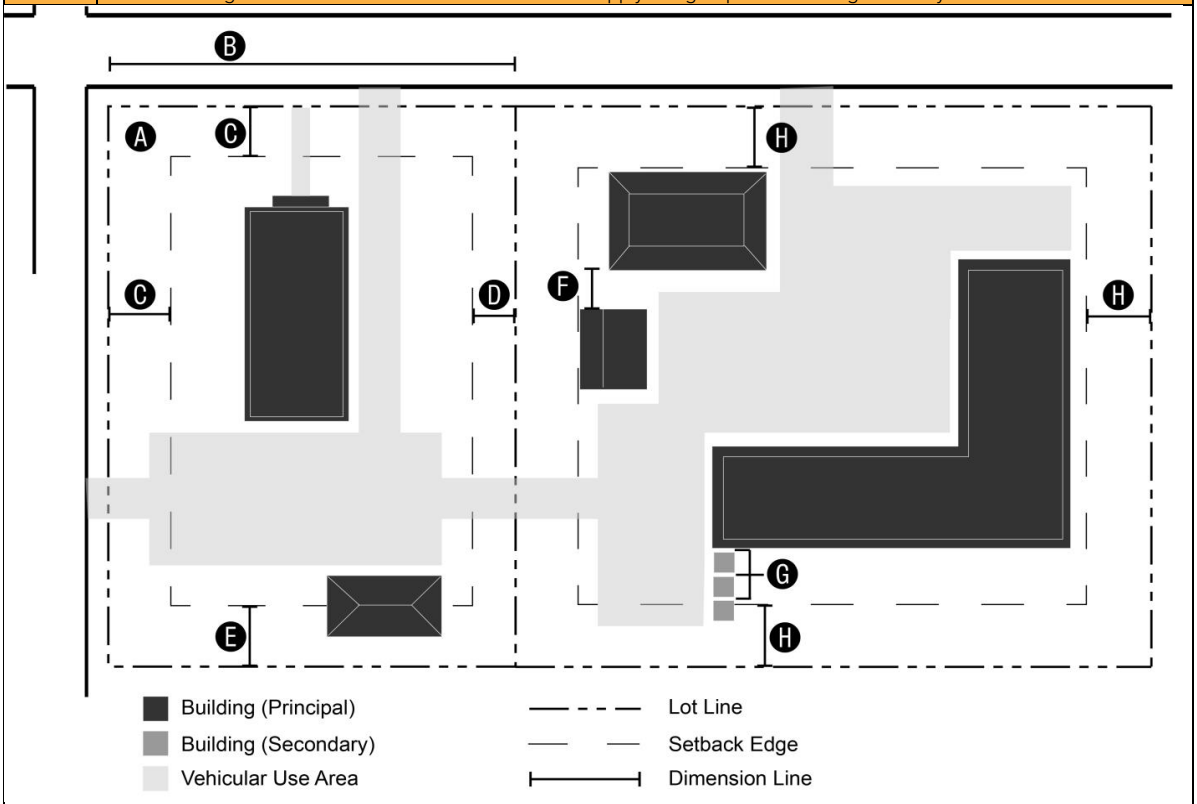
Mixed-use building



C. CORRIDOR COMMERCIAL DISTRICT DIMENSIONAL STANDARDS FOR ALLOWABLE USE TYPES[35]

	Max. Residential Density (du/ac)	~~6.0~~No max.	C	Min. Street Setback (ft) [3]	25
A	Min. Lot Area (sf)	8,000	D	Min. Side Setback (ft)	15
	Min. Lot Area with Residential Use (sf) [1]	20,000	E	Min. Rear Setback (ft)	30
B	Min. Lot Width (ft)	60		Min. Spacing Between Buildings (ft) [4]	
	Max. Lot Coverage (% of lot area)	75	F	Principal	20
	Min. Open Space Set-Aside (% of lot area) [2]	5	G	Secondary	5
	Max. Building Height (ft)	60	H	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [5]	30

NOTES:
[1] Applied to entire development site, not to individual lots within a single development site.
[2] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[3] Applied from the edge of public street rights-of-way. Setbacks from private streets shall be at least five feet from the edge of the pavement or the edge of the sidewalk if provided.
[4] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[5] Unified ~~and multi-building~~ 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.



[35] See STN # 71.

3.2.2 (CON) CONSERVATION

A. CONSERVATION DISTRICT PURPOSE STATEMENT

The Conservation (CON) District is established to preserve and protect natural resources and areas of environmental concern (like the primary and secondary resource conservation areas). The district is intended to protect areas with steep slopes, wetlands, and riparian corridors from erosion and sedimentation; retain and protect environmentally-sensitive areas; protect archeological resources from disturbance; and preserve and maintain the aesthetic qualities and appearance of the Town. The district allows forestry, gardens, public parks, and land conservation activity along with typical secondary uses such as semi-pervious paving and storage. Campgrounds may be permitted as a special use. The district is not intended for athletic fields, courts, or any other features that require significant grading or alteration of existing landforms.

B. CONSERVATION DISTRICT PREFERRED DEVELOPMENT FORMS

The following images are provided as example forms of allowable development and site configuration. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. Conflicts between images and the text of this Ordinance are addressed in accordance with Section 1.3, Conflict~~Conflict~~.

Arboretum



Boardwalk



Playground



Campground

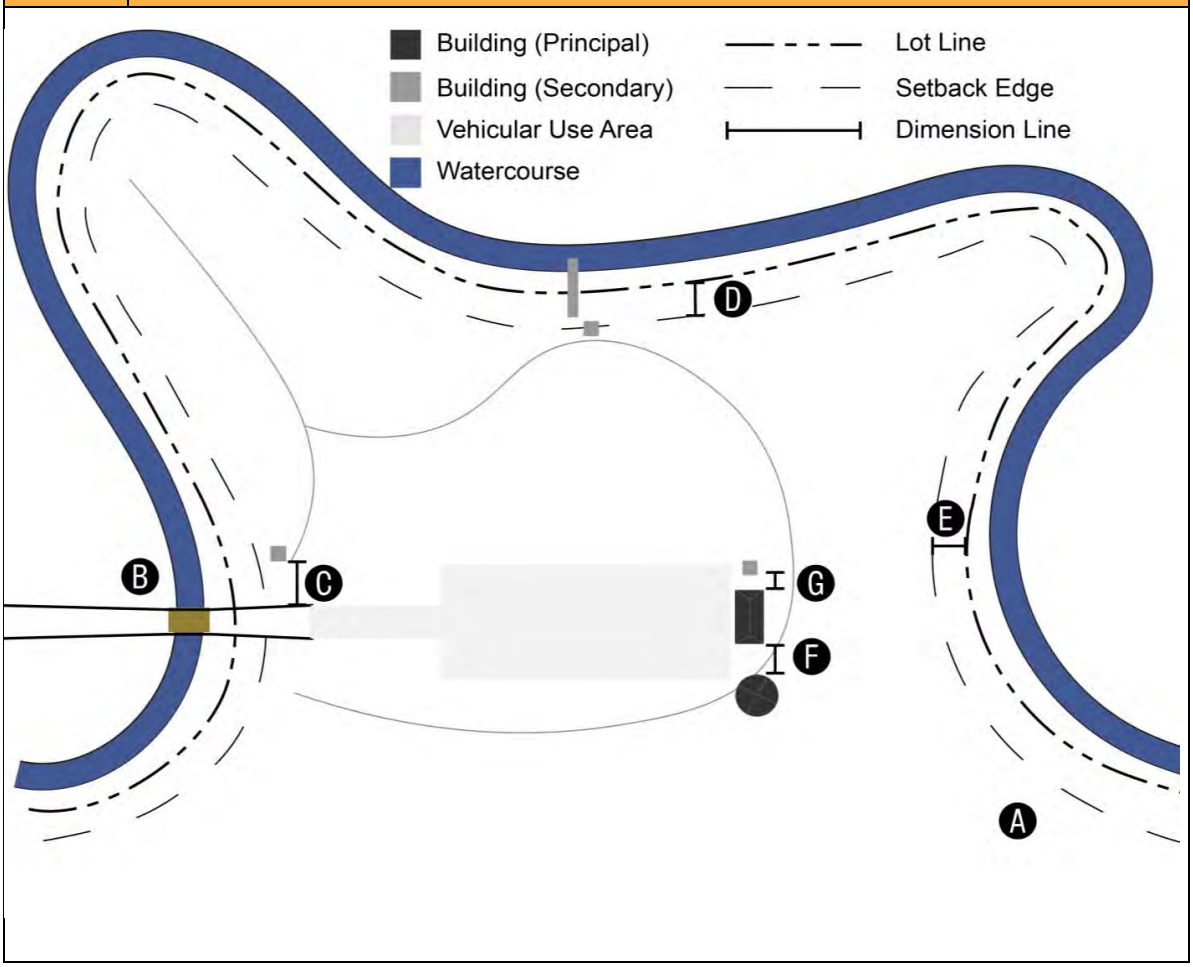


C. CONSERVATION DISTRICT DIMENSIONAL STANDARDS FOR ALLOWABLE USES

	Max. Residential Density (du/ac)	0.0	C	Min. Street Setback (ft) [1]		30
A	Min. Lot Area (sf)	N/A	D	Min. Side Setback (ft)		30
B	Min. Lot Width (ft)	N/A	E	Min. Rear Setback (ft)		30
	Max. Lot Coverage (% of lot area)	5		Min. Spacing Between Buildings (ft) [2]		
	Min. Open Space Set-Aside (% of lot area)	N/A	F		Principal	20
	Max. Building Height (ft)	12	G		Secondary	10
			H	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [3]		40

NOTES:

[1] Applied from edge of public street rights-of-way. Setbacks from private streets shall be at least five feet from the edge of the pavement or the edge of the sidewalk if provided.
[2] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[3] Unified ~~and multi-building~~ 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.



3.2.3 (DTNC) DOWNTOWN CORE

A. DOWNTOWN CORE (DTNC) DISTRICT PURPOSE STATEMENT

The Downtown Core (DTNC) district is the Town's central business district located on the blocks abutting Main Street in the center of Town. The district includes a wide array of allowable uses, including retail, entertainment, offices, institutional, and residential uses. Uses in the district are all served by public water and sewer and are located on small lots in close proximity to one another. The area is intended to serve residents and visitors with shopping, dining, entertainment, and recreation offerings for at least 18 hours a day. Buildings are typically two-to-four stories in height, located close to the street they front, and symmetrical in design. High quality design is used to preserve land use compatibility rather than large lots or deep landscaping buffers between different uses. The transportation network is a well-established rectilinear street grid network of uniform block sizes, through streets, and alleys. The district includes parks, sidewalks, on-street parking, and pedestrian amenities such as gathering spaces, outdoor dining and seating, and public art. The district is also the center of government and civic life with numerous public and institutional buildings. Emphasis is placed on quality development, pedestrian orientation, and human-scale development.

B. DOWNTOWN CORE (DTNC) DISTRICT PREFERRED DEVELOPMENT FORMS

The following images are provided as example forms of allowable development and site configuration. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. Conflicts between images and the text of this Ordinance are addressed in accordance with Section 1.3, Conflict~~Conflict~~.



Mixed-Use Building



Live/Work Building



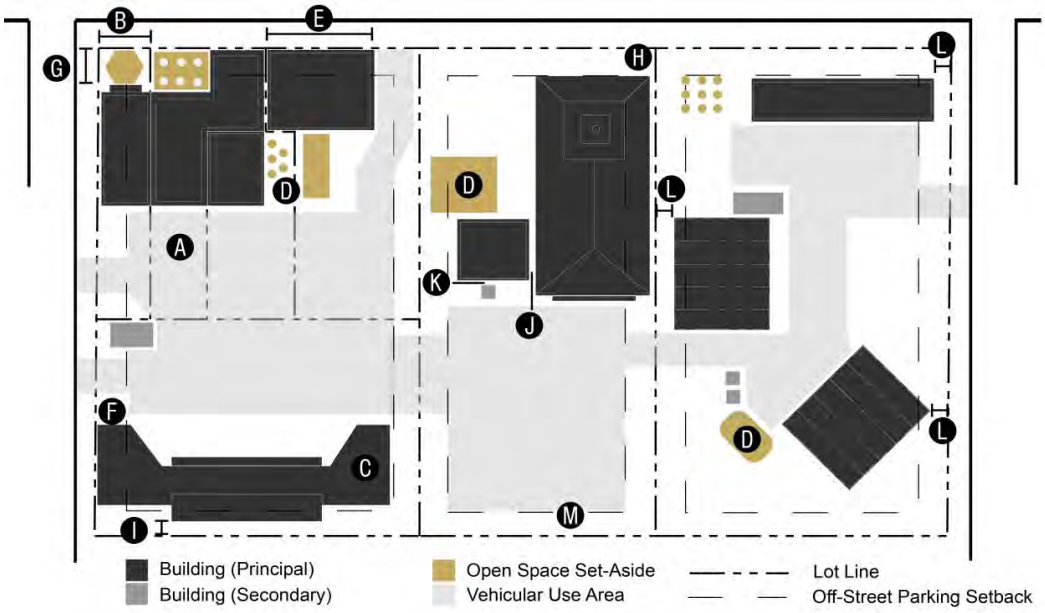
Commercial Building

C. DOWNTOWN CORE (DTNC) DISTRICT DIMENSIONAL STANDARDS [36]

	Max. Residential Density (du/ac)	~~30.0~~No max.	F	Min. Street Setback (ft) [8]	None
A	Min. Lot Area (sf)	None	G	Max. Street Setback (ft) [8] [9]	0
B	Min. Lot Width (ft) [1] [2] [3]	20	H	Side Setback (ft) (Abutting DTNC district / Abutting other district) [10] [11] [12]	0/5
	Max. Lot Coverage (% of lot area)	100	I	Rear Setback (ft) (Abutting DTNC district / Abutting other district) [10] [11] [12]	0/10
C	Max. Building Size (sf) [4]	30,000		Min. Spacing Between Buildings (ft) [10]	
D	Min. Open Space Set-Aside (% of lot area) [5]	5	J	Between Principal Buildings [13]	3
	Min. Building Height (stories)	2	K	Between Secondary and any other Building	3
	Max. Building Height (ft)	50	L	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [14]	10
E	Min. Building Frontage (% of lot width) [6] [7]	75	M	Min. Off-Street Parking Setback (ft)	20

NOTES:

[1] Applied to the entire development site when buildings on individual lots have shared or party walls.
[2] Measured at the interior building setback line (not the "pole" portion of a flag lot).
[3] New blocks of lots with lot widths of less than 50 feet require the provisions of alleys.
[4] Applied to new commercial buildings only. Buildings on lots over five acres in area are exempt.
[5] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[6] Measured at inner edge of the street setback adjacent to the primary building facade. Only applied to the lot side adjacent to the primary building façade on corner or dual frontage lots. **AMENDED 9.16.24 (UDOTA2-24)**
[7] Gathering areas abutting the street right-of-way are credited towards building frontage requirements.
[8] 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.
[9] Maximum street setback is applied only to the primary building façade and is zero feet. Primary building walls may be built to the edge of a gathering area located between the primary building wall and the street right-of-way.
[10] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[11] Not applied to lots lines adjacent to shared or party building walls.
[12] Not applied to multi-building and unified developments.
[13] Excludes buildings with shared or party walls.
[14] Unified ~~and multi-building~~ 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.



D. DOWNTOWN CORE (DTNC) DISTRICT-SPECIFIC STANDARDS

1. MIXED-USE DEVELOPMENT

Mixed-use development shall comply with the standards in Section 6.2.3, Mixed-Use Design Standards~~Mixed-Use Design Standards~~, in addition to the dimensional and district-specific standards included in this sub-section. Conflicts are addressed in accordance with Section 1.3, Conflict~~Conflict~~. **AMENDED 9.16.24 (UDOTA2-24)**

2. GROUND FLOOR CONFIGURATION

a. New mixed-use and non-residential structures shall be configured to comply with commercial building code requirements throughout the ground or street-level floor.

b. Except for buildings required to include ADA-accessible dwelling units, the portion of the building including the primary façade of the street-level ground floor shall be occupied by a non-residential use with a minimum depth equivalent to one-third of the building's total depth.

c. The rear two thirds of the street level floor of a building may be used for residential purposes in accordance with Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~.

d. In cases where a building is required to include ADA-accessible dwelling units, none of the street level floor area must be occupied by a non-residential use.

3. ON-STREET PARKING

On-street parking shall be provided in accordance with the Town's adopted policy guidance. **AMENDED 9.16.24 (UDOTA2-24)**

4. FENCES AND WALLS

Fences and walls shall comply with the applicable requirements in Section 6.3, Fences and Walls~~Fences and Walls~~, and the following:

a. Opaque fences and walls located within the off-street parking setback or between the front building façade plane and the street it faces shall maintain a maximum height of three feet or less.

b. Semi-opaque fences and walls located within the off-street parking setback or between the front building façade plane and the street it faces shall maintain a maximum height of four feet or less.

c. Opaque and semi-opaque fences and walls may maintain a maximum height of up to six feet in locations outside of the off-street parking setback and behind the front façade plane.

5. STREET TREES

Street trees shall be provided in accordance with Section 6.6.16, Street Trees~~Street Trees~~, except that understory trees may be utilized instead of canopy trees in any location where overhead or underground utilities may be present.

6. LOT ACCESS

Corner lots shall not maintain direct vehicular ingress or egress to Main Street.

7. ZONING DISTRICT BOUNDARY CHANGES

The zoning district designation of land within a DTNC district may only occur in accordance with the Town's adopted policy guidance for the downtown, Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~, or Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, and the following:

3.2.4 (DTNN) DOWNTOWN NEIGHBORHOOD

A. DOWNTOWN NEIGHBORHOOD (DTNN) DISTRICT PURPOSE STATEMENT

The Downtown Neighborhood (DTNN) district boundary is depicted in the 2045 Comprehensive Growth Plan and includes three groups of neighborhood blocks located to the north and south of Main Street and surrounded on most sides by the Downtown Transitional (DTNT) district. The Downtown Neighborhood (DTNN) district is comprised of neighborhoods with mid-century and older single-family residential dwellings on contiguous lots around the downtown area. The DTNN district standards are configured to protect and maintain the established residential character of the neighborhoods with allowance for limited amounts of neighborhood-serving non-residential and institutional development, all on public water and sewer utilities. Buildings maintain a residential character and are commonly between one and two stories in height. Privacy fences and landscaping are common methods of maintaining land use compatibility between different lots. As with the other downtown districts, sidewalks, parks, and recreation features are distributed throughout the district. The transportation network continues the well-established rectilinear street grid network of uniform block sizes, through streets, and alleys found in the downtown core and transitional area.

B. DTNN DISTRICT PREFERRED DEVELOPMENT FORMS

The following images are provided as example forms of allowable development and site configuration. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. Conflicts between images and the text of this Ordinance are addressed in accordance with Section 1.3, Conflict~~Conflict~~.



Single-Family Detached Dwellings



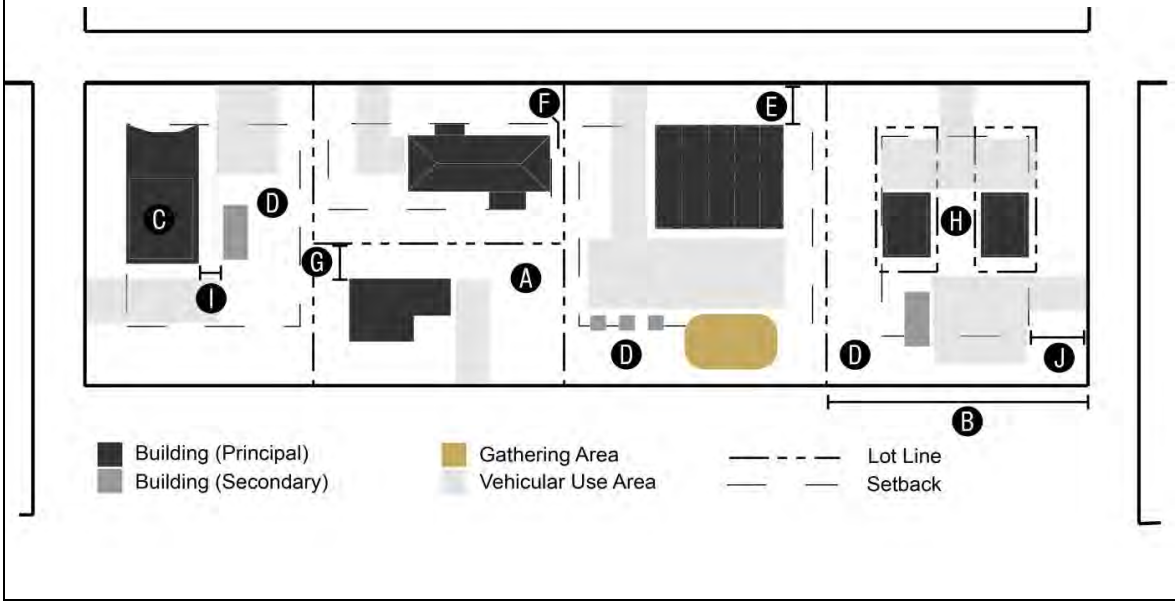
Live/Work Building

C. DOWNTOWN NEIGHBORHOOD DISTRICT DIMENSIONAL STANDARDS

	Max. Residential Density (du/ac)	9.0	E	Min. Street Setback (ft) [5]	20
A	Min. Lot Area (sf)	7,000		Max Street Setback (ft)	None
B	Min. Lot Width (ft) [1] [2]	50	F	Side Setback (ft) (Abutting DTNN district / Abutting other district) [6] [7] [8]	5/10
	Max. Lot Coverage (% of lot area)	60	G	Rear Setback (ft) (Abutting DTNN district / Abutting other district) [6] [7] [8]	20/25
C	Max. Building Size (sf) [3]	5,000		Min. Spacing Between Buildings (ft) [6]	
D	Min. Open Space Set-Aside (% of lot area) [4]	10	H	Between Principal Buildings [7]	20
	Min. Building Height (stories)	None	I	Between Secondary and any other Building	8
	Max. Building Height (ft)	35	J	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [9]	30
	Min. Building Frontage (% of lot width)	None		Min. Off-Street Parking Setback (ft)	None

NOTES:

[1] Applied to the entire development site when buildings on individual lots have shared or party walls.
[2] Measured at the interior building setback line (not the "pole" portion of a flag lot).
[3] Applied to new commercial and institutional buildings only. Buildings on lots over five acres in area are exempt.
[4] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[5] 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.
[6] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[7] Not applied to lots lines adjacent to shared or party building walls.
[8] Not applied to multi-building and unified developments.
[9] Unified ~~and multi-building~~ 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.



D. DOWNTOWN NEIGHBORHOOD (DTNN) DISTRICT-SPECIFIC STANDARDS

1. MIXED-USE DEVELOPMENT

Mixed-use development shall comply with the standards in Section 6.2.3, Mixed-Use Design Standards~~Mixed-Use Design Standards~~, in addition to the dimensional and district-specific standards included in this sub-section. Conflicts are addressed in accordance with Section 1.3, Conflict~~Conflict~~. **AMENDED 9.16.24 (UDOTA2-24)**

2. ON-STREET PARKING

On-street parking shall be provided in accordance with the Town's adopted policy guidance, but shall be limited to one side of the street.

3. STREET TREES

Street trees shall be provided in accordance with Section 6.6.16, Street Trees~~Street Trees~~, except that understory trees may be utilized instead of canopy trees in any location where overhead or underground utilities may be present.

4. ZONING DISTRICT BOUNDARY CHANGES

The zoning district designation of land within a DTNN district may only occur in accordance with the Town's adopted policy guidance for the downtown, Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~, or Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, and the following:

a. Applications seeking to establish DTNN on land shall be guided by the applicable future land use category on the future land use map in the 2045 Comprehensive Growth Plan, as amended by the Downtown Master Plan.

b. Applications seeking to alter a DTNN boundary shall be limited solely to those lots that abut or are adjacent to land within the DTNN district. Applications on lands not abutting or adjacent to DTNN will be required to demonstrate how the desired rezoning is both compelling and consistent with the public interest.

c. Nothing shall limit an applicant from filing a request to establish a DTNN-CZD conditional zoning district on land anticipated to be located within the DTNN district by the Town's adopted policy guidance.

d. Establishment of a conditional zoning district designation other than CZD within the area designated as downtown in the 2045 Comprehensive Plan may be requested but is unlikely to be approved.

3.2.5 (DTNT) DOWNTOWN TRANSITIONAL

A. DOWNTOWN TRANSITIONAL (DTNT) DISTRICT PURPOSE STATEMENT

The Downtown Transitional (DTNT) district boundary is depicted in the 2045 Comprehensive Growth Plan and includes the lots surrounding the Town's central business district along Main Street and lands surrounding the downtown core. The district provides a gradual transition in development densities and intensities from the downtown core to the surrounding lower-density neighborhoods and auto-oriented commercial uses along Highway 70. The district is a blend of moderate-to-high-density housing, mixed-uses, institutional development, and neighborhood-serving commercial in small footprint buildings. Uses in the district are found on lots of varying sizes, all served by public water and sewer service. Lots tend to be slightly larger than those found in the downtown core, and the district utilizes a blend of setbacks, architectural controls, and landscaping to protect land use compatibility. Buildings are typically one-to-three stories in height with moderate setbacks from the streets they front. Sidewalks, parks, and recreation features are distributed throughout the district. The transportation network continues the well-established rectilinear street grid network of uniform block sizes, through streets, and alleys found in the downtown core. Emphasis is placed on providing effective transitions between the dense downtown core and the neighborhoods found around the core.

B. DOWNTOWN TRANSITIONAL DISTRICT PREFERRED DEVELOPMENT FORMS

The following images are provided as example forms of allowable development and site configuration. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. Conflicts between images and the text of this Ordinance are addressed in accordance with Section 1.3, ConflictConflict.



Mixed-Use Building



Commercial Building



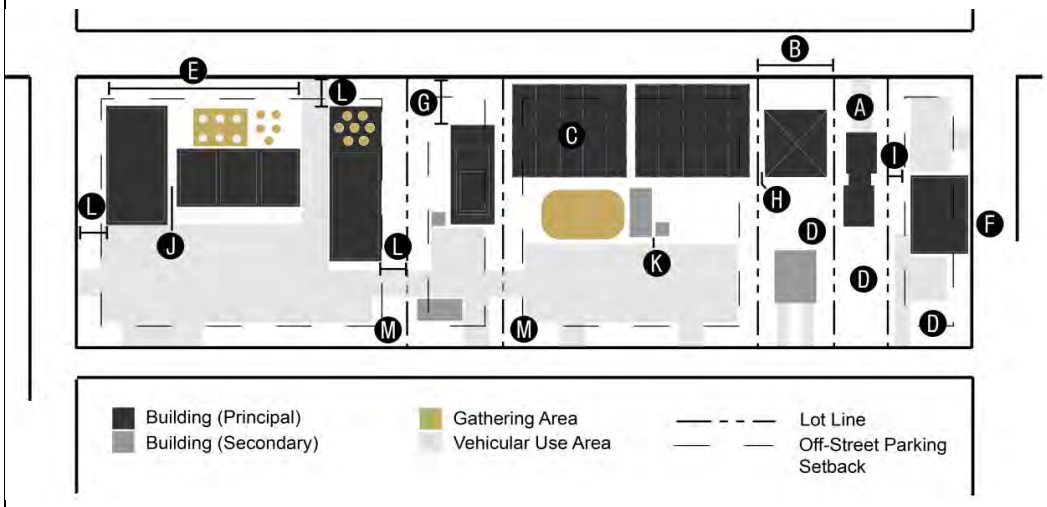
Single-Family Detached Building

C. DOWNTOWN TRANSITIONAL (DTNT) DISTRICT DIMENSIONAL STANDARDS

	Max. Residential Density (du/ac)	16.0	F	Min. Street Setback (ft) [8] [9]	None
A	Min. Lot Area (sf)	5,000	G	Max Street Setback (ft) [8] [10]	35
B	Min. Lot Width (ft) [1] [2] [3]	40	H	Side Setback (ft) (Abutting DTNT district / Abutting other district) [11] [12] [13]	5/6
	Max. Lot Coverage (% of lot area)	70	I	Rear Setback (ft) (Abutting DTNT district / Abutting other district) [11] [12] [13]	15/20
C	Max. Building Size (sf) [4]	7,000		Min. Spacing Between Buildings (ft) [11]	
D	Min. Open Space Set-Aside (% of lot area) [5]	7	J	Between Principal Buildings [14]	10
	Min. Building Height (stories)	2	K	Between Secondary and any other Building	5
	Max. Building Height (ft)	40	L	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [15]	20
E	Min. Building Frontage (% of lot width) [6] [7]	55	M	Min. Off-Street Parking Setback (ft)	15

NOTES:

[1] Applied to the entire development site when buildings on individual lots have shared or party walls.
[2] Measured at the interior building setback line (not the "pole" portion of a flag lot).
[3] New blocks of lots with lot widths of less than 50 feet require the provisions of alleys.
[4] Applied to new commercial buildings only. Buildings on lots over five acres in area are exempt.
[5] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[6] Measured at inner edge of the street setback adjacent to the primary building facade. Only applied to the lot edge adjacent to the primary building façade on corner or dual frontage lots.
[7] Gathering areas abutting the street right-of-way are credited towards building frontage requirements.
[8] 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.
[9] Primary building facades may abut the edge of a public street right-of-way unless off-street parking is proposed between the primary façade and the street it faces.
[10] Maximum street setback is applied only to the primary building façade. Primary building walls may be farther than 35 feet from the street, but must be built to the edge of a gathering area abutting the street right-of-way.
[11] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[12] Not applied to lots lines adjacent to shared or party building walls.
[13] Not applied to multi-building and unified developments.
[14] Excludes buildings with shared or party walls.
[15] Unified ~~and multi-building~~ 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.



D. DOWNTOWN TRANSITIONAL DISTRICT-SPECIFIC STANDARDS

1. MIXED-USE DEVELOPMENT

Mixed-use development shall comply with the standards in Section 6.2.3, Mixed-Use Design Standards~~Mixed-Use Design Standards~~, in addition to the dimensional and district-specific standards included in this sub-section. Conflicts are addressed in accordance with Section 1.3, Conflict~~Conflict~~. **AMENDED 9.16.24 (UDOTA2-24)**

2. ON-STREET PARKING

On-street parking shall be provided in accordance with the Town's adopted policy guidance, but shall be limited to one side of the street.

3. STREET TREES

Street trees shall be provided in accordance with Section 6.6.16, Street Trees~~Street Trees~~, except that understory trees may be utilized instead of canopy trees in any location where overhead or underground utilities may be present.

4. ZONING DISTRICT BOUNDARY CHANGES

The zoning district designation of land within DTNT district may only occur in accordance with the Town's adopted policy guidance for the downtown, Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~, or Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, and the following:

a. Applications seeking to establish DTNT on land shall be guided by the applicable future land use category on the future land use map in the 2045 Comprehensive Growth Plan, as amended by the Downtown Master Plan.

b. Applications seeking to alter a DTNT boundary shall be limited solely to those lots that abut or are adjacent to land within the DTNT district. Applications on lands not abutting or adjacent to the DTNT will be required to demonstrate how the desired rezoning is both compelling and consistent with the public interest.

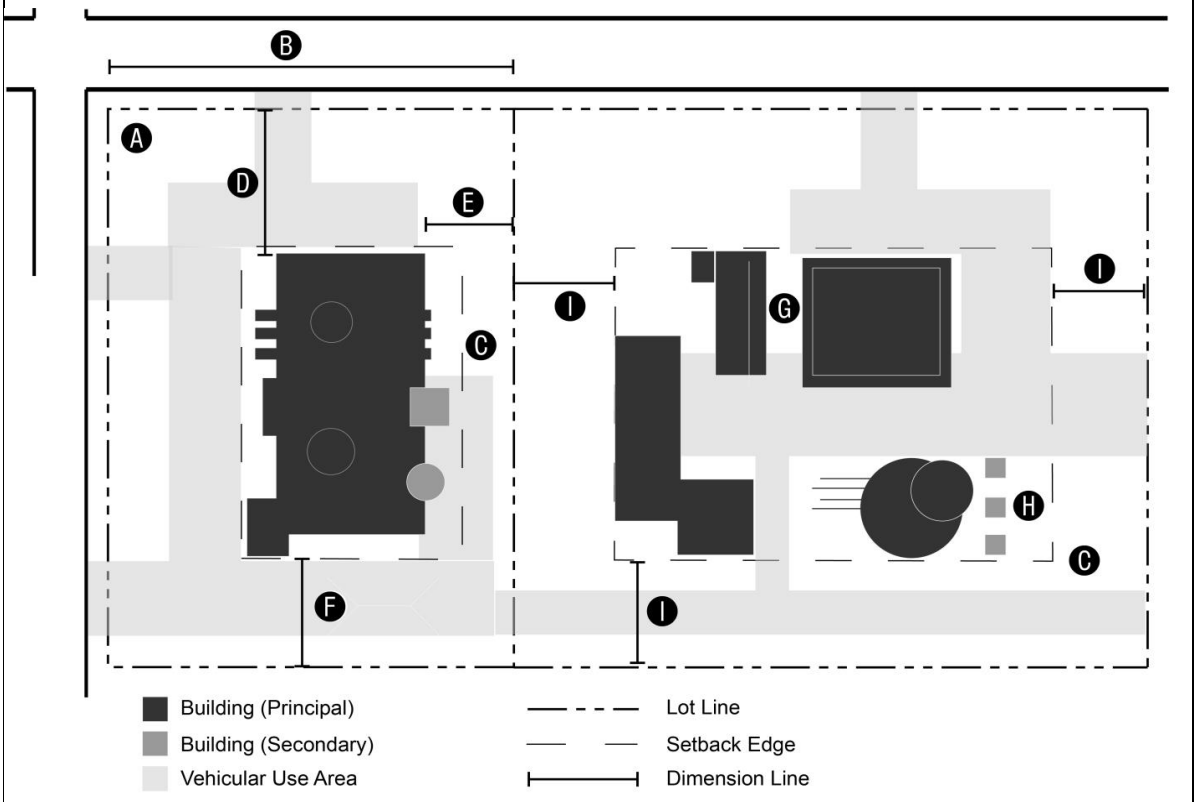
c. Nothing shall limit an applicant from filing a request to establish a DTNT-CZD conditional zoning district on land anticipated to be located within the DTNT district by the Town's adopted policy guidance.

d. Establishment of a conditional zoning district designation other than CZD within the area designated as downtown in the 2045 Comprehensive Plan may be requested but is unlikely to be approved.

C. HEAVY INDUSTRIAL (HID) DISTRICT DIMENSIONAL STANDARDS

	Max. Residential Density (du/ac)	N/A	E	Min. Side Setback (ft) [3] [4]	20
A	Min. Lot Area (sf)	20,000	F	Min. Rear Setback (ft) [3] [4]	40
B	Min. Lot Width (ft)	100		Min. Spacing Between Buildings (ft) [5]	
	Max. Lot Coverage (% of lot area)	75	G	Principal	20
C	Min. Open Space Set-Aside (% of lot area) [1]	5	H	Secondary	0
	Max. Building Height (ft)	60	I	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [6]	40
D	Min. Street Setback (ft) [2] [3]	50			

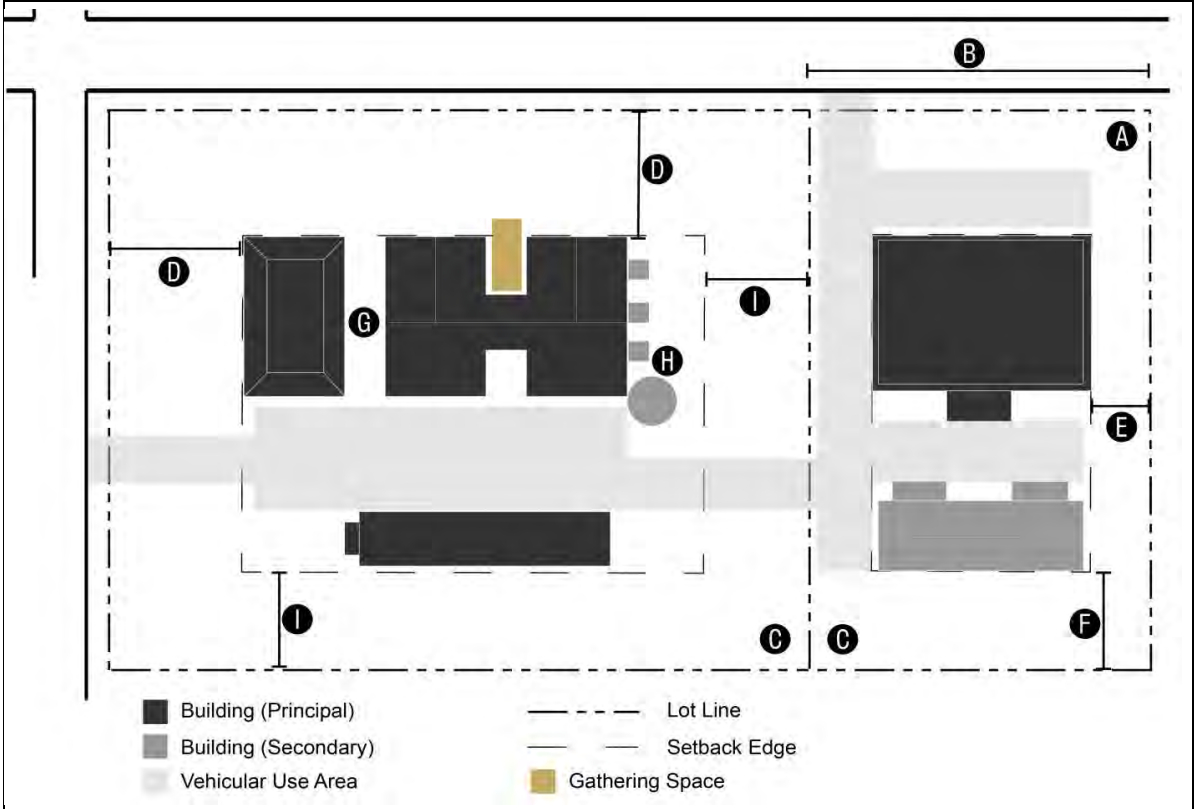
NOTES:
[1] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[2] Applied from the edge of public street rights-of-way. Setbacks from private streets shall be at least five feet from the edge of the pavement or the edge of the sidewalk if provided.
[3] Setbacks applied equally to principal and secondary buildings and open use areas.
[4] Buildings are not required to be setback from rail siding or other active rail facilities serving the use even if located within required setbacks.
[5] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[6] Unified ~~and multi-building~~ 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.



C. LIGHT INDUSTRIAL (LID) DISTRICT DIMENSIONAL STANDARDS

	Max. Residential Density (du/ac) [1]	N/A	E	Min. Side Setback (ft) [4] [5]	20
A	Min. Lot Area (sf)	20,000	F	Min. Rear Setback (ft) [4] [5]	40
B	Min. Lot Width (ft)	100		Min. Spacing Between Buildings (ft) [6]	
	Max. Lot Coverage (% of lot area)	75	G	Principal	20
C	Min. Open Space Set-Aside (% of lot area) [2] **AMENDED 12.16.24 (UDOTA3-24)**	5	H	Secondary	0
	Max. Building Height (ft)	50	I	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [7]	50
D	Min. Street Setback (ft) [3] [4]	50			

NOTES:
[1] Live/work units are permitted at up to four units per acre.
[2] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[3] Applied from the edge of public street rights-of-way. Setbacks from private streets shall be at least five feet from the edge of the pavement or the edge of the sidewalk if provided.
[4] Setbacks applied equally to principal and secondary buildings and open use areas.
[5] Buildings are not required to be setback from rail siding or other active rail facilities serving the use even if located within required setbacks.
[6] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[7] Unified ~~and multi-building~~ 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.



C. MIXED-USE (MXD) DISTRICT DIMENSIONAL STANDARDS [37]

	Max. Residential Density (du/ac)	~~12.0~~No max.	F	Max. Street Setback (ft) [10] [11] **AMENDED 9.16.24 (UDOTA2-24)**	20
A	Min. Lot Area (sf) [1]	4,000		Min. Street Setback (ft) **AMENDED 9.16.24 (UDOTA2-24)**	None
B	Min. Lot Width (ft) [2] [3] [4]	40	G	Side Setback (ft) [12] [13] [14]	15
	Max. Lot Coverage (% of lot area)	70	H	Rear Setback (ft) [12] [13] [14]	25
C	Max. Building Size (sf) [5] **AMENDED 9.16.24 (UDOTA2-24)**	50,000		Min. Spacing Between Buildings (ft) [12]	
D	Min. Open Space Set-Aside (% of lot area) [6] **AMENDED 12.16.24 (UDOTA3-24)**	7	I	Between Principal Buildings	10
	Min. Building Height (stories) [7]	2	J	Between Secondary and any other Building	5
	Max. Building Height (ft)	42	K	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [15]	30
E	Min. Building Frontage (% of lot width) [8] [9]	60	L	Min. Off-Street Parking Setback (ft) [16]	20

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] New blocks of lots with lot widths of less than 50 feet require the provisions of alleys.
[5] Applied to the non-residential portion of a building. Buildings on lots over five acres in area are exempt.
[6] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[7] Only applied to buildings comprised of a single use type.
[8] Measured at inner edge of the street setback adjacent to the primary building facade. Only applied to the lot edge adjacent to the primary building façade on corner or dual frontage lots.
[9] Gathering areas abutting the street right-of-way are credited towards building frontage requirements.
[10] 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.
[11] Reduced by 50% for bungalow court and pocket neighborhood uses.
[12] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[13] Not applied to lots lines adjacent to shared or party building walls.
[14] Not applied to multi-building and unified developments.
[15] Unified ~~and multi-building~~ 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.
[16] Applied to off-street parking areas including two or more rows of parking spaces.

[37] See STN # 71.

C. NEIGHBORHOOD COMMERCIAL (NCM) DISTRICT DIMENSIONAL STANDARDS [38]

	Max. Residential Density (du/ac)	~~6.0~~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]	5,000	I	Between Secondary and any other Building	5
D	Min. Open Space Set-Aside (% of lot area) [5] **AMENDED 12.16.24 (UDOTA3-24)**	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~~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 ~~multi-building and~~ unified developments.
[11] Unified ~~and multi-building~~ 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.

[38] See STN # 71.

C. OFFICE INSTITUTIONAL (OFI) DISTRICT DIMENSIONAL STANDARDS [39]

	Max. Residential Density (du/ac)	~~5.0~~7.2	F	Side Setback (ft) [7] [8] [9]	10
A	Min. Lot Area (sf) [1]	6,000	G	Rear Setback (ft) [7] [8] [9]	20
B	Min. Lot Width (ft) [2] [3]	60		Min. Spacing Between Buildings (ft) [7]	
	Max. Lot Coverage (% of lot area)	75	H	Between Principal Buildings	20
C	Max. Retail Building Floor Area (% of building floor area) [4]	20	I	Between Secondary and any other Building	10
D	Min. Open Space Set-Aside (% of lot area) [5] **AMENDED 12.16.24 (UDOTA3-24)**	5	J	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [10]	30
E	Min. Street Setback (ft) [6]	30		Max. Building Height (ft)	60

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] Retail uses engaged solely in sale of heath-related and health care-related products are exempt from floor area limits.
[5] See Section 6.7, Open Space Set-Aside and Parkland~~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] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[8] Not applied to lots lines adjacent to shared or party building walls.
[9] Not applied to ~~multi-building and~~ unified developments.
[10] Unified ~~and multi-building~~ 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.

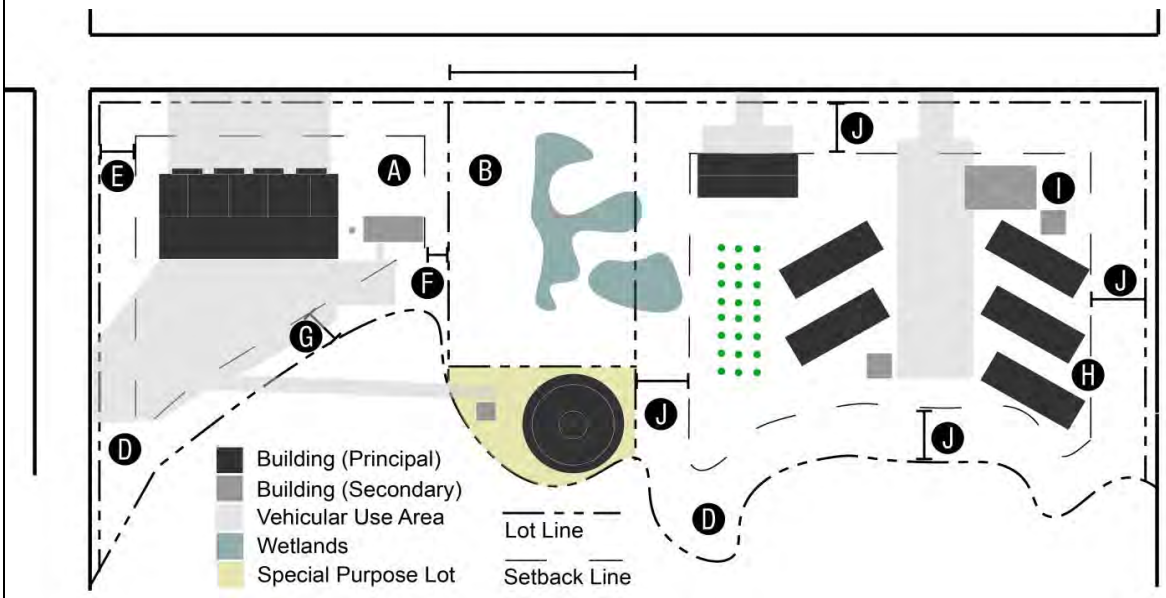
[39] See STN # 71.

C. PUBLIC FACILITIES (PUB) DISTRICT DIMENSIONAL STANDARDS[40]

	Max. Residential Density (du/ac)	N/A	E	Min. Street Setback (ft) [2~~3~~]	5~~20~~
	Min. Lot Area (sf)		F	Side Setback (ft) [3~~4~~] [4~~5~~]	5~~10~~
A	With Water & Sewer	None~~20,000~~	G	Rear Setback (ft) [3~~4~~] [5~~4~~]	5~~30~~
B	Without Water & Sewer	None~~2,000~~		Min. Spacing Between Buildings (ft) [3~~4~~]	
C	Min. Lot Width (ft) [1]	50	H	Between Principal Buildings	N/A~~20~~
	Max. Lot Coverage (% of lot area)	75	I	Between Secondary and any other Building	N/A~~5~~
D	Min. Open Space Set-Aside (% of lot area) ~~[2]~~	N/A~~5~~	J	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) ~~[6]~~	N/A~~30~~
	Max. Building Height (ft)	N/A~~35~~			

NOTES:

[1] Not applied to conservation or environmentally-sensitive lands with no buildings.
[2] ~~See Section 6.7, Open Space Set-Aside and Parkland, for the type of open space required.~~
~~[3]~~ 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.
[3~~4~~] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
[4~~5~~] Not applied to ~~multi-building and~~ unified developments.
~~[6] Unified and multi-building 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.~~



[40] See STN #97.

C. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT DIMENSIONAL STANDARDS

	Dimensional Standard (see following pages for dimensional standard diagrams) AMENDED 4.15.24 (UDOTA1-24)	Type of Development									
		Bungalow Court	Conservation Subdivision	Multi-Family	Pocket Neigh-hood	Single-Family Attached	Single-Family Detached	Triplex/ Quadplex	Duplex	Upper-Story Residential	Non-Residential
	Maximum Residential Density (du/ac) [1]	8.2 [2]	10.8	N/A	8.2 [3]	7.2 ~~[4]~~	7.2 ~~[4]~~	N/A	N/A	N/A	N/A
A	Minimum Site Size	1 ac	5 ac	N/A	1 ac	12,000 sf [45]	N/A	N/A	N/A	N/A	N/A
B	Minimum Lot Area (sf)	3,600	N/A	N/A	3,600	N/A	6,000	N/A	N/A	N/A	6,000
C	Minimum Lot Width (lf) [56]	50 [76]	20	N/A	50 [7]	50 [76]	50	N/A	N/A	N/A	50
	Maximum Lot Coverage (% of lot area) [78]	80	90	N/A	90	60 [76]	60	N/A	N/A	N/A	60
D	Minimum Open Space Set Aside (% of lot or site size) [8~~[9]~~] AMENDED 12.16.24 (UDOTA3-24)	10	50	N/A	10 [910]	10	10 [101]	N/A	N/A	N/A	5
E	Minimum Street Setback (lf)	20	3 [112]	N/A	3 [112]	25 [123]	25	N/A	N/A	N/A	20
F	Minimum Side Setback (lf)	3 [112]	3 [112]	N/A	3 [112]	6 [67]	6	N/A	N/A	N/A	6
G	Minimum Rear Setback (lf)	3	3 [112]	N/A	3 [112]	20 [67]	20	N/A	N/A	N/A	20
H	Minimum Spacing Between Principal Buildings on Same Lot (lf) [134]	N/A	N/A	N/A	20	20	N/A	N/A	N/A	N/A	20
I	Minimum Spacing Between Secondary Building and Any Other Building on Same Lot (lf) [134]	3	3	N/A	3	10	5	N/A	N/A	N/A	10
J	Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	[145]	[156]	N/A	[145]	25	N/A	N/A	N/A	N/A	20
	Maximum Building Height (lf) [167]	35	35	N/A	24	35	35	N/A	N/A	N/A	35

NOTES:

[1] Density bonuses may be granted for inclusion of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~.
[2] Must include at least three principal dwelling units.
[3] Must include at least four principal dwelling units but not more than 24 principal dwelling units.
[4] ~~Maximum density may be increased by up to one unit per acre for voluntary compliance with residential design guidelines.~~
~~[5]~~ 12,000 for the first two dwelling units plus an additional 500 sf for each unit beyond two.
~~[6~~5] Alleys are required to serve lots on blocks where one or more new lot is less than 50 feet in width. Conservation subdivisions exempted.
[~~7~~6] Applied to entire development, not individual lots.
[~~8~~7] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District.
[~~9~~8] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[9~~10~~] At least 300 sf of OSS per unit shall be configured as a central green or garden.
[10~~11~~] Applied to subdivisions, not individual dwellings.
[11~~12~~] In no instance shall off-street parking be located in ways in which parked vehicles extend beyond lot lines.
[12~~13~~] May be reduced to three feet through provision of rear-loaded alleys and no curb cuts along streets abutting front building facades.
[13~~14~~] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code.
[14~~15~~] Requires a Type C buffer along any portion of the development perimeter abutting a residential zoning district.
[15~~6~~] As necessary to comply with visibility requirements in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~.
[16~~7~~] May be increased in accordance provision of sustainable development incentives.

C. RESIDENTIAL LARGE LOT (RLL) DISTRICT DIMENSIONAL STANDARDS

	Dimensional Standard (see following page for dimensional standard diagrams)	Type of Development									
		Bungalow Court	Conservation Subdivision	Multi-Family	Pocket Neigh-hood	Single-Family Attached	Single-Family Detached	Triplex/ Quadplex	Duplex	Upper-Story Residential	Non-Residential
	Maximum Residential Density (du/ac) [1]	N/A	2.1 [2]	N/A	N/A	N/A	2.1 [2]	N/A	N/A	N/A	N/A
A	Minimum Site Size	N/A	5 ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B	Minimum Lot Area (sf)	N/A	N/A	N/A	N/A	N/A	20,000 [3]	N/A	N/A	N/A	20,000
C	Minimum Lot Width (lf) [4]	N/A	20	N/A	N/A	N/A	80 [5]	N/A	N/A	N/A	80
	Maximum Lot Coverage (% of lot area) [6]	N/A	90	N/A	N/A	N/A	50	N/A	N/A	N/A	50
D	Minimum Open Space Set Aside (% of lot or site size) [7] **AMENDED 12.16.24 (UDOTA3-24)**	N/A	50	N/A	N/A	N/A	10 [8]	N/A	N/A	N/A	5
E	Minimum Street Setback (lf)	N/A	3 [9]	N/A	N/A	N/A	35	N/A	N/A	N/A	35
F	Minimum Side Setback (lf)	N/A	3 [9]	N/A	N/A	N/A	15	N/A	N/A	N/A	15
G	Minimum Rear Setback (lf)	N/A	3 [9]	N/A	N/A	N/A	30	N/A	N/A	N/A	30
	Minimum Spacing Between Principal Buildings on Same Lot (lf) [10]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20
I	Minimum Spacing Between Secondary Building and Any Other Building on Same Lot (lf) [10]	N/A	3	N/A	N/A	N/A	5	N/A	N/A	N/A	10
J	Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	N/A	[11]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	35
	Maximum Building Height (lf) [12]	N/A	35	N/A	N/A	N/A	35	N/A	N/A	N/A	35

NOTES:

[1] ~~Maximum density may be increased by up to one unit per acre for voluntary compliance with residential design guidelines.~~ Density bonuses may be granted for inclusion of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~.
[2] Maximum residential density for development with water but no sewer is 1.7 units per acre; for development with no public water or sewer 1.0 units per acre.
[3] Minimum lot area of 25,000 square feet for lot with public water but no public sewer.
[4] Alleys are required to serve lots on blocks where one or more new lot is less than 50 feet in width. Conservation subdivisions exempted.
[5] Minimum lot width is 100 linear feet for lots with no public water or sewer.
[6] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District.
[7] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[8] Applied to subdivisions, not individual dwellings.
[9] In no instance shall off-street parking be located in ways in which parked vehicles extend beyond lot lines.
[10] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code.
[11] As necessary to comply with visibility requirements in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~.
[12] May be increased in accordance provision of sustainable development incentives.

C. RESIDENTIAL LOW DENSITY (RLD) DISTRICT DIMENSIONAL STANDARDS

	Dimensional Standard (see following page for dimensional standard diagrams)	Type of Development									
		Bungalow Court	Conservation Subdivision	Multi-Family	Pocket Neigh-hood	Single-Family Attached	Single-Family Detached	Triplex/ Quadplex	Duplex	Upper-Story Residential	Non-Residential
	Maximum Residential Density (du/ac) [1]	N/A	4.0 [2]	N/A	N/A	N/A	4.0 [2]	N/A	N/A	N/A	N/A
A	Minimum Site Size	N/A	5 ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B	Minimum Lot Area (sf)	N/A	N/A	N/A	N/A	N/A	10,000 [3]	N/A	N/A	N/A	10,000
C	Minimum Lot Width (lf) [4]	N/A	20	N/A	N/A	N/A	70 [5]	N/A	N/A	N/A	70
	Maximum Lot Coverage (% of lot area) [6]	N/A	90	N/A	N/A	N/A	50	N/A	N/A	N/A	50
D	Minimum Open Space Set Aside (% of lot or site size) [7] **AMENDED 12.16.24 (UDOTA3-24)**	N/A	50	N/A	N/A	N/A	10 [8]	N/A	N/A	N/A	5
E	Minimum Street Setback (lf)	N/A	3 [9]	N/A	N/A	N/A	30	N/A	N/A	N/A	30
F	Minimum Side Setback (lf)	N/A	3 [9]	N/A	N/A	N/A	10	N/A	N/A	N/A	10
G	Minimum Rear Setback (lf)	N/A	3 [9]	N/A	N/A	N/A	25	N/A	N/A	N/A	25
	Minimum Spacing Between Principal Buildings on Same Lot (lf) [10]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20
I	Minimum Spacing Between Secondary Building and Any Other Building on Same Lot (lf) [10]	N/A	3	N/A	N/A	N/A	5	N/A	N/A	N/A	10
J	Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	N/A	[11]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	30
	Maximum Building Height (lf) [12]	N/A	35	N/A	N/A	N/A	35	N/A	N/A	N/A	35

NOTES:

[1] ~~Maximum density may be increased by up to one unit per acre for voluntary compliance with residential design guidelines.~~ Density bonuses may be granted for inclusion of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~.
[2] Maximum residential density for development with water but no sewer is 1.7 units per acre; for development with no public water or sewer 1.0 units per acre.
[3] Minimum lot area of 25,000 square feet for lot with public water but no public sewer.
[4] Alleys are required to serve lots on blocks where one or more new lot is less than 50 feet in width. Conservation subdivisions exempted.
[5] Minimum lot width is 100 linear feet for lots with no public water or sewer.
[6] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District.
[7] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[8] Applied to subdivisions, not individual dwellings.
[9] In no instance shall off-street parking be located in ways in which parked vehicles extend beyond lot lines.
[10] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code.
[11] As necessary to comply with visibility requirements in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~.
[12] May be increased in accordance provision of sustainable development incentives.

C. RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT DIMENSIONAL STANDARDS

	Dimensional Standard (see following page for dimensional standard diagrams) **AMENDED 4.15.24 (UDOTA1-24)**	Type of Development									
		Bungalow Court	Conservation Subdivision	Multi-Family	Pocket Neigh-hood	Single-Family Attached	Single-Family Detached	Triplex/ Quadplex	Duplex	Upper-Story Residential	Non-Residential
	Maximum Residential Density (du/ac) [1]	5.0	5.0	N/A	5.0	N/A	5.0	N/A	N/A	N/A	N/A
A	Minimum Site Size	1 ac	5 ac	N/A	1 ac	N/A	N/A	N/A	N/A	N/A	N/A
B	Minimum Lot Area (sf)	7,000	N/A	N/A	7,000	N/A	8,000	N/A	N/A	N/A	8,000
C	Minimum Lot Width (lf) [2]	60 [3]	20	N/A	60 [3]	N/A	60	N/A	N/A	N/A	60
	Maximum Lot Coverage (% of lot area) [4]	80	90	N/A	90	N/A	55	N/A	N/A	N/A	55
D	Minimum Open Space Set Aside (% of lot or site size) [5] **AMENDED 12.16.24 (UDOTA3-24)**	10	50	N/A	10 [6]	N/A	10 [7]	N/A	N/A	N/A	5
E	Minimum Street Setback (lf)	20	3 [8	N/A	3 [8]	N/A	25	N/A	N/A	N/A	25
F	Minimum Side Setback (lf)	3	3 [8]	N/A	3 [8]	N/A	10	N/A	N/A	N/A	10
G	Minimum Rear Setback (lf)	3	3 [8]	N/A	3 [8]	N/A	25	N/A	N/A	N/A	25
	Minimum Spacing Between Principal Buildings on Same Lot (lf) [9]	N/A	N/A	N/A	20	N/A	N/A	N/A	N/A	N/A	20
I	Minimum Spacing Between Secondary Building and Any Other Building on Same Lot (lf) [9]	3	3	N/A	3	N/A	5	N/A	N/A	N/A	10
J	Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	[10]	[11]	N/A	[10]	N/A	N/A	N/A	N/A	N/A	25
	Maximum Building Height (lf) [12]	35	35	N/A	24	N/A	35	N/A	N/A	N/A	35

NOTES:

[1] ~~Maximum density may be increased by up to one unit per acre for voluntary compliance with residential design guidelines.~~ Density bonuses may be granted for inclusion of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~.
[2] Alleys are required to serve lots on blocks where one or more new lot is less than 50 feet in width. Conservation subdivisions exempted.
[3] Applied to subdivisions, not individual dwellings.
[4] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District.
[5] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[6] At least 300 sf of OSS per unit shall be configured as a central green or garden.
[7] Applied to subdivisions, not individual dwellings.
[8] In no instance shall off-street parking be located in ways in which parked vehicles extend beyond lot lines.
[9] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code.
[10] Requires a Type C buffer along any portion of the development perimeter abutting a residential zoning district.
[11] As necessary to comply with visibility requirements in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~.
[12] May be increased in accordance provision of sustainable development incentives.

C. RESIDENTIAL MULTI-FAMILY (RMF) DISTRICT DIMENSIONAL STANDARDS

	Dimensional Standard (see following pages for dimensional standard diagrams)	Type of Development									
		Bungalow Court	Conservation Subdivision	Multi-Family	Pocket Neigh-hood	Single-Family Attached	Single-Family Detached	Triplex/ Quadplex	Duplex	Live/Work	Non-Residential [1]
	Maximum Residential Density (du/ac) [2]	12 [3]	12	12	12 [4]	12 [5]	12 ~~[5]~~	12	12	6	6
A	Minimum Site Size	1 ac	5 ac	18,000 sf	1 ac	8,000 sf [5~~6~~]	N/A	N/A	N/A	N/A	N/A
B	Minimum Lot Area (sf) **AMENDED 12.16.24 (UDOTA3-24)**	3,600	N/A	N/A	3,600	N/A	3,600	10,800	7,200	7,000	6,000
C	Minimum Lot Width (lf) [6~~7~~]	50 [8]	20	50	50 [7~~8~~]	50 [7~~8~~]	50	50	50	50	50
	Maximum Lot Coverage (% of lot area) [~~9~~8]	80	90	60	90	60	60	60	60	60	60
D	Minimum Open Space Set Aside (% of lot or site size) [9~~10~~] **AMENDED 12.16.24 (UDOTA3-24)**	10	50	10	10 [11]	10	10	10	10	7	5
E	Minimum Street Setback (lf)	20	3 [12]	20	3 [12]	20 [12]	20	20	20	20	20
F	Minimum Side Setback (lf)	3 [12]	3 [12]	10	3 [12]	10 [12]	5	10	5	10	10
G	Minimum Rear Setback (lf)	3	3 [12]	15	3 [12]	15 [12]	15	15	15	15	15
H	Minimum Spacing Between Principal Buildings on Same Lot (lf) [13]	N/A	N/A	20	20	20	N/A	N/A	N/A	20	20
I	Minimum Spacing Between Secondary Building and Any Other Building on Same Lot (lf) [13]	3	3	10	3	10	5	7	5	7	10
J	Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	[14]	[15]	20	[14]	20	N/A	20	20	20	20
	Maximum Building Height (lf) [16]	35	35	45	24	35	35	35	35	45	45

NOTES:

[1] Includes upper-story residential.
[2] Density bonuses may be granted for inclusion of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~.
[3] Must include at least three principal dwelling units.
[4] Must include at least four principal dwelling units but not more than 24 principal dwelling units.
[5] ~~Maximum density may be increased by up to one unit per acre for voluntary compliance with residential design guidelines.~~
[6~~]~~8,000 for the first two dwelling units plus an additional 500 sf for each unit beyond two.
[6~~7~~] Alleys are required to serve lots on blocks where one or more new lot is less than 50 feet in width. Conservation subdivisions exempted.
[7~~8~~] Applied to entire development, not individual lots.
[8~~9~~] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District.
[9~~10~~] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[10~~11~~] At least 300 sf of OSS per unit shall be configured as a central green or garden.
[11~~1~~] Applied to subdivisions, not individual dwellings.
[12] In no instance shall off-street parking be located in ways in which parked vehicles extend beyond lot lines.
[13] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code.
[14] Requires a Type C buffer along any portion of the development perimeter abutting a residential zoning district.
[15] As necessary to comply with visibility requirements in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~.
[16] May be increased in accordance provision of sustainable development incentives.

C. RURAL (RUR) DISTRICT DIMENSIONAL STANDARDS

	Dimensional Standard (see following page for dimensional standard diagrams)	Type of Development									
		Bungalow Court	Conservation Subdivision	Multi-Family	Pocket Neigh-hood	Single-Family Attached	Single-Family Detached	Triplex/ Quadplex	Duplex	Upper-Story Residential	Non-Residential [1]
	Maximum Residential Density (du/ac)	N/A	N/A	N/A	N/A	N/A	1.0 [2]	N/A	N/A	N/A	1.0 [3]
A	Minimum Site Size	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	43,560
B	Minimum Lot Area (sf)	N/A	N/A	N/A	N/A	N/A	43,560	N/A	N/A	N/A	N/A
C	Minimum Lot Width (lf)	N/A	N/A	N/A	N/A	N/A	100	N/A	N/A	N/A	100 [4]
	Maximum Lot Coverage (% of lot area) [5]	N/A	N/A	N/A	N/A	N/A	40	N/A	N/A	N/A	40 [4]
D	Minimum Open Space Set Aside (% of lot or site size) [6] **AMENDED 12.16.24 (UDOTA3-24)**	N/A	N/A	N/A	N/A	N/A	10	N/A	N/A	N/A	5
E	Minimum Street Setback (lf)	N/A	N/A	N/A	N/A	N/A	50	N/A	N/A	N/A	50
F	Minimum Side Setback (lf)	N/A	N/A	N/A	N/A	N/A	20	N/A	N/A	N/A	20
G	Minimum Rear Setback (lf)	N/A	N/A	N/A	N/A	N/A	35	N/A	N/A	N/A	35
	Minimum Spacing Between Principal Buildings on Same Lot (lf) [7]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20
I	Minimum Spacing Between Secondary Building and Any Other Building on Same Lot (lf) [7]	N/A	N/A	N/A	N/A	N/A	10	N/A	N/A	N/A	10
J	Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50
	Maximum Building Height (lf) [8]	N/A	N/A	N/A	N/A	N/A	35	N/A	N/A	N/A	N/A

NOTES:
[1] Includes manufactured home parks.
[2] ~~Maximum density may be increased by up to one-half unit per acre for voluntary compliance with residential design guidelines.~~ Density bonuses may be granted for inclusion of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~.
[3] Applied to manufactured home parks only.
[4] Applied to entire manufactured home park, not individual home spaces.
[5] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District.
[6] See Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~, for the type of open space required.
[7] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code.
[8] May be increased in accordance provision of sustainable development incentives.

3.3 CONDITIONAL ZONING DISTRICTS

3.3.1 GENERAL PROVISIONS

A. PURPOSE AND INTENT

Conditional zoning districts are established to:

1. Provide an alternative to conventional zoning districts when a conventional zoning district may allow a range of uses that could have adverse impacts on public facilities or surrounding lands;
2. Create an adequate amount of flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions or contexts;
3. Allow a landowner to propose, and the Town Council to consider, additional conditions or restrictions on the range of allowable uses, use-specific standards, development intensities, development standards, and other applicable regulations;
4. Allow a landowner to propose, and the Town Council to consider, a reduction in use-specific standards, development intensities, development standards, and other applicable regulations that would otherwise apply, in accordance with these standards;
5. Identify the range of development standards that may not be reduced or varied as part of a conditional rezoning application; and
6. Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated problems that may arise from the proposed development.

B. CREATION

Land shall be classified into a Type 1, Type 2, or Type 3 conditional zoning district only in accordance with this section and the procedures and requirements set forth in Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~.

C. DISTRICTS ESTABLISHED

The conditional zoning districts are established in accordance with the summary table in Section 3.3.1C, Districts Established~~Districts Established~~.

D. CONDITIONS, GENERALLY

Applications for the establishment of a conditional zoning district shall include conditions proposed in accordance with Section 2.4.10, Conditions of Approval~~Conditions of Approval~~, and the following standards:

1. Conditions associated with a conditional zoning district may be proposed by an applicant or the Town Council. Regardless of how proposed, only those conditions agreed to by both the applicant and the Town Council shall be included in the approved conditional rezoning.
2. All conditions of approval shall be consented to, in writing, by the applicant, prior to issuance of the conditional rezoning application approval.
3. Conditions associated with a conditional rezoning application may be either more restrictive or less restrictive than the standards applicable to the parallel conventional zoning district, subject to the provisions in Section 3.3.1E.9, Limitations on Reductions~~Limitations on Reductions~~.
4. In cases where a Type 3 Conditional Rezoning application is proposed, the applicant shall provide the following as part of the application materials:

a. A Concept Plan, prepared in accordance with Section 3.3.1E, Concept Plans Associated with a Type 3 Conditional Rezoning~~Concept Plans Associated with a Type 3 Conditional Rezoning~~;

b. An explanation as to why the proposed conditions are necessary;

c. The ways in which approval of the less restrictive condition(s) will result in development that is in closer alignment with the provisions in Section 1.7, Purpose and Intent of Ordinance~~Purpose and Intent of Ordinance~~, and the Town's adopted policy guidance; and

d. Applicants are strongly encouraged to provide mitigation for any potential negative impacts anticipated to result from proposed conditions that are less restrictive than the applicable requirements.

E. CONCEPT PLANS ASSOCIATED WITH A TYPE 3 CONDITIONAL REZONING

1. GENERALLY

A Concept Plan, prepared in accordance with this section, shall be provided with an application for a Type 3 Conditional Rezoning application (see Section 2.3.7D, Application~~Application~~).

2. PREPARATION

A Concept Plan shall be prepared by a professional engineer, a licensed architect, or a licensed landscape architect.

3. CONTENTS

All Concept Plans shall include the information specified in the Town's Procedures Manual.~~following:~~ [41]

~~**a.** The general location of individual development areas, identified by land use(s) and/or development density or intensity;~~

~~**b.** The general configuration and relationship of the principal elements of the proposed development, including general building types;~~

~~**c.** 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);~~

~~**d.** The general location, amount, and type (whether designated for active, passive, or gathering area) of open space set-aside;~~

~~**e.** The location of environmentally sensitive lands, wildlife habitat, and resource protection lands;~~

~~**f.** 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;~~

~~**g.** The general location of on-site potable water and wastewater facilities, and how they will connect to existing systems;~~

~~**h.** The general location of on-site stormwater control measures, and how they will connect to existing public systems;~~

~~**i.** 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; and~~

[41] See STN # 25.

~~j. The applicable dimensional standards, including consistency with the conditional zoning district dimensional requirements or any requested deviations.~~

4. DEVIATIONS OR REDUCTIONS

a. Applicants seeking a Type 3 Conditional Rezoning that includes a request for a deviation or reduction from the generally applicable Ordinance standards are responsible for demonstrating, in the concept plan or related application materials, that the proposed development will result in a higher quality development than would otherwise result from strict compliance with the standards. Alternatively, the applicant shall demonstrate how the proposed development with the requested deviations will result in a development that is in closer alignment with the Town's adopted policy guidance than would otherwise result from a strict application of the standards. **AMENDED 4.15.24 (UDOTA1-24)**

b. Concept Plans shall clarify the degree to which the development depicted in the Concept Plan will or will not comply with all applicable standards in Chapter 6, Standards.

c. In cases where the application seeks a deviation from the applicable standards, the Concept Plan shall clearly identify all deviations in both narrative and graphic forms.

d. It is insufficient to simply prepare a plan that depicts a building or site configuration that deviates from the applicable standards. Deviations from standards must be clearly noted and described in terms of their scope. Language in the narrative must match or be consistent with visual representations and vice versa.

5. METHODS OF HIGHER QUALITY DEMONSTRATION

In cases where a Type 3 conditional rezoning seeks a deviation or reduction in accordance with sub-section (4) above, the following are optional ways for an applicant to mitigate the deviation or demonstrate development quality or alignment with adopted policy guidance: **AMENDED 9.16.24 (UDOTA2-24)**

a. ENHANCED LANDSCAPING

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~~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~~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 (UDOTA2-24)**

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 (UDOTA2-24)**

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 (UDOTA2-24)**

6. PRINCIPAL AND SECONDARY USES

a. The Concept Plan shall include a list of proposed principal and secondary uses.

b. It is insufficient to reference the table of common principal or secondary uses; Concept Plans shall list all potential allowable uses.

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~~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~~Amendment~~.

9. LIMITATIONS ON REDUCTIONS

In no instance shall any of the following standards in this Ordinance be waived or reduced as part of an application for a conditional rezoning:

a. Any of the applicable overlay district standards in Section 3.7, Overlay Zoning Districts~~Overlay Zoning Districts~~;

b. The maximum allowable residential density, unless the landowner complies with the applicable provisions in Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~;

c. Any applicable conservation subdivision standards in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~;

d. Any use-specific standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~;

e. Any of the standards applicable in Section 4.4, Prohibited Uses~~Prohibited Uses~~;

f. Any applicable standards in Section 6.5, Infrastructure~~Infrastructure~~;

g. The requirements in Section 6.11.6, Conversion to Resource Conservation Areas~~Conversion to Resource Conservation Areas~~, if applicable; and **AMENDED 12.16.24 (UDOTA3-24)**

h. Any applicable standards in Section 6.15, Stormwater~~Stormwater~~, and Section 6.12, Riparian Buffers~~Riparian Buffers~~.

10. COMPLIANCE WITH SUBDIVISION REQUIREMENTS

Divisions of land within a conditional zoning district shall be subject to all applicable subdivision requirements in Section 2.3, Application Types~~Application Types~~.

11. RELATIONSHIP TO OVERLAY DISTRICT STANDARDS

Regulations governing development in an overlay zoning district shall apply in addition to all other applicable conditional zoning district standards.

3.3.2 (CZC) CONDITIONAL COMMERCIAL

A. PURPOSE AND INTENT [42]

The Conditional Commercial (CZC) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within the CRM or NCM conventional zoning districts. The CZC District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce commercial development that is in closer alignment with the Town's goals for development than would result from a strict application of the standards applicable in the ~~CZM~~ CRM or NCM districts.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.1, (CRM) Corridor Commercial District~~(CRM) Corridor Commercial District~~, shall apply to all development within a CZC District.

C. ALLOWABLE DENSITY

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~, the maximum density standards in Section 3.2.1, (CRM) Corridor Commercial District~~(CRM) Corridor Commercial District~~, shall apply to all development within a CZC District. **AMENDED 4.15.24 (UDOTA1-24)**

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the ~~CZM~~CRM, NCM, or CZC columns of the table in Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the ~~CZM~~CRM, NCM, or CZC columns of the table in Section 4.5.4, Listing of Common Secondary Uses~~Listing of Common Secondary Uses~~.
3. In no instance shall a principal or secondary use that is not listed in the ~~CZM~~CRM, NCM, or CZC columns of the appropriate table be permitted within a CZC District.

E. USE-SPECIFIC STANDARDS

~~Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, t~~The use-specific standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~, or Section 4.5.5, Standards for Specific Secondary Uses~~Standards for Specific Secondary Uses~~, as appropriate, shall apply to development in a CZC District. [43]

[42] See STN # 57.
[43] See STN# 34.

F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZC district. Type 3 Conditional Rezoning applications shall comply with the standards in Section 3.3.1E.9, Limitations on Reductions~~Limitations on Reductions~~.

3.3.3 (CZD) CONDITIONAL DOWNTOWN

A. PURPOSE AND INTENT

The Conditional Downtown (CZD) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within DTNC, DTNT, or DTNN conventional zoning districts. The CZD District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for downtown development than would result from a strict application of the standards applicable in a particular conventional district.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.3, (DTNC) Downtown Core~~(DTNC) Downtown Core~~, shall apply to all development within a CZD District.

C. ALLOWABLE DENSITY

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~, the maximum density standards in Section 3.2.3, (DTNC) Downtown Core~~(DTNC) Downtown Core~~, shall apply to all development within a CZD District. **AMENDED 4.15.24 (UDOTA1-24)**

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the DTNC, DTNT, DTNN, or CZD columns of the table in Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the DTNC, DTNT, DTNN, or CZD column of the table in Section 4.5.4, Listing of Common Secondary Uses~~Listing of Common Secondary Uses~~.
3. In no instance shall a principal or secondary use that is not listed in the CZD column of the appropriate table be permitted within a DTNC, DTNT, DTNN, or CZD District.

E. USE-SPECIFIC STANDARDS

~~Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, t~~The use-specific standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~, or Section 4.5.5, Standards for Specific Secondary Uses~~Standards for Specific Secondary Uses~~, as appropriate shall apply to development in a CZD District.[44]

[44] See STN # 34.

F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZD district. Type 3 Conditional Rezoning applications shall comply with the standards in Section 3.3.1E.9, Limitations on Reductions~~Limitations on Reductions~~.

3.3.4 (CZI) CONDITIONAL INDUSTRIAL

A. PURPOSE AND INTENT

The Conditional Industrial (CZI) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within LID or HID conventional zoning districts. The CZI District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for industrial development than would result from a strict application of the standards applicable in the LID or HID districts.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.6, (HID) Heavy Industrial~~(HID) Heavy Industrial~~, shall apply to all development within a CZI District.

C. ALLOWABLE DENSITY

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~, the maximum density standards in Section 3.2.6, (HID) Heavy Industrial~~(HID) Heavy Industrial~~, shall apply to all development within a CZI District. **AMENDED 4.15.24 (UDOTA1-24)**

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the LID, HID, or CZI columns of the table in Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the LID, HID, or CZI columns of the table in Section 4.5.4, Listing of Common Secondary Uses~~Listing of Common Secondary Uses~~.
3. In no instance shall a principal or secondary use that is not listed in the CZI column of the appropriate table be permitted within a LID, HID, or CZI District.

E. USE-SPECIFIC STANDARDS

~~Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, t~~The use-specific standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~, or Section 4.5.5, Standards for Specific Secondary Uses~~Standards for Specific Secondary Uses~~, as appropriate shall apply to development in a CZI District.[45]

[45] See STN # 34.

F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZI district. Type 3 Conditional Rezoning applications shall comply with the standards in Section 3.3.1E.9, Limitations on Reductions~~Limitations on Reductions~~.

3.3.5 (CZM) CONDITIONAL MIXED-USE

A. PURPOSE AND INTENT

The Conditional Mixed-Use (CZM) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within the MXD conventional zoning district. The CZM District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for industrial development than would result from a strict application of the standards applicable in the CZM district.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.8, (MXD) Mixed-Use~~(MXD) Mixed-Use~~, shall apply to all development within a CZM District.

C. ALLOWABLE DENSITY

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~, the maximum density standards in Section 3.2.8, (MXD) Mixed-Use~~(MXD) Mixed-Use~~, shall apply to all development within a CZM District. **AMENDED 4.15.24 (UDOTA1-24)**

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the MXD and CZM columns of the table in Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the MXD and CZM columns of the table in Section 4.5.4, Listing of Common Secondary Uses~~Listing of Common Secondary Uses~~.
3. In no instance shall a principal or secondary use that is not listed in the MXD or CZM columns of the appropriate table be permitted within a CZM District.

E. USE-SPECIFIC STANDARDS

~~Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, t~~The use-specific standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~, or Section 4.5.5, Standards for Specific Secondary Uses~~Standards for Specific Secondary Uses~~, as appropriate shall apply to development in a CZM District.[46]

[46] See STN # 34.

F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZM district. Type 3 Conditional Rezoning applications shall comply with the standards in Section 3.3.1E.9, Limitations on Reductions~~Limitations on Reductions~~.

3.3.6 (CZR) CONDITIONAL RESIDENTIAL

A. PURPOSE AND INTENT

The Conditional Residential (CZR) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within the RHD, RLL, RLD, RMD, RMF, or RUR conventional zoning districts. The CZR District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's goals for industrial development than would result from a strict application of the standards applicable in the RHD, RLL, RLD, RMD, RMF, or RUR districts.

B. DIMENSIONAL STANDARDS

1. Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.15, (RMD) Residential Medium Density~~(RMD) Residential Medium Density~~ shall apply to single-family detached, bungalow courts, pocket neighborhoods, and conservation subdivisions within a CZR District.
2. Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.16, (RMF) Residential Multi-Family~~(RMF) Residential Multi-Family~~, shall apply to single-family attached, multi-family, duplex, triplex, and quadplex, live/work, and upper-story residential dwellings within a CZR district. **AMENDED 4.15.24 (UDOTA1-24)**

C. ALLOWABLE DENSITY

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~, the maximum density standards in Section 3.2.16, (RMF) Residential Multi-Family~~(RMF) Residential Multi-Family~~, shall apply to all development within a CZR District. **AMENDED 4.15.24 (UDOTA1-24)**

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the RHD, RLL, RLD, RMD, RMF, RUR, or CZR columns of the table in Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the RHD, RLL, RLD, RMD, RMF, RUR, or CZR columns of the table in Section 4.5.4, Listing of Common Secondary Uses~~Listing of Common Secondary Uses~~.
3. In no instance shall a principal or secondary use that is not listed in the RHD, RLL, RLD, RMD, RMF, RUR, or CZR columns of the appropriate table be permitted within a CZR District.

E. USE-SPECIFIC STANDARDS

~~Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, t~~The use-specific standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~, or Section 4.5.5, Standards for Specific Secondary Uses~~Standards for Specific Secondary Uses~~, as appropriate shall apply to development in a CZR District.[47]

F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZR district. Type 3 Conditional Rezoning applications shall comply with the standards in Section 3.3.1E.9, Limitations on Reductions~~Limitations on Reductions~~.

[47] See STN# 34.

3.4 GENERAL DIMENSIONAL STANDARDS

3.4.1 MAXIMUM RESIDENTIAL DENSITY MAY BE INCREASED

A. Unless otherwise indicated in this Ordinance, the maximum density for a conventional or conditional zoning district may be increased beyond the amount listed in Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, or Section 3.3, Conditional Zoning Districts~~Conditional Zoning Districts~~, only in accordance with the standards, incentives, and procedures identified in Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~.

B. In cases where an incentive or alternative identified in Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~, is proposed and approved by the Town, the increase in maximum residential density shall not require a conventional or conditional rezoning application.

3.4.2 MULTIPLE BUILDINGS OR STRUCTURES ON A LOT

In no instance shall there be more than one principal building per lot, except as allowed by the following:

A. NONRESIDENTIAL UNIFIED DEVELOPMENT

Two or more separate principal non-residential buildings may be permitted on a single lot as a unified development provided the development has been reviewed and approved in accordance with Section 2.3.22, Site Plan~~Site Plan~~, and provided that each building shall be served by a street or an accessway that is maintained in passable condition for service and emergency vehicles.

B. MULTIPLE FAMILY DEVELOPMENT

Two or more separate principal residential buildings may be permitted on a single lot as a part of a single-family attached, multiple-family detached, or multi-family development subject to the applicable use standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~, and approval of a site plan in accordance with Section 2.3.22, Site Plan~~Site Plan~~. Each building with residential units shall be served by street or accessway that is maintained in passable condition for service and emergency vehicles.

C. MANUFACTURED OR MOBILE HOME PARK

Manufactured or mobile home buildings may be permitted in a manufactured or mobile home park on a single lot, subject to approval of a Site Plan (see Section 2.3.22, Site Plan~~Site Plan~~), and compliance with all applicable use-specific standards.

D. SINGLE-FAMILY RESIDENTIAL UNIFIED DEVELOPMENT

Two or more principal single-family detached dwellings may be permitted on a single lot, provided:

1. The development is identified, planned, approved, and developed as a unified development;
2. The development has received site plan approval in accordance with Section 2.3.22, Site Plan~~Site Plan~~.

3.4.3 REQUIRED LOT CONFIGURATION

A. DIMENSIONAL REQUIREMENTS

1. The size, width, depth, shape, orientation, and minimum setback lines of lots shall be as required for the zoning district where located in accordance with the standards in Chapter 3, Districts.

2. All lots created after January 2, 2024, shall have sufficient area, dimensions, and access to allow a principal building to be erected on it in compliance with the requirements of this Ordinance.
3. Lots intended for non-residential development shall be of an adequate size and shape to accommodate required off-street parking, loading, landscaping, and on-site circulation features.

B. DOUBLE-FRONTAGE LOTS

1. Double frontage (or "through" lots) shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific challenges of topography and orientation.
2. In cases where a double frontage lot abuts an arterial or collector street, access to the lot shall be provided from the street with the lowest average daily trips. This requirement may be waived by the Planning Director in cases where compliance with this standard will likely result in dramatic increases in traffic within residential areas.
3. A double frontage lot shall include an easement of at least ten feet in width across the rear of the lot which shall prohibit access to the abutting street.

C. FLAG LOTS [48]

1. No ~~N~~new flag lots shall ~~may~~ be established ~~, subject to the following requirements:~~ after June 16, 2025.
2. Lawfully-established flag lots created prior to June 16, 2025, shall comply with the following standards:
   - ~~1.~~ a. No more than two flag lots may be created from a parent parcel after January 2, 2024;
   - ~~2.~~ b. New flag lots may only be established along existing streets;
   - ~~3.~~ c. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 30 feet;
   - ~~4.~~ d. Use of a single driveway to serve an adjoining lot is encouraged. Wherever possible, the shared driveway shall be on the flag lot; and
   - ~~5.~~ e. In no case shall flag lots be configured to have two "poles," "arms," or "pan handles" on different lots adjacent to one another.

D. MINIMUM LOT SIZE

1. Except for special purpose lots, or in cases of governmental acquisition of land in accordance with Section 5.2.5, Governmental Acquisition of Land~~Governmental Acquisition of Land~~, no lot established after January 2, 2024, shall be reduced in size or dimension such that noncompliance with respect to any dimensional requirement, setback, parking, landscaping, or other development standard is created.
2. Except for special purpose lots, or lots subject to a valid approval in accordance with Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~, all lots created after January 2, 2024, shall meet the minimum lot dimensional requirements for the district where located.
3. Corner lots shall be of sufficient size to ensure development may be configured in accordance with the standards in Section 6.1.7, Sight Distance Triangles~~Sight Distance Triangles~~.

[48] See STN # 53.

E. MINIMUM LOT FRONTAGE

The minimum frontage of any lot at the right-of-way line shall be at least 20 linear feet.

F. MINIMUM LOT WIDTH

1. Except for lots within conservation subdivisions, new lots created after January 2, 2024, with a lot width of less than 50 linear feet shall be served by rear-loaded alleys.
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~~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~~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[49]

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 located on one or more lots that are planned, permitted, and developed~~, and operated~~ as a single unit.

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.

C. All the buildings and land uses within a unified development are treated as a single use or structure with respect to the ~~location~~ amount of off-street parking (see Section 6.9.4G, Unified Developments~~Unified Developments~~), the location of landscaping, the application of exterior lighting provisions, the amount and location of required open space set-aside, stormwater requirements, and tree protection provisions.

D. Signage provisions shall be applied to individual lots and uses unless subject to a uniform sign plan in accordance with Section 2.3.21F.2, Uniform Sign Plan~~Uniform Sign Plan~~.

3.5 INCENTIVES AND ALTERNATIVES

3.5.1 DENSITY

Unless otherwise indicated in this Ordinance, the maximum residential density for a conventional or conditional zoning district may be increased beyond the amount identified in Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, and Section 3.3, Conditional Zoning Districts~~Conditional Zoning Districts~~, only in accordance with the following:

A. Configuration of a residential subdivision as a conservation subdivision in accordance with Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~.

B. Provision of sustainable development features in accordance with Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~;

C. Voluntary compliance with Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~, as applied to a single-family detached dwelling, a single-family attached dwelling, a duplex, triplex, or quadplex use, or dwelling; and

D. Density increases resulting from provision of sustainable development features and voluntary compliance with design guidelines may be combined within the same development.

AMENDED 4.15.24 (UDOTA1-24)

3.5.2 DIMENSIONAL STANDARDS

Required dimensional standards on lots in conventional, conditional, or overlay districts may be reduced or revised in accordance with the following:

A. Section 2.3.1, Administrative Adjustment~~Administrative Adjustment~~;

B. Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~; **AMENDED 4.15.24 (UDOTA1-24)**

C. Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~; or

D. Section 2.3.31, Variance~~Variance~~.

3.5.3 ALTERNATIVE MEANS OF COMPLIANCE

A. Principal and secondary structures and uses may encroach into required setbacks in accordance with Section 3.6.9, Setback Encroachments~~Setback Encroachments~~.

B. Deviations or exceptions to maximum building height provisions are permitted in accordance with Section 3.6.4D, Exceptions~~Exceptions~~.

C. Alternative site access to single-family detached and duplex dwellings may be established in accordance with Section 6.1.4D.5, Alternative Access~~Alternative Access~~.

[49] See STN # 102.

D. Alternatives to landscaping and screening requirements may be proposed in accordance with Section 6.6.11C, Alternative Landscape Plans~~Alternative Landscape Plans~~.

E. Alternative off-street parking facilities may be provided in accordance with Section 6.9.8, Parking Flexibility~~Parking Flexibility~~.

F. Alternative signage configuration may be proposed in accordance with Section 1.1.1A~~1.1.1A~~, .

3.6 MEASUREMENTS AND EXCEPTIONS

3.6.1 PURPOSE AND INTENT

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and secondary uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

3.6.2 GENERALLY

A. STRAIGHT LINES

Unless otherwise stated in this Ordinance, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two points.

B. ROUNDING

All calculations that result in a fractional unit or part of a whole number, the number shall be rounded up to the next highest whole number, unless otherwise provided in this section or elsewhere in this Ordinance.

C. IRREGULAR SHAPES

In cases where an irregular shape complicates the application of these standards, the Planning Director shall determine the applicable dimensional, setback, or bulk standards in accordance with the standards in this section and Section 2.3.11, Determination~~Determination~~.

D. SEPARATION

1. LOT TO LOT

When the provisions of this Ordinance require separation between two or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of one lot line to the nearest point of the lot line subject to the separation requirement (see Figure 3.6.2: Use Separation).

2. USE TYPE TO USE TYPE

When the provisions of this Ordinance require one use type to be separated from another use type, separation shall be measured by drawing straight lines from the nearest point of the wall of one existing or proposed principal structure to the nearest point of the wall of another existing or proposed structure subject to the separation requirement (see Figure 3.6.2: Use Separation).

3.6.3 DENSITY & YIELD CALCULATIONS

A. GENERALLY

1. Density is the maximum allowable number of residential dwelling units permitted on a particular site, tract, lot, or other unit of land area, typically expressed as a maximum number of residential units per acre.
2. Lot area is the minimum size of a lot, in square feet, that is devoted to a residential dwelling unit as identified for the zoning district where located. Lot area is used to determine the maximum number of lots that can be accommodated on a particular site, tract, lot, or other unit of land area, typically expressed as a whole number.
3. Yield is the total number of residential dwelling units permitted within a particular development. Yield is the lesser of the allowable density or the maximum number of lots.
4. Fractional numbers resulting from a calculation of density, maximum number of lots, or yield shall be rounded downwards to the next whole number.

B. CALCULATION OF DENSITY

1. Maximum residential density is calculated by dividing the square footage of a lot by the number of square feet in an acre (43,560), then multiplying the maximum number dwelling units allowed in the zoning district, and rounding the product downwards (in the tenths place) to remove any fractions.

   #### a. EXAMPLE: 67,000 SQUARE-FOOT SITE IN THE RMD DISTRICT

   i. Lot size: 67,000 square feet / 43,560 = 1.53 acres.
   ii. Zoning district maximum density for single-family detached dwellings or duplex dwellings is 5.0 units per acre: 1.53 x 5.0 = 7.65.
   iii. Maximum residential density = 7 units (fractions are rounded downwards).

2. Land area associated with floodplains and riparian buffers may be included in the calculation of the square footage of a tract or site for the purposes of determining the maximum residential density.
3. Land area located within a public right-of-way shall not be included in the calculation of allowable density.
4. Maximum residential density in a particular zoning district may be increased beyond the amount stated for the zoning district, in accordance with the standards in Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~.

C. CALCULATION OF MAXIMUM NUMBER OF LOTS

The maximum number of lots is calculated by dividing the total square footage of a lot or tract by the minimum lot area for the type of use proposed, the resulting number (the quotient) is then rounded downwards to the next lowest whole number to produce the total number of lots permissible for the type of use proposed.

a. EXAMPLE 1: 67,000 SQUARE-FOOT SITE IN THE RMD DISTRICT FOR SINGLE-FAMILY DETACHED DWELLING LOTS

i. Lot size: 67,000 square feet.
ii. Minimum lot area for a single-family detached dwelling: 8,000 square feet.
iii. Maximum number of single-family detached dwelling lots: 67,000 / 8,000 = 8.37, or 8 single-family detached lots (fractions are rounded downwards).

b. EXAMPLE 2: 67,000 SQUARE-FOOT SITE IN THE RMD DISTRICT FOR DUPLEX DWELLING LOTS

i. Lot size: 67,000 square feet.

TABLE 3.6.9: ALLOWABLE ENCROACHMENTS INTO REQUIRED SETBACKS

Feature	Maximum Allowable Encroachment Distance into a Required Setback [1]
Fences, Gates, or Walls, excluding Retaining Walls	May be located in any required setback, subject to the limitations in Section 6.3, Fences and Walls~~Fences and Walls~~, but shall not be located within a required sight distance triangle
Fire Escape	May encroach up to eight feet into any required yard, but must maintain at least seven-and-one-half feet above a sidewalk, greenway, or street
Flagpoles, Mailboxes, Lamp and Address Posts	May be located in any required setback but no closer than three feet from any lot line
Detached Carport or Garage	May be located within rear yard but no closer than five feet from any lot line, and no closer than 10 feet to the principal structure
Gazebo or Garden Structure	May not be located within a street setback or closer than five feet from any lot line
Handicap Ramps	May be located in any required setback provided it does not unduly obstruct pedestrian or vehicular access
Outdoor Display of Merchandise for Sale (when proposed as part of a non-residential use)	May encroach into a required setback but no closer than five feet from any lot line
Outdoor Equipment (e.g., HVAC condenser, water heater, etc.) Serving Single-family Detached Residential Use	May extend up to four feet into any required setback but no closer than five feet from any lot line
Outdoor Equipment Serving a Use other than Single-family Detached Residential	May encroach by up to five feet into a required setback
Outdoor Seating Areas Serving a Non-residential Use	May encroach into a setback up to eight feet but no closer than three feet from any lot line
Outdoor Storage	May not encroach into a required setback
Parking Structure	May extend up to four feet into a rear yard
Patio or Porch, Covered	May extend up to four feet into a required side yard or ten feet into a required street or rear yard but no closer than five feet from any lot line
Patio or Porch, Uncovered	May be located in any required setback but no closer than five feet from any lot line

TABLE 3.6.9: ALLOWABLE ENCROACHMENTS INTO REQUIRED SETBACKS

Feature	Maximum Allowable Encroachment Distance into a Required Setback [1]
Pet Shelters	Subject to the setbacks applied to principal structures
Playground Equipment Accessory to a Residential Use	When located ten or more feet from the principal structure, may be located within five feet of a side or rear lot line, but shall not be located within a required street setback
Produce Stand	May encroach into a required setback but no closer than five feet from any lot line
Retaining Walls	May encroach into a required setback
Roof Eaves, Rakes, and Overhangs	May extend up to four feet into any required setback but no closer than three feet from any lot line
Signs	May extend into any required setback in accordance with Section 6.13, Signage~~Signage~~
Swimming Pool/Hot Tub, (including all ancillary appurtenances)	May extend into a required side or rear setback, but shall be no closer than five feet to a lot line
Tool Shed	May be located within rear yard but no closer than five feet from any lot line, and no closer than five feet to the principal structure
Underground Structures (including septic systems but excluding swimming pools)	May be located in any required setback but no closer than three feet from any lot line
Vegetation and Landscaping Features	May be located in any required setback
Vehicular Off-street Parking Area **AMENDED 9.16.24 (UDOTA2-24)**	Except in the DTNC and DTNT districts, may be located in any required setback provided that no parking area is located within five feet of the street right-of-way No encroachment into the off-street parking setback is permitted in the DTNC or DTNT districts
Well House (functional or aesthetic)	May be located in any required setback, but shall be no closer than eight feet from a right-of-way
NOTES: [1] Regardless o the amount of allowable encroachment, no features shall be permitted within a public utility easement.	

3.7 OVERLAY ZONING DISTRICTS

3.7.1 GENERALLY

A. PURPOSE

Overlay zoning districts are superimposed over either all or a portion of one or more underlying conventional or conditional zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

B. ESTABLISHMENT

The conditional zoning districts are established in accordance with the summary table in Section 3.3.1C, Districts Established~~Districts Established~~.

C. CLASSIFICATION

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, and this section.

D. RELATIONSHIP TO UNDERLYING ZONING DISTRICTS

1. Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying conventional or conditional zoning district, unless otherwise expressly stated.
2. In cases where the standards governing an overlay zoning district expressly conflict with those governing an underlying conventional or conditional zoning district, the provisions in Section 1.3, Conflict~~Conflict~~, shall control.
3. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the provisions in Section 1.3, Conflict~~Conflict~~, shall control.

3.7.2 FPOD FLOOD PROTECTION OVERLAY DISTRICT

A. GENERAL PROVISIONS

1. STATUTORY AUTHORIZATION; FINDINGS OF FACT

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter l60A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the Town Council does ordain as follows:

a. The flood prone areas within the jurisdiction of the Town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

c. EFFECTIVE DATE

The date of the initial Flood Damage Prevention Ordinance for Johnston County is September 30, 1983.

d. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or a designee before the time of passage of these standards; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this section.

5. BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS

a. The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 20, 2018, for Johnston County, January 19, 2022 for Wake County, and associated DFIRM panels and any revision thereto, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this section.

b. Hereinafter, special flood areas shall be described as the "FPOD," or the Flood Protection Overlay District.

6. ESTABLISHMENT OF FLOODPLAIN PERMIT

A floodplain permit, in the form or document established by the Town, shall be required in conformance with the provisions of this section and Section 2.3.16, Floodplain Permit~~Floodplain Permit~~, prior to the commencement of any development activities within special flood hazard areas determined in accordance with the provisions of 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas~~Basis for Establishing Special Flood Hazard Areas~~.

7. COMPLIANCE

No structure or land subject to these standards shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable regulations.

8. ABROGATION AND GREATER RESTRICTIONS

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Conflicts between these provisions and other standards in this Ordinance shall be addressed in accordance with the standards in Section 1.3, Conflict~~Conflict~~.

9. DEFINITIONS

The terms used in this section are further defined in Section 8.3, Terms Defined~~Terms Defined~~.

10. INTERPRETATION

In the interpretation and application of this section, all provisions shall be:

a. Considered as minimum requirements;

b. Liberally construed in favor of the governing body; and

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.

i. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in accordance with Section 4.4, Prohibited Uses~~Prohibited Uses~~. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 2.3.16, Floodplain Permit~~Floodplain Permit~~.

j. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

k. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

l. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

m. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

n. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

o. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

2. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas~~Basis for Establishing Special Flood Hazard Areas~~, or Section 3.7.2B.3, Standards for Floodplains without Established Base Flood Elevations~~Standards for Floodplains without Established Base Flood Elevations~~, the following provisions, in addition to Section 3.7.2B.1, General Standards~~General Standards~~, are required:

a. RESIDENTIAL CONSTRUCTION

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 8.3, Terms Defined~~Terms Defined~~.

b. NON-RESIDENTIAL CONSTRUCTION

i. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 8.3, Terms Defined~~Terms Defined~~.

ii. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural

components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

iii. A registered professional engineer or licensed architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 2.3.16, Floodplain Permit~~Floodplain Permit~~, along with the operational plan and the inspection and maintenance plan.

c. MANUFACTURED HOMES

i. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 8.3, Terms Defined~~Terms Defined~~.

ii. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS§ 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

iii. All enclosures or skirting below the lowest floor shall meet the requirements of Section 3.7.2B.2.d, Elevated Buildings~~Elevated Buildings~~.

iv. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.

d. ELEVATED BUILDINGS

Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

i. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

ii. Not be temperature-controlled or conditioned;

iii. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

iv. Include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or licensed architect or meet or exceed the following minimum design criteria:

1. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
2. The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
3. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
4. The bottom of all required flood openings shall be no higher than one foot above the higher of the interior or exterior adjacent grade;
5. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

ii. PERMANENT PLACEMENT

Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction.

g. TEMPORARY NON-RESIDENTIAL STRUCTURES

Prior to the issuance of a floodplain permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

i. A specified time period for which the temporary use will be permitted. The time specified may not exceed three months, renewable up to one year;
ii. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
iii. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
iv. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
v. Designation, accompanied by documentation of a location outside the special flood hazard area, to which the temporary structure will be moved.

h. SECONDARY STRUCTURES

When secondary structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

i. Secondary structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
ii. Secondary structures shall not be temperature-controlled;
iii. Secondary structures shall be designed to have low flood damage potential;
iv. Secondary structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
v. Secondary structures shall be firmly anchored in accordance with Section 3.7.2B.1, General Standards~~General Standards~~;
vi. All service facilities such as electrical shall be installed in accordance with Section 3.7.2B.1, General Standards~~General Standards~~; and
vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 3.7.2B.1, General Standards~~General Standards~~.
viii. An secondary structure with a footprint less than 144 square feet or that is a minimal investment of $3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 3.7.2B.2, Specific Standards~~Specific Standards~~. Elevation or floodproofing certifications are required for all other secondary structures in accordance with Section 2.3.16, Floodplain Permit~~Floodplain Permit~~.

i. TANKS

When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

i. UNDERGROUND TANKS

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

ii. ABOVE-GROUND TANKS, ELEVATED

Above-ground tanks in flood hazard areas shall be elevated to or above the regulatory flood protection elevation on a supporting structure that is designed to prevent flotation, collapse,

or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

iii. **ABOVE-GROUND TANKS, NOT ELEVATED**
Above-ground tanks that do not meet the elevation requirements of Section 2.3.16, Floodplain Permit~~Floodplain Permit~~, shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

iv. **TANK INLETS AND VENTS**
Tank inlets, fill openings, outlets and vents shall be at or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood, and anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

j. OTHER DEVELOPMENT

i. Fences in regulated floodways and non-encroachment areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 6.3, Fences and Walls~~Fences and Walls~~.

ii. Retaining walls, greenways, multi-use paths, trails, sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.7.2B.5, Floodways and Non-Encroachment Areas~~Floodways and Non-Encroachment Areas~~.
AMENDED 4.15.24 (UDOTA1-24)

k. ROADS AND WATERCOURSE CROSSINGS

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways or non-encroachment areas shall meet the limitations of Section 3.7.2B.5, Floodways and Non-Encroachment Areas~~Floodways and Non-Encroachment Areas~~.

3. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the special flood hazard areas designated as Approximate Zone A and established in Section 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas~~Basis for Establishing Special Flood Hazard Areas~~, where no base flood elevation data has been provided by FEMA, the following provisions, in addition to the provisions of Section 3.7.2B.1, General Standards~~General Standards~~, shall apply:

a. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b. The base flood elevation used in determining the regulatory flood protection elevation shall be determined based on the following criteria:

i. When base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in Section 3.7.2B.1, General Standards~~General Standards~~, and Section 3.7.2B.2, Specific Standards~~Specific Standards~~.

ii. When floodway or non-encroachment data is available from a federal, state, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 3.7.2B.2, Specific Standards~~Specific Standards~~, and Section 3.7.2B.5, Floodways and Non-Encroachment Areas~~Floodways and Non-Encroachment Areas~~.

iii. All subdivision, manufactured home park, and other development proposals shall provide base flood elevation data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such base flood elevation data shall be adopted by reference in accordance with Section 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas~~Basis for Establishing Special Flood Hazard Areas~~, and utilized in implementing this section.

iv. When base flood elevation data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in Section 8.3, Terms Defined~~Terms Defined~~. All other applicable provisions of Section 3.7.2B.2, Specific Standards~~Specific Standards~~, shall also apply.

4. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where base flood elevation data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

a. Standards outlined in Section 3.7.2B.1, General Standards~~General Standards~~, and Section 3.7.2B.2, Specific Standards~~Specific Standards~~; and

b. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

5. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in Section 3.7.2A.5, Basis for Establishing Special Flood Hazard Areas~~Basis for Establishing Special Flood Hazard Areas~~. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 3.7.2B.1, General Standards~~General Standards~~, and Section 3.7.2B.2, Specific Standards~~Specific Standards~~, shall apply to all development within such areas:

a. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

i. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

ii. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

b. If division (a) of this sub-section is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Ordinance.

c. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

i. The anchoring and the elevation standards of Section 3.7.2B.2, Specific Standards~~Specific Standards~~; and

ii. The no encroachment standard of division (a) of this sub-section are met.

3.7.3 GTOD GATEWAY OVERLAY DISTRICT

A. PURPOSE AND INTENT

The Gateway Overlay (GTOD) district regulations are intended to enhance the visual appeal of certain roadways in the Town, and to:

1. Designate, preserve, and enhance key roadways that serve as gateways to the Town in order to create aesthetically pleasing and welcoming entryways for residents and visitors;
2. Capitalize on the development potential within the Town's primary commercial corridors as "image-makers" that demonstrate the Town's commitment to design quality and development aesthetics; and
3. Address development issues of special concern along designated corridors, with specific requirements which relate to use, development form, traffic movement, access, environment, landscaping, visual quality, image, and aesthetics.

B. GATEWAY PLAN REQUIRED

1. Prior to establishment of a GTOD district for a specific gateway or corridor, a gateway plan for the specific area shall be adopted by the Town Council.
2. The gateway plan shall describe the conditions, boundaries, development goals, and standards for the proposed GTOD district. The plan shall, at a minimum, address the following:
   a. The unique qualities of the corridor, such as significant buildings, views and vistas, and natural features which lend themselves to special consideration.
   b. The value of the corridor as an entryway to the Town to influence the perception of citizens and persons or businesses considering investment in the Town.
   c. Transportation conditions on the corridor, including vehicular access, dedication of right-of-way, public transit, pedestrian and bicycle circulation, driveway limitations, and traffic impact.
   d. The arrangement of uses along the corridor to create a visually pleasing impression.
   e. The vision and general goals for development along the corridor, and specific recommendations for regulatory changes to achieve the vision and development goals.

3. GATEWAY PLAN APPROVAL

The gateway plan shall be forwarded to the Planning Board for its review and recommendation. Upon completion of its review, the plan along with the recommendations of the Planning Board shall be forwarded to the Town Council for review. A gateway plan shall be approved by the Town Council for a specific gateway before the establishment of a GTOD sub-district for the specific corridor.

4. ESTABLISHMENT OF A GATEWAY OVERLAY SUB-DISTRICTS

a. The standards establishing a specific GTOD sub-district may only be established in accordance with Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, and Section 2.3.28, Text Amendment~~Text Amendment~~.
b. Individual corridor-specific standards shall be developed and included as individual sub-districts in this section.
c. Nothing shall limit amendment to Section 3.7.3B.6, General Standards Applicable to All Gateway Sub-Districts~~General Standards Applicable to All Gateway Sub-Districts~~.

single roof. Nothing shall limit the ground floor side-by-side retail tenant placement if the building includes live/work or upper-story residential units.

d. ACCESS MANAGEMENT

i. Development on lots abutting thoroughfare or higher classification streets shall comply with all applicable NCDOT standards and the following access management provisions:

1. Any lot or development site with less than 400 feet of frontage on a thoroughfare street shall be limited to a maximum of one point of vehicular access to the thoroughfare.
2. One additional driveway for each additional 400 feet of thoroughfare street frontage is permitted.
3. Where medians which prohibit turns into oncoming traffic, access points may be provided every 200 linear feet.
4. No driveway shall be allowed within 300 feet of the intersection of two thoroughfares or within 200 feet of an intersection of any other public street on the thoroughfare.
5. Driveways shall be a minimum of 200 feet apart (measured from center line to center line) on thoroughfares, and shall align with opposing drives, where possible.
6. Shared driveways or parallel access roads shall be used when deemed necessary, and the appropriate legal documents may be required by the Town prior to driveway permit issuance.

ii. Access may be further limited or controlled by the NCDOT or the Engineering Director, as determined necessary, and in their sole discretion, for the protection of public health or safety.

e. STREETSCAPE BUFFER

Development in a GTOD shall provide a streetscape buffer along all abutting public streets in accordance with Section 6.6.17, Streetscape Buffers~~Streetscape Buffers~~, except that the number of required plantings shall be double what is required outside the GTOD.

f. SIGNAGE

Pole signs shall not be permitted within 100 feet of the primary transportation corridor in a GTOD. Ground signs may take the form of monument signage, subject to the applicable standards in Section 6.13, Signage~~Signage~~.

3.7.4 LHOD LOCAL HISTORIC OVERLAY DISTRICT

[Placeholder]

3.7.5 WPOD WATERSHED PROTECTION OVERLAY DISTRICT

A. AUTHORITY

The General Assembly has, in NCGS§§143-214.5, 160A-174, 160D-702, 160D-801 and 160D-926, delegated the responsibility and directed the Town to establish water supply watershed protection programs, to regulate land use and development within water supply watersheds and to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

B. INTENT

This Watershed Protection Overlay District (WPOD) is intended to provide a higher level of development control to activities and situations that could degrade the quality of the water entering the Neuse River, as identified in the State's watershed protection management plan.

C. APPLICABILITY

1. The provisions of this section shall apply within the area designated as a public water supply watershed by the N.C. Environmental Commission and are defined and established on the map entitled "Watershed Protection Overlay District of Clayton, North Carolina," and as otherwise designated as the (WPOD) Watershed Protection Overlay District on the Official Zoning Map of the Town. For the purposes of this section, the Town's WPOD is comprised solely of lands found in the Protected Area (PA) portion of a Class IV watershed.
2. Land use and development within the WPOD district that requires an erosion and sedimentation control permit must comply with all the requirements of this section as well as the requirements in the underlying zoning district.
3. Except where exempted in Section 3.7.5D, Exceptions to Applicability~~Exceptions to Applicability~~, expansions to existing development shall meet the requirements of this section. In an expansion, the built-upon area of the existing development is not required to be included in the density calculations. Where there is a net increase of built upon area, only the area of net increase is subject to these standards. Where existing development is being replaced with new built-upon area, and there is net increase of built-upon area, only areas of net increase shall be subject to these standards.
4. Land located within an exempt subdivision (see Section 2.3.14, Exempt Subdivision~~Exempt Subdivision~~) or other lot created through a subdivision exempted from the provisions of this Ordinance shall be subject to the land use and impervious surface requirements in these standards, but the lot(s) shall only be required to comply with the minimum buffer requirements to the maximum extent practicable.
5. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the Town; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the Town at the time of the adoption of these standards that may be construed to impair or reduce the effectiveness of these standards or to conflict with any of their provisions.
6. It is not intended that these regulations interfere with any easement, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

D. EXCEPTIONS TO APPLICABILITY

These watershed protection requirements shall not apply to the following:

1. Existing development, as defined in Section 8.3, Terms Defined~~Terms Defined~~;
2. Expansions to existing single family residential development or expansion that is part of an approved common plan of development;
3. Development or redevelopment of a single-family residential use on a nonconforming existing lot of record that is not contiguous to any other lot owned by the same landowner;
4. Minor or limited subdivisions established to convey land from one family member to another family member, provided the lot(s) to be developed is for a single-family detached residence;
5. A development may exceed the density limits in Section 3.7.5L.1, Low Density Development in WS-IV PA~~Low Density Development in WS-IV PA~~, if all of the following circumstances apply:
   a. The property was developed prior to the effective date of these standards;
   b. The property has not been combined with additional lots after January 1, 2021;
   c. The property has not been a participant in a density averaging transaction under NCGS§ 143-214.5(d2);
   d. The current use of the property is nonresidential;
   e. The stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable Town, State, and federal laws, in the sole discretion, and at the voluntary election, of the landowner; and
   f. The remaining vegetated buffers on the property are preserved in accordance with the requirements of these standards.

E. EFFECTIVE DATE

These WPOD standards are effective as of November 21, 2005.

F. THE WATERSHED REVIEW BOARD

The Board of Adjustment shall serve as the Watershed Review Board indicated in 15A N.C. Administrative Code 02B.0623 (5).

G. DEFINITIONS

The terms used in this section are further defined in Section 8.3, Terms Defined~~Terms Defined~~.

H. WATERSHED PROTECTION PERMITS

1. No watershed protection permit shall be issued except in conformity with the provisions of this Ordinance. This permit shall be filed with the Town and shall expire at the end of 24 months if not used, or if a building permit is not obtained.
2. A zoning compliance permit (see Section 2.3.33, Zoning Compliance Permit~~Zoning Compliance Permit~~) shall serve as a watershed protection permit for development located within the Watershed Protection Overlay (WPOD).
3. Except where provided elsewhere in this Ordinance, no building permit required under the State Building Code shall be issued for any activity for which a watershed protection permit is required until a zoning compliance permit has been issued.
4. A certificate of occupancy (see Section 2.3.6, Certificate of Occupancy~~Certificate of Occupancy~~) shall serve as a watershed protection occupancy permit for development located within the Watershed Protection Overlay (WPOD). A certificate of occupancy shall

not be issued unless the development complies with all applicable requirements in this section.

I. ENFORCEMENT

Enforcement of these WPOD standards shall be in accordance with the applicable provisions of Chapter 7, Violations, particularly Section 7.12, Violation of Water Supply Watershed Controls~~Violation of Water Supply Watershed Controls~~.

J. USES

1. EXISTING DEVELOPMENT

Existing development, as defined in this Ordinance, may be continued, and maintained subject to the provisions in this section.

- **a.** All existing development, whether or not it meets the statewide minimum standards, is exempt from the provisions of these standards.
- **b.** Expansions to structures classified as existing development must meet the requirements of this section, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

2. EXISTING DEVELOPMENT THAT WOULD BE PROHIBITED IF NEW

- **a.** Existing development that would be prohibited if new may be continued except as follows:
  - **i.** Such use of land shall be changed only to an allowed use.
  - **ii.** When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
  - **iii.** When such use ceases for a period of at least one year, it shall not be reestablished.
- **b.** Existing industrial uses and/or the storage of hazardous or toxic materials where a spill containment plan is not implemented and where such use of the land is not permitted to be established in the watershed area may be continued.

3. RECONSTRUCTION OF BUILDINGS OR BUILT-UPON AREAS

Any existing building or built-upon area not in conformance with the restrictions of this section that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

- **a.** Repair or reconstruction is initiated within 12 months and completed within two years of such damage.
- **b.** The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

4. PERMITTED NEW USES

The following uses are permitted as principal uses in the WPOD provided such uses are also permitted in the underlying zoning district:

- **a.** Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- **b.** Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I .0101.0209).
- **c.** Residential development as permitted in the underlying zoning district provided that it meets the standards of the WPOD.
- **d.** Nonresidential development as permitted in the underlying zoning district provided that it meets the standards of the WPOD.

5. PROHIBITED USES

Uses identified in Section 4.4.2A, Watershed Protection Overlay District~~Watershed Protection Overlay District~~, shall be prohibited within the WPOD.

K. OCCUPIED NONCONFORMING RESIDENTIAL LOTS

1. Nonconforming lots occupied for residential purposes may continue to be used, provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after November 21, 2005, and such lots individually or together have less area than the minimum requirements for residential purposes specified in this section, such lots shall be combined to create lots which meet the minimum size requirements, or which minimize the degree of nonconformity.
2. The undeveloped lot may not be developed unless and until it complies with this Ordinance.

L. DENSITY AND BUILT-UPON (IMPERVIOUS) LIMITS

The following maximum allowable project densities and minimum lot sizes shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development:

1. LOW DENSITY DEVELOPMENT IN WS-IV PA

a. 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; or
ii. A maximum of 24 percent built-upon area; or
iii. Up to three dwelling units per acre or 36 percent built upon area when streets are configured without curb and gutter.

b. 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; or
ii. Up to 36 percent built upon area provided streets are configured without curb and gutter.

2. HIGH DENSITY DEVELOPMENT IN WS-IV PA

All residential and non-residential development shall maintain a 24-to-70 percent built-upon area.

M. CALCULATION OF PROJECT DENSITY

1. Project density shall be calculated as the total built-upon area divided by the total project area.
2. A project with existing Development, as defined in this Ordinance, may use the calculation method in sub-section (1) above or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
3. Expansions to existing development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule15A NCAC 02B .0622 (1)(d).

4. Where there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
5. Where existing development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
6. Total project area shall exclude areas below the Normal High-Water Line (NHWL);
7. Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high- and low-density areas based on one or more of the following criteria:
   a. Natural drainage area boundaries;
   b. Variations in land use throughout the project; or
   c. Construction phasing.

N. LOW DENSITY PROJECTS

In addition to complying with the project density requirements of Section 3.7.5L, Density and Built-Upon (Impervious) Limits~~Density and Built-Upon (Impervious) Limits~~, low density projects shall comply with the following:

1. VEGETATED CONVEYANCES

Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether this criteria has been met, the Town shall consider site-specific factors such as topography and site layout as well as protection of water quality. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this section:

a. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the local government that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
b. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

2. CURB OUTLET SYSTEMS

In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

a. The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;
b. The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
c. The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
d. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
e. The minimum length of the swale or vegetated area shall be 100 feet; and

f. Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in sub-sections (a) through (e).

O. HIGH DENSITY PROJECTS

In addition to complying with the project density requirements of Section 3.7.5L, Density and Built-Upon (Impervious) Limits~~Density and Built-Upon (Impervious) Limits~~, high density projects shall comply with the following:

1. Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621;
2. For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;
3. Stormwater runoff from off-site areas and existing development shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
4. SCMs shall meet the relevant minimum design criteria set forth in 15A NCAC 02H .1050 through .1062; and
5. Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

P. DENSITY AVERAGING

An applicant may average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:

1. The properties are within the same water supply watershed. However, if one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
2. Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
3. Vegetated setbacks on both properties meet the minimum statewide water supply watershed protection requirements.
4. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
5. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
6. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deeds. Any such limitations or restrictions on use shall be irrevocable.

7. Development permitted under density averaging and meeting applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
8. A special use permit to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have a record of how the watershed regulations were applied to the properties.

Q. CLUSTER DEVELOPMENT

1. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 3.7.5L, Density and Built-Upon (Impervious) Limits~~Density and Built-Upon (Impervious) Limits~~. Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies.
2. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
3. Areas of concentrated density development shall be located in upland area and as far as practicable from surface waters and drainageways.
4. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement.
5. Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

R. VEGETATED SETBACKS REQUIRED

1. A minimum 100-foot vegetative setback is required for all new development activities that exceed the low-density option; otherwise, a minimum 30-foot vegetative setback for development activities is required along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.
2. Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.
3. No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

S. OPERATION AND MAINTENANCE OF STORMWATER CONTROL MEASURES (SCM)

When engineered stormwater control measures are required, they shall be operated and maintained according to the provisions of 15A NCAC 02B.0623 (7), as amended, which is incorporated herein by reference as if fully set out herein.

3.8 ZONING MAP

3.8.1 GENERALLY

A. The digital Official Zoning Map maintained in the offices of the Planning Department shall be the final authority as to the status of the current zoning district classification of land in the Town's planning jurisdiction, and shall only be amended in accordance with Section 3.8.4, RevisionRevision.

B. The Official Zoning Map designates the location and boundaries of the conventional, conditional, and overlay zoning districts established in this Ordinance.

C. The Flood Insurance Rate Map (FIRM) shall designate the location and boundaries of the FPOD Flood Protection Overlay District, as amended by any associated Flood Insurance Studies (FIS).

D. The Official Zoning Map shall be maintained in a digital format and paper copies shall be kept on file in the Planning Department and are available for public inspection during normal business hours.

E. The Town's Geographic Information System (GIS) Administrator shall maintain digital copies of superseded versions of the Official Zoning Map for historical reference, as appropriate.

F. Copies of the Official Zoning Map may be purchased from the Town and paper copies of the map that are certified by the GIS Administrator in accordance with NCGS§160A-79 shall be admissible in evidence and have the same force of effect as the original map.

3.8.2 INCORPORATED BY REFERENCE

A. The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this Ordinance.

B. The Flood Insurance Rate Maps (FIRM) prepared by FEMA and the associated Flood Insurance Study (FIS) are hereby incorporated by reference herein and made part of this Ordinance.

3.8.3 INTERPRETATION OF MAP BOUNDARIES

The Planning Director shall be responsible for determination of boundaries on the Official Zoning Map in accordance with the standards in Section 2.3.11, DeterminationDetermination, and the following standards:

A. Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public accessway shall be interpreted as following the centerline of the right-of-way or easement for the utility line or accessway.

B. If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.

C. Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving ten feet or less, the zoning boundary shall be interpreted as moving with the lot line.

D. Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

E. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.

F. Boundaries shown as following the boundary of the Town's corporate limits shall be interpreted as following the boundary of municipal incorporation.

G. 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.

H. If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map's scale to determine the boundary's distance from other features shown on the map.

I. Where the actual location of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances that are not covered by this subsection, the Planning Director shall have the authority to determine the district boundaries.

J. Determinations of the (FPOD) Flood Protection Overlay District boundary shall be made by the Floodplain Administrator, in accordance with the standards in Section 3.7.2 FPOD Flood Protection Overlay District~~FPOD Flood Protection Overlay District~~.

K. In the case of flood hazard overlay district boundaries, the FEMA work maps, if available, shall be used for scaling.

L. In cases where boundaries on the Town's Official Zoning Map are based on another official map promulgated by the State or other federal agency and the other State or federal map is amended, the Town's maps shall automatically be amended to remain consistent with the officially promulgated State or federal map.

3.8.4 REVISION

A. Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance and are made in accordance with Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~, or Section 2.3.10, Conventional Rezoning~~Conventional Rezoning~~, as appropriate.

B. Changes to the Official Zoning Map approved by the Town Council shall be entered on the Official Zoning Map by the GIS Administrator promptly after the approval.

C. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the GIS Administrator shall enter the boundary on the Official Zoning Map in accordance with the ordinance wording.

D. Upon entering the most recently approved amendment on the Official Zoning Map, the GIS Administrator shall also change the date of the map to indicate the date of its latest revision.

E. Prior versions of the Official Zoning Map shall be retained in a digital format that is capable of being reproduced on paper if requested.

4.1 CHAPTER INTRODUCTION

4.1.1 CHAPTER ORGANIZATION

A. PRINCIPAL USES

1. Section 4.2, Principal Uses~~Principal Uses~~, sets out the principal use table, or the master listing of common principal use types and the districts where they are allowed. Each principal use listed in the table is defined in Section 8.3, Terms Defined~~Terms Defined~~.
2. Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~, sets out the requirements applied to designated principal uses, regardless of the zoning district where they might be located.

B. PROHIBITED USES

1. Section 4.4, Prohibited Uses~~Prohibited Uses~~, identifies principal and secondary use types that are prohibited throughout the Town's planning jurisdiction.
2. In some cases, overlay zoning districts include prohibitions on certain principal or secondary uses. Additional information on these use prohibitions is located within the particular overlay district standards (see Section 3.7, Overlay Zoning Districts~~Overlay Zoning Districts~~).

C. SECONDARY USES

Section 4.5, Secondary Uses~~Secondary Uses~~, sets out the general standards applicable to all secondary uses as well as any additional standards applicable to specifically designated secondary uses or structures commonly found in the Town. Secondary uses may also be referred to as "accessory uses."

D. TEMPORARY USES

Section 4.6, Temporary Uses~~Temporary Uses~~, sets out the standards for temporary uses, including the districts where allowed, the maximum allowable duration for the temporary use, and any additional standards applicable to specific temporary uses or activities.

E. UNLISTED USES

Section 4.7, Unlisted Uses~~Unlisted Uses~~, sets out the process and use type classification details for use by the Planning Director in making a Determination on how to classify an unlisted principal or secondary use type.

4.1.2 LAND USES DISTINGUISHED

Chapter 4, Land Uses, contains all the standards related to the use of land in the Town's planning jurisdiction, and is organized by the three types of land uses: principal, secondary, and temporary.

A. Principal uses are the primary, permanent use types proposed on a lot (like a single-family home).

B. Secondary (or accessory) uses are secondary or subordinate uses found on the same lot as a principal use (like a detached garage structure serving a single-family home) and may be a structure or an activity.

C. Temporary uses are structures or activities permitted for a limited duration of time on a lot (like a portable storage container used for the purposes of storing or moving a household's belongings).

4.2 PRINCIPAL USES

4.2.1 APPLICABILITY

A principal use is the main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this chapter.

4.2.2 ESTABLISHMENT OF A PRINCIPAL USE

A. USES PERMITTED BY RIGHT

1. A "P" in a cell of the principal use table indicates that the specific use type is permitted by right in the corresponding zoning district, subject to compliance with any referenced use standards and any other applicable standards in this Ordinance.
2. By-right uses require issuance of a Zoning Compliance Permit or Building Permit prior to establishment and may also require approval of a Site Plan (see Section 2.3.22, Site Plan~~Site Plan~~).

B. USES PERMITTED BY SPECIAL USE PERMIT

An "S" in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a Special Use Permit in accordance with Section 2.3.23, Special Use Permit~~Special Use Permit~~. Special uses must also comply with any referenced use standards and any other applicable standards in this Ordinance.

C. USES ALLOWED IN A CONDITIONAL ZONING DISTRICT

1. A "C" in a cell of the principal use table indicates that the specific use type is allowable in a conditional zoning district, subject to any referenced use standards.
2. Establishment of a conditional use requires approval of a Conditional Rezoning (see Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~).
3. Conditional rezoning applications shall be a Type 1, Limited Use; Type 2, Limited Standards; or a Type 3, Unlimited conditional rezoning application.

D. USES NOT PERMITTED

An "•" symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

E. USE STANDARD APPLIES

The right-most column of the table includes a reference to any applicable use standards associated with a particular use type. Unless otherwise stated in the standards, a use standard applies to a particular use regardless of the zoning district where it is located.

4.2.3 CHANGE OF A PRINCIPAL USE

A. Several of the provisions in this Ordinance are applied at the time of a change in use. For the purposes of this Ordinance, each of the following shall constitute a "change in use:"

1. When an existing principal use is replaced by a new principal use that is of a different use classification or use category (see Section 4.7, Unlisted Uses~~Unlisted Uses~~);
2. When an existing principal use that is conducted entirely indoors becomes conducted entirely outdoors, or vice versa;
3. Any change in an existing use or development site that triggers the application of a differing set of building code requirements, such as the switch from residential requirements to non-residential or combined use requirements; and

4. If a combined or multiple principal use is changed in ways where the mixture of use types changes or where the relative proportion of floor area devoted to one of the existing use types is modified to the extent that the total minimum off-street parking standards for the entire development are increased.

B. Conversion from one use type to the same use type under the same or a different owner is not a change in use.

C. Additions or expansions of an existing use may require the need for compliance with development standards in this Ordinance (see Section 5.4, Nonconforming Site Features~~Nonconforming Site Features~~).

D. Addition or conversion of secondary uses or the operation of a temporary use does not constitute a change in principal use.

4.2.4 COMBINATION PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers or unified developments, shall be configured in accordance with Section 3.4.7, Unified Development~~Unified Development~~, and the following:

A. Incorporate only those use types allowed in the applicable zoning district;

B. Comply with all the use standards that apply to each use type in the development; and

C. Comply with the required method of establishment for the use type identified in Table 4.2.5, Listing of Common Principal Uses.

4.2.5 LISTING OF COMMON PRINCIPAL USES

Table 4.2.5, Listing of Common Principal Uses, lists use classifications, principal use types, and indicates whether the principal use type is permitted by-right, by a special use permit, or is prohibited in a particular zoning district. It also includes a reference to any applicable use standards that apply to a particular principal use (the right-most column will include a cross reference to any applicable use standards in the UDO).

A. USE CLASSIFICATIONS

1. Individual principal uses in the principal use listing are organized into one of the following five different use classifications, based upon their characteristics: Agricultural; Commercial; Industrial; Institutional; and Residential.
2. Use classifications and the use categories that comprise them are more generally described in Section 4.7, Unlisted Uses~~Unlisted Uses~~.
3. Individual use types listed in the table of principal use types are listed in alphabetical order by use classification.

B. USE TYPES

1. Use types are the individual principal use types.
2. Each individual use type is defined in Section 8.3, Terms Defined~~Terms Defined~~.

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

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	
AGRICULTURAL USE CLASSIFICATION																							
Agricultural Packaging & Processing	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	·	C	4.3.4
Agricultural Storage & Distribution	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	·	C	4.3.5
Animal Husbandry	P	P	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	C	·	·	4.3.6
Animal Processing	·	·	·	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	·	·	C	-
Equestrian Facility	P	P	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	C	·	·	4.3.42
Farm Equipment Sales and Service	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	·	C	·	·	4.3.46
Farm Supply Sales (retail or wholesale)	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	·	C	·	·	4.3.47
Horticulture	P	P	·	·	·	·	·	·	·	·	·	·	·	·	P	·	-P	·	·	C	·	·	4.3.65
Nursery (retail or wholesale)	·	P	·	·	·	·	·	·	·	·	P	P	·	·	·	·	P	·	·	·	·	·	4.3.89
COMMERCIAL USE CLASSIFICATION																							
Animal Boarding Indoor and Outdoor	S	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	C	·	C	·	·	4.3.8
Animal Boarding, Indoor Only	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	·	C	·	·	4.3.7
Animal Shelter	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	P	·	·	·	·	C	4.3.9
Bank, Credit Union, or Similar Use	·	·	·	·	·	·	P	P	P	·	P	P	·	·	·	P	·	·	·	C	C	·	4.3.15
Bar, Cocktail Lounge, Private Club	·	·	·	·	·	·	·	P	P	·	·	P	·	·	·	P	·	·	C	C	C	·	4.3.16
Bed & Breakfast	·	S	·	·	S	·	S	S	S	S	·	·	·	·	·	·	·	C	C	C	C	·	4.3.17
Bottle Shop (on-premise consumption)	·	·	·	·	·	·	·	P	P	·	·	P	·	·	·	P	·	·	C	C	C	·	4.3.19
Bulky Item Sales	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	C	·	C	4.3.21
Campground	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.24
Catering Establishment	·	·	·	·	·	·	·	P	P	·	P	P	P	·	·	P	·	·	C	C	C	·	4.3.25

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
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[#] = 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	
Check Cashing / Pay Day Lending	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	4.3.27
Coffee Shop or Bakery	·	·	·	·	·	·	·	P	P	P	P	P	P	·	·	P	·	·	C	C	C	C	4.3.29
Computer Related Services	·	·	·	·	·	·	P	P	P	P	P	P	P	·	·	P	·	·	C	C	C	C	4.3.32
Convenience Store (with gasoline sales)[50]	·	·	·	·	·	·	·	·	·	·	P	P	P	·	·	·	·	·	-C	C	·	C	4.3.37
Co-Working Space	·	·	·	·	·	P	P	P	P	P	P	P	P	·	·	P	·	·	C	C	C	C	4.3.38
Day Spa (medical or non-medical)	·	·	·	·	·	·	·	P	P	·	P	P	·	·	·	P	·	·	C	C	C	·	-
Event Venue, Indoor & Outdoor	·	·	·	·	·	·	P	P	P	·	·	P	·	·	·	·	·	C	C	C	C	·	4.3.43
Event Venue, Indoor Only	·	·	·	·	·	·	P	P	P	P	P	P	·	·	·	·	·	C	C	C	C	·	4.3.43
Fitness Center	·	·	·	·	·	P	P	P	P	·	P	P	P	·	·	P	·	·	C	C	C	C	4.3.49
Flea Market	·	·	·	·	·	·	·	·	·	·	·		·	·	·	·	·	·	·	C	·	·	4.3.50
Funeral Related Services	·	·	·	·	·	·	P	·	·	·	·	P	P	·	·	·	·	·	·	·	·	C	4.3.54
Gasoline Sales	·	·	·	·	·	·	·	·	·	·	P	P	P	·	·	·	·	·	·	C	·	C	4.3.55
Grocery Store	·	·	·	·	·	·	·	P	P	·	P	P	·	·	·	P	·	·	C	C	C	·	4.3.59
Grooming (Animal)	P	·	·	·	·	·	·	P	P	·	P	P	·	·	·	·	·	·	C	C	·	·	4.3.60
Hair, Nail, and Skin Related Services	·	·	·	·	·	·	·	P	P	P	P	P	·	·	·	P	·	·	C	C	C	·	4.3.62
Heavy Equipment Sales, Rental, & Repair	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	4.3.64
Hotel or Motel	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	·	·	C	C	C	·	4.3.68
Indoor Commercial Recreation	·	·	·	·	·	·	·	P	P	·	P	P	P	·	·	P	·	·	C	C	C	C	4.3.69
Instructional Services	·	·	·	·	·	·	P	P	P	P	P	P	P	·	·	P	·	·	C	C	C	C	4.3.73
Laundry and Fabric Cleaning	·	·	·	·	·	·	·	P	P	·	P	P	P	·	·	P	·	·	C	C	C	C	4.3.73
Light Equipment Sales, Rental, & Repair	·	·	·	·	·	·	·	·	·	·	P	P	P	P	·	·	·	·	·	C	·	C	4.3.75
Micro Brewery, Micro Distillery, or Micro Winery	·	·	·	·	·	·	·	P	P	·	P	P	P	P	·	P	·	·	C	C	C	C	4.3.85

[50] See STN # 70.

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

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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	
Nightclub or Dance Hall	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	·	·	·	·	C	C	4.3.88
Office, High Intensity	·	·	·	·	·	·	P	P	P	·	P	P	P	·	·	P	~~·~~P	·	C	C	C	C	4.3.90
Office, Low Intensity	·	·	·	·	P	P	P	P	P	·	P	P	P	·	·	P	P~~·~~	C	C	C	C	C	4.3.90
Outdoor Commercial Recreation	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	~~·~~C	C	·	C	4.3.92
Packaging and Shipping **AMENDED 9.16.24 (UDOTA2-24)**	·	·	·	·	·	·	·	P	P	·	P	P	P	·	·	P	·	·	C	C	C	C	4.3.95
Parking Lot	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	C	C	·	4.3.97
Parking Structure	·	·	·	·	·	·	·	P	S	S	·	·	·	·	·	·	P~~·~~	·	~~·~~C	C	C	·	4.3.98
Pawn Shop	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	4.3.99
Pharmacy	·	·	·	·	·	·	P	P	P	·	P	P	·	·	·	P	·	·	C	C	C	·	4.3.100
Recreational Vehicle Park	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	4.3.104
Repair Shop	·	·	·	·	·	·	·	P	P	·	P	P	P	·	·	P	·	·	C	C	C	C	4.3.107
Restaurant Indoor and Outdoor Seating	·	·	·	·	·	·	P	P	P	·	P	P	·	·	·	P	·	·	C	C	C	·	4.3.110
Restaurant Indoor Seating Only	·	·	·	·	·	·	P	P	P	·	P	P	·	·	·	P	·	·	C	C	C	·	4.3.110
Restaurant Walk-up Service Only	·	·	·	·	·	·	P	P	P	·	P	P	·	·	·	P	·	·	C	C	C	·	4.3.110
Restaurant with Drive Through	·	·	·	·	·	·	P	·	·	·	P	P	·	·	·	·	·	·	C	C	C	·	4.5.5K
Retail, General	·	·	·	·	·	·	·	P	P	·	P	P	P	·	·	P	·	·	C	C	C	C	4.3.111
~~Retail, Large Format~~	~~·~~	~~·~~	~~·~~	~~·~~	~~·~~	~~·~~	~~·~~	~~·~~	~~·~~	~~·~~	~~·~~	~~P~~	~~P~~	~~·~~	~~·~~	~~·~~	~~·~~	~~·~~	~~C~~	~~C~~	~~·~~	~~C~~	~~4.3.114~~
Retail, Micro	·	·	·	·	·	P	·	P	P	P	P	P	·	·	·	P	·	C	C	C	C	C	4.3.112
Sexually-Oriented Business	·	·	·	·	·	·	·	·	·	·	·	·	S	·	·	·	~~·~~	·	·	·	·	·	4.3.117
Storage, Indoor~~ and Outdoor~~ **AMENDED 4.15.24 (UDOTA1-24)**	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P~~·~~	·	·	·	·	C	4.3.122
Storage, ~~Indoor Only~~Outdoor [51] **AMENDED 4.15.24 (UDOTA1-24)**	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P~~·~~	·	·	·	·	C	4.3.123
Tanning Salon	·	·	·	·	·	·	·	P	P	·	P	P	·	·	·	P	·	·	C	C	C	·	

[51] See STN # 48.

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

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[#] = 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	
Tattoo & Piercing Establishment	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	P	·	·	C	·	C	C	4.3.125
Theatre, Indoors	·	·	·	·	·	·	·	P	P	·	P	P	·	·	·	P	P	·	C	C	C	·	4.3.127
Theatre, Outdoors	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	P	·	·	C	·	·	4.3.128
Tobacco, CBD, and Vapor Shop	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	4.3.129
Vehicle Painting/ Bodywork	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	P	·	·	·	·	C	4.3.135
Vehicle Parts and Accessory Sales	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	·	C	·	·	4.3.136
Vehicle Repair and Service (no painting/ bodywork)	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	P	·	·	C	·	C	4.3.137
Vehicle Sales and Rental	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	C	4.3.138
Vehicle Towing or Storage **AMENDED 9.16.24 (UDOTA2-24)**	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	C	·	C	4.3.139
Vehicle Washing or Detailing	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	P	·	C	C	C	C	4.3.140
Veterinary Services, Large Animal	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.141
Veterinary Services, Small Animal	·	·	·	·	·	·	P	P	·	·	P	P	·	·	·	·	·	·	C	C	C	C	4.3.142
INDUSTRIAL USE CLASSIFICATION																							
Asphalt or Concrete Plant	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	4.3.12
Business Incubator	·	·	·	·	·	·	P	P	P	·	P	P	P	·	·	P	·	·	C	C	C	C	4.3.23
Contractor Services Office/Yard	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	C	·	C	4.3.36
Cryptomining and Data Processing	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	4.3.39
Electrical, HVAC, or Plumbing Fabrication	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	C	·	C	4.3.41
Extractive Industry	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	4.3.44
Freight Terminal	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	C	·	C	4.3.52
Fuel Oil/Bottled Gas Distribution	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	·	C	4.3.53

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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	
Level 2 Solar Energy Conversion	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	P	·	·	·	·	C	4.3.121
Level 3 Solar Energy Conversion	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	P	·	·	·	·	C	4.3.121
Major Utility	·	·	·	·	·	·	S	·	·	·	·	·	P	P	·	·	P	·	·	C	C	C	4.3.134
Maker Space	·	·	·	·	·	·	·	·	·	·	·	P	P	P	·	P	P	·	C	C	C	C	4.3.77
Manufacturing, Heavy	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	·	·	·	C	4.3.81
Manufacturing, Light	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	·	C	4.3.82
Manufacturing, Medium	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	·	C	4.3.83
Metal Fabrication	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	·	C	4.3.83
Minor Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	·	P	P	C	C	C	C	C	-
Recycling Center	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	C	4.3.105
Research and Development	·	·	·	·	·	·	P	·	·	·	·	·	P	P	·	·	P	·	C	C	C	C	4.3.108
Salvage and Junkyard	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	4.3.113
Transfer Station **AMENDED 4.15.24 (UDOTA1-24)**	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	C	4.3.130
Warehouse, Distribution or Storage [52]	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	P	·	·	C	·	C	4.3.143
Wholesale Sales, Indoor and Outdoor	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	C	·	C	4.3.144
Wholesales Sales, Indoor Only	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	·	·	·	C	·	C	4.3.144
Wind Energy Conversion	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	·	·	C	4.3.145
INSTITUTIONAL USE CLASSIFICATION																							
Adult Day Care	·	·	·	·	·	·	P	·	·	·	P	P	P	·	·	P	·	C	C	C	C	C	4.3.3
Antenna Collocation, Major	P	·	·	·	·	·	P	P	P	P	P	P	P	P	·	P	P	·	C	C	C	C	4.3.10
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	·	P	P	C	C	C	C	C	4.3.11
Arboretum or Formal Garden	P	P	P	P	P	P	P	P	P	P	P	P	·	·	P	P	P	C	C	C	C	·	-
Athletic Field or Court	P	P	P	P	P	P	P	P	P	·	P	P	P	·	·	P	P	C	C	C	·	·	4.3.13

[52] See STN # 58.

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	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD	CZI	
Auditorium, Coliseum, Convention Center	·	·	·	·	·	·	P	P	P	·	·	P	·	·	·	·	P	·	C	C	C	·	4.3.14
Broadcasting Studio	·	·	·	·	·	·	P	·	·	·	P	P	P	·	·	·	P	·	·	·	C	·	4.3.20
Bus Station	·	·	·	·	·	·	P	P	P	P	P	P	·	·	·	P	P	C	C	C	C	C	-
Cemetery or Mausoleum	P	P	·	·	·	·	P	·	·	·	·	·	·	·	·	·	P	C	·	C	·	·	4.3.26
Child Day Care	·	·	·	·	·	P	P	P	P	P	P	P	·	·	·	P	P	C	C	C	C	C	4.3.28
College or University	·	·	·	·	·	·	P	·	·	·	·	P	·	·	·	·	P	·	C	C	C	·	-
Community Center	·	·	·	·	·	P	P	P	P	P	P	P	·	·	·	P	P	C	C	C	C	·	4.3.30
Community Garden	P	P	P	P	P	P	P	P	P	P	P	·	·	·	P	P	P	C	C	C	C	·	-
Community Recreation Facility (private)	P	P	P	P	P	P	P	·	·	·	·	·	·	·	·	P	·	C	C	C	C	·	4.3.31
Fire/EMS/ Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	·	·	P	P	C	C	C	C	C	4.3.48
Fraternal Club or Lodge	·	P	P	P	P	·	P	·	·	·	·	·	·	·	·	P	P	C	C	C	C	C	4.3.51
Golf Course (public or private)	P	P	P	P	·	·	·	·	·	·	·	·	·	P	·	·	P	·	·	C	·	·	4.3.56
Government Maintenance or Storage Facility[53]	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	P	C	C	C	C	C	4.3.57
Government Office	·	·	·	·	·	·	P	P	P	P	P	P	·	·	·	P	P	C	C	C	C	C	4.3.58
Governmental Training Facility	·	·	·	·	·	·	·	·	·	·	·	·	P	P	·	·	P	C	C	C	C	C	-
Hospital	·	·	·	·	·	·	P	·	·	·	·	P	·	·	·	·	P	·	C	C	C	·	4.3.66
Indoor Recreation, Public	·	P	·	·	·	P	P	P	P	P	P	P	·	·	·	P	P	C	C	C	C	C	4.3.70
Laboratory[54]	·	·	·	·	·	·	P	·	·	·	P	P	P	·	·	·	P	·	C	C	·	C	4.3.72
Library	·	·	·	·	P	P	P	P	P	P	P	P	·	·	·	P	P	C	C	C	C	·	4.3.74
Museum	·	·	·	·	·	·	P	P	P	P	P	P	·	·	·	P	P	·	C	C	C	·	4.3.87
Outdoor Recreation, Public	P	P	P	·	·	P	P	·	·	·	·	·	·	·	·	P	P	C	C	C	C	·	4.3.93
Outpatient Facility	·	·	·	·	·	·	P	P	P	·	P	P	·	·	·	P	P	·	C	C	C	·	4.3.94
Park and Ride Facility	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	C	C	C	C	C	-
Park or Playground (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	·	·	P	P	P	C	C	C	C	·	4.3.96

[53] See STN $ 104.
[54] See STN # 42.

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

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	
Post Office	·	·	·	·	·	·	P	P	P	P	P	P	P	·	·	P	P	C	C	C	C	·	-
Psychiatric Services	·	·	·	·	·	·	S	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	4.3.102
Rail Related	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	C	C	C	4.3.103
Religious Institution	·	P	P	P	P	·	P	·	·	·	·	·	·	·	·	P	P-	C	C	C	C	C	4.3.106
Residential Treatment Facility	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	P	C	C	C	C	C	4.3.109
School, Elementary or Middle	·	P	P	P	P	·	P	·	·	·	·	·	·	·	·	P	P-	C	C	C	C	C	4.3.114
School, High AMENDED 4.15.24 (UDOTA1-24)	·	P	P	P	P	·	P	·	·	·	·	·	·	·	·	P	P-	C	C	C	C	C	4.3.115
School, Vocational	·	·	·	·	·	·	P	·	·	·	·	·	·	P	·	·	P	C	C	C	C	C	4.3.116
Small Wireless Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	·	P	P	·	·	·	·	·	4.3.120
Telecommunications Facility, Major	S	·	·	·	·	·	·	·	·	·	·	·	·	P	·	·	P	·	·	·	·	C	4.3.126
Telecommunications Facility, Minor or Concealed	P	·	·	·	P	P	P	P	P	P	P	P	P	P	·	P	P	C	·	·	·	·	4.3.126
Urgent Care	·	·	·	·	·	·	P	·	·	·	·	P	·	·	·	P	P	·	C	C	C	C	4.3.133
RESIDENTIAL USE CLASSIFICATION																							
Boarding House	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.18
Bungalow Court [1]	·	·	·	·	·	P	·	·	·	·	P	·	·	·	·	P	·	C	C	·	C	·	4.3.22
Congregate Care	·	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.33
Conservation Subdivision [1]	·	P	P	P	P	P	·	·	·	·	·	·	·	·	·	P	·	C	C	·	·	·	4.3.34
Continuing Care Retirement Community	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.35
Duplex Dwelling [1] AMENDED 4.15.24 (UDOTA1-24)	·	·	·	·	·	P	·	·	·	·	P	·	·	·	·	P	·	C	C	·	C	·	4.3.40
Family Care Home	P	P	P	P	P	P	·	P	P	P	P	·	·	·	·	P	·	C	·	·	·	·	4.3.45
Group Home	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.61
Halfway House	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.63
Homeless Shelter	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.67
Live/Work	·	·	·	·	·	P	P	P	P	P	P	P	P	·	·	P	·	C	C	C	C	C	4.3.76
Manufactured Home (Class A Doublewide)	P	P	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.78

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

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	
Manufactured Home (Class B Singlewide)	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.79
Manufactured Home Park	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.80
Mobile Home	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	-
Mobile Home Park	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	-
Multi-Family Dwelling[55]	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	P	·	C	C	~~C~~	C	·	4.3.86
Pocket Neighborhood [1]	·	·	·	P	P	P	·	·	·	·	P	·	·	·	·	P	·	C	C	·	C	·	4.3.101
Single-Family Attached Dwelling [1]	·	·	·	·	P	P	·	·	·	·	·	·	·	·	·	P	·	C	C	C	C	·	4.3.118
Single-Family Detached Dwelling	P	P	P	P	P	P	·	·	P	P	P	·	·	·	·	P	·	C	·	·	C	·	4.3.119
Triplex or Quadplex [1] **AMENDED 4.15.24 (UDOTA1-24)**	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	P	·	C	C	~~C~~	C	·	4.3.131
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 downtown boundary as designated in the 2045 Comprehensive Growth Plan Future Land Use Map unless permitted by and located within the CZD zoning district.

[55] See STN # 69

4.3 STANDARDS FOR SPECIFIC PRINCIPAL USES

The standards in this section are applied to individual principal use types as identified in Table 4.2.5, Listing of Common Principal Uses. These standards are applied to identified principal uses in addition to all other applicable zoning district, design, or development standards in this Ordinance or the Town Code of Ordinances. Conflicts between these standards and other standards in this Ordinance shall be addressed in accordance with Section 1.3, Conflict~~Conflict~~. Developments with two or more of these use types on a single lot or within a single development shall also be subject to the standards in Section 3.4.7, Unified Development~~Unified Development~~.

4.3.1 SECTION STRUCTURE EXPLAINED

This section identifies the use-specific standards applied to principal use types identified in Table 4.2.5, Listing of Common Principal Uses, as subject to "Use Standards," however, the principal uses included in this section are listed in alphabetical order rather than by use classification or use category.

4.3.2 GENERAL REQUIREMENT

Principal uses structures may deviate from these listed standards only where expressly authorized by this Ordinance, as part of an approved Variance or Administrative Adjustment, or when configured in accordance with Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~. **AMENDED 12.16.24 (UDOTA3-24)**

4.3.3 ADULT DAY CARE

An adult day care center use shall comply with the following requirements:

A. The use shall be certified by the North Carolina Department of Health and Human Services;

B. The use shall obtain all required licenses and permits from the State;

C. The use shall not permit overnight accommodation of patrons;

D. The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway;

E. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~; and

F. The pick-up and drop-off area shall not be located within a required yard or landscaping area.

4.3.4 AGRICULTURAL PACKAGING & PROCESSING

These uses shall comply with the standards in Section 4.3.82, Manufacturing, Light~~Manufacturing, Light~~.

4.3.5 AGRICULTURAL STORAGE & DISTRIBUTION

A. All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from all lot lines.

B. Equipment-capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

C. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

D. Outdoor storage visible from a residential zoning district shall be screened in accordance with Section 6.6.14, Screening~~Screening~~.

4.3.6 ANIMAL HUSBANDRY

Animal husbandry as a principal use shall comply with the following standards:

A. Animal husbandry is only permitted on lots located outside the Town's corporate limits.

B. Any use engaged in animal husbandry shall have a minimum of five contiguous acres.

C. All barns, pens, enclosures, feeding troughs or mechanisms, storage, and any secondary structures shall be located at least 100 linear feet from lot lines and water bodies that flow into drinking water sources.

D. A maximum of up to five large animals may be permitted for each acre. For the purposes of this section, "large animals" shall include horses, swine of any size, cattle, goats, llamas, and sheep.

E. A maximum of up to 100 small animals may be permitted for each acre. For the purposes of this section, "small animals" shall include rabbits and fowl, excluding peafowl.

F. In no instance shall exotic animals or animals not typically maintained as livestock be permitted as part of an animal husbandry use.

G. Animals (excluding waterfowl) shall be maintained within pens, fenced areas, or other suitable enclosures.

H. Pens, stalls, and grazing areas shall be maintained in a sanitary manner free from noxious odors.

I. Manure stockpiles shall not exceed six feet in height.

4.3.7 ANIMAL BOARDING, INDOOR ONLY

A. All activities, including kennels, runs, exercise areas, and pet relief areas shall take place within fully-enclosed and soundproofed structures; **AMENDED 12.16.24 (UDOTA3-24)**

B. Animal waste shall not be stored within 50 feet of any lot line; and

C. Any animal suspected of showing symptoms of rabies infection shall be immediately segregated and reported to Animal Control.

4.3.8 ANIMAL BOARDING, INDOOR AND OUTDOOR

A. All structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions;

B. All activities associated with the use shall take place within enclosed and soundproofed structures, or the use shall comply with the following requirements:

1. An outdoor activity area or run may be provided only for exercise/relief areas for the animals;
2. All outdoor activity areas or runs shall be located to the side or rear of the principal building;
3. No outdoor activity area or run shall be located within 50 feet of any lot line;

C. Outdoor activity areas shall include areas protected from the weather and be enclosed by a fully opaque fence or wall at least six feet in height; and

D. Any animal suspected of showing symptoms of rabies infection shall be immediately segregated and reported to Animal Control.

4.3.9 ANIMAL SHELTER

A. All activities associated with the use shall take place within enclosed and soundproofed structures, or the use shall be separated from land in an OFI or residential district by at least 1,000 feet.

B. Outdoor areas used to house or exercise animals shall be protected from the weather and enclosed by a fence at least six feet in height.

4.3.10 ANTENNA COLLOCATION, MAJOR

See Section 4.3.126, Telecommunications Facilities~~Telecommunications Facilities~~.

4.3.11 ANTENNA COLLOCATION, MINOR

See Section 4.3.126, Telecommunications Facilities~~Telecommunications Facilities~~.

4.3.12 ASPHALT OR CONCRETE PLANT

An asphalt or concrete plant shall comply with the following standards:

A. SETBACKS

An asphalt plant, including secondary structures and storage of materials shall be located at least 100 feet from all lot lines. This standard shall not be applied to temporary asphalt or concrete plants located entirely within a public street right-of-way.

B. SECURITY FENCING

A security fence, a minimum of six feet in height, and a locking gate shall be provided around the use.

C. REHABILITATION

1. Within one year of the cessation of the use, all equipment and stock piles incidental to the operation shall be dismantled and removed by and at the expense of the landowner.
2. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course, except in an instance where redevelopment for another permitted use is in progress.

D. ACCESS

1. Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.
2. Access drives shall be located no closer than 15 feet from a lot line.
3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.

4.3.13 ATHLETIC FIELD OR COURT

Athletic fields and courts shall comply with the following standards:

A. Athletic fields and courts used for night-time or weekend activities shall be located at least 100 feet from lot lines shared with residentially zoned land.

B. The athletic field or court shall be surrounded by a fence with a minimum height of four feet, and shall be supplemented with netting or other devices that limit projectiles from travelling off-site, if determined necessary by the Planning Director.

C. Exterior lighting for athletic fields and courts shall comply with the applicable standards in Section 6.4, Exterior Lighting~~Exterior Lighting~~, and configured so that the maximum illumination at any lot lines abutting residentially zoned or used lands does not exceed one footcandle.

4.3.14 AUDITORIUM, COLISEUM, CONVENTION CENTER

A. Unless located in the Downtown district, the parcel or site shall have an area of at least three acres;

B. Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 50 percent of the total floor area of the principal building;

C. The building shall be located at least 500 feet from any lot in a single-family residential zoning district;

D. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~; and

E. The main entrance to the lot or site shall be served by a collector or higher capacity street.

4.3.15 BANK, CREDIT UNION, OR SIMILAR USE

A. Freestanding automated teller machines require site plan approval and shall comply with the Standards in Section 4.5.5E, Automated Teller Machine (ATM)~~Automated Teller Machine (ATM)~~.

B. Drive-throughs shall comply with the standards in Section 4.5.5K, Drive-Through~~Drive-Through~~.

4.3.16 BAR, COCKTAIL LOUNGE, PRIVATE CLUB

A bar, cocktail lounge, or private club shall comply with the following requirements:

A. The main entrance of the use shall face a street or outdoor gathering area. In cases where the main entrance could face more than one street, it shall be configured to face the street with the larger number of non-residential establishments or where the larger number of non-residentially zoned lots are located. In no instance shall the use orient the primary entrance toward an abutting lot in a residential district;

B. Except within the Downtown district, the use shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential district; and

C. Outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the standards in Section 4.5.5U, Outdoor Dining or Seating~~Outdoor Dining or Seating~~.

~~4.3.17 BARBER OR BEAUTY SALON~~

~~All activity shall take place entirely within a fully-enclosed building.~~

~~4.3.18~~4.3.17 BED & BREAKFAST

A. The use shall be owned and operated by a person who resides on the site.

B. The use shall be located in a structure that was originally constructed as a residential dwelling and there shall be no substantial modifications to the exterior appearance of the structure, provided that fire escapes, handicapped entrances and other features may be added to protect public safety.

C. No more than six guest sleeping rooms may be included. Bed and breakfast uses with more than six guest sleeping rooms are classified as a hotel or motel.

D. Meals served on the premises shall be solely for guests and employees.

E. Rooms shall not be equipped with cooking facilities.

F. Off-street parking other than on a driveway with a maximum width of 24 feet shall not be allowed in any required setback.

G. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.19~~4.3.18 BOARDING HOUSE

A boarding house shall comply with the following standards:

A. Boarding houses shall comply with Sections 152.25 through 152.28 of the Town Code of Ordinances;

B. A boarding house shall not be located within 1,000 feet of another boarding house;

C. A boarding house shall meet the applicable dimensional requirements for a single-family detached residential use in the zoning district where located;

D. The property owner or a designated property manager responsible for operating the boarding house in accordance with this Ordinance must reside on the same premise as the boarding house;

E. No more than five resident sleeping rooms shall be available for rent;

F. At least 15 square feet of common living area other than the kitchen, hallways, and bathrooms shall be provided per resident sleeping room;

G. Separate structures, secondary buildings, and garages shall not be used as a resident sleeping room;

H. No separate exterior doorways for individual resident sleeping rooms shall be permitted;

I. A resident sleeping room shall not contain a kitchen;

J. Off-street parking other than on a driveway with a maximum width of 24 feet shall not be allowed in any required setback; and

K. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.20~~4.3.19 BOTTLE SHOP (ON-PREMISE CONSUMPTION)

A bottle shop use shall comply with the standards in Section 4.3.16, Bar, Cocktail Lounge, Private Club~~Bar, Cocktail Lounge, Private Club~~.

~~4.3.21~~4.3.20 BROADCASTING STUDIO

A. Any broadcasting towers associated with the use shall be setback from all lot lines a minimum distance equal to the height of the tower; and

B. The use shall not include a helipad or helicopter landing facilities.

C. Broadcasting studios that incorporate towers or other vertical projections that send or receive electronic signals shall also comply with the applicable requirements in Section 4.3.126, Telecommunications Facilities~~Telecommunications Facilities~~.

~~4.3.22~~4.3.21 BULKY ITEM SALES

A. Portable storage containers and dumpsters that are utilized for the purpose of display and any bulky item that exceeds 10 feet in height shall not be placed within required setbacks, parking, or landscape areas.

B. Bulky items that are less than or equal to 10 feet in height must be located at least 10 feet from any public street and shall not be placed within required parking or landscape areas.

C. Bulky items are defined in Section 8.3, Terms Defined~~Terms Defined~~.

~~4.3.23~~4.3.22 BUNGALOW COURT

A. PURPOSE AND INTENT

A bungalow court is a group of smaller single-family detached dwellings built in close proximity to one another around a shared driveway. The bungalow court use type is a voluntary means of reducing zoning district dimensional requirements in return for voluntary compliance with the Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~, and the standards in this section.

FIGURE 4.3.23: BUNGALOW COURT CONCEPTUAL DESIGN



B. STANDARDS

1. A bungalow court shall be located on a site of at least one acre, but not more than five acres in area, and shall include at least three principal dwelling units.
2. All dwellings shall be located on their own individual lots.
3. The use shall comply with the maximum density and minimum setback requirements for the bungalow court use type in the zoning district where proposed.
4. Bungalow courts shall be limited to single-family detached dwellings as the principal use, though accessory dwelling units in accordance with Section 4.5.5A, Accessory Dwelling Unit, Detached~~Accessory Dwelling Unit, Detached~~, or Section 4.5.5B Accessory Dwelling Unit, Internal~~Accessory Dwelling Unit, Internal~~, and home occupations in accordance with Section 4.5.5Q, Home Occupation, Level 1~~Home Occupation, Level 1~~, shall be permitted.
5. All residential structures in a bungalow court shall voluntarily comply with the provisions in Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~.
6. The bungalow court shall provide a Type B perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, along all lot lines outside the bungalow court that abut a residential district. **AMENDED 9.16.24 (UDOTA2-24)**
7. All driveways shall be shared by at least two, but no more than five lots.
8. Bungalow courts that incorporate off-street parking shall include a shared driveway(s) that:
   a. Is located on commonly-owned land or is the subject of a shared access easement granting access to all lots or dwellings served by the shared driveway;
   b. Comprised of concrete, brick, or pavers; and
   c. Located central to the dwellings served.

~~4.3.24~~4.3.23 BUSINESS INCUBATOR[56]

A business incubator may be provided as a principal use in its own building, as tenant space within a multi-tenant building, or as a secondary use to an existing non-residential use, subject to the following standards.

~~A. When proposed as a principal use, the maximum floor area associated with a business incubator shall be 10,000 square feet.~~

~~B. When proposed as a tenant space within a multi-tenant building, the maximum floor area associated with a business incubator shall be 7,500 square feet.~~

~~C. When proposed as a secondary use, the floor area devoted to the business incubator shall not exceed 25 percent of the principal use's total floor area.~~

~~D.~~A. Use types located within a business incubator use type are subject to the business incubator use specific standards, not the use standards that would typically apply if it were a principal use on its own lot.

~~E.~~B. In no instance shall a business incubator include a use type that is not permitted as a principal use in the district where located, or any of the following use types:

1. Bar; cocktail lounge, or private club;
2. Cryptomining or data processing;
3. Funeral-related services or mausoleums;
4. Heavy equipment sales, rental, or repair;
5. Heavy manufacturing;
6. Metal fabrication;
7. Nightclub or dance hall;
8. Psychiatric services;
9. Residential uses of any kind or type;
10. Salvage or junkyard;
11. Sexually-oriented business;
12. Tattoo or piercing establishment; or
13. Vehicle painting or bodywork.

~~F.~~C. Business incubators shall meet the off-street parking requirement for this use type in Table 6.9.4, Table of Minimum Off-Street Parking Requirements, not the individual types of uses within the business incubator.

~~G.~~D. Floor area within a building serving as a business incubator may be used for storage, but no outdoor activity or storage shall be permitted with a business incubator.

~~H.~~E. When located within a MXD, OFI, NCM, CRM, or conditional zoning district, the use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~.

~~4.3.25~~4.3.24 CAMPGROUND

A. Campgrounds shall not include permanent residences, except as necessary for caretakers;

B. Individual campsites shall maintain a minimum size of 500 square feet in area each and at least 20 feet in width;

C. Campgrounds shall provide a common recreational area consisting of at least 100 square feet per campsite;

D. Campgrounds shall provide sufficient groundcover to prevent erosion;

[56] See STN# 103.

E. Individual campsites shall be set back at least 100 feet from the front lot line and at least 50 feet from the side and rear lot lines; and

F. Waste collection facilities shall be screened in accordance with Section 6.6.14, Screening~~Screening~~.

~~4.3.26~~4.3.25 CATERING ESTABLISHMENT

Catering establishments shall not prepare food or beverages for on-site consumption by patrons.

~~4.3.27~~4.3.26 CEMETERY OR MAUSOLEUM

Except as otherwise required in this Ordinance, new cemeteries and the expansion of existing cemeteries (as a principal use) shall comply with the following standards:

A. New cemeteries shall be located on a site or parcel with an area of at least two acres; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;

B. New cemeteries shall be located on a site or parcel that fronts a collector or higher classification street; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;

C. Cemeteries shall include drive aisles or vehicular accessways of at least 12 feet in width or greater as needed for the parking and maneuvering of funeral processions; and

D. Interments shall take place at least 25 feet from any lot line and comply with all applicable requirements of the North Carolina General Statutes.

~~4.3.28~~4.3.27 CHECK CASHING /PAY DAY LENDING

Check cashing establishments and pay day lending uses shall comply with the following standards:

A. Such uses shall not include a drive through window or drive-up service;

B. No products shall be offered for retail or wholesale sale; and

C. In no instance shall the use be configured with outdoor gathering areas or locations where persons may gather outdoors when not engaged in transactions with the use.

~~4.3.29~~4.3.28 CHILD DAY CARE

Child day care centers shall comply with the standards for licensure in Article 7, Chapter 110, of the North Carolina General Statutes, as well as the Summary of North Carolina Child Care Laws and Rules pamphlet, as amended, prepared by the NC Department of Health and Human Services.

A. The use shall not permit overnight accommodation of patrons;

B. The use shall include a fenced outdoor gathering area of at least 25 square feet per patron receiving care;

C. The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway;

D. The pick-up and drop-off area shall not be located within a required yard or landscaping area;

E. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~; and

F. A child day care shall provide a Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, along all lot lines that abut a residential district.

~~4.3.30~~4.3.29 COFFEE SHOP OR BAKERY[57]

~~**A.** Except in the Downtown district, a coffee shop or bakery in its own principal building shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential district; and~~

Coffee shops or bakeries with outdoor seating or gathering areas shall comply with the standards in Section 4.5.5U, Outdoor Dining or Seating~~Outdoor Dining or Seating~~.

AMENDED 4.15.24 (UDOTA1-24)

[57] See STN# 103.

~~4.3.31~~4.3.30 COMMUNITY CENTER

A. The main entrance to the lot or site shall be served or have direct access to a collector or higher classification street;

B. Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district;

C. Community centers proposed in residential districts shall be on a lot of at least two acres in area;

D. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~; and

E. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.32~~4.3.31 COMMUNITY RECREATION FACILITY (PRIVATE)

A. The minimum area for a private community recreation facility serving a non-residential use shall be at least two acres.

B. Private community recreation uses shall have at least one direct vehicular access to a collector or higher classification street. However, if the use is intended to serve only a membership that is limited to a residential development, access may be provided from an interior street within the same residential development.

C. A minimum distance of at least 50 feet shall be maintained between a clubhouse, swimming pool, any court or athletic field, or golf course tee, green, or fairway and any adjacent residence.

D. A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district as well as along all lot lines shared with a residential dwelling unit, if located within a residential or mixed-use development.

E. Outdoor swimming pools shall be protected by a fence or locking ladders in accordance with Section 4.5.5EE, Swimming Pools/Hot Tubs~~Swimming Pools/Hot Tubs~~.

F. Events conducted at community recreation facilities shall be subject to the standards in Section 4.6.5C, Other Special Events~~Other Special Events~~.

~~4.3.33~~4.3.32 COMPUTER RELATED SERVICES

The use shall be limited to the repair, sales, re-sale, or refurbishment of desktop and small-scale computers and computer-related equipment. Data processing shall be subject to the standards in Section 4.3.39, Cryptomining and Data Processing~~Cryptomining and Data Processing~~.

~~4.3.34~~4.3.33 CONGREGATE CARE

A. Congregate care uses shall meet other applicable dimensional requirements for a non-residential use in the zoning district where located.

B. Congregate care buildings containing living units shall comply with the standards in Section 6.2.4, Multi-Family Design Standards~~Multi-Family Design Standards~~.

C. The facility shall provide centrally located, shared food preparation, services to residents, and shared dining areas.

D. Common recreation, social, and service facilities shall be provided at a minimum rate of 30 square feet per dwelling unit or per rooming unit.

E. All facilities shall be solely for the use of residents and their guests.

F. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.35~~4.3.34 CONSERVATION SUBDIVISION

A. Conservation subdivisions shall comply with the standards in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~.

B. All dwelling units located within a conservation subdivision shall be served by a public wastewater treatment system and a public potable water system.

~~4.3.36~~4.3.35 CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

A. The maximum development density is based on the number of independent living units only and may not exceed that permitted in the zoning district where located.

B. Single-family detached dwellings are not subject to the dimensional standards for the zoning district where located but must maintain 15 feet from each lot line and any other principal structure whether on the same or a different lot. CCRCs shall meet all the other applicable dimensional requirements for a non-residential use in the zoning district where located.

C. Multi-unit structures within a CCRC shall comply with the standards in Section 6.2.4, Multi-Family Design Standards~~Multi-Family Design Standards~~.

D. In no instance shall any individual site within a CCRC exceed a maximum lot coverage of 70 percent.

E. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed around the perimeter of the development.

F. Access and circulation shall adequately provide for firefighting equipment, service deliveries and refuse collection.

G. Pedestrian paths shall form a logical, safe, and convenient system for pedestrian and handicapped access to all on-site buildings and facilities as well as major off-site destinations.

~~4.3.37~~4.3.36 CONTRACTOR SERVICES OFFICE/YARD

A. All activity, including storage of materials, shall be conducted entirely within a fully enclosed building. The temporary loading and off-loading of vehicles shall be permitted outside.

B. Storage of fleet vehicles and equipment is permitted as a secondary use, subject to the standards in Section 6.6.14, Screening~~Screening~~.

~~4.3.38~~4.3.37 CONVENIENCE STORE (WITH GASOLINE SALES)

Convenience stores with gasoline sales shall comply with the following standards:

A. Vehicle repair or storage shall be prohibited.

B. Inclusion of a restaurant or food counter providing products ~~for on-site consumption shall require the development to comply the standards in Section 6.2.3, Mixed-Use Design Standards,~~ and shall require the provision of adequate off-street loading facilities that may be utilized without interrupting typical on-site vehicular and pedestrian circulation.

C. Fuel facilities shall comply with the standards in Section 4.3.55, Gasoline Sales~~Gasoline Sales~~.

D. Drive through and fuel canopies shall comply with the standards in Section 4.5.5G, Canopies (Drive Through and Fuel, etc.)~~Canopies (Drive Through and Fuel, etc.)~~.

E. Automatic car washes provided as a secondary structure shall be located behind the rear building line of the principal structure and shall comply with the standards in Section 4.3.140, Vehicle Washing or Detailing~~Vehicle Washing or Detailing~~.

F. Outdoor sales and display areas, if provided, shall comply with the standards in Section 4.5.5V, Outdoor Display/Sales~~Outdoor Display/Sales~~.

~~4.3.39~~4.3.38 CO-WORKING SPACE

A. Use types and activities associated with a co-working space shall be limited to the range of activities typically associated with office uses.

B. Food or beverages produced or sold within the use shall be limited to patrons of co-working space not the general public.

C. Delivery of personal services within the co-working space (manicure, massage, education, exercise classes, child care, etc.) shall be limited to patrons of the co-working space and shall take place indoors or within designated outdoor gathering areas located outside public rights-of-way.

D. Facilities for pets shall be indoors or fully screened from adjacent streets and other uses.

~~4.3.40~~4.3.39 CRYPTOMINING AND DATA PROCESSING

All principal and secondary structures shall be located and soundproofed so that no use-related noise exceeds 90 decibels when measured at the lot line during daylight hours and 60 decibels after sundown.

~~4.3.41~~4.3.40 DUPLEX DWELLING

A. Use of a single shared primary entrance serving both individual dwelling units is strongly encouraged. If a shared entrance is not practical or possible, placement of primary entrances on separate building facades is encouraged.

B. When a duplex dwelling is on a corner lot, the use may include two separate driveways on different lot frontages, provided each driveway is configured in accordance with Section 6.1, Access and Circulation~~Access and Circulation~~, and all applicable Town or State standards related to driveway placement and street access.

C. Except in cases where the duplex dwelling complies with the provisions in Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~, a Type B perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.42~~4.3.41 ELECTRICAL, HVAC, OR PLUMBING FABRICATION

A. All activity, including storage of materials and products shall be conducted entirely within a fully enclosed building. The temporary loading and off-loading of vehicles shall be permitted outside.

B. Storage of fleet vehicles and equipment is permitted as a secondary use, subject to the standards in Section 6.6.14, Screening~~Screening~~.

C. Uses shall not emit smoke, odor, objectionable waste materials, or excessive noise.

D. No vibration that is discernible without the aid of instruments shall be produced at or beyond the lot line.

E. No direct glare from high temperature processes such as combustion or welding shall be permitted to be visible from off-site areas.

~~4.3.43~~4.3.42 EQUESTRIAN FACILITY

A. There shall be a minimum of 100-foot distance between manure storage areas, barns, or stables and any adjacent residentially zoned property.

B. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

C. A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.44~~4.3.43 EVENT VENUE, INDOOR & OUTDOOR

A. Outdoor activity areas shall be set back from lot lines shared with a residential use by an amount at least twice the minimum rear setback for the district where the use is located.

B. The maximum number of guests shall be in accordance with the maximum occupancy of the principal structure as determined by the Fire Chief.

C. Outdoor activities shall not take place between the hours of 10:00 PM and 7:00 AM on Sundays through Thursdays, and 11:00PM and 7:00AM on Fridays and Saturdays.

D. Exterior lighting shall not project into adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited.

E. Lighting of accessible paths may be provided, if necessary.

F. The event venue shall provide sufficient on-site trash receptacles and shall ensure that windblown trash or other debris does not accumulate anywhere on the site.

G. Event venues shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests do not inadvertently trespass on adjacent lots.

H. Event venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.

I. A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.45~~4.3.44 EXTRACTIVE INDUSTRY

Quarries and other extractive industries shall comply with the following requirements:

A. GENERAL REQUIREMENTS

1. The minimum development area shall be five acres.
2. The use shall not require the use of residential neighborhood streets to gain ingress or egress.
3. Where the final slope of areas being excavated will exceed 30 percent, such areas shall be enclosed with a fence at least six feet high located not less than ten feet from the excavation's edge.
4. Excavated areas, stockpiles, waste storage piles, and associated processing, storage, and loading areas shall be fully screened from view from arterial streets, collector streets, and lots in residential zoning districts in accordance with the standards in Section 6.6.14, Screening~~Screening~~.
5. No blasting operations shall be conducted during the hours from 6:00 PM to 8:00 AM, and when conducted, shall not cause unreasonable amounts of noise, vibration, dust, or flying debris on nearby lots.
6. No operations shall impede the normal flow of any stream or watercourse, result in the deposition or erosion of stream banks, pollute any stream, undermine any public street or bridge, or promote flooding on adjacent land.

B. REHABILITATION PLAN AND GUARANTEE REQUIRED

1. Upon discontinuance of operations, all buildings and equipment shall be removed, and excavated areas shall be rehabilitated in accordance with a rehabilitation plan included as part of the application to establish the use.
2. The rehabilitation plan shall identify the ways the site will be returned as closely as possible to its original condition or a condition suitable for a specified alternate use. The rehabilitation plan shall address the storage and protection of topsoil removed during the course of operations as well as regrading, re-fertilization, and replanting.
3. The estimated cost of carrying out the rehabilitation plan shall be filed with the application. The estimate shall be certified as approximately correct by a professional engineer licensed to practice in the State of North Carolina with expertise in rehabilitation.

4. A rehabilitation guarantee, payable to the Town, shall be required in an amount equal to the estimated cost of carrying out the rehabilitation plan in accordance with Section 2.3.20, Performance Guarantee~~Performance Guarantee~~.
5. The rehabilitation guarantee shall be maintained as a legally binding obligation until such time as the Town Council determines that all rehabilitation work has been satisfactorily completed.
6. If the Town Council finds that extractive uses have been discontinued for a period of 12 consecutive calendar months and that no major attempts have been made to implement the rehabilitation plan, it shall order forfeiture of the guarantee and the proceeds shall be used to carry out, to the extent possible, the rehabilitation plan.

~~4.3.46~~4.3.45 FAMILY CARE HOME

A. Family care homes shall obtain a Zoning Compliance Permit and shall comply with the standards in NCGS§ 160D-907.
B. A lot containing a family care home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home or a group home.
C. A family care home house shall meet the applicable dimensional requirements for a single-family detached residential use in the zoning district where located.
~~C.~~D. In no instance shall a family care home contain more than 10 children. [58]

~~4.3.47~~4.3.46 FARM EQUIPMENT SALES AND SERVICE

A. All outdoor storage of materials and machinery service areas shall be screened from view of adjacent streets and residentially zoned land in accordance with Section 6.6.14, Screening~~Screening~~. This screening requirement shall not apply to the placement of goods or products for sale.
B. Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
C. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
D. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.48~~4.3.47 FARM SUPPLY SALES (RETAIL OR WHOLESALE)

A. All outdoor storage of materials shall be screened from view of adjacent streets and residentially zoned land in accordance with Section 6.6.14, Screening~~Screening~~. This screening requirement shall not apply to the placement of goods or products for sale.
B. Products for sale shall not be placed within required off-street parking areas, required landscape areas, sight distance triangles, public easements, or within public street rights-of-way.

~~FINANCIAL SERVICES~~

~~C. Drive-throughs, if provided, shall be located to the side or rear of the building and shall be subject to the standards in Section 4.5.5K, Drive-Through~~All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.~~

~~4.3.49 FINANCIAL SERVICES~~

~~Drive-throughs, if provided, shall be located to the side or rear of the building and shall be subject to the standards in Section 4.5.5K, Drive-Through.~~

[58] See STN # 3.

~~4.3.50~~4.3.48 FIRE/EMS/POLICE STATION

A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.51~~4.3.49 FITNESS CENTER

A. Except within the Downtown districts, fitness centers that include outdoor exercise or use areas shall be located on lots of at least one acre in size.

B. Outdoor swimming pools or hot tubs shall comply with all applicable requirements in Section 4.5.5EE, Swimming Pools/Hot Tubs~~Swimming Pools/Hot Tubs~~.

C. Outdoor exercise or use areas shall:

1. Be fully enclosed by a fence or wall meeting the minimum height necessary to ensure equipment is contained within the fitness center site;
2. Comply with all applicable requirements in Section 6.4, Exterior Lighting~~Exterior Lighting~~; and
3. Not include a public address system or amplified music audible beyond the lot line after nightfall.

~~4.3.52~~4.3.50 FLEA MARKET

Flea market uses shall comply with the following requirements:

A. Hours of operation shall be limited to 7:00 AM to 7:00 PM;

B. Off-street parking shall be provided with a minimum of three spaces per stand or rented space;

C. Sanitary facilities shall be provided for both men and women;

D. Provisions shall be made for garbage or trash removal for each day the flea market is open to the public; and

E. All rental spaces and buildings shall maintain a 50-foot setback from residentially-zoned land.

~~4.3.53~~4.3.51 FRATERNAL CLUB OR LODGE

A. Fraternal clubs and lodges shall be located on sites of two acres or more in size or shall have direct access to a collector or higher classification street.

B. Outdoor activity areas shall be at least 100 feet from a lot line shared with a single-family residential district.

C. Public address systems are prohibited except when contained entirely within a building.

D. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.54~~4.3.52 FREIGHT TERMINAL

A. An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.

B. The use shall have direct access onto a collector or higher classification street.

C. Areas intended for the short-term storage of trucks or trailers shall be considered impervious, regardless of the surface material.

D. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

E. Security fencing of a minimum height of six feet or other comparable method of enclosure shall be provided around all outside storage and staging areas.

F. Where the site is bounded by a railroad right-of-way currently being used for rail service to the terminal, no setback shall be required between the railroad right-of-way and the freight terminal use.

~~4.3.55~~4.3.53 FUEL OIL/BOTTLED GAS DISTRIBUTION

A. Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

B. Above ground storage tanks with a capacity of 55 gallons or more shall be located at least 100 feet from all lot lines.

~~4.3.56~~4.3.54 FUNERAL RELATED SERVICES

A. Crematories shall not be included with a funeral-related service use within or abutting a residential zoning district;

B. All storage shall take place within enclosed buildings; and

C. Display of sample headstones or other memorials shall be fully screened from any lot line shared with a lot in a residential zoning district as well as from any public right-of-way or greenway.

~~4.3.57~~4.3.55 GASOLINE SALES

A. Fuel storage shall take place entirely underground.

B. Fuel storage shall be located at least 20 feet from all principal buildings.

C. Tank access ports for refilling shall be configured so that no refilling vehicle blocks vehicular ingress or egress to the site during the refilling process.

D. Fuel pumps and pump islands shall be located no closer than 20 feet to any lot line or right-of-way. Internal lot line setbacks are not applied within unified developments.[59]

E. Any secondary use shall comply with the applicable standards in Section 4.5, Secondary Uses~~Secondary Uses~~.

F. In no instance shall fuel lines be located within a public utility or drainage easement.

G. Vents may not be freestanding, and shall be attached to a principal or secondary structure.

H. Gasoline sales uses shall include an opaque fence or wall of six feet in height or higher if permitted by the fence standards in the district where located, along all lines abutting a residential zoning district.

~~4.3.58~~4.3.56 GOLF COURSE (PUBLIC OR PRIVATE)

A. A minimum distance of at least 50 feet shall be maintained between a tee, green, or fairway and any adjacent principal or habitable secondary structure not associated with the golf course use.

B. Activities like driving ranges and similar features shall incorporate fencing, netting, or other control measures around the perimeter of the activity area to ensure projectiles do not leave the area and endanger off-site areas.

C. Golf course uses that include recreational structures shall comply with the standards applied to Section 4.3.31, Community Recreation Facility (private)~~Community Recreation Facility (private)~~.

4.3.57 GOVERNMENT MAINTENANCE AND STORAGE FACILITY[60]

Government maintenance and storage facilities shall comply with the applicable standards for outdoor storage (see Section 4.3.123, Storage, Outdoor (as a Principal Use)~~Storage, Outdoor (as a Principal Use)~~), membrane structures (see Section 4.5.5S, Membrane Structure ~~Membrane Structure~~, and any other principal, secondary, or temporary uses proposed on the site.

[59] See STN # 102.
[60] See STN # 104.

~~4.3.59~~4.3.58 GOVERNMENT OFFICE

A. Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residential zoning district.

B. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

C. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

D. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~.

~~4.3.60~~4.3.59 GROCERY STORE

A. Outdoor display and sales areas shall be configured in accordance with Section 4.5.5V, Outdoor Display/Sales~~Outdoor Display/Sales~~.

B. Storage shall take place within an enclosed building or be located behind the rear line of the principal building.

~~4.3.61~~4.3.60 GROOMING (ANIMAL)

A. Overnight boarding of animals shall not be permitted.

B. All activities shall take place solely within an enclosed structure.

C. Animal grooming uses located within multi-tenant structures shall be soundproofed.

D. Free-standing animal grooming facilities abutting a residential zoning district shall be soundproofed.

~~4.3.62~~4.3.61 GROUP HOME

A group home shall comply with the following standards:

A. A lot containing a group home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home, residential treatment facility, or another group home;

B. A group home shall meet the applicable dimensional requirements for a single-family detached residential use in the zoning district where located;

C. A group home shall provide at least 150 square feet of floor area per occupant;

D. The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities;

E. The number of occupants in a group home shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable Town regulations and State requirements;

F. The use shall maintain a residential appearance compatible with its surroundings when proposed in a residential or mixed-use district; and

G. The use shall meet all State requirements, as well as all applicable housing and building code requirements.

~~4.3.63~~4.3.62 HAIR, NAIL, AND SKIN RELATED SERVICES

All activities shall take place within a fully-enclosed building.

~~4.3.64~~4.3.63 HALFWAY HOUSE

A halfway house shall comply with the following standards:

A. A lot containing a halfway house shall not be located within one-half mile (2,640 feet) of another lot containing another halfway house, or a bar, cocktail lounge, nightclub, boarding house, group home, or sexually oriented business;

B. A halfway house shall meet the applicable dimensional requirements for a non-residential use in the zoning district where located;
C. The maximum number of residents in a halfway house shall be limited to five in addition to any staff or landowners and their families;
D. Visitation by members of the public to a resident living in a halfway house may only take place between the hours of 7:00 AM and 7:00 PM;
E. The use shall meet all State requirements, as well as all applicable housing and building code requirements; and
F. The use shall include information, visible from outside the front entrance, the lists an emergency contact name and telephone number that is available 24 hours a day.

~~4.3.65~~4.3.64 HEAVY EQUIPMENT SALES, RENTAL, & REPAIR

Uses engaged in the sales, rental, or repair of heavy equipment shall comply with the following standards:

A. All outdoor storage of materials, equipment, and service areas shall be screened from view in accordance with Section 6.6.14, Screening~~Screening~~;
B. No heavy equipment or displays shall be located within a required setback, perimeter landscaping buffer, sight distance triangle, public utility easement, or public right-of-way;
C. No heavy equipment shall be displayed on the top of a building; and
D. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

~~4.3.66~~4.3.65 HORTICULTURE

Sale of produce grown on-site or on an adjacent lot that is part of the same agricultural operation is permitted provided they take place outside the right-of-way.

~~4.3.67~~4.3.66 HOSPITAL

A hospital shall comply with the following standards:

A. Be located on a site or parcel with an area of at least five acres;
B. Be located on a parcel that fronts or has direct access to a collector or higher classification street;
C. Locate the emergency vehicle entrance on a collector or higher classification street;
D. Not locate an emergency vehicle entrance in an area across the street from a residential zoning district;
E. Be served by a public water and wastewater system;
F. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~; and
G. Ensure that principal structures are located at least 100 feet from any lot line.

~~4.3.68~~4.3.67 HOMELESS SHELTER

A. A lot containing a homeless shelter shall not be located within one-half mile (2,640 feet) of another lot containing another homeless shelter, halfway home, group home, or sexually-oriented business.
B. A homeless shelter shall meet the applicable dimensional requirements for a non-residential use in the zoning district where located.
C. The use shall meet all State requirements, as well as all applicable housing and building code requirements.

~~4.3.69~~4.3.68 HOTEL OR MOTEL

A. Except in the Downtown districts, all hotel and motel buildings and parking shall be located at least 50 feet from any lot line abutting a residential zoning district.

B. In the Downtown districts all hotel and motel buildings and parking shall be located at least 25 feet from any lot line abutting a residential zoning district.

C. Any secondary uses or structures, such as restaurants, shall not be located along the side of the property adjacent to a residential district or use.

D. Restaurants, bars, and night clubs approved as a secondary to a hotel or motel use shall be subject to the principal use standards for these use types.

E. Outdoor activity areas shall not be located along the side of the property adjacent to a residential zoning district or use.

~~4.3.70~~4.3.69 INDOOR COMMERCIAL RECREATION

All activity shall take place entirely within an enclosed structure.

~~4.3.71~~4.3.70 INDOOR RECREATION, PUBLIC

A. All activity shall take place entirely within an enclosed structure.

B. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.72~~4.3.71 INSTRUCTIONAL SERVICES

All activity shall take place entirely within an enclosed structure.

~~4.3.73~~4.3.72 LABORATORY

Laboratory uses shall locate all activities within an enclosed structure except within an industrial zoning district.

~~4.3.74~~4.3.73 LAUNDRY AND FABRIC CLEANING

A. No more than 10,000 square feet of floor area shall be devoted to the dry cleaning, laundering, or finishing processes;

B. No smoke-producing equipment or process shall be used;

C. Individual washing machines shall not exceed 50 pounds of capacity;

D. No petroleum-based chemicals in excess of 500 gallons shall be stored in above-ground tanks; and

E. Drive throughs shall comply with the standards in Section 4.5.5K, Drive-Through~~Drive-Through~~.

~~4.3.75~~4.3.74 LIBRARIES

The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~.

~~4.3.76~~4.3.75 LIGHT EQUIPMENT SALES, RENTAL, & REPAIR

A. All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially zoned property.

B. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

C. Equipment cleaning and repair shall take place entirely within an enclosed structure.

D. Outdoor storage of equipment shall be screened in accordance with Section 6.6.14, Screening~~Screening~~.

~~4.3.77~~4.3.76 LIVE/WORK DWELLING

A live/work dwelling shall comply with the mixed-use design standards in Section 6.2.3, Mixed-Use Design Standards~~Mixed-Use Design Standards~~, and the following standards:

A. The residential portion of the building shall occupy at least 50 percent of the gross floor area;

B. The non-residential portion of the building shall be limited to an office, personal service, retail sales, or restaurant use type;

C. Drive-through facilities are prohibited; and

D. Nothing shall limit the placement of residential floor area on the ground floor on lots within the Downtown district, provided the non-residential portion of the use has its own entrance or provided that the building has a shared primary entrance. A non-residential portion of the building must occupy at least 33 percent of the front façade width of the street-level ground floor.

~~4.3.78~~4.3.77 MAKER SPACE

A. No outdoor storage or activity shall be permitted.

B. The use shall include adequate ventilation and equipment for the dispersal of vapors, dust, or airborne contaminates created within the structure.

C. The use shall include a fire suppression system as required by the North Carolina Fire Code and associated appendices.

D. The use shall not operate between the hours of 11:00 PM and 7:00 AM.

E. Incidental sale of products created on site is permitted, but shall take place entirely within an enclosed building.

F. When located within a MXD, OFI, NCM, CRM, or conditional zoning district, the use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~.

~~4.3.79~~4.3.78 MANUFACTURED HOME, CLASS A

A. A class A manufactured home located within a manufactured dwelling park shall comply with the standards in Section 4.3.80, Manufactured Home Park~~Manufactured Home Park~~.

B. A class A manufactured dwelling located outside a manufactured dwelling park shall comply with the following standards:

1. It shall be occupied only as a single-family dwelling;
2. It shall be the single principal use on a lawfully-established lot of record;
3. It shall comply with NCGS§ 160D-910;
4. It shall be configured in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured Homes;
5. It shall maintain a minimum width of 16 feet;
6. The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
7. It shall be oriented with the longest axis parallel to the lot frontage, to the maximum extent practicable;
8. The towing apparatus, wheels, axles, and transporting lights shall be removed;
9. It shall include a continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer, installed under the perimeter and unpierced except for required ventilation and access;
10. It shall include stairs, porches, entrance platforms, ramps, and other means of entrance and exit that are installed or constructed in accordance with the standards set by the North

Carolina Building Code. They shall be attached firmly to the primary structure and anchored securely to the ground;

11. It shall maintain exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, which consists of one or more of the following:
    a. Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
    b. Cedar or other wood siding;
    c. Stucco siding; or
    d. Brick or stone siding;
12. It shall maintain a roof pitch with a minimum vertical rise of three feet for each 12 feet of horizontal run;
13. It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
14. It shall provide an eave projection of no less than six inches, which may include a gutter; and
15. All areas not used for parking, manufactured homes, or required porches, shall be covered in turf grass or otherwise suitably landscaped to prevent erosion.

~~4.3.80~~4.3.79 MANUFACTURED HOME, CLASS B

A. A class B manufactured may only be located on a lot of record or manufactured dwelling unit space within a manufactured home park.

B. Class B manufactured dwellings established prior to January 2, 2024, located as the principal use on a lot of record outside a manufactured home park shall be considered a nonconforming use subject to the standards in Section 5.6, Nonconforming Uses~~Nonconforming Uses~~.

~~4.3.81~~4.3.80 MANUFACTURED HOME PARK

A. MINIMUM AREA

A manufactured home park shall be at least three acres in area.

B. INDIVIDUAL DWELLING UNIT SPACES

1. GENERALLY

a. The site plan for a manufactured home park shall indicate each individual dwelling unit space.
b. Yards and setbacks shall be measured from dwelling unit space boundaries.
c. No more than one manufactured dwelling may be located on any single dwelling unit space.
d. No manufactured home lots shall be located within the 100-year floodway area, as shown on the latest National Flood Insurance Program map for the Town.

2. SPECIFIC REQUIREMENTS

In no instance shall a manufactured dwelling be located on an individual dwelling unit space that fails to meet the minimum requirements in the table below.

TABLE 4.3.81: MANUFACTURED HOME PARK DWELLING UNIT SPACE DIMENSIONAL REQUIREMENTS

Dimensional Requirement	Amount
Spaces served by both community or public water and sewer	6,000

TABLE 4.3.81: MANUFACTURED HOME PARK DWELLING UNIT SPACE DIMENSIONAL REQUIREMENTS

Dimensional Requirement		Amount
Min. Dwelling Unit Space Area (square feet)	Spaces served by public water & individual septic tank or public sewer & individual well	15,000
	Spaces served by individual well & individual septic tank	25,000
Min. Dwelling Unit Space Width (linear feet at front setback)	Spaces served by both community or public water and sewer	50
	Spaces served by public water & individual septic tank or public sewer & individual well	75
	Spaces served by individual well & individual septic tank	75
Max. Impervious Surface Coverage per Dwelling Unit Space (% of space)		40
Min. Setback from Dwelling Unit Space Perimeter Line Abutting a Street (feet)		20
Min. Setback from Side of Dwelling Unit Space Perimeter Line (feet)	Space served by public water and sewer	6
	Space not served by public water and sewer	10
Min. Setback from Rear of Dwelling Unit Space Perimeter Line (feet)		20

C. MANUFACTURED HOME STANDARDS

1. Except for the foundation skirting requirements, all manufactured homes located within a manufactured home park shall comply with the standards in Section 4.3.78, Manufactured Home, Class A~~Manufactured Home, Class A~~.
2. The foundation area of a manufactured home in a manufactured home park shall be completely screened and the foundation screening must be kept in a well-maintained condition.

D. REPLACEMENT DWELLINGS

1. All new or replacement manufactured homes located in manufactured home parks shall be a minimum of 12 feet in width, measured at the narrowest part of the shortest axis of the home.
2. In no instance shall the total number of manufactured or mobile dwellings exceed the total number of dwelling unit spaces as they existed on January 2, 2024.

E. ADDITIONS TO DWELLINGS AND SECONDARY STRUCTURES

1. Detached garages and secondary buildings may be erected on manufactured home dwelling unit spaces in accordance with Section 4.5, Secondary Uses~~Secondary Uses~~.
2. No living compartment or structure, other than a Florida Room or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home.
3. Porches covered with a roof and open on three sides may be permitted if required setbacks can be maintained and if such the porch complies with the North Carolina Building Code.

F. PROJECT BOUNDARY BUFFER

A manufactured home park shall include a Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, along the perimeter of the development abutting other lots.

G. PARK OFFICE

Within a manufactured home park, one manufactured home may be used as an administrative office.

H. STREETS

1. Each manufactured home dwelling space shall abut an improved street, accessway, or driveway, which shall have unobstructed access to a Town or State-maintained street.
2. Streets in the manufactured home park shall have a minimum paved width of 20 feet. In addition, every such street shall lie within a cleared right-of-way having a minimum width of 40 feet.
3. Maintenance of such streets shall be provided by the owner or operator of the park.
4. Permanent dead-end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turnaround or other means of complying with all applicable Fire Code requirements.
5. Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees. Where a street or drive intersects a public street, the park street or drive shall comply with all applicable NCDOT or Town design standards.
6. New street names or manufactured home park names shall not duplicate nor be similar to existing street names or manufactured home park names in the area.

I. UTILITY REQUIREMENTS

1. WATER

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

2. SEWER

a. Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks.
b. Collection systems and sewage treatment complying with the requirements of the North Carolina Department of Environmental Quality and the County Health Department shall be provided.

3. SOLID WASTE

a. The storage, collection, and disposal of solid waste in the manufactured home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazard, or pollution, and shall be maintained at least 100 feet from a well site.
b. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container, which shall be located at each manufactured home space, or an

approved bulk container site. The manufactured home park management shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the County Health Department.

c. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.

d. No junk or abandoned vehicles shall be allowed in the park.

4. STREET LIGHTS

a. All streets in the manufactured home park shall be adequately illuminated.

b. The minimum size street light shall be a 175-watt mercury vapor, approximately 7,000-lumen class or its equivalent, spaced at intervals of not more than 400 feet.

c. Equivalent illumination LED lights are also allowed. Streetlights shall be provided at each intersection.

5. TELEPHONE AND POWER LINES

a. All telephone lines and power lines are to be located underground.

b. Utility easements shall not be less than ten feet in width. Easements containing Town-owned or operated utilities shall be configured in accordance with Section 6.5.7, Easements~~Easements~~.

J. RECREATION AREAS AND FACILITIES

1. All manufactured home parks having 25 or more manufactured home spaces shall have an active recreation area of 10,000 square feet for every 25 manufactured home spaces. Parks with fewer than 25 spaces shall not be required to provide an active recreation facility, but may still be subject to the provision of private common open space in accordance with Section 6.7.1D, Minimum Open Space Set-Aside Requirements~~Minimum Open Space Set-Aside Requirements~~.

2. No active recreational facilities shall be placed in an area utilized for septic tank filter fields.

K. MOBILE HOME PARKS WITH PRIOR APPROVAL

All mobile home parks approved for development by the Town, County, or State prior to January 2, 2024, are hereby granted special use status in accordance with Section 1.10.4, Pre-Existing Uses~~Pre-Existing Uses~~, and the number of units contained therein may be maintained and replaced with other units, provided that:

1. All replacement units shall obtain an approved zoning compliance permit and inspection by the Town Inspections Department prior to occupancy.

2. All replacement units shall meet the requirements of this section except for dimensional standards applied to pre-existing, lawfully-established manufactured dwelling unit spaces.

3. No replacement unit may increase any nonconforming standard of the existing unit, and in no case may any replacement unit be located nearer than ten feet to a public street right-of-way or periphery property line.

4. Any expansion of a mobile home park shall be in full accordance with the current standards of this Ordinance.

5. If a mobile home park which does not conform to current standards has been discontinued, or if 80 percent of the number of spaces are vacated for a period of 180 days, the mobile home park shall be subject to the standards in Section

~~4.3.82~~4.3.81 MANUFACTURING, HEAVY

Heavy manufacturing uses shall comply with the following standards: **AMENDED 12.16.24 (UDOTA3-24)**

A. Outdoor processing activities shall be located at least 1,000 feet from a lot line shared with a residential zoning district.
B. Outdoor storage, including storage tanks, shall be located at least 500 feet from a lot line shared with a residential zoning district. Outdoor storage shall be fully screened in accordance with Section 6.6.14, Screening~~Screening~~.
C. A Type D perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be provided along any lot line shared with another property not zoned for industrial uses.
D. The use shall not require the use of residential neighborhood streets to gain ingress or egress.
E. Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

~~4.3.83~~4.3.82 MANUFACTURING, LIGHT

AMENDED 12.16.24 (UDOTA3-24)

A. All manufacturing activity shall be conducted entirely within a fully enclosed building.
B. Outdoor processing activities are prohibited.
C. Above-ground outdoor storage tanks shall be located at least 200 feet from any lot line shared with a lot in a residential zoning district.
D. Except for above-ground storage tanks, all structures, buildings, enclosed areas, and other outdoor storage used for the operation shall be a minimum of 100 feet from a lot line shared with a residential zoning district.
E. Outdoor storage shall be fully screened in accordance with Section 6.6.14, Screening~~Screening~~.
F. The use shall not generate excessive noise, discernable vibration, glare, fumes, odors, or electrical interference at the lot line.
G. Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

~~4.3.84~~4.3.83 MANUFACTURING, MEDIUM

Medium manufacturing uses shall comply with the following standards: **AMENDED 12.16.24 (UDOTA3-24)**

A. All manufacturing activity shall take place within a fully enclosed building.
B. Outdoor processing activities shall be located at least 200 feet from a lot line shared with a residential zoning district.
C. All structures, buildings, enclosed areas, outdoor storage tanks, and other outdoor storage used for the operation shall be a minimum of 100 feet from a lot line shared with a residential zoning district.
D. Outdoor storage of raw materials is prohibited, and outdoor storage of equipment, partially-finished products, and finished products shall be fully screened in accordance with Section 6.6.14, Screening~~Screening~~.
E. The use shall not generate excessive noise, discernable vibration, glare, fumes, odors, or electrical interference at the lot line.
F. Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA

30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

~~4.3.85~~4.3.84 METAL FABRICATION

The use shall not generate noise, vibration, glare, fumes, or odors on adjacent residentially zoned or used property.

~~4.3.86~~4.3.85 MICRO BREWERY, MICRO DISTILLERY, OR MICRO WINERY

A micro brewery, micro distillery, or micro winery use shall comply with the standards in Section 4.3.16, Bar, Cocktail Lounge, Private Club~~Bar, Cocktail Lounge, Private Club~~.

~~4.3.87~~4.3.86 MULTI-FAMILY DWELLING

Multi-family development shall comply with the standards in this section. Residential development located above non-residential development in the same building is considered upper-story residential.

A. BUILDING PLACEMENT

1. Buildings shall be setback from one another in accordance with the district dimensional requirements unless a larger distance is required by the North Carolina Building Code.
2. Buildings shall be set back from private drives and parking lots a minimum of ten feet as measured from back-of-curb or from the edge of pavement if no curb is provided.
3. Buildings shall be setback from public streets in the development in accordance with the street setbacks for the zoning district where located.

B. BUILDING LENGTH[61]

1. The maximum length of an individual multi-family building shall be 250 linear feet in any single direction. This standard is waived in the following instances:
   a. The building is located in a downtown district;
   b. The building is designated as affordable housing; or
   c. The building is intended solely for age-restricted (e.g., 55 years old and older) residents.

~~1. The maximum length of an individual multi-family building shall be 250 linear feet, except in the Downtown district, where no maximum length is applied.~~

2. No maximum building length shall be applied if the building includes facilities for dining, recreation, or gathering that occupy an area amounting to at least 10 percent of the building's ~~total floor area~~ground floor area.
3. In no instance shall the provision of a firewall between different building sections constitute two separate buildings for the purpose of meeting the building length requirement.

C. DESIGN

Multi-family development shall comply with the applicable design standards in Section 6.2.4, Multi-Family Design Standards~~Multi-Family Design Standards~~.

~~D. OFF-STREET PARKING LOCATION~~

~~Except when proposed within the setback from a rear lot line, no off-street parking space shall be located in a required setback area.~~

[61] See STN # 105.

~~E.~~D. OUTDOOR SPACE

~~Each~~ At least 75 percent of the dwelling units within a multi-family development shall include a patio, deck, or balcony with a width or length dimension of no less than seven feet.[62]

~~F.~~E. RECREATION FACILITIES

Any active recreation facilities shall be located at least 50 feet from any lot line shared with a single-family detached residential dwelling.

~~G.~~F. PEDESTRIAN CONNECTION

Sidewalks or other ADA-compliant trails shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: off-street parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways, and on-site active recreation or gathering areas.

~~H.~~G. SCREENING

Utility areas such as clothes drying yards and outdoor storage areas shall be fully screened from public streets and adjacent lots in accordance with Section 6.6.14, Screening~~Screening~~.

~~I.~~H. LIGHTING

All entrances and exits to multi-family residential buildings containing more than five units, shall be adequately lit to ensure the safety of persons and the security of the building.

~~J.~~I. UTILITIES

1. All new electric, communications, water, and sewer utility lines shall be installed underground.
2. Any existing overhead utilities located adjacent to a multi-family development are strongly encouraged to be relocated to an underground location.
3. Multi-family development shall be served by a public potable water system and a public sanitary sewer system.

~~K.~~J. CONDOMINIUMS

Multi-family development configured as condominiums shall comply with the following standards:

1. Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
2. Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.
3. Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be recorded in the office of the Register of Deeds in the county where the development is located.

~~4.3.88~~4.3.87 MUSEUMS

The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~.

~~4.3.89~~4.3.88 NIGHTCLUB OR DANCE HALL

A nightclub or dance hall shall comply with the standards in Section 4.3.16, Bar, Cocktail Lounge, Private Club~~Bar, Cocktail Lounge, Private Club~~, and the following:

[62] See STN # 105.

A. Except in the Downtown districts, such uses shall be separated from land in a residential zoning district by at least 500 feet;
B. Except in the Downtown districts, such uses shall have direct access via a collector or higher classification street;
C. The main entrance of the building shall face a street or a public gathering area. In cases where the building could face more than one street, it shall be configured to face the street with the larger number of non-residential establishments or where the larger number of non-residentially zoned lots are located; and
D. The building shall be configured, and the use operated such that sound from amplified music or other performance taking place within the building is not audible at the lot line after 11:00 PM on a weeknight or 2:00 AM on a weekend night.

~~4.3.90~~4.3.89 NURSERY (RETAIL OR WHOLESALE)

A. No greenhouse shall be operated within 20 feet of any lot line.
B. Any outside storage of equipment, vehicles, or supplies shall be fully screened from off-site views in accordance with Section 6.6.14, Screening~~Screening~~.
C. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.91~~4.3.90 OFFICE, HIGH INTENSITY

A. High intensity office uses with 5,000 or more square feet of floor area shall include an outdoor gathering area for patrons or employees with seating and provision of shade to the side or rear of a principal structure.
B. Off-street loading facilities shall comply with the standards in Section 6.9.9, Off-Street Loading~~Off-Street Loading~~.
C. Retail, personal service, and eating establishments may be provided as a secondary use, provided:
    1. These secondary uses shall not exceed a cumulative total of 20 percent of the total floor area of the principal use;
    2. These secondary uses are accessed via a primary entrance shared with the office use; and
    3. These secondary uses do not have signage visible from off-site areas.

~~4.3.92~~4.3.91 OFFICE, LOW OR HIGH INTENSITY

A. Office uses shall conduct all activities within an enclosed building.
B. Assembly, fabrication, display of products for on-site consumption, or related activities shall not take place within an office use.

~~4.3.93~~4.3.92 OUTDOOR COMMERCIAL RECREATION

A. GENERALLY

Outdoor commercial recreation uses shall comply with the following standards:

1. Outdoor recreation uses shall be screened from abutting collector or higher classification streets with a Type B perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~;
2. Grading shall be limited to a maximum of five feet above or below the average grade existing prior to development, but in no instance shall this standard be construed to prevent swimming pools; and
3. No outdoor activities or recreation facilities shall be located between the front façade of the building and the street the front building façade faces.

B. DRIVE-IN THEATRE

A drive-in theatre shall comply with the following requirements:

1. The viewing screen shall be directed away from collector or higher classification streets;
2. Lighting shall be shielded so as to cast no direct light on adjoining lots;
3. An eight-foot-high opaque screen shall be required around the perimeter, except at driveways;
4. Audio shall be delivered to each car by individual speakers only; and
5. The use shall provide stacking spaces at the entrance capable of accommodating 20 percent of the vehicular capacity of the use.

C. GOLF DRIVING RANGE

Golf driving ranges shall comply with the following standards:

1. The depth of a driving range along the driving axis shall be at least 250 yards measured from the location of the tees; and
2. Lighting shall be shielded so as to cast no direct light upon any adjacent lot.

D. MINIATURE GOLF

In addition to the general standards for outdoor commercial recreation uses in sub-section (A) above, miniature golf uses shall also comply with the following:

1. No green shall be allowed within a street setback or closer than 100 feet to any lot line; and
2. Lighting shall be shielded so as to cast no direct light upon any adjacent lot.

~~4.3.94~~4.3.93 OUTDOOR RECREATION, PUBLIC

A. Such uses may only take place on lots or sites of five acres in area or more.

B. No buildings or structures, temporary or otherwise, shall be located within 20 feet of any exterior lot line.

C. No amusement equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any residentially zoned property.

D. Activities like batting cages, driving ranges, and similar features shall incorporate fencing, netting, or other control measures around the perimeter of the activity area to ensure projectiles do not leave the area and endanger other lands.

E. Security fencing with a minimum height of six feet shall be provided along the entire perimeter of the lot or site.

F. The hours of operation shall be compatible with adjacent land uses and in no instance shall outdoor activities take place between the hours of midnight and 7:00 AM.

~~4.3.95~~4.3.94 OUTPATIENT FACILITY

A. An outpatient facility located on a site or parcel with an area of at least five acres shall front and have direct access to a collector or higher classification street.

B. The use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~.

~~4.3.96~~4.3.95 PACKAGING AND SHIPPING

All activity shall take place within an enclosed structure. Outdoor storage is permitted as a secondary use, subject to the standards in Section 4.5.5W, Outdoor Storage~~Outdoor Storage~~.

~~4.3.97~~4.3.96 PARK OR PLAYGROUND (PUBLIC OR PRIVATE)

A. The hours of operation allowed shall be compatible with the land uses adjacent to the facility, in the opinion of the Planning Director.

B. Outdoor storage shall be screened in accordance with Section 6.6.14, Screening~~Screening~~.

C. Outdoor swimming pools shall be protected by a fence or other security device in accordance with the county health department's regulations where located.

D. Illumination of outdoor recreation areas shall be in accordance with Section 6.4, Exterior Lighting~~Exterior Lighting~~.

~~4.3.98~~4.3.97 PARKING LOT

A commercial parking lot that is the principal use shall comply with the parking lot configuration requirements in Section 6.9.4, Off-Street Parking Requirements~~Off-Street Parking Requirements~~, and the following standards:

A. Parking shall be the principal use of the parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods;

B. Except in the Downtown Districts, commercial parking lots shall not be located contiguous to a single-family residential zoning district.

~~4.3.99~~4.3.98 PARKING STRUCTURE

Parking structures, whether serving as a principal or secondary use shall be configured in accordance with the following standards:

A. DIMENSIONAL REQUIREMENTS

Parking structures shall comply with the dimensional standards applicable to non-residential principal uses the zoning district where located.

B. GROUND FLOOR CONFIGURATION

The ground floor of a parking structure abutting an existing sidewalk shall be configured as building floor area capable of accommodating a non-residential use or shall be configured with a minimum first floor ceiling height of 20 feet above grade to ease conversion of the ground floor parking area to a habitable space in the future.

C. ARCHITECTURE

1. Parking structures visible from street frontages shall be designed to be compatible with the architectural character and quality of adjacent buildings and shall not adversely impact abutting sidewalks.
2. Parking structure elevations shall use color, massing, or architectural features to reduce the appearance of building bulk.
3. Parking structure façades facing residentially-zoned lots shall:
   a. Be enclosed to prevent light spillover from headlights, adverse noise, or pollutants; and
   b. Incorporate architectural design elements, including surface treatments, offset planes, structural articulation, and landscaping to provide visual interest and compatibility with adjacent residential uses.

D. DRAINAGE

Parking structures shall be designed and constructed so that stormwater will not drain over sidewalks or adjacent lots.

E. LIGHTING

1. Parking and pedestrian areas shall have adequate illumination for security and safety with a minimum of one foot candle at every point within the parking structure.

2. Lighting fixtures shall be designed and located to illuminate only the interior of the parking structure and not project glare into adjoining land.

~~4.3.100~~4.3.99 PAWN SHOP

A. All activities shall take place within an enclosed structure.
B. Outdoor storage shall be prohibited.
C. Security measures for windows or doors shall be located internally within the building.
D. Exterior lighting shall comply with the standards in Section 6.4, Exterior Lighting~~Exterior Lighting~~.

~~4.3.101~~4.3.100 PHARMACY

A. Drive throughs shall comply with the standards in Section 4.5.5K, Drive-Through~~Drive-Through~~.
B. A pharmacy may be permitted as a secondary use to a principal use in the Health Care use category provided:
1. The pharmacy is on the ground floor and does not occupy more than 50 percent of the ground floor square footage;
2. The public may access the pharmacy solely through a shared principal entrance; and
3. The pharmacy be limited to sales of drugs, prescription medicines, medicinal supplies and appliances, and pharmaceutical products.

~~4.3.102~~4.3.101 POCKET NEIGHBORHOOD

A. PURPOSE AND INTENT

A pocket neighborhood is a group of smaller single-family detached dwellings built in close proximity to one another around a small green or commonly owned open space with off-street parking areas to the rear of the homes or in common areas. The pocket neighborhood use type is a voluntary means of reducing zoning district dimensional requirements in return for voluntary compliance with the Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~, and the standards in this section.

pedestrian access to each dwelling, connections to the public sidewalk or greenway network (if present), and gathering areas for pocket neighborhood residents.

7. The pocket neighborhood shall configure a portion of its required open space as a centrally-located green, lawn, or garden area that fronts each dwelling in the neighborhood and includes at least 300 square feet of area for each dwelling unit in the pocket neighborhood. This area shall be credited towards either the active, urban, or passive recreation requirements, at the discretion of the applicant.
8. Pocket neighborhoods shall include at least one vehicular parking space for each dwelling unit plus one designated guest parking space for every four dwelling units. In no instance shall a parking area be located between a dwelling and the centrally-located green, lawn, or garden area.
9. The pocket neighborhood may include a shared parking area that accommodates all resident and guest parking.
10. Each individual dwelling shall have at least 40 square feet of covered or enclosed storage space outside the dwelling's heated floor area. Storage space may be located on an individual lot or on common land or within a common building. Storage space located outside of an enclosed building and on common land within the development shall comply with the requirements for outdoor storage in Section 6.6.14, Screening~~Screening~~.
11. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

C. DWELLING UNIT CONFIGURATION

1. A dwelling unit in a pocket neighborhood shall not exceed 1½ stories, or 24 feet, above grade.
2. No dwelling unit shall be more than 2,000 square feet in floor area.
3. At least two dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.

D. OWNERS' ASSOCIATION

A pocket neighborhood shall include a homeowners' or property owners' association established and configured in accordance with Section 6.8, Owners' Associations~~Owners' Associations~~, that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood.

~~4.3.103~~4.3.102 PSYCHIATRIC SERVICES

A. A psychiatric services use may only be operated in accordance with a valid State license and all applicable State requirements.

B. The use shall be located on a site with a minimum area of one acre plus an additional 1,000 square feet per patron at total capacity.

C. The use shall front a collector or higher classification street.

D. Outdoor gathering, therapy, or recreation areas shall be located behind the rear building line of the principal structure unless such placement would place outdoor activities closer to a street or residential use.

E. In cases where a psychiatric services use provides services to patrons who are considered a danger to themselves or others under State law, the use shall either:

1. Be fully surrounded by a fence or wall with a minimum height of six feet equipped with anti-climbing mechanisms and locking gates; or
2. Include 24-hour on-site security.

~~4.3.104~~4.3.103 RAIL RELATED USE

Outdoor storage of goods or materials and outdoor activity areas shall be screened in accordance with Section 6.6.14, Screening~~Screening~~.

~~4.3.105~~4.3.104 RECREATIONAL VEHICLE PARK

A. GENERALLY

1. No recreational vehicle space shall be used as a permanent residence. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to constitute a permanent residence.
2. The park shall meet the standards for adequate fire protection as established by the latest edition of the National Fire Protection Association Bulletin No. 501-A.
3. Any action toward removal of wheels of a travel trailer except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes shall be prohibited.
4. Secondary uses, including management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures shall be clearly incidental to the operation of the park.
5. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards.
6. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with gravel, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
7. There shall be at least one off-street parking space for each RV site.
8. All garbage and refuse shall be stored in a suitable water-tight and fly-tight standard garbage receptacle and shall be kept covered with tight-fitting covers.
9. At least one such receptacle shall be provided and conveniently located for every RV site, except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles.

B. DIMENSIONAL REQUIREMENTS

1. Minimum density shall be limited to 15 sites per gross acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
2. In no case shall any recreational vehicle site contain less than 1,500 square feet.
3. Sites shall be level and well-drained.
4. Recreational vehicles shall be separated from each other and from other structures within the RV park by at least 10 feet.
5. The minimum setback of any building, structure, or recreational vehicle site from a public street right-of-way shall be the same as that required for the zoning district in which the park is located. The minimum setback from any private, interior street shall be 20 feet from the edge of pavement.
6. The recreational vehicle park shall maintain a minimum perimeter setback of at least 50 feet from perimeter lot lines.

~~4.3.106~~4.3.105 RECYCLING CENTER

A. A recycling center shall be surrounded by an opaque fence or wall of at least six feet in height along all sides of the site except between the principal structure and the street it faces.

B. In no instance shall any outdoor storage take place between a principal or secondary structure and the street that gives the site its street address.

C. Recycled batteries must be stored in non-porous containers.

D. All loading and storage areas shall be diked to prevent runoff/spill contamination.

E. Recycled motor oil and grease shall be stored in above-ground tanks in accordance with the adopted NC Fire Code and associated appendices.

~~4.3.107~~4.3.106 RELIGIOUS INSTITUTION

A. GENERAL REQUIREMENTS

1. Each principal and secondary use types, including cemeteries, shall comply with all applicable use and off-street parking standards for each principal and secondary use included within the development.
2. Outdoor recreation areas shall be fenced with a fence of at least four feet in height.
3. Vehicles associated with the use shall be parked within designated parking areas meeting the applicable standards in Section 6.9.4, Off-Street Parking Requirements~~Off-Street Parking Requirements~~.
4. On-site residential facilities for members of the clergy and their families are permitted as a secondary use, but no other residential activity or overnight lodging shall be permitted.
5. Religious institutions proposed as part of a multi-tenant building shall maintain a minimum number of designated off-street parking spaces as are required for the use in Section 6.9.4, Off-Street Parking Requirements~~Off-Street Parking Requirements~~.
6. Religious institutions that are part of a multi-tenant development shall not include outdoor activity, and shall be configured so that congregants or visitors to the institution have adequate space to gather or wait indoors rather than outside the use.

B. ADDITIONAL STANDARDS FOR RELIGIOUS INSTITUTIONS WITH TWO OR MORE SERVICES PER DAY

1. Religious institutions that conduct two or more different worship services in any given 24-hour period or that are configured with a seating capacity of 300 or more in any single sanctuary shall comply with the following additional standards:
   a. Be located on a lot or site of at least five acres in buildable area;
   b. Be served with direct access from a collector or higher classification street;
   c. Ensure that all principal structures maintain a minimum distance of at least 50 feet from perimeter lot lines and secondary uses maintain a minimum distance of at least 20 feet from perimeter lot lines; and
   d. Include a type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.
2. Outdoor recreation areas shall be fenced with a fence of at least four feet in height.
3. Vehicles associated with the use shall be parked within designated parking areas meeting the applicable standards in Section 6.9, Parking and Loading~~Parking and Loading~~.
4. On-site residential facilities for members of the clergy and their families are permitted as a secondary use, but no other residential activity or overnight lodging shall be permitted.
5. Uses that have or are intended to have more than one worship ceremony or meeting within any two-hour window shall provide overflow parking at one space for every four persons of maximum fire-rated occupancy in addition to the standard parking requirements Section 6.9.4, Off-Street Parking Requirements~~Off-Street Parking Requirements~~.

~~4.3.108~~4.3.107 REPAIR SHOP

A. All repair uses shall limit repair activities to those occurring indoors.

B. Gun repair shops shall limit repair activities to entirely within enclosed structures and may include testing facility for firearms, provided:

1. The facilities are constructed in accordance with all applicable laws and regulations;
2. The facilities include acoustical apparatus and/or materials that prevent any noise or disturbance to the owners and/or occupants of the adjoining properties; and
3. The facilities are not used as a shooting range for target practice or the testing of marksmanship skills.

C. Retail sales may take place as a secondary use, but no outdoor display or sales area shall be permitted.

~~4.3.109~~4.3.108 RESEARCH AND DEVELOPMENT

A. Research and development uses shall not include any retail or wholesale sales activities.

B. No residential activity other than a caretaker or security guard quarters shall be included as part of a research and development use.

C. All outdoor storage shall be screened in accordance with Section 6.6.14, Screening~~Screening~~.

D. Outdoor testing, development, assembly, or similar outdoor activity may only take place of site of 10 acres in area or larger.

E. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference on adjacent residentially zoned land.

F. When located within a MXD, OFI, NCM, CRM, or conditional zoning district, the use shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~.

~~4.3.110~~4.3.109 RESIDENTIAL TREATMENT FACILITY

A. A lot containing a residential treatment facility shall not be located within one-half mile (2,640 feet) of another lot containing a family care home, group home, halfway house, or other residential treatment facility.

B. The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities.

C. A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines shared with a residential zoning district.

D. The number of occupants in a residential treatment facility shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable county regulations and State requirements.

E. The principal structure(s) shall maintain a residential appearance compatible with its surroundings when proposed in a residential district.

F. The use shall meet all State requirements, as well as all applicable housing and building code requirements.

G. The use shall comply with the standards in Section 6.2.4, Multi-Family Design Standards~~Multi-Family Design Standards~~.

~~4.3.111~~4.3.110 RESTAURANTS

All restaurant use types shall comply with the following requirements:

A. A restaurant shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential zoning district.

B. Restaurants having outdoor seating or gathering areas (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the standards in Section 4.5.5U, Outdoor Dining or Seating~~Outdoor Dining or Seating~~.

C. Restaurants with drive throughs shall comply with the standards in Section 4.5.5K, Drive-Through~~Drive-Through~~.

D. Except in the Downtown districts, walk-up restaurants shall incorporate outdoor dining areas approximate to the window where food or beverages may be picked up.

~~4.3.112~~4.3.111 RETAIL, GENERAL

A. Nothing shall limit the placement of retail use within a unified development or mixed-use development, provided the development meets the minimum size and access requirements for unified developments or mixed uses, as appropriate.

B. Such uses shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~, including the standards for large format retail establishments, if applicable.

C. Wholesale sales, manufacturing, assembly of raw materials, or on-site consumption of products shall not take place as part of a general retail use.

D. Outdoor display and sales may be permitted as a secondary use, subject to the standards in Section 4.5.5V, Outdoor Display/Sales~~Outdoor Display/Sales~~, provided such display and sales areas:

1. Comply with locational requirements;
2. Do not interfere with safe vehicular or pedestrian circulation; or
3. Obstruct the proper function of stormwater control measures.

E. All outdoor storage shall be screened in accordance with the applicable standards in Section 6.6.14, Screening~~Screening~~.

F. Outdoor storage of any kind, including storage within containers, shall not exceed the height of the principal structure.

G. All drive throughs and canopies shall comply with the standards in Section 4.5.5K, Drive-Through~~Drive-Through~~, and Section 4.5.5G, Canopies (Drive Through and Fuel, etc.)~~Canopies (Drive Through and Fuel, etc.)~~.

~~4.3.113 RETAIL, LARGE FORMAT~~

~~**A.** Large format retail uses shall comply with the standards in Section 6.2.5G, Retail, Large Format.~~

~~**B.** Outdoor display and sales areas shall comply with the standards in Section 4.5.5V, Outdoor Display/Sales.~~

~~**C.** Outdoor storage areas shall comply with the standards in Section 4.5.5W, Outdoor Storage.~~

~~**D.** In cases where a large format retail use includes outparcels with other use types, those uses shall not be subject to the standards for large format retail uses unless they meet the minimum size thresholds.~~

~~**E.** Large format retail uses shall not engage in wholesale sales activity.~~

~~**F.** Large format retail uses engaged in sales of bulky items shall also comply with the standards in Section 4.3.22, Bulky Item Sales.~~

~~4.3.114~~4.3.112 RETAIL, MICRO

A. Micro retail uses shall be limited to no more than ten separate tenants or establishment spaces per use.

B. Outdoor sales and display is permitted in accordance with Section 4.5.5V, Outdoor Display/Sales~~Outdoor Display/Sales~~, but all outdoor display or sales shall take place in a single central area that serves all micro retail tenants.

C. Off-street parking standards shall be in accordance with the requirements for micro retail uses rather than the individual tenants.

~~4.3.115~~4.3.113 SALVAGE AND JUNKYARD

A. The minimum area required to establish a salvage and junkyard shall be five acres.

B. The operations of salvage and junkyards shall not be any closer than 300 feet to any residential lot line, school, hospital, congregate care home, or day care facility.

C. All portions of a salvage or junkyard containing junked or wrecked vehicles, inoperable vehicles, or operable vehicles used for parts shall be fully screened in accordance with Section 6.6.14, Screening~~Screening~~.

D. All screening shall be maintained in a sound and stable manner for the life of the operation.

E. Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest lot line. Operations that produce noise that is audible on off-site areas shall not take place on Sundays, holidays, or at any time between the hours of 6:00 PM and 7:00 AM.

F. No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line; nor will any vibration produce a particle velocity of 2.0 inches per second measured at or beyond the property line.

G. Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne shall be kept to a minimum by paving, sodding, oiling, wetting, covering, or other means such as to render the surface wind resistant.

H. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.

I. Salvage and junkyard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.

~~4.3.116~~4.3.114 SCHOOL, ELEMENTARY OR MIDDLE

A. Elementary and middle schools shall be located on sites of three acres or more.

B. Outdoor recreation areas shall be surrounded by a fence at least four feet in height.

C. A middle school shall include a Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines shared with a residential district.

~~4.3.117~~4.3.115 SCHOOL, HIGH

A. A high school shall be located on a lot or site of at least five acres in area.

B. A Type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines shared with a residential district.

C. Outdoor recreation areas that include illumination shall comply with the standards in Section 6.4, Exterior Lighting~~Exterior Lighting~~.

D. Outdoor storage shall be screened in accordance with Section 6.6.14, Screening~~Screening~~.

~~4.3.118~~4.3.116 SCHOOL, VOCATIONAL

Facilities within a vocational school which generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, or manufacturing processes, and that are adjacent to a residential district shall be at least 300 feet from any lot line abutting the residential district.

~~4.3.119~~4.3.117 SEXUALLY-ORIENTED BUSINESS

A. No sexually-oriented business shall be located within 1,000 feet of a religious institution; elementary, middle, or high school; residentially-zoned property, any establishment serving on-premises beverages requiring an ABC license, or any other sexually-oriented business.

B. There shall be no more than one such use on the same property or in the same building or structure.

C. Except for permanent signage as permitted in Section 6.13, Signage~~Signage~~, there shall be no advertisement, promotional materials, displays, or temporary signs visible to the public from public rights-of-way.

~~4.3.120~~4.3.118 SINGLE-FAMILY ATTACHED DWELLING

Single-family attached dwellings shall comply with the following standards:

A. A single-family attached dwelling development of more than eight units shall be served with access from a collector or higher classification street.

B. Except in the DTNC, DTNN, or DTNT districts, individual single-family attached dwelling buildings with more than eight units in a single row shall be served by alleys located to the rear of the building. **AMENDED 9.16.24 (UDOTA2-24)**

C. In the DTNC, DTNN, or DTNT districts, all lots of less than 50 feet in width shall be served by alleys located to the rear of the building, regardless of the number units in a single row. **AMENDED 9.16.24 (UDOTA2-24)**

D. Each single-family attached dwelling shall have at least one party wall shared fully or partially within another single-family attached dwelling.

E. A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.

F. Attached garages are prohibited for one-story single-family attached dwellings.

G. Detached garages serving single-family attached dwellings shall be located behind the rear building line of the dwelling they serve, or shall be located on common land. In no instance shall a detached garage be located closer than 20 feet to the closest edge of an alley, right-of-way, vehicular travel way, or pedestrian access.

H. In no instance shall a single-family attached dwelling with off-street parking located between the front of the building and the street it faces be located closer than 25 feet from the edge of a right-of-way, sidewalk, or other pedestrian access.

I. In cases where a single-family attached dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than 20 feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.

J. Principal buildings shall be setback from parking lots, private streets, and driveways on common land by at least 10 feet, as measured from back of curb or edge of pavement (if no curb is proposed).

K. All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.

L. All single-family attached dwelling developments shall provide private common open space in accordance with Section 6.7.1D, Minimum Open Space Set-Aside Requirements~~Minimum Open Space Set-Aside Requirements~~, and shall include an owners' association established in accordance with Section 6.8, Owners' Associations~~Owners' Associations~~.

M. Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.

N. A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with Section 6.1, Access and Circulation~~Access and Circulation~~.

O. A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines shared with a residential district that has a lower maximum residential density.

P. Single-family attached dwelling development may take advantage of available residential density bonuses for voluntary compliance with the applicable provisions in Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~.

Q. Single-family attached dwelling units configured as condominiums shall comply with the following standards:

1. Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
2. Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.
3. Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be recorded in the office of the Register of Deeds for the county where located.

~~4.3.121~~4.3.119 SINGLE-FAMILY DETACHED DWELLING

A. Modular homes shall comply with the standards in NCGS§ 160D-911, and shall be treated as site-built single-family detached structures.

B. A single-family detached dwelling shall meet all applicable State Building Code standards for one-family homes, including minimum room size and ceiling clearance requirements.

C. Single-family detached dwellings located on lots 55 feet wide or less established after January 2, 2024, shall be served by alleys configured as private streets that are configured in accordance with the applicable standards in this Ordinance. Developments of five or fewer single-family detached structures on contiguous lots are exempted from this requirement.

D. Single-family detached dwellings constructed in a conditional zoning district shall comply with the standards in Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~.

E. Single-family detached development in all other conventional districts may comply with Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~, with the consent of the landowner(s) at the time of application to establish the development.

F. Single-family detached dwelling development may take advantage of available residential density bonuses for voluntary compliance with the applicable provisions in Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~.

~~4.3.122~~4.3.120 SMALL WIRELESS FACILITY

See Section 4.3.126, Telecommunications Facilities~~Telecommunications Facilities~~.

~~4.3.123~~4.3.121 SOLAR ENERGY CONVERSION, LEVEL 2 OR 3

A Level 2 or 3 solar energy conversion use shall comply with the standards in NCGS§ 160D-911, and the following:

A. The facility shall be on a site of at least one acre in area.

B. Signage shall be limited to ownership and contact information, and any other information required by State or federal government regulation.

C. Commercial advertising is prohibited.

D. The entire facility shall be enclosed by a fence of at least six feet in height with a locking gate.

E. Equipment shall be configured so as not to create glare or shadows on adjacent lands.

F. A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines shared with a residential district.

~~F.~~G. Applications for establishment of a new or expansion of an existing level 2 or 3 solar energy conversion use shall include a copy of the NCDEQ-approved decommissioning plan and documentation of the required financial assurance provided to NCDEQ in accordance with NCGS§ 130A-309.240. [63]

~~4.3.124~~4.3.122 STORAGE, INDOOR

Indoor storage uses include "self-storage" use types, and shall comply with the following standards:

A. The use shall be located on a lot or site of at least two acres in area.

B. All storage shall be contained within a fully enclosed building. Outdoor storage may be permitted as a secondary use in accordance with the standards in Section 4.5, Secondary Uses~~Secondary Uses~~.

C. External-access only storage buildings shall not exceed 20 feet or one story in height; indoor-only storage buildings with shared ground-floor entrances may exceed one story height but shall remain subject to the applicable zoning district standards.

D. No activity other than storage shall take place within a storage unit.

E. The following uses and activities shall be prohibited as a part of indoor storage:

1. Habitation of storage units by humans or animals;
2. Storage of hazardous, toxic, or explosive substances;
3. Commercial, wholesale, or retail sales, flea markets or peddling, or miscellaneous or garage sales;
4. Servicing, repair, or fabrication of vehicles or equipment;
5. Operation of power tools, except when needed for maintenance of the use; or
6. Operation of a transfer-and-storage business.

F. In no instance shall a tractor trailer be used for storage except as part of active construction of a principal or secondary use.

G. Nothing shall prohibit the indoor storage use from conducting a quarterly one-day sale of abandoned or stored materials to settle unpaid storage bills in accordance with State regulations.

~~4.3.125~~4.3.123 STORAGE, OUTDOOR (AS A PRINCIPAL USE)

A. The extent of the outdoor storage area shall be clearly delineated on an application for establishment of the use.

B. Except in the LID, HID, and CZI districts, no outdoor storage shall be permitted between the front façade walls of a building and the street it faces.

C. No outdoor storage area shall be located within a perimeter buffer required in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, or a streetscape buffer in accordance with Section 6.6.17, Streetscape Buffers~~Streetscape Buffers~~.

D. Outdoor storage areas abutting a street right-of-way, public park, or greenway shall be screened by at least a type A perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, along with a fully opaque fence or wall of the maximum height permitted in the zoning district where located. The fence or wall shall be located between required plantings and the outdoor storage area.

E. In cases where an additional buffer is required by these standards and the lot is also required to provide a perimeter or streetscape buffer, the plant material required for the additional buffer shall be integrated with other required plantings, but the required fence shall be located between the plantings and the storage area.

[63] See STN# 3.

F. Flammable liquids or gas containers in excess of 1,000 gallons shall be stored underground.
G. No materials shall be stored in areas intended for vehicular or pedestrian circulation.
H. No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.
I. Outdoor storage areas shall be paved or surfaced with gravel.
J. In no instance shall a tractor trailer be used for storage except as part of active construction of a principal or secondary use.

~~4.3.126~~4.3.124 TANNING SALON

All activities shall take place within an enclosed structure.

~~4.3.127~~4.3.125 TATTOO & PIERCING ESTABLISHMENT

A. All activity shall take place within an enclosed structure.
B. Tattoo and piercing establishments shall obtain all required State and local licenses and permits.
C. Windows and glass doors shall not be obstructed with tinting or other coatings that prevent visibility into the establishment.
D. The use shall maintain proper sharps and biohazard disposal protocols, including tamper-proof containers for these types of wastes when located outdoors in areas accessible by the public.

~~4.3.128~~4.3.126 TELECOMMUNICATIONS FACILITIES

Major, minor, and concealed telecommunications towers, as well as antenna collocations, and small wireless facilities shall comply with the standards in NCGS Chapter 160D Article 9, Part 3, and the following standards:

A. PURPOSE AND INTENT

This section establishes general standards for the siting of telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the Town's jurisdiction have reliable access to telecommunications services. More specifically, the provisions of this section are intended to:

1. Ensure adequate protection of residential areas and uses from potential adverse impacts of telecommunications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;
2. Encourage the placement of telecommunications facilities in non-residential areas;
3. Minimize the number of new telecommunications towers taller than 30 feet in height;
4. Create conditions where telecommunications service providers are able to provide telecommunications services effectively and efficiently in accordance with State and federal law;
5. Strongly encourage the joint use or collocation of new and existing telecommunications facilities so as to minimize the number of new telecommunications towers throughout the Town;
6. Establish collocation and concealed towers as the preferred options for the accommodation of telecommunications equipment; and
7. Ensure that telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

B. APPLICABILITY

The standards in this section shall apply to all telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

b. Any equipment or materials not used in direct support of such operation shall not be stored on the site.

7. SITE GRADING

Grading and vegetation removal for a telecommunications facility shall comply with the standards in Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~, and be limited to the area necessary for the facility and any required secondary structures, including: stormwater management devices, access drives, or off-street parking.

8. LIGHTING

a. Lighting of a telecommunications facility shall be limited to that required for compliance with FAA minimum standards.

b. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.

c. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

d. Lights serving equipment compounds or other service areas shall be configured so that the source of illumination is not visible from off-site areas.

e. All exterior lighting shall comply with the lighting regulations of this Ordinance.

9. SIGNAGE

a. Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary, in the opinion of the Town.

b. If the electrical service is in excess of 220 volts, the telecommunications facility shall include signs located at least every 20 feet around the perimeter that display the words "HIGH VOLTAGE – DANGER" in bold, high contrast letters with minimum height of four inches for each letter.

c. No signage shall be posted higher than 15 feet above grade.

d. Signage required by this section shall be considered to be safety or governmental signage that is not subject to 1st Amendment protection regarding the regulation of sign content.

10. UNAUTHORIZED ACCESS PROHIBITED

Telecommunications towers and vertical projections with telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the telecommunication facility whether through use of walls or fencing with a minimum height of six feet above adjacent grade and configured in accordance with the standards in Section 6.3, Fences and Walls~~Fences and Walls~~, or anti-climbing devices.

D. STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES

Table 4.3.127.1, Standards for Specific Types of Telecommunication Facilities, sets out the standards that apply to the identified type of telecommunications facility, and shall apply in addition to the standards in Section 4.3.126C, General Standards Applicable to All Types of Telecommunications Facilities~~General Standards Applicable to All Types of Telecommunications Facilities~~.

TABLE 4.3.127.2: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES			
2. TELECOMMUNICATIONS TOWER, CONCEALED AND MINOR			
New or replacement concealed, or minor telecommunications towers shall comply with the following standards:			
			

TABLE 4.3.127.3: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES	
3. COLLOCATION OF ANTENNAS	
Collocations, whether on a building wall or roof, a telecommunications tower, or on another vertical projection such as a water tank or electrical transmission tower, shall comply with the following standards:	
Collocations Distinguished	All collocations shall be classified as either a major collocation or a minor collocation in accordance with Section 8.3, Terms Defined~~Terms Defined~~, and the following: a. A major collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on any of the following: i. A building's roof; ii. A building's wall; iii. A vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing wireless telecommunications services; or iv. An existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and NCGS§ 160D-931. b. A minor collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and NCGS§ 160D-931, is required. A minor collocation may also be referred to

2. ABANDONMENT

a. The telecommunications facility shall be deemed abandoned if telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.

b. Upon determining that a telecommunications facility has been abandoned, the Town shall forward written documentation of the abandonment to the telecommunication services provider, or the owner of the land, if different.

3. REMOVAL

a. The Town may require the telecommunication services provider or the owner of the land, if different, to remove an abandoned telecommunications facility within 30 days of the date it is deemed abandoned.

b. Should the telecommunication services provider, or the owner of the land, if different, fail to remove the abandoned telecommunications facility within 30 days of the date that notice of abandonment is filed, the Town may cause the telecommunications facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the telecommunication services provider, or the owner of the land, if different.

~~4.3.129~~4.3.127 THEATRE, INDOORS

A. Ticket purchase areas shall be configured so that patron ques take place entirely indoors or in outdoor gathering areas that do not impede the movement of pedestrian, bicycles, or vehicles.

B. All exits, including emergency exits, shall be served with sidewalks or pedestrian walkways configured so that patrons may exit the building within the need to walk in parking lot drive aisles or streets.

C. Theatres that include restaurants or sit-down dining facilities shall comply with all applicable requirements in Section 4.3.110, Restaurants~~Restaurants~~.

~~4.3.130~~4.3.128 THEATRE, OUTDOORS

A. The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor theater.

B. The amount of noise generated shall not disrupt the activities of the adjacent land uses.

C. Principal access must be from a collector or higher classification street.

D. No part of any theater screen, projection booth, or other building shall be located closer than 500 feet to any residentially zoned property or any closer than 50 feet to any other property line or public street right-of-way.

E. No parking space shall be located closer than 100 feet from any residentially-zoned property.

F. The theater screen shall not face a collector or higher classification street.

~~4.3.131~~4.3.129 TOBACCO, CBD, AND VAPOR SHOP

A. PURPOSE

The regulation of tobacco, CBD, and vapor shops is necessary in the interest of protecting public health, safety, and welfare as the uncontrolled expansion of such uses throughout the Town would result in undesirable impacts, including:

1. The potential for unlawful sale of tobacco and related products to minors;
2. An increased opportunity for the sale of illegal drug paraphernalia marketed as tobacco paraphernalia; and
3. The heightened risk of negative aesthetic impacts and loss of property values of residential neighborhoods and businesses in close proximity to such uses.

B. STANDARDS

Tobacco, CBD, and vapor shops, as defined by this Ordinance, shall be subject to the following standards:

1. Such uses shall secure and maintain all licenses and permits, including licenses to sell vapor products, required by the State prior to operation;
2. Such uses shall be separated from the following use types by at least 1,000 linear feet:
   a. A bar, cocktail lounge, or private club;
   b. A child day care;
   c. A community center;
   d. A library;
   e. A museum;
   f. A nightclub or dance hall;
   g. A park or play (whether public or private);
   h. A religious institution;
   i. A school (elementary, middle, or high);
   j. A sexually-oriented business; or
   k. Another tobacco, CBD, or vapor shop;
3. No smoking shall be permitted on the premises at any time; and
4. No outdoor storage, outdoor activity areas, or outdoor vending machine sales of tobacco, CBD, or vapor products may take place on the site.

C. DESIGNATION

1. Except for a grocery store use of 10,000 square feet of floor area or more, these standards shall be applied to any retail use type engaged in the sale of tobacco, tobacco products, electronic cigarettes, and related products where the lesser of five percent or 500 square feet or more of the use's gross floor area is for the display, sale, distribution, delivery, offering, furnishing, or marketing of cigarettes, tobacco, electronic cigarettes, or any related product.
2. Grocery store uses of 10,000 square feet of floor area or more that meet the definition of a grocery store in this Ordinance shall not be considered a tobacco, CBD, or vapor shop despite the retail sale of cigarettes, tobacco, electronic cigarettes, or any related product.

~~4.3.132~~4.3.130 TRANSFER STATION

A. All structures, buildings, and landfilling operations shall be a minimum of 500 feet from a residential zoning district.
B. Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residential district.
C. Access to the facility shall be by way of a collector or higher classification street.
D. Entrances shall be controlled to prevent unregulated access to the facility.
E. Access streets leading to any part of the facility shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
F. No part of access streets shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.
G. An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.

H. The siting and design of the facility shall comply with the applicable requirements of the NC Solid Waste Management Rules.

I. The operation of the facility shall maintain compliance with the State of North Carolina's operation, maintenance, and monitoring regulations for solid waste disposal facilities.

~~4.3.133~~4.3.131 TRIPLEX OR QUADPLEX

A. Triplex and quadplex dwellings shall comply with the following:

1. Use of a single shared primary entrance serving all of the individual dwelling units is strongly encouraged. If a single shared entrance is not practical or possible, then consolidation of individual dwelling unit entrances into shared entrances is encouraged.
2. At least one primary entrance of the structure shall face the street from which the structure derives its street address.
3. Except for through lots, if a parking lot is provided, it shall be located to the interior side or rear of the dwelling and not be located between the dwelling and a street. Through lots are exempted from this requirement, but shall not locate a parking lot between the primary entrance and the street from which the structure derives its street address.
4. Attached garages or carports shall be located to the side or rear of the principal structure.
5. When a triplex or quadplex dwelling is on a corner lot, the use may include two separate driveways on different lot frontages, provided each driveway is configured in accordance with Section 6.1, Access and Circulation~~Access and Circulation~~, and all applicable Town or State standards related to driveway placement and street access.
6. In no instance shall a lot with a triplex or quadplex include more than one recreational vehicle, inoperable vehicle, or trailer, all of which shall be located in accordance with the applicable standards in Section 4.5, Secondary Uses~~Secondary Uses~~.
7. Up to one detached secondary structure may be permitted on a lot with a triplex or quadplex, and in no instance shall it contain an accessory dwelling unit.
8. A Type B perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

B. Triplex and quadplex dwellings constructed in a conditional zoning district shall comply with the standards in Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~.

C. Triplex and quadplex development ~~in all other conventional districts are strongly encouraged~~in structures exceeding two stories in height shall ~~to~~ comply with Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines, with the consent of the landowner(s) at the time of application to establish the development~~.[64]

~~4.3.134~~4.3.132 UPPER-STORY DWELLING

A. Except within the Downtown districts, an upper-story dwelling unit shall occupy the second or higher floor of a building with a non-residential use on the ground floor.

B. In the Downtown districts, nothing shall limit the placement of residential floor area on the ground or basement floor provided:

1. The non-residential portion of the building occupies the front façade of the street-level ground floor; and
2. The non-residential portion of the use has its own entrance, or the building has a shared primary entrance.

C. Upper story dwelling units are subject to the dimensional requirements for non-residential development in the zoning district where located.

[64] See STN # 3.

D. Buildings containing upper-story dwelling units shall comply with the standards in Section 6.2.3, Mixed-Use Design Standards~~Mixed-Use Design Standards~~.

E. Upper-story dwellings configured as condominiums shall comply with the standards in Section 4.3.86J, Condominiums~~Condominiums~~.

~~4.3.135~~4.3.133 URGENT CARE

A. An urgent care use shall have direct access to a collector or higher classification street.

B. All activity shall take place within an enclosed structure.

C. A six-foot-high opaque fence or wall shall be erected along all lot lines shared with a residential zoning district.

D. The use shall maintain proper sharps and biohazard disposal protocols, including tamper-proof containers for these types of wastes when located outdoors in areas accessible by the public.

E. The uses shall comply with the standards in Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~.

~~4.3.136~~4.3.134 UTILITY, MAJOR

Major utilities shall comply with the standards in this section, but these standards are not applied to minor utility use types.

A. All structures, buildings, or enclosed areas used for the operation of a wastewater treatment facility shall be a minimum of 300 feet from a residentially zoned lot.

B. Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residential district, unless located on a special purpose lot.

C. Security fencing, a minimum of six feet in height, shall be provided around the perimeter of the use.

D. A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.

~~4.3.137~~4.3.135 VEHICLE PAINTING/ BODYWORK

A. The use shall be located at least 250 feet from any residential district, school (except vocational schools), or public recreation area.

B. Vehicles shall not be parked or stored as a source of parts.

C. No vehicle sales or rental shall be permitted.

D. Repair of all vehicles shall occur within an enclosed building. In no instance shall any activity that results in airborne particulates, including painting, sanding, or application of coatings, take place outdoors.

E. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height.

~~4.3.138~~4.3.136 VEHICLE PARTS AND ACCESSORY SALES

A. No vehicle sales or rental shall be permitted.

B. No vehicle repairs shall take place as part of a vehicle parts and accessory sales use.

C. No vehicles or parts shall be stored outside, and all storage shall take place within an enclosed structure.

~~4.3.139~~4.3.137 VEHICLE REPAIR AND SERVICE (NO PAINTING/ BODYWORK)

A. No vehicle sales or rental shall be permitted, but sales of parts or accessories may take place as a secondary use.

B. Service bay doors shall not be oriented toward land in a residential zoning district.

C. All repair or service operations, excluding washing, shall be conducted entirely within a fully enclosed building. Nothing shall limit the opening of bay doors during hours of operation.

D. Outdoor storage of vehicles shall comply with the applicable standards in Section 6.6.14, Screening~~Screening~~. Outdoor parking of vehicles outside of hours of operation shall be considered outdoor storage subject to applicable screening requirements.

E. There shall be no dismantling of vehicles for salvage.

F. The temporary storage of impounded vehicles is prohibited.

~~4.3.140~~4.3.138 VEHICLE SALES AND RENTAL

A. Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone.

B. No vehicles or other similar items shall be displayed on the top of a building.

C. Vehicle display areas shall provide landscaping in accordance with Section 6.6.12, Off-Street Parking Lot Landscaping~~Off-Street Parking Lot Landscaping~~, when abutting public or private street rights-of-way.

D. All lights and lighting shall be designed and arranged so no source of illumination is directly visible from any adjacent property.

E. Repair and service functions are permitted as an secondary use provided all repair-related activities take place entirely within an enclosed building.

F. Outdoor parking of vehicles being serviced shall only take place within an area that complies with the applicable requirements in Section 6.6.14, Screening~~Screening~~.

~~4.3.141~~4.3.139 VEHICLE TOWING OR STORAGE

A. A maximum of no more than 100 vehicles at any one time shall be stored on the property.

B. All vehicles must be stored in a vehicle storage area depicted in an approved site plan.

C. All vehicles shall be operable, and no wrecked or junked vehicles shall be permitted.

D. The storage area shall be paved with asphalt, concrete, gravel, or other suitable all-weather surface to minimize dust emissions and the buildup of dirt, mud, and other debris. **AMENDED 9.16.24 (UDOTA2-24)**

E. All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.

F. Storage of vehicles shall comply with the applicable standards in Section 6.6.14, Screening~~Screening~~.

G. No recreational vehicle (RV) shall be used as a permanent residence or business. **AMENDED 9.16.24 (UDOTA2-24)**

~~4.3.142~~4.3.140 VEHICLE WASHING OR DETAILING

A. Equipment capable of producing noise or sound in excess of 70 decibels, including vacuums, shall be located no closer than 200 feet to the nearest lot line shared with residentially-zoned land.

B. No vehicle washing bays shall be located within 20 feet of a side or rear lot line.

C. No outdoor display of merchandise or outdoor storage shall be permitted. Storage of chemicals in containers larger than 55 gallons shall take place entirely underground.

D. No overnight storage of vehicles shall be permitted.

E. Outdoor drying and detailing areas shall include drains or other features that prevent the accumulation of rinse water or chemicals on a street right-of-way or in a roadway's drainage system.

F. Retail sales of gasoline or vehicle-related products may be permitted as a secondary use, subject to the applicable standards in Section 4.5, Secondary Uses~~Secondary Uses~~.

~~4.3.143~~4.3.141 VETERINARY SERVICES, LARGE ANIMAL

No pens or runs shall be located within 500 feet of a lot line.

~~4.3.144~~4.3.142 VETERINARY SERVICES, SMALL ANIMAL

A. All activities, except for pet rehabilitation or testing activities, shall take place entirely within an enclosed structure.

B. Outdoor activity areas shall be located to the side or rear of a structure unless such placement results in these areas having a closer proximity to a residential zoning district boundary.

C. Small animal veterinary service uses offering boarding shall comply with the standards in Section 4.3.7, Animal Boarding, Indoor Only~~Animal Boarding, Indoor Only~~.

D. Principal and secondary structures used for boarding or animal recuperation located on lots that border residential zoning districts shall be fully soundproofed.

E. Animal waste shall not be stored within 50' of any adjacent property.

F. The use shall maintain proper sharps and biohazard disposal protocols, including tamper-proof containers for these types of wastes when located outdoors in areas accessible by the public.

~~4.3.145~~4.3.143 WAREHOUSE, DISTRIBUTION AND STORAGE

A. A warehouse use shall have direct access to a collector or higher classification street.

B. An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.

C. No outdoor storage of products or materials shall be permitted.

D. Areas engaged in the storage of trucks or trailers shall be paved with asphalt, concrete, or other suitable all-weather surface to minimize dust emissions and the buildup of dirt, mud, and other debris.

E. Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

F. In cases where the lot is served by a rail line, buildings may reduce required side or rear setbacks in order to facilitate utilization of rail service.

G. No manufacturing or assembly activity shall be permitted.

~~4.3.146~~4.3.144 WHOLESALE SALES, INDOOR AND OUTDOOR

A. Except for above-ground storage tanks, outdoor storage areas shall be no closer than 50 feet to any adjoining OFI or residentially-zoned property.

B. Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residential district.

C. All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

D. A wholesale sales use shall have direct access to a collector or higher classification street.

E. An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.

F. Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA

30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

G. Above-ground outdoor storage tanks shall be subject to the following standards:

1. They shall be located at least 200 feet from any lot line.
2. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways.
3. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
4. Dikes or retaining walls shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head.
5. Earthen dikes three feet or more in height shall have a flat section at the top not less than two feet in width.
6. The slope shall be consistent with the angle of repose of the material of which the dikes are constructed.
7. Dikes shall be restricted to an average height of not more than six feet above the exterior grade unless means are available for extinguishing a fire in any tank.
8. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave.
9. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks.
10. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
11. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

~~4.3.147~~4.3.145 WIND ENERGY CONVERSION

A. No tower associated with a wind energy conversion use shall be located within 1,000 feet of land in a residentially-zoned district or a public park.

B. All ground-based equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.

C. All towers associated with a wind energy conversion use shall be set back a distance equal to one-and-one-half times the overall height of the tower and associated wind turbine blade.

D. All associated facilities other than towers and associated wind turbines shall be subject to the setback standards for the district where located.

E. Wind energy conversion uses shall utilize monopole or self-supporting towers.

F. All towers and turbines within the use shall maintain uniform design in terms of the following features:

1. Tower type;
2. Tower, turbine, and blade colors;
3. The number of blades per turbine; and
4. The direction of blade rotation.

G. The maximum height of a wind energy conversion use (including the tower and extended blades) shall be 300 feet.

H. The blade tip or vane of any wind energy conversion use shall have a minimum ground clearance of 50 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way.

4.4 PROHIBITED USES

4.4.1 PROHIBITED EVERYWHERE

A. The following use types are not listed in Table 4.2.5, Listing of Common Principal Uses, and are prohibited throughout the Town's planning jurisdiction in all zoning districts.

B. In cases where one or more of these uses is lawfully established and in operation prior to January 2, 2024, the use shall be subject to the provisions in Section 1.10, Transitional Provisions~~Transitional Provisions~~.

1. AGRICULTURAL USES

- **a.** Concentrated animal feeding operations; and
- **b.** Slaughterhouses, or offal and animal reduction.

2. COMMERCIAL USES

- **a.** Electronic gaming operations;
- **b.** Outdoor advertising or billboards, in accordance with Section 5.3.4, Amortization of Nonconforming Outdoor Advertising~~Amortization of Nonconforming Outdoor Advertising~~; and
- **c.** Outdoor shooting ranges.

3. INDUSTRIAL USES

- **a.** Acetylene gas manufacture;
- **b.** Acid manufacture;
- **c.** Ammonia, bleaching powder, or chlorine manufacture;
- **d.** Brick, tile, or terra cotta manufacture;
- **e.** Cellophane manufacture;
- **f.** Creosote manufacture or treatment plants;
- **g.** Distillation of bones, coal, petroleum, refuse, tar, or wood;
- **h.** Explosives, ammunition, fireworks, or gunpowder manufacture;
- **i.** Fat rendering, or production of fats and oils from animal or vegetable products by boiling or distillation;
- **j.** Glue and size manufacture;
- **k.** Hazardous materials handling or storage;
- **l.** Leather and leather products manufacturing involving tanning;
- **m.** Linseed oil, shellac, turpentine manufacture or refining;
- **n.** Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
- **o.** Oilcloth or linoleum manufacture;
- **p.** Ore reduction;
- **q.** Pulp mills;
- **r.** Storage or processing of radioactive or infectious waste; and
- **s.** Vinegar manufacturing.

4. INSTITUTIONAL USES

- **a.** Package treatment plant wastewater disposal systems that discharge to surface waters or that involve use of spray fields; and
- **b.** Correctional or detention facilities.

5. RESIDENTIAL USES

a. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters);
b. Use of a structure that does not comply with the applicable State Building Code requirements as a permanent, single-family dwelling; and
c. Use of a tent, recreational vehicle, or travel trailer as a permanent residence.

4.4.2 PROHIBITED BY OVERLAY DISTRICT STANDARDS

Regardless of how a use type is permitted or prohibited in Table 4.2.5, Listing of Common Principal Uses, if a lot or tract is located within one or more overlay zoning districts, any use type limitations in the overlay district standards (see Section 3.7, Overlay Zoning Districts~~Overlay Zoning Districts~~) shall control.

A. WATERSHED PROTECTION OVERLAY DISTRICT

The following uses are prohibited in the WPOD:

1. New demolition or sanitary landfills;
2. New sites for land application of residuals;
3. New sites for land application of petroleum-contaminated soils;
4. Collection, storage, or application of untreated sewage; and
5. Collection, storage, or application of industrial or other wastes.

B. FLOOD PROTECTION OVERLAY DISTRICT

1. The following uses are prohibited in designated floodways:
   a. Buildings, including manufactured homes;
   b. Any use that would cause any increase in base flood levels; and
   c. Accessory dwelling units within the regulatory floodplain.
2. The following development is prohibited in designated floodplains due to the North Carolina Flood Act of 2000:
   a. New solid waste disposal facilities;
   b. New hazardous waste management facilities;
   c. New salvage or junkyards; and
   d. New chemical storage facilities.

4.4.3 PROHIBITED AS SECONDARY USES

The following uses shall not be permitted as secondary uses within the Town's planning jurisdiction:

A. HOME OCCUPATIONS

In no instance shall a Type 1 or Type 2 home occupation include any of the following activities or use types:

1. Vehicle repair of any kind, whether to drive trains, body work, or other aspects;
2. Outdoor repair of any kind;
3. Outdoor storage of any kind;
4. Commercial nurseries or horticulture;
5. Food handling, processing, or packing with industrial-scale equipment;
6. Medical or dental labs;
7. Restaurants of any kind;

8. Sale, repair, manufacture, or discharge of firearms or explosives;
9. Bulk storage of flammable or hazardous liquids;
10. Funeral homes and mortuaries; and
11. Animal hospitals, boarding of animals as a commercial enterprise, and kennels operated as a commercial enterprise.

4.5 SECONDARY USES

4.5.1 ESTABLISHMENT OF A SECONDARY USE

A. Secondary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No secondary use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.

B. Except when indicated as a special use, a conditional zoning district use, or exempted in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a Zoning Compliance Permit in accordance with Section 2.3.33, Zoning Compliance Permit~~Zoning Compliance Permit~~. **AMENDED 4.15.24 (UDOTA1-24); 12.16.24 (UDOTA3-24)**

C. In cases where a secondary use or structure is identified as a special use in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a Special Use Permit in accordance with Section 2.3.23, Special Use Permit~~Special Use Permit~~.

D. In cases where a secondary use or structure is identified as a conditional use in Table 4.5.4, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a conditional rezoning in accordance with Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~. Applications to establish a conditional zoning district shall include a written list of proposed secondary uses which shall be attached to the application approval along with other conditions of approval.

E. Section 4.5.4, Listing of Common Secondary Uses~~Listing of Common Secondary Uses~~, may not be inclusive of all possible secondary uses, and in the event a secondary use is proposed that is not listed in the table, the Planning Director shall consult Table 4.2.5, Listing of Common Principal Uses, to determine if the proposed secondary use corresponds to a listed principal use. Any listed principal use is permitted as a secondary use in any zoning district where the principal use is permitted. In no instance shall a secondary use be permitted in a zoning district where it is prohibited as a principal use.

F. In the event a proposed secondary use is not listed in Table 4.5.4, Common Secondary Use Table, and there is no corresponding principal use, the Planning Director shall determine how to treat the secondary use in accordance with Section 4.7, Unlisted Uses~~Unlisted Uses~~.

4.5.2 INTENT OF THESE STANDARDS

This section authorizes the establishment of secondary uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of secondary uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.5.3 GENERAL STANDARDS FOR ALL SECONDARY USES

Secondary structures may deviate from these general standards and the specific standards in Section 4.5.5, Standards for Specific Secondary Uses~~Standards for Specific Secondary Uses~~, only where expressly authorized by this Ordinance, as part of an approved Variance or Administrative

Adjustment, are subject to conditions of approval associated with a type 3 Conditional Rezoning, or are configured in accordance with Section 3.5, Incentives and Alternatives~~Incentives and Alternatives~~.

A. CHARACTERISTICS OF SECONDARY USES AND STRUCTURES

Permitted secondary uses and structures include those that the Planning Director determines:

1. Are clearly incidental to an allowed principal use or structure;
2. Are subordinate to and serving an allowed principal use or structure;
3. Are subordinate in extent and purpose to the principal use or structure;
4. Are smaller in terms of total floor area or square footage than the principal structure; or
5. Are shorter in height and smaller in mass than the principal structure.

B. LOCATION OF SECONDARY USES AND STRUCTURES

1. ON A LOT WITH AN ESTABLISHED PRINCIPAL USE

a. Except on special purpose lots, secondary uses may only be established on lots that contain a pre-existing principal use. Some secondary uses or structures may be located on a lot during construction of a principal use when expressly permitted by this Ordinance.

b. Secondary uses may be located on a designated special purpose lot prior to a principal use.

c. A secondary use and the principal use it serves shall be located within the same zoning district.

2. WITHIN REQUIRED LANDSCAPING OR STREETSCAPE BUFFERS

Except for fences and walls contributing to the screening function of a buffer, no secondary structure shall be located within a required landscaping or streetscape buffer except where permitted in accordance with Section 6.6.15, Site Landscaping~~Site Landscaping~~, or Section 6.6.14, Screening~~Screening~~.

3. WITHIN A REQUIRED SETBACK

No secondary use or structure shall be closer to a side or rear lot line than 10 feet, except as authorized by Table 3.6.9, Allowable Encroachment into Setbacks. Secondary uses or structures shall comply with the street setbacks for the zoning district where located.
AMENDED 12.16.24 (UDOTA3-24)

4. WITHIN OTHER AREAS ON A SITE

No secondary use or structure shall:

a. Be located within a designated fire lane;

b. Obstruct required sight distance triangles;

c. Impede ingress or egress to a lot, site, or principal structure;

d. Be located within a public utility easement;

e. Interfere with drainage or stormwater control measures;

f. Be within an emergency access route designated on an approved site plan; or

g. Create an unsafe condition, in the sole opinion of the Planning Director or Engineering Director.

5. WITHIN AN EASEMENT (OTHER THAN A PUBLIC UTILITY EASEMENT)

a. No secondary uses or structures shall be located within a public utility easement.

b. Except for authorized stormwater control measures within a drainage easement, no secondary use or structure shall be located within any platted or recorded easement without the prior written consent of the landowner.

6. PROXIMITY TO A STREET

a. Except on lots of two acres in area or more, the following secondary uses or structures shall be no closer to a public street right-of-way than a principal structure on the same lot: **AMENDED 9.16.24 (UDOTA2-24)**

- **i.** Accessory dwelling unit;
- **ii.** Detached garage or carport;
- **iii.** Ham radio antenna or equipment;
- **iv.** Stables;
- **v.** Tool sheds;
- **vi.** Swimming pools or hot tubs;
- **vii.** Storage of an inoperable vehicle; or
- **viii.** Parking of a recreational vehicle, heavy truck, or trailer containing another vehicle, boat, or equipment.

b. When one of the secondary uses or structures listed in sub-section (a) above is proposed in front of a principal structure on a lot of two acres or more in area, it shall be setback at least twice the applicable street setback. **AMENDED 9.16.24 (UDOTA2-24)**

C. MAXIMUM SIZE

1. Except for in-ground swimming pools, secondary uses and structures shall be smaller in square footage, floor area, and use area than the principal structure they serve.
2. In-ground swimming pools may have a use area or volume greater than the principal structure they serve.
3. Barns, silos, green houses, and similar features serving as secondary structures to agricultural uses may exceed the total floor area or square footage of a principal single-family dwelling on the lot where the agricultural use is located.

D. ALLOWABLE HEIGHT

1. Secondary structures shall comply with the maximum building height requirements for the zoning district where located, except that secondary structures within 10 feet of a lot line shall not be taller than 15 feet.
2. Maximum height standards shall not apply to certain secondary structures in accordance with Section 3.6.4D, Exceptions~~Exceptions~~.

E. COMPLIANCE WITH DESIGN STANDARDS

1. Secondary uses and structures serving principle uses that are subject to the design standards or guidelines in Section 6.2, Design Standards and Guidelines~~Design Standards and Guidelines~~, shall comply with the design standards applied to the principal use they serve or shall employ exterior materials, colors, and architectural details that are configured to be complementary to the principal use, as determined by the Planning Director.
2. The degree to which proposed exterior materials, colors, and architectural details are configured in a complementary manner to a principal use shall be in the sole opinion of the review authority deciding the application.

F. COMPLIANCE WITH USE STANDARDS

1. Secondary uses shall only be permitted subject to all applicable standards in Section 4.5.5, Standards for Specific Secondary Uses~~Standards for Specific Secondary Uses~~.

2. In cases where a use type identified in Table 4.2.5, Listing of Common Principal Uses, is proposed as a secondary use, the secondary use shall also comply with all applicable standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~.

4.5.4 LISTING OF COMMON SECONDARY USES

A. TABLE AS GUIDE

Table 4.5.4, Listing of Common Secondary Uses, is established as a guide to identify the appropriateness of the more common secondary uses in each zoning district.

B. LISTED SECONDARY USES

Table 4.5.4, Listing of Common Secondary Uses, lists what types of secondary uses, structures, and activities are allowed in each of the zoning districts.

1. If a specific secondary use is allowed by-right, subject to issuance of a Zoning Compliance Permit, and any applicable secondary use-specific standards, the cell underneath the zoning district is marked with a "P".
2. If a specific secondary use is allowed subject to a special use permit, subject to any applicable secondary use-specific standards the cell underneath the zoning district is marked with a "S".
3. If the specific secondary use or structure is not allowed in a zoning district, the cell is blank (marked with a "•").
4. In the case of conditional development districts, if a secondary use is allowable subject to any applicable secondary use-specific standards, it is marked with an "C", and the secondary use must be identified in the application or approved conditions.

TABLE 4.5.4: LISTING OF COMMON SECONDARY USES

"C" = Permitted, subject to Section 2.3.7, Conditional Rezoning~~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~~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~~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
Accessory Dwelling Unit, Detached	P	P	P	P	P	•	•	P	P	P	•	•	•	•	•	•	•	C	•	•	•	•
Accessory Dwelling Unit, Internal	P	P	P	P	P	•	•	P	P	P	P	•	•	•	•	•	•	C	•	•	•	•
Amateur Ham Radio [2]	P	P	P	P	P	P	P	P	P	P	P	P	P	•	•	P	•	C	C	C	C	C
Art Installation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C
Automated Teller Machine	•	•	•	•	•	•	P	P	P	P	P	P	P	•	•	P	•	•	C	C	C	•
Bus Shelter [2]	•	•	•	P	P	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C
Canopy (Drive Through, Fuel, etc.)	•	•	•	P	P	P	P	•	•	•	P	P	P	P	•	P	P	C	C	C	C	C
Child Care, Incidental	P	P	P	P	P	P	P	P	P	P	P	P	P	•	•	P	P	C	C	C	C	C
Cluster Box Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C

TABLE 4.5.4: LISTING OF COMMON SECONDARY USES

"C" = Permitted, subject to Section 2.3.7, Conditional Rezoning~~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~~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~~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
Drive Through	•	•	•	•	•	•	P	•	•	•	P	P	P	P	•	S	P	C	C	C	•	C
Electric Vehicle Charging Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	•	P	P	C	C	C	C	C
Family Health Care Structure	P	P	P	P	P	P	P	P	P	P	•	•	•	•	•	P	•	C	C	•	C	•
Flagpole [2]	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, Type 1	P	P	P	P	P	•	P	P	P	P	P	P	•	•	•	•	•	C	•	•	•	•
Home Occupation, Type 2 **AMENDED 12.16.24 (UDOTA3-24)**	P	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	C	C	C	•	•
Membrane Structure[65]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Mobile Restaurant or Push Cart **AMENDED 9.16.24 (UDOTA2-24)**	•	•	•	•	•	•	•	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 **AMENDED 9.16.24 (UDOTA2-24)**	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•
Play Equipment [2]	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 **AMENDED 12.16.24 (UDOTA3-24)**	•	•	•	•	•	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[66]	P	P	P	•	•	•	•	•	•	•	•	•	•	•	P	•	P	C	•	•	•	•
Vehicle Repair (non-commercial)	P	P	P	P	•	•	P	•	•	•	P	P	P	•	•	•	•	C	•	C	•	•

[65] See STN # 28.
[66] See STN # 106.

TABLE 4.5.4: LISTING OF COMMON SECONDARY USES

"C" = Permitted, subject to Section 2.3.7, Conditional Rezoning~~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~~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~~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
Vehicle Towing or Storage **AMENDED 9.16.24 (UDOTA2-24)**	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	C	•	C

NOTES:
AMENDED 12.16.24 (UDOTA3-24)
[1] Unlisted secondary uses may be permitted in accordance Section 4.7, Unlisted Uses~~Unlisted Uses~~.
[2] Exempted from the requirement to obtain Zoning Compliance Permit.

4.5.5 STANDARDS FOR SPECIFIC SECONDARY USES

A. ACCESSORY DWELLING UNIT, DETACHED

A detached accessory dwelling unit (DADU) is permitted as secondary to a single-family detached dwelling, subject to the following standards:

1. No more than one DADU shall be located on a lot with a single-family detached dwelling;
2. A DADU shall not exceed 50 percent of the total amount of finished floor area in the principal structure;
3. A DADU shall be configured as a complete residential dwelling or housekeeping unit.
4. A DADU shall not exceed the height of the principal structure, but nothing shall limit an DADU from being located on a second or third story provided the structure complies with the applicable maximum height limitations in the district where located;
5. The DADU shall be located at least ten feet from the principal structure;
6. A DADU shall include at least one but not more than two off-street parking spaces;
7. A DADU and the principal dwelling shall have the same street address and mailbox;
8. A DADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit;
9. A DADU and the principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot); and
10. A DADU shall be served by shared water, sanitary sewer, gas, and electrical utilities.

B. ACCESSORY DWELLING UNIT, INTERNAL

An internal accessory dwelling unit (IADU) is permitted as secondary to a single-family detached dwelling only in accordance with the following standards:

1. No more than one IADU shall be located on a lot with a single-family detached dwelling;
2. The IADU shall be fully enclosed within the outer extents of the principal structure walls and roof, and shall not be located in a detached structure of any kind;
3. An IADU shall be configured as a complete residential dwelling or housekeeping unit;

4. An IADU shall not exceed 35 percent of the total amount of finished floor area in the principal structure;
5. An IADU and the principal dwelling shall have the same street address and mailbox;
6. An IADU and the principal dwelling shall utilize the same driveway;
7. An IADU shall include at least one but not more than two off-street parking spaces; and
8. An IADU shall be served by shared water, sanitary sewer, gas, and electrical utilities.

C. AMATEUR HAM RADIO

Amateur radio antennas shall comply with NCGS§ 160D-905 and the following:

1. Towers associated with an amateur ham radio operator or private television antenna shall not exceed 100 feet above grade;
2. Towers or antennas attached to a principal structure shall be located on a side or rear elevation; and
3. Freestanding towers or antennas shall be located behind the principal structure.

D. ART INSTALLATION

1. In no instance shall an art installation visible from a street or off-site area depict specified anatomical areas or specified sexual activities as defined by this Ordinance and the North Carolina General Statutes.
2. Public art or murals are exempted from the standards for signs, but shall be subject to any applicable adopted policy guidance and the following:
   a. A mural or public art installation shall require approval of a Zoning Compliance Permit in accordance with the standards in Section 2.3.33, Zoning Compliance Permit~~Zoning Compliance Permit~~, if proposed on private property or within a public street right-of-way. If a mural is inside a building or is not visible off-site areas, then no zoning compliance permit is required.
   b. A mural may be configured to include a wall sign provided:
      i. The wall sign is applied to the wall using a similar technique as is used for the mural;
      ii. The wall sign portion of the mural is clearly delineated to enable the Town to determine its compliance with applicable sign standards; and
      iii. The wall sign portion of the mural complies with the standards for a wall sign in accordance with Section 6.13.9, Permanent Sign Standards~~Permanent Sign Standards~~.
   c. Murals and public art shall be maintained and periodically cleaned, refreshed, or refurbished so that the mural remains visible and consistent with its approval.
   d. In the event the owner of a building with a mural no longer wishes to maintain the mural, it shall be removed or covered with paint or other material consistent with the existing exterior material on the building wall where the mural is located. In cases where an approved mural is removed or concealed, it may only be re-established through approval of a Zoning Compliance Permit in accordance with Section 2.3.33, Zoning Compliance Permit~~Zoning Compliance Permit~~.
3. Public art that is determined by the Planning Director to be a sign shall comply with the standards in Section 6.13.7I, Public Art as Signage~~Public Art as Signage~~.

E. AUTOMATED TELLER MACHINE (ATM)

1. An ATM designed for walk-up use and located in the exterior wall of a building, or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

2. If an ATM is designed for use by customers in their vehicles, it shall comply with the secondary use standards (including districts where permitted) in Section 4.5.5K, Drive-Through~~Drive-Through~~.
3. The overall character of an automated teller machine in terms of materials, colors, and architectural character shall be compatible with that of the principal structure.

F. BUS SHELTER

Bus shelters shall be configured in accordance with the applicable transit provider's specifications, but shall not be located within a public utility easement, a required sight distance triangle, or obstruct the passage of pedestrians along pedestrian facilities.

G. CANOPIES (DRIVE THROUGH AND FUEL, ETC.)

1. Canopies located between the front façade of a building and a street shall be arched, vaulted, or monopitch shed style, but shall not be flat or maintain a slope of 3:12 or less. This standard shall not apply to canopies located behind a principal structure and farther from a street right-of-way than the principal structure.
2. Supports or uprights for a canopy structure shall be clad in brick, masonry, or treated with some other architectural treatment compatible with the principal structure. In no instance shall supports or uprights take the form of a simple metal pole that is just painted.
3. The maximum height of the canopy may exceed the height of the principal building, but in no instance shall any signage associated with the canopy be higher above grade than would be permitted on the exterior wall of the adjacent principal structure.
4. The edge of the canopy structure shall be no closer than 15 feet from a lot line or right-of-way. The canopy setback requirement is not applied to internal lot lines located within a unified development.[67]
5. Exterior lighting associated with a fuel canopy shall comply with the requirements for shielding and glare control in Section 6.4, Exterior Lighting~~Exterior Lighting~~.

H. CHILD CARE, INCIDENTAL

1. An incidental child care or home day care for three or more children is permitted as a secondary use to an occupied residential dwelling unit provided it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet, as amended prepared by the NC Department of Health and Human Services.
2. Incidental child care uses shall obtain all applicable approvals from the State of North Carolina.
3. In cases where an incidental child care use is operated within a residential dwelling and includes more than five children or includes employees who do not reside in the principal dwelling the incidental child care use shall meet all the requirements in Section 4.5.5R, Home Occupation, Level 2~~Home Occupation, Level 2~~.

I. CLUSTER BOX UNIT

Cluster box units shall comply with the standards of the United States Postal Service and the following:

1. Cluster box units shall be located within one or more of the following locations:
   a. On land owned or maintained by an owners' association;
   b. Outside a public street right-of-way; or

[67] See STN # 102.

the residential lot shall include a fence or wall of at least six feet in height, regardless of the type of perimeter buffer required;

3. Drive-through windows, menus, or order boxes shall not be located on the primary façade of the building they serve;
4. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces;
5. Drive through lanes located adjacent to a public street right-of-way shall include screening configured in accordance with Section 6.6.12B, Perimeter Plantings~~Perimeter Plantings~~;
6. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure and comply with all applicable standards in Section 4.5.5G, Canopies (Drive Through and Fuel, etc.)~~Canopies (Drive Through and Fuel, etc.)~~; and
7. Drive throughs shall not be located within a Downtown district.

L. ELECTRIC VEHICLE (EV) CHARGING STATION

1. Electric vehicle (EV) charging station spaces shall be reserved for the charging of electric vehicles only and shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems.
2. A required accessible parking space may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
3. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
4. Equipment-capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
5. Transformers and similar equipment shall be screened in accordance with Section 6.6.14, Screening~~Screening~~.

M. FAMILY HEALTH CARE STRUCTURE

One family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in NCGS§ 160D-915 and the following:

1. STRUCTURE

A family health care structure is one that:

a. Is transportable and primarily assembled at a location other than the site of installation;
b. Is located on a lot with an existing single-family detached dwelling;
c. Is limited to one occupant who is a mentally or physically impaired person related to the caregiver;
d. Is used by a caregiver or legal guardian in providing care for one mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
e. Has no more than 300 square feet of gross floor area;
f. Is connected with water, wastewater, and electrical systems by branching service from the single-family detached dwelling;

e. Flagpoles shall not exceed a height of ~~25~~ 40 feet.[68]

3. Flags shall comply with the appropriate standards in Section 6.13.9, Permanent Sign Standards~~Permanent Sign Standards~~.

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.

Q. HOME OCCUPATION, LEVEL 1

1. The area set aside for a home occupation shall occupy no more than 25 percent of the gross floor area of a dwelling unit or of a secondary structure or 500 square feet, whichever is less.
2. No outside storage or display of materials, animals, or items associated with the home occupation is permitted. Nothing shall limit storage of such items within enclosed structures.
3. No goods, stock-in-trade, or other commodities shall be displayed.
4. The home occupation shall be conducted entirely within a dwelling unit or secondary structure. It must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence.
5. Permitted home occupations include, but are not limited to:
   a. Offices;
   b. Personal services;
   c. Day care of up to five children;
   d. Catering, provided food is prepared solely with residential-grade equipment;
   e. Tailoring; and
   f. Handcrafting, and similar vocations.
6. No on-site retail sales, except for goods made on the premises, are allowed. Nothing shall prohibit the digital sale of material for delivery off-site.
7. Sale of vehicles, including trailers, as a commercial activity is prohibited. For the purposes of this section, more than two vehicle sales per calendar year from the same lot shall be considered commercial activity. [69]
8. Activities shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
9. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located.
10. No one may be employed who is not an occupant of the residence.

[68] See STN # 23.
[69] See STN # 52.

~~10.~~11. Instruction in music, dancing, art, or similar subjects shall be limited to no more than five students at one time.

~~11.~~12. Signs for home occupations shall be limited to incidental signs permitted in residential zoning districts (see Section 6.13, Signage~~Signage~~).

R. HOME OCCUPATION, LEVEL 2

1. The level 2 home occupation shall be located on a lot or tract of one acre or more in area.
2. The total floor area of all buildings engaged in the home occupation shall not exceed the lesser of: 20% of the principal dwelling's floor area or 1,000 square feet.
3. All operations associated with the home occupation use shall maintain a minimum 50-foot setback from all lot lines.
4. A type C perimeter buffer configured in accordance with Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, shall be installed along all lot lines abutting a residential district.
5. All operations associated with the home occupation shall be located behind the rear building line of the principal dwelling.
6. The person operating the home occupation shall reside on the property.
7. No more than two persons shall be employed other than those residing on the property.
8. Establishment of a level 2 home occupation shall require review of a site plan in accordance with Section 2.3.22, Site Plan~~Site Plan~~, and the site plan shall indicate the location of outside storage, if any, the proposed number of vehicles to be parked on the lot, and methods of screening.
9. The home occupation shall not be operated between the hours of 9 PM to 6 AM.
10. Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, professional and business services, or stock-in-trade clearly incidental to such services.

S. MEMBRANE STRUCTURE [70]

Membrane structures shall comply with all applicable requirements in the State Building Code (including wind loading standards) and the following standards:

1. Membrane structures shall be limited to storage, and shall not be used for regular occupancy or special events for the gathering of people;
2. Membrane structures shall be subject to all applicable dimensional standards, including setbacks, lot coverage, and maximum height standards, but nothing shall limit the total square footage of a membrane structure to a size smaller than the principal structure;
3. A membrane structure shall be attached to a footing, foundation wall, metal storage container, or be adequately braced and anchored to prevent weather-related collapse;
4. The membrane material shall be tensioned and attached to frame and supports;
5. The membrane material shall be opaque, and any patches or patch kits shall match primary membrane material and color;
6. In cases where a membrane structure abuts a lot line shared with a residential zoning district, the side of the structure facing the lot line shall be screened with a continuous row of evergreen trees planted no more than five feet on-center;
7. Once a membrane structure has been approved in accordance with this Ordinance it may be erected and dismantled, as needed, without need for an additional development approval, provided the membrane structure:

[70] See STN # 28.

a. Continues to comply with all applicable standards in this Ordinance and any applicable conditions of approval;
b. Is located on the same lot and in the same general location on the lot or site;
c. Does not increase in size or height beyond the amount indicated in the original approval; and
d. Does not cause the site to become nonconforming with respect to lot coverage or stormwater management requirements.

~~S.~~T. MOBILE RESTAURANT OR PUSH CART

1. LOCATION

Mobile restaurants or push carts may only be operated on private land in accordance with Section 4.5.4, Listing of Common Secondary Uses~~Listing of Common Secondary Uses~~. Nothing shall limit the operation of a mobile restaurant push cart on public property provided the use takes place solely within a space designated for mobile restaurants. **AMENDED 9.16.24 (UDOTA2-24)**

2. PERMITS REQUIRED

a. The operation of a mobile restaurant shall require approval of a Zoning Compliance Permit. A Zoning Compliance Permit issued for a mobile restaurant may also be used to authorize the operation of a push cart used for food and beverage vending. **AMENDED 9.16.24 (UDOTA2-24)**
b. A Zoning Compliance Permit for the operation of a mobile restaurant or push cart shall be obtained by the landowner or landowner's agent for the site where the mobile restaurant will operate. **AMENDED 9.16.24 (UDOTA2-24)**
c. In cases where a mobile restaurant operates on two or more different lots or sites, the landowner of each lot or site where a mobile restaurant operates shall secure a separate Zoning Compliance Permit for operation of the mobile restaurant or push cart. **AMENDED 9.16.24 (UDOTA2-24)**
d. Vendors in vehicles must provide documentation of approval from the Health Department of the County in which the mobile restaurant's associated restaurant or commissary is located.
e. The County Health Permit must be displayed during hours of operation.

3. PLACEMENT DURING AND AFTER FOOD SALES

a. Mobile restaurants and push carts shall be parked on private property with the property owners' permission and shall not be parked within any public street, right-of-way, or sidewalk unless the street has been closed for a special event. **AMENDED 9.16.24 (UDOTA2-24)**
b. Mobile restaurants and push carts shall not block parking spaces, drive aisles, access to loading/service areas, or emergency access and fire lanes. Associated vending must also be positioned at least 15 feet away from fire hydrants, any fire department connection, and driveway entrances. **AMENDED 9.16.24 (UDOTA2-24)**
c. No more than two mobile restaurants are permitted as a secondary use at the same time, unless at an approved special event, market, festival, or an active construction site.
d. A mobile restaurant or push cart shall be removed after operating hours or a special event and be stored in a legally permissible location. **AMENDED 9.16.24 (UDOTA2-24)**

~~T.~~U. OUTDOOR DINING OR SEATING

Outdoor dining or seating shall comply with the following requirements:

1. GENERALLY

a. Approval of a Zoning Compliance Permit shall be required for the establishment of outdoor dining or seating areas capable of accommodating up to ~~12~~ 20 people. Site Plan approval shall be required for outdoor dining or seating areas capable of accommodating more than ~~12~~ 20 people.

b. Outdoor dining or seating may take place on the same lot as the principal use it serves, within a public right-of-way directly adjacent to the lot where the principal use is located, or on an abutting lot. An outdoor dining or seating area located on a different lot from the principal use it serves shall not be credited towards open space set-aside.
AMENDED 9.16.24 (UDOTA2-24)

c. Outdoor dining or seating areas where alcohol is served or may be consumed shall be clearly demarcated from other areas of the site or a public right-of-way with planters, fencing, roping, railing, or some other physical barrier that separates the area from its surroundings.

d. Outdoor dining or seating areas that include any form of public address system, recorded or live musical performances, or other sounds provided as part of the operation of the principal use shall be located as far as possible from adjacent residential zoning.

e. Lighting associated with outdoor dining or seating shall comply with the standards in Section 6.4, Exterior Lighting~~Exterior Lighting~~, except that exterior lighting may be located within Town right-of-way subject to all applicable Town policies.

f. Outdoor dining or seating areas shall comply with the applicable off-street parking standards in Section 6.9.4, Off-Street Parking Requirements~~Off-Street Parking Requirements~~.

g. In no instance shall an outdoor dining or seating area take place within a required landscaping, screening, or parking area or interfere with safe pedestrian or vehicular circulation on or off the site.

h. In no instance shall an outdoor dining or seating area obstruct access to an entrance or exit, emergency exit, drainage infrastructure, fire hydrant, standpipe, utility access area, ventilation, or ADA access features.

i. Outdoor dining or seating areas shall include trash receptacles and shall not result in the accumulation of litter or waste in the public right-of-way or on adjacent lots.

2. IF LOCATED WITHIN A PUBLIC RIGHT-OF-WAY

a. In cases where outdoor dining or seating areas are proposed on a public sidewalk or other public right-of-way, establishment of the secondary use shall require approval of a Zoning Compliance Permit for areas capable of accommodating up to ~~12~~ 20 people, or Site Plan approval for areas capable of accommodating more than ~~12~~ 20 people. Regardless of the amount of seating provided, all outdoor dining or seating areas located within a public right-of-way require ~~site plan and~~ execution of an encroachment agreement with the Town or NCDOT in accordance with Town policy, as appropriate.

b. Outdoor dining and seating areas in a public right-of-way areas shall comply with the standards in NCGS§136-27.4, and the following:

i. All tables, chairs, and other furnishing shall be at least six linear feet from any vehicular travel lane;

ii. There shall be at least five feet of unobstructed sidewalk width maintained at all times across the frontage of a site with outdoor dining or seating areas on a public sidewalk;
iii. Awnings, umbrellas, and coverings shall maintain at least nine feet of clearance above sidewalks and shall not project out into the vehicle travelway;
iv. In no instance shall an outdoor dining or seating area be located adjacent to a street with a posted speed limit of 45 miles-per-hour or greater; and
v. No water misters, heaters, or mechanical climate control devices shall be located within the public right-of-way.

c. The owner of the business utilizing an outdoor dining or seating area within a public right-of-way shall be responsible for repairing any incidental damage to public sidewalk resulting from the secondary use.
d. The owner or operator of the principal use shall provide evidence of adequate liability insurance specified by the Town under NCGS§ 160A-485 as the limit of the Town's waiver of immunity or the amount of tort claim liability specified in NCGS§ 143-299.2, whichever is greater. The insurance shall protect and name NCDOT and the Town as additional insured on any policies covering the use and any activities on a public sidewalk.
e. The owner or operator of the principal use shall provide an agreement to indemnify and hold harmless NCDOT and the Town from any claim resulting from the operation of activities on a public sidewalk.
f. The owner or operator of the principal use shall provide a copy of all permits and licenses issued by the State, County, or Town, including health and ABC permits, if any, necessary for the operation of the principal use, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the Town for exterior alterations or improvements to the principal use.
g. The owner or operator of the principal use shall cease any outdoor activities in the public right-of-way in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the Town, its agents or employees, or by any other governmental entity or public utility.
h. The owner or operator of the principal use shall comply with any other requirements deemed necessary by the NCDOT or Town, either for a particular Town or a particular component of the State highway system.
i. The Town reserves the right to terminate the authorization for outdoor dining or seating within a public right-of-way at any time. Upon notice, all furnishings must be removed from the public right-of-way within 24 hours of notice from the Town. If furnishings are not removed within the time specified, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town also has the right to remove such items immediately in emergency situations, and the Town is not responsible for damage to the furnishings under any circumstances.

~~U.~~V. OUTDOOR DISPLAY/SALES

The outdoor display and sale of goods as a secondary use shall be limited to a commercial or mixed-use development and shall comply with the following standards:

1. GENERALLY

a. Outdoor seasonal sales proposed as a temporary use shall be subject to the standards in Section 4.6.5B, Outdoor Seasonal Sales~~Outdoor Seasonal Sales~~.

b. Establishment of a display/sales area greater than 50 square feet in area shall require approval of a site plan (see Section 2.3.22, Site Plan~~Site Plan~~). Display/sales areas smaller than 50 square feet shall require approval of a Zoning Compliance Permit.

c. Outdoor display/sales areas shall provide ADA-compliant customer access.

d. Except on lots in the Downtown district, outdoor display/sales shall be located on the same site as the principal use, and shall be located at least five from any lot line.

2. ALONG THE FRONT FAÇADE

Outdoor display/sales areas located along the front façade of a principal use shall comply with the following standards:

a. Outdoor display/sales areas shall be located on a sidewalk.

b. In no instance shall an outdoor display/sales area occupy more than 75 percent of the front façade wall of a single tenant or individual tenant's portion of a multi-tenant building wall.

c. Outdoor display/sales areas shall be no closer than five feet to a building entrance or exit.

d. In no instance shall an outdoor display/sales area block an emergency exit, standpipe, utility meter, or ventilation access.

e. Outdoor display/sales areas shall maintain at least five feet of pedestrian access on all sides.

f. Outdoor display/sales area shall not exceed five feet in height from the sidewalk.

g. Outdoor display/sales areas that are not accessible to members of the public shall be subject to the standards in Section 4.5.5W, Outdoor Storage~~Outdoor Storage~~.

3. WITHIN A PARKING LOT

Outdoor display/sales areas located within a parking lot of a principal use shall comply with the following standards:

a. Outdoor display/sales area shall not occupy a required parking or landscaping area.

b. Outdoor display/sales areas shall not be located in ways that interfere with loading or on-site circulation of vehicles or pedestrians.

c. Outdoor display/sales areas shall not include signage that is legible from off-site areas.

d. Display areas that are inaccessible to the public are considered outdoor storage.

e. Outdoor display/sales areas in parking lots shall comply with the dimensional requirements for the district where located.

4. ON A PUBLIC SIDEWALK

Outdoor display/sales area proposed on a public sidewalk shall comply with all applicable standards in this section and the following:

a. Outdoor display/sales areas on a public right-of-way shall require an encroachment agreement with the Town.

b. Products, merchandise, and display structures must be removed from the sidewalk within 24 hours of notice from the Town. If such items are not removed following notice, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situations. The Town is not responsible for damage to the merchandise under any circumstances.

c. The owner or operator of the principal use displaying or selling merchandise within a public sidewalk shall be responsible for repairing any incidental damage to public sidewalk resulting from outdoor display/sale.

~~V.~~W. OUTDOOR STORAGE

Outdoor storage as a secondary use shall comply with the standards in Section 4.3.123, Storage, Outdoor (as a Principal Use)~~Storage, Outdoor (as a Principal Use)~~.

~~W.~~X. PARKING OF HEAVY TRUCKS OR TRAILERS

1. The parking or storage of motorized vehicles in excess of 26,000 pounds of gross vehicle weight rating as depicted on the vehicle manufacturer's emblem, or with more than two axles, shall be prohibited in accordance with Table 4.5.4, Listing of Common Secondary Uses, except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes. **AMENDED 4.15.24 (UDOTA1-24)**
2. The parking or storage of non-motorized vehicles with more than two axles shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes.
3. In no instance shall a non-motorized vehicle have an overall length exceeding 22 feet not including the tongue or towing assembly.
4. No apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle shall be used for the purposes of storage in any residential district.

~~X.~~Y. PARKING OF RECREATIONAL VEHICLES

1. Parking or storage of a recreational vehicle on a lot within a residential district shall be subject to these standards. Parking or storage of a recreational vehicle on a lot in a non-residential district shall be subject to the standards in Section 4.5.5JJ, Vehicle Towing or Storage~~Vehicle Towing or Storage~~. **AMENDED 9.16.24 (UDOTA2-24)**
2. No recreational vehicle (RV) shall be used as a permanent residence or business.
3. Nothing in this section shall preclude a RV owner from parking the RV on a parcel of land they own provided the RV is not used as an occupied dwelling or business.
4. Recreational vehicles shall meet the setbacks of a single-family dwelling in the zoning district in which it is located.
5. An RV shall be parked on an improved surface of asphalt, concrete, gravel, or other all-weather surface suitable for vehicular parking. RV parking areas shall comply with all applicable driveway standards in Section 6.1.4, Driveways~~Driveways~~. **AMENDED 4.15.24 (UDOTA1-24)**
6. Sewer or water connections are not permitted.
7. Any source of electricity must be solely intended for the RV and be on the same parcel of land as the RV.
8. Removal of wheels of a recreational vehicle except for temporary repairs shall be prohibited.
9. Any RV subject to these standards must be road ready and capable of moving within 24 hours.
10. These standards shall not apply to RVs located within a lawfully established and operating recreational vehicle park.

~~Y.~~Z. PLAY EQUIPMENT

1. Play equipment shall comply with the setback requirements for the zoning district where located, though it may encroach into setbacks in accordance with Section 3.6.9, Setback Encroachments~~Setback Encroachments~~.
2. In no instance shall play equipment be located between the front façade of a residential dwelling and the street it faces in cases where the lot or tract is two acres or less in area.

~~Z.~~AA. PRIVATE STABLES

Stables shall comply with the following standards:

1. Stables are not permitted on land within the corporate limits;
2. The land on which the facility is located shall be at least two acres in size;
3. No stalls or stables shall be within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining well being used for human consumption; and
4. Stables must be operated and maintained in a healthy and safe manner. "Healthy and safe" is defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.

~~AA.~~BB. PRODUCE STAND

The sale of fresh vegetables and produce from curbside stands or in a similar fashion shall:

1. Be located on the same lot as a principal use;
2. Be limited to retail sale of agricultural or horticultural products grown on-site or in agricultural facilities under the same ownership as the produce stand;
3. Be located outside public street rights-of-way, sight distance triangles, or other areas that may result in visual obstructions to drivers;
4. Not exceed 1,000 square feet in area; and
5. Provide adequate ingress/egress and off-street parking.

~~BB.~~CC. REFUSE AND RECYCLING CONTAINERS

AMENDED 12.16.24 (UDOTA3-24)

Non-residential, mixed-use, and multi-family development that include refuse and recycling containers shall comply with the following standards:

1. CENTRALIZED COLLECTION AREA(S)

a. Refuse and recycling containers that are shared by two or more use types shall be located in a centralized location on the lot or site where located.
b. Centralized collection areas may be detached from or attached to a principal or another accessory structure on the lot or site.
c. Nothing shall prevent more than one centralized collection area on one lot or site.
d. In no instance shall a site be configured with refuse or recycling collection containers located outside a building or enclosure.

2. COLLECTION AREA SIZE

Collection areas containing refuse and recycling containers shall be of sufficient size to accommodate the trash and recycling generated by the uses being served.

3. COLLECTION AREA LOCATION [71]

a. A detached collection area shall not be located within a required setback or between the front or side façade of a building and an abutting public street. Collection areas abutting or within two feet of a principal or accessory building ~~may~~ shall be considered attached collection areas and may be located between a building and an abutting street.

b. A collection area shall be setback from a residential zoning district boundary at least 50 feet.

4. COLLECTION AREA CONFIGURATION

a. Collection areas shall be surrounded by a fence, wall, or other enclosure for the purpose of security and preventing windblown debris from leaving the collection area.

b. Collection areas shall be located on a concrete pad sized to accommodate all the anticipated containers. In cases where refuse or recycling is collected by a service vehicle. the pad shall be served by a concrete apron capable of supporting a service vehicle's operations.

c. Collection areas configured to be served by vehicles shall be equipped with self-closing gates.

d. Collection areas equipped with vehicular gates shall also include a person-gate or accessway intended for non-vehicular access.

e. In cases where a collection area enclosure is located within two feet of a principal or accessory building wall, the enclosure shall be comprised of the same or similar material as the primary exterior material used in the principal or accessory building.

f. The collection area enclosure shall be of sufficient height to fully screen the refuse or recycling containers located within it.

g. Developments seeking to incorporate Town-provided refuse collection shall be configured to allow access by collection vehicles in accordance with the minimum requirements in the Town's Engineering Specifications and Design Manual.

5. SCREENING REQUIRED

a. In no instance shall a refuse or recycling container of 100 gallons in volume or more be located outside of a collection area.

b. Collection areas shall comply with the screening requirements in Section 6.6.14, Screening~~Screening~~.

~~CC.~~DD. SOLAR ENERGY CONVERSION, LEVEL 1

A level 1 solar energy conversion use shall comply with the following requirements:

1. The system may be roof-mounted, attached to a principle or secondary structure, be ground-mounted, or placed over a parking or other hard-surface area;
2. The footprint of a ground-mounted system shall not exceed 50 percent of the footprint of the principal structure, or one acre, whichever is less;
3. The system shall comply with the dimensional requirements for the district where located, as modified by Section 4.5.3, General Standards for All Secondary Uses~~General Standards for All Secondary Uses~~;
4. The system shall not obscure required sight distance triangles;

[71] See STN # 32.

5. Ground-mounted facilities are exempted from the screening requirements in Section 6.6.14, Screening~~Screening~~; and
6. Ground-mounted facilities shall not exceed 20 feet in height above adjacent pre-construction grade.

~~DD.~~EE. SWIMMING POOLS/HOT TUBS

1. Swimming pools and hot tubs shall be configured in accordance with all applicable requirements of the North Carolina State Building Code and Chapter 154 of the Town Code of Ordinances.
2. All swimming pools, hot tubs, and ancillary facilities shall comply with the setback provisions applicable in the zoning district where located.
3. In-ground swimming pools built as secondary uses shall be completely isolated from adjacent lands and streets by a fence or other structure having a minimum height of four feet and configured to prevent small children from gaining unsupervised access to the pool or hot tub.
4. Hot tubs shall be completely isolated from adjacent lands and streets by a fence or other structure having a minimum height of four feet or include a cover with a lockable latch to prevent small children from gaining unsupervised access to the hot tub.
5. Gates or doors opening into the area around the in-ground swimming pool or hot tub from outside the dwelling shall have self-closing and self-latching devices for keeping the gate or door closed at all times when not in use.
6. Above ground swimming pools are not required to have a fence but shall have a locking ladder that prevents access to the surface of the water when raised or otherwise locked.
7. These standards shall apply to any built structure placed or constructed for the purpose of bathing or swimming at a depth of two feet or more.
8. Access to a pool or hot tub serving a non-residential use shall limit access to the pool or hot tub by members of the general public.
9. Swimming pools and hot tubs included as a secondary use to a residential or mixed-use development shall include one off-street parking space for every four persons of design capacity. This standard does not apply to private pools located on single-family detached residential lots.
10. In no instance shall a swimming pool or hot tub included as a secondary use to a residential or mixed-use development include a public address system capable of playing music or other audio.
11. Swimming pools built as secondary uses shall be completely isolated from adjacent lands and streets by a fence or other structure having a minimum height of four feet and configured to prevent small children from gaining unsupervised access to the pool or hot tub.
12. Gates or doors opening into the area around the swimming pool from outside the dwelling shall have self-closing and self-latching devices for keeping the gate or door closed at all times when not in use.
13. These standards shall apply to any built structure placed or constructed for the purpose of bathing or swimming with a depth of two feet or more.
14. Access to a pool or hot tub serving a non-residential use shall limit access to the pool or hot tub by members of the general public.
15. Swimming pools and hot tubs included as a secondary use to a single-family subdivision shall include one off-street parking space for every four persons of design capacity.

~~EE.~~FF. TOOL/STORAGE SHED

1. Tool or storage sheds shall comply with the dimensional requirements for the zoning district where located.
2. Tool or storage sheds may not be located within required landscaping areas, within ten feet of an on-site wastewater facility (including drain fields).
3. Tool or storage sheds shall be required to secure a Zoning Compliance Permit prior to construction or installation.

~~FF.~~GG. UNDERGROUND STORAGE TANK

Underground storage tanks shall comply with the following requirements:

1. Underground storage tanks shall not be located within required setbacks, easements, or beneath public rights-of-way;
2. Underground storage tanks shall be installed and operated only in accordance with the North Carolina Building Code and all applicable Fire Code requirements; and
3. Underground storage tanks shall be depicted on site plans and as-builts.

HH. URBAN ARCHERY[72]

1. GENERALLY

a. Urban Archery shall be permitted in the allowed zoning districts on private property within the Clayton planning area, including the Town corporate and its extraterritorial jurisdiction, during the "Urban Archery Season" as established by the North Carolina Wildlife Resources Commission and per the standards of this section.

b. ~~It shall be unlawful within the Town's planning area for any person to shoot any wild game or any squirrel, whether wild or tame, with a gun or firearm or to willfully poison any wild game or squirrel; however, deer hunting by~~ Use of a bow and arrow or crossbow, defined as "Archery" as per the North Carolina Wildlife Resources Commission, for the purposes of deer hunting shall be considered collectively as "Urban Archery".

~~("collectively Urban Archery"), as defined by the State Wildlife Resources Commission, is permitted on private property during the Urban Archery Season as established by the State Wildlife Resources Commission, and in accordance with the standards of this section.~~

~~This section creates an exception from Section 130.03 of the Town Code of Ordinance prohibiting the discharge of bow and arrows or crossbows within Town's planning area.~~

~~Violations of this section shall subject the offender to penalties set forth in this subsection. Additionally, persons who violate this subsection shall immediately have their urban archery permit revoked and will be ineligible to receive one for a period of three years from the date of revocation.~~

~~OVERSIGHT~~

c. Unless otherwise set forth in this section, hunters must follow all federal, ~~S~~state, and local laws, rules, and ordinances regulating hunting.

[72] See STN # 104. Carried over from City Code 91.09 and supplemented with enforcement provisions from 91.99. The minimum lot area of 5 acres has been reduced to 2 acres.

~~HUNTING LICENSE~~

~~Hunters must 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.~~

2. URBAN ARCHERY PERMIT REQUIREMENTS

An U~~u~~rban A~~a~~rchery p~~p~~ermit shall require all ~~of~~ 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 the hunter's own dwelling unit.

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 ~~will~~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 ~~immediately will~~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.

~~URBAN ARCHERY SEASON~~

~~Bow and arrow hunting may take place during Urban Archery Season as defined by the North Carolina Wildlife Resources Commission, only when the Town has indicated its participation in Urban Archery Season for that particular year.~~

5. HUNTING ~~LANDS~~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 ~~current~~ calendar year.

c. If accessing a hunting area requires passing through other private land, a hunter must receive written permission dated within the ~~current~~ calendar year from that landowner to pass through the land into a designated hunting area.

~~**SAFETY**~~

~~Permitted hunters must adhere to all of the following guidelines:~~

~~**ELEVATION**~~

~~Arrows must be fired from at least three yards (nine feet) above ground level and toward the interior of the hunting parcel.~~

~~Tract size~~

~~Hunting is 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.~~

~~Buffer~~

~~Arrows may 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 the hunter's own dwelling unit.~~

~~**DAYCARE, SCHOOLS, CHURCHES, AND PARKS**~~

~~Arrows may not be fired from, nor be propelled to within 100 yards (300 feet) of any daycare, elementary or secondary school, religious institution, or Town park.~~

~~**HOURS**~~

~~Hunting hours shall be in accordance with established North Carolina Wildlife Commission guidelines.~~

~~**POSTING**~~

~~Signage is required if private property is accessible to members of the public via a walkway, access easement, or other method open to the public.~~

6. ASSUMPTION OF RISK

a. Notice is hereby given that the Town makes no warranties and assumes no liability for the actions of persons hunting with an U~~r~~rban A~~r~~chery permit or persons allowing hunters to make use of their property for hunting or access.

b. Nothing herein shall prevent the voluntary or contractual shifting of any risk of loss by and between the property owners and permitted hunters.

c. A person exercising privileges granted pursuant to this section voluntarily assumes full responsibility for any risk of loss, property damage or personal injury, including death, caused or incurred by the hunter and shall indemnify and hold the Town harmless from any such claims.

d. A person exercising privileges granted pursuant to this section to use property owned or controlled in whole or part by the Town is deemed to have released, waived, discharged, and covenanted not to sue the Town for any loss, damage, or injury, including death, that may be sustained while participating in such activities, however caused or sustained.

7. PENALTIES FOR VIOLATIONS CONSTRUED AS ANIMAL CRULETY

~~Unless a different fine or penalty is set out in a particular section of this Ordinance or the Town Code of Ordinances, a violation of any provision of these standards shall subject the violator to the following schedule for notices of violation:~~

~~Animal cruelty~~

a. ~~The violator shall be fined $500, per offense, per animal;~~Violation of these standards or for any conduct construed as animal cruelty shall result in immediate revocation of an issued Urban Archery Permit and ineligibility to receive an Urban Archery permit for three subsequent Urban Archery Seasons.~~, including but not limited to, a violation of the Town Code of Ordinances.~~

~~**OTHER VIOLATIONS**~~

~~All other violations:~~

- ~~First notice of violation: $100;~~
- ~~Second notice of violation: $200; and~~
- ~~Third and subsequent notice of violation: $300.~~

~~**APPLICATION**~~

~~Violations of this subsection are charged per offense, per animal. Fines and penalties are separate and shall accumulate accordingly.~~

~~GG.~~II. VEHICLE REPAIR (NON-COMMERCIAL)

Up to two private vehicles may be repaired on residentially-zoned land, provided:

1. The vehicles are registered to the occupant of the residence; and
2. The repair takes place within an entirely enclosed structure or within an area meeting the standards in Section 6.6.14, Screening~~Screening~~, and located to the interior side or rear of the principal structure.

~~HH.~~JJ.VEHICLE TOWING OR STORAGE

Vehicle towing or storage as a secondary use shall comply with the standards in Section 4.3.139, Vehicle Towing or Storage~~Vehicle Towing or Storage~~. **AMENDED 9.16.24 (UDOTA2-24)**

4.6 TEMPORARY USES

4.6.1 ESTABLISHMENT OF A TEMPORARY USE OR STRUCTURE

A. Temporary uses or structures may be approved prior to the establishment of a principal use, in conjunction with the approval of the principal use, or subsequent to the establishment of a principal use.

B. All temporary uses or structures listed in this section shall require prior approval of a temporary permit in accordance with Section 2.3.27, Temporary Permit~~Temporary Permit~~.

C. In the event a temporary use is proposed that is not listed in this section, the Planning Director shall consult Section 4.7, Unlisted Uses~~Unlisted Uses~~, to determine how to treat the proposed temporary use.

4.6.2 INTENT OF THESE STANDARDS

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

4.6.3 GENERAL STANDARDS FOR ALL TEMPORARY USES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

A. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

1. Secure written permission from the landowner;
2. Obtain the appropriate permits and licenses from the Town and other agencies;
3. Comply with the applicable requirements for signs in Section 6.13, Signage~~Signage~~, if signage is proposed;
4. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. Not violate the applicable conditions of approval that apply to a site or use on the site;
6. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
8. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area;
9. Provide adequate on-site restroom facilities (as appropriate); and
10. Cease all outdoor activities within 500 feet of a residential use by 11:00 PM.

B. GENERAL CONDITIONS

In approving a Temporary Permit, the Planning Director is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use or structure. The Planning Director is authorized, where appropriate, to require:

1. Provision of temporary parking facilities, including vehicular access and egress;

2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Prohibition of the storage or use of hazardous materials;
4. Regulation of placement, height, size, and location of equipment;
5. Provision of sanitary and medical facilities;
6. Provision of solid waste collection and disposal;
7. Provision of security and safety measures;
8. Use of an alternate location or date;
9. Modification or elimination of certain proposed activities;
10. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
11. Submission of a performance guarantee (see Section 2.3.20, Performance Guarantee~~Performance Guarantee~~) to ensure that any temporary use will be removed from the lot.

4.6.4 DURATION OF COMMON TEMPORARY USES

This section includes a summary table of common temporary uses and their maximum duration. [73]

TABLE 4.6.4: TABLE OF COMMON TEMPORARY USES AND DURATION

Type of Temporary Use or Structure		Maximum Number of Occurrences per year on the Same Lot	Maximum ~~Duration~~ Number of Days per Occurrence [1]	Maximum ~~Frequency per Calendar Year~~Number of Days per Year per Lot
Itinerant Merchant Sale		3	~~No more than 45 continuous days per lot per calendar year~~no max.	~~Three, subject to maximum duration per year~~45 days
Outdoor Seasonal Sales		3	~~No more than 45 continuous days per lot per calendar year~~no max.	~~Three, subject to maximum duration per year~~45 days
Portable Storage Containers [2]		1	~~90~~ 120 days ~~per lot per calendar year~~	~~Once, subject to maximum duration per year~~120 days
Other Special Event	Circus, Carnival or Fair	1	~~Up to~~ 14 consecutive days ~~per calendar year~~	~~Once~~14 days
	Garage or Yard Sale	2	2 consecutive days	4 days
	Grand Opening Sale	1	~~Up to~~ 7 consecutive days ~~per calendar year~~	~~Once~~7 days

[73] See STN # 107.

TABLE 4.6.4: TABLE OF COMMON TEMPORARY USES AND DURATION

Type of Temporary Use or Structure		Maximum Number of Occurrences per year on the Same Lot	Maximum ~~Duration~~ Number of Days per Occurrence [1]	Maximum ~~Frequency per Calendar Year~~ Number of Days per Year per Lot
	Non-profit Event	4 [3]	Up to 7 consecutive days per calendar year	~~Once every three months~~28 days
	Outdoor Vehicle Sale	2	~~Up to~~ 3 consecutive days ~~per calendar year~~	~~Twice~~ 6 days
	Religious Event	4	~~Up to~~ 5 consecutive days ~~per calendar year~~	~~Up to four per development per calendar year~~20 days
	Tent Sale	2	~~Up to~~ 7 consecutive days ~~per calendar year~~	~~Twice per lot per calendar year~~14 days
Temporary Disaster Dwelling		No max.	~~No more than 12 months~~N/A	~~N/A~~365 days
Temporary Dwelling		No max.	~~No more than 6 months~~N/A	~~N/A~~180 days
Temporary Fencing		1	~~Up to~~ 90 days ~~per calendar year~~	~~Once~~90 days
Temporary Office AMENDED 12.16.24 (UDOTA3-24)		No max.	Must be removed within ~~30~~ 45 days after all units are sold or leased, or within 45 days of ~~following~~ issuance of a final Certificate of Occupancy, if the temporary office is associated with construction [74]	
Temporary Signs		See Section 6.13.10, Temporary Sign Standards		
Temporary Wireless Communications Facility AMENDED 12.16.24 (UDOTA3-24)		No max.	No more than two years unless placed for emergency purposes	
			No more than 30 days when placed to serve emergency purposes	

NOTES:
[1] No temporary use shall remain in place more than 90 days if located on a lot within a Flood Protection Overlay District.
[2] Portable storage containers on lots within the PUB district may be in place for up to one year, with the potential for two additional one-year terms at the Planning Director's discretion. [75]
[3] In no instance shall there be less than 90 days between non-profit events on the same lot during any 365-day period.

[74] See STN # 30.
[75] See STN # 49.

4.6.5 STANDARDS FOR SPECIFIC TEMPORARY USES

A. ITINERANT MERCHANT SALES

Itinerant merchant sales, not including mobile restaurant vendors, are permitted on lots in non-residential and mixed-use zoning districts, subject to the following standards:

1. The sale of merchandise, products, or material must be a permitted principal or secondary use in the zoning district where the sales are temporarily located;
2. Itinerant merchants shall file an indemnification form with the Town when engaged in open air sales;
3. Itinerant merchant sales shall be located outside of street rights-of way, required sight distance triangles, required landscape areas, vehicular circulation areas, required off-street parking spaces, and areas where pedestrian access is needed to ensure safe movement through or across a site;
4. Signage shall comply with the applicable standards in Section 6.13, SignageSignage;
5. All merchandise and related materials shall be removed from the site following the sale;
6. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to 11:00 PM; and
7. Permitted itinerant merchant sales shall be limited in duration ~~to a maximum of 45 continuous days from the date the Temporary Permit is issued~~in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration.

B. OUTDOOR SEASONAL SALES

Outdoor seasonal sales are permitted on a lot in all zoning districts, except lots occupied by residential uses, subject to the following standards:

1. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants;
2. The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 9:00 PM;
3. Exterior lighting shall comply with the requirements in Section 6.4, Exterior Lighting~~Exterior Lighting~~;
4. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section 4.6.5F, Temporary Dwelling~~Temporary Dwelling~~, and is removed at the end of the sales;
5. The on-site secondary sale of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards; and
6. Outdoor seasonal sales shall be limited in duration in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration~~to a maximum of 45 continuous days from the date the Temporary Permit is issued~~.

C. OTHER SPECIAL EVENTS

1. EXEMPT EVENTS

A special event is not subject to the requirements in this section, if:

a. The event lasts one day or less within a 180-day period on a lot with an established principal use; or
b. The event is sponsored by the Town, a county, or the State.

2. SUBJECT TO THIS ORDINANCE

A special event not otherwise exempted from the standards in this section is permitted on a lot in a non-residential zoning district, subject to the following standards:

a. A special event includes, but is not limited to arts and crafts shows, cultural events, musical events, concerts, and stage shows, celebrations, festivals, fairs, carnivals, circuses, or outdoor religious events; and

b. Circuses, carnivals, and similar amusements may be subject to the applicable provisions of the Town Code of Ordinances.

~~**b.**~~**c.** The special event shall be limited in duration in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration.

D. PORTABLE STORAGE CONTAINERS

1. RESIDENTIAL USES

Storage in a storage container (e.g., a portable storage container) may be permitted as a temporary use to a single-family detached, single-family attached, duplex, triplex, or quadplex dwelling unit, subject to the following standards.

a. TYPES DISTINGUISHED

Storage containers shall take one of the following two forms:

i. A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated; or

ii. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris.

b. PERMIT REQUIRED

A building permit shall not be required for a storage container, but a temporary use permit issued in accordance with Section 2.3.27, Temporary Permit~~Temporary Permit~~, is required.

c. EXEMPTIONS

The standards in this section shall not apply to storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on the site is on-going.

d. MAXIMUM SIZE

Containers shall be no larger in dimension than eight feet in height, eight feet in width, or 20 feet in length.

e. MAXIMUM NUMBER

No more than two storage containers shall be located on a single lot or parcel of land.

f. HAZARDOUS SUBSTANCES

Storage containers shall not be used to store or transport non-residential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives, or unlawful substances and materials.

g. LOCATION

i. A storage container may be located in a driveway, a designated parking area, or behind a dwelling.

ii. If site conditions make placement of the storage container behind a dwelling, on a driveway, or in a designated parking area impossible, then the storage container may be located immediately adjacent to the driveway or designated parking area.

iii. A storage container shall not be located between the front of a dwelling and the street it faces unless any other placement is impossible due to site conditions.

iv. In no instance shall a storage container be located within a Town street, public street right-of-way, or in a location that poses a threat to public health or safety.

h. DURATION

Portable storage containers shall be limited in duration in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration.

~~i. Storage containers may be located on a site for a maximum of up to 90 days per calendar year. This period may be renewed once by the Planning Director, for good cause shown, as determined in the sole discretion of the Planning Director, and based upon factors outside the control of the applicant.~~

~~ii. In no instance shall these standards be construed to allow placement of one or more storage containers on a single site for more than 90 days in any single calendar year.~~

2. NON-RESIDENTIAL AND MIXED USES

Storage of goods, products, or materials within a storage container (e.g., portable storage container, shipping container, etc.) may be permitted as a temporary use as part of a lawfully established non-residential or mixed-use, subject to the following standards:

a. TYPES DISTINGUISHED

Storage containers shall take one of the following four forms:

i. A portable storage container (sometimes referred to a as a "POD") used for the purposes of storage of finished goods or bulk materials within packaging;
ii. A shipping container;
iii. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or
iv. A fully-enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.

b. PERMIT REQUIRED

A building permit shall not be required for a storage container, but a temporary use permit issued in accordance with Section 2.3.27, Temporary Permit~~Temporary Permit~~, is required.

c. EXEMPTIONS

The standards in this section shall not apply to storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on the site is on-going.

d. MAXIMUM SIZE

Containers shall be no larger in dimension than ten feet in height, eight feet in width, or 40 feet in length.

e. MAXIMUM NUMBER

No more than four storage containers shall be located on a single lot or parcel of land.

f. HAZARDOUS SUBSTANCES

Storage containers shall not be used to store or transport solid waste, hazardous materials, explosives, or unlawful substances and materials.

g. LOCATION

i. A storage container may be located to the side or rear of a building, but shall not be located between a primary building wall and the street.
ii. If site conditions make placement of the storage container behind or beside a building impossible, then the storage container may be located within designated parking or loading area provided such placement does not interfere with the safe operation of vehicles and

provided the placement does not render the site nonconforming with respect to off-street parking space requirements.

iii. In no instance shall a storage container be located within a Town street, public street right-of-way, or in a location that poses a threat to public health or safety.

h. DURATION

~~i.~~ Portable storage containers shall be limited in duration in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration~~Portable storage containers may be located on a site for a maximum of up to 90 days per calendar year.~~

~~ii. In no instance shall these standards be construed to allow placement of one or more storage containers on a single site for more than 90 days in any single calendar year~~.

E. TEMPORARY DISASTER DWELLING

A temporary disaster dwelling unit is permitted on a lot in a residential, business, special, or conditional zoning district, subject to the following standards:

1. One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair due to a disaster, natural or fire or other damage.
2. Temporary dwellings shall be located on the same lot as the structure under construction.
3. Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.
4. A temporary dwelling shall be removed within 30 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.
5. A temporary dwelling shall be limited in duration in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration~~to a maximum of twelve months, except that the Temporary Permit may be renewed for good cause shown~~.

F. TEMPORARY DWELLING

A temporary dwelling is permitted on a lot while a permanent dwelling is being constructed, subject to the following standards:

1. GENERAL STANDARDS

a. A temporary dwelling may be either a dwelling that meets all applicable North Carolina Building Code requirements for a dwelling or a recreational vehicle.
b. The temporary dwelling shall be located on the lot in a manner to meet the dimensional standards of the zoning district, to the maximum extent practicable.
c. One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair.
d. Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such construction site.
e. Temporary dwellings shall be located on the same lot as the structure under construction.
f. The temporary use permit shall not be issued until a Site Plan is approved or a Building Permit is issued for the principal structure.

2. DURATION

Portable storage containers shall be limited in duration in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration.

~~a. A temporary dwelling shall be removed within 30 days of issuance of a Certificate of Occupancy for the structure, or removed immediately if the Building Permit expires or is revoked.~~

~~b. A temporary dwelling shall be limited in duration to a maximum of six months, except that the Temporary Use Permit may be renewed for good cause shown.~~

G. TEMPORARY FENCING

Temporary fencing shall require approval of a Temporary Use Permit in accordance with Section 2.3.27, Temporary Permit~~Temporary Permit~~, and shall be subject to the following standards:

1. Temporary fencing sections shall be adequately secured to the ground in order to prevent uplift, movement, or shifting;
2. Temporary fencing shall be located outside of rights-of-way unless subject to prior approval by the owner of the right-of-way;
3. Temporary fencing shall maintain a minimum height of at least four feet in accordance with OSHA regulations, but in no instance shall temporary fencing exceed a maximum height of six feet above grade;
4. Temporary fencing that includes screening cloth or other opaque material shall not be located within a required sight distance triangle; and
5. Temporary fencing may be comprised of chain link, wire, or plastic, but shall comply with the standards in Section 6.3.4D, Restricted Fence Materials~~Restricted Fence Materials~~.
6. ~~5.~~ Temporary fencing shall be limited in duration in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration

H. TEMPORARY OFFICE [76]

A temporary office is permitted on a lot, subject to the following standards:

1. REAL ESTATE OFFICE/MODEL HOME [77]

AMENDED 12.16.24 (UDOTA3-24)

a. The office is located on a lot that is part of the development being sold or leased;
b. Signage complies with the standards of Section 6.13, Signage~~Signage~~;
c. The office complies with the dimensional standards of the zoning district in which it is located;
d. The office complies with all applicable State laws; and
~~e. The temporary office is converted into a dwelling or removed within 30 days after all units are sold or leased; and~~
e. ~~In the event a temporary office is a trailer, it shall be removed within 30 days after all units are sold or leased.~~ in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration.
f. Real estate office/model home uses may accommodate up to 100 percent of the required off-street parking on a different lot or site, provided:
   i. The most distant parking space is located within 1,000 linear feet; and
   ~~f.~~ ii. Provided there is an improved pedestrian access between the parking area and the use being served.

2. CONSTRUCTION OFFICE

AMENDED 12.16.24 (UDOTA3-24)

[76] See STN # 30.
[77] See STN # 59.

a. A construction office shall be located on the same lot or site where the construction is taking place.
b. A construction office shall not be located within required setbacks or easements.
c. The construction office shall be removed from the site ~~prior~~ in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration~~to issuance of a Certificate of Occupancy~~.
d. Construction office uses may accommodate up to 100 percent of the required off-street parking on a different lot or site provided:
   i. The most distant parking space is located within 1,000 linear feet; and
   ~~c.~~ii. Provided there is an improved pedestrian access between the parking area and the use being served.

I. TEMPORARY USES ON TOWN-OWNED LAND IN THE PUB DISTRICT

1. PURPOSE AND INTENT

This section provides standards for temporary uses and structures on Town-owned lots located in the PUB zoning district. This section outlines the permitting requirements and standards for temporary uses and structures often required as a part of new projects and routine maintenance on Town facilities.

2. APPLICABILITY

The provisions of this section shall only apply to lands in the Public Facilities (PUB) zoning district. These provisions shall apply to all types of applications regardless or the review procedures by which they are approved, unless otherwise specified in this Ordinance. These standards may be modified by other applicable standards or requirements in this Ordinance.

3. STANDARDS

At the Planning Director's discretion, a Temporary Use Permit may be granted for placement of mobile or modular structures in the PUB district for up to one year, subject to the following standards:

a. GENERALLY

All temporary uses and structures shall:

i. Not be placed within a public right-of-way;
ii. Meet all current zoning standards for building height, impervious surface, and setbacks;
iii. Have active Building and Zoning Compliance Permits;
iv. Be shown on an approved Site Plan and Construction Drawings;
v. Conform to structural strength and uplift requirements;
vi. Show the occupancy, means of egress, and occupant load for all temporary structures;
vii. Be provided with a portable fire extinguisher in accordance with the State Building Code;
viii. Not include permanent alterations to the site; and
ix. Not interfere with the normal operations or any permanent use on the site.

b. TEMPORARY PARKING

i. Temporary parking areas associated with uses subject to these standards may be unpaved and may be used regardless of whether a structure exists at the site.
ii. Temporary parking areas are exempt from the standards in Section 6.6.12, Off-Street Parking Lot Landscaping~~Off-Street Parking Lot Landscaping~~.

c. TEMPORARY USE PERMIT RENEWAL

i. Upon expiration, a Temporary Use Permit may be renewed for up to one year by the Town Council.

ii. A Temporary Use Permit approved under this section may be renewed up to two times.
iii. The maximum period of time a temporary use that is permitted under these standards may a be in place is three years.

d. SITE RESTORATION

Applicants shall be required to either restore the site, structure, or parking area to its original condition, or construct a permanent site, structure, or parking area in accordance with plans and permits approved in accordance with this Ordinance.

J. TEMPORARY WIRELESS COMMUNICATIONS FACILITY

AMENDED 12.16.24 (UDOTA3-24)

A temporary wireless telecommunications facility may be located within any zoning district, and shall comply with the following standards:

1. Temporary wireless communications facilities shall be limited in duration in accordance with Table 4.6.4, Table of Common Temporary Uses and Duration.
~~1. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 30 days, except that the Temporary Permit may be renewed for good cause shown;~~
~~2. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site or to ensure continuity in wireless coverage during reconstruction of a telecommunications Facility for a period not to exceed six months, except that the Temporary Permit may be renewed up to four times;~~
~~3.~~2. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance, and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure; and
~~4.~~3. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.

4.7 UNLISTED USES

4.7.1 PROCEDURE FOR DETERMINATION

A. In the event that a proposed principal, secondary, and temporary use type is not listed in this Ordinance, and such land use is not listed in Section 4.4, Prohibited Uses~~Prohibited Uses~~, or is not otherwise prohibited by law, the Planning Director shall determine whether a materially similar land use exists in this Ordinance.

B. The Planning Director shall determine whether or not an unlisted use is similar to an existing use type based on the definitions in Section 8.3, Terms Defined, the standards for unlisted uses in Section 2.3.11, Determination, and the appropriate ~~table~~ section in ~~Section 4.7.2, Use Category Descriptions~~the Procedures Manual. Nothing shall limit the Planning Director from seeking input from Town staff, the Planning Board, or the Town Council in determining how to categorize an unlisted use.[78]

C. Should the Planning Director determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Planning Director's determination shall be recorded in writing.

D. In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Planning Director may, but shall not be required to, initiate a text amendment application to revise

[78] See STN # 108.

the text of this Ordinance to add the use type in accordance with Section 2.3.28, Text Amendment~~Text Amendment~~.

~~4.7.2 USE CATEGORY DESCRIPTIONS~~

~~The following tables set out the range of use categories, use characteristics, and example use types by use classification listed in Section 4.2.5, Listing of Common Principal Uses.~~

~~A. AGRICULTURAL USE CLASSIFICATION~~

~~Table 4.7.2, Agricultural Use Categories, sets out the use categories included in the agricultural use classification in 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 4.7.2.A: 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 4.7.2.A: 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.

B. COMMERCIAL USE CLASSIFICATION

Table 4.7.2.B, Commercial Use Categories, sets out the use categories included in the commercial use classification in 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 4.7.2.B: 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 4.7.2.B: 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 4.7.2.B: 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 4.7.2.B: 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.

C. INDUSTRIAL USES

Table 4.7.2.C, Industrial Use Categories, sets out the use categories included in the industrial use classification in 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 4.7.2.C: 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.
	Examples use types include quarries, borrow pits, mining, and sand and gravel operations.

TABLE 4.7.2.C: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
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.
	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.

TABLE 4.7.2.C: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
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.
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.

TABLE 4.7.2.C: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	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.

D. INSTITUTIONAL USES

Table 4.7.2.D, Institutional Use Categories, sets out the use categories included in the institutional use classification in 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 4.7.2.D: 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.
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.

TABLE 4.7.2.D: INSTITUTIONAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	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.
	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.

TABLE 4.7.2.D: INSTITUTIONAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	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.

E. RESIDENTIAL USES

Table 4.7.2.E, Residential Use Categories, sets out the use categories included in the residential use classification in 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 4.7.2.E: 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.

TABLE 4.7.2.E: RESIDENTIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	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.

5.1 CHAPTER INTRODUCTION

5.1.1 PURPOSE AND INTENT

There are existing structures, uses of land, signs, and lots of record that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, signs, and lots are collectively referred to as "nonconformities" that are subject to the standards in this Chapter. The purpose of this Chapter is to establish the rules under which nonconformities may continue and how their continued existence may be affected by changing conditions. More specifically, these standards are intended to:

A. Allow lawfully-established nonconformities to continue;
B. Encourage routine maintenance and activities necessary to preserve or improve public safety associated with a lawful nonconformity;
C. Foster compliance with development and design standards as part of redevelopment or expansion of a nonconforming site;
D. Clarify how certain nonconformities may be continued or re-established following casualty damage;
E. Limit the re-establishment of a nonconformity following its discontinuance; and
F. Require removal of nonconforming signage following cessation of the use being advertised.

5.1.2 CESSATION AND ABANDONMENT

AMENDED 12.16.24 (UDOTA3-24)

A. Cessation of a nonconformity is the stoppage or pause of a lawful nonconforming use or activity. Cessation may be either temporary or permanent. Temporary cessation allows for the recommencement or continuation of a lawful nonconforming use or activity. Permanent cessation means the nonconforming use or activity is abandoned, and may not be recommenced or continued.
B. Nonconforming uses or activities that are ceased for a period of time longer than specified in this Ordinance shall be considered abandoned, and may not be reestablish, recommenced, or continued unless conforming with the provisions of this Ordinance.

5.1.3 DETERMINATION OF NONCONFORMING STATUS

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the nonconformity is located.

5.1.4 MAINTENANCE, MINOR REPAIRS, AND CONTINUATION ALLOWED

A. CONTINUATION

Nonconformities are allowed to continue in accordance with the requirements of this Chapter.

B. COMPLETION

1. Nonconforming projects incomplete as of January 2, 2024, shall only be completed in accordance with this Chapter and Section 1.10.2, Existing Nonconformities~~Existing Nonconformities~~.
2. Nothing in these standards shall require a change in approved plans or uses for development upon which construction was lawfully commenced prior to January 2, 2024, even though the development is nonconforming.

C. MAINTENANCE ALLOWED

Incidental or minor repairs and routine maintenance necessary to keep a nonconformity in safe and sound condition are permitted and encouraged. Activities that amount to an expansion of a nonconformity may only be permitted in accordance with the provisions of this Ordinance.

D. STRENGTHENING ALLOWED

1. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized Town official.
2. Nothing shall prevent the elevation of habitable or conditioned floorspace to a point above the regulatory floodplain or freeboard elevation, as appropriate.

5.1.5 TENANCY AND OWNERSHIP CHANGES

Nonconforming status shall run with the land and is not affected by a change in tenancy, ownership, or management.

5.1.6 OVERLAY ZONING DISTRICTS

Nonconformities located on lots within an overlay zoning district shall be subject to the standards for the overlay district in accordance with Section 3.7, Overlay Zoning Districts~~Overlay Zoning Districts~~.

5.2 NONCONFORMING LOTS OF RECORD

5.2.1 APPLICABILITY

Lawfully established nonconforming lots of record may be developed in accordance with the standards in this section.

5.2.2 NONCONFORMING LOT WIDTH OR AREA

A. SINGLE LOT OF RECORD IN A DOWNTOWN OR RESIDENTIAL ZONING DISTRICT

1. When a lawfully-established single lot of record in a downtown or residential zoning district has a lot width or area that does not conform to the dimensional requirements of the district where it is located, a single-family detached dwelling may be built on the lot, provided the dwelling complies with the applicable setback standards to the maximum extent practicable.
2. In cases where the single-family detached dwelling is a manufactured or mobile home, such dwelling may only be established in zoning districts that permit such uses, and the dwelling shall comply with applicable setback standards, to the maximum extent practicable.
3. An Administrative Adjustment or Variance to lot width or lot area shall not be required to establish a single-family detached dwelling as a principal structure on lots subject to these standards.

B. SINGLE LOT OF RECORD IN A NON-RESIDENTIAL ZONING DISTRICT

1. When a lawfully-established single lot of record in a non-residential or mixed-use zoning district has a lot width or area that does not conform to the dimensional requirements of the district where it is located, then development on the lot may be permitted, subject to compliance with all other required dimensional, development, and design standards.
2. An Administrative Adjustment or Variance to lot width or lot area standards shall not be required to establish permitted principal structures on lots subject to these standards.

C. LOTS WITH CONTIGUOUS FRONTAGE IN ONE OWNERSHIP

Whenever two or more contiguous vacant lots are in single ownership, and the lots individually or together have less minimum lot area than is required for the zoning district where located, such lots shall be combined via an Exempt Subdivision, Limited Subdivision, or ~~Minor~~ Major Subdivision in order to reduce the nonconformity.

D. ADDITION OF LAND ENCOURAGED

Landowners seeking to develop a nonconforming lot of record are strongly encouraged to investigate if adjacent landowners will consider transferring land to the nonconforming lot in order to reduce or remove the nonconforming situation.

5.2.3 NONCONFORMITY AFFECTS SETBACKS

A. In cases where the size or shape of a nonconforming lot inhibits the ability of a use to comply with required setbacks, an applicant may apply to reduce the setback requirements the minimum amount necessary in accordance with the standards and requirements in Section 2.3.1, Administrative Adjustment~~Administrative Adjustment~~, or Section 2.3.31, Variance~~Variance~~.

B. Development of a single-family detached dwelling on a lawfully-established nonconforming lot of record within a downtown or any residential zoning district shall comply with the applicable

setbacks to the maximum extent practicable, but shall not be required to request an Administrative Adjustment or a Variance.

5.2.4 FURTHER SUBDIVISION LIMITED

The boundaries, shape, or size of a nonconforming lot may be modified in accordance with Section ~~2.3.18, Minor Subdivision~~2.3.19, Major Subdivision ~~Major Subdivision~~, provided such modification does not increase the extent of the nonconformity.

5.2.5 GOVERNMENTAL ACQUISITION OF LAND

Lawfully-established conforming lots of record subject to governmental acquisition of a portion of the lot for a public purpose where the acquisition results in the lot no longer complying with required minimum lot area, width, or setback standards of the district shall be deemed conforming provided the development complies with the following:

A. COMPLIES WITH USE TABLE

The development proposed complies with the requirements in Table 4.2.5, Listing of Common Principal Uses; and

B. COMPLIES WITH APPLICABLE USE-SPECIFIC STANDARDS

The development continues to apply with all applicable use-specific standards in Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~.

5.2.6 NONCONFORMING SPECIAL PURPOSE LOT

In cases where a use or feature on a lawfully-established special purpose lot ceases or is abandoned, the special purpose lot shall be considered a nonconforming special purpose lot. Development on a nonconforming special purpose lot shall comply with all applicable dimensional requirements of the zoning district where it is located, or shall be subject to an approved Administrative Adjustment or Variance.

Amortization of Nonconforming Outdoor Advertising~~Amortization of Nonconforming Outdoor Advertising~~; and

3. A lawfully established nonconforming outdoor advertising sign located on property that is annexed for development may be relocated through approval of a Development Agreement (see Section 2.3.12, Development Agreement~~Development Agreement~~) or Annexation Agreement, provided the outdoor advertising complies with the applicable requirements in Section 6.13.9, Permanent Sign Standards~~Permanent Sign Standards~~. In no instance shall a nonconforming outdoor advertising sign be relocated to a zoning district that prohibits such forms of signage.

C. DAMAGE

1. If repairing damage to a nonconforming sign from any cause is less than 50 percent of its replacement cost, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed as long as the use it serves remains in operation.
2. If repairing damage from any cause to a nonconforming sign equals or exceeds 50 percent of its replacement cost, the nonconforming sign, including sign supports and mounting hardware, may only be replaced with a sign that complies with the provisions of this Ordinance.
3. For the purposes of this section, "replacement cost" shall be a figure provided by the applicant. The Town may require review of the proposed replacement cost by a qualified third party. The Town staff may determine a reasonable replacement costs based upon this third-party review. Town decisions on the amount of a replacement cost may be appealed in accordance with Section 2.3.4, Appeal~~Appeal~~.

D. CESSATION OF USE BEING ADVERTISED

In cases where the principal use being advertised by a nonconforming sign is abandoned or ceases for a period of 180 days or more, then the nonconforming sign shall be removed or altered to make it conforming with respect to the applicable requirements in this Ordinance.

E. LOTS WITH NONCONFORMING SIGNAGE

In cases where development that includes nonconforming signage seeks to establish a new ground sign or electronic message board, the nonconforming signage shall be removed from the site prior to the establishment of the new ground signage or electronic message board.

5.3.4 AMORTIZATION OF NONCONFORMING OUTDOOR ADVERTISING

Outdoor advertising located on property that is annexed into Town limits, and properly relocated billboards as allowed by this section, shall be removed within the timeframe established within a Development Agreement or annexation agreement but not to exceed 15 years from the date of annexation.

5.4 NONCONFORMING SITE FEATURES

5.4.1 APPLICABILITY

A. Applications that include any of the following actions shall address nonconforming site features in accordance with the standards in this section:

1. Changes of principal use within an existing single-tenant structure;
2. Demolition of all or substantially all of an existing principal structure;
3. Expansion to the floor area of an existing principal structure totaling 75 percent or more of the structure's assessed value; or
4. Expansion of the outdoor use area of 50 percent or more.

B. For purposes of this section, the term "nonconforming site features" includes only the following:

1. Nonconforming off-street parking and associated driveways or vehicular access;
2. Nonconforming landscaping;
3. Nonconforming screening;
4. Nonconforming open space set-aside;
5. Nonconforming walls or fences; and
6. Nonconforming exterior lighting.

C. Town staff may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into compliance with the requirements of this Ordinance because of particular site constraints or impacts on adjacent sites.

D. Applications for development on sites with existing structures that do not comply with applicable design standards shall be subject to the applicability standards in Section 6.2.3, Mixed-Use Design Standards~~Mixed-Use Design Standards~~, Section 6.2.4, Multi-Family Design Standards~~Multi-Family Design Standards~~, or Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~, as appropriate.

5.4.2 DETERMINATION OF COST AND ASSESSED VALUE

A. For the purposes of determining if upgrading of nonconforming site features is required by this section, the cost of the expansion shall be as shown on the approved building permit application. In cases where no building permit is required, the applicant shall provide a written cost estimate detailing the cost of the expansion. The Planning Director may require a written cost estimate to be reviewed by a licensed professional engineer to ensure accuracy.

B. Assessed value shall be based on the most recently available tax records from the county where the development is located.

5.4.3 CHANGE OF USE

A. Except on lots in the Downtown district, in cases where an existing principal use in a single-tenant building is replaced by a different use type, or a vacant principal structure is proposed for occupancy by a new principal use, all nonconforming site features shall be brought into full compliance with all applicable requirements in this Ordinance.

B. In cases where the principal use within a principal structure on a lot within the Downtown district is subject to a change in use, nonconforming site features associated with screening, fences, walls, and exterior lighting shall be brought into full compliance with all applicable requirements of this Ordinance. Full compliance with off-street parking, landscaping, or open space set-aside shall not be required, but are encouraged.

5.4.4 RECONSTRUCTION OF PRINCIPAL STRUCTURE

If all or substantially all of a principal structure is demolished and a new principal structure or structures is proposed, all nonconforming site features shall be brought into full compliance with all applicable requirements in this Ordinance.

5.4.5 EXPANSION OF EXISTING PRINCIPAL STRUCTURE

If an existing principal structure on a lot with nonconforming site features is expanded, the expansion shall require correction of existing nonconforming site features in accordance with this section.

A. 75 PERCENT OR LESS OF STRUCTURE VALUE

Expansions in any one-year period that cost 75 percent or less of the current assessed value of the principal structure shall not require any correction to nonconforming site features.

B. MORE THAN 75 PERCENT OF STRUCTURE VALUE

Expansions to the floor area of an existing principal structure in any one-year period that cost more than 75 percent of the current assessed value of the structure shall require all nonconforming site features be brought into full compliance with all applicable requirements in this Ordinance.

5.4.6 EXPANSION OF OUTDOOR USE AREA

When existing or new outdoor use area other than that necessary for accommodating required off-street vehicular parking spaces or open space set-aside is increased by 50 percent or more, all nonconforming site features shall be brought into full compliance with all applicable requirements in this Ordinance.

5.4.7 TWO OR FEWER ADDITIONAL PARKING SPACES

In cases where two or fewer additional vehicular off-street parking spaces are required as a result of a change in use, demolition, or expansion, the additional vehicular off-street parking shall not be required to be installed, but the applicant may install a comparable number of bicycle parking spaces.

5.4.8 PHYSICALLY-CONSTRAINED PROPERTIES

Only those lands that are physically constrained due to limited lot area, topography, or other environmental considerations may seek a reduction to these standards in accordance with Section 2.3.1, Administrative Adjustment~~Administrative Adjustment~~, or Section 2.3.31, Variance~~Variance~~.

5.5 NONCONFORMING STRUCTURES

5.5.1 APPLICABILITY

Nonconforming principal and secondary structures shall be subject to the standards in this section.

5.5.2 CONTINUATION AND REPLACEMENT

A. CONTINUATION

A nonconforming structure may be continued in accordance with Section 5.1.4, Maintenance, Minor Repairs, and Continuation Allowed~~Maintenance, Minor Repairs, and Continuation Allowed~~.

B. REPLACEMENT

1. Nonconforming manufactured or mobile homes may be replaced in accordance with the standards in Section 5.6.5B, Manufactured or Mobile Homes~~Manufactured or Mobile Homes~~.
2. Nothing shall limit activities that increase habitable space of a nonconforming residential structure to a height above the regulatory flood elevation.

C. RELOCATION

A nonconforming structure shall not be moved, in whole or in part, to another location on the parcel of land on which it is located, unless the relocation removes the nonconformity.

5.5.3 ALTERATION AND EXPANSION

A. No nonconforming structure may be altered in any way which increases the nonconformity; however, any nonconforming structure or portion thereof may be altered to decrease the degree of nonconformity.

B. Additions or expansions to a nonconforming structure that encroaches into a required setback may be permitted provided that no portion of the addition or expansion is closer to a lot line than the closest point of the existing nonconforming structure.

C. Nothing shall limit the elevation of a residential structure as necessary to ensure habitable floor area is outside the regulatory flood elevation provided that the maximum height of the structure complies with the standards for the district where it is located.

5.5.4 COMPLIANCE WITH DESIGN STANDARDS

Applications for expansions, alterations or additions to existing principal nonconforming structures that do not comply with applicable design standards shall be subject to the applicability standards in Section 6.2.3, Mixed-Use Design Standards~~Mixed-Use Design Standards~~, Section 6.2.4, Multi-Family Design Standards~~Multi-Family Design Standards~~, or Section 6.2.5, Non-Residential Design Standards~~Non-Residential Design Standards~~, as appropriate.

5.5.5 RECONSTRUCTION FOLLOWING DAMAGE

A. Except for single-family detached dwellings, if a nonconforming structure is damaged or destroyed by any means to an extent of 51 percent or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance.

B. Nonconforming single-family detached dwellings damaged or destroyed by any means may be restored or reconstructed to the pre-damaged state regardless of the degree of damage or cost of restoration or reconstruction. In no instance shall the restoration or reconstruction increase the level of nonconformity.

5.6 NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing as of January 2, 2024, may only be continued in accordance with the standards in this section. The standards in this section shall apply to both principal and secondary uses unless otherwise indicated.

5.6.1 DECLARED INCOMPATIBLE

All nonconforming uses are hereby declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance.

5.6.2 CONTINUATION ALLOWED

Nonconforming uses are allowed to continue, be maintained, and strengthen in accordance with the requirements of this Chapter.

5.6.3 INCREASING ELEVATION

Nothing in this section shall limit the increase in elevation of an existing or damaged building or structure in the Flood Protection Overlay District to a height above the regulatory flood elevation.

5.6.4 SEPARATION REQUIREMENTS

In cases where a use type is lawfully established and in compliance with the applicable standards of this Ordinance, and another use type is subsequently established within a minimum required separation distance required by Section 4.3, Standards for Specific Principal Uses~~Standards for Specific Principal Uses~~, the initial existing use shall not be rendered nonconforming.

5.6.5 EXTENSION OR EXPANSION

A nonconforming use shall not be extended or expanded to occupy more space or altered in any way that increases the degree of nonconformity, except in accordance with the following standards:

A. SINGLE-FAMILY DETACHED DWELLINGS

1. ADDITIONS

a. A lawfully-established nonconforming single-family detached residential dwelling that is a principal use may be altered or extended to include additional interior floor space or outdoor use area (such as a deck, patio, or other typical feature) in an amount equal to or less than the total floor area of the structure as it existed on January 2, 2024.

b. Any alteration or expansion shall comply with all applicable setback requirements for a single-family detached dwelling in the RMD zoning district.

2. SECONDARY USES OR STRUCTURES

Any lot containing a lawfully-established nonconforming single-family detached dwelling as a principal use may be supplemented with a secondary use or structure meeting the applicable requirements of Section 4.5, Secondary Uses~~Secondary Uses~~, and the zoning district where located.

B. MANUFACTURED OR MOBILE HOMES

1. An existing nonconforming manufactured or mobile home serving as a principal use may be replaced with another nonconforming manufactured or mobile home provided the replacement mobile or manufactured home:

a. Is 12 feet wide or wider;

b. Is in place within 365 days of the removal of the prior nonconforming mobile or manufactured home;

c. Is connected to the public sewer system, or has all the necessary permits from the county health department pertaining to wastewater treatment; and

d. Is surrounded by underpinning comprised of an all-weather base material.

2. Nothing shall require the owner of a mobile home park or manufactured dwelling park to surrender the ability to maintain a lawfully established leasehold or home/dwelling site even after a nonconforming mobile or manufactured home is removed.

3. A mobile home park or manufactured dwelling park may reconfigure individual sites within the park as long as each home or dwelling continues to meet applicable dimensional requirements.

4. In cases where a mobile home park or a manufactured home park is reconfigured by the owner in ways that reduce the total number of individual sites from the number that existed prior to the reconfiguration, the total number of sites shall not be increased after the reconfiguration.

5. A nonconforming mobile home park or manufactured dwelling park shall not be re-established after removal of all mobile homes or manufactured dwellings has taken place.

C. ALL OTHER USES

A nonconforming use may not be extended, expanded, enlarged, or altered in any way that increases the degree of nonconformity.

D. RENOVATION

A nonconforming use may be renovated provided the renovation does not extend, expand, or enlarge the nonconformity or create a new nonconforming use.

5.6.6 CONVERSION

No nonconforming use shall be converted to another nonconforming use. Nonconforming uses may only be converted to a conforming use.

5.6.7 RESTORATION FOLLOWING CASUALTY DAMAGE

A. SIGNIFICANT DAMAGE

1. Except for single-family detached dwellings, a nonconforming use that is damaged by fire, explosion, flood, or other calamity in an amount equal to 51 percent or more of the use's current assessed value may not be restored or reconstructed, except as a conforming use.

2. Nonconforming single-family detached dwellings damaged by fire, explosion, flood, or other calamity may be restored or reconstructed to the pre-damaged state regardless of the degree of damage or cost of restoration or reconstruction.

3. Nonconforming manufactured or mobile homes damaged by fire, explosion, flood, or other calamity in an amount equal to 51 percent or more of the use's current assessed value may be restored or reconstructed only in accordance with the standards in Section 5.6.5B, Manufactured or Mobile Homes~~Manufactured or Mobile Homes~~.

B. INSIGNIFICANT DAMAGE

If a nonconforming use is damaged by fire, explosion, flood, or other calamity to an extent less than 51 percent of its current assessed value or square footage, it may be restored to its pre-damage condition, provided the degree of nonconformity is not extended, expanded, enlarged, or the use is altered in any way that increases the degree of nonconformity.

5.6.8 ABANDONMENT

A. In the event a nonconforming use is discontinued or abandoned for a period of more than 180 consecutive days, the nonconforming use may only be replaced by a use permitted in the district where located.

B. Any time a nonconforming use is converted to a conforming use, the conforming use shall not revert to the former nonconforming use or any other nonconforming use.

5.6.9 LOSS OF BONA FIDE FARM PURPOSES EXEMPTION

AMENDED 12.16.24 (UDOTA3-24)

In the event land being used for bona fide farm purposes or agritourism on land being used for bona fide farm purposes that is exempted from the provisions of this Ordinance in accordance with Section 1.1.3B, Exemptions from Zoning Requirements~~Exemptions from Zoning Requirements~~, fails to maintain required documentation of its status as land used for bona fide farm purposes for a period of three consecutive years or more, the land in question shall lose its exempted status and shall come into compliance with the requirements of this Ordinance. Failure to comply with these requirements shall be a violation of this Ordinance and may subject the landowner to the procedures and requirements of Section 7.5, Enforcement Procedure~~Enforcement Procedure~~.

5.6.10 REZONING

A. Nonconforming uses located on land subject to an application for a Conventional or Conditional Rezoning shall either be permitted uses or special uses in the zoning district being requested in the application.

B. In cases where an existing nonconforming use is not permitted within a zoning district being requested, the nonconforming use shall be eliminated prior to the effective date of the application seeking to rezone the land.

C. In cases where an existing nonconforming use is permitted as a special use in a newly-approved conventional zoning district designation, an application for the special use permit (see Section 2.3.23, Special Use Permit~~Special Use Permit~~) shall be filed within 30 days of the date the rezoning becomes effective or the nonconforming use shall be eliminated.

6.1 ACCESS AND CIRCULATION

6.1.1 PURPOSE AND INTENT

The purpose of this section is to establish standards for the safe and efficient ingress into, egress from, and circulation within development sites in the Town's planning jurisdiction for vehicles, pedestrians, and bicyclists. More specifically, these standards are intended to:

A. Protect the health and safety of the Town's residents and visitors;
B. Clarify when access and circulation standards are applied to new development or redevelopment of existing sites;
C. Establish uniform methods for site access and driveway configuration;
D. Protect visibility for motorists, bicyclists, and pedestrians at intersections;
E. Facilitate pedestrian movement around development sites; and
F. Enable vehicles to travel from one parking lot to another without needing to enter a street right-of-way.

6.1.2 APPLICABILITY

A. GENERALLY

Unless otherwise expressly exempted from these standards elsewhere in this Ordinance, these access and circulation standards shall apply to all new development in the Town's planning jurisdiction.

B. REDEVELOPMENT

Compliance with these standards shall also apply to redevelopment of an existing principal building, parking lot, or outdoor use that is proposed for an expansion or an increase in total floor area, use area, or number of off-street parking spaces provided by 50 percent or more. **AMENDED 9.16.24 (UDOTA2-24)**

C. REVIEW REQUIRED

Revisions to the access or on-site circulation system of a developed lot or site shall require site plan approval in accordance with Section 2.3.22, Site Plan~~Site Plan~~.

6.1.3 ACCESS TO LOTS

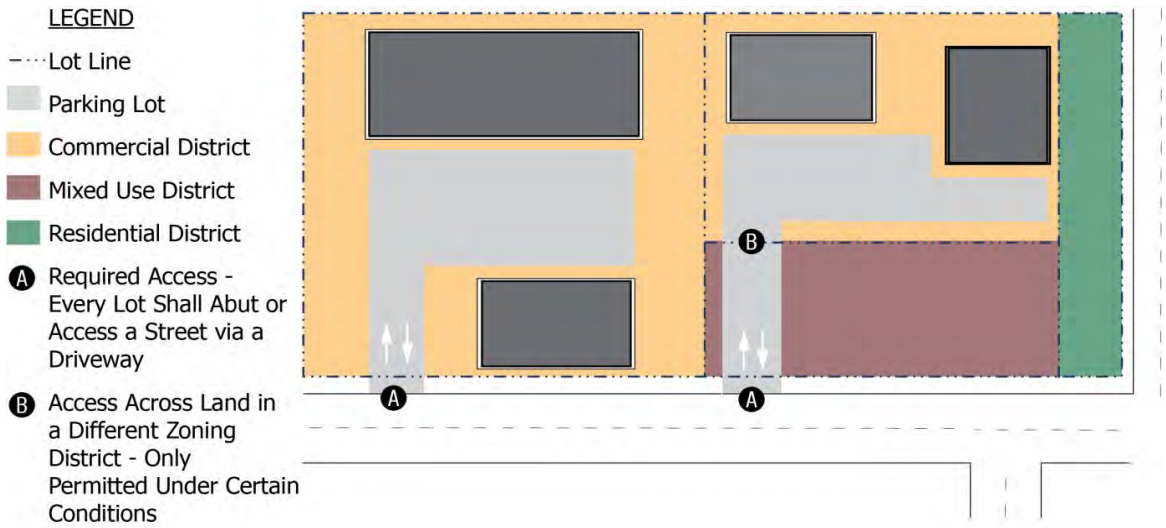
Except where authorized in accordance with Section 6.1.4D.5, Alternative Access~~Alternative Access~~, all development subject to these standards shall comply with the following:

A. ACCESS REQUIRED FOR ALL LOTS

1. Every lot shall abut or have driveway access to a public or private street.
2. No building or structure shall be constructed or placed on a lot that does not abut or have driveway access to a public or private street.
3. Except for lots within conservation subdivisions, lots that abut a public or private street shall maintain at least 30 linear feet of street frontage along the abutting public or private street right-of-way.
4. In the case of single-family attached residential dwellings, the parent parcel or tract containing the individual single-family attached dwelling lots shall maintain a minimum width of at least 30 feet. **AMENDED 9.16.24 (UDOTA2-24)**
5. Lots within a conservation subdivision shall maintain a minimum street frontage of at least 20 feet.

6. Lots that do not abut a public or private street shall receive access via a driveway configured in accordance with Section 6.1.4, Driveways~~Driveways~~.
7. Driveways may be located exclusively on the same lot as the building they serve, or may cross a lot under separate ownership, in order to access a public or private street.
8. In cases where a driveway must cross a lot under separate ownership, the driveway shall be located within a recorded access easement and may not extend through or across land in a different zoning district than the lot being served by the driveway (see Figure 6.1.3, Lot Access via Driveway). This requirement is waived when the land in the different zoning district:
   a. Is classified as a business or mixed-use district; or
   b. Allows the use being served by the direct access; or
   c. Provides the sole means of access for the lot.

FIGURE 6.1.3: LOT ACCESS VIA DRIVEWAY



B. DIRECT ACCESS TO MAJOR THOROUGHFARES

Driveways serving individual residential dwelling units should generally not have direct access to a major thoroughfare street unless authorized by NCDOT. Direct access to a major thoroughfare shall be configured in accordance with the following standards. **AMENDED 12.16.24 (UDOTA3-24)**

1. In cases where a vacant lot of record abuts a major thoroughfare and is proposed for development, access to the lot shall be obtained from a street other than the thoroughfare, or from a driveway that accesses a street other than the thoroughfare, to the maximum extent practicable.
2. In cases where a tract or site abutting a major thoroughfare is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street, either pre-existing or created as part of the subdivision, so that direct

access to lots is not provided by the thoroughfare. Driveways serving lots along a new frontage street shall be located no closer than 150 feet from the new frontage street's intersection with other streets.

3. The final plat creating the subdivision shall indicate that driveway access to a thoroughfare is limited and shall be provided by a different street.
4. In the event the subdivision is unable to comply with the access limitations in this subsection, an applicant may seek a variance in accordance with Section 2.3.31, Variance~~Variance~~.

C. AUTHORIZATION REQUIRED BEFORE CONSTRUCTION

Prior to beginning any driveway construction, permits necessary to connect to the right-of-way network of the Town or State shall be secured by the applicant.

1. Failure to secure necessary permits prior to construction may result in the removal of the driveways and/or denial of access at that location.
2. A certificate of occupancy shall not be issued until the access requirements of this section have been met.

6.1.4 DRIVEWAYS

A. PURPOSE FOR THESE STANDARDS

These driveway standards are intended to:

1. Ensure safe vehicular movements in the Town's planning jurisdiction;
2. Configure lot access in accordance with the Town's adopted policy guidance for roadway corridors;
3. Minimize conflicts between pedestrians, bicyclists, and vehicles;
4. Provide as much physical separation between street intersections and driveways serving individual land uses as is practicable;
5. Minimize individual access points to thoroughfare streets to the minimum necessary; and
6. Encourage shared access to individual lots.

B. PARKING LOTS DISTINGUISHED

1. The standards in this section shall apply to driveways, which are areas of ingress or egress onto an individual lot or site measured from the edge of the abutting street pavement inwards to one of the following termination points:
   a. The end of the driveway pavement on lots where off-street parking is permitted to take place within a driveway; or
   b. The minimum depth of the driveway on lots or sites where off-street parking takes place within a shared parking lot or structure.
2. Surfacing, width, and other configuration requirements associated with a parking lot are located in Section 6.9, Parking and Loading~~Parking and Loading~~.

C. GENERAL STANDARDS APPLIED TO ALL DRIVEWAYS

1. COMPLIANCE WITH NCDOT STANDARDS

a. Driveways providing ingress or egress to a State-maintained street shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina ~~-~~Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended.

~~b. In cases where Town requirements are more stringent than NCDOT's standards, the driveway shall comply with Town standards.~~

~~c.~~b. All driveways connecting to State-maintained streets shall obtain driveway permit approval from NCDOT prior to the construction.

2. COMPLIANCE WITH TOWN STANDARDS

a. Driveways providing ingress or egress to a Town-maintained street shall be placed and constructed in accordance with applicable Town requirements.

b. All driveways connecting to Town-maintained streets shall obtain driveway permit approval from the Town prior to construction.

3. CONFIGURATION

a. All driveways shall be constructed so that:
   i. Vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, bicycles, or vehicles traveling on abutting streets; and
   ii. Interference with the free flow of traffic on abutting or surrounding streets is minimized.

b. No driveway serving an off-street parking area or providing on-site circulation is permitted within any required landscaping area, but driveways may be installed across these areas.

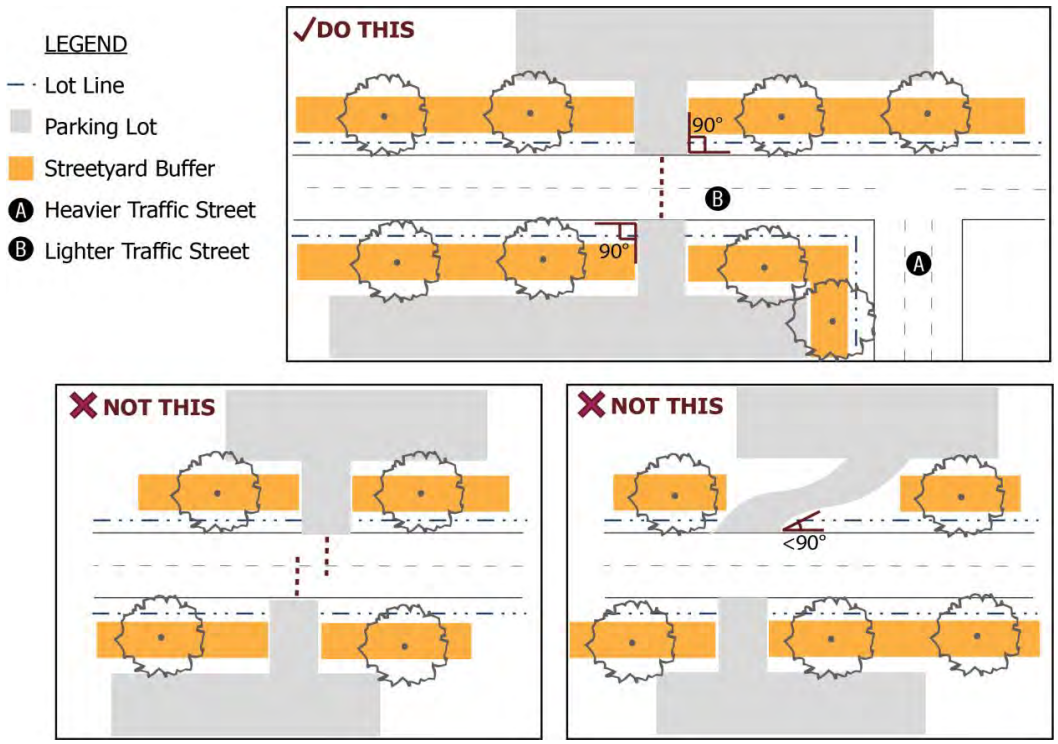
c. Driveway radii shall be designed in accordance with the 'NCDOT's or the Town's Engineering Specifications and Design Manual and shall not extend beyond lot lines.

d. Driveways shall be as nearly perpendicular to the street right-of-way as possible (see Figure 6.1.4.C, Driveway Configuration);

e. Driveways shall line up with other driveways across the street, where practicable.

f. Driveways on corner lots shall provide access from the street with less traffic, to the maximum extent practicable.

FIGURE 6.1.4.C: DRIVEWAY CONFIGURATION



4. DRIVEWAY SURFACING

a. New driveways established after January 2, 2024, that abut a right of way with a paved street shall be surfaced with asphalt or six inches of concrete and extend outwards from the lot line to the edge of the pavement and inwards from the lot line for a distance of at least five feet from the edge of the existing pavement.

b. In cases where a sidewalk is present or is not present but is required, the apron shall be configured so as not to interfere with the sidewalk.

~~**b.**~~**c.** In no instance shall the Town require pavement design standards that exceed the most recently-adopted version of the NCDOT's Pavement Design Manual. Pavement design standards may be less restrictive than the NCDOT's pavement design standards only in cases where they are approved, signed, and sealed by a professional engineer. [79]

5. MAINTENANCE

The Town shall not be responsible for maintenance of driveways or other vehicular use areas, whether located within or outside a public right-of-way, or on land not owned and operated by the Town of Clayton.

[79] See STN# 3.

D. RESIDENTIAL DRIVEWAYS

1. DESIGN

The standard residential driveway access for the Town shall be a "ramp" type driveway section, constructed in accordance with applicable Town standards.

2. WIDTH AND DEPTH

Table 6.1.4.D.2, Driveway Width and Depth for Residential Development, establishes the driveway width and depth requirements for residential developments (see Figure 6.1.4.D.2: Residential Driveway Width and Depth).

TABLE 6.1.4.D.2: DRIVEWAY WIDTH AND DEPTH FOR RESIDENTIAL DEVELOPMENT

Type of Development [1]	Minimum Driveway Width (feet)	Maximum Driveway Width (feet) [2]	Minimum Driveway Depth (feet) [3]
Single-Family Detached Home on its Own Lot AMENDED 9.16.24 (UDOTA2-24)	10 [4]	24 [5]	25
Duplex Dwelling	10 [4]	24 [6]	25
Triplex/Quadplex	12	24 [6]	25
Single-Family Attached Dwelling with a Driveway on the Same Lot	10	[7]	20
Single-Family Attached Development with Shared Parking and Multi-family Development	One way: 15 Two way: 30 [8]	One way: 18 Two way: 45	[9]

NOTES:
[1] Standards for Mixed-Use, Live/Work, and Upper-story Residential are included in the corresponding table for non-residential development.
[2] Only applied within the portion of the driveway subject to the minimum depth requirement.
[3] Measured from the edge of the right-of-way inwards. All driveways shall be the minimum depth necessary to ensure that no vehicle protrudes past the edge of the lot line.
[4] Increased to 15 feet when part of a shared driveway serving two or more different lots.
[5] When two driveways abut one another, the maximum width shall not exceed 24 feet. Two driveways shall not be considered to be abutting when there is at least six feet of unpaved area between each driveway edge.
[6] Individual driveways on the same lot and located outside a required setback area shall maintain a minimum spacing of at least 20 feet from one another.
[7] Shall not exceed the lesser of: 24 feet or the lot's width.
[8] Shall increase by up to five feet with inclusion of a center median. Minimum accessway width of at least 15 feet required on each side of median.
[9] In accordance with Section 6.1.4E.4, Minimum Parking Lot Accessway Width and Depth~~Minimum Parking Lot Accessway Width and Depth~~.

FIGURE 6.1.4.D.2: RESIDENTIAL DRIVEWAY WIDTH AND DEPTH

4. SPACING

a. Except for developments of six or fewer single-family attached residential dwellings, residential driveways shall be spaced at least 20 feet from one another.

b. Driveways serving six or fewer single-family attached residential units where driveways are located within commonly-owned land shall be at least three feet from one another.

c. Driveways shall be no closer than 3 feet from any lot line, except where two driveways on abutting lots are intended to touch one another.

d. The minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least 20 feet from the point of tangency of the radius curvature, or 20 feet from the intersection of right-of-way lines, whichever is greater.

e. The radius of the driveway shall not encroach on the minimum corner clearance.

5. ALTERNATIVE ACCESS

As an alternative to compliance with the other standards in this section, single-family detached and duplex dwellings may comply with one of the following alternative lot access standards (see Figure 6.1.4.D.5, Alternative Lot Access):

a. MULTIPLE RESIDENTIAL LOT DEVELOPMENT

An individual residential lot configured with a single-family detached or duplex dwelling may establish access across one or more different lots via a single shared driveway, provided the shared driveway:

i. Does not serve more than five single-family detached or duplex dwellings on the same or different lots;

ii. Is located within a recorded access easement configured in accordance with Section 6.1.4D.5.d, Access Easement~~Access Easement~~; and

iii. Connects to a publicly maintained or a private street built to public street standards.

b. SINGLE-FAMILY LOT OF RECORD

A vacant single-family lot of record established prior to January 2, 2024, that does not abut a publicly maintained street may establish access across another lot provided the driveway:

i. Does not serve more than four single-family or duplex dwellings on the same or different lots; **AMENDED 12.16.24 (UDOTA3-24)**

ii. Is located within a deeded access easement configured in accordance Section 6.1.4D.5.d, Access Easement~~Access Easement~~; and

iii. Connects to a publicly maintained or a private street built to public street standard.

c. DRIVEWAYS SERVING MORE THAN FOUR LOTS

Driveways serving more than four single-family detached or duplex dwelling lots shall be configured as a public or private street in accordance with the applicable standards in this Ordinance.

d. ACCESS EASEMENT

i. Driveways serving development utilizing these alternative access provisions shall be located within an access easement.

ii. All new access easements shall be configured in accordance with the following:

1. The easement shall maintain a minimum width of at least 50 feet;
2. There shall be a minimum separation between the easement and any other platted access or right-of-way of at least 50 feet;
3. The location of the easement shall be recorded on a plat;
4. The easement shall be configured to permit safe ingress, egress, regress, and necessary utilities to serve the lot; and

2. NUMBER

The number of driveway access points may be restricted by the Town or NCDOT, as appropriate, where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required common or shared access points. **AMENDED 9.16.24 (UDOTA2-24)**

3. SPACING

Approval of driveway access between a lot and the right-of-way at an interval less than those specified in the *Policy on Street and Driveway Access to North Carolina Highways,* manual, as adopted and amended by NCDOT, may be granted subject to the approval of the Town Engineer and NCDOT.

4. MINIMUM PARKING LOT ACCESSWAY WIDTH AND DEPTH[80]

a. Driveways serving off-street parking lots shall comply with the standards for minimum depth in Table 6.1.4.E: Parking Lot Accessway Width and Depth.

b. A parking lot accessway shall be configured to prevent a turning movement into a parking space or intersecting drive aisle until after the minimum required depth has been surpassed (see Figure 6.1.4.E: Parking Lot Accessway Depth). **AMENDED 9.16.24 (UDOTA2-24)**

c. In cases where a development is subject to a transportation impact analysis, the parking lot accessway depth specified in the transportation impact analysis shall control.

d. Nothing shall limit a parking lot accessway from having a deeper depth than specified in this subsection.

TABLE 6.1.4.E: PARKING LOT ACCESSWAY WIDTH AND DEPTH

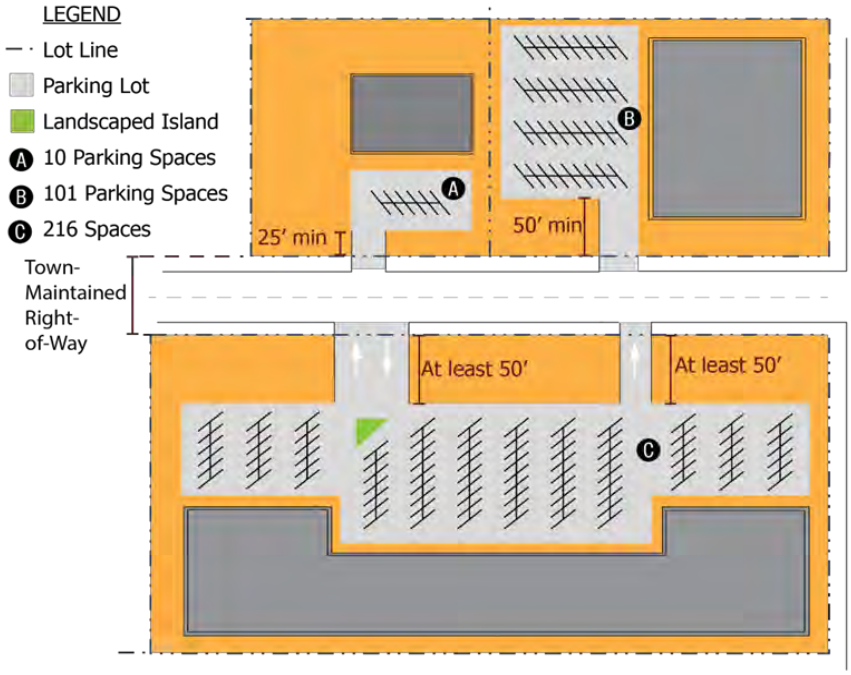
Number of Provided Off-Street Parking Spaces in Parking Lot	Minimum Driveway Width (feet) [1] AMENDED 9.16.24 (UDOTA2-24)		Minimum Parking Accessway Depth (feet) [3] [4]	
	One-Way Traffic	Two-Way Traffic [2]	From a Town-Maintained Street	From a NCDOT-Maintained Street
~~10 or less~~100 or less ~~11 to 50~~ ~~51 to 100~~	12	24	25 ~~50~~ ~~75~~	As determined by NCDOT
101 to 200			~~100~~50	
201 or more			50 or more, ~~A~~as determined by the Engineering Director	

NOTES:
AMENDED 9.16.24 (UDOTA2-24)
[1] The maximum width for a one-way parking lot accessway shall be 20 feet (excluding medians). The maximum width for a two-way parking lot accessway shall be 36 feet (excluding medians).
[2] Travel lane widths on two-way driveways may differ when required by the Engineering Director.
[3] Measured from the edge of the right-of-way serving the parking lot.

[80] See STN # 109.

TABLE 6.1.4.E: PARKING LOT ACCESSWAY WIDTH AND DEPTH				
Number of Provided Off-Street Parking Spaces in Parking Lot	Minimum Driveway Width (feet) [1] AMENDED 9.16.24 (UDOTA2-24)		Minimum Parking Accessway Depth (feet) [3] [4]	
	One-Way Traffic	Two-Way Traffic [2]	From a Town-Maintained Street	From a NCDOT-Maintained Street
[4] The Engineering Director may require a planted landscaping island opposite the accessway where necessary for access management or traffic control.				

FIGURE 6.1.4.E: PARKING LOT ACCESSWAY DEPTH



F. SHARED ACCESS

Shared driveways may be required between adjacent lots fronting on a thoroughfare in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots.

G. REVISION OF EXISTING ACCESS

1. The Town Council, in conjunction with NCDOT, shall have the authority to require the closure, relocation, or restriction of existing access points where multiple access points to the site are available.
2. The Town Council may require the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

H. NONCONFORMING DRIVEWAYS

Lawfully-established driveways existing prior to (insert the effective date of this Ordinance) that do not conform to these standards shall be subject to the standards in Chapter 5, Nonconformities.

6.1.5 ON-SITE PEDESTRIAN CIRCULATION [81]

On-site pedestrian walkways that minimize conflict between pedestrians and vehicles shall be provided on all non-residential, mixed-use, single-family attached, and multi-family development sites, and shall be configured in accordance with the following standards:

A. On-site pedestrian walkways shall connect each primary building entrance to off-street parking areas and to other building entrances on the same site (see Figure 6.1.5, Pedestrian Walkways);

B. Development subject to these standards shall provide at least one connection to ~~an~~ existing or planned public sidewalks, multi-use trails, ~~or existing~~ greenways, or other pedestrian circulation features ~~whether located on- or at the edge of an abutting lot; via an on-site pedestrian walkway, configured in accordance with these standards;~~

C. Development subject to these standards that abuts vacant land shall provide pedestrian circulation connections extending to the lot line of abutting vacant land(s) at logical connection points, as determined by the Planning Director;

~~**B.**~~

~~**C.**~~**D.** In cases where a lot has two or more sides bounded by a sidewalk, a sidewalk connection shall be made on each side with an existing or planned sidewalk;

~~**D.**~~**E.** Connections shall be made to all existing or planned adjacent transit facilities, to the maximum extent practicable;

~~**E.**~~**F.** On-site pedestrian walkways shall be paved with asphalt, concrete, pavers, bricks, stone, or other masonry material, and shall be of contrasting color or materials when crossing drive aisles;

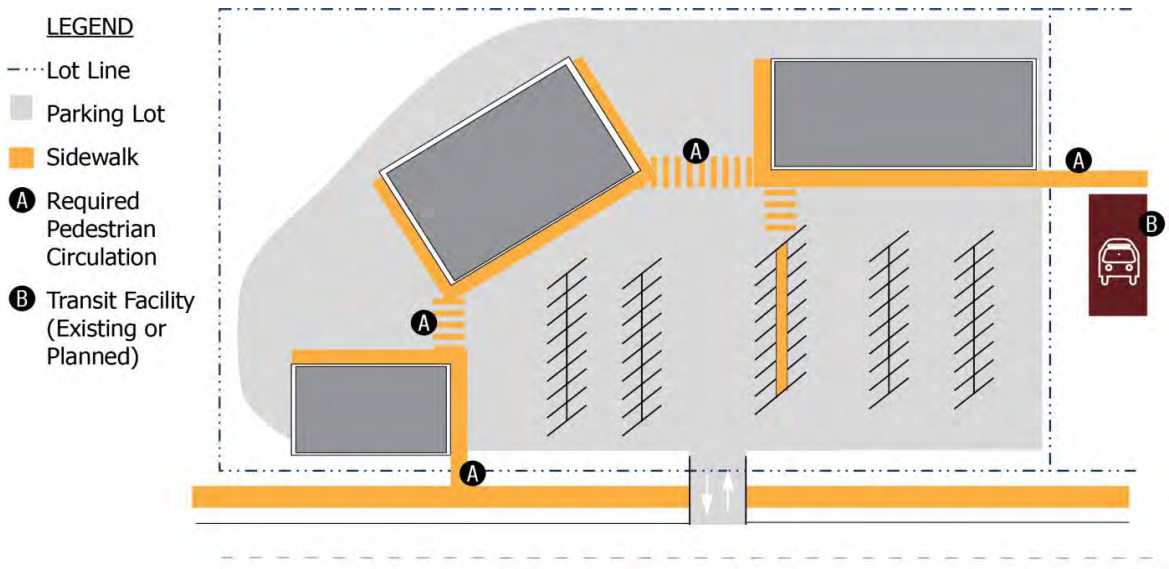
~~**F.**~~**G.** On-site pedestrian walkways shall be positively drained and configured to avoid areas of pooling water;

~~**G.**~~**H.** On-site pedestrian walkways shall comply with applicable State and federal requirements, including ADA requirements; and

~~**H.**~~**I.** Development with 200 or more off-street parking spaces shall provide fully-separated, improved on-site pedestrian walkways within planted landscape islands located a minimum of every six parking rows. On-site pedestrian walkways shall be aligned perpendicular to the buildings served and terminate at building entrances, to the maximum extent practicable.

[81] See STN # 66.

FIGURE 6.1.5: PEDESTRIAN WALKWAYS



6.1.6 PARKING LOT CONNECTIONS

A. PURPOSE AND INTENT

The intent of this section is to provide for parking lot connections between comparable commercial, mixed-use, single-family attached, and multi-family land uses that front thoroughfare streets so that vehicles leaving one lot may access the adjoining lot without having to re-enter the street system.

B. APPLICABILITY

The standards in this section shall apply to lots abutting thoroughfare streets that contain any of the following uses:

1. Uses in the commercial uses classification in Section 4.2.5, Listing of Common Principal Uses~~Listing of Common Principal Uses~~;
2. Mixed-use development;
3. Single-family attached residential development; and
4. Multi-family development.

C. EXEMPTIONS

Parking lot connections are not required when any of the following conditions are present:

1. Adjacent lots do not have common frontage along an arterial or collector street;
2. The adjacent lot is nonconforming with respect to the minimum number of required off-street parking spaces;
3. Significant natural features exist in the only viable location for parking lot connections and construction of the connection would damage the significant natural features;

4. Vehicular safety factors exist or would be created including, but not limited to, unsafe turning movements or pedestrian conflicts;
5. Sufficient access already exists without need for additional parking lot connections;
6. Residential, institutional, or other incompatible land uses are present on adjacent lots;
7. Existing infrastructure obstructions; or
8. Other safety or security concerns, or topographic constraints, in the sole opinion of the Town Engineer.

D. CONFIGURATION

Parking lot connections shall join parking lots on two or more different lots (see Figure 6.1.6: Parking Lot Connections) subject to these standards:

1. A parking lot connection shall be included on at least two sides of a lot except when conditions prevent connections in accordance with Section 6.1.6C, Exemptions~~Exemptions~~;
2. Parking lot connections shall be paved with asphalt, concrete, or pavers and shall maintain a minimum width of 12 feet for one-way traffic and 24 feet for two-way traffic;
3. All parking lot connections shall be built to the lot line, to the maximum extent practicable; and
4. A minimum distance of 50 feet shall be required between a parking lot connection and the intersection of a driveway entrance and a street. This distance may be reduced as necessary to connect with an existing cross access way on an abutting lot, in the sole discretion of the Engineering Director. **AMENDED 9.16.24 (UDOTA2-24)**

E. IMPACT ON REQUIRED SITE FEATURES

1. Where a required parking lot connection eliminates a required landscape planting area, the landscaping requirements shall be reduced to accommodate the cross-accessway and replacement landscaping shall not be required.
2. When a required parking lot connection eliminates required off-street parking spaces, replacement parking spaces shall not be required.
3. The cross-accessway may be used for off-street parking until cross access on the adjacent lot is complete and the accessway is opened to permit vehicular traffic between the two lots provided this is noted on approved Site Plans and Construction Drawings

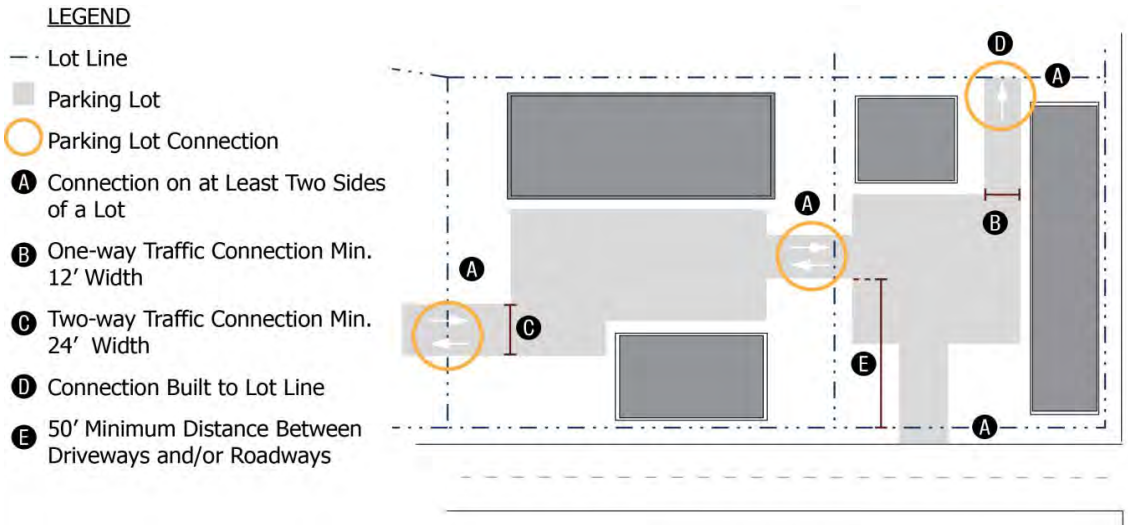
F. EASEMENT REQUIRED

A parking lot connection easement shall be dedicated on the final plat for property involving a subdivision, or deeded by a separate recorded instrument, when no plat is proposed.

G. CONNECTION REQUIRED

Development subject to these standards shall install parking lot connections to the shared lot line. In the event development subject to these standards can not achieve a required parking lot cross-access connection, the applicant shall provide a fee-in-lieu in accordance with Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.

FIGURE 6.1.6: PARKING LOT CONNECTIONS



6.1.7 SIGHT DISTANCE TRIANGLES

A. SIGHT DISTANCE TRIANGLES ESTABLISHED

Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection. Required sight distance triangles shall be configured in accordance with Table 6.1.7: Sight Distance Triangle Requirements. Land within a required sight distance triangle shall comply with the standards in Section 6.1.7C, Limitations on Obstructions within Required Sight Distance Triangles~~Limitations on Obstructions within Required Sight Distance Triangles~~.

TABLE 6.1.7: SIGHT DISTANCE TRIANGLE REQUIREMENTS

Type of Street, Intersection, or Driveway		Minimum Sight Distance Configuration Required [1] [2]
Intersections of street [3]		10/70
Driveways serving parking lots		10/70
Driveways serving individual land uses without parking lots	Single-family detached, single-family attached, Duplex, Triplex, Quadplex	None
	All other uses of land	10/70, wherever possible

NOTES:
[1] The NCDOT or the Town may require an alternative sight distance triangle configuration.
[2] AASHTO requirements shall be applied to curved or curvilinear streets.
[3] Includes all streets (State-maintained or Town-maintained).

6.2 DESIGN STANDARDS AND GUIDELINES

6.2.1 SECTION CONTENTS

A. DESIGN STANDARDS

The design standards in this section address the following types of development:

1. Farmland;
2. Mixed-uses;
3. Multi-family residential uses; and
4. Non-residential uses (including institutional, light industrial, office, and retail use types).

B. DESIGN GUIDELINES

This section also sets out a series of design guidelines that may be applied to single-family detached, single-family attached, duplex, triplex, and quadplex development through landowner or applicant consent or as a condition associated with establishment of a conditional zoning district designation (see Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~).

6.2.2 FARMLAND PROTECTION STANDARDS

A. PURPOSE AND INTENT

The purpose and intent of these farmland protection standards is to promote development that is compatible with existing farms and agricultural uses in the Town's planning jurisdiction. More specifically, these standards are intended to:

1. Ensure new development does not negatively impact existing adjacent agricultural uses;
2. Maintain and promote rural character in agricultural areas; and
3. Ensure greater compatibility between existing farms and new non-farm uses developed in close proximity to an existing farm or tract engaged in agricultural activity.

B. APPLICABILITY

The standards in this section shall apply to all ~~major~~ Major ~~and minor~~ Ssubdivisions, Cconditional Rrezonings, Sspecial Uuse Ppermits, or Ssite Pplans on lots or tracts of two acres in area or greater proposed adjacent to a bona fide farm or agricultural use associated with a bona fide farm.

C. COMPATIBILITY STANDARDS

Development subject to the standards in this section shall comply with the following compatibility standards:

1. VEGETATED BUFFER

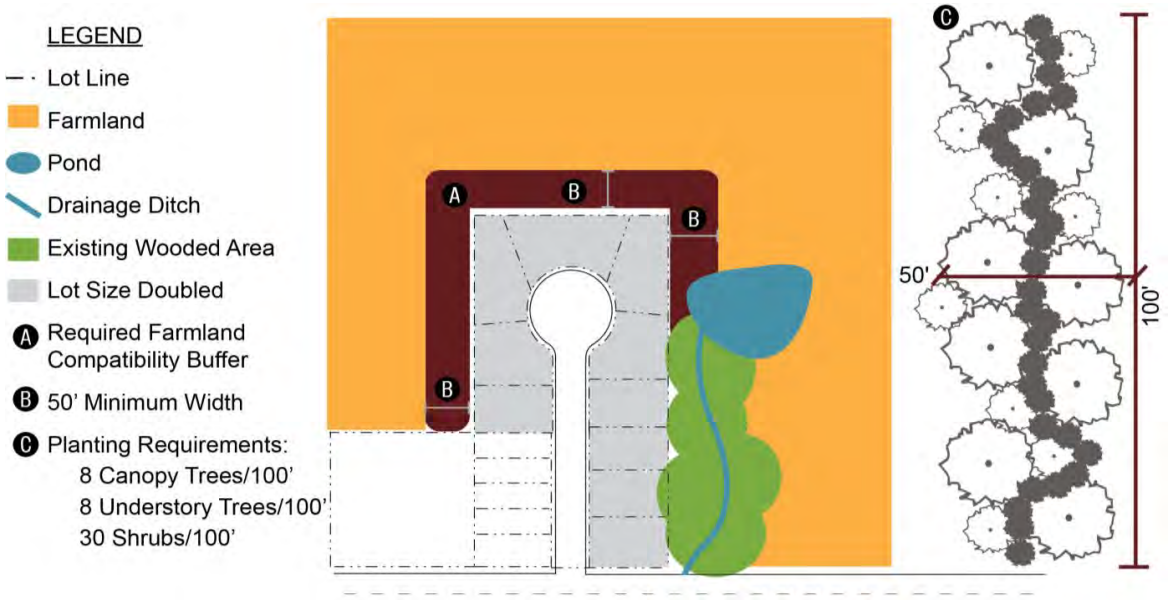
a. Development subject to these standards shall provide a 50-foot-wide vegetated buffer between building lots in the development and an adjacent agricultural use (see Figure 6.2.2: Vegetated Buffer). The buffer shall:
   i. Remain undisturbed for a minimum distance of 25 feet from the edge of the agricultural use or boundary of the agricultural activity;
   ii. Include at least eight trees for every 100 linear feet of buffer length;
   iii. Include at least eight evergreen shrubs for every 100 linear feet of buffer length;
   iv. Incorporate existing or planted vegetation, configured in a staggered fashion, so as to create two or more rows of trees within the buffer; and

v. Incorporate a berm, drainage ditch, or any combination of these features to physically separate the agricultural use from the new development.

b. Nothing shall limit the placement of a required stormwater control measure or best management practice within a required buffer provided the minimum buffer width is maintained.

c. No plantings shall be required in cases where a water feature or stormwater control measure is located within the area occupied by the required buffer.

FIGURE 6.2.2: VEGETATED BUFFER



2. LOCATION OF OPEN SPACE SET-ASIDE

In cases where new development includes an open space set-aside, it shall be located between the agricultural use and the buildings in the new development, to the maximum extent practicable. Land area occupied by the vegetated buffer may be credited towards the open space set-aside requirements. Nothing shall limit the requirement for the vegetated buffer even in cases when it will result in more open space than is required by Section 6.7.1D, Minimum Open Space Set-Aside Requirements~~Minimum Open Space Set-Aside Requirements~~.

3. LOT SIZE INCREASED

Except for lots in a conservation subdivision, lots bordering the vegetated buffer shall maintain a minimum lot area twice the minimum lot area required by the base zoning district where the subdivision is located.

b. Streets shall be configured to a design speed of 25 miles per hour;

c. Streets shall include traffic-calming features such as roundabouts, raised pedestrian crossings, bulb-outs, speed tables, raised medians, and chicanes, but excluding speed bumps, which shall not be included;

d. Streets shall include well-defined ADA-compliant crosswalks and small turning radii at intersections;

e. Streets shall include bicycle lanes in accordance with the Town's adopted policy guidance; **AMENDED 9.16.24 (UDOTA2-24)**

f. Streets shall include sidewalks configured in accordance with Section 6.10.2, Sidewalks and Multi-Use Paths~~Sidewalks and Multi-Use Paths~~;

g. Mid-block alleys shall be included to facilitate off-street parking and to accommodate service functions; and

h. Cul-de-sacs and dead-end streets are prohibited, except where topography or natural features make them necessary.

2. MIXED-USE BUILDING ORIENTATION

a. SINGLE BUILDING DEVELOPMENT

New development consisting of a single building shall be oriented such that the long axis of the building is either parallel or perpendicular to the street right-of-way it faces. This standard may be waived when topographic constraints make compliance impractical, in the sole discretion of the Planning Director.

b. MULTIPLE BUILDING DEVELOPMENT

Development comprised of multiple buildings shall be configured with two or more of the following design elements (see Figure 6.2.3.E.2, Multiple Building Development):

i. Site configuration as a series of smaller "blocks" defined by buildings fronting on-site streets and internal vehicle accessways, utilizing pedestrian-oriented design such as walkways, or other circulation routes and multi-modal transportation access/waiting areas when appropriate;

ii. Corner buildings designed to front both sides of an adjacent street intersection or entry point to the development in an "L" configuration;

iii. Buildings facing each other across a relatively narrow vehicular access area with pedestrian amenities in a "main street" character;

iv. Buildings enclosing at least three sides of parking areas, public spaces, or other site amenities; or

v. Buildings framing outdoor dining or gathering spaces for pedestrians between buildings.

6.2.4 MULTI-FAMILY DESIGN STANDARDS

A. PURPOSE AND INTENT

These multi-family residential design standards supplement the applicable zoning district and use-specific standards of this Ordinance by providing the minimum requirements for design and configuration of multi-family development within the Town's planning jurisdiction. They are intended to:

1. Ensure multi-family development takes place in a manner consistent with the context, scale, and proportion of its surroundings;
2. Promote greater compatibility between new multi-family development and other allowable use types, particularly adjacent residential single-family detached dwellings;
3. Establish expectations for minimum level of quality for multi-family development;
4. Encourage creativity in design and promote individual project identity;
5. Create neighborhoods with enhanced architectural and visual interest; and
6. Preserve property values and protect public and private investment.

B. APPLICABILITY

1. GENERALLY

Except where expressly exempted in writing in this Ordinance, the standards in this section shall apply to the following forms of development:

a. New multi-family buildings;
b. New multi-unit residential structures within a continuing care retirement community use type;
c. New residential treatment facilities; and
d. New congregate care buildings containing residential uses.

2. EXEMPTIONS

The following forms of development shall be exempted from these standards:

a. Renovation of existing multi-family buildings; and
b. Detached multi-family development consisting of two or more structures located on a lot under common ownership. These structures shall comply with the standards in Section 6.2.6, Single-Family Residential Design Guidelines~~Single-Family Residential Design Guidelines~~.

3. VOLUNTARY COMPLIANCE FOR SINGLE-FAMILY ATTACHED DEVELOPMENT

a. Single-family attached development shall be subject to these standards in cases where the applicant agrees to voluntarily comply with them. In such cases, a signed copy of the following statement shall be included on all approved site plans and plats.

a. MINIMUM NUMBER OF VARIATION ELEMENTS TO BE INCLUDED

Multi-family development comprised of three or more principal buildings shall incorporate a minimum number of variation elements in accordance with Table 6.2.4.D.5: Multi-Family Building Variability:

TABLE 6.2.4.D.5: MULTI-FAMILY BUILDING VARIABILITY

Number of Principal Buildings in the Multi-Family Development	Minimum Number of Variation Elements to Include [1] [2]
Three to Five	Two
Six to Eight	Three
Nine to Eleven	Four
Twelve or More	Five

NOTES:
1] Variation elements must be provided on each different building. All or the majority of the features may not be located on a single building.
[2] The menu of different variation elements are listed in Section 6.2.4D.5.b, Menu of Variation Elements~~Menu of Variation Elements~~.

b. MENU OF VARIATION ELEMENTS

Multi-family developments comprised of three or more principal buildings shall provide the minimum number of the following variation elements in accordance with Table 6.2.4.D.5, Multi-Family Building Variability. Nothing shall prevent a development from including more than the minimum number of required building variation elements. **AMENDED 9.16.24 (UDOTA2-24)**

i. One or more principal buildings has a maximum height of one or more stories either greater than or less than average number of stories of the other principal buildings.
ii. One or more of the principal buildings has a footprint that differs in square footage by 25 percent or more than the average principal building footprints of the other principal buildings.
iii. One or more of the principal buildings has a different primary exterior color than the other principal buildings.
iv. One or more principal buildings has a different primary exterior material than the other principal buildings (use of the same material with a different color is insufficient). Use of brick as a primary material on all principal buildings shall be credited as compliance with this element.
v. One of more of the principal buildings has a different roof style (gabled, shed, flat, hip, etc.) than the other principal buildings (use of the same combination of roof forms on each principal building is insufficient).
vi. One or more of the buildings has a different roof material than the other principal buildings (use of the same material with a different color is insufficient). Use of roof-mounted solar panels over 40 percent of one principal building's roof shall be credited as compliance with this element.
vii. One or more of the principal buildings shall be oriented with the long axis of the principal building perpendicular to the street that serves the primary entrance of the development.
viii. One or more of the principal buildings includes overhangs, roofs, or coverings for all patios, balconies, or terraces.
ix. One or more of the principal buildings is configured so that all the windows incorporate a canopy, awning, overhang, or other covering.

x. An alternative that differs from those listed that meets the intent of these standards, in the opinion of the Planning Director.

6. MULTI-FAMILY BUILDING MASSING

a. Upper-story façade walls shall not project beyond the ground floor footprint except to accommodate bump-outs with windows.

b. In the case of two-story buildings, the exterior façade walls of the second floor shall be in line with or setback from the first-floor façade walls.

c. Multi-family buildings configured with upper story façade walls that are setback from the second or ground-floor floor façade walls to preserve light and air and avoid casting shadows (see Figure 6.2.4.D.6, Multi-family Building Massing) may utilize sustainable development incentives in Section 6.17, Sustainable Development Incentives~~Sustainable Development Incentives~~.

FIGURE 6.2.4.D.6: MULTI-FAMILY BUILDING MASSING



7. MULTI-FAMILY BUILDING ARTICULATION

a. Building facades shall be articulated with wall offsets, in the form of recesses or projections from the primary façade plane, of at least two feet for every 35 linear feet of facade frontage (see Figure 6.2.4.D.7, Multi-family Façade Articulation). **AMENDED 9.16.24 (UDOTA2-24)**

b. Projections or recesses shall occupy at least one building floor, and may extend downwards to the grade or upwards beyond the primary roof line.

FIGURE 6.2.4.D.7: MULTI-FAMILY FAÇADE ARTICULATION

11. MULTI-FAMILY SECONDARY STRUCTURES

In addition to the standards in Section 4.5, Secondary Uses~~Secondary Uses~~, secondary uses and structures associated with a development subject to these standards shall comply with the following:

a. Street-facing detached garages on corner lots shall be located to the side or rear of buildings;

b. Access to secondary structures (such as garages, carports, storage areas, etc.) shall be provided from alleys or secondary streets to the maximum extent practicable;

c. Secondary buildings shall include exterior materials, colors, and roof form designed to be consistent with the principal structure;

d. Secondary structures shall not physically obstruct pedestrian entrances; and

e. Centralized refuse collection containers, if provided, shall be in an enclosed area located to the rear of principal buildings.

12. MULTI-FAMILY SITE FEATURES

a. Multi-family development accessed by a public street, private street, or a driveway shall not include a gate or obstruction that blocks access to the site for vehicles. . **AMENDED 9.16.24 (UDOTA2-24)**

b. Off-street parking serving guests shall be evenly distributed throughout the development.

c. Shared refuse collection containers shall be evenly distributed throughout the development or be centrally located.

d. Detached garages or carports shall not be located between the principal building and the street it faces.

e. Utilities shall be provided underground, and utility vaults shall be clustered in areas outside of required landscaping.

4. EXPANSIONS AND ADDITIONS TO EXISTING USE TYPES

The demolition, addition, or expansion of existing structures identified in this section in accordance with the following table:

TABLE 6.2.5.B.4: APPLICABILITY OF NON-RESIDENTIAL DESIGN STANDARDS TO EXISTING SITES

TYPE OF STRUCTURE OR ACTIVITY	APPLICABILITY OF MIXED-USE DESIGN STANDARDS
New principal structure(s) on a vacant site	Full compliance required
Construction of a new principal structure following removal of an existing principal structure	Full compliance required
Addition or expansion to an existing principal structure already subject to the non-residential design standards	Full compliance required
Addition or expansion to an existing principal structure constructed prior January 2, 2024, or not subject to the non-residential design standards [1]	Exempt from non-residential design standards
Interior or exterior upfit of an existing principal structure with no addition of floor space constructed prior to January 2, 2024, or not subject to the non-residential design standards	Exempt from non-residential design standards
Site improvement of an existing site with no changes to existing principal structure(s)	Non-residential design standards not applicable
Construction of a new detached secondary structure	Detached secondary structures must be complementary to the principal structure in terms of form and materials
Secondary structures, like walk-in cołolers, storage rooms, equipment areas, or similar structures that are attached to and accessed from within the principal structure are considered an addition or expansion **AMENDED 9.16.24 (UDOTA2-24)**	If the principal structure is already subject to the non-residential design standards, then full compliance required; if the principal structure is exempted from the non-residential design standards, then these secondary structures must be complementary to the principal structure in terms of form and materials

NOTES:
[1] Activity resulting in the addition of new floor area only shall be exempted from these standards if the addition or expansion:

TABLE 6.2.5.B.4: APPLICABILITY OF NON-RESIDENTIAL DESIGN STANDARDS TO EXISTING SITES	
TYPE OF STRUCTURE OR ACTIVITY	APPLICABILITY OF MIXED-USE DESIGN STANDARDS
a. Physically touches the existing structure; and b. Is enclosed by walls and a roof; and c. Includes conditioned space; and d. Allows direct access between the existing structure and the addition or expansion without having to walk outside or through unconditioned space.	

C. EXEMPTIONS

The standards in this section shall not apply to the following forms of development:

1. Mixed-uses, which shall instead comply with the standards in Section 6.2.3, Mixed-Use Design Standards~~Mixed-Use Design Standards~~;
2. Industrial use types identified in Table 4.2.5, Table of Common Principal Uses, when located in the LID or HID districts (standards may be applied in the CZI district); and
3. Routine maintenance and repairs, provided that such maintenance or repairs does not render a conforming use or building as nonconforming with respect to these standards.

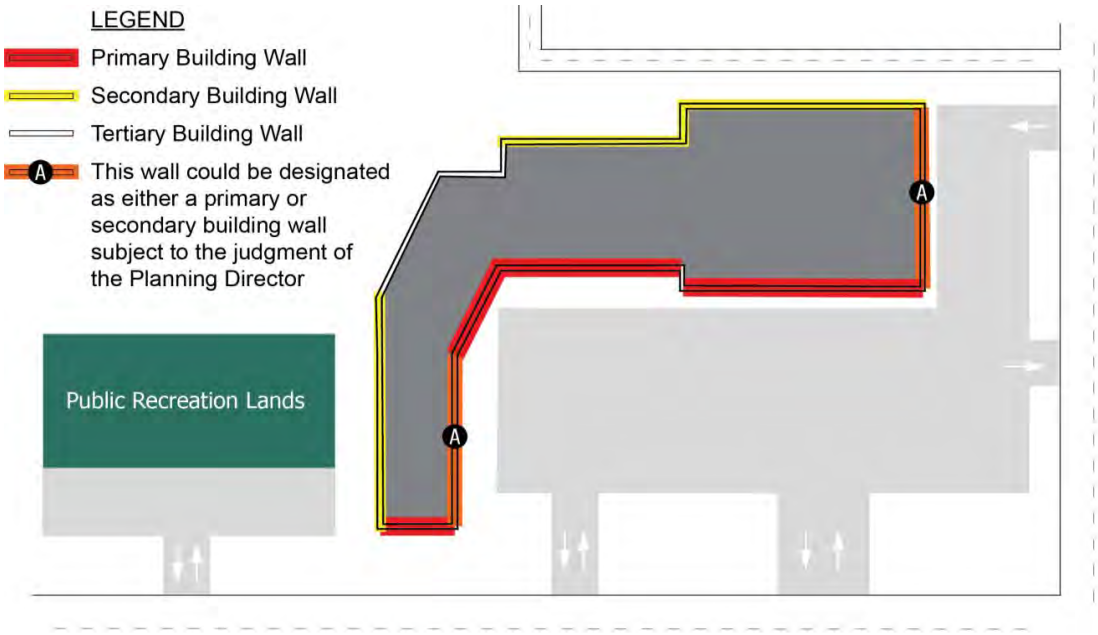
D. TIMING OF REVIEW

Review for compliance with these standards shall take place during review of an associated rezoning, site plan, conditional rezoning concept plan, or special use permit, as appropriate.

E. NON-RESIDENTIAL BUILDING WALLS DISTINGUISHED

1. Exterior building wall facades shall be distinguished as primary, secondary, or tertiary, in accordance with the following standards (see Figure: 6.2.5.E, Building Façade Walls Distinguished):
   a. Primary walls are the architectural front façade of the building that faces the street from which the building is addressed. As an alternative, the primary wall is the building wall that includes the use's primary entrance.
   b. Secondary building walls are exterior building walls that are visible from a street or public recreation land such as a park, greenway, or other public recreation use but that are not the building's primary wall.
   c. Tertiary walls are all other exterior building walls that are not primary or secondary.
2. Different standards apply to building walls based on their designation as a primary, secondary, or tertiary building wall.
3. In cases where site conditions result in a situation where a building wall could be designated as either a primary or secondary wall by the Planning Director, the wall shall be treated as a primary wall. Nothing in these standards shall limit the number of primary walls on any individual building.
4. In cases where site conditions result in a situation where a building wall could be designated as either a secondary or tertiary wall by the Planning Director, the wall shall be treated as a secondary wall.

FIGURE 6.2.5.E: BUILDING FAÇADE WALLS DISTINGUISHED



F. NON-RESIDENTIAL DESIGN REQUIREMENTS

Development subject to these commercial design standards shall be designed in accordance with the following:

1. STREET NETWORK

a. On sites including new streets, whether public or private, an interconnected network of streets shall be provided, to the maximum extent practicable, and streets shall connect to adjacent existing streets outside of the development.

b. Circulation patterns for drive-through facilities shall be designed to accommodate the stacking of vehicles without interfering with the movement of vehicles or pedestrians.

c. Development shall comply with all applicable provisions in Section 6.1, Access and Circulation~~Access and Circulation~~.

2. CUSTOMER ENTRANCES

a. Building entrances shall be designated as a primary or a secondary entrance by the applicant, but each principal building shall have at least one primary entrance. Nothing shall limit a building from having multiple primary entrances.

b. Primary building entrances shall be visually prominent and shall include at least three of the following features (see Figure 6.2.5.F: Primary Building Entrances):

FIGURE 6.2.5.F: PRIMARY BUILDING ENTRANCES

4. NON-RESIDENTIAL BUILDING ARTICULATION

Building walls subject to these standards shall include articulation features in accordance with the following standards (see Section 6.2.5E, Non-Residential Building Walls Distinguished~~Non-Residential Building Walls Distinguished~~).

a. NUMBER OF ARTICULATION FEATURES REQUIRED

The minimum number of articulation features to be provided on any single building wall depends upon whether the wall is a primary, secondary, or a tertiary wall. Nothing shall limit a building wall from providing more articulation features than the minimum number required by this section. In no instance shall an articulation feature provided along one building wall be credited as an articulation feature on a different wall. **AMENDED 9.16.24 (UDOTA2-24)**

i. PRIMARY BUILDING WALLS

Primary building walls shall be configured to provide at least two types of building articulation listed in Section 6.2.5F.4.b, Types of Building Articulation~~Types of Building Articulation~~.

ii. SECONDARY BUILDING WALLS

Secondary building walls shall provide at least one of the building articulation types identified in Section 6.2.5F.4.b, Types of Building Articulation~~Types of Building Articulation~~.

iii. TERTIARY BUILDING WALLS

Tertiary building walls shall not be required to provide any building articulation features.

b. TYPES OF BUILDING ARTICULATION

Each of the following seven features shall qualify as one type of building articulation for the purposes of Section 6.2.5F.4.a, Number of Articulation Features Required~~Number of Articulation Features Required~~:

i. HORIZONTAL FACADE MODULATION

1. Horizontal façade modulation is the projection or recesses of building floor area either forward of primary wall plane or inwards from the primary wall plane.
2. Each individual projection or recess shall have a minimum depth of five feet either beyond or inwards from the primary wall plane.
3. Each individual projection or recess shall have a minimum span of at least 20 percent of the façade's total length.
4. At least 40 percent of the façade's total length shall be occupied by a projection or recess.
5. Individual projections or recesses along a wall shall be separated from one another by at least two linear feet.
6. In the case of multi-story buildings, horizontal façade modulation shall be required only on the first floor for two-story buildings and on the first and second floors for three- or more-story buildings.

ii. VERTICAL FAÇADE MODULATION

Vertical façade modulation consists of architectural building elements such as columns, pilasters, posts, bays, fins, ribs, moldings, pediments, arcades, or similar features that extend outwards or recess inwards from the primary wall plan for a minimum distance of two feet. Vertical façade modulation shall extend from the grade to the top of the façade and shall maintain regular spacing across at least 50 percent of the facade.

iii. BOW OR CURVILINEAR FEATURE

1. Inclusion of a convex or concave bow or other curvilinear wall feature with a minimum depth or projection of at least ten feet relative to the primary façade plane.
2. Bows or curvilinear features shall occupy at least 50 percent of the total facade length.

3. In the case of multi-story buildings, a bow or curvilinear feature shall be required only on the first floor for two-story buildings and on the first and second floors for three- or more-story buildings.

iv. GREEN WALL

Wall-mounted panels affixed to an exterior building wall configured in accordance with the following:

1. Each panel shall include living plants in a growing medium spaced so that no portion of the growing medium or the exterior wall beneath the panel is visible from a distance of five feet;
2. Panels shall be self-watering and comprised of cold-hardy plants endemic to central North Carolina;
3. Panels shall be configured so that at least 40 percent of the exterior façade is beneath a panel; and
4. Plants shall be maintained and replaced as needed to ensure compliance with subsection (1) above.

v. ROOF MODULATION

Inclusion of two or more differing roof planes, roof pitches, roof heights, or roof materials that are visually distinct from one another and visible from the public realm adjacent to the building wall. This standard may be met by any of the following:

1. Combining sections of flat roof with sections of pitched roof on a single building such that no single type occupies more than 75 percent of the roof area;
2. Use of three or more roof pitches that differ from one another by an amount that is discernable from the adjacent public realm;
3. Use of two or more parapet wall heights with a height difference of at least two feet from one another;
4. Use of dormer windows or shed dormers spaced at uniform intervals or configured to present a balanced appearance;
5. Use of a barrel vault, arc, or other curvilinear roof form configured to cover at least 25 percent of the roof area;
6. Use of a tower, spire, steeple, or other vertical projection with a width no less than ten feet and a height of at least seven feet above the adjacent roof height; or
7. Other architectural feature acceptable to the review authority approving the development.

vi. PRIMARY BUILDING ENTRANCE

Inclusion of a primary building entrance configured in accordance with Section 6.2.5F.2, Customer Entrances~~Customer Entrances~~.

vii. OUTDOOR SEATING

Inclusion of an outdoor seating or outdoor dining area adjacent to the façade with all the following features:

1. A direct means of entry into the building if the public is permitted to enter the building;
2. Seating capable of accommodating at least five people at the same time;
3. Protection from automobiles and bicycles circulating on the site or on an adjacent street;
4. Exterior lighting, if the establishment is open before sunrise or after dark;
5. Shading from the sun or rain; and
6. Wi-Fi access, if Wi-Fi is provided to members of the public indoors.

viii. WEATHER PROTECTION

Inclusion of weather protection for pedestrians, such as awnings, canopies, or overhangs along the entire building frontage abutting a street. Execution of an encroachment agreement is required in cases where weather protection features extend into the public right-of-way.

LEGEND

- Ⓐ Heavier Materials Below Lighter Materials
- Ⓑ Heavier Details on Corners or Around Doors and Windows
- Ⓒ Material Changes at Logical Locations (Not Permitted on Outside Corners)







b. PROHIBITED MATERIALS

i. The following materials shall be prohibited on any primary or secondary building façade walls:

1. Untextured tilt-up concrete panels;
2. Pre-fabricated steel panels;
3. Corrugated sheet metal;
4. Smooth-face concrete blocks;
5. Vinyl siding, soffit, or fascia;
6. Synthetic stucco within two feet of the grade;
7. Asphalt shingles or siding; or
8. Mirrored glass.

ii. A secondary wall may be configured with one or more of the prohibited materials listed above. However, in cases where the secondary wall includes a prohibited material, the secondary wall shall comply with the building articulation standards in Section 6.2.5F.4.b, Types of Building Articulation~~Types of Building Articulation~~, and the fenestration standards in Section 6.2.5F.8, Non-Residential Fenestration~~Non-Residential Fenestration~~, applied to primary building façade walls.

c. COLOR

i. PRIMARY COLORS

Overly-bright, neon, or "day-glow" colors shall not be used as primary exterior building colors. Nothing shall limit the use of pastel or traditional community material colors as primary colors.

ii. ACCENT COLORS

Building trim and accent areas may feature brighter colors including primary colors, but accent colors shall not comprise more than 15 percent of any building facade.

6. NON-RESIDENTIAL BUILDING WALL ATTACHMENTS AND FIXTURES

a. Building wall attachments and fixtures shall be located so as to avoid primary building walls where possible.

b. For the purposes of this section, building wall attachments and fixtures shall include the following:

i. Downspouts;
ii. Utility meters;
iii. Utility panels and disconnects;
iv. Utility doors;
v. Vents, pipes, and stacks; and
vi. Condensers, coolers, and air handling equipment.

c. In no instance shall exterior lighting, security cameras, fire protection equipment be considered as a building wall attachment or fixture subject to these standards.

d. In cases where placement on a primary building wall is necessary, the appearance of building wall attachments or fixtures shall be minimized in at least one of the following ways:

i. Concealment within a chase or other enclosure configured to match the building wall materials or colors;
ii. Painted the same color as the primary building wall color; or
iii. Fully screened with evergreen vegetation of a height necessary to fully conceal the attachment or fixture.

7. NON-RESIDENTIAL ROOF FORM

a. Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all sides visible from the street. Parapet walls shall fully screen all roof-top mechanical equipment from the street in accordance with Section 6.6.14, Screening~~Screening~~.

b. Parapet walls shall have decorative cornices or caps.

c. A pitched roof shall have eaves that extend a minimum of 12 inches beyond the building's exterior walls.

d. Gable roofs shall incorporate roof rakes that project outwards a minimum of six inches beyond the building's exterior walls.

8. NON-RESIDENTIAL FENESTRATION

Building walls shall incorporate fenestration features in accordance with the following standards (see Figure 6.2.5.F.8, Non-Residential Building Fenestration):

a. PRIMARY BUILDING WALLS

Primary building walls shall be configured so that:

i. At least 30 percent of the ground floor portion of the primary wall is occupied by visually transparent windows or doors. For the purposes of this section, the ground floor extends from the finished floor elevation upwards to the underside of the roof deck of a one-story structure;
ii. At least 20 percent of a second-floor portion of the primary wall (if provided) is occupied by visually transparent windows or doors;
iii. Primary wall calculations exclude parapet walls, cornices, mansard roofs, and dormer windows;
iv. A window or functional general access doorway is located at least every 20 feet along the façade; and

v. No more than 50 percent of any single window or door is obstructed by a window sign or other opaque display.

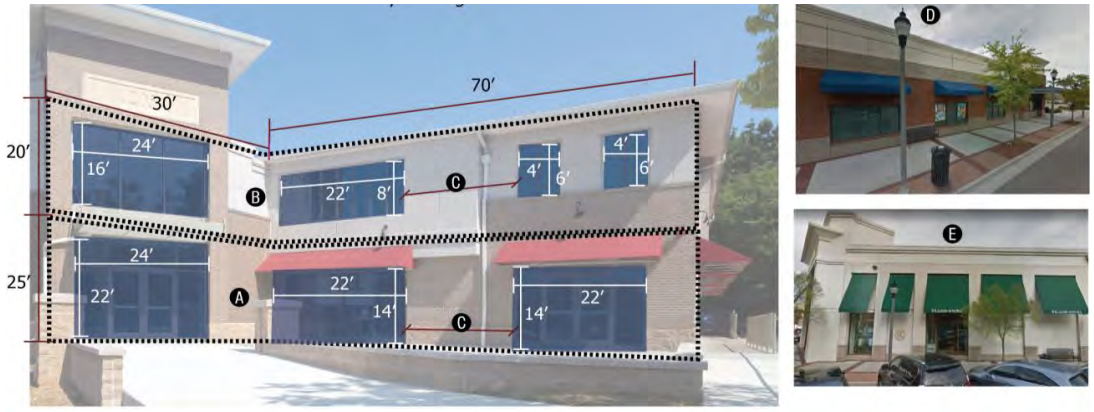
b. SECONDARY BUILDING WALLS

i. Secondary building walls shall be configured so that at least 20 percent of the ground floor façade and at least 10 percent of any second-floor façade is occupied by visually transparent windows or doors with regular spacing;

ii. For the purposes of this section, the ground floor extends from the finished floor elevation upwards to the underside of the roof deck;

iii. Secondary wall calculations exclude parapet walls, cornices, mansard roofs, and dormer windows.

FIGURE 6.2.5.F.8: NON-RESIDENTIAL BUILDING FENESTRATION



LEGEND

Ⓐ First Floor Primary Wall
Total Area = 25 x (30+70) = 2,500 sf
Fenestration Area = (22x24) + (22x14) + (22x14) = 1,164 sf
Percent Fenestration = 1,164 / 2,500 = 46.6% (Minimum 40%)

Ⓑ Second Floor Primary Wall
Total Area = 20 x (30+70) = 2,000 sf
Fenestration Area = (16x24) + (22x8) + (4x6) + (4x6)= 1,176 sf
Percent Fenestration = 608 / 2,000 = 30.4% (Minimum 30%)

Ⓒ 20′ Max. Distance Between Windows or General Access Doorways

Ⓓ Secondary Building Wall Alternative: False or Opaque Windows

Ⓔ Secondary Building Wall Alternative: Articulated Wall Forms with Awnings

c. INDIVIDUAL BUILDINGS OF 70,000 SQUARE FEET OR MORE[83]

Individual buildings of 70,000 square feet or more may comply with the following standards:

i. PRIMARY BUILDING WALLS

Primary building walls shall be configured so that at least 10 percent of the first-floor portion of the primary wall is occupied by visually transparent windows or doors; and no more than 50 percent of any single window or door is obstructed by a window sign or other opaque display.

ii. SECONDARY BUILDING WALLS

Secondary building walls shall be configured so that at least five percent of the ground floor façade is occupied by visually transparent windows or doors; false or opaque windows; or

[83] See STN # 102.

articulated wall forms designed to mimic window openings that also include an overhang or awning.

~~c.~~d. ALTERNATIVES TO VISUALLY TRANSPARENT WINDOWS AND DOORS

Primary and secondary walls may utilize one or more of the following alternatives to visually transparent windows or doors provided the alternatives occupy an equal or greater percentage of the façade area:

i. Two or more false or opaque windows with regular spacing;
ii. Recesses or projections of at least four inches in deviation from the primary façade plane that are designed to mimic window or door openings in terms of size and placement;
iii. Features or fixtures of a different material than the exterior wall that are mechanically attached or otherwise affixed (i.e., not painted or glued on) and designed to be compatible with the building's architecture or appearance (For example, false sliding barn doors, louvered doors, shuttered windows, or similar features; metal utility doors shall not be credited towards this requirement); or
iv. Inclusion of a series of awnings or overhangs that mimics how such features would be configured if windows were included on the building facade.

9. NON-RESIDENTIAL AWNINGS

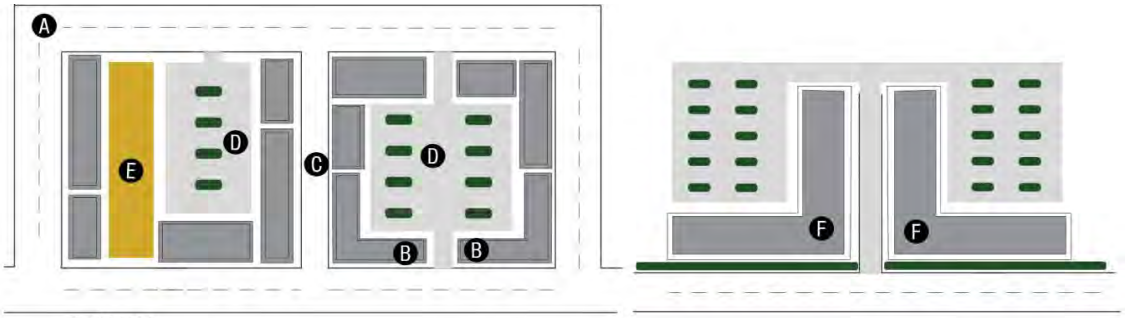
a. No awning shall extend outwards from the building wall more than the width of the sidewalk or ten feet, whichever is less.
b. Awnings must be self-supporting from the building wall.
c. No supports shall rest on or interfere with the use of pedestrian walkways or streets.
d. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities.

10. NON-RESIDENTIAL OUTPARCELS

Development on outparcels or pad sites associated with a commercial development shall comply with the following requirements (see Figure 6.2.5.F.10: Outparcel Development):

a. Buildings on outparcels or pad sites shall incorporate materials that are similar to and compatible with those used on the primary buildings in the development. Corporate or prototypical architecture shall be reconfigured as necessary in order to comply with this standard.
b. Building walls associated with development on an outparcel or pad site shall be configured solely in accordance with the articulation and fenestration provisions for primary or secondary walls, as appropriate, for the main buildings in the development.
c. Spaces between buildings on outparcels or pad sites shall include pedestrian amenities such as plazas, seating areas, and gathering places in addition to off-street parking spaces.
d. Outparcel buildings on lots at street corners shall be located and configured to define the corner through a combination of two or more of the following features: **AMENDED 9.16.24 (UDOTA2-24)**
   i. Locating the building as close to the rights-of-way as is practicable;
   ii. Limiting surface parking between the building and the streets;
   iii. Providing a public gathering space adjacent to the corner; and
   iv. Use of distinctive roof form or other pedestrian features such as porches, canopies, or arcades.

FIGURE 6.2.5.F.11: MULTI-BUILDING DEVELOPMENT



LEGEND

- A Small "Blocks" Site Configuration
- B Corner Buildings Front Both Sides of Street Intersection
- C On-site Streets, Pedestrian Walkways, or Other Circulation
- D Buildings Enclose at Least Three Sides of Parking Areas
- E Buildings Frame Gathering Space
- F Corner Buildings Frame Development Entry Point
- Parking Lot
- Landscaped Area
- Gathering Space

~~G. RETAIL, LARGE FORMAT~~

~~The following standards shall apply to large format retail uses:~~

~~1. LARGE FORMAT RETAIL USES DISTINGUISHED~~

~~Large format retail uses are commercial use types (see Table 4.2.5, Table of Common Principal Uses) consisting of a single or multiple commercial tenants in one or more buildings totaling more than 70,000 square feet in area when 70% or more of the total floor area is occupied by retail sales activity.~~

~~2. COMPLIANCE WITH COMMERCIAL DESIGN REQUIREMENTS~~

~~Large format retail uses shall comply with the following commercial design standards:~~

~~**a.** Section 6.2.5F.1, Street Network;~~
~~**b.** Section 6.2.5F.3, Non-Residential Building Address Numbers;~~
~~**c.** Section 6.2.5F.4, Non-Residential Building Articulation;~~
~~**d.** Section 6.2.5F.5, Non-Residential Materials and Colors;~~
~~**e.** Section 6.2.5F.6, Non-Residential Building Wall Attachments and Fixtures;~~
~~**f.** Section 6.2.5F.7, Non-Residential Roof Form;~~
~~**g.** Section 6.2.5F.9, Non-Residential Awnings;~~
~~**h.** Section 6.2.5F.10, Non-Residential Outparcels; and~~
~~**i.** Section 6.2.5F.11, Multi-building Development.~~

~~3. ADDITIONAL STANDARDS FOR LARGE FORMAT RETAIL USES~~

~~a. CUSTOMER ENTRANCES~~

~~Large format retail uses shall comply with the standards in Section 6.2.5F.2, Customer Entrances, except that primary entrances shall include four of the listed options instead of three.~~

b. FENESTRATION

Building walls on large format retail uses shall incorporate fenestration features in accordance with the following standards (see Figure 6.2.5.G, Large Retail Building Fenestration):

i. PRIMARY BUILDING WALLS

Primary building walls shall be configured so that at least 10 percent of the first-floor portion of the primary wall is occupied by visually transparent windows or doors; and no more than 50 percent of any single window or door is obstructed by a window sign or other opaque display.

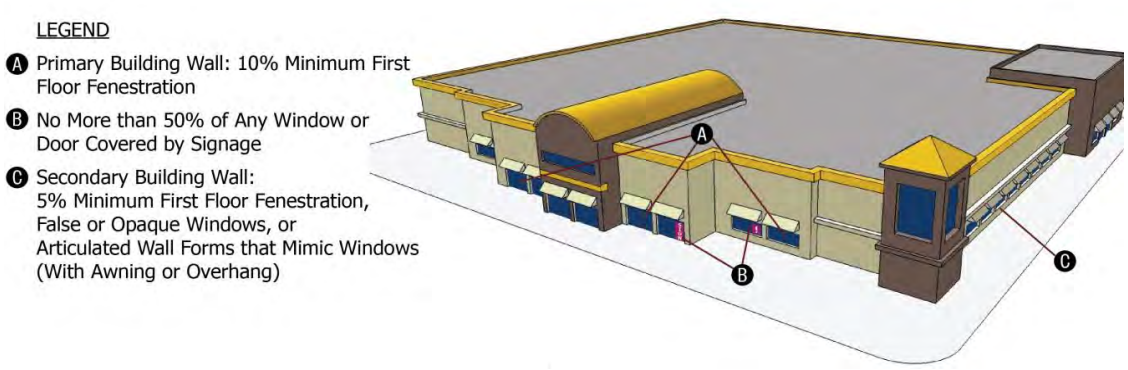
ii. SECONDARY BUILDING WALLS

Secondary building walls shall be configured so that at least five percent of the ground floor façade is occupied by visually transparent windows or doors; false or opaque windows; or articulated wall forms designed to mimic window openings that also include an overhang or awning.

iii. ALTERNATIVES

Large retail buildings may utilize the fenestration alternatives in Section 6.2.5F.8.c, Alternatives to Visually Transparent Windows and Doors, to comply with these requirements.
AMENDED 9.16.24 (UDOTA2-24)

FIGURE 6.2.5.G: LARGE RETAIL BUILDING FENESTRATION



c. OFF-STREET PARKING LOCATION

i. Sites comprised of large format retail uses subject to these design standards shall be configured such that no more than 75 percent of the provided off-street parking shall be located between a building's primary building façade and the street it faces.

ii. Off-street parking serving large format retail development located within a Gateway Overlay District shall be configured in accordance with the applicable requirements in Section 3.7.3, GTOD Gateway Overlay District.

6.2.6 SINGLE-FAMILY RESIDENTIAL DESIGN GUIDELINES

A. PURPOSE AND INTENT

These residential design guidelines are proposed as ways to ensure that new single-family detached, duplex, triplex, and quadplex housing is high quality, aesthetically pleasing, and provides a wide variety of living options for Town residents. More specifically, these guidelines are intended to: **AMENDED 9.16.24 (UDOTA2-24)**

1. Ensure single-family detached, duplex, triplex, and quadplex homes maintain consistent exterior materials and architectural treatments on the front and sides of buildings; **AMENDED 9.16.24 (UDOTA2-24)**
2. Establish guidance regarding changes of exterior finishes and materials on individual facades;
3. Avoid garage-dominated street fronts in residential neighborhoods;
4. Encourage duplex structures to appear as single-family homes; and
5. Ensure an adequate level of variability in home design so as to avoid monotonous streetscapes where every dwelling appears identical or very similar to its neighboring dwellings.

B. APPLICABILITY

1. Single-family detached, duplex, triplex, and quadplex dwellings shall comply with these guidelines in the following instances:
   a. When proposed development is subject to a signed statement of consent in accordance with Section 6.2.6C, Statement of Consent~~Statement of Consent~~; and
   b. When compliance with these guidelines is included as a condition of approval associated with a type 3 Conditional Rezoning (see Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~).
2. Single-family detached and ~~,~~ duplex~~, triplex, and quadplex~~ dwellings not subject to a statement of consent are not required to comply with these guidelines, though conformance is strongly encouraged.

~~2.~~3. Triplex and quadplex dwellings of two stories are less not subject to a statement of consent are not required to comply with these guidelines, though conformance is strongly encouraged. Triplex and quadplex dwellings of three or more stories shall comply with these standards. [84]

C. STATEMENT OF CONSENT

1. Compliance with the design guidelines in this section is voluntary and at the discretion of the applicant. In cases where an applicant chooses to comply with the guidelines in this section, the landowner shall sign the following statement of consent and include it with the application for a Preliminary Plat, Final, Plat Special Use Permit, Site Plan, or Building Permit, as appropriate.

VOLUNTARY COMPLIANCE WITH RESIDENTIAL DESIGN GUIDELINES

[84] See STN # 3.

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 fence or wall may only be erected in accordance with the standards in this section and Section 2.3.33, Zoning Compliance Permit.
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 2.3.4~~ Building Permit~~>.
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;
~~1.~~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 [85]
~~2.~~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~~Nonconforming Site Features~~.

[85] See STN # 3.

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~~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 shall provide maintenance easements centered on the wall and provided along the wall's full~~ir~~ course~~, particularly~~ when ~~a~~ the retaining wall crosses lot lines ~~shall be located within a maintenance easement~~.[86]
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~~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.

[86] See STN # 60.

2. Walls be designed, constructed, and maintained to ensure a minimum useful life of at least 30 years.

B. PERMITTED FENCE MATERIALS

The following fencing materials are permitted for fences:

1. Masonry or stone;
2. Ornamental iron, steel, or aluminum;
3. Wood;
4. Vinyl, rigid non-rolled plastic, or composite; or
5. Wire or chain-link only in accordance with Section 6.3.4D.2, Wire and Chain Link Fencing~~Wire and Chain Link Fencing~~.

C. PROHIBITED FENCE MATERIALS

1. Fences made of wooden pallets, tires, debris, junk, rolled or sheet plastic, sheet metal, untreated or unpainted plywood, readily flammable material, or waste materials shall be prohibited, unless the materials have been recycled and reprocessed, for marketing to the general public as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).
2. In no instance shall tarps or silt fencing remain on a lot or site after completion of construction.

D. RESTRICTED FENCE MATERIALS

1. ELECTRIC FENCES

Fences that carry an electrical current are allowed solely for the purposes of enclosing livestock as part of a bona fide farm use and when configured as a battery-charged security fence as permitted in NCGS§160A-194.1.[87] Nothing shall prohibit below-ground electrical fences intended for the keeping of pets.

2. WIRE AND CHAIN LINK FENCING

a. BARBED, RAZOR, OR CONCERTINA WIRE AS FENCING

Barbed wire as a fence is prohibited in all zoning districts except that it may be allowed as part of a bona fide farm use.

b. BARBED, RAZOR, OR CONCERTINA WIRE ATOP ANOTHER MATERIAL

i. Barbed, razor, or concertina wire may be permitted atop another material or along the top of a wall within the CZC, CZD, CZI, CZM, CZR, PUB, LID, or HID districts.
ii. Where permitted, barbed, razor, or concertina wire shall be at least six feet above the grade measured from the base of the fence or wall upon which it is located.

c. CHAIN LINK FENCING

Chain link fencing shall be fully coated in black vinyl, and shall comply with the following requirements:

i. Except within industrial districts, black vinyl coated chain link fencing is prohibited in the area forward of the front façade line of a principal building and the street it faces.
ii. Black vinyl coated chain link fencing may not be located with a street setback unless fully obscured from view from the street by landscaping material to the same height as the chain link fencing.

[87] See STN # 3.

iii. Shrubs used for the purposes of obscuring chain link fencing shall be at least 30 inches in height at planting.
iv. Vinyl coating is not required for chain link fences located in non-residential districts when the fence is not visible from adjacent property or right-of-way.
v. Nothing shall limit the use of black vinyl coated chain link fencing around all sides of a recreational facility, educational institution, utility, or governmental facility where such fencing is necessary for public safety or security.

d. WIRE MESH OR WIRE FABRIC FENCING

Wire mesh fencing (e.g., chicken wire, hardware cloth, etc.) is permitted as part of a residential use provided it is not located within a required setback or does not exceed 36 inches in height above the adjacent grade.

E. TEMPORARY FENCE MATERIALS

Temporary fences shall comply with the requirements in Section 4.6.5G, Temporary Fencing~~Temporary Fencing~~.

F. WALL MATERIALS

1. Walls shall be constructed of one or more of the following materials:
   a. Stucco or similar parging over concrete block;
   b. Exposed aggregate concrete; or
   c. Brick, stone, or architectural block assembled in a structurally safe and attractive condition.
2. No walls of exposed smooth-faced concrete block shall be permitted. Smooth-faced concrete block is permitted when coated with stucco, parging, or other masonry material. Painting alone is insufficient to meet these requirements.
3. Stacked stone or other masonry configurations where no mortar or other bonding agent is used between stones or individual masonry units shall not exceed 36 inches in height above grade.
4. Alternative wall materials may be permitted by the Planning Director provided they provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development.

6.3.5 MAINTENANCE

A. Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal, or property is in violation of this Ordinance.
B. When a fence or wall is in violation of this Ordinance, the Planning Director shall require the owner or occupant of the property upon which the fence or wall is located to repair, replace, or demolish the fence or wall in accordance with all applicable standards in this Ordinance.

6.3.6 MAXIMUM HEIGHT

A. Maximum fence and wall height shall be in accordance with Table 6.3.6, Maximum Fence and Wall Height, and Figure 6.3.6, Maximum Fence and Wall Height.
B. Fence and wall height shall be measured in accordance with the standards in Section 6.3.8, Measurement~~Measurement~~.

6.3.7 FINISHED SIDE

A. Fences over three feet in height and located within a required street setback shall be configured so that the finished side faces outwards toward the abutting street right-of-way.

B. All fences or walls shall be configured so that the finished side does not include any supporting members or bracing (see Figure 6.3.7, Finished Side).

C. As an alternative to configuring the fence with the finished side facing outwards, the fence may be obscured by an evergreen hedge configured with shrubs planted no greater than 30 inches on-center and located between the fence and the street right-of-way. Shrubs shall be planted along the entire span of the fence that is located within a street setback and located no closer than 36 inches to the edge of the right-of-way. Shrubs shall comply with the minimum standards for shrubs at the time of planting in Section 6.6.8, Plant Material Specifications~~Plant Material Specifications~~.

FIGURE 6.3.7: FINISHED SIDE



6.3.8 MEASUREMENT

A. MEASUREMENT LOCATION

1. Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.
2. In cases where a fence or wall is placed on a berm, the maximum fence or wall height shall include the height of the berm, as measured from the toe of the slope (see Figure 6.3.8, Fence Height Measurement).

B. COLUMN AND POST HEIGHT

Columns or posts shall not exceed a height 18 inches above the built height of the fence.

C. RAILINGS NOT INCLUDED

Safety railings required by the North Carolina Building Code shall not be included in wall height measurements.

6.4 EXTERIOR LIGHTING

6.4.1 PURPOSE AND INTENT

The purpose of these standards is to control light trespass and glare so as not to adversely affect motorists, pedestrians, or adjacent properties. Lighting intensities should be controlled to assure public health, safety, and welfare. Further, it is the intent of this section to:

A. Maintain the minimal amounts of exterior lighting needed for night-time safety, security, commerce, and enjoyment;
B. Minimize the adverse off-site impacts of light pollution such as glare, and light trespass, and obtrusive light;
C. Promote the conservation of energy;
D. Help protect the natural environment from the adverse effects of nighttime lighting;
E. Provide adequate lighting for pedestrian and bicycle safety; and
F. Promote the ability of Town residents and visitors to enjoy dark nighttime skies and the ability to see stars after nightfall.

6.4.2 APPLICABILITY

A. GENERALLY

The provisions of this section shall apply to all multi-family, single-family attached residential, mixed-use, and non-residential development unless exempted in accordance with Section 6.4.3, Exemptions~~Exemptions~~.

B. RESIDENTIAL DEVELOPMENT

Single-family detached, duplex, triplex, and quadplex development shall comply with the standards in Section 6.4.4, Prohibited Lighting~~Prohibited Lighting~~, and Section 6.4.6G, Shielding~~Shielding~~, but shall be exempted from the rest of the standards in this section.

C. EXPANSION OR REMODELING

All expansions or remodeling of principal buildings, parking areas, or open uses of land shall comply with these standards, subject to the requirements in Section 5.4, Nonconforming Site Features~~Nonconforming Site Features~~.

D. NONCONFORMING LIGHTING

Exterior lighting for development subject to these standards that does not comply with these provisions shall be addressed in accordance with Section 5.4, Nonconforming Site Features~~Nonconforming Site Features~~.

6.4.3 EXEMPTIONS

The following forms of exterior lighting or activities are exempt from the requirements of this section:

A. Special events and holiday displays;
B. FAA-required lighting on buildings, towers, or other structures;
C. Interior lighting for stadiums, arenas, and similar facilities; and
D. Temporary lighting necessary for construction or emergencies, used by construction workers or emergency personnel.

6.4.4 PROHIBITED LIGHTING

The following forms of exterior lighting shall be prohibited.

A. EXCESSIVE ILLUMINATION

Exterior lighting that exceeds the maximum allowable levels of illumination at a lot line, fails to maintain the minimum required level of shielding, or that creates glare on off-site areas shall be a violation of these standards and subject to the provisions in Chapter 7, Violations.

B. FLASHING OR REVOLVING

Flashing, revolving, or intermittent exterior lighting visible from any lot line or street is prohibited.

C. HIGH INTENSITY LIGHTING

The following forms of exterior lighting shall be prohibited:

1. High intensity light beams, such as searchlights or laser lights, except when used by federal, State, or local authorities;
2. High intensity LED or neon lighting fixtures mounted around the interior or exterior of a window, door, or other architectural feature on a structure; or
3. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources.

D. LUMINOUS TUBE LIGHTING

Luminous tube lighting (e.g., neon, rope lighting, etc.) is prohibited on building exteriors and in configurations where it outlines a window or glass door from the inside or outside of a structure. Nothing shall prevent the use of neon lighting as a sign when configured in accordance with Section 6.13, Signage~~Signage~~.

E. TRAFFIC CONTROL SIGNALS

Lighting that imitates an official highway or traffic control light or sign or that is in the direct line of sight with any traffic control light or sign is prohibited.

6.4.5 LIGHTING PLAN

A. APPLICABILITY

1. An exterior lighting plan shall be required for all areas proposed for illumination that exceed 10,000 square feet in area.
2. Projects with multiple areas proposed to be illuminated (such as separate parking lots) shall submit a lighting plan if the sum of the multiple areas exceed 10,000 square feet.

B. LIGHTING PLAN NOT REQUIRED

In cases where development proposes exterior lighting, but a lighting plan is not required, the development application shall indicate the following:

1. Exterior lighting fixture type(s);
2. Exterior lighting mounting height(s); and
3. A written statement by the applicant that all proposed exterior lighting complies with the applicable requirements in this section.

C. PROFESSIONAL PREPARATION

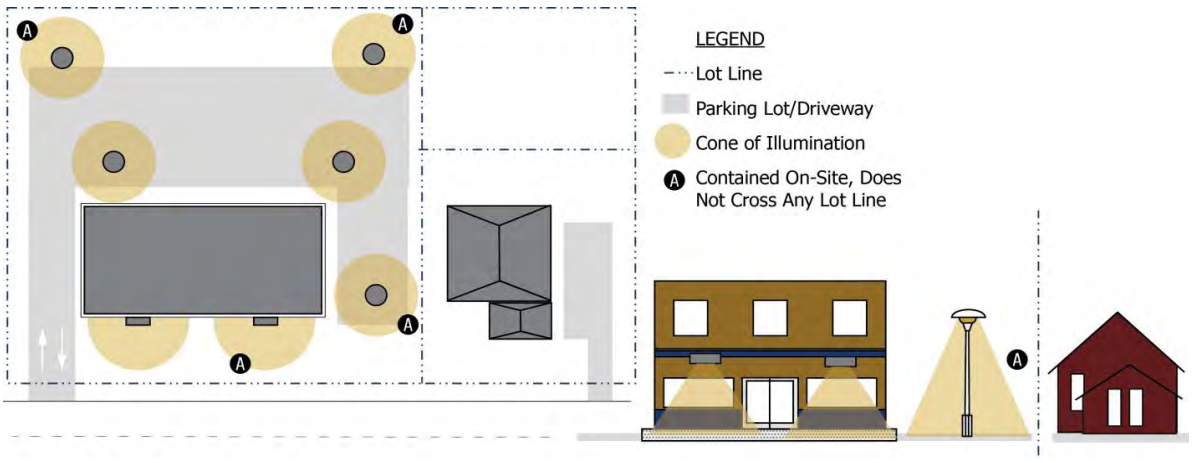
A lighting plan shall be prepared by a professional who is qualified to prepare such documents. **AMENDED 9.16.24 (UDOTA2-24)**

TABLE 6.4.6: MAXIMUM ILLUMINATION LEVELS	
LOCATION OF NEW DEVELOPMENT [1]	MAXIMUM ILLUMINATION LEVEL AT THE LOT LINE (FOOTCANDLES) [2] [3] [4]
Lot abuts land in an OFI, DTNC, DTNN, DTNT, NCM, CZM, or CZD zoning district	2.0
Lot abuts land in a PUB, CRM, LID, HID, CZC, or CZI zoning district	2.5
NOTES: [1] Standards are applied based on the zoning district designation of abutting land, not the zoning district designation where the new development is located. [2] Maximum illumination level measured at a lot line shared with the zoning district identified in the corresponding Location column. [3] Illumination level as determined in accordance with Section 6.4.9, Measurement~~Measurement~~. [4] In cases where a single development occupies multiple lots, the standard shall apply to the lot line(s) around the perimeter of the project.	

F. MOUNTING LOCATION

1. Exterior lighting shall be mounted and configured in such a manner so that the cone of illumination is contained on-site and does not cross any lot line around the perimeter of the site (see Figure 6.4.6.F: Mounting Location).
2. Wall pack and wall-mounted lighting fixtures shall not project above the fascia or roof line of the building.

FIGURE 6.4.6.F: MOUNTING LOCATION

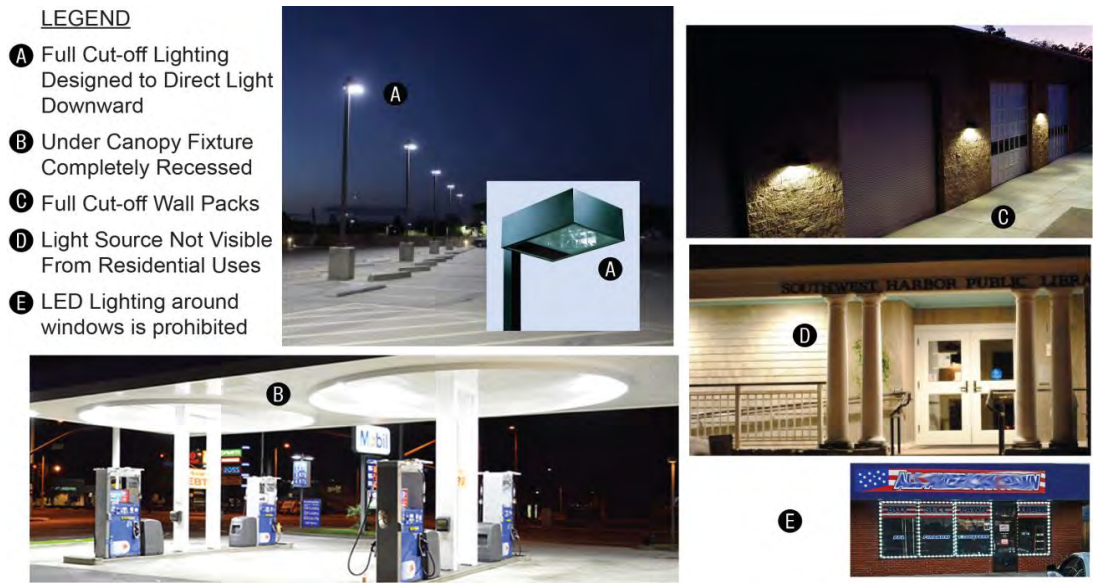


G. SHIELDING

1. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky (see Figure 6.4.6.G: Light Shielding).

2. Under canopy lighting fixtures shall be recessed within the canopy so that no source of illumination is visible except from directly underneath the light fixture.
3. Wall packs and floodlights and shall be shielded (e.g., true full cut-off type bulb or light source not visible from off-site) and configured to direct light downwards rather than outwards.

FIGURE 6.4.6.G: LIGHT SHIELDING



6.4.7 STANDARDS FOR SPECIFIC SITE FEATURES AND USES

A. BUILDING ENTRANCES AND GATHERING AREAS

Entrances to buildings and outdoor gathering spaces available for use by the general public after dusk shall be illuminated to provide safety and security, subject to Section 6.4.6, Exterior Lighting Standards~~Exterior Lighting Standards~~.

B. OUTDOOR RECREATION AND PERFORMANCE USES

Exterior lighting of outdoor recreation, sports areas, athletic fields and courts, and outdoor performance areas shall comply with the following standards:

1. GLARE CONTROL PACKAGE

All lighting fixtures subject to these standards shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and be aimed so that their beams are directed and fall solely within the designated playing or performance areas.

2. HOURS OF OPERATION

The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

C. PARKING LOTS

1. LIGHTING REQUIRED

Off-street parking lots of five or more spaces shall include exterior lighting configured in accordance with Section 6.4.6, Exterior Lighting Standards~~Exterior Lighting Standards~~.

2. AMBIENT LIGHTING REQUIRED

a. Exterior lighting within parking lots, including driveways and drive aisles, shall be configured and operated in order to maintain a minimum threshold of ambient lighting of at least 0.5 footcandles after dusk throughout the parking lot and vehicular use areas.

b. Exterior lighting serving residential and mixed-use parking lots shall provide ambient lighting throughout the evening hours unless a reduced period of time is approved as part of a conditional rezoning approval (see Section 2.3.7, Conditional Rezoning~~Conditional Rezoning~~).

3. PLACEMENT CONSISTENT WITH REQUIRED LANDSCAPING

Exterior lighting located within a parking lot shall comply with the standards in Section 6.6.12, Off-Street Parking Lot Landscaping~~Off-Street Parking Lot Landscaping~~.

D. STRING LIGHTS

String lights are permitted as a part of non-residential and mixed-use development in the CRM, DTNC, DTNT, MXD, NCM, OFI, CZC, CZD, and CZM districts, subject to the following standards:

1. Exposed decorative string lighting shall be limited to a maximum bulb rating of 5 watts or less.
2. Decorative string lighting shall consist of single strands and run in any of the following configurations:
   a. Following the architectural features of a building, including doors, windows, awnings, or rooflines;
   b. Hung parallel or perpendicular to the architectural feature;
   c. Wrapped around columns, posts, or pillars on a building;
   d. Wrapped around existing on-site features such as landscaping, trees, or posts;
   e. Strung overhead in activated public and private alleys; or
   f. Placed around, across, or as a way to define outdoor dining or outdoor seating areas.
3. Decorative string lighting shall be designed to create a constant glow and prevent glare.
4. The color of decorative string lighting shall be white light in the color temperature range of not less than 2,700 K and not exceeding 4,200 K, except as permitted during a holiday period as defined below:
   a. Colors beyond white are permitted for decorative string lighting between November 1 and January 15 of each year.
   b. Decorative string lighting of a different color than white must be removed, turned off, or changed back to an allowable shade of white no later than 10 days following the end of the holiday period.
5. All decorative string lighting must be maintained in proper working order, and must be replaced, turned off, or removed entirely if a portion of the string lighting is not in proper working order.
6. Decorative string lighting can be left on at all times to enhance the beautification and lighting of downtown, even outside of business hours.

6.5 INFRASTRUCTURE

6.5.1 PURPOSE AND INTENT

The purpose of this section is to establish standards for the planning and installation of public infrastructure as part of development, whether as part of a subdivision, site plan, or expansion or addition of an existing site. More specifically, this section is intended to:

A. Provide for the orderly growth and development of the Town, and its planning jurisdiction;
B. Coordinate the logical extension of streets and other public utilities as a part of new development and redevelopment;
C. Provide for the adequate provision of services and infrastructure for features such as potable water, wastewater, and fire protection;
D. Maintain conditions essential to the public's health, safety, and general welfare;
E. Protect environmentally sensitive lands and resources; and
F. Facilitate the further re-subdivision of larger tracts into smaller parcels of land, where appropriate.

6.5.2 APPLICABILITY

A. The standards in this section are applied to all forms of development that include or are served by the following forms of infrastructure:
1. Electricity, whether provided by the Town or other service provider;
2. Fire protection features, such as fire hydrants;
3. Natural gas (other than propane or liquified petroleum stored and used by a principal or secondary use on the same site);
4. Streets, including private streets;
5. Street curbing, drainage, lighting, and signage;
6. Potable water, other than an on-site water source; and
7. Wastewater (sanitary sewer), other than an on-site wastewater treatment system located on the same site as the principal use it serves.

B. The timing of review for compliance with these standards shall take place as part of review for a Site Plan, Subdivision Plat, Construction Drawings, Zoning Compliance Permit, Building Permit, or Certificate of Occupancy, as appropriate.
C. Development subject to these standards shall have installed all required infrastructure in accordance with this section or shall have secured its completion in accordance with Section 2.3.20, Performance Guarantee~~Performance Guarantee~~, prior to final approval of a Final Plat (see Section 2.3.19G, Stage 3, Final Plat~~Stage 3, Final Plat~~) or issuance of a Certificate of Occupancy (see Section 2.3.6, Certificate of Occupancy~~Certificate of Occupancy~~).

6.5.3 GENERALLY

The following standards are applied to all forms of infrastructure regulated under this Ordinance.

A. BEAR REASONABLE RELATIONSHIP

All required improvements and rights-of-way (other than required reservations) in this section shall substantially benefit the development or bear a reasonable relationship to the need for infrastructure attributable to the new development.

B. COMPLIANCE WITH TOWN REQUIREMENTS [88]

All public infrastructure shall comply with all applicable requirements in the Clayton Manual of Standard Specifications and Details, as amended.

~~B.~~C. CONSISTENCY WITH ADJACENT DEVELOPMENT

Whenever it can reasonably be anticipated that infrastructure constructed in one development will be extended to serve other adjacent or nearby developments, the infrastructure (such as streets, water, or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

~~C.~~D. INSTALLATION SEQUENCE

Infrastructure shall be installed in the following sequence:

1. Street grading and installation of water distribution lines, sanitary sewers, storm sewers, gas, telephone, cable television, and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement;
2. Street base material;
3. Curb and gutter and sidewalks; and
4. Street paving. Installation of the final lift of asphalt on roadway surfaces shall be delayed until at least 80 percent of the development (or 80 percent of the development within a particular phase) is completed.

~~D.~~E. LOCATION

1. All infrastructure located within a Town-maintained right-of-way shall be subject to the Town's policies regarding public rights-of-way.
2. Placement of required infrastructure within a special flood hazard area shall only be in accordance with the applicable standards in this Ordinance and applicable State law.

~~E.~~F. MAINTENANCE REQUIRED

1. Required infrastructure installed or caused to be installed by a subdivider and intended for ownership or operation by another entity (like the Town, NCDOT, or an owners' association) shall be maintained by the subdivider until such time as the infrastructure is accepted by the entity who will own or operate it.
2. All infrastructure shall be constructed in a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

~~F.~~G. PLANS (AS-BUILT) REQUIRED

1. Whenever a subdivider installs or causes to be installed any Town-operated or maintained infrastructure, the subdivider shall, as soon as practicable after installation is complete, and before acceptance, furnish the Town with an as-built plan prepared by a professional engineer that shows the exact location and configuration of all infrastructure features. Nothing shall limit the depiction of more than one type of infrastructure or utility on the same as-built plan sheet.
2. The as-built plan must be verified as accurate by the Town or appropriate utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development.

[88] See STN # 9.

3. As-built plans shall be prepared and verified prior to commencement of operation, issuance of a Certificate of Occupancy, approval of a Final Plat, or as otherwise required by the Engineering Director.

~~G.~~H. UNDERGROUND UTILITIES REQUIRED

1. Except for high voltage electrical transmission lines, all new electric power lines, excluding transformers or enclosures containing electrical equipment which may be pad mounted, as well as telephone, gas distribution, and cable television lines in development constructed after January 2, 2024, shall be placed underground in accordance with the specifications and policies of the respective utility service providers.
2. Except for existing high voltage electrical transmission lines, existing overhead utilities located on land adjacent to new development subject to the standards of this section are strongly encouraged to be relocated to underground locations.
3. No electric power, telephone, cable television or other utility lines may be installed over ponds, lakes, rivers, or other bodies of water.

6.5.4 BRIDGES AND DAMS

A. BRIDGES

All bridges for vehicles and pedestrians shall be designed and configured by a professional engineer in accordance with applicable NCDOT standards.

B. DAMS

All dams shall be designed, constructed, and operated in accordance with NCGS§143-215.23, the Dam Safety provisions of the North Carolina Administrative Code, the Town's Engineering Specifications and Design Manual, and the following:

1. If located within a Special Flood Hazard Area, the structure shall be designed to meet or exceed all FEMA standards for such structures;
2. Dams shall not incorporate landscaping material and shall not be credited towards open space set-aside standards;
3. Maintenance of a dam structure shall be the responsibility of the developer or an owners' association, who shall be responsible for conducting all scheduled inspections and furnishing results of inspections to the Town, upon request; and
4. The party responsible for dam maintenance shall provide a performance guarantee for the dam's maintenance in perpetuity in accordance with the standards in Section 2.3.20, Performance Guarantee~~Performance Guarantee~~.

6.5.5 CLUSTER MAILBOXES

New subdivisions and new phases to existing subdivisions shall incorporate cluster mailbox units configured in accordance with all applicable US Postal Service requirements and the following:

A. ACCESS

1. All cluster box units in a development shall be directly served by a sidewalk, pedestrian trail, or include facilities for vehicular access.
2. At least five percent of the provided mailboxes shall be configured to permit access in accordance with the American with Disabilities Act.

B. CONSTRUCTION

Cluster box units shall be constructed in accordance with the following requirements:

1. Except in cases where cluster units are located within a building, such facilities shall be located on paved concrete pads and anchored in accordance with the NC State Building Code and US Postal Service requirements.
2. Cluster box facilities with 100 or more mailboxes in one location shall be located within a roofed structure that provides shelter from sun or rain.

C. LOCATION

1. Cluster box units shall be located within one or more of the following locations:
   a. On land owned or maintained by an owners' association; or
   b. Within a private access easement.
2. Where possible, cluster box units shall be located central to the development they serve or proximate to a primary vehicular entrance to the development.
3. In no instance shall a cluster box unit be located within a required sight distance triangle, a public utility easement, within the vehicular travelway portion of a street or alley, or in a manner that obstructs the movement of pedestrians along a sidewalk or trail.
4. A cluster box unit shall be positioned so that the individual mailbox units may be accessed without the need to stand within a street travelway.
5. In cases where a subdivision includes a recreational amenity building, cluster box units are encouraged to be located within or adjacent to the building.

D. LIGHTING

Cluster box units shall be served by one or more street lights configured in accordance with Section 6.4.8, Street Lights~~Street Lights~~, in developments where street lights are provided.

E. PARKING

1. A cluster box unit with 20 or more mailboxes shall be served by one on-street or off-street parking space.
2. Cluster box units with 40 mailboxes or more shall be served by two on-street or off-street parking spaces plus one additional on-street or off-street parking space for every additional 20 mailboxes beyond 40 to a maximum of four parking spaces.
3. On-street parking spaces shall be parallel to the vehicle travelway. On-street parking spaces that are perpendicular to the travelway are prohibited.
4. At least one of the parking spaces provided shall meet the requirements for an accessible parking space in accordance with the State Building Code.
5. As an alternative to providing parking spaces, a cluster box unit may incorporate a separate vehicular pull-off area with sufficient width to accommodate a standard passenger vehicle and a sufficient length to accommodate the same number of stacked vehicles as could be accommodated by the required on-street or off-street parking.
6. In cases where a cluster box unit is located within a neighborhood amenity use (like a clubhouse) or is located within an off-street parking lot serving such a use, the off-street parking provided for the cluster box unit shall be marked and reserved. In no instance shall the off-street parking serving a cluster box unit be shared or off-site parking.

6.5.6 DRAINAGE FACILITIES

New development shall provide for the proper drainage of all stormwater runoff in order to protect the proposed development and neighboring developments from water damage in accordance with State law, this Ordinance, and the following standards.

A. APPLICABILITY

New non-residential, mixed-use, multi-family, and major residential subdivisions shall provide drainage facilities in accordance with the standards in this section.

B. APPROVAL REQUIRED

The design of a drainage facility system, whether on public or private land, shall be subject to the approval of the Engineering Director in accordance with all applicable State law and standards in this Ordinance.

C. CONFIGURATION

1. COMPLIANCE WITH STORMWATER SECTION

Drainage facilities subject to these standards shall also comply with the standards in Section 6.15, Stormwater~~Stormwater~~.

2. MUNICIPAL STORM DRAINAGE SYSTEM

a. Where feasible, the developer shall connect to the municipal storm drainage system.

b. Storm sewers, drains, and structures installed by the developer shall be installed of a size, type, and location approved by the Technical Review Committee, the Engineering Director, or NCDOT, as appropriate.

c. Cross pipes under streets and driveways shall be a minimum of 15 inches in diameter and comprised of concrete, reinforced concrete, or other material, as approved by the Engineering Director.

d. In cases where storm drainage infrastructure associated with the municipal storm drainage system is not located within a street right of way, it shall be located within a public drainage easement configured in accordance with Section 6.5.7C, Drainage Easements~~Drainage Easements~~.

3. PRIVATE DRAINAGE SYSTEM

a. Where the municipal storm drainage system cannot feasibly be extended to a proposed development, a surface or sub-surface private drainage system shall be designed to complement surface drainage systems serving surrounding properties.

b. All aspects of a private drainage system shall be located within a designated private drainage easement configured in accordance with Section 6.5.7C, Drainage Easements~~Drainage Easements~~.

c. Surface drainage courses shall have side slopes of at least one foot of horizontal distance for each foot of vertical distance.

d. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of approximately one foot in each 300 feet of horizontal distance.

e. In no instance shall surface stormwater be channeled into a sanitary sewer system.

D. MAINTENANCE RESPONSIBILITY

1. Street drainage facilities located outside the street right-of-way shall be maintained by the developer, the landowner, or an owners' association, and maintenance responsibility shall be noted on the final plat.

2. The Town shall not be responsible for any private or commonly-held subdivision drainage infrastructure connected to publicly-maintained drainage facilities, streams, or other outlets having constant flow.

E. TIMING

1. All required drainage facilities shall be constructed prior to approval of a Final Plat (see Section 2.3.19G, Stage 3, Final Plat~~Stage 3, Final Plat~~), or a Certificate of Occupancy (see Section 2.3.6, Certificate of Occupancy~~Certificate of Occupancy~~).
2. In the case of phased development, drainage facilities shall be completed for the active phase of development unless an alternative configuration is warranted in accordance with Section 2.4.13, Phased Development~~Phased Development~~.

6.5.7 EASEMENTS

Easements for infrastructure shall be required when infrastructure is located outside a public street right-of-way or land owned by the Town. Easements, where required, shall be configured in accordance with the following standards:

A. GENERALLY

1. EASEMENTS DISTINGUISHED

a. Easements shall take one of the following forms:
   i. An access easement;
   ii. A drainage easement;
   iii. A maintenance easement;
   iv. A public utility easement; or
   v. A roadway slope easement.

b. All easements shall be either public easements or private easements. Public easements are granted in favor of the Town, the NCDOT, or some other governmental entity. Private easements are granted in favor of an owners' association or to one or more individual landowners.

2. ALLOWABLE FEATURES

a. No landscaping, signage, fences, walls, patios, decks, or secondary structures shall be located within a public utility easement or a drainage easement.

b. Greenways, configured in accordance with Section 6.10.1A.1, Greenways~~Greenways~~, may be located within a public utility easement.

c. Parking lots, driveways, and vehicular accessways may be located within any type of easement provided the purpose and function of the easement are not interrupted and provided the Town may access utility features, such as valves or manholes, at all times.

3. AUTHORIZATION FOR ENCROACHMENT INTO EASEMENT

Placement of a building, structure, use, or activity within an easement by a party other than an easement holder shall require the prior permission of the easement holder. **AMENDED 9.16.24 (UDOTA2-24)**

4. AUTHORIZATION FOR REMOVAL OF FEATURES IN EASEMENT

a. In the event landscaping or other structure located within a public easement must be removed in order to gain access or conduct maintenance, the Town may remove such features at the owner's expense and shall not be required to replace any removed landscaping or other structures located within a designated public easement.

b. In the event the removed landscaping or other required feature is required by this Ordinance, then it shall be re-established by the landowner promptly after removal by the Town.

5. IDENTIFICATION

All easements whether public or private, shall be granted in favor of the Town of Clayton, the State of North Carolina, the appropriate utility provider, an owners' association, or to the benefit of specific lots, as appropriate, and shall be shown and clearly labeled on a Site Plan or Final Plat.

B. ACCESS EASEMENTS

Access easements shall take one of the following forms:

1. An access easement for the purposes of accommodating a shared driveway, configured in accordance with Section 6.1.4D.5, Alternative Access~~Alternative Access~~;
2. An access easement for the purposes of an existing or future parking lot cross accessway configured in accordance with Section 6.1.6, Parking Lot Connections~~Parking Lot Connections~~
3. An access easement associated with a private street, configured in accordance with Section 6.5.11G, Private Streets~~Private Streets~~.

C. DRAINAGE EASEMENTS

Drainage infrastructure that crosses a lot line and that is not located within a public street right-of-way shall be located within a drainage easement configured in accordance with the following standards:

1. Drainage easements shall either be public, with the infrastructure owned and operated by the Town or other governmental entity, or private, with the infrastructure owned and operated by a landowner or private entity.
2. No development or land disturbance shall block or obstruct a drainage easement. Nothing shall limit vegetation within a drainage easement provided the vegetations does not interrupt the flow of water.
3. Open channel drainage easements shall have a minimum width of at least 10 feet.
4. Drainage easements containing sub-surface piped stormwater facilities shall have a minimum width of at least 20 feet.
5. Drainage easements of greater width may be required along the lines of or across lots where necessary for storm drainage, channels, surface overflow or for the extension of main sewers or similar utilities and when necessary for adequate separation of specific utilities.
6. Where development abuts or is traversed by a watercourse, drainage way, canal or stream, the developer shall provide a drainage easement with a minimum width of at least 20 feet for channel improvement, but may be wider if necessary to accommodate deep channels. The drainage easement shall be the minimum width necessary to include both banks and follow the center line of the watercourse, drainage way, canal, or stream.

D. MAINTENANCE EASEMENTS

Maintenance easements shall be required as a part of stormwater control measures in accordance with the standards in Section 6.15, Stormwater~~Stormwater~~, as well as along retaining walls in Section 6.3, Fences and Walls~~Fences and Walls~~.

b. Easements for public utilities shall be cleared of undergrowth, trees, and other obstructions prior to approval of the Final Plat or Certificate of Occupancy unless the Engineering Director certifies in writing that such clearance is unnecessary.
c. Clearance is not required for easements that are provided for possible future use.
d. Public utility easements shall be fully accessible from a rubber-tired vehicle.

F. ROADWAY SLOPE EASEMENTS

A roadway slope easement is provided in cases where a developer seeks to install improvements proximate to the street right-of-way that could make it impossible or impractical to construct or maintain street-related features. Roadway slope easements shall be configured in accordance with the Town's Engineering Specifications and Design Manual and the following standards:

1. A roadway slope easement of 20 feet in width may be required adjoining each side of a public street right-of-way.
2. The Town may reduce or increase the slope easement width due to surrounding terrain conditions.
3. Private improvements may be located within a required roadway slope easement in cases where the applicant submits information sufficient to demonstrate that, in the sole opinion of the Engineering Director, the private improvements do not interfere with the right of the public to construct within the adjoining right-of-way streets, sidewalks, or both.

6.5.8 ELECTRICITY

New development located within the Town's electrical service provision area shall comply with the following standards:

A. SERVICE PROVIDER DETERMINATION

1. The electrical service provider to new development shall be determined based on the proximity of current electrical service provider boundaries, and whether a particular provider was already providing electrical service in the area to be developed.
2. Applicants for new development shall be informed of the designated electrical service provider as the pre-application conference (see Section 2.4.3, Pre-Application Conference~~Pre-Application Conference~~), or upon the application for a determination in accordance with Section 2.3.11, Determination~~Determination~~.
3. Maps indicating the boundaries of Duke Energy Progress and the Town's electrical service shall be on file and available for public inspection in the offices of the Town's Engineering Department.

B. CONFIGURATION

1. Electrical service shall be configured in accordance with all applicable standards and requirements of the electrical service provider.
2. All Site Plans and subdivision plats shall indicate the electrical delivery point(s).
3. Landscaping shall be located at least three feet from ground-based electrical equipment.
4. In cases where the design or configuration of development changes following approval of the electrical delivery point, the development shall require additional review and approval by the Town.

C. OWNERSHIP

All electrical facilities located within the Town's electrical service provision area shall become the sole property of the Town upon acceptance. A deed to the Town for such facilities, including any necessary easements, shall be executed prior to connections to the electrical system.

6.5.9 FIRE PROTECTION [89]

A. FIRE CODE

All new development subject to these standards shall comply with the ~~2018~~ most recently-amended version of North Carolina Fire Code, ~~as amended,~~ which is hereby adopted by the Town.

B. FIRE HYDRANTS

1. Fire hydrants shall be required when indicated by the applicable Fire Code or when a development includes four or more proposed lots, four or more dwelling units, or non-residential uses to be served by extension of a public water supply system. Fire hydrants shall comply with the following requirements:
   a. Fire hydrants shall be located within street rights-of-way, no more than 1,000 feet apart, and no more than 500 feet from any lot or unit to be served;
   b. Fire hydrants shall be located at street intersections where practical, near the turnaround of a dead-end street, and at property line intersections;
   c. Water lines serving fire hydrants shall be at least six inches in diameter, or larger size, as required by the water service provider, and shall not be dead-end lines, unless no other practicable alternative exists;
   d. Fire hydrants shall comply with standard hydrant design (National Standard Thread, 4½-inch steamer, two 2½- inch discharge connections, etc.);
   e. Fire hydrants shall be maintained by the provider providing water to the development; and
   f. Fire hydrants shall only be required in cases where the system operator is capable of supplying sufficient water pressure to operate the hydrants.
2. All fire hydrants installed under the requirements of this section shall become the sole property of the Town upon acceptance.
3. In cases where a building includes sprinklers or similar fire suppression devices, fire hydrants shall be required in accordance with ~~Appendix B Table 105.1(2) and Chapter 5 507.5.1.1 of~~ the ~~2018~~ North Carolina Fire Code.

6.5.10 POTABLE WATER

All development utilizing potable water shall comply with the following standards:

A. POTABLE WATER SUPPLY SYSTEM REQUIRED

1. Every development, building lot, and manufactured home space shall be served by a means of a water supply that is adequate to accommodate the reasonable needs of the use(s) or lot(s) and complies with all applicable public health regulations.
2. All materials and pipes shall be provided by the developer and shall meet or exceed the requirements established by State, Town, or utility service provider requirements for the potable water system.

[89] See STN # 62.

3. The Town may, before issuing any approval under this Ordinance, make an investigation and require the developer to submit the information as appears reasonably necessary to ensure that the development will be able to comply with the water supply system requirements of this Ordinance.

B. CONNECTION TO PUBLIC POTABLE WATER SYSTEM [90]

~~1. WITHIN THE CORPORATE LIMITS~~

~~a.~~1. Each new development and each lot in all major subdivisions within the Town's ~~corporate limits, and each development and lot in all major subdivisions in the extraterritorial jurisdiction located within a specified distance of an existing or approved but not yet constructed public potable water syste~~planning jurisdiction~~m~~ shall be connected~~; at the developer's expense~~ to the Town's potable water system at the developer's expense. ~~Mandatory connections to the public potable water system shall be in accordance with Table 6.5.10, Mandatory Water System Connection Required.~~

~~TABLE 6.5.10: MANDATORY WATER SYSTEM CONNECTION REQUIRED~~

~~Type of Development~~	~~Maximum Distance From Existing Public Water System Before Water System Connection is No Longer Required (feet) [1]~~
~~Single-Family Detached Residential Subdivision (by # of lots)~~ ~~AMENDED 4.15.24 (UDOTA1-24)~~	
~~6-20~~	~~300~~
~~21-50~~	~~500~~
~~51-100~~	~~1,000~~
~~More than 100~~	~~Connection is mandatory regardless of distance~~
~~All Other Residential Subdivisions, Non-Residential Development, and Mixed-Use Development~~ ~~AMENDED 4.15.24 (UDOTA1-24)~~	
~~1 or more lots~~	~~1,000 [2]~~

~~NOTES:~~
~~AMENDED 4.15.24 (UDOTA1-24); AMENDED 9.16.24 (UDOTA2-24)~~
~~[1] Measured in a straight line from closest point of proposed development to the existing or approved but not yet constructed public potable water system.~~
~~[2] If connection to a public potable water system is required, connection to the public sewer system is also required.~~

~~b. In the event a single-family detached residential subdivision has 100 or fewer lots and is farther from an existing water system water supply source than the maximum distance required in Table 6.5.10, Mandatory Water System Connection Required, the applicant may choose to connect the development to the public potable water supply system, but such connection is voluntary and is not required. AMENDED 4.15.24 (UDOTA1-24)~~

~~c. In the event a subdivision other than one devoted to single family detached residential development, a non-residential development, or a mixed-use development is farther from an existing water system water supply source than the maximum distance required in Table 6.5.10, Mandatory Water System Connection Required, the applicant may choose to connect the development to the public potable water supply system, but such connection is voluntary and is not required. AMENDED 4.15.24 (UDOTA1-24)~~

[90] See STN # 4.

~~2. Outside the Corporate Limits~~

~~a. Where a new development or a proposed major subdivision located in the Town's extraterritorial jurisdiction and is located within a specified distance from an existing or approved but not yet constructed public potable water supply system, the applicant shall, at the applicant's expense, connect the development or subdivision lots to the Town's public potable water system. Minimum connection distances shall be in accordance with Table 6.5.10, Mandatory Water System Connection Required, except that if a new development or major subdivision includes fewer than 100 units and is located more than 1,000 linear feet from an existing public potable water service line, connection to the Town's public potable water system is voluntary at the discretion of the applicant.~~

~~b. In the event a development in the extraterritorial jurisdiction is farther than the maximum distance required in Table 6.5.10, Mandatory Water System Connection Required, the applicant may choose to connect the development to the public potable water system, but such connection is voluntary and is not required.~~

~~c. No public potable water service shall be provided to any lot or development outside the Town's corporate limits, except in accordance with one of the following:~~

~~i.~~2. If the lot or site is outside, but contiguous to the Town's corporate limits, the landowner shall immediately petition for and obtain annexation of the property into the Town's corporate limits.

~~ii.~~3. If the lot or site is outside and not ~~then~~ contiguous to the Town's corporate limits, the landowner shall enter into a written agreement with the Town for the voluntary annexation of the lot or site at such future date as indicated by the Town.

~~iii.~~4. If the lot is located behind the Town's Master Meter Network, ~~and~~ it shall be~~is~~ subject requirements for ~~to~~ an agreement with Johnston County.

5. The Town Council may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.

6. Mandatory connection to the potable water system shall not be required for the development of an existing single-family residential dwelling located within the Town's corporate limits in cases where the cost of connection exceeds the cost of on-site potable water service.

7. Mandatory connection to the potable water system shall not be required for development configured as an exempt subdivision in accordance with Section 2.3.14, Exempt Subdivision~~Exempt Subdivision~~, or as an limited subdivision configured in accordance with Section 2.3.18, Limited Subdivision~~Limited Subdivision~~.

~~iv.~~

~~3. Any applicant desiring to extend potable water service in an area where no public potable water service is available shall apply, in writing, to the Town for a specific daily allocation for such services.~~

C. CONFIGURATION

A public water supply system shall comply with the following requirements:

1. When a public water supply is provided, water service shall be required along all lot frontages and along all proposed street extensions, including street stubs.
2. The developer shall install potable water mains in a development so that all lots to be developed will be able to connect to the centralized water system.
3. Water mains shall be installed within street rights-of-way or dedicated public utility easements.

4. The minimum diameter of a water main shall be six inches.
5. Water service shall be provided by service lines with a minimum six-inch nominal diameter on streets which are "stubbed out" at property lines to permit future development.
6. In cases where development is proposed in phases, water line valves shall be installed at all phase boundaries.
7. The developer shall submit detailed drawings with the Construction Drawings associated with a development, prepared, and sealed by a professional engineer, showing the installation of the required public water supply system infrastructure.
8. All materials and pipes shall meet or exceed the requirements of the public water supply system provider.

D. DEDICATION AND ACCEPTANCE

1. Each developer of land connected to a public potable water supply system shall be responsible for providing system-related equipment and appurtenances, including water tanks, water mains, pump stations, fire hydrants, gate valves, blow-offs, and valve covers between their property and the Town's water supply system.
2. Individual water service meters shall be installed by the Town at the expense of the applicant.
3. All potable water supply facilities installed in accordance with these standards shall become the sole property of the Town upon acceptance. A deed to the Town for such facilities, including easements pertaining to the right-of-way entrance for maintenance, shall be executed prior to connection to the Town system.

E. CONNECTION FEES

The applicant shall pay all applicable water system development fees for each lot or development to be served by a connection to the Town's public potable water supply system in accordance with the Comprehensive List of Fees and Charges in place at the time of Building Permit issuance or Construction Drawing approval, whichever is appropriate.

F. OVERSIZING

1. Where the Town Council deems it necessary in the interest of the health, safety, and general welfare, the applicant shall make certain improvements at sizes in excess of those which would normally be required to serve only the applicant's development.
2. Where oversized improvements are required, the Town shall reimburse the applicant for the cost of materials incurred over and above those required to serve the applicant's development.
3. Such reimbursement shall be mutually agreed upon through a reimbursement agreement as authorized by NCGS§ 160A-499.

G. ON-SITE POTABLE WATER SUPPLY SERVICE

1. All on-site potable water supply systems shall be designed and installed in accordance with Johnston County Health Department requirements.
2. On-site potable water supply systems shall be located upon the same lot as the use they serve. In no instance shall a private potable water supply service cross a lot line, whether located in an private easement or otherwise. Only public potable water distribution water lines may cross lot lines. [91]

[91] See STN # 21.

6. Any right-of-way required to be dedicated or reserved shall not be included in the calculation of land area for district dimensional requirements for the zoning district where located.

D. CONSTRUCTION AND IMPROVEMENT REQUIRED

1. New development in the Town's planning jurisdiction that meets any of the following criteria shall dedicate all required street right-of-way, and construct new streets, and/or improve existing abutting street facilities in accordance with all applicable Town requirements:
   a. The development is located on or includes land designated for provision of a public street right-of-way;
   b. The development is on a lot or site that abuts land with public streets stubbed to the adjoining lot line;
   c. The development anticipates the inclusion of new public streets; or
   d. The development abuts an existing street that does not meet all the applicable street standards.
2. In cases where the street is to be owned and operated by the NCDOT, and the NCDOT's street standards are more stringent than the Town's street standards, the street shall be constructed to the NCDOT's standards.
3. A fee-in-lieu of public street construction may be required by the Town or requested by an applicant in accordance with the appropriate provisions in Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.

E. MAINTENANCE REQUIRED

In cases where new development includes public streets and is located outside the Town's corporate limits but within its extraterritorial jurisdiction, the applicant shall provide the Town and all purchasers of land within the development an agreement configured in accordance with NCGS§136-102.6 specifying that the developer is responsible for adequate maintenance of all new streets until the streets are accepted for maintenance by the NCDOT.

F. GENERAL REQUIREMENTS FOR ALL STREETS

1. STREET CLASSIFICATION

a. All streets dedicated to public use shall be configured in accordance with the applicable NCDOT standards, the Town's Comprehensive Transportation Plan, the Town's Engineering Specifications and Design Manual, or the Town's adopted policy guidance, as appropriate.
b. Whenever a street within a new development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.

2. STREET CROSS SECTIONS

a. All public streets established in the Town's planning jurisdiction shall include a minimum street right-of-way and cross section configured in accordance with the applicable Town or NCDOT standards.
b. Street cross-section requirements for Town-maintained streets shall be located in the Town's Engineering Specifications and Design Manual.

c. Alternative cross-sections may be approved in accordance with the standards and procedures in Section 2.3.31, VarianceVariance, or as a part of a Type 3 Conditional Rezoning application (see Section 2.3.7, Conditional RezoningConditional Rezoning). In cases where the alternative cross section is proposed for a street owned and operated by NCDOT, the NCDOT shall also approve the proposed alternative street cross section.

d. Alternative street cross sections shall be configured to readily accommodate emergency vehicles and sanitation trucks.

3. STREET DESIGN

a. GENERAL LAYOUT

i. The layout, arrangement, width, grade, character, and location of streets shall conform to the Town's adopted policy guidance, topographic conditions, natural features, and drainage systems.

ii. When a development abuts or contains an existing or proposed major thoroughfare, the Town may require frontage streets, reverse frontage lots with landscape plantings, or other treatment as may be necessary for adequate protection of residential properties and to ensure separation of through and local traffic.

iii. Reserve strips or parcels controlling access to streets shall be prohibited, except where required as part of development on a double-frontage lot.

iv. Public streets shall not terminate into a driveway, parking lot, or alley.

b. COMPLIANCE WITH OTHER STANDARDS

New streets and changes to existing streets located within or adjacent to a lot or tract shall comply with the applicable standards in the following sections:

i. Section 6.1, Access and CirculationAccess and Circulation;

ii. Section 6.1.7, Sight Distance TrianglesSight Distance Triangles;

iii. Section 6.5.6, Drainage FacilitiesDrainage Facilities; and

iv. Section 6.5.7, EasementsEasements.

c. COMPLIANCE WITH TIA FINDINGS

In cases where new development is subject to Section 2.3.29, Transportation Impact AnalysisTransportation Impact Analysis, all streets and street-related infrastructure shall comply with the findings of the analysis.

d. STREET INTERSECTIONS

Street intersections shall be configured in accordance with the following standards (see Figure 6.5.12.F.3.1: Street Intersections):

i. Not more than two streets shall intersect at any one point unless the Town or NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety;

ii. Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees;

iii. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street;

iv. Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet;

v. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 200 feet measured from centerline to centerline of the intersecting street. When the intersected street is a major thoroughfare, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable;

iv. In cases where one cul-de-sac is accessed from another cul-de-sac, the maximum length for all cul-de-sacs accessed from another cul-de-sac street shall be 400 linear feet (see Figure 6.5.12.F.3.2, Maximum Cul-de-Sac Length).

v. Cul-de-sac medians may be permitted where the cul-de-sac radius is increased, and emergency vehicles and sanitation trucks can be accommodated. Unless agreed to in writing by the Town, landscaped medians in cul-de-sac streets will not be maintained by the Town. Provision of maintenance for any landscaped median within a cul-de-sac shall require approval of a private maintenance agreement by the Town Attorney.

vi. All permanent cul-de-sacs or other dead-end streets shall be provided with a turn-around at the closed end configured in accordance with the Town's Engineering Specifications and Design Manual.

vii. Stub streets shall be provided in accordance with the standards in Section 6.5.11F.5, Street Continuation~~Street Continuation~~.

viii. Stub-streets shall not exceed 150 feet in length without inclusion of an approved turn-around for emergency vehicles.

ix. In cases where adjacent development connects to an existing stub-street and provides another point of ingress/egress, the development with the stub street and turn around may be amended to remove the turn-around and convert it to recreational amenities, open space, or additional lots as permitted within this Ordinance.

FIGURE 6.5.12.F.3.2: MAXIMUM CUL-DE-SAC LENGTH



f. TERMINATION

In no instance shall a public street terminate into a parking lot.

g. STREET GRADE AND CURVES

Street grades, curves, reverse curves, tangents, and other street characteristics shall be in accordance with NCDOT requirements or the Town's Engineering Specifications and Design Manual, as appropriate.

h. HALF STREETS

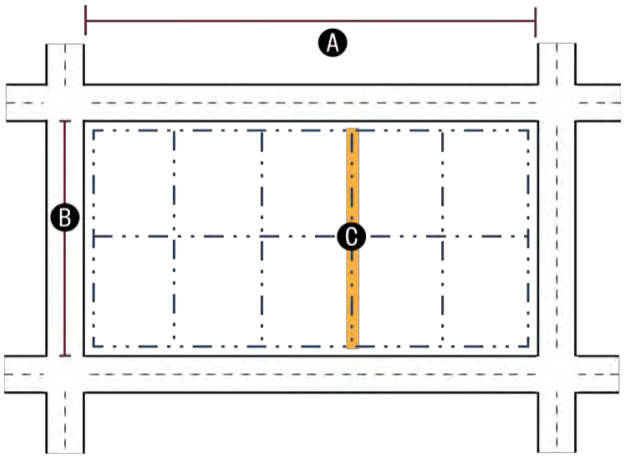
LEGEND

— · Lot Lines

Ⓐ 1,100' Maximum Block Length

Ⓑ Block Width Sufficient to Accommodate Two Tiers of Lots

Ⓒ Mid-block Pedestrian Crossing



5. STREET CONTINUATION

a. Whenever a street within a new subdivision or development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the subdivision or development boundaries at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.

b. The arrangement of streets in a subdivision or development shall provide for the alignment and continuation of existing or proposed streets into adjoining undeveloped lands or in cases where adjoining lands are developed but include opportunities for such connections.

c. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.

d. In cases where a street stub cannot be continued to the property boundary because an adjacent landowner will not permit access onto the adjacent property to establish the street stub, the entity responsible for providing the street stub shall:

i. Ensure the street stub extends as close as possible to the property line, but in no instance farther than five feet from the property line;

ii. Dedicate an access easement from the termination of the street stub to the property boundary for use as a street at such time as the abutting land is developed; and

iii. Provide a fee-in-lieu in accordance with Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~, to be used by the Town for completing the street connection from the street stub to the new street on the abutting property. **AMENDED 4.15.24 (UDOTA1-24)**

e. New development on a vacant lot shall provide street connections to street stubs or access easements on abutting developed properties. **AMENDED 4.15.24 (UDOTA1-24)**

f. Major thoroughfare streets shall intersect with surrounding thoroughfare streets at safe and convenient locations, as determined by the Town and the NCDOT, as appropriate.

g. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.

h. The Site Plan or Final Plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.

i. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.

6. STREET CONNECTIVITY

Streets within new developments and subdivisions shall be connected to one another to ensure emergency access and prevent traffic congestion in accordance with the following:

a. MINIMUM CONNECTIVITY INDEX SCORE REQUIRED

All development subject to this Ordinance shall achieve an internal street connectivity score in accordance with the following table:

TABLE 6.5.12.F.6: MINIMUM STREET CONNECTIVITY INDEX SCORE

Zoning District Where Located [1]	Minimum Required Index Score
RUR, RLL, RLD	1.20
LID, HID, CZI	1.25
RMD, RHD, CZR	1.30
NCM, PUB, CZC	1.40
DTNC, DTNN, DTNT, MXD, CZM, CZD	1.50

NOTES:
[1] In cases where a single development is located within more than one zoning district, the connectivity index score shall be based on the zoning district with the highest minimum score requirements.

b. CONNECTIVITY INDEX SCORE CALCULATION

i. The connectivity index for a development is calculated by dividing its links by its nodes.

ii. Figure 6.5.12.F.6, Street Connectivity Index Example, provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs located at development boundaries are considered as links, but temporary dead-end streets internal to a development or alleys are not counted as links. One link beyond every node that exists in the development and provides access to the street system outside the development shall be included in the index calculation. **AMENDED 4.15.24 (UDOTA1-24)**

iii. In the diagram, there are 37 links (circles) and 22 nodes (stars); therefore, the connectivity index is 1.68 (37/22 = 1.68).

FIGURE 6.5.12.F.6: STREET CONNECTIVITY INDEX EXAMPLE

b. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable street connectivity standards.

c. In cases where a development is required to provide three or more access points, one access point may be access-controlled and limited to emergency access by authorized vehicles only.

d. Development shall be exempted from these standards if it is demonstrated the following conditions apply:

i. A transportation impact analysis allows a deviation;

ii. No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;

iii. NCDOT will not authorize the required number of entrances; or

iv. Alternative access can be provided in a manner acceptable to the Town that is supported by a transportation impact analysis.

G. PRIVATE STREETS

1. COMPLY WITH STANDARDS FOR PUBLIC STREETS

New private streets proposed after January 2, 2024, shall be configured in accordance with applicable public street standards, including curb and gutter requirements. **AMENDED 12.16.24 (UDOTA3-24)**

2. LIMITED TO LOCAL STREETS

In no instance shall a street with a classification higher than a local street be configured as a private street.

3. MAINTENANCE

a. Neither the Town of Clayton nor NCDOT shall be responsible for maintenance of private streets.

b. Private streets may be marked with signage indicating where Town or State maintenance responsibility stops.

4. PRIVATE STREET DEED DISCLOSURE

Every deed created for a lot served by a private street subject to this Ordinance filed with the Johnston County Register of Deeds shall include the following disclosure:

> "It is hereby acknowledged that a Subdivision Streets Disclosure Statement has been executed in accordance with Section 136-102.6 of the North Carolina General Statutes."

5. COMPLIANCE WITH EASEMENTS

All private streets shall be located within an access easement configured in accordance with the applicable requirements in Section 6.5.7, Easements~~Easements~~.

AMENDED 4.15.24 (UDOTA1-24)

H. CURB AND GUTTER

1. All public streets, whether inside the corporate limits of the Town or outside the Town's corporate limits but abutting land served by public water or sewer, shall be constructed with curb and gutter.

2. Curb and gutter shall be configured in accordance with the Town's Engineering Specifications and Design Manual. The configuration of curb and gutter shall be at the

Town's discretion, but in no instance shall the Town prohibit curb and gutter design or configurations that comply with NCDOT standards. [92]

3. Rolled or valley-type curbs may be permitted for new residential streets at the discretion of the Engineering Director or as permitted by the Town's Engineering Specifications and Design Manual, but are prohibited on residential collector and other collector streets. **AMENDED 12.16.24 (UDOTA3-24)**

I. STREET NAMES

1. All street names, including names for private streets, shall be in accordance with the County's street naming ordinance, and shall require approval by Johnston County prior to recordation of a Final Plat.
2. Where proposed streets are extensions of existing streets, or are in obvious alignment with existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.
3. Proposed street names shall not duplicate or phonetically approximate the name of any street anywhere within Clayton or unincorporated Johnston County.

J. STREET SIGNS

1. The subdivider or developer shall install street signs as part of new development.
2. All streets within a development shall be marked with a street name sign of a design specification and location in accordance with Town requirements.
3. Decorative street signs shall be approved as to form and configuration by the Town or NCDOT, as appropriate, prior to installation.
4. In cases where decorative street signs are proposed, the developer or subdivider shall be responsible for the cost of the decorative street signs.
5. Street signs shall be configured as break away signs in the event of collision with a vehicle.
6. All street name signs shall conform to Town and NCDOT standards.
7. Street name signs shall be installed free of visual obstruction.

K. TRAFFIC CONTROL DEVICES

1. If deemed necessary by the Town or by NCDOT, signals shall be installed by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road.
2. Signs and signals shall comply with NCDOT regulations with regards to size, shape, color, location, and information contained thereon.
3. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" street intersection.
4. Signs and signals shall be installed free of visual obstruction.

L. VEHICULAR GATES

1. In no instance shall vehicular gates be placed across public street rights-of-way.
2. Except for private driveways or site accessway serving a multi-family development, nothing shall prohibit the installation of vehicular gates across a private driveway or site accessway that is not a public street. **AMENDED 9.16.24 (UDOTA2-24)**
3. Gates on a non-residential or mixed-use, site shall: **AMENDED 9.16.24 (UDOTA2-24)**
   a. Conform to Town requirements for emergency access;

[92] See STN # 3.

b. Be located no closer than 50 feet to the street right-of-way;

c. Be served by a vehicular turnaround; and

d. Be reviewed and approved by the Technical Review Committee. **AMENDED 4.15.24 (UDOTA1-24)**

6.5.12 WASTEWATER

All development connected to a potable water supply shall include a wastewater treatment system configured to comply with the following standards:

A. WASTEWATER TREATMENT SYSTEM REQUIRED

1. Every development, building lot, and manufactured home space shall be served by a wastewater treatment or disposal system that is adequate to accommodate the reasonable needs of the use(s) or lot(s) and complies with all applicable Town, County, and State requirements.
2. All materials and pipes shall be provided by the subdivider and shall meet or exceed the requirements established by a State, Town, or utility service provider requirements for wastewater.
3. The Town may, before issuing any approval under this Ordinance, make the investigation and require the developer to submit the information as appears reasonably necessary to ensure that the developer will be able to comply with the wastewater treatment or disposal system requirements of this Ordinance.

B. CONNECTION TO PUBLIC WASTEWATER TREATMENT SYSTEM [93]

1. Each new development and each lot in all major subdivisions within the Town's planning jurisdiction shall be connected to the Town's wastewater treatment system at the developer's expense.
2. Connection to an existing or planned force main sewer line shall be at the Town's sole discretion.
3. If the lot or site is outside, but contiguous to the Town's corporate limits, the landowner shall immediately petition for and obtain annexation of the property into the Town's corporate limits.
4. If the lot or site is outside and not contiguous to the Town's corporate limits, the landowner shall enter into a written agreement with the Town for the voluntary annexation of the lot or site at such future date as indicated by the Town.
5. The Town Council may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.
6. Mandatory connection to the public wastewater treatment system shall not be required for the development of an existing single-family residential dwelling located within the Town's corporate limits in cases where the cost of connection exceeds the cost of on-site wastewater treatment.
7. Mandatory connection to the wastewater treatment system shall not be required for development configured as an exempt subdivision in accordance with Section 2.3.14, Exempt Subdivision~~Exempt Subdivision~~, or as an limited subdivision configured in accordance with Section 2.3.18, Limited Subdivision~~Limited Subdivision~~.

~~B.~~

[93] See STN # 5.

1. WITHIN THE CORPORATE LIMITS

a. Each new development and each lot in all major subdivisions within the Town's corporate limits, and each development and lot in all major subdivisions in the extraterritorial jurisdiction located within a specified distance of an existing or approved but not yet constructed gravity-fed public wastewater treatment line shall be connected, at the developer's expense to the Town's wastewater treatment system. Mandatory connections to public sanitary sewer service shall be in accordance with Table 6.5.13.B, Mandatory Sewer System Connection Required.

TABLE 6.5.13.B: MANDATORY SEWER SYSTEM CONNECTION REQUIRED

Type of Development	Maximum Distance From Existing Public Sewer System Before Sewer System Connection is No Longer Required (feet) [1]
Single-Family Detached Residential Subdivision (by # of Lots) AMENDED 4.15.24 (UDOTA1-24)	
6-20	300
21-50	500
51-100	1, 000
More than 100	Connection is mandatory within 5,000 linear feet
All Other Residential Subdivisions, Non-Residential Development, and Mixed-Use Development AMENDED 4.15.24 (UDOTA1-24)	
1 or more lots	1,000 [2]

NOTES:
AMENDED 4.15.24 (UDOTA1-24) AMENDED 9.16.24 (UDOTA2-24)
[1] Measured in a straight line from closest point of proposed development to the existing or approved but not yet constructed public sewer system.
[2] If connection to a public sewer system is required, connection to the public potable water system is also required.

b. In the event a single-family detached residential subdivision has 100 or fewer lots and is farther than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required. AMENDED 4.15.24 (UDOTA1-24)

c. In the event a subdivision other than one devoted to single family detached residential development, a non-residential development, or a mixed-use development is farther from an existing water system water supply source than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required. AMENDED 4.15.24 (UDOTA1-24)

2. OUTSIDE THE CORPORATE LIMITS

a. Where a new development or a proposed major subdivision located in the Town's extraterritorial jurisdiction and is located within a specified distance from an existing or approved but not yet constructed gravity-fed public wastewater line, the applicant shall, at the applicant's expense, connect the development or subdivision lots to the Town's public wastewater treatment system. Minimum connection distances shall be in accordance with Table 6.5.13.B, Mandatory Sewer System Connection Required,

except that if a new development or major subdivision is more than 1,000 linear feet from an existing sanitary sewer service line, connection to the Town's sanitary sewer system is voluntary at the discretion of the applicant.

b. In the event a development in the extraterritorial jurisdiction is farther than the maximum distance required in Table 6.5.13.B, Mandatory Sewer System Connection Required, the applicant may choose to connect the development to the public sewer system, but such connection is voluntary and is not required.

c. No public wastewater treatment system service shall be provided to any lot or development outside the Town's corporate limits, except in accordance with one of the following:

i. If the lot or site is contiguous to the Town's corporate limits, the landowner shall immediately petition for and obtain annexation of the property into the Town's corporate limits.

ii. If the lot or site is not then contiguous to the Town's corporate, the landowner shall enter into a written agreement with the Town for the voluntary annexation of the lot or site at such future date as indicated by the Town.

iii. The Town Council may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.

3. Any applicant desiring to extend public wastewater treatment system service in an area where no public wastewater treatment service is available shall apply, in writing, to the Town for a specific daily allocation for such services.

C. CONFIGURATION

Public wastewater treatment systems shall comply with the following requirements:

1. The minimum diameter for a sewer main shall be eight inches.
2. All sewer mains shall be installed at a maximum depth to ensure service to as large an area as possible.
3. The developer shall install sewer mains so that all lots to be developed will be able to connect to the wastewater treatment system.
4. Sewer lines shall be installed within street rights-of-way or dedicated public utility easements.
5. The developer shall submit detailed drawings with the Construction Drawings plan associated with the development, prepared, and sealed by a professional engineer, showing the installation of the required wastewater infrastructure.
6. All materials and pipes shall meet or exceed the requirements of the public wastewater treatment system provider.
7. On streets which are "stubbed out" at property lines to permit future development, wastewater service must be provided by lines of at least eight inches in diameter. This requirement is not applied in cases when abutting land is located within a different drainage basin.

D. DEDICATION AND ACCEPTANCE

1. Each developer of land connected to a public wastewater treatment system shall be responsible for providing system-related equipment and appurtenances, including treatment facilities, pump stations, force mains, laterals, valve, and manhole covers between their property and the Town's wastewater treatment system.
2. Individual water service meters shall be furnished and installed by the Town.
3. All wastewater treatment system facilities installed in accordance with these standards shall become the sole property of the Town upon acceptance. A deed to the Town for such

2. Private community-level wastewater treatment facilities shall require the approval of a Development Agreement (see Section 2.3.12, Development Agreement~~Development Agreement~~).
3. In no instance shall a wastewater service line associated with a private community-level wastewater treatment facility cross a lot line dividing two or more lots under separate ownership. Lots located within a unified development may be served by a community-level wastewater treatment facility that includes service lines that cross one or more lot lines.
4. In cases where an existing force main private community-level wastewater treatment system is proposed for connection to the Town's public sewer system, such private force main systems shall be converted to gravity systems at the applicant's expense. The Engineering Director may also require separate metering of a prior to connection.

6.6 LANDSCAPING AND SCREENING

6.6.1 PURPOSE AND INTENT

The purpose of these provisions is to establish minimum requirements for the provision and maintenance of functionally adequate, attractive screening and buffering of buildings, certain site features, and off-street parking areas. These standards are intended to:

A. Promote and increase design compatibility between different land uses, while ensuring attractive views from streets and adjacent properties;
B. Assist in delineating separations of spaces, structures, uses, and activities on a site, or between adjacent sites;
C. Shield adjacent properties from potentially adverse external impacts of adjacent land uses and activities;
D. Abate glare and moderate temperatures of impervious areas;
E. Help filter air of fumes and dust;
F. Provide shade;
G. Reduce noise;
H. Reduce the visual impact of large expanses of pavement;
I. Promote energy conservation;
J. Reduce the amount and rate of stormwater runoff and erosion;
K. Improve water quality;
L. Increase in the capacity for groundwater recharge; and
M. Enhance the appearance and value of both residential and non-residential development.

6.6.2 APPLICABILITY

The standards in this section apply to the following forms of development:

A. NEW PRINCIPAL BUILDINGS OR USES

New principal buildings, except for single-family detached dwellings on individual lots of record, open uses of land, and publicly-owned buildings or sites, constructed, reconstructed, or established after January 2, 2024.

B. SUBDIVISIONS OF LAND

Except for subdivisions exempted from subdivision review by NCGS§160D-802 and Limited Subdivisions (see Section 2.3.18, Limited Subdivision~~Limited Subdivision~~), the subdivision of land shall comply with the applicable landscaping and screening requirements in this section.

C. IMPROVEMENTS AND EXPANSIONS

All improvements and expansions of principal and secondary buildings, off-street parking areas, or open uses of land lawfully-established before January 2, 2024, shall comply with the standards for landscaping and screening in Section 5.4, Nonconforming Site Features~~Nonconforming Site Features~~.

D. MULTI-PHASE DEVELOPMENT

Development that is planned and developed in phases shall be required to install landscaping that is associated with the active phase or phases only, unless an alternative arrangement is otherwise agreed to by the Planning Director and the developer. An active phase of a development is the one that is subject to permitted and on-going development activity.

6.6.3 EXEMPTIONS

A. The following forms of development are exempted from these standards:

1. Routine maintenance of existing vegetation, such as watering and fertilizing;
2. The removal of dead trees and shrubs, or trees and shrubs that have been diagnosed and determined to be diseased beyond treatment, provided the screening function of the landscaping is maintained or re-established. Failure to maintain the screening function of a required landscaping area is a violation of this Ordinance;
3. Pruning of vegetation, provided the screening function of the required landscaping is maintained. Severe pruning is a violation of this Ordinance, and shall require replacement of required vegetation; and
4. Repaving or restriping of a parking lot, provided there is no increase in parking lot size or the number of parking spaces, which would impact landscaping requirements.

B. Development in the DTNC district shall be exempted from the off-street parking landscaping standards in Section 6.6.12, Off-Street Parking Lot Landscaping~~Off-Street Parking Lot Landscaping~~, the perimeter landscaping buffer standards in Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~, and the foundation planting standards in Section 6.6.15, Site Landscaping~~Site Landscaping~~, but shall be subject to the other standards in this section.

6.6.4 LANDSCAPING PLAN REQUIRED

Development subject to these standards shall include a landscape plan as part of the submittal for a Site Plan, Major ~~or Minor~~ Subdivision~~ Plat~~, Concept Plan associated with a Special Use Permit, ~~t~~Type 3 Conditional Rezoning Application, or other application type, as directed by the Planning Director.

A. GENERALLY

1. A landscape plan depicting how required landscaping will be planted in accordance with these standards shall be included with an application for site plan, preliminary plat, conditional rezoning concept plan, special use permit, or building permit, as appropriate, to ensure compliance with this section.
2. The landscape plan shall be approved prior to, or concurrent with an associated application.
3. A landscape plan shall be prepared or sealed by a registered landscape architect and contain, at a minimum, the following:
   - **a.** Location of required planting material;
   - **b.** Grouping or clusters of planting material, if proposed;
   - **c.** Identification of required plants, including their scientific names;
   - **d.** Minimum and maximum dimensions of all planting yard areas;
   - **e.** Calculations determining the number of canopy trees, understory trees, and shrubs required;
   - **f.** Locations, species, sizes, and methods of protection during construction for existing trees to be retained and counted towards minimum landscaping requirements; and
   - **g.** Existing topography, or proposed topography where site grading is proposed to occur.

B. LANDSCAPING IN A STORMWATER RETENTION POND

If trees or shrubs are proposed on or within 20 feet of the embankment of a stormwater retention pond, a landscape plan showing the retention pond and surrounding landscaping shall be submitted for review to determine that the safety and functionality of the device will not be compromised by the trees or shrubs.

C. PHASED DEVELOPMENT

Development subject to these standards that is planned in phases may submit a landscape plan for the entire development, or separate landscape plans for each phase, which shall be approved as part of development of that phase.

D. ALTERNATIVE LANDSCAPE PLANS[94]

1. GENERALLY

a. An alternative landscape plan may be proposed as part of a Site Plan or Major ~~s~~Subdivision application in accordance with Section 2.3.2, Alternative Plan~~Alternative Plan~~. Revisions to the landscaping portions of an already-approved Site Plan or ~~s~~Subdivision shall be considered in accordance with Section 2.4.16, Amendment of Approved Application~~Amendment of Approved Application~~.

b. When proposed, an alternative landscape plan shall be reviewed and decided by the Planning Director prior to a decision on the associated Site Plan or Major ~~s~~Subdivision, and based on the standards in this subsection.

~~1.~~2. CONDITIONS JUSTIFYING ALTERNATIVE LANDSCAPE PLAN

Any of the following natural physical conditions may be used as a justification for an alternative landscape plan:

a. Wetland areas;
b. Topography;
c. Non-arable soils;
d. Difficult or unusual lot configuration;
e. Utility or drainage easements;
f. A desire to retain existing on-site vegetation;
g. Natural rock formations;
h. Required landscaping areas that are shaded; and
i. Impractical situations that would result from the application of this section.

~~2.~~3. INTENT

To be approved, any alternative landscape plan shall meet the intent of the applicable planting area(s) and the purpose and intent of the landscaping standards of this section.

~~3.~~4. ALLOWABLE MODIFICATIONS[95]

a. The following landscape standards may be modified by an alternate landscape plan:
  i. The location of required plant materials;
  ii. The width of required planting areas;
  iii. The configuration of required plant materials;
  iv. The species of required plants, provided however that invasive species shall not be used; and
  ~~iv.~~**v.** The number of required plant materials.

b. The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to, the following:
  i. The presence or planned location of public utilities, infrastructure, or easements;

[94] This is not a new section; rather it has been relocated here from current Section 6.6.11 for the sake of clarity. There are a few new clarification provisions, but generally the section has not been substantively changed.

[95] See STN # 8.

ii. The location of existing healthy vegetation or other beneficial site features to be retained after development;
iii. The size, shape, or topographic elevation of the site relative to the street(s) it abuts;
iv. The inability to secure designated plant species due to a lack of commercial availability within a reasonable proximity; and
v. The need to protect solar access or avoid permanently shaded areas on the site.

~~4.~~5. DOCUMENTATION

In cases where a proposed development employs planting flexibility provisions to address the landscaping requirements of this section, the ~~s~~Site P~~p~~lan, Major ~~s~~Subdivision, ~~permit,~~ or other approval shall document the locations where and describe the extent to which planting flexibility provisions were employed.

6.6.5 LANDSCAPING TIMING

A. A Certificate of Occupancy shall not be issued, until all required landscaping and screening have been placed in accordance with the approved Site Plan, ~~Subdivision~~ Preliminary Plat, or other approval, and requirements of this section.
B. A temporary Certificate of Occupancy may be issued by the Inspections Director for a period of up to 30 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon approval of the request to the Planning Director.
C. In cases where a temporary Certificate of Occupancy is requested, the applicant shall furnish the following:
   1. A signed contract for the installation of all required landscape materials; and
   2. A performance guarantee for the amount of the contract configured in accordance with the standards in Section 2.3.20, Performance Guarantee~~Performance Guarantee~~.

6.6.6 MAINTENANCE AND INSPECTION REQUIRED

A. RESPONSIBILITY

1. The responsibility for maintenance of required landscaping areas shall remain with the landowner, their successors, heirs, assignees, or any consenting grantee.
2. Maintenance is required in order to ensure the proper functioning of landscaping and screening material.
3. Failure to adequately maintain required landscaping or screening material is a violation of this Ordinance subject to the remedies and penalties in Chapter 7, Violations.

B. MAINTENANCE

1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to: watering, mulching, fertilizing, pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Necessary pruning and trimming shall be accomplished in accordance with the Tree Care Industry Association (TCIA) Standards for the Professional Arborist, and shall not include:
   a. The topping of trees;
   b. Removal of 30 percent or more of the crown material in one calendar year;
   c. Removal of the central leader; or
   d. Any other similarly severe procedures that may cause irreparable harm to the natural form of the tree.

3. Dead or diseased plantings shall be removed. Unless specifically exempted (such as understory trees shaded by canopy trees), replacement plantings shall be provided for any dead, diseased, or removed vegetation when such replacement plantings are necessary to meet the standards or this Ordinance or maintain the screening objective of the landscaping material.
4. Landscape structural features such as walls, fences, berms, or water features shall be maintained in a structurally safe and attractive condition.
5. Where other uses, including pedestrian and bicycle accessways, are allowed within a required landscaping area, these uses shall be maintained to provide for their safe use.
6. A water source shall be supplied within 50 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated an irrigation system shall be required. Irrigation systems shall meet the standards of the Town.

C. INSPECTION

1. POST CONSTRUCTION INSPECTION

a. A permanent Certificate of Occupancy for any development shall not be issued unless the landscaping and screening required under this section is installed in accordance with these standards and the development approval.

b. No person shall refuse entry or access to any staff or authorized representative of the Town who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.

2. FOLLOW-UP INSPECTION

The Planning Director, or a designee, may inspect a site one year after the issuance of a permanent Certificate of Occupancy in order to ensure compliance with this Ordinance.

3. PERIODIC INSPECTION

a. The Planning Director, or a designee, may periodically inspect sites subject to the provisions of this Ordinance. If, through inspection, it is determined that a site does not comply with the development approval, a notice of violation shall be prepared in accordance with Section 7.5.3, Written Notice of Violation~~Written Notice of Violation~~.

b. The Town shall have the power to conduct investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this Ordinance.

6.6.7 MASS GRADING [96]

A. PURPOSE AND INTENT

The purpose and intent of this section is to help:

1. Maintain the Town's topography, trees, and riparian buffers;
2. Restrain erosion and limit exposed areas that are open at once; and
3. Address the hydrologic cycle through alternate approaches to mass grading for development.

[96] See STN # 41.

B. APPLICABILITY

In cases where a single lot, Major Subdivision, Unified Development, o r phase thereof, is grading 10 acres or more, the following shall apply: ~~land disturbing activities that rise to the level of mass grading as defined in this Ordinance, take place over 75 percent of a lot or site that is at least five acres in area that abuts a residential zoning district (including a conditional residential zoning district), the following standards shall apply:~~

~~4.~~ ~~Prior to Grading, the following standards shall apply:~~

1. Mass grading shall not be allowed except in conformance with an approved Tree Clearing Certificate, Site Plan, or Preliminary Plat;
2. Mass grading activities shall be in accordance with all applicable federal, State, and local laws, rules, and regulations, including those pertaining to air and water pollution; and

~~5.~~ ~~After grading has occurred, the following standards shall apply:~~

~~6.~~ ~~<review to align with existing RCA standards and contributions> <reforestration e.g., 1 acre of trees cut then restore>~~

~~7.~~3. Mass grading shall incorporate low impact development design techniques by providing a minimum of two A and one B practices in the Water Conversation and Quality Protection section of Table 6.17.6: Menu of Sustainable Development Practices. ~~After construction: <Maintenance of SCMs and possible Low Impact Design>~~

C. ~~DURING CONSTRUCTION DUE TO COMPACTION OF SOIL IMPERVIOUS TO REDUCE THE EFFECT OF EROSION ON STREAM.~~EXEMPTIONS

1. Grading in emergency situations involving immediate danger to life or property or substantial fire hazards;
   Agricultural activities on bona fide farms, as exempt per Section 1.1.3, Jurisdiction; and
2. Forestry activities taking place subject to a forestry management plan approved in accordance with NCGS§160D-921 are exempt from these standards.

~~Any perimeter buffers required in accordance with Section 6.6.13, Perimeter Buffers, shall be at least 200 percent wider than the minimum buffer width required; and~~

~~The finished grade of land within 100 feet of the lot line along the abutting residential district shall not exceed a 10 percent slope or shall include retaining walls configured in accordance with this Ordinance and all applicable State law.~~

~~6.6.7~~6.6.8 PLANT MATERIAL SPECIFICATIONS

Landscaping materials required under these standards shall be configured in accordance with the following:

A. CANOPY TREE SIZE

1. Canopy trees shall have a minimum height at maturity of 40 feet and a minimum crown width of 30 feet (see Figure 6.6.7.A, Plant Material Specifications).
2. All canopy trees shall have a minimum height of eight feet, or more, and a minimum caliper size of 2.5 inches, or more, at planting (see Section 6.6.9, Plant Measurement~~Plant Measurement~~).
3. Evergreen trees shall be a minimum of eight feet in height at planting.

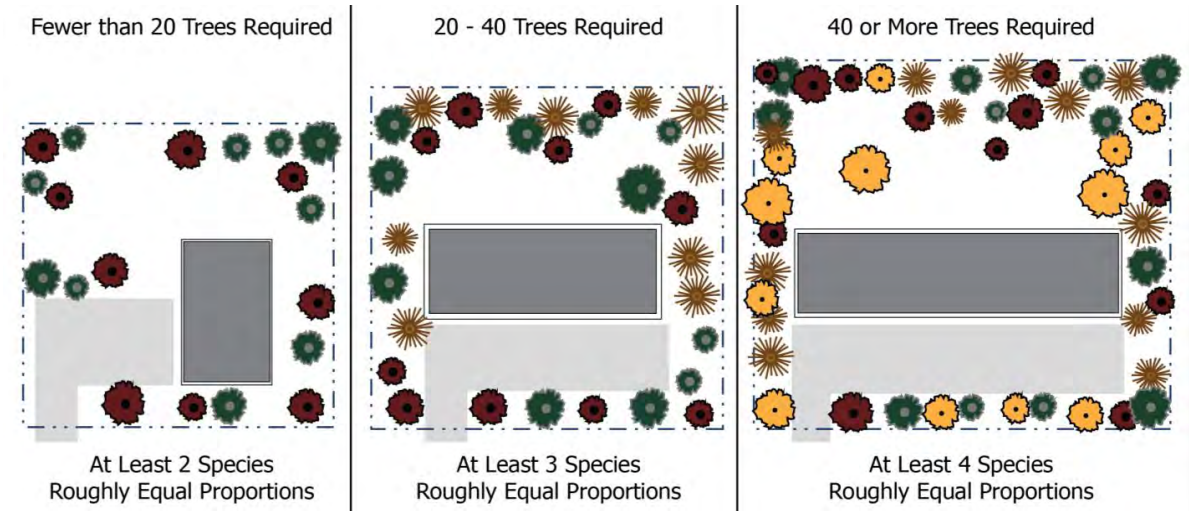
B. UNDERSTORY TREE SIZE

1. Understory trees shall have a minimum height at maturity of 15 to 40 feet, except that trees to be placed below overhead utility lines may not exceed a mature height of 20 feet (see Figure 6.6.7.A, Plant Material Specifications).
2. All understory trees shall have a minimum height of six feet, or more, and a minimum caliper size of two inches, or more, at planting (see Section 6.6.9, Plant Measurement~~Plant Measurement~~).
3. Drought tolerant understory trees shall be so designated in the field and shall have a minimum caliper size of one-and-half inches inch at planting.
4. Nothing shall limit the use of multi-stemmed understory trees provided that 25 percent or more of the leaders meet the requirements in Section 6.6.9, Plant Measurement~~Plant Measurement~~.

C. SHRUB SIZE AND VARIETY

1. All shrubs shall be at least a three-gallon size and have a minimum height or spread of 18 inches at the time of planting (see Figure 6.6.7.A, Plant Material Specifications).
2. Shrubs shall reach a minimum height of 36 inches and a spread of 30 inches within three years of planting.
3. Decorative grasses may be proposed as a substitute for shrubs, provided the grasses meet the screening objectives and are approved by the Planning Director.
4. Shrubs or grasses used to screen off-street parking areas shall be evergreen or retain their leaves/blades throughout the year.

FIGURE 6.6.7.E: SPECIES DIVERSITY



F. SOIL STABILIZATION

1. Planting areas shall have uncompacted coarse loam that is a minimum of 12 inches deep and free of large stones, rubble, trash, or other debris.
2. Required landscaping areas shall be stabilized and maintained with vegetative cover, mulch, decorative gravel, cinders, or other approved materials to prevent soil erosion and allow rainwater infiltration.
3. Gravel, decorative gravel, or cinders shall not be permitted as a ground cover or stabilization material within a required streetscape or perimeter buffers.
4. Required landscaping areas with slopes of 15 percent or more shall be stabilized with vegetative cover (not mulch or gravel) designed to minimize erosion. Required vegetative cover shall be established and functional prior to issuance of a Certificate of Occupancy.
5. Use of landscape fabric on slopes of 15 percent or more is discouraged.

~~6.6.8~~6.6.9 PLANT MEASUREMENT

A. DETERMINING TREE SIZE AT TIME OF PLANTING

1. TREES UNDER FOUR INCHES IN CALIPER

The minimum size at time of planting shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of six inches above the bole, or the location where tree trunk meets the soil it is planted in.

2. TREES OVER FOUR, BUT LESS THAN TWELVE INCHES, IN CALIPER

The minimum size at time of planting shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of 12 inches above the bole, or the location where tree trunk meets the soil it is planted in.

from the required yard or area distance. Required plant material shall be located outside the easement but within the required landscaping area or yard.

~~6.6.9~~6.6.10 PLANT PLACEMENT

A. OUTSIDE PUBLIC STREET RIGHTS-OF-WAY

1. Except for street trees, required landscaping material shall not be located within a street right-of-way.
2. Street trees shall be located within a street right-of-way in accordance with Section 6.6.16, Street Trees~~Street Trees~~.. **AMENDED 12.16.24 (UDOTA3-24)**
3. Where provided, street trees shall be configured in accordance with Section 6.6.16, Street Trees~~Street Trees~~.

B. GROUPING OF PLANT MATERIAL

1. Except for street trees, vegetation within a type A perimeter buffer, shrubs around a parking lot perimeter, or when vegetation is included as a screening device in accordance with Section 6.6.14, Screening~~Screening~~, required plant material may generally be grouped or clustered, however, the overall screening intent must be adequately addressed.
2. Required plant material in a type A perimeter buffer may not be grouped, and shall be planted according to the required on-center spacing in Table 6.6.12.D, Perimeter Buffer Configuration.
3. Street trees shall maintain on-center spacing requirements in Section 6.6.16, Street Trees~~Street Trees~~.
4. Shrubs intended to screen features in accordance with Section 6.6.14, Screening~~Screening~~, may not be grouped if such grouping results in the failure to meet the minimum screening standards of this Ordinance.

C. MULTIPLE-LOT UNIFIED DEVELOPMENT

A multiple-lot unified development is not required to provide perimeter buffers along lot lines internal to the development, but the perimeter of the development shall be subject to the standards in Section 6.6.13, Perimeter Buffers~~Perimeter Buffers~~.

D. EASEMENTS

1. Landscaping material may not be located within a public utility or drainage easement.
2. When authorized, trees and shrubs may be located within a required easement on a case-by-case basis with the permission of the easement holder.
3. When landscaping is within an easement, the landowner is responsible for replacement of any required vegetation if maintenance or other actions result in its removal.
4. Where an easement and a required landscape area coincide and there is a prohibition on planting within the easement, then the required landscaping area shall be located outside the easement.

E. CONFLICTS WITH SETBACKS, EASEMENTS, AND REQUIRED LANDSCAPING AREAS

In cases where a required setback or yard is smaller or more narrow than a required landscaping area, or when a public utility or drainage easement exists within the area to be occupied by a required landscaping area, the landscaping area width or size shall not be reduced except as authorized by any of the following: **AMENDED 4.15.24 (UDOTA1-24)**

1. An alternative landscape plan;

2. An administrative adjustment;
3. A conditional rezoning approval; or
4. A sustainable development incentive.

F. FIRE PROTECTION SYSTEM

The minimum clear separation distances required by the current adopted version of the North Carolina Fire Code shall be maintained for landscaping near a fire protection system.

G. LANDSCAPING IN BIO-RETENTION CELLS

Trees and shrubs used in bio-retention cells or rain gardens located in parking lots or within landscape yards may be counted toward tree or shrub requirements of this Ordinance, provided they meet the minimum specifications in Section 6.6.8, Plant Material Specifications~~Plant Material Specifications~~.

H. PERMITTED ENCROACHMENTS [97]

1. The following features may be located entirely within required landscaping areas, provided the screening function of the landscaping is maintained and provided any encroachments into a required setback are in accordance with Table 3.6.9, Allowable Encroachments into Required Setbacks:
   ~~a. Principal buildings, provided the minimum setbacks of the zoning district where located, are maintained;~~
   ~~b.~~a. Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
   ~~c.~~b. Pet shelters, well houses, and mechanical enclosures;
   ~~d.~~c. On-grade patios, steps, benches, outdoor fireplaces, playground equipment serving an individual dwelling unit, accessibility ramps, roof overhangs, and fire escapes;
   ~~e.~~d. Ornamental entry columns, gates, fences, walls, and retaining walls;
   ~~f.~~e. Flagpoles of 30 feet in height or less;
   ~~g.~~f. Lamp and address posts;
   ~~h.~~g. Utility cabinets of four feet in height or less;
   ~~i.~~h. Mailboxes; and
   ~~j.~~i. Signage.
2. The following features may cross a required landscaping area in a manner that minimizes the impact to the required landscaping:
   a. Driveways, sidewalks, pedestrian walkways, greenways, or multi-use trails;
   b. Utilities; and
   c. Stormwater management facilities.

I. PROHIBITED FEATURES

The following features shall not be located within a required landscaping area:

1. A secondary structure or open-air use;
2. Off-street parking or loading areas; or
3. Outdoor storage or display of products for sale.

[97] See STN # 64.

~~6.6.10~~6.6.11 PLANTING FLEXIBILITY

A. CREDIT FOR EXISTING VEGETATION [98]

1. In order to encourage the preservation of existing mature trees, ~~established,~~ existing healthy ~~vegetation~~mature trees shall be credited towards new landscaping requirements at a rate of 2:1 where one caliper inch of existing tree is equal to two caliper inches of newly-planted trees.

~~1.~~2. ~~, credit shall be given towards the landscaping requirements in this section for preservation of existing trees that are pre-existing within the boundaries of required landscaping areas and that meet the standards in this Ordinance at a rate of two times the amount of existing, healthy trees proposed to be retained during and after development.~~ The Planning Director may require certification of a tree's health by a certified arborist or landscape architect at the applicant's expense.

~~2.~~3. Tree save areas established for the purposes of retaining existing vegetation in accordance with this section shall be credited towards the passive recreation area requirements in Section 6.7, Open Space Set-Aside and Parkland. **AMENDED 12.16.24 (UDOTA3-24)**

~~3.~~4. Vegetation to be credited towards these requirements shall be protected in accordance with, before and during development of the site and maintained thereafter in a healthy growing condition.

~~4.~~5. In no instance shall credit be given for the retention of existing vegetation that is identified as an invasive species by the North Carolina Agricultural Extension, the North Carolina Forest Service, or the North Carolina Invasive Plant Council.

B. REVISIONS TO APPROVED LANDSCAPE PLANS

Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the Planning Director in accordance with Section 6.6.11C, Alternative Landscape Plans~~Alternative Landscape Plans~~, if: **AMENDED 12.16.24 (UDOTA3-24)**

1. There is no reduction in the quantity of plant material;
2. There is no significant change in size or location of plant materials; and
3. The new plants are of the same general category (i.e., canopy tree, understory tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread, etc.) as the materials being replaced.

C. ALTERNATIVE LANDSCAPE PLANS [99]

~~An alternate landscape plan~~ See Section 6.6.4D, Alternative Landscape Plans~~Alternative Landscape Plans~~.
~~that allows modifications to the requirements of this section may be approved by the Planning Director in accordance with the following:~~

~~1. CONDITIONS JUSTIFYING ALTERNATIVE LANDSCAPE PLAN~~

~~Any of the following natural physical conditions may be used as a justification for an alternative landscape plan:~~

~~a. Wetland areas;~~

~~b. Topography;~~

[98] See STN # 63.
[99] See STN # 101.

~~c. Non-arable soils;~~
~~d. Difficult or unusual lot configuration;~~
~~e. Utility or drainage easements;~~
~~f. A desire to retain existing on-site vegetation;~~
~~g. Natural rock formations;~~
~~h. Required landscaping areas that are shaded; and~~
~~i. Impractical situations that would result from the application of this section.~~

~~2. INTENT~~

~~To be approved, any alternative landscape plan shall meet the intent of the applicable planting area(s) and the purpose and intent of the landscaping standards of this section.~~

~~3. ALLOWABLE MODIFICATIONS~~

~~a. The following landscape standards may be modified by an alternate landscape plan:~~
~~i. The location of required plant materials;~~
~~ii. The width of required planting areas;~~
~~iii. The configuration of required plant materials; and~~
~~iv. The number of required plant materials.~~
~~b. The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to, the following:~~
~~i. The presence or planned location of public utilities, infrastructure, or easements;~~
~~ii. The location of existing healthy vegetation or other beneficial site features to be retained after development;~~
~~iii. The size, shape, or topographic elevation of the site relative to the street(s) it abuts; and~~
~~iv. The need to protect solar access or avoid permanently shaded areas on the site.~~

~~4. DOCUMENTATION~~

~~In cases where a proposed development employs planting flexibility provisions to address the landscaping requirements of this section, the site plan, subdivision, permit, or other approval shall document the locations where and describe the extent to which planting flexibility provisions were employed.~~

D. BERMS

Berms may be used independently, or in conjunction with a wall or fencing, to meet the screening intent of a perimeter buffer or other required screening when configured in accordance with the following:

1. Berms shall have a minimum height of three feet, a minimum crown width of at least three feet, and a slope of no greater than 3:1;
2. Berms shall be no taller than twelve feet above the toe of the berm;
3. Berms shall be stabilized with vegetation and ground cover;
4. A berm may not damage the roots of existing healthy vegetation being preserved for credit towards the landscaping requirements in this Ordinance. Suffocation of existing roots by deposition of fill in excess of 12 inches shall be considered damage to existing tree roots; and
5. A berm shall not interfere with a required sight distance triangle (see Section 6.1.7, Sight Distance Triangles~~Sight Distance Triangles~~).

E. FENCES AND WALLS

1. Opaque fences or walls, a minimum of four feet in height, constructed within required landscaping areas, and configured in accordance with Section 6.3, Fences and Walls~~Fences and Walls~~, may reduce the minimum and average perimeter buffer width requirement in accordance with Table 6.6.12.D, Perimeter Buffer Configuration.
2. If utilized, fences or walls shall be located within the required landscaping area and all required shrubs shall be planted between the fence or wall and the lot line.
3. Required trees may be planted either in front of or behind the fence or wall.

F. PLANTERS

1. Planters, if provided as part of compliance with landscaping requirements, shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. Other materials may be approved, based upon their durability, by the Planning Director.
AMENDED 12.16.24 (UDOTA3-24)
2. Planters shall maintain a minimum height of 30 inches and have an effective planting area of seven feet (measured in any direction) if trees are to be planted and an effective planting area of four feet (measured in any direction) if no trees are to be included.
3. The minimum height of shrubs in the planter, except for ground cover, shall be six inches at the time of planting.

G. TREE PROTECTION DURING CONSTRUCTION

AMENDED 12.16.24 (UDOTA3-24)

1. RESPONSIBILITY

During any development activity (including demolition or clearing activity), the property owner or developer shall be responsible for protecting existing or replacement trees within a tree save area in accordance with the standards in this section.

2. PROTECTIVE FENCING AND SIGNAGE

a. PROTECTIVE FENCING

i. Continuous fencing consisting of a bright orange plastic mesh at least four feet high shall be provided along the boundaries of tree save areas (see figure 6.6.10: Tree Fencing). The town shall consider existing site conditions and the species and size of the trees to be protected in determining the exact location of tree protective fencing and may require the fencing to be extended to include the critical root zones of trees. In no instance shall the area required to be located within protective fencing exceed the size of the required tree save area.

ii. Tree save areas that are inaccessible to development activities or separated from development activities by a distance of at least 100 linear feet are exempted from the requirement for tree protection fencing.

iii. Nothing shall prevent tree protection fencing and silt fencing from being consolidated.

b. WARNING SIGN

Warning signs shall be installed along any required tree protective fencing at points no more than 150 feet apart. The signs shall be clearly visible from all sides of the outside of the fenced-in area. The size of each sign must be a minimum of two feet by two feet. The sign message shall, in both English and Spanish, identify the fenced or marked area as a tree protection area and direct workers not to encroach into the area (e.g., "Tree Protection Area: Do Not Enter"). For the purposes of this Ordinance, these warning signs are considered government signs exempted from First Amendment protections regarding regulation of sign content.

c. DURATION OF PROTECTIVE FENCING OR SIGNAGE

~~6.6.11~~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 6.6.11.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 (UDOTA2-24)**

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 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.

c. It shall be a violation of this Ordinance to remove or severely prune shrubs required as parking lot perimeter vegetation to a height of less than 36 inches.

5. CREDIT TOWARDS REQUIRED PERIMETER BUFFERS

Perimeter parking lot landscaping may be credited towards the perimeter buffer requirements in this Ordinance only in cases where it meets the locational requirements of this section and is also located within an adjacent perimeter landscaping buffer.

6. ALTERNATIVES

Perimeter parking lot plantings may be supplemented or replaced through use of a vegetated berm configured in accordance with Section 6.6.11D, Berms~~Berms~~, or an opaque fence or wall that meets the screening objective of this section and is configured in accordance with Section 6.3, Fences and Walls~~Fences and Walls~~.

7. EXEMPTIONS

a. Where off-street parking lots are adjacent to one another, but on different lots, perimeter plantings or other forms of screening are not required along the common boundary between the two parking lots.

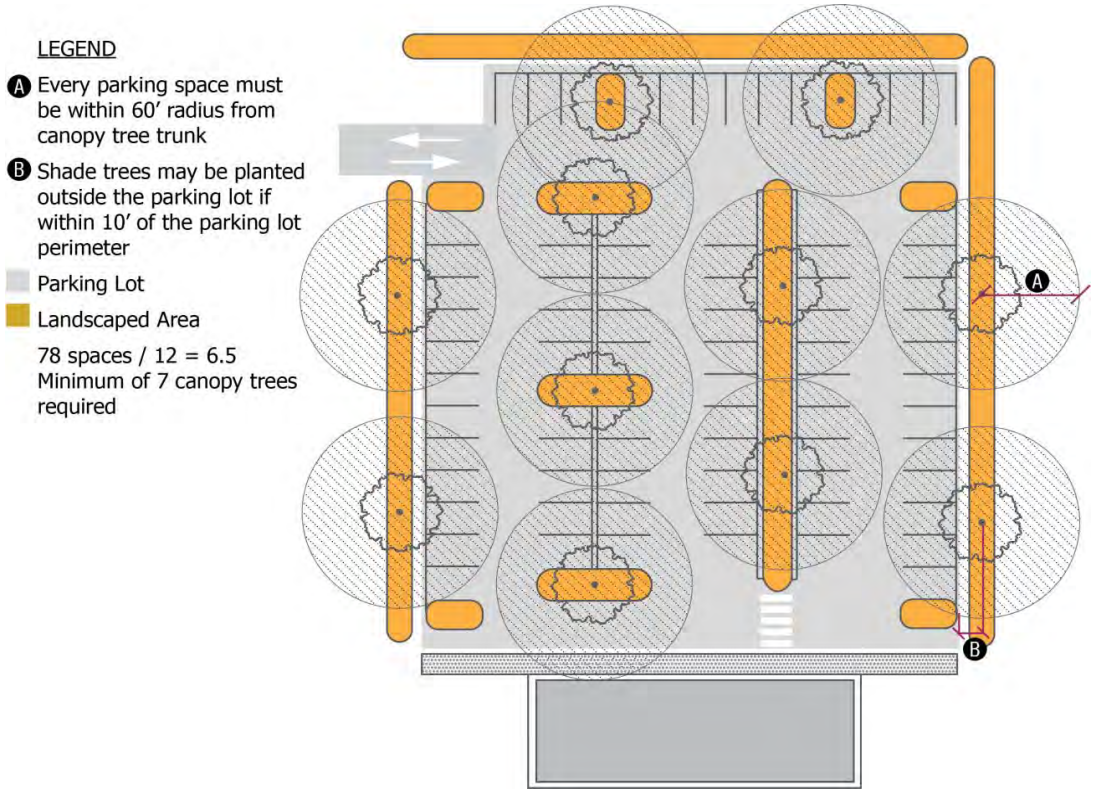
b. Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured so that perimeter plantings are only located around the perimeter of the entire development instead of between parking lots and buildings located within the development.

C. SHADE TREES

All parking lots shall be served by shade trees to reduce the heat island effect and soften the appearance of the parking lot, in accordance with the following standards:

1. Parking lots subject to these standards shall include at least one canopy tree for every 12 off-street parking spaces provided;
2. Required canopy trees may be placed around, in, or near the parking lot provided that no parking space is more than 60 feet from the trunk of a canopy tree (see Figure 6.6.11.C: Parking Lot Shading); and
3. Required canopy trees shall be distributed throughout parking areas and may be located in landscape islands, between rows of parking, in driveway medians, and within ten feet of the perimeter of the parking lot.

FIGURE 6.6.11.C: PARKING LOT SHADING



~~6.6.12~~6.6.13 PERIMETER BUFFERS

A. PURPOSE AND INTENT

These standards are proposed to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas through physical and visual separation between land uses in separate zoning districts.

B. APPLICABILITY

1. All development subject to these landscaping standards shall comply with the perimeter buffer standards in this section.
2. Development shall provide perimeter buffers along side and rear lot lines in accordance with Table 6.6.12.G, Buffer Application.
3. Lot lines abutting street rights-of-way shall comply with the standards in Section 6.6.17, Streetscape Buffers~~Streetscape Buffers~~, or Section 6.6.16, Street Trees~~Street Trees~~, as appropriate.

C. BUFFERS DISTINGUISHED

Table 6.6.12.D, Perimeter Buffer Configuration, establishes the standards for perimeter buffers, including the minimum requirements for each of the following buffer types:

1. Type A, Separation Buffer;
2. Type B, Intermittent Buffer;
3. Type C, Semi-Opaque Buffer; and
4. Type D, Opaque Buffer.

D. BUFFER DETERMINATION

1. The lot or site being developed is the one responsible for providing the required perimeter buffer, which shall be located solely upon the lot or site being developed.
2. Landscaping material located on an adjacent lot may not be credited towards these perimeter buffer requirements.
3. The type of perimeter buffer required is based upon the zoning district designation of the land being developed as well as the zoning district designation of the abutting lots (see Table 6.6.1.G, Buffer Application).

E. BUFFER LOCATION

1. Perimeter buffers required by this section shall be located along the outer perimeter of the lot and shall extend to the connecting lot lines.
2. In cases where the lot line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the lot line.
3. A perimeter buffer may be located along shared access easements between parcels in non-residential developments.

~~F. MASS GRADING~~

~~In cases where new development subject to these standards includes mass grading, as defined, in this Ordinance, the minimum required buffer width and the minimum number of required plantings specified in this section shall be doubled.~~

TABLE 6.6.12.D: PERIMETER BUFFER CONFIGURATION

TYPE A – SEPARATION

The Type A Separation perimeter buffer serves as a visual break between land ownership or zoning district designations. It is not intended to provide complete visual or acoustic buffering. The image below shows an approximation of this buffer type at maturity.



BUFFER CONFIGURATION	REQUIREMENT
Buffer width (feet)	10
Canopy trees per every 100 linear feet (#) / Max. on-center spacing (feet)	None / None
Understory trees per every 100 linear feet (#) / Max. on-center spacing (feet)	4 / None [1]
Shrubs per every 100 linear feet (#) / Max. on-center spacing (feet) [2]	15 / None [1]
Minimum percentage of evergreen shrubs (% of total along 1 side)	50

NOTES:
[1] Grouping of trees or shrubs is permitted provided there is no span of un-vegetated buffer exceeding 30 feet in length.
[2] In the event a fence or wall is provided, it shall be located within 10 feet of the lot line. Shrubs, if required, shall be located between the fence or wall and t–e lot line, but no closer than three feet to the lot line.

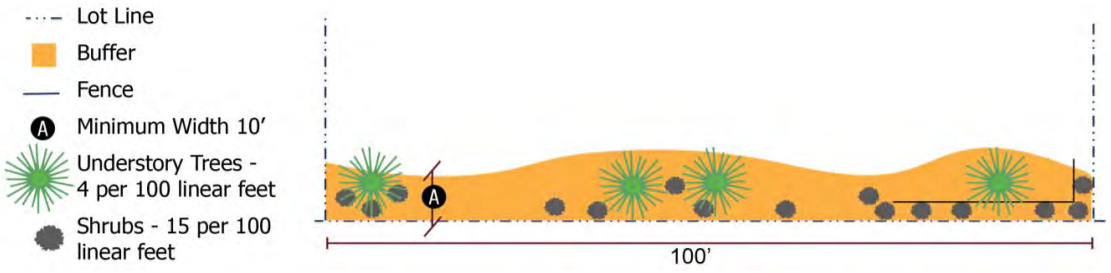


TABLE 6.6.12.D: PERIMETER BUFFER CONFIGURATION

TYPE B - INTERMITTENT

The Type B Intermittent perimeter buffer functions as an intermittent visual screen from the ground to a height of five feet. It is intended to partially block visibility between different uses but not totally obstruct visual contact from one use to another. The image below shows an approximation of this buffer type at maturity.



BUFFER CONFIGURATION	REQUIREMENT
Buffer width (feet)	20
Canopy trees per every 100 linear feet (#) / Max. on-center spacing (feet)	2 / 50
Understory trees per every 100 linear feet (#) / Max. on-center spacing (feet)	4 / 25 [1]
Shrubs per every 100 linear feet (#) / Max. on-center spacing (feet) [2]	15 / None [1]
Minimum percentage of evergreen shrubs (% of total along 1 side)	60

NOTES:
[1] Grouping of trees or shrubs is permitted provided there is no span of un-vegetated buffer exceeding 30 feet in length.
[2] In the event a fence or wall is provided, it shall be located within 10 feet of the lot line. Shrubs, if required, shall be located between the fence or wall and the lot line, but no closer than three feet to the lot line.

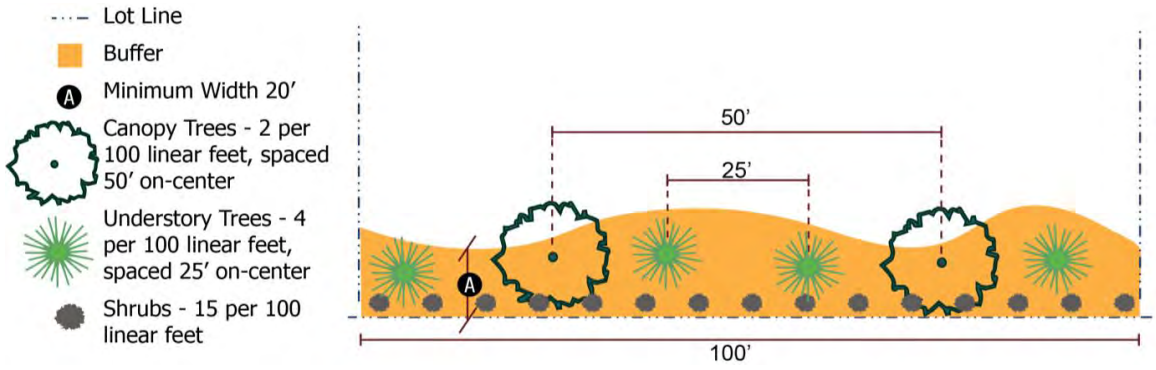


TABLE 6.6.12.D: PERIMETER BUFFER CONFIGURATION

TYPE C – SEMI-OPAQUE

The Type C Semi-Opaque perimeter buffer functions as a partially opaque screen from the ground to a height of six feet. This type of buffer prevents visual contact between uses but not total obstruction from one use to another. The buffer creates a sense of visual separation but provides only minor acoustic separation. The image below shows an approximation of this buffer type at maturity.



BUFFER CONFIGURATION	REQUIREMENT
Buffer width (feet) [1]	30
Canopy trees per every 100 linear feet (#) / Max. on-center spacing (feet)	3 / 33
Understory trees per every 100 linear feet (#) / Max. on-center spacing (feet)	6 / 16 [2]
Shrubs per every 100 linear feet (#) / Max. on-center spacing (feet) [3]	25 / 4 [2]
Minimum percentage of evergreen shrubs (% of total along 1 side)	75

NOTES:
[1] Provision of a semi-opaque fence or wall along the entire buffer span allows the buffer width to be reduced by 5 feet (chain-link fencing is not permitted). Provision of a fully-opaque fence, wall, or berm along the entire buffer span allows the buffer width to be reduced by 10 feet.
[2] Grouping of trees or shrubs is permitted provided there is no span of un-vegetated buffer exceeding 20 feet in length.
[3] In the event a fence or wall is provided, it shall be located within 10 feet of the lot line. Shrubs, if required, shall be located between the fence or wall and the lot line, but no closer than three feet to the lot line.

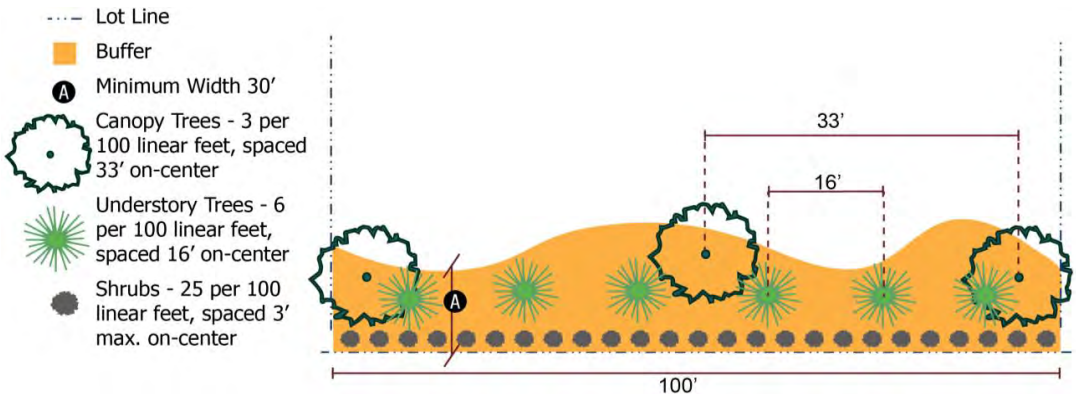


TABLE 6.6.12.D: PERIMETER BUFFER CONFIGURATION

TYPE D – OPAQUE

The Type D Opaque perimeter buffer functions as a fully opaque screen from the ground to a height of eight feet. This type of buffer provides a strong sense of visual and acoustic separation between uses. The cross-section image below shows an approximation of this buffer type at maturity.

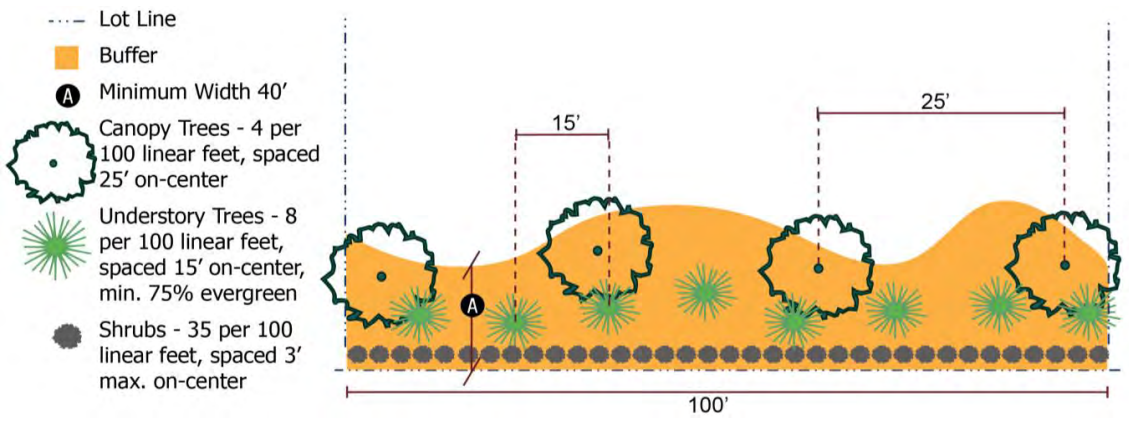


BUFFER CONFIGURATION	REQUIREMENT
Buffer width (feet) [1]	40
Canopy trees per every 100 linear feet (#) / Max. on-center spacing (feet)	4 / 25
Understory trees per every 100 linear feet (#) / Max. on-center spacing (feet)	8 / 15
Minimum percentage of evergreen understory trees (% of total along 1 side)	75
Shrubs per every 100 linear feet (#) / Max. on-center spacing (feet) [2]	35 / 3
Minimum percentage of evergreen shrubs (% of total along 1 side)	85

NOTES:

[1] Provision of a semi-opaque fence or wall along the entire buffer span allows the buffer width to be reduced by 5 feet (chain-link fencing is not permitted). Provision of a fully-opaque fence, wall, or berm along the entire buffer span allows the buffer width to be reduced by 10 feet.

[2] In the event a fence or wall is provided, it shall be located within 10 feet of the lot line. Shrubs, if required, shall be located between the fence or wall and the lot line, but no closer than three feet to the lot line.



~~G.~~F. BUFFER APPLICATION

Table 6.6.12.G, Buffer Application, specifies the type of perimeter buffer that development shall provide between it and adjacent land, based on the zoning district of the development site and that of the adjacent land. The buffer type is indicated by a letter corresponding to one of the four buffer types described in Table 6.6.12.D, Perimeter Buffer Configuration.

TABLE 6.6.12.G: BUFFER APPLICATION

Zoning District of Developing Land [1] [2]	Zoning District of Land Adjacent to Proposed Development [3] [4] [5] [6] [7]					
	CON, RLD, RLL, RUR	RMD, RMF, CZR	RHD, OFI, DTNC, DTNT, DTNN, CZD	NCM, PUB, MXD,	CRM, CZM, CZC, LID	HID, CZI
CON, RLD, RLL, RUR	A	None	None	A	B	B
RMD, RMF, CZR	B	A	A	None	A	B
RHD, OFI	C	B	A	A	None	A
NCM, PUB, MXD	D	C	B	A	A	None
CRM, CZM, CZC, LID	D	D	C	B	A	None
HID, CZI	D	D	D	D	C	None

NOTES:
[1] This column identifies the zoning district of the land that is developing and is responsible for providing a perimeter buffer.
[2] Development within the DTNC, DTNT, and DTNN districts are exempted from providing a perimeter buffer.
[3] Lot lines abutting public street rights-of-way shall be subject to the standards in Section 6.6.17, Streetscape Buffers~~Streetscape Buffers~~.
[4] A perimeter buffer shall not be required when the developing lot abuts unbuildable land within a riparian buffer, a lot in the Flood Protection Overlay (FPOD) district, a Town-designated tree-save area, or other Town-designated conservation area where existing vegetation will not be removed.
[5] A type A buffer shall be provided along all lot lines bordering the Town's planning jurisdiction.
[6] A type D buffer of at least 40 feet in width shall be provided along all lot lines bordering an interstate or limited access highway, including on- and off-ramps, and railroad lines.
[7] A perimeter buffer is not required if proposed development is surrounded by existing vegetation of a minimum width necessary to obstruct view from off-site areas provided such existing vegetation remains in place in perpetuity.

~~H.~~G. EXEMPTIONS

Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured so that perimeter buffers are only located around the perimeter of the entire development instead of between lots within the development.

~~6.6.13~~6.6.14 SCREENING

A. PURPOSE AND INTENT

These standards are intended to reduce the visual and auditory impact upon adjacent lots and the public realm from certain site features and activities occurring on individual non-residential, multi-family, single-family attached residential, and mixed-use lots. In addition to mitigating negative impacts, these standards are also proposed to enhance the aesthetics of development in the Town's jurisdiction.

B. USING THESE STANDARDS

1. These standards identify a series of use types, site features, and activities that are required to be screened from off-site views (see Section 6.6.14C, Applicability~~Applicability~~, and Section 6.6.14D, Exemptions~~Exemptions~~).
2. The standards establish a series of screening methods organized into differing levels (e.g., Level 1 through Level 10). The higher the screening method's level number, the greater its opacity, or its ability to obscure a particular site feature from off-site view (see Table 6.6.13.E, Screening Methods).
3. In addition to a range of screening methods, these standards also recognize that differing levels of screening are necessary from different viewpoints. For example, the ways in which a refuse collection feature should be screened from view from an adjacent single-family detached dwelling likely differ from the ways in which the same refuse collection feature needs to be screened from the back of a commercial establishment or from a private street. The standards identify which methods of screening may be used to screen a particular site feature or activity from the view from a particular location, such as an adjacent street or abutting lot with residential zoning (see Table 6.6.13.F: Views to be Screened). Nothing prohibits a landowner from using a more intense or opaque screening technique than is required by Table 6.6.13.F: Views to be Screened.

C. APPLICABILITY

1. GENERALLY

Unless exempted in accordance with Section 6.6.14D, Exemptions~~Exemptions~~, the standards in this section apply to the following site features and activities for all development in the Town's jurisdiction:

a. Refuse collection containers of more than 100 gallons in size;
b. Recycling containers of more than 100 gallons in size, including cardboard recycling containers;
c. Waste and cardboard compactors;
d. Ground-based mechanical equipment, including but not limited to wireless telecommunications equipment, permanently-mounted electrical generators, compressors, climate control equipment, electrical circuit breaker panels or disconnects, and similar equipment;
e. Roof-mounted equipment of any kind;
f. Above ground storage tanks for gases, solids, or liquids;
g. Outdoor equipment storage or repair areas;
h. Outdoor storage of raw or semi-finished materials, including tires;
i. Outdoor storage of finished products for sale, including tires;

j. The outdoor storage, repair, or impoundment of vehicles or equipment, whether operable, inoperable, or being used for parts; and

k. Other items as determined by the Planning Director as part of a determination prepared in accordance with Section 2.3.11, Determination~~Determination~~.

2. PRE-EXISTING DEVELOPMENT

Lawfully-established development existing prior to January 2, 2024, that is subject to, but that does not comply with these standards may continue, subject to applicable the standards in Chapter 5, Nonconformities.

3. EXPANSIONS OR REMODELING

Unless exempted in accordance with Section 6.6.14D, Exemptions~~Exemptions~~, all expansions or remodeling of principal buildings or open uses of land existing on or before January 2, 2024, shall comply with these standards as required by Section 5.4, Nonconforming Site Features~~Nonconforming Site Features~~.

D. EXEMPTIONS

The following items are exempted from the screening requirements of this section:

1. Any of the features listed in the sub-section (C.1) above that are located entirely within a building;
2. Refuse collection containers serving individual single-family detached or duplex dwellings;
3. Refuse containers serving an individual single-family attached dwelling unit located on the same building lot as the single-family attached dwelling it serves;
4. Mechanical and climate control equipment serving individual single-family detached, single-family attached, or duplex dwellings;
5. Utility meters, whether wall or ground mounted;
6. Small wireless facilities;
7. Roof-mounted solar energy or wind energy conversion devices;
8. Transformers and similar devices serving electric vehicle charging stations;
9. Family health care structures;
10. Outdoor display/sales as a principal or secondary use subject to an approved Zoning Compliance Permit (see Section 2.3.33, Zoning Compliance Permit~~Zoning Compliance Permit~~);
11. Outdoor seasonal sales and portable storage containers subject to an approved Temporary Use Permit (see Section 4.6, Temporary Uses~~Temporary Uses~~); and
12. Above ground storage tanks serving individual single-family detached, single-family attached, and duplex dwellings located upon the same lot as the dwelling it serves.

E. GENERAL REQUIREMENTS

1. Items or activities subject to the requirements in this section shall be fully screened from one or more off-site views in accordance with Section 6.6.14F, Views to be Screened~~Views to be Screened~~, using one of the allowable methods identified in Table 6.6.13.E, Screening Methods.
2. Table 6.6.13.E, Screening Methods, sets out the various methods for screening site features and activities subject to these standards. Screening, when required, shall comply with the configuration requirements listed in the table.

TABLE 6.6.13.E: SCREENING METHODS [1]
LEVEL OF SCREENING
Requirements
C. SCREENING LEVEL 3 CHAIN LINK FENCE WITH SEMI-OPAQUE SLATS/FABRIC

i. Fencing must be configured in accordance with Section 6.3, Fences and Walls~~Fences and Walls~~. ii. All fencing shall remain subject to maximum fence or wall height standards for the district where located. iii. Fencing shall be at least 60 percent opaque, when viewed from a distance of 10 feet or more. iv. All gates shall maintain a complementary level of opacity excluding gaps for mounting hardware, latches, and hinges. v. Slats or fabric shall extend downwards to the grade level. vi. The fence and screening material shall be comprised of consistent materials and shall maintain a single color. vii. Slats may be plastic or wood and shall be promptly repaired if damaged in any way.
D. SCREENING LEVEL 4 CHAIN LINK FENCE WITH FULLY OPAQUE SLATS/FABRIC

i. Fencing must be configured in accordance with Section 6.3, Fences and Walls~~Fences and Walls~~. ii. All fencing shall maintain a minimum height of six feet above adjacent grade, but shall not exceed the maximum fence height standards for the district where located. iii. Fencing shall be 100 percent opaque, when viewed from a distance of 10 feet or more. iv. All gates shall maintain a complementary level of opacity excluding gaps for mounting hardware, latches, and hinges. v. Slats or fabric shall extend downwards to the grade level. vi. The fence and screening material shall be comprised of consistent materials and shall maintain a single color. vii. Slats may be plastic or wood and shall be promptly repaired if damaged in any way.

TABLE 6.6.13.E: SCREENING METHODS [1]
LEVEL OF SCREENING
Requirements
E. SCREENING LEVEL 5 WOODEN OPAQUE FENCE

i. Fencing shall be configured in accordance with Section 6.3, Fences and Walls~~Fences and Walls~~, and the North Carolina Building Code. ii. All fencing shall maintain the minimum height necessary to fully screen the site feature or activity, but shall not exceed a maximum height of 10 feet. iii. All gates shall maintain a complementary level of opacity excluding gaps for mounting hardware, latches, and hinges. iv. The fence shall be comprised of consistent materials and colors. v. Enclosures for refuse and recycling containers shall meet all applicable Town requirements for such enclosures. vi. Screening material shall be promptly repaired if damaged in any way.
F. SCREENING LEVEL 6 OPAQUE MASONRY WALL

i. Walls shall be configured in accordance with Section 6.3, Fences and Walls~~Fences and Walls~~. ii. All walls shall maintain the minimum height necessary to fully screen the site feature or activity, but shall not exceed a maximum height of 10 feet. iii. The wall shall be comprised of consistent materials and colors to those used on the principal structure. iv. Masonry walls may incorporate louvers or similar features, provided the screening function is maintained. v. All gates shall be comprised of a complementary material and be opaque, excluding gaps for mounting hardware, latches, and hinges. vi. Support columns may exceed the maximum height as necessary for wall construction. vii. Enclosures for refuse and recycling containers shall meet all applicable Town requirements for such enclosures. viii. Screening material shall be promptly aired if damaged in a manner that reduces the screening function.

TABLE 6.6.13.E: SCREENING METHODS [1]

LEVEL OF SCREENING
Requirements
G. SCREENING LEVEL 7 BERMS AND MOUNDS

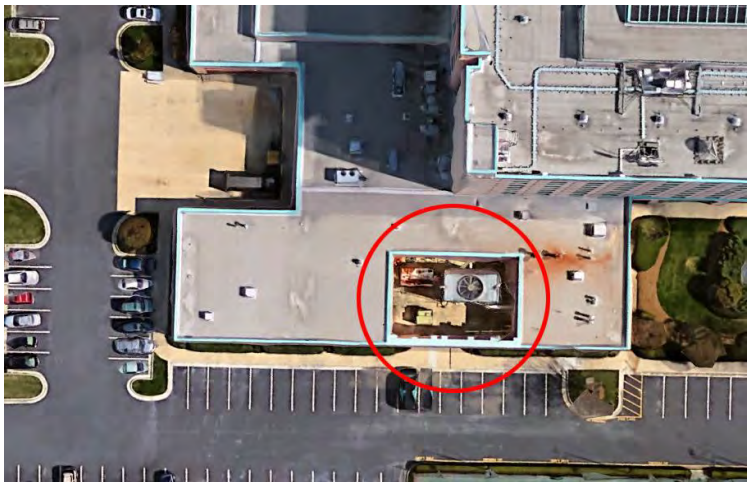
i. Berms shall be configured in accordance with the standards in Section 6.6.11D, Berms~~Berms~~. ii. Nothing shall limit the use of retaining walls, as necessary. iii. Berms shall be supplemented with walls, fencing, or vegetation as necessary to meet screening objectives.
H. SCREENING LEVEL 8 CONCEALMENT BY OTHER ON-SITE STRUCTURES

i. Site features and activities subject to these standards may be screened by other permanent buildings or structures on the same lot. ii. Buildings or structures used to provide screening shall be permanent and shall be of a minimum height necessary to provide required screening. (note: red circle in photo added for clarity)

TABLE 6.6.13.F: VIEWS TO BE SCREENED				
Feature or Activity to be Screened	Required Screening Level, By Location			
	From an Abutting Public Street, Sidewalk, Greenway, or Open Space	From Land in a Residential or Mixed-Use Zoning District	From Land in a Commercial Zoning District	From Land in an Industrial Zoning District
Outdoor Storage of Equipment and Vehicles that are Licensed and Operable but not for Purposes of Sale	4 or higher	5 or higher	4 or higher	1 or higher
All Other Forms of Outdoor Storage of Equipment or Vehicles, including Inoperable, Unlicensed, Wrecked, or Junked	5 or higher	5 or higher	4 or higher	3 or higher

~~6.6.14~~6.6.15 SITE LANDSCAPING

A. PURPOSE AND INTENT

Site landscaping material is intended to soften the visual impact of the building foundation as seen from a street.

B. SITE LANDSCAPING STANDARDS

1. Site landscaping shall be required for all development except single-family detached, single-family attached, and duplex dwellings.
2. Site landscaping shall consist of shrubs, grasses, or a combination of these kinds of plantings. At least 50 percent of site landscaping shall be evergreen.
3. Shrubs shall be planted at a rate of one shrub per every five linear feet of building façade that faces a public or private street.
4. Shrubs shall be planted within 15 feet of the building façade.
5. Site landscaping shall meet the requirements in Section 6.6.8, Plant Material Specifications~~Plant Material Specifications~~.
6. Shrub placement may be interrupted as needed to accommodate utilities, accessways, architectural projections, outdoor dining or gathering areas, or other features, however, the minimum required number of shrubs shall be located upon each site (see Figure 6.6.14: Site Landscaping).
7. These site landscaping standards are waived in cases where development is located on lots of two acres or more in size provided the buildings may not been seen from off-site areas.

FIGURE 6.6.14: SITE LANDSCAPING



~~6.6.15~~6.6.16 STREET TREES [100]

AMENDED 12.16.24 (UDOTA3-24)

A. Development within the following districts shall provide street trees in accordance with the following standards:

1. DTNC;
2. DTNN;
3. DTNT; and
4. ~~NCM;~~
5. CZD~~;~~
6. ~~CZM; and~~
7. ~~CZR~~.

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~~Streetscape Buffers~~.

C. WHERE REQUIRED

Street trees shall be located within tree pits or planting strips within the street right-of-way (see Figure 6.6.15: Street Tree Configuration).

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.

[100] See STN # 38.

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

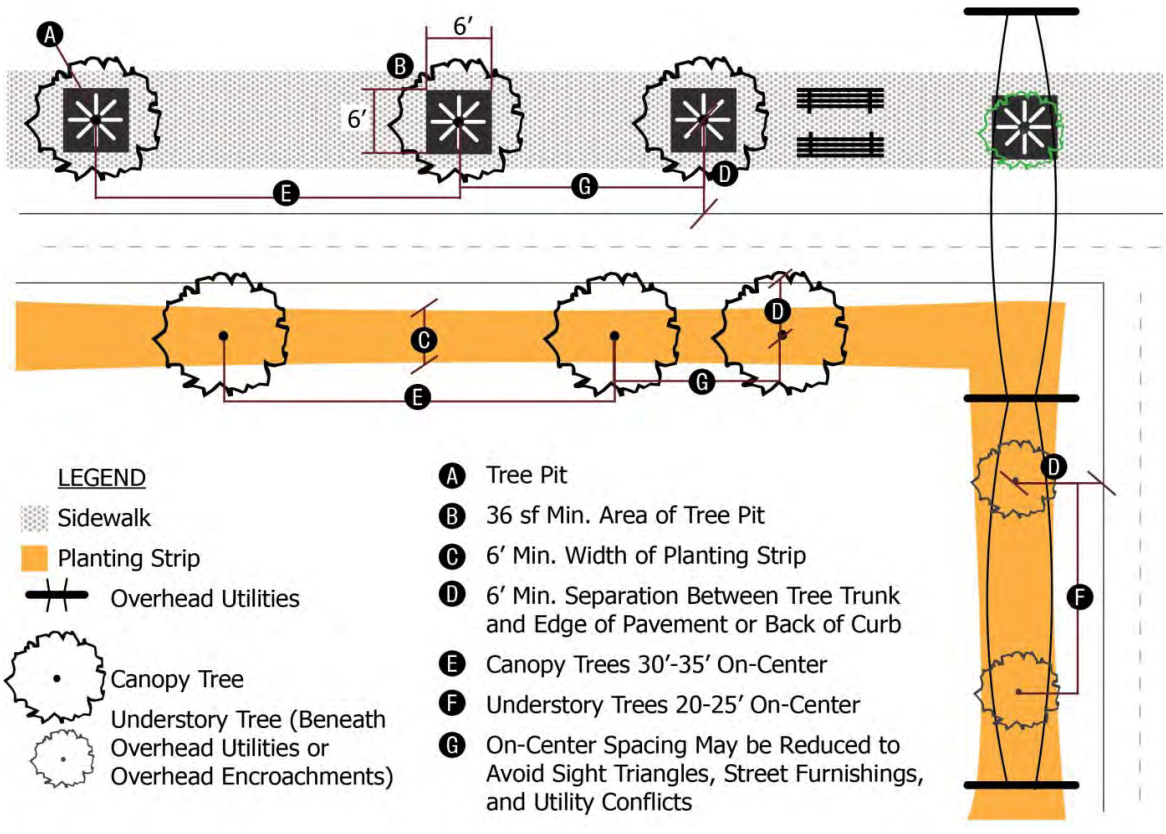
c. Tree planting strips shall be raised above the grade or include edging that prevents pedestrians from walking in the planting strip.

3. 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~~Sight Distance Triangles~~).

FIGURE 6.6.15: STREET TREE CONFIGURATION



4. REQUIRED PLANT MATERIAL [101]

a. Street trees shall be configured in one of the following two ways:
- **i.** Three canopy trees for every 100 linear feet of lot frontage; or
- **ii.** Five understory trees for every 100 linear feet, where overhead utilities are present.

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.

~~4.~~5. 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 6.6.7.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 6.6.7.A, Plant Material Specifications.

~~5.~~6. SPECIES

a. Only those species identified in Table 6.6.15.B: Preferred Street Tree Species, shall be utilized to meet these standards:

TABLE 6.6.15.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.

~~6.~~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.

[101] See STN # 38.

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.

~~7.~~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.

~~6.6.16~~6.6.17 STREETSCAPE BUFFERS

A. PURPOSE AND INTENT

Streetscape buffers are proposed to soften the view of development from the Town's street rights-of-way, and are intended to:

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, NCM, OFI, PUB districts in accordance with the following:

1. The standards in this section shall apply to all lot lines bounded by the following features, whether existing or identified in the Town's adopted policy guidance:
   a. Local streets;
   b. Collector streets;
   c. Arterial streets; and
   d. As specified in Section 3.7.3, GTOD Gateway Overlay District~~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.

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 street rights-of-way that are or have remained unopened for at least 15 years; or
   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~~Street Trees~~, is not required to provide streetscape buffers.

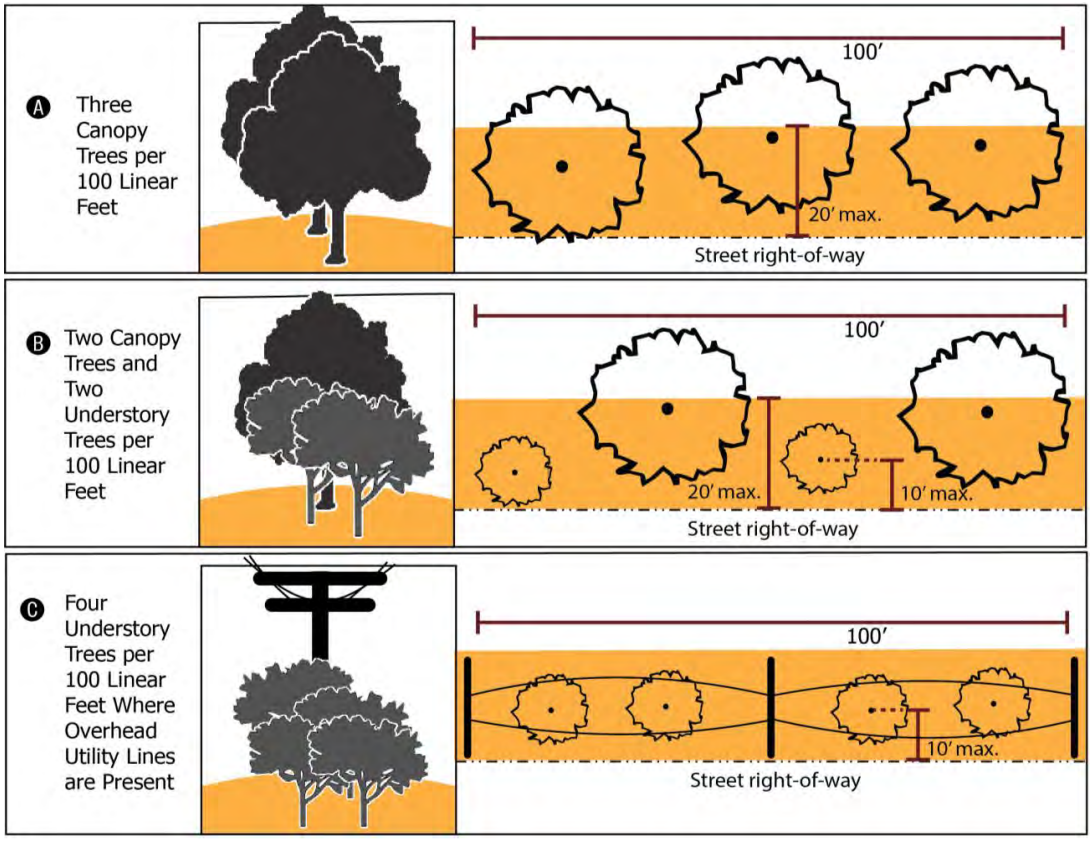
D. REQUIRED PLANT MATERIAL

1. GENERALLY

Streetscape buffers shall be configured in one of the following three ways (see Figure 6.6.16.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 6.6.16.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~~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.

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.

~~6.6.17~~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~~Replacement Required~~.

F. FAILURE TO MAINTAIN

Failure to maintain required landscaping areas is a violation of this Ordinance, in accordance with Chapter 7, Violations.

6.7 OPEN SPACE SET-ASIDE AND PARKLAND

6.7.1 OPEN SPACE SET-ASIDE

A. HOW TO USE THESE STANDARDS

AMENDED 12.16.24 (UDOTA3-24)

1. Developments subject to these open space set-aside standards (see Section 6.7.1C, Applicability~~Applicability~~) shall provide the minimum amount of open space set-aside required for the zoning district where located as identified in Chapter 3, Districts.
2. The physical amount of open space to be set aside within a particular development is a percentage of total development size. These percentage requirements are found in the dimensional standards tables for the zoning districts in Chapter 3, Districts. There is no limitation on the provision of additional open space set-aside beyond the minimum specified in Chapter 3, Districts.
3. Once the minimum amount of open space set-aside to be provided is determined, the type of open space set-aside, if specified, should also be determined in accordance with Section 6.7.1D.2, Type~~Type~~.
4. Applicants should consult Section 6.7.1E, Open Space Set-Aside Configuration~~Open Space Set-Aside Configuration~~, in order to determine any applicable design requirements or prohibited features.

B. PURPOSE AND INTENT

The purpose of this section is to help ensure the provision and maintenance of open space resources that encourage recreation and the gathering of Town residents and visitors. These standards are further intended to:

1. Establish the standards under which residential, mixed-use, and non-residential development shall set aside a portion of the development area as open space;
2. Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides, based on the zoning district designation; and
3. Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides.

C. APPLICABILITY

1. GENERALLY

a. Unless exempted in accordance with Section 6.7.1C.3, Exemptions~~Exemptions~~, the standards in this section shall apply to all new development and redevelopment in the Town.

b. Redevelopment conducted after January 2, 2024, shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of open space set-aside.

2. CONSERVATION SUBDIVISIONS

Open space set-asides associated with a conservation subdivision shall be subject to the standards in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~, in addition to these standards. In the event of a conflict, the standards in Section 2.3.8, Conservation Subdivision~~Conservation Subdivision~~, shall control.

TABLE 6.7.1.D: OPEN SPACE SET-ASIDE TYPE	
ZONING DISTRICT WHERE LOCATED [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]
[1] The type of open space set-aside provided may deviate from these requirements as part of a Type 3 Conditional Rezoning. [2] See Section 6.7.1E, Open Space Set-Aside Configuration~~Open Space Set-Aside Configuration~~, on allowable forms of development and configuration. [3] Development may provide some or all of the required open space set-aside as active open space or gathering space, at the discretion of the applicant. [4] Development may provide some or all of the required open space set-aside as active open space. [5] Development may provide some or all of the required open space set-aside as gathering space. [6] The remainder of required open space set-aside may be configured as active open space, gathering space, or passive open space.	

b. In cases where development must configure open space set-aside with active recreation features, it shall be configured in accordance with Section 6.7.1E.2, Active Open Space Set-Aside~~Active Open Space Set-Aside~~.

c. In cases where open space set-aside shall be configured as gathering space, it shall be configured in accordance with Section 6.7.1E.3, Gathering Spaces~~Gathering Spaces~~.

E. OPEN SPACE SET-ASIDE CONFIGURATION

Open space set-asides shall be configured in accordance with the following standards.

1. PASSIVE OPEN SPACE SET-ASIDE

Passive open space set-asides are intended to provide land area that is undeveloped, or that is developed with low-intensity recreational features (such as those for walking or sitting), landscaping, replacement trees, or stormwater control measures that are configured as a site amenity (see Figure 6.7.1.E.2, Types of Open Space).

a. ALLOWABLE FEATURES

The land area occupied by any of the following types of features is credited towards required passive open space set-aside: **AMENDED 9.16.24 (UDOTA2-24); 12.16.24 (UDOTA3-24)**

- **i.** Gardens;
- **ii.** Lawn areas and community greens;
- **iii.** Lakes, ponds, wetlands, swamps, canals, and streams;
- **iv.** Areas occupied by trees and undisturbed vegetation;
- **v.** Easements for access, drainage, maintenance, or public utilities; and
- **vi.** Undisturbed land subject to a deed restriction or conservation easement.

b. SITE FEATURES CREDITED TOWARDS PASSIVE OPEN SPACE SET-ASIDE REQUIREMENTS

- **i.** The following site features shall be credited towards passive open space set-aside requirements: **AMENDED 12.16.24 (UDOTA3-24)**
  1. Lands dedicated for public parks or greenways, when not already credited towards active open space set-asides or gathering areas;
  2. Required landscaping areas;
  3. Permanent tree save areas;
  4. U.S. Army Corps of Engineers designated 404 wetlands;

5. Riparian buffer areas;
6. Natural heritage areas;
7. Areas qualifying as resource conservation areas established prior to January 2, 2024 (land converted to resource conservation resource area in accordance with Section 6.11.6, Conversion to Resource Conservation Areas~~Conversion to Resource Conservation Areas~~, shall not be credited as open space set-aside);
8. Tree save areas associated with retention of existing vegetation in accordance with Section 6.6.11, Planting Flexibility~~Planting Flexibility~~;
9. Land area occupied by stormwater control measures, including retention ponds, fully vegetated detention basins, and other bio-retention devices, provided these facilities are treated as a site amenity; and
10. Areas configured in accordance with Section 6.7.1E.2, Active Open Space Set-Aside~~Active Open Space Set-Aside~~, and Section 6.7.1E.3, Gathering Spaces~~Gathering Spaces~~.

ii. In order to be considered a site amenity that is credited towards passive open space set-aside requirements, stormwater control measures shall include all the following:

1. Pedestrian access to the facility;
2. Gentle slopes of three-to-one (3:1) or less;
3. Pedestrian elements such as paths, benches, and similar aspects to and around the facility; and
4. Vegetation, whether planted or retained.

c. CONFIGURATION

In no instance shall passive open space set-asides be retained, located, or configured in ways that reduce required street setbacks between the edge of a street right-of-way. Passive open space set aside areas that border a street shall maintain a minimum width at least as deep as the applicable street setback in the district where located.

2. ACTIVE OPEN SPACE SET-ASIDE

Active open space set-asides provide for active recreational needs of the residents or visitors they serve. Active features include fields and courts as well as built structures (see Figure 6.7.1.E.2, Types of Open Space). Active open space set-asides shall meet the following standards:

a. CONFIGURATION

i. Lands set aside as active open space set-aside shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration.

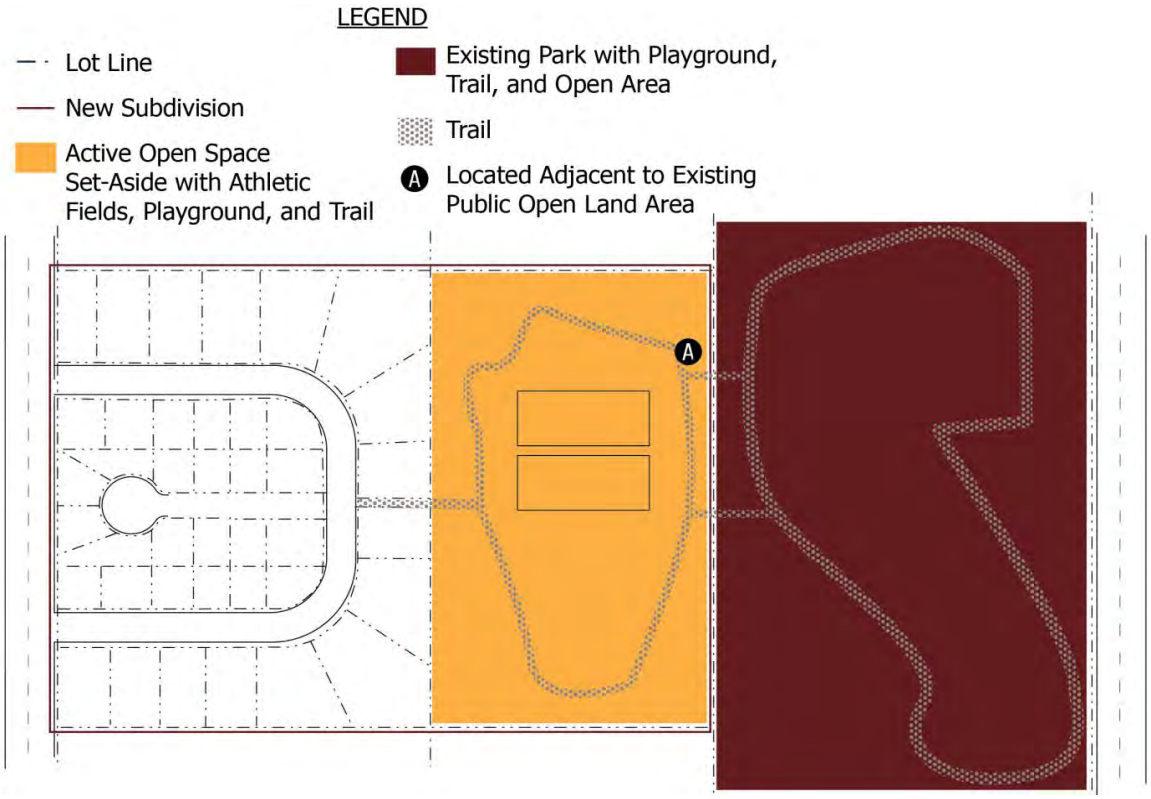
ii. Active open space set-aside areas shall be located so as to be readily accessible and usable by residents and users of the development.

iii. Where possible, a portion of the open space set-aside should provide focal points for the development.

iv. Where the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area (see Figure 6.7.1.E.1, Open Space Continuation).

v. Land areas adjacent to and associated with the function of an active recreation space shall be credited towards open space set-aside for active recreation. **AMENDED 12.16.24 (UDOTA3-24)**

FIGURE 6.7.1.E.1: OPEN SPACE CONTINUATION



b. ALLOWABLE FEATURES

The following types of features are allowable in and credited towards active open space set-asides: **AMENDED 9.16.24 (UDOTA2-24); 12.16.24 (UDOTA3-24)**

- **i.** Lands dedicated for public parks or greenways;
- **ii.** Walking, bicycling, and equestrian trails;
- **iii.** Boardwalks;
- **iv.** Swimming pools, splash pads, and areas devoted to water play for children;
- **v.** Athletic fields and courts;
- **vi.** Benches and seating areas;
- **vii.** Tables, grills, and related picnicking facilities;
- **viii.** Boat launches and swimming platforms;
- **ix.** Piers and docks for fishing or viewing wildlife;
- **x.** Club houses and shelters;
- **xi.** Playgrounds and play structures for children;
- **xii.** Obstacle courses and exercise trails;
- **xiii.** Easements for access, drainage, maintenance, or public utilities; and
- **xiv.** Gathering spaces configured in accordance with Section 6.7.1E.3, Gathering Spaces~~Gathering Spaces~~.

a. Private yards not subject to a deed restriction or conservation easement;
b. Street rights-of-way;
c. Parking areas and driveways for dwellings or other uses;
d. Land covered by structures not designated for active recreational uses;
e. On-site wastewater treatment facilities, including septic tank drain fields;
f. Stormwater control measures not configured as a site amenity; and
g. Designated outdoor storage areas.

F. MAINTENANCE OF OPEN SPACE SET-ASIDES

1. The owner of the land shall be responsible for maintenance of all open space set-aside areas including land, vegetation, private infrastructure, greenways, and other features, in accordance with this Ordinance and any conditions of approval associated with the development.
2. Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Chapter 7, Violations.

G. OWNERSHIP OF OPEN SPACE SET-ASIDES

Open space set-asides are intended to remain under private ownership while being available for use to residents and visitors in the development where located. Ownership of open space set-asides shall remain with the owner of the land, except in the following circumstances.

1. HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association, which shall be established in accordance with Section 6.8, Owners' Associations~~Owners' Associations~~.

2. NONPROFIT ORGANIZATION

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.

3. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY

In some cases, certain lands designated as open space set-asides, such as wildlife habitat or greenways, may be dedicated to the Town or other public agency during the development review process. The Town Council shall determine which lands and under what conditions open space set-asides may be dedicated to the Town or other public agency.

6.7.2 PARKLAND DEDICATION

Subdivisions of land for six or more single-family residential lots (including detached or attached units) shall be required to dedicate a portion of the land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section. **AMENDED 4.15.24 (UDOTA1-24)**

A. DEDICATION AMOUNT

1. Single-family residential subdivisions of six or more lots shall dedicate 1,244 square feet of land per residential lot or principal dwelling unit to the Town for its use in developing public parkland. **AMENDED 4.15.24 (UDOTA1-24)**
2. No credit towards required parkland dedication is given for lands mandated for preservation by State or federal requirements.

3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas.

B. DEDICATION OR PAYMENT OF FEE-IN-LIEU PROCEDURE

1. The developer or landowner, as appropriate, shall identify land proposed for dedication or propose payment of a fee-in-lieu as part of the application for approval in accordance with Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.
2. The Town staff shall review the proposed application and determine if it complies with the standards in this section. The decision to accept dedication or payment of a fee-in-lieu is up to the sole discretion of the Town Council.
3. In the event a request for payment of fee-in-lieu is made, the request shall be accompanied by the following:
   a. The assessed value of the land indicated for dedication and how the assessed value amount was determined; and
   b. The rationale or basis for the request for payment of a fee-in-lieu.
4. The fee-in-lieu shall be calculated based upon the total acreage of land required for dedication.
5. The land's assessed value (as determined by the Johnston County Tax Assessor) shall be used to arrive at the required payment-in-lieu amount.
6. Use of funds collected in accordance with this section shall only take place in the general vicinity of where funds are collected and may only be used for the purchase of in-kind lands or the same type of infrastructure in accordance with all applicable State and federal law.
7. The planning director shall maintain records of the amounts collected, the timing, and the location, which shall be used by the Town as part of its capital facilities program.
8. Land shall be dedicated prior to recording the first final plat for the subdivision, or the payment-in-lieu shall be paid prior to recording the first final plat for the subdivision for which the payment-in-lieu is paid.

C. NATURE OF LAND TO BE DEDICATED

All lands proposed for dedication as park areas shall meet the following standards:

1. UNITY

The dedicated land shall be a single parcel of land, whether the development is developed in phases or sections, except where it is determined by the Town that multiple parcels would better serve Town residents and visitors.

2. USABILITY

a. Public parkland must be without significant topographic elevation changes, well-drained, usable land for a park, as determined by the Planning Director.
b. In cases where dedication includes an area of water, public access to all portions of a water feature shall be provided and maintained, regardless of the water feature's size.
c. The land must not be a former site of or contain any remains of hazardous materials.

3. SHAPE

The dedicated land shall be of a shape that supports gathering and recreation activities.

4. LOCATION

a. The dedicated parkland shall be located so it can reasonably serve the park needs of the residents of the development and immediate area.

6.8 OWNERS' ASSOCIATIONS

6.8.1 PURPOSE

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "owners' association") that shall be responsible for the long-term maintenance of common areas, common features, and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

6.8.2 APPLICABILITY

A. The standards in this section shall apply to developments with lands held under common ownership (like open space set-aside), or with shared responsibility for common infrastructure including, but not limited to:

1. Stormwater control measures;
2. Private potable water systems;
3. Private sewage system features (such as pump stations serving only the development where located);
4. Cluster mailbox units;
5. Commonly-held streets and off-street parking facilities; and
6. Open space set-asides.

B. In no instance shall any common area be further subdivided, developed, or conveyed by the owners' association, except in accordance with the provisions of this Ordinance.

6.8.3 CREATION REQUIRED

A. An association shall be established in areas that have private common open space or shared private infrastructure. Associations are required to accept ownership and maintenance responsibility of all open space set-aside(s), shared infrastructure, or common areas within a development.

B. Associations are also required in order to fulfill the requirements of Chapter 47C (the "Condominium Act") of the North Carolina General Statutes, or the requirements of Chapter 47F (the "Planned Community Act") of the North Carolina General Statutes.

C. The association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development, though maintenance responsibility shall only transfer from the developer to the association in accordance with Section 6.8.8, Transfer of Maintenance Responsibility~~Transfer of Maintenance Responsibility~~.

6.8.4 MEMBERSHIP REQUIREMENTS

A. Following establishment of the association by the subdivider, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.

B. All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

6.8.5 PROCEDURE FOR ESTABLISHMENT

A. Documents for the creation of the association shall be submitted to the Town for review and approval prior to approval of the final plat (see Section 2.3.19G, Stage 3, Final Plat~~Stage 3, Final~~

~~Plat~~). Documentation shall include, but not be limited to the information in Section 6.8.7, Required Documentation~~Required Documentation~~.

B. The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.

C. The association documents shall establish that the subdivider shall maintain the common area, common facilities, and infrastructure at least until 51 percent of the lots are sold.

D. Responsibility for maintaining the subdivision's common areas, common facilities, and private infrastructure shall be transferred in accordance with the standards in Section 6.8.8, Transfer of Maintenance Responsibility~~Transfer of Maintenance Responsibility~~.

E. Nothing shall prevent the subdivider from retaining maintenance responsibility after more than 51 percent of the lots are sold.

6.8.6 RESPONSIBILITIES

A. Upon transfer of maintenance responsibility, the association shall be responsible for:

1. Liability insurance and payment of premiums for liability insurance and local taxes;
2. Maintenance of all common elements including, but not limited to, stormwater control measures in accordance with Section 6.15.9, Maintenance~~Maintenance~~, private utilities, private drives, private sidewalks and trails, private streetlights, and private common recreation facilities shown on the preliminary and final plats;
3. Maintenance of public streets until such time as the Town or NCDOT agrees to accept the responsibility for street maintenance;
4. Maintenance of an escrow account intended for the maintenance and repair of community facilities;
5. Payment of system development fees for public and private improvements made to or for the benefit of the common elements; and
6. Payment of assessments for public and private capital improvements made to or for the benefit of the common area located within the development.

B. The owners' association shall grant easements over the common areas for access, ingress, and egress from and to public streets and walkways, and easements for enjoyment of the common area and for parking areas shall be granted to each owner of any lot or unit within the development, unless expressly stated otherwise and classified as "limited common areas and facilities" with the declaration.

C. Common walls between any units shall be party walls, and provisions for the maintenance thereof, including restoration in the event of destruction or damage, shall be established within the covenants.

D. In the event of default by the owners' association in the payment to the Town of any ad valorem taxes levied against the common area or assessments for public improvements to the common area, for a period of six months or more, then each owner of a lot or unit in the development shall become personally obligated to pay to the Johnston County Tax Assessor a proportionate share of such taxes or assessments. If such sum is not paid by the owner within 30 days following receipt of notice of the amount due, then such sum shall become a continuing lien on the lot or unit of the then owner(s), the owner(s)' heirs, devisees, personal representatives and assigns, and the Johnston County Tax Assessor may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.

6.8.7 REQUIRED DOCUMENTATION

A. The association documents submitted to the Town for review shall include, but not be limited to, the following:

6.9 PARKING AND LOADING

6.9.1 PURPOSE AND INTENT

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demand of the different uses allowed by this Ordinance. The standards are further intended to:

A. Provide for adequate off-street parking, off-street loading, and safe movement of vehicles into, out of, and through parking areas;

B. Allow for flexibility to accommodate alternative solutions to off-street parking and loading needs, where such flexibility is consistent with the Town's adopted policy guidance;

C. Reduce the aesthetic impact of surface parking lots in gateway corridors, downtown, and mixed-use areas through standards addressing on-site parking lot locations;

D. Avoid excessive paved surface areas and the resulting problems associated with stormwater runoff and urban heat islands; and

E. Protect compatibility between adjacent uses of land.

6.9.2 APPLICABILITY

The standards in this section shall apply to all development in the Town's jurisdiction, unless exempted in accordance with Section 6.9.3, Exemptions~~Exemptions~~.

A. GENERALLY

Whenever a building is constructed, an open-air use of land is conducted, or a principal or secondary use is established, the development shall meet the requirements of this section.

B. ADDITIONS AND EXPANSIONS

Whenever an existing building, open air use of land, or principal or secondary building is enlarged or increased in capacity after January 2, 2024, the development shall comply with the requirements in Section 5.4, Nonconforming Site Features~~Nonconforming Site Features~~.

C. CHANGES IN USE

1. If the principal use changes, then the new principal use shall meet the requirements of this section, except that if the use change results in an increase of less than five percent in the required number of off-street parking spaces, or less than two additional parking spaces, no additional parking spaces are required.
2. In cases where an existing off-street parking lot does not comply with the parking lot configuration requirements of this section, changes in use shall require the parking lot's configuration to be brought into compliance with these standards, to the maximum extent practicable.

D. ADDITION OF NEW PARKING SPACES

1. New off-street parking spaces added to a development, lot, or site after January 2, 2024, shall comply with the standards in this section. In cases where the development, lot, or site has existing off-street parking spaces that do not comply with these standards, those spaces are subject to Section 6.9.2E, Pre-Existing Nonconforming Development~~Pre-Existing Nonconforming Development~~.
2. Driveways, aisles, or vehicular maneuvering areas serving new off-street parking spaces or connecting new off-street parking spaces to the existing parking spaces established prior to January 2, 2024, shall also comply with the requirements in this section. Nothing shall

preclude the use of an administrative adjustment or alternative parking plan as needed to ensure continuity and practical connection between different parking areas.

E. PRE-EXISTING NONCONFORMING DEVELOPMENT

Lawfully-established off-street parking and loading areas established prior to January 2, 2024, that do not comply with these standards shall be subject to the applicable standards in Chapter 5, Nonconformities.

6.9.3 EXEMPTIONS

A. The following forms of development are exempt from the requirements of this section:

1. Lawfully-established lots of record existing prior to January 2, 2024, that are 33 feet wide or less, contain a single-family detached residential structure, and are not served by an alley; and
2. Re-striping an existing parking lot which does not create a deficient number of parking spaces or a nonconforming situation.

B. Non-residential and mixed-use development located in the DTNC, DTNT, and DTNN districts is exempted from the minimum off-street parking requirements in Table 6.9.4, Table of Minimum Off-Street Parking Requirements, but off-street parking lots, if provided, shall comply with the standards in Section 6.9.7, Parking Lot Configuration~~Parking Lot Configuration~~.

6.9.4 OFF-STREET PARKING REQUIREMENTS

A. PARKING PLAN REQUIRED

Every application for a site plan or building permit shall include a parking plan or plot plan drawn to scale and fully-dimensioned as necessary in order to demonstrate compliance with the standards in this section.

B. ALTERNATIVE PARKING PLAN[102]

1. GENERALLY

a. An alternative parking plan may be proposed as part of a Site Plan or Major ~~s~~Subdivision application in accordance with Section 2.3.2, Alternative Plan~~Alternative Plan~~. Revisions to the off-street parking portions of an already-approved Site Plan or Major S~~s~~ubdivision shall be considered in accordance with Section 2.4.16, Amendment of Approved Application~~Amendment of Approved Application~~.

b. When proposed, the alternative parking plan shall be reviewed and decided by the Planning Director prior to a decision on the associated Site Plan or Major S~~s~~ubdivision, and based on the standards in this subsection.

2. CONDITIONS JUSTIFYING ALTERNATIVE PARKING PLAN

Any of the following conditions may be used as a justification for an alternative parking plan:

a. Off-street parking needs that are less than the minimum required (based upon a parking demand study accepted by the Town);

b. Off-street parking needs that exceed the maximum allowed (based upon a parking demand study accepted by the Town);

c. A site that lacks sufficient area to accommodate the required or proposed off-street parking;

[102] See STN # 101.

d. Parking usage patterns between two or more use types on the same development or site that do no overlap one another in terms of timing; or

e. A need or desire to reduce the amount of impervious surfacing associated with off-street parking.

3. INTENT

To be approved, any alternative parking plan shall meet the intent of the applicable off-street parking standards of this Ordinance.

4. ALLOWABLE MODIFICATIONS

~~B.~~a. ALTERNATIVE SURFACING

~~1.~~i. The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to, "grasscrete," "turfstone," cellular reinforced paving systems, porous concrete, crushed stone, or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete, may be proposed for required off-street parking spaces, drive aisles, or vehicular surface areas on a site, provided such areas are properly maintained. Where possible, such materials should only be used in areas proximate to and in combination with on-site stormwater control measures or tree protection measures.

~~2.~~ii. Grass or other pervious parking surfaces may be permitted for the following use types:

~~a.~~b. Uses which require off-street parking less than five days per week during a month;

~~b.~~c. Religious institutions; and

~~c.~~d. Parks, trailheads, playgrounds, ballfields, football and baseball stadiums, fairgrounds, and similar outdoor recreation areas.

~~3.~~i. Where provided, such alternative parking surfaces shall be maintained in a smooth, well-graded condition. If parking demand is such that the grass is damaged or destroyed to the extent that it ceases to grow and is not repaired or replaced, then paving in accordance with this section will be required.

~~C.~~e. DEVIATION FROM REQUIRED MINIMUM

An applicant may propose a reduced rate of provision for off-street parking less than that specified in Table 6.9.4, Table of Minimum Off-Street Parking Requirements, in accordance with a parking study prepared by a professional engineer licensed by the State of North Carolina. The parking study shall document why fewer spaces than required will be adequate while still protecting the public's health, safety, and welfare.

~~D.~~f. OFF-SITE PARKING

Up to 50 percent of off-street parking space requirements may be met by locating required parking in an off-site location, in accordance with the following standards:

~~1.~~i. The off-site parking is located within 1,000 feet from the use it serves, as measured from the entrance of the use to the nearest off-site parking space;

~~2.~~ii. A sidewalk or paved pedestrian walkway is provided to the off-site parking area from the use;

~~3.~~iii. In cases where the off-site parking is located on land under separate ownership from the use it serves, the off-site parking shall be subject to a written agreement executed by the owners involved and filed with the Planning Director prior to the use of off-site parking facilities. The agreement shall guarantee the long-term availability of the off-site parking in question; and

~~4.~~iv. Should an off-site parking agreement cease, then the use shall be considered a nonconformity subject to the standards in Chapter 5, Nonconformities, unless the use is brought into compliance with the minimum off-street parking requirements of this section.

~~5.~~v. In no instance shall a residential use other than multi-family utilize off-site parking on lots within the DTNC district.

~~E.~~g. ON-STREET PARKING

~~1.~~i. On-street parking spaces located immediately abutting the subject parcel, entirely within the extension of the side lot lines into the street right-of-way, and not within any required clear sight triangle, may be credited toward minimum off-street parking standards.

~~2.~~ii. On-street parking shall consist solely of parallel parking spaces and shall not encroach into vehicle travelways.

~~3.~~iii. In no instance shall on-street parking located within the middle of the street or on the opposite side of a street from the use to be served be credited toward required off-street parking.

~~F.~~h. PROVISION OVER THE MAXIMUM ALLOWED

An applicant proposing development subject to the standards in Section 6.9.4D, Off-Street Parking Space Maximum~~Off-Street Parking Space Maximum~~, may propose a total number of off-street parking spaces that exceeds the maximum allowed only through the provision of a parking study prepared by a professional engineer licensed by the State of North Carolina. The parking study shall document why the provision of off-street parking spaces beyond the maximum authorized is necessary for the public's health, safety, or welfare.

~~G.~~i. SHARED PARKING

The required off-street parking for a use may be met with shared use of the required off-street parking spaces of another use, only in accordance with the following standards:

~~1.~~i. The use of shared off-street parking spaces shall be subject to a shared parking agreement executed by the landowners of the uses involved, approved by the Planning Director, and recorded in the office of the Register of Deeds for the county where the development is located;

~~2.~~ii. The shared parking agreement shall guarantee the long-term availability of the shared parking spaces in question. Nothing shall limit the percentage of required off-street parking spaces that may be provided through a shared parking agreement;

~~3.~~iii. The shared parking is located within 1,000 feet, as measured from the entrance of the use to the nearest shared parking space;

~~4.~~iv. A sidewalk or paved pedestrian walkway is provided to the shared parking area from the use;

~~5.~~v. The uses served by the shared parking must have different peak parking demands, differences in hours or days of operation, or otherwise operate such that the uses sharing parking have access to the required minimum number of off-street parking spaces when in operation; and

~~6.~~vi. Should the shared parking agreement cease, then the use(s) formerly served by shared parking shall be considered a nonconformity subject to the standards in Chapter 5, unless the use(s) is brought into compliance with the minimum off-street parking requirements of this section.

~~H.~~j. VALET PARKING

The Planning Director shall approve valet parking as a means of satisfying off-street parking requirements. Valet parking shall not cause customers or patrons who do not use the valet service to park off site or in the right-of-way or cause queuing in a street, driveway, or drive aisle. The following additional standards shall apply to valet parking:

~~1.~~i. Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services;

~~2.~~ii. The maximum number of spaces reserved for valet parking shall not exceed 25 percent of the minimum number of required off-street parking spaces.

~~3.~~iii. A valet parking area shall not be located within 200 feet of a public entrance to a building. Areas designated for valet parking shall not interfere with vehicular circulation or emergency access and shall not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.

5. DOCUMENTATION

In cases where a proposed development employs parking flexibility provisions to address the off-street parking requirements of this section, the Site Plan, Major ~~s~~Subdivision, or other approval shall document the locations where and describe the extent to which parking flexibility provisions were employed.

~~I.~~C. MINIMUM OFF-STREET PARKING SPACES REQUIRED

1. The minimum number of off-street parking spaces required for development shall be in accordance with Table 6.9.4, Table of Minimum Off-Street Parking Requirements.
2. Off-street parking shall be provided to meet the parking demand without the use of streets, driveways, and garages, except as specifically allowed by this section.
3. Some uses may also be required to provide vehicle stacking spaces in accordance with Section 6.9.6, Stacking Spaces~~Stacking Spaces~~.
4. Some uses may also be required to provide bicycle parking spaces in accordance with Section 6.9.5, Bicycle Spaces~~Bicycle Spaces~~.

~~J.~~D. OFF-STREET PARKING SPACE MAXIMUM

1. Where identified in Table 6.9.4, Table of Minimum Off-Street Parking Requirements, uses subject to an off-street parking maximum shall comply with the applicable maximum provisions in the table.
2. Deviations from the maximum parking space standards may be requested in accordance with Section 6.9.8, Parking Flexibility~~Parking Flexibility~~.

~~K.~~E. USE TYPE NOT LISTED

1. For use types that do not correspond to the use types listed in Table 6.9.4, Table of Minimum Off-Street Parking Requirements, any one of the following actions may be taken as part of determining the applicable off-street parking requirements:
   a. The applicant may provide a parking study for the use(s) prepared by a professional engineer licensed by the State of North Carolina;
   b. The applicant may propose a text amendment to this UDO in accordance with Section 2.3.28, Text Amendment~~Text Amendment~~;
   c. The applicant may request a formal determination of these off-street parking standards in accordance with Section 2.3.11, Determination~~Determination~~, or
   d. The Planning Director may determine the minimum parking space requirement based on a similar use in accordance with the standards of this Ordinance.
2. In cases where the applicant desires the Planning Director to make a determination, the application shall provide the following information:
   a. The type of use(s);
   b. Number of employees;
   c. The availability of transit;
   d. The occupancy of the building;

e. Anticipated square feet of sales, service, and office areas;
f. Number of off-street parking spaces proposed; and
g. Hours of operation.

~~L.~~F. DEVELOPMENTS WITH MULTIPLE USE TYPES OR LOTS

1. Development containing more than one principal use shall provide the minimum number of off-street parking spaces in an amount equal to the total required for all individual principal uses in the development, except as allowed by Section 6.9.8, Parking Flexibility~~Parking Flexibility~~.
2. Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured to locate a portion of the required parking for one lot on another in the same development as allowed by Section 6.9.8, Parking Flexibility~~Parking Flexibility~~.

G. UNIFIED DEVELOPMENTS

Unified developments shall comply with either the minimum parking standards for each use type in the development, or shall comply with the standards for a Unified Development in Table 6.9.4: Minimum Off-Street Parking Spaces Required.[103]

~~M.~~H. USE OF REQUIRED OFF-STREET PARKING SPACES

1. Off-street parking areas used for any of the following vehicles are not credited towards the minimum number of required off-street parking spaces in Table 6.9.4, Table of Minimum Off-Street Parking Requirements, and such vehicles shall be located outside required off-street parking spaces and any street right-of-way:
   a. Vehicles for sale or lease;
   b. Vehicles being stored, serviced, or repaired; or
   c. Vehicles belonging to the use, such as company vehicles.
2. Required off-street parking spaces shall not be used for any purpose other than the temporary parking of operable vehicles.
3. In no instance shall motor vehicle servicing or repair of a vehicle take place within a required off-street parking space except for washing and emergency service necessary to start the vehicle.

~~N.~~I. DRIVEWAYS USED TO MEET PARKING REQUIREMENTS

1. Driveways may be used to accommodate required off-street parking spaces only for the following uses:
   a. Boarding houses;
   b. Cemeteries;
   c. Family care homes;
   d. Group homes;
   e. Live/work dwellings;
   f. Manufactured dwellings;
   g. Mobile homes;
   h. Single-family attached dwellings when located in developments of six or fewer dwellings (driveways may be located on land owned in common), or in cases where a

[103] See STN # 102.

single-family attached dwelling is served by a rear-loaded driveway; **AMENDED 12.16.24 (UDOTA3-24)**

i. Single-family detached dwellings, including those in bungalow courts and pocket neighborhoods;

j. Secondary dwelling units;

k. Triplex/quadplex dwellings; and

l. Duplex dwellings.

2. Driveways shall be of sufficient size to accommodate all the off-street parking spaces required by Table 6.9.4, Table of Minimum Off-Street Parking Requirements, and comply with the applicable standards in Section 6.1.4, Driveways~~Driveways~~. In no instance shall accommodation of vehicle parking in accordance with this subsection result in parked vehicles protruding into or over street rights-of-way, sidewalks, greenways, required sight distance triangles, areas used for refuse collection, or required landscaping areas.

~~O.~~J. GARAGES USED TO MEET PARKING REQUIREMENTS

On-site garages may be credited towards the off-street parking requirements only in accordance with the following:

1. SINGLE-FAMILY DETACHED DWELLINGS

a. Except when configured as bungalow courts or pocket neighborhoods, single-family detached dwellings, whether occupied as a principal or secondary use, that include one one-car garage shall not receive credit from this garage parking space towards meeting the required number of off-street parking spaces. Lots with single-family detached dwellings that include two or more garage parking spaces shall receive credit towards off-street parking requirements for the second and each subsequent garage parking space on the lot.

b. A one-car garage shall be credited towards off-street parking space requirements for a single-family detached dwelling when the dwelling is included as part of a bungalow court or pocket neighborhood.

2. SINGLE-FAMILY ATTACHED, DUPLEX, TRIPLEX, AND QUADPLEX DWELLINGS

a. A one-car garage integral or attached to a single-family attached dwelling shall not receive credit towards off-street parking. Garages with two or more garage parking spaces shall receive credit towards off-street parking requirements for the second and each subsequent garage parking space on the lot.

b. Garage parking spaces intended to serve three or more individual dwelling units and located within a single principal or secondary structure shall be credited towards the off-street parking spaces in this section.

3. STRUCTURED PARKING

Garage parking spaces located within structured parking and serving two or more separate residential dwellings or a non-residential use type shall be credited towards the off-street parking requirements in this section.

~~P.~~K. ON-STREET PARKING SERVING REAR-LOADED LOTS

1. All development including residential lots served by vehicular access located to the rear of the lot shall include at least one dedicated parallel on-street parking space proximate to each lot served by rear access.

2. On-street parking spaces shall not be located within the travel lane of the street or alley they serve.

3. Development including dedicated on-street parallel parking spaces provided in accordance with this sub-section shall configure parallel parking areas to include a landscaping island in-line with the parallel parking spaces.
4. Landscaping islands required by this sub-section shall be at least nine feet in depth and six feet in width and be located at least every three parking spaces along the street they serve.

~~C.~~L. MINIMUM OFF-STREET PARKING REQUIREMENTS TABLE

The following table sets out the minimum and applicable maximum off-street parking standards for development subject to these standards. Off-site and on-street parking may be used to satisfy some or all of these requirements if configured in accordance with Section 6.9.8, Parking Flexibility~~Parking Flexibility~~.

TABLE 6.9.4: MINIMUM OFF-STREET PARKING SPACES REQUIRED
[#] = Notes at the end of the table

USE TYPE	MINIMUM NUMBER OF REQUIRE OFF-STREET PARKING SPACES [1] [2]
AGRICULTURAL USE CLASSIFICATION	
Agricultural Packaging & Processing	1 per every 1,500 sf [3]
Agricultural Storage & Distribution	1 per every 6,000 sf [3]
Horticulture	1 per every 1,500 sf [3]
Nursery	1 per every 1,500 sf
Farm Equipment Sales and Service	1 per every 300 sf
Farm Supply Sales	1 per every 300 sf
COMMERCIAL USES CLASSIFICATION	
Animal Shelter	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Animal Boarding, Indoor only	1 per every 200 sf
Animal Boarding, Indoor and Outdoor	1 per every 200 sf [3]
Animal Grooming	1 per every 200 sf
Bank, Credit Union, or Similar Use	1 per every 300 sf
Bar, Cocktail Lounge, or Private Club	1 per every 150 sf
Bed & Breakfast	1 per guest room plus minimum required for single-family detached dwelling
Bottle Shop (with on premise consumption)	1 per every 4 seats [4]
Bulky Item Sales	1 for every 600 sf
Campground	1 + 1 per camping space
Catering Establishment	1 per every 300 sf

TABLE 6.9.4: MINIMUM OFF-STREET PARKING SPACES REQUIRED
[#] = Notes at the end of the table

USE TYPE	MINIMUM NUMBER OF REQUIRE OFF-STREET PARKING SPACES [1] [2]
Office, Low Intensity	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Outdoor Commercial Recreation	1 per every 1,000 sf of activity area (including building sf); May not exceed 125% of minimum
Parking Related Use	1 per employee on the largest shift
Packaging and Shipping	1 per every 200 sf
Pawn Shop	1 per every 300 sf
Pharmacy	1 per every 200 sf
Recreational Vehicle Park	1 per employee on largest shift + 0.25 per every recreational vehicle space
Repair Shop	1 per every 600 sf
Restaurant with Drive-Through	1 per every 4 seats [4]; May not exceed 1 per every 150 sf
Restaurant, Indoor Seating Only	1 per every 4 seats [4]; May not exceed 1 per every 150 sf
Restaurant, Indoor and Outdoor Seating	1 per every 5 seats [4]; May not exceed 1 per every 150 sf
Restaurant, Walk-up Service Only	1 per employee on largest shift + 1 per every two outdoor seating locations
Retail, General	1 per every 200 sf; May not exceed 125% of minimum
~~Retail, Large Format~~[104]	~~70,000 sf – 200,000 sf: 1 per every 600 sf; May not exceed 125% of minimum~~
	~~>200,000 sf: 1 per every 800 sf; May not exceed 125% of minimum~~
Retail, Micro	1 per every 600 sf
Sexually-Oriented Business	1 per every 200 sf
Storage, Indoor Only	1 per every 5,000 sf
Storage, Indoor and Outdoor	1 + 1 per employee on largest shift
Tanning Salon	1 per every 200 sf
Tattoo and Piercing Establishment	1 per every 600 sf
Theatre, Indoors	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating; May not exceed 1 per every 150 sf
Theatre, Outdoors	2 + 1 per employee on largest shift
Tobacco, CBD, and Vapor Shop	1 per every 200 sf

[104] See STN # 102.

TABLE 6.9.4: MINIMUM OFF-STREET PARKING SPACES REQUIRED
[#] = Notes at the end of the table

USE TYPE	MINIMUM NUMBER OF REQUIRE OFF-STREET PARKING SPACES [1] [2]
Unified Development[105]	Non-residential uses: 1 per every 250 sf Residential uses: in accordance with the standards for residential uses in this table
Vehicle Repair and Service (no painting/body work)	2 + 1 per each service bay
Vehicle Sales and Rental	1 per every 200 sf of floor area open to the public
Vehicle Painting/Bodywork	2+ 1 per employee on largest shift + 1 per service bay
Vehicle Parts and Accessory Sales	1 per every 200 sf
Vehicle Towing or Storage	1 per employee on the largest shift
Vehicle Washing or Detailing	1 + 1 per employee on largest shift
Veterinary Services, Large Animal	1 + 1 per doctor or care provider
Veterinary Services, Small Animal	1 per every 200 sf
INDUSTRIAL USE CLASSIFICATION	
Asphalt or Concrete Plant	2 per every 3 employees on major shift
Business Incubator	1 per every 450 sf
Contractor Services/Yard	Greater of: 1 per every 300 sf or 1 per every 1,000 sf of outdoor area
Cryptomining and Data Processing	1 per employee on the largest shift
Electrical, HVAC, or Plumbing Fabrication	2 per every 3 employees on largest shift
Extractive Industry	1 + 1 per employee on largest shift
Freight Terminal	2 per every 3 employees on largest shift
Fuel Oil/Bottled Gas Distributor	1 per every 200 sf used by public + 1 per employee on largest shift
Level 2 Solar Energy Conversion	None
Level 3 Solar Energy Conversion	None
Makerspace	1 per every 400 sf
Manufacturing, Heavy, Light, or Medium	2 per every 3 employees on largest shift
Metal Fabrication	2 per every 3 employees on largest shift
Transfer Station	10 + 1 per employee on the largest shift
Recycling Center	1 per every 1,000 sf (min. of 2 spaces)
Research and Development	1 per every 300 sf of office area + 1 per every 500 sf of other floor area

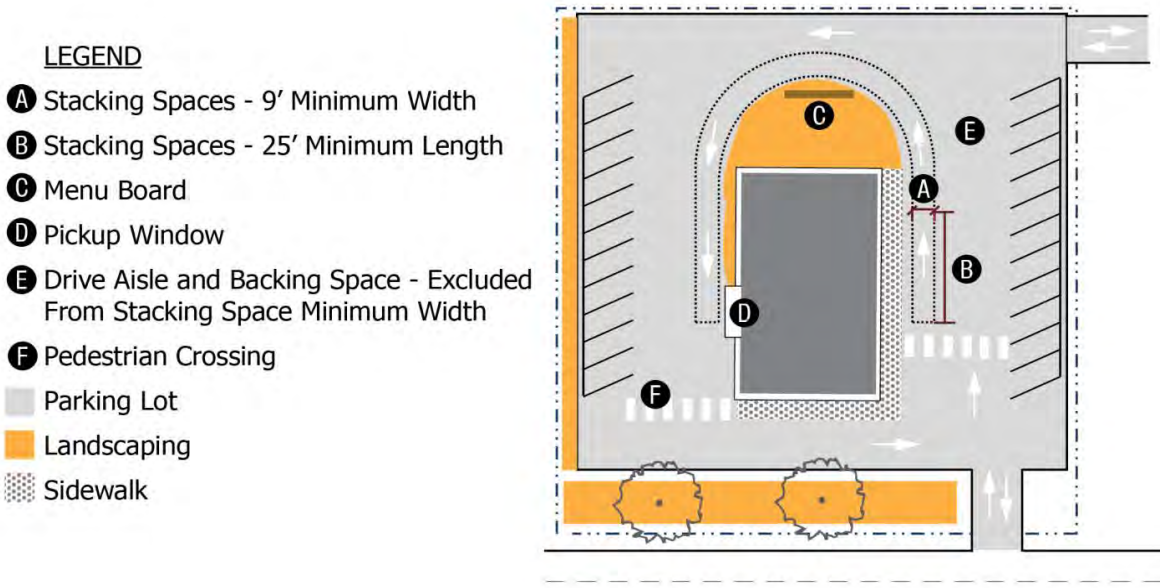
[105] See STN # 102.

TABLE 6.9.4: MINIMUM OFF-STREET PARKING SPACES REQUIRED
[#] = Notes at the end of the table

USE TYPE	MINIMUM NUMBER OF REQUIRE OFF-STREET PARKING SPACES [1] [2]
Government Maintenance and Storage Facility[106]	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Governmental Training Facility	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Hospital	1 per every 2 beds + 1 per every employee on largest shift
Indoor Recreation, Public	1 per every 400 sf
Laboratory	2 per every 3 employees on major shift
Library	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Museum	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Outdoor Recreation, Public	1 per every 1,000 sf of outdoor activity area
Outpatient Treatment Facility	1 per every 200 sf
Park	1 per employee on largest shift + 1 per acre
Park and Ride Facility	1 per every 200 sf [3]
Post Office	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Psychiatric Services	1 per every 3 patient beds
Rail Related	Passenger: 1 per every 400 sf [5]
	Freight: 1 per every employee on largest shift
Religious Institution	Greater of: 1 per every 4 seats or 1 per every 50 sf of floor area in main worship area; May not exceed 125% of minimum
Residential Treatment Facility	2 + 1 per every employee on largest shift
School, Elementary or Middle	1 per every employee on largest shift
School, High	5 per every classroom and 1 per every office
School, Vocational	1 per every 3 students + 1 per classroom
Small Wireless Facility	None
Telecommunications Facility, Major	One
Telecommunications Facility, Minor or Concealed	None
Urgent Care	1 per employee on the largest shift + 1 per every 300 sf
RESIDENTIAL USE CLASSIFICATION	
Boarding House	2 + 1 per each rental room

[106] See STN# 104.

FIGURE 6.9.6: STACKING SPACE CONFIGURATION



6.9.7 PARKING LOT CONFIGURATION

Except for driveways credited towards these parking standards in Section 6.9.4I, Driveways Used to Meet Parking Requirements~~Driveways Used to Meet Parking Requirements~~, or parking areas subject to an approved alternative parking plan (see Section 6.9.8, Parking Flexibility~~Parking Flexibility~~), all parking lots shall comply with the following standards:

A. GENERAL

1. All required off-street parking spaces shall be located on the same lot as the principal use they serve, except as allowed in Section 6.9.8, Parking Flexibility~~Parking Flexibility~~.
2. Required off-street parking shall be maintained for the duration of the principal use and shall not be reduced unless the principal use ceases or changes.
3. Except where allowed by this Ordinance, off-street parking spaces shall not be located in any required landscaping or stormwater management area.
4. Off-street parking spaces shall not protrude into any street, fire lane, drive aisle, sidewalk, greenway, or pedestrian connection.

B. CURBS AND WHEEL STOPS

All off-street parking spaces provided in accordance with Table 6.9.4, Table of Minimum Off-Street Parking Requirements, shall have curbs or wheel stops located so that no part of the parked vehicle extends onto or over a sidewalk, walkway of six feet in width or less, adjacent property, or landscape area, whether the vehicular use area is paved or unpaved.

C. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

Off-street parking spaces and drive aisles serving them shall comply with the minimum dimensional standards established in Table 6.9.7, Dimensional Standards for Off-Street Parking Spaces, and Figure 6.9.7, Parking Space and Access Aisle Dimensions.

TABLE 6.9.7: DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES

Type of Parking Space [1]	Minimum Width (Feet)	Minimum Depth (Feet)	Minimum Aisle Width (Feet) [2]	
			One-Way	Two-Way
Parallel (0°)	9	22	12	24
Angled (45°)	10	20	12	24
Angled (60°)	10	20	18	24
Perpendicular (90°)	9	20	20	24

NOTES:
[1] All off-street parking spaces shall remain unobstructed from grade level to a height of at least 6½ feet above the parking space's grade level.
[2] Minimum aisle width shall be measured from edge-of-pavement to edge-of-pavement, and shall not include gutters or curbing.
[3] The Town may require one direction of travel to maintain a wider width than the other direction.

D. EXTERIOR LIGHTING

1. Exterior lighting in parking lots shall be designed to provide illumination of parking lot areas for the purposes of safe vehicle and pedestrian circulation.
2. Exterior lighting within a parking lot shall be configured to prevent glare or illumination exceeding maximum allowable levels on adjacent land and shall comply with the standards of Section 6.4, Exterior Lighting~~Exterior Lighting~~, as appropriate.

E. GRADING AND DRAINAGE

1. The parking lot shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.
2. Parking lots shall not impound stormwater unless surface impoundment is required as an approved stormwater control measure. However, in no instance shall surface impoundment result in a fewer number of parking spaces than required by Table 6.9.4, Table of Minimum Off-Street Parking Requirements.

F. LANDSCAPING

Parking lot landscaping shall be provided in accordance with Section 6.6.12, Off-Street Parking Lot Landscaping~~Off-Street Parking Lot Landscaping~~.

G. MAINTENANCE

The Town shall not be responsible for maintenance of drive aisles or other vehicular use area located outside a public right-of-way or on land not owned and operated by the Town of Clayton.

H. MARKINGS

1. All parking spaces and lanes in parking lots shall be clearly delineated with paint lines, curbs, or other treatment.
2. All pavement markings shall be maintained to be distinguishable. Failure to maintain required markings shall be a violation of this Ordinance.

I. MINIMUM PARKING LOT ACCESSWAY WIDTH AND DEPTH

All vehicular accessways serving off-street parking lots shall comply with the standards in Section 6.1.4E, Non-residential Driveways~~Non-residential Driveways~~.

J. PARKING SPACE ACCESS

1. All off-street parking spaces shall be accessed directly from drive aisles or private driveways and not directly from arterial or collector streets.
2. All off-street parking areas shall be designed with an appropriate means of vehicular access to a street or alley in a manner that allows for safe vehicular movements.

K. PEDESTRIAN WALKWAYS

Pedestrian walkways between the principal buildings on a development site and a sidewalk or other pedestrian way (like a greenway trail) shall be provided in accordance with Section 6.1, Access and Circulation~~Access and Circulation~~.

L. SEPARATION FROM FIRE PROTECTION FACILITIES

1. No required off-street parking space shall be located within 15 feet of a fire hydrant or other fire protection facility.
2. Parking shall not take place within designated fire lanes or other areas demarcated for fire protection.

M. SURFACE MATERIALS

1. All off-street parking spaces, accessible parking spaces, drive aisles, and vehicular use areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights (see Figure 6.9.7.M, Parking Lot Surface Materials).
2. The use of pervious or semi-pervious materials may be approved as part of an alternative parking plan (see Section 6.9.8, Parking Flexibility~~Parking Flexibility~~), provided it is demonstrated that the materials will function in a similar fashion as required materials.
3. Gravel may be used as a surface material for off-street parking spaces following review and approval of a Site Plan in accordance with Section 2.3.22, Site Plan~~Site Plan~~, subject to the following requirements: **AMENDED 9.16.24 (UDOTA2-24)**
   a. The off-street parking space or lot is within or directly abutting a NCRR railroad corridor; and
   b. The gravel portion of a parking lot is located behind the front building façade line; and
   c. Except when proposed in the Public Facilities (PUB) district, a gravel parking lot or area shall not be located on a vacant lot; and
   d. The parking lot includes a wheel stop for each designated parking space; and
   e. Each side of each individual parking stall is visibly demarcated; and
   f. The parking lot maintains positive drainage; and
   g. The gravel is:
      i. Aggregate base course (ABC) of a minimum depth of six inches; or

ii. Number 57 stone, laid over a geotextile fabric, to a minimum depth of four inches in accordance with NCGS§143-214.7; or

iii. An alternative type and depth configuration, as specified by the Engineering Director; and

h. The landowner files a maintenance agreement for the gravel parking lot clarifying how the parking lot will be maintained annually.

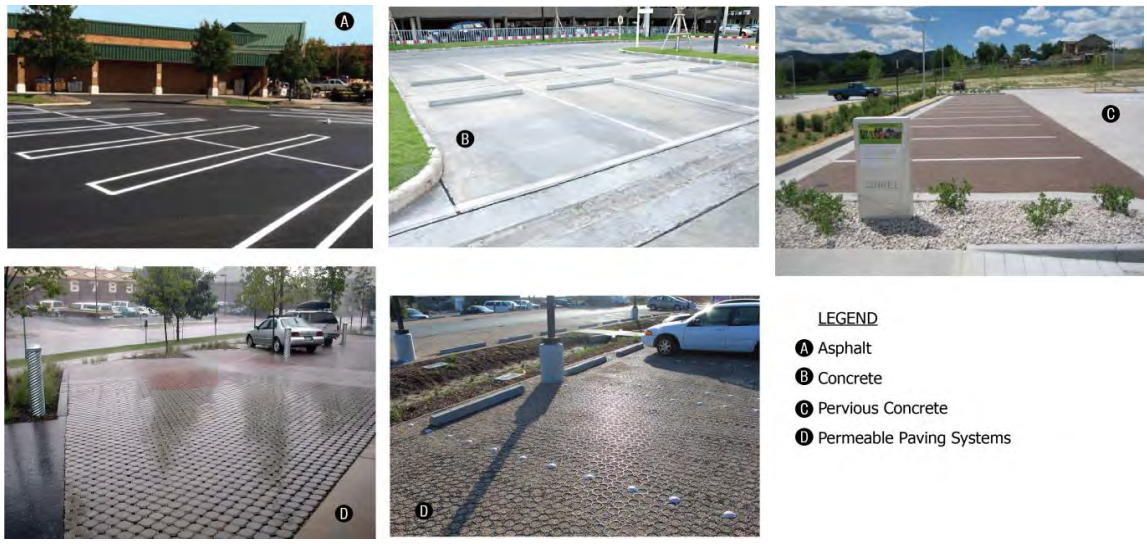
4. Configuration of parking lots in accordance with low impact development practices (see Section 6.17.6, Menu of Sustainable Development Practices~~Menu of Sustainable Development Practices~~) is encouraged.

5. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement unless alternative provisions for drainage are proposed and accepted by the Engineering Director.

~~5.~~6. In no instance shall the Town require pavement design standards that exceed the NCDOT's pavement design standards. Pavement design standards may be less restrictive than the NCDOT's pavement design standards only in cases where they are approved, signed, and sealed by a professional engineer. [107]

[107] See STN # 3.

FIGURE 6.9.7.M: PARKING LOT SURFACE MATERIALS



N. VEHICLE BACKING

Vehicular use areas shall be designed so that a vehicle is not required to back onto a street to enter or exit the parking lot, a parking space, or a stacking space.

6.9.8 PARKING FLEXIBILITY[108]

Development may deviate from the off-street parking requirements in this section through the requirements and procedures in Section 2.3.1, Administrative Adjustment~~Administrative Adjustment~~, Section 2.3.31, Variance~~Variance~~, or ~~through approval of an alternative parking plan accepted by the Planning Director and configured in accordance with the following~~Section 6.9.4B, Alternative Parking Plan~~Alternative Parking Plan~~.~~:~~

6.9.9 OFF-STREET LOADING

A. LOADING FACILITIES REQUIRED

Every application for a non-residential use shall ensure that adequate off-street loading facilities are provided so that loading vehicles do not occupy required off-street parking spaces, block vehicular access, or prevent appropriate on-site maneuvering during times when the site is open to the public. Nothing shall limit the use of these areas at times of the day when the use is not open to the public. Uses may also establish dedicated loading zones for the purpose of accepting deliveries or making shipments during operating hours.

B. MINIMUM OFF-STREET LOADING SPACE REQUIREMENTS

1. A minimum number of off-street loading spaces is not established; however, if off-street loading spaces are provided, they shall be provided and maintained in sufficient numbers to adequately handle the needs of a non-residential use.

[108] See STN # 101.

6.10 PEDESTRIAN FACILITIES

6.10.1 GREENWAYS AND TRAILS

A. GREENWAYS AND TRAILS DISTINGUISHED

1. GREENWAYS

a. Greenways are linear alignments of land that incorporate an improved pedestrian walkway or multi-purpose accessway available for use by bicyclists as well as pedestrians. Greenways are located within access easements reserved for and granted to the Town for the purpose of allowing access to members of the general public.

b. Greenways are located in areas designated by the Town's adopted policy guidance and may take the place of a required sidewalk or multi-use path.

c. Greenways are constructed to Town standards and operated and maintained by the Town.

d. Greenways are configured in accordance with the standards in this section.

2. TRAILS

a. Trails are linear alignments of land that incorporate an improved pedestrian walkway or multi-purpose accessway available for use by bicyclists as well as pedestrians, but that are included as part of required private common open space set-aside.

b. Trails are not located in access easements granted to the Town for members of the general public, though the owner(s) of a trail may make it available for use by members of the general public.

c. Trails may not be substituted for required sidewalks or greenways.

d. Trails are not required to be constructed to Town standards and are operated and maintained by an owners' association.

e. Trails are configured in accordance with the standards in Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~.

B. GREENWAY RESERVATION AND CONSTRUCTION REQUIRED

1. Whenever a tract of land included within any proposed Major Subdivision, ~~Minor Subdivision,~~ Site Plan, or Rezoning includes any part of a greenway designated in the Town's adopted policy guidance, the land area indicated for use as a greenway alignment shall be reserved and included within an access easement in favor of the Town.

2. Development on land subject to these standards shall incorporate greenway reservation and construction as specified in the relevant adopted policy guidance and in Table 6.10.1: Greenway Construction Required, as part of the required infrastructure serving the development.

TABLE 6.10.1: GREENWAY CONSTRUCTION REQUIRED

Type of Activity or Development	Greenway Construction Requirement [1]
Subdivision of Land [2]	Greenway Reservation and Construction Required
Development on a Vacant Lot or Site	
Replacement of an Existing Principal Structure	

b. The trail or pathway portion shall be paved with concrete or asphalt in accordance with the Town's Engineering Specifications and Design Manual and federal ADA requirements.

c. The trail or pathway portion shall be crowned or maintain positive drainage so that water does not collect or pool within the walkway.

d. All bridges located within a greenway shall include railings of at least 42 inches in height and shall be configured to accommodate the movement of public vehicles.

e. All greenways shall maintain a minimum vertical clearance of at least eight feet.

5. MAXIMUM GRADE

In no instance shall the grade of a paved greenway surface exceed five percent.

6. SLOPE

In no instance shall the vertical slope exceed five percent, or the cross slope exceed two percent.

7. ASSOCIATED FEATURES

Benches, seating, trashcans, lighting, play structures, and other related features located within a greenway shall be approved by the Town prior to placement.

8. LOCATION WITHIN BUILDABLE LOTS

In no instance shall a greenway easement be located within the boundaries of a buildable lot.

9. LOCATION WITH RIPARIAN AREAS

Greenways may be located within riparian buffers, ~~watersupply~~water supply watershed areas, and resource conservation areas in accordance with the standards in this Ordinance and applicable State and federal law.

D. GREENWAY FEE-IN-LIEU

Only Town-mandated fee-in-lieu proposals (see Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~) for the reservation or construction of a required greenway shall be considered.

E. GREENWAY CREDITS

Land that is occupied by a required greenway easement shall be credited toward the donating parcel, lot, or tract area for the purpose of calculating the available density of development though no longer part of the parcel.

F. OPEN SPACE SET-ASIDE CREDITS

Land located within a greenway access easement and accepted for operation and maintenance by the Town shall be credited towards applicable open space set-aside requirements for active recreation or gathering space in Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~.

G. MAINTENANCE REQUIREMENTS

Maintenance and operation of a greenway following reservation and construction shall be the responsibility of the Town.

6.10.2 SIDEWALKS AND MULTI-USE PATHS

A. SIDEWALKS AND MULTI-USE PATHS DISTINGUISHED

1. SIDEWALKS

a. Sidewalks are improved pedestrian walkways located within and parallel to a public street right-of-way.

b. Sidewalks are paved with concrete and maintain a minimum width of five to eight feet, depending upon location, width of adjacent pre-existing sidewalks, anticipated use level, or terrain.

2. MULTI-USE PATHS

a. Multi-use paths are improved pedestrian ways located within a public street right-of-way, or located on public land dedicated to the Town located outside a public street right-of-way.

b. Multi-use paths are paved with concrete or asphalt.

c. Multi-use paths are at least ten feet wide, though they may be wider based on site conditions, anticipated use level, or terrain.

B. APPLICABILITY

1. The standards in this section shall be applied to applications for a Major Subdivision, ~~Minor Subdivision,~~ Site Plan, or Rezoning in accordance with Table 6.10.2: Sidewalk or Multi-use Path Construction Required.

2. These standards are not applied to the development of a single lot with a single-family detached, single-family attached, or duplex dwelling.

C. SIDEWALK AND MULTI-USE PATH DEDICATION AND CONSTRUCTION REQUIRED

1. Whenever a tract of land included within any proposed Major Subdivision, ~~Minor Subdivision,~~ Site Plan, or Rezoning includes or abuts an existing or planned pedestrian facility identified by this section or the Town's adopted policy guidance, the land area indicated for use as a sidewalk or multi-use path shall be dedicated to the Town.

2. All new sidewalks and multi-use paths shall be constructed by the developer as part of the proposed development or redevelopment in accordance with this section.

3. The determination of whether a required pedestrian facility will take the form of a sidewalk or a multi-use path, or both depending upon the size of the proposed development, shall be based upon the Town's adopted policy guidance, the Town's Comprehensive Transportation Plan, the current Capital Improvement Plan, any applicable conditions of approval, or existing conditions on lands abutting a proposed development or redevelopment. In cases where one or more of these provisions conflict, the Engineering Director shall determine the pedestrian facility configuration. The Engineering Director's decision may be appealed in accordance with Section 2.3.4, Appeal~~Appeal~~.

4. In cases where an existing pedestrian facility is already present on land subject to development or redevelopment, but is substandard in terms of its minimum width, required materials, location, or other Town requirement, the developer shall take whatever actions are necessary to improve the existing pedestrian facility to the minimum level required by this Ordinance and adopted policy guidance.

5. Table 6.10.2: Sidewalk or Multi-use Path Construction Required, listed below, identifies the kinds of development subject to or exempted from these standards.

TABLE 6.10.2: SIDEWALK OR MULTI-USE PATH CONSTRUCTION REQUIRED

TYPE OF ACTIVITY OR DEVELOPMENT [1]		SIDEWALK OR MULTI-USE PATH REQUIREMENT
Construction of New Street or Street Segment		Sidewalk/Multi-use Path Dedication and Construction Required
Subdivision of Land [2]		
Development on a Vacant Lot or Site		
Replacement of an Existing Principal Structure		
Addition or Expansion of Existing Principal Building with no new Principal Building Construction AMENDED 4.15.24 (UDOTA1-24)	Total Project Cost Exceeds 75% of Preconstruction Assessed Value	Sidewalk/Multi-use Path Dedication and Construction Required
	Total Project Costs are 75% or less than Preconstruction Assessed Value	Exempted from Sidewalk/Multi-use Path Construction [3]
Change of Use with No Addition or Expansion to any Principal Building and with no New Principal Building Construction		Exempted from Sidewalk/Multi-use Path Requirements [3]
Addition or Expansion of a Secondary Building with no Changes to any Principal Buildings		
Establishment of or Change to Open Air Use of Land		

NOTES:
[1] Development exempted in accordance with Section 6.10.2B, Applicability~~Applicability~~, are exempted from these standards.
[2] Exempt and Limited Subdivisions are exempt from these requirements.
[3] The Town may, in its sole discretion, require dedication of land necessary for a sidewalk or multi-use path.

6. In cases where a sidewalk or multi-use path extends between two or more phases of a development, only the portion of the sidewalk or multi-use path in the active phase of the development is required to be dedicated and constructed.

D. SIDEWALK AND MULTI-USE PATH LOCATION

Sidewalk and multi-use path locations are established in accordance with the Town's adopted policy guidance and the following standards:

1. BOTH SIDES OF THE STREET

a. Except where otherwise allowed by this section, sidewalks, or multi-use paths (or a combination of the two) shall be provided along both sides of all public streets, including cul-de-sac heads, within the Town's corporate limits.

b. Outside the corporate limits, sidewalks or multi-use paths are required on both sides of all public streets within and abutting developments where lots are smaller than one acre in size.

2. ONE SIDE OF THE STREET

a. Sidewalks or multi-use paths are required on only one side of a street within and abutting developments where lots are one acre in size or larger located outside the Town's corporate limits.

b. When sidewalks are required on one side of the street, they shall generally be located on the side of the street to best continue existing sidewalk networks if present.

c. Where there is no clear preferable street side for the placement of a sidewalk or a multi-use path, the pedestrian facility shall be placed on the street side where it is least likely to have a negative impact on deployment of subsequent infrastructure or stormwater management, in the opinion of the Engineering Director.

d. In cases where a new sidewalk or multi-use path is only required on one side of the street, the subdivider shall provide a pedestrian crossing or other acceptable form of pedestrian connection to ensure a continuous and uninterrupted pedestrian access, as appropriate.

3. NO SIDEWALKS OR MULTI-USE PATHS REQUIRED

No sidewalks or multi-use paths shall be required in the following locations:

a. Along alleys and accessways to individual lots not served by a street;

b. Where an existing or proposed greenway can provide an equivalent level of pedestrian circulation, in the sole opinion of the Engineering Director;

c. In developments where provision of a fee-in-lieu in accordance with Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~, is approved; and

d. In cases where environmental or topographic conditions make required sidewalk or multi-use path provision impossible, in the sole opinion of the Engineering Director.

E. SIDEWALK AND MULTI-USE PATH CONFIGURATION

1. Sidewalks and multi-use paths shall be configured in accordance with the Town's Engineering Specifications and Design Manual.

2. Sidewalks shall be located within public street rights-of-way. In cases where the street is operated and maintained by NCDOT, the sidewalk location shall be in accordance with applicable NCDOT requirements.

3. Except when configured to transverse a tract in areas apart or away from a public street, multi-use paths shall be located within public street rights-of-way. In cases where a multi-use path is not located within a public street right-of-way, it shall be located on land dedicated to the Town.

4. Whenever curb and gutter construction is used on public streets, wheelchair ramps for the disabled, configured in accordance with Town or NCDOT standards, as applicable, shall be provided at intersections and other major points of pedestrian flow in accordance with NCGS§136-44.14.

5. Multi-use paths when located outside a street right-of-way shall originate and terminate at logical locations as determined by the applicable adopted policy guidance, condition of approval, or site conditions as determined by the Engineering Director.

6. Sidewalks and multi-use paths shall connect with existing or planned sidewalks at property boundaries.

7. Sidewalks and multi-use paths shall continue across the full frontage of a lot from lot line to lot line.

8. Any required sidewalk shall be constructed with concrete or other approved surface material and shall comply with the provisions of the Americans with Disabilities Act.

9. The required sidewalk shall be constructed with a minimum width of 60 inches, a minimum of four inches thickness for areas subject to pedestrian traffic, a minimum of seven inches thickness for areas subject to vehicular traffic, joints spaced every three feet, and a minimum 3,000 PSI compressive strength.

10. The required sidewalk width shall increase from 60 inches to 72 inches when it abuts the back of the curb.
11. In cases where new sidewalk or multi-use path sections are proposed to join with existing pedestrian facilities of a differing width, the new sidewalk or multi-use path width shall include a gradual taper or flare, as appropriate so as to avoid abrupt changes in pedestrian facility width.

F. TIMING OF INSTALLATION

Sidewalks and multi-use paths shall be installed by the developer in accordance with Section 1.1.1A~~1.1.1A~~, , if associated with a Site Plan, or Section 2.3.19F, Stage 2, Construction Drawings~~Stage 2, Construction Drawings~~, if associated with a Subdivision.

G. FEE-IN-LIEU

1. Proposed sidewalks and multi-use paths that may cause conflicts with other Town, State, or federal infrastructure projects in the opinion of the Engineering director may be subject to the requirements for Town-mandated fee-in-lieu provision in accordance with Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.
2. All other fee-in-lieu requests shall be considered in accordance with Section 2.3.15, Fee-in-Lieu~~Fee-in-Lieu~~.

H. MAINTENANCE REQUIREMENTS

1. Maintenance and operation of a sidewalk or multi-use path following acceptance by the Town shall be the responsibility of the Town.
2. Sidewalks located within residential subdivisions of 20 or fewer lots in the Town's ETJ and located within the right-of-way of a NCDOT street shall be maintained by the Town. [109]

[109] See STN # 3.

6.11 RESOURCE CONSERVATION AREAS

6.11.1 DETERMINATION OF RESOURCE CONSERVATION AREAS

The following are considered resource conservation areas and shall be unoccupied by buildings or other impervious surfaces unless permitted in accordance with the standards in this section. **AMENDED 12.16.24 (UDOTA3-24)**

A. The 100-year floodplain;

B. Stream buffer areas;

C. Jurisdictional wetlands under federal law that meet the definition applied by the United States Army Corps of Engineers;

D. Natural steep slopes defined as slopes 25 percent (4:1) or greater that are directly connected to one of the above features, and at least 5,000 square feet of contiguous area; and

E. Land converted to a resource conservation area in accordance with Section 6.11.6, Conversion to Resource Conservation Areas~~Conversion to Resource Conservation Areas~~.

6.11.2 GENERAL REQUIREMENTS

A. Resource conservation areas shall be identified on Site Plans, Preliminary Plats, and Final Plats as being permanently set aside from development.

B. No resource conservation area shall be counted towards the minimum lot area required in Chapter 3, Districts, with the exception of land occupied by a riparian buffer in accordance with NCGS §143-214.23A.

C. Resource conservation areas may be included within a platted lot provided the area of the lot not identified as resource conservation area is sufficient to meet the lot area requirements for the zoning district where located.

D. Except for the following, no resource conservation area shall be counted as open space set-aside required in Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~: **AMENDED 12.16.24 (UDOTA3-24)**

1. Resource conservation areas provided solely for the purposes of passive recreation configured in accordance with Section 6.7.1E.1, Passive Open Space Set-Aside~~Passive Open Space Set-Aside~~, provided the resource conservation area is established prior to January 2, 2024;
2. Riparian buffers identified in accordance with NCGS §143-214.23A, and Section 6.12, Riparian Buffers~~Riparian Buffers~~; and
3. Greenways, greenway access, and water-access configured in accordance with the Town's adopted policy guidance and Section 6.10.1, Greenways and Trails~~Greenways and Trails~~.

E. In cases where an appropriate State or federal agency issues permits for development in a stream buffer area or jurisdictional wetlands, the area may be developed as if it is not located within a resource conservation area. **AMENDED 12.16.24 (UDOTA3-24)**

6.11.3 PERMITTED USES OF RESOURCE CONSERVATION AREAS

Uses in resource conversation areas may include the following: **AMENDED 12.16.24 (UDOTA3-24)**

A. Conservation areas for natural, archeological, or historical resources;

B. Meadows, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

C. Areas occupied by existing trees and the critical root zone associated with them;

D. Agriculture, horticulture, silviculture, or pasture uses, provided:

1. That the use is permitted in the zoning district where located; or

2. It is located on land outside the City's corporate limits and used for bona fide farm purposes in accordance with Section 1.1.3B, Exemptions from Zoning Requirements~~Exemptions from Zoning Requirements~~; and
3. All applicable best management practices are used to minimize environmental impacts;

E. Walking or bicycle trails;
F. Easements for drainage, access, and underground utility lines;
G. Other conservation-oriented uses compatible with the purposes of this section; and
H. Public infrastructure projects and supporting facilities.

6.11.4 PROHIBITED USES OF RESOURCE CONSERVATION AREAS

Use of resource conservation areas may not include the following: **AMENDED 12.16.24 (UDOTA3-24)**

A. Stormwater control measures;
B. Roads, parking lots and impervious surfaces, except as specifically authorized through the appropriate governing body (DEQ, USACE, etc.);
C. Golf courses or golf driving ranges;
D. Agriculture or agri-tourism activities when the land is located within the City's corporate limits; and
E. Forestry activities conducted without a forestry management plan prepared in accordance with NCGS§160D-921.

6.11.5 OWNERSHIP AND MAINTENANCE

A. OWNERSHIP

Resource conservation areas shall be accepted and owned by one of the following entities:

1. LAND CONSERVANCY OR LAND TRUST

The responsibility for maintenance shall be borne by a land conservancy or land trust.

2. OWNERS' ASSOCIATION

An owners association representing residents of the subdivision shall own the resource conservation areas. The owners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintenance of the resource conservation area shall be borne by the owner's association.

3. PRIVATE LANDOWNER

A private landowner may retain ownership of the resource conservation areas and may be responsible for maintenance of the resource conservation area, subject to Section 6.11.5C, Legal Instrument for Permanent Protection~~Legal Instrument for Permanent Protection~~.
AMENDED 12.16.24 (UDOTA3-24)

B. MAINTENANCE REQUIREMENTS

AMENDED 12.16.24 (UDOTA3-24)

1. Resource conservation area maintenance is limited to removal of litter, dead tree and plant materials, and invasive species.
2. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream and wetland restoration activities, conducted in accordance with best practices, are permitted.
3. Stream channels shall be maintained so as not to alter floodplain levels.
4. Unless otherwise specified by the Town Council, maintenance is limited to ensuring that no hazards, nuisances, or unhealthy conditions are created or maintained.

C. LEGAL INSTRUMENT FOR PERMANENT PROTECTION

1. Resource conservation areas shall be protected in perpetuity by a binding legal instrument that is recorded with the Register of Deeds for Johnston County.
2. The instrument for permanent protection shall include clear restrictions on the use of the resource conservation area. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the resource conservation areas. Where appropriate, the instrument shall allow for stream or habitat restoration.

6.11.6 CONVERSION TO RESOURCE CONSERVATION AREAS

AMENDED 12.16.24 (UDOTA3-24)

Lands proposed for conversion to resource conservation area shall comply with all the standards in Section 6.11, including the following:

A. REQUIRED AS PART OF DEVELOPMENT WITHIN A RESOURCE CONSERVATION AREA

A resource conservation area may be converted to development purposes only after other non-resource conservation land is converted in accordance with the following standards.

B. ADDITIONAL RESOURCE CONSERVATION AREA REQUIRED

Resource conservation area may be converted to development area provided the landowner mitigates the proposed conversion by providing additional resource conservation area on the same lot or site. The additional resource conservation area shall meet the following requirements:

1. AMOUNT

For each square foot of existing resource conservation area proposed for conversion to development area, the landowner shall identify and preserve an additional three-square feet of land outside any existing resource conservation area as converted resource conservation area.

2. CONFIGURATION

To be considered eligible for use as a converted resource conservation area, the land proposed for designation shall:

a. Not be located within an existing resource conservation area;
b. Shall remain in an undisturbed state free from grading or other land disturbance except as permitted in accordance with Section 6.11.5B, Maintenance Requirements~~Maintenance Requirements~~; and
c. Not be located within designated parkland or open space set-aside.

C. NOT COUNTED AS OPEN SPACE SET-ASIDE

1. In no instance shall land areas proposed for conversion to resource conservation area as part of the standards in this section be credited towards parkland or open space set-aside required by Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~.
2. Nothing shall prevent resource conservation areas established prior to January 2, 2024 from being credited towards the passive open space set-aside standards in Section 6.7, Open Space Set-Aside and Parkland~~Open Space Set-Aside and Parkland~~.

6.13 SIGNAGE

6.13.1 PURPOSE AND INTENT

This section provides guidance and standards for signage across the Town's jurisdiction. The erection and maintenance of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets and sidewalks. These provisions are also intended to balance between the promotion of beneficial commerce and the protection of community character. More specifically, these standards are intended to:

A. Promote traffic safety;
B. Avoid interference with protected free speech;
C. Regulate the content of signs to the least extent possible and only when absolutely necessary to protect public health and safety;
D. Regulate off-premise signage in accordance with State law and federal jurisprudence;
E. Ensure that any content-based signage standards serve a compelling public purpose and are as narrowly-tailored as possible;
F. Promote economic development and beneficial commerce;
G. Ensure residents and visitors can locate desired goods, services, and destinations;
H. Avoid conflicts between advertising and public safety signage;
I. Reflect the aesthetic character and design quality anticipated in the Town's adopted policy guidance; and
J. Minimize any detrimental effects of signage on adjacent properties.

6.13.2 APPLICABILITY

A. Except for the sign types exempted from these standards identified in Section 6.13.3, ExemptionsExemptions, all signs shall be constructed, erected, affixed, placed, posted, painted, repainted, hung, or otherwise established only in accordance with the standards in this section and Section 2.3.21, Sign PermitSign Permit.
B. Deviations from these standards may be proposed in accordance with Section 1.1.1A1.1.1A, .
C. New development comprised of two or more principal buildings on one or more lots is encouraged (but not required) to configure signage in accordance with a Uniform Sign Plan as specified in Section 2.3.21, Sign PermitSign Permit.
D. Signs subject to the standards in this Ordinance are organized into the following two categories in accordance with Table 6.13.2, Sign Types:

TABLE 6.13.2: SIGN TYPES

PERMANENT SIGNS	TEMPORARY SIGNS
Awning Sign	Banner Sign
Electronic Message Board	Sidewalk Sign
Ground Sign	Short-Term Sign
Incidental Sign [1]	Sock Sign
Projecting Sign	Walkway Decal Sign
Subdivision Sign	Flag
Wall Sign	
Window Sign	

TABLE 6.13.2: SIGN TYPES	
PERMANENT SIGNS	TEMPORARY SIGNS
NOTES: [1] Sign is not required to obtain a Sign Permit, but shall be subject to the standards in this section.	

~~D.~~

6.13.3 EXEMPTIONS

The following forms of signage shall not be subject to these signage standards, but may be subject to other applicable standards in this Ordinance, such as the requirement to obtain a Building Permit. Applicants shall be responsible for securing all required permits prior to erecting or modifying any of the following forms of excluded signage:

A. Fence-wrap signs affixed to fences surrounding a construction site in accordance with the standards in NCGS§ 160D-908;

~~A.~~**B.** Farm signs located within the right-of-way of a NCDOT-maintained street during the related farm season in accordance with NCGS§136.32; [110]

~~B.~~**C.** Legal notices required by governmental bodies, public utilities, or civic associations;

D. Signage owned or maintained by any unit of government or public agency that ~~includes, but is not limited to, flags, street signs, traffic warning signs, and other signage provided solely by governmental agencies for public health and safety~~is installed as a result of a federal, State, or local state of emergency;

~~C.~~**E.** Signage owned or maintained by any unit of government or public agency for the purposes of traffic control within the public right-of-way as allowed in Section 6.13.7.C, Signs in Street Rights-of-Way.

~~D.~~**F.** Building cornerstones, historical plaques, or grave markers;

~~E.~~**G.** Signage associated with public transit stops;

~~F.~~**H.** Holiday displays on lots within all zoning districts;

~~G.~~**I.** Signage affixed to a motor vehicle or trailer, provided the motor vehicle or trailer is parked or stored on the same lot or site where the business being advertised is located;

~~H.~~**J.** Signage that is not visible from any off-site areas (e.g., entirely enclosed by opaque walls that prevent the visibility of signage from any off-site areas); and

~~I.~~**K.** Signage associated with off-street parking spaces or the prohibition of parking in certain locations like fire lanes, bus lanes, or loading zones.

6.13.4 NONCONFORMING SIGNAGE

Nonconforming signage is subject to the standards in Section 5.3, Nonconforming Signs~~Nonconforming Signs~~.

6.13.5 PROHIBITED SIGNS

The following signs, sign construction, and displays are prohibited throughout the Town's jurisdiction:

A. Freestanding or pole signs where the sign face area is mounted on one or more poles in a manner where air or open space exists between the bottom of the sign face area and the surface of the ground beneath it, provided that this prohibition shall not apply to incidental signs configured in accordance with the applicable standards in Section 6.13.9, Permanent Sign Standards~~Permanent Sign Standards~~;

[110] See STN# 3.

B. Off-premise signs or signage that advertises goods or services provided on a different lot, tract, or site from where the sign is located, provided that this prohibition shall not apply to subdivision signs configured in accordance with the applicable standards in Section 6.13.9, Permanent Sign Standards~~Permanent Sign Standards~~;

C. Outdoor advertising, whether on- or off-premise, except for outdoor advertising lawfully established prior to January 2, 2024, which may be permitted to continue as a nonconforming use for up to 15 years following the date of annexation by the Town;

D. Signage that includes or depicts obscenities;

~~**D.**~~**E.** Feather flags, bow signs, pennants, and streamers;

~~**E.**~~**F.** Moving signs, excluding flags, banners, and clocks;

~~**F.**~~**G.** Flashing, scrolling, twirling, or blinking signs;

~~**G.**~~**H.** Gas- or air-filled balloons, figures, and other inflatable signs;

~~**H.**~~**I.** Signs on the roof or above the parapet of a building;

~~**I.**~~**J.** Any sign which the Planning Director determines obstructs the view of bicyclists, pedestrians, or motorists using any street, approach to any street intersection, sidewalk, public trail, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal;

~~**J.**~~**K.** Signs, lights, rotating features, words, and other devices, which resemble or may be erroneously construed as traffic signals, traffic signs, or emergency vehicle lights;

~~**K.**~~**L.** Illuminated or highly reflective signs that law enforcement determines hampers the vision of motorists, pedestrians, or bicyclists;

~~**L.**~~**M.** Any sign which interferes with free passage from or obstructs any fire escape, downspout, door, stairway, ladder, or opening intended as a means of ingress or egress;

~~**M.**~~**N.** Any sign placed on a utility pole, street sign post, traffic signal support, hydrant, bridge, tree, aspect of public infrastructure, or street paving that is not installed or approved by an appropriate governmental agency;

~~**N.**~~**O.** Signage affixed to a stationary motor vehicle, boat, or trailer on a lot or site not occupied by the business being advertised. Nothing shall prohibit a motor vehicle, boat, or trailer with signage at a location while services are being provided at that location.

~~**O.**~~**P.** Signs with speakers intended for audio playback;

~~**P.**~~**Q.** Unpainted plywood; and

~~**Q.**~~**R.** Use of vinyl or fabric material over or around a cabinet sign frame.

6.13.6 PROHIBITED SIGN LOCATIONS

A. In no instance shall a sign or sign support structure be located within the following areas:

1. Within five feet of the street right-of-way, except as allowed in Section 6.13.7C.2, Signs Allowed in the Right-of-Way~~Signs Allowed in the Right-of-Way~~;
2. Sight distance triangles, unless required by NCDOT;
3. Required open space set-asides; or
4. Within a public utility or drainage easement.

B. Nothing shall limit the placement of a sign or sign support structure within a required zoning district setback, provided it complies with the applicable standards in this section and does not interfere with landscaping materials required by Section 6.6, Landscaping and Screening~~Landscaping and Screening~~.

6.13.7 PROVISIONS APPLICABLE TO ALL SIGNS

A. SIGN PERMIT REQUIRED

1. Unless exempted by Section 6.13.3, Exemptions~~Exemptions~~, or included in Section 6.13.7B, Signs Not Subject to Sign Permit~~Signs Not Subject to Sign Permit~~, all signs shall require issuance of a sign permit in accordance with Section 2.3.21, Sign Permit~~Sign Permit~~, prior to construction, installation, revision, or display.
2. Some signs may also require building and electrical permits in accordance with the North Carolina Building Code.

B. SIGNS NOT SUBJECT TO SIGN PERMIT

1. The following sign types shall not be required to obtain a sign permit, but shall comply with all applicable requirements in this section and this Ordinance:
   a. The placement of one or more incidental signs, subject to the applicable standards in Section 6.13.9, Permanent Sign Standards~~Permanent Sign Standards~~; and
   ~~b. The placement of a temporary sign, subject to the applicable standards in Section 2.3.25, Temporary Permit, and Section 6.13.9, Sign Standards by Sign Type; and~~
   ~~c.~~**b.** Public art, subject to the standards in Section 4.5.5D, Art Installation~~Art Installation~~.
2. Failure to comply with the standards for these sign types shall be a violation of this Ordinance subject to the provisions in Chapter 7, Violations.

C. SIGNS IN PUBLIC STREET RIGHTS-OF-WAY

1. GENERALLY

No sign shall be permitted within a public street right-of-way except in accordance with Section 6.13.7C.2, Signs Allowed in the Right-of-Way~~Signs Allowed in the Right-of-Way~~.

2. SIGNS ALLOWED IN THE RIGHT-OF-WAY

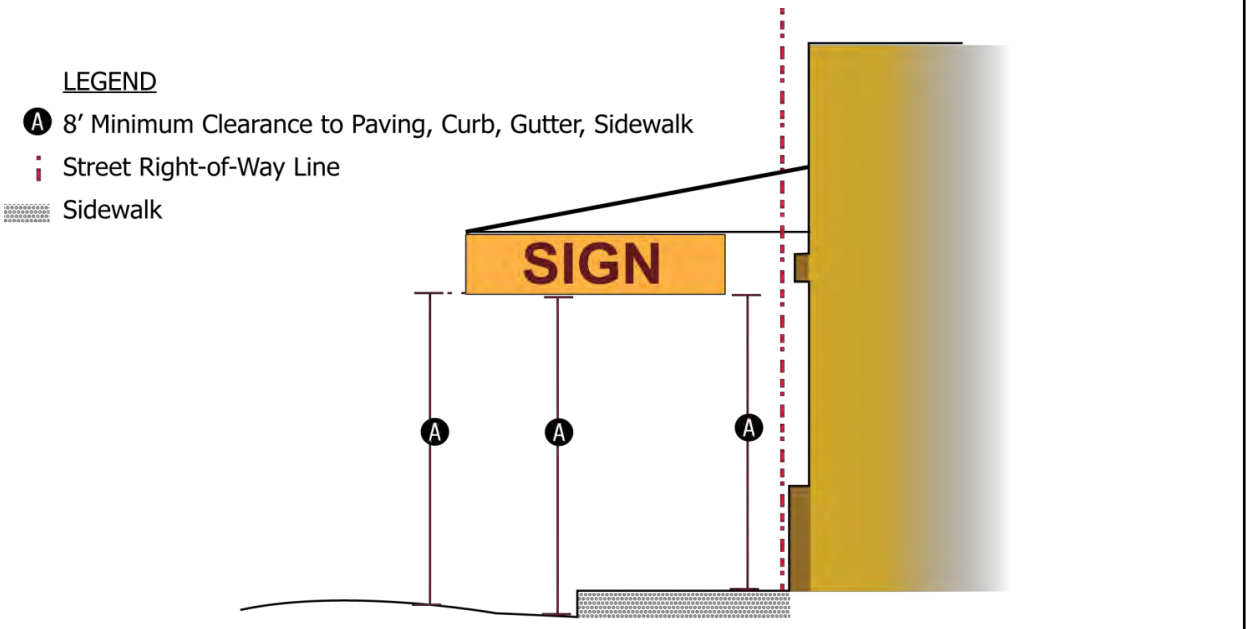
a. Only the following signs may be permitted in or above a public street right-of-way:
AMENDED 12.16.24 (UDOTA3-24)
   i. Governmental signage erected by the Town of Clayton;
   ii. Signage erected by NCDOT;
   iii. Emergency warning signage erected by a governmental agency, public utility, or contractor performing work within the right-of-way;
   iv. Farm signs in accordance with NCGS§136-32; and
   ~~iv.~~**v.** Political signs in accordance with NCGS§136-32.~~;~~
   ~~v. Sidewalk Signs; and~~

b. ~~Allowable farm signs.~~The following signs may be permitted in or above the public street right-of-way subject to an encroachment agreement with the Town and compliance with the applicable provisions in this Ordinance:
   i. Awning signs;
   ii. Banner signs;
   iii. Projecting signs;
   iv. Subdivision signs;
   v. Suspended signs;
   vi. Sidewalk signs; and
   vii. Walkway decal signs.

~~vi.~~3. VERTICAL CLEARANCE

~~b.~~ Except for sidewalks signs, signs permitted within a street right-of-way shall maintain a minimum vertical clearance of at least eight feet above the paving, curb, gutter, sidewalk, or grade, as appropriate (see Figure 6.13.7, Minimum Vertical Clearance). **AMENDED 12.16.24 (UDOTA3-24)**

FIGURE 6.13.7: MINIMUM VERTICAL CLEARANCE



~~3.~~4. REMOVAL OF ~~ILLEGAL~~ SIGNS IN RIGHT-OF-WAY AND ON PUBLIC PROPERTIES

a. The Planning Director or a designee may remove any sign placed on public property or within any public right-of-way in violation of this Ordinance.

b. Signage determined to be in violation of this Ordinance and removed from public property or a public right-of-way shall be discarded.

c. Penalties may be levied for each such illegal sign as prescribed in Chapter 7, Violations.

D. CHANGEABLE COPY

Areas devoted to changeable copy on a sign shall be subject to the following standards:

1. Changeable copy areas may only be located on ground or wall signs;
2. No more than 50 percent of the sign face area may be devoted to changeable copy area;
3. As a means of avoiding distractions for drivers, bicyclists, and pedestrians, the display of changeable copy shall not change more than once per minute;
4. Outdoor advertising signs shall not include areas devoted to changeable copy;

5. Signage copy shall not be animated, and shall not blink, scroll, flash, or have other moving effects. This provision shall not restrict the copy from changing from one message to another.

E. ILLUMINATION

Where authorized, signs may only be illuminated in accordance with the following standards:

1. GENERALLY

a. Internally illuminated signs shall obtain a building permit and be configured in accordance with North Carolina Building Code, applicable electric code, and the adopted fire code. **AMENDED 12.16.24 (UDOTA3-24)**

b. All wiring to ground, pole, or other freestanding signs erected after January 2, 2024, shall be located underground.

2. INTERNAL ILLUMINATION

a. Internally illuminated signs are prohibited within all residential districts.

b. Nothing shall require a pre-existing internally illuminated sign lawfully established prior to January 2, 2024, to be removed if the lot it faces becomes used solely for residential purposes.

3. INDIRECT OR EXTERNAL ILLUMINATION

a. All external or indirectly illuminated signs shall illuminate only the face of the sign and shall not shine directly into or create glare on a right-of-way or residential use.

b. Indirect or externally illuminated signs shall comply with the standards in Section 6.4.6E, Maximum Illumination Levels~~Maximum Illumination Levels~~.

4. FLASHING OR INTERMITTENT LIGHTS PROHIBITED

a. Flashing lights are prohibited.

b. Sign illumination shall not vary in degrees of brightness or intensity.

F. STRUCTURAL CONFIGURATION

All signs and sign supporting structures shall be constructed and designed according to generally accepted engineering practices to withstand wind pressures and load distribution as specified in the current North Carolina Building Code.

G. MAINTENANCE REQUIRED

1. All signs and sign supports shall be maintained in good repair.
2. In the event a sign or sign support is poorly maintained or becomes unsafe, the Planning Director shall notify the sign owner of the condition in writing, and the sign owner shall take whatever action is required to maintain public safety.
3. Failure to correct the unsafe condition is a violation of this Ordinance and shall be subject to the remedies in Section 7.6, Remedies~~Remedies~~.

H. REMOVAL OF DILAPIDATED OR OBSOLETE SIGNS

1. DILAPIDATED SIGNS

a. Dilapidated signs shall be removed or repaired by a landowner or other responsible party in accordance with the requirements described in a notice of violation by the Planning Director.

b. An existing sign shall be considered dilapidated if it:

i. Is in disrepair or exhibits a state of being broken or neglected;
ii. Fails to maintain its form as originally constructed or permitted;
iii. Fails to perform its intended function;
iv. Suffers from support pole or structural failure;
v. Has borders that are falling off or are already removed;
vi. Has panels that are missing or that have fallen off;
vii. Has its message falling off or in a state of disrepair such that it cannot be interpreted by the motoring public; or
viii. Is overgrown by vegetation.

2. OBSOLETE SIGNS

a. Signs identifying business establishments that are no longer in operation shall be removed from the premises within 180 days from the date of termination.
b. For the purposes of this sub-section, removal of a sign shall mean:
   i. The removal of the entire sign including all supports and mounting hardware; or
   ii. The removal of the just the sign's face.
c. The decision as to whether the entire sign is removed or just the sign face is removed shall be at the discretion of the landowner. Failure to provide a decision to the Town may result in Town action in accordance with Section 6.13.7H.3, Failure to Remove Signage~~Failure to Remove Signage~~.
d. In cases where the entire sign is removed, all sign supports, sign framework, mounting hardware, or similar features shall also be removed.
e. In cases where only the sign face is removed, all internal elements, internal frameworks, wiring, or mounting hardware associated with the sign face shall be obscured from view by fully covering them with painted plywood, rigid plastic, or other permanent material that includes no copy or other embellishment. Coverings shall be of a neutral, non-reflective color. The plywood, rigid plastic, or other covering shall be mechanically attached to the sign support structure. In no instance shall fabric, vinyl, or other non-permanent material be used to obscure sign cabinets, framework, or mounting hardware.

3. FAILURE TO REMOVE SIGNAGE

Failure of an owner to remove an obsolete or dilapidated sign face or sign structure may result in removal of the sign face or sign structure at the owner's expense following provision of written notice to the owner by the Planning Director.

4. INSPECTION

If, through inspection, the Planning Director determines that a sign or sign supporting structure does not comply with the provisions of these regulations, the Town shall take action in accordance with the standards in Chapter 7, Violations.

I. PUBLIC ART AS SIGNAGE

1. Painted or printed murals or other forms of public art shall not be considered as signage subject to these standards in cases where the art or mural does not incorporate a direct or indirect reference to a tradename, trademark, or the name of the establishment associated with the mural or artwork. Public art shall be subject to the standards in Section 4.5.5D, Art Installation~~Art Installation~~.
2. Public art or murals that incorporate a direct or indirect reference to a tradename, trademark, or the name of the establishment associated with the mural or public art shall be considered as wall signage subject to the applicable standards in this section.

J. ALTERNATIVE SIGN PLAN[111]

1. GENERALLY

a. An alternative sign plan may be proposed as part of a Sign Permit application in accordance with Section 2.3.2, Alternative Plan~~Alternative Plan~~. Revisions to an already-approved Sign Permit shall be considered in accordance with Section 2.4.16, Amendment of Approved Application~~Amendment of Approved Application~~.

b. When proposed, the alternative sign plan shall be reviewed and decided by the Planning Director prior to a decision on the associated Sign Permit, and based on the standards in this subsection.

2. INTENT

To be approved, any alternative sign plan shall meet the intent of the applicable signage standards of this Ordinance.

3. ALLOWABLE MODIFICATIONS

a. The following standards may be modified by an alternative sign plan:

i. The maximum number of signs per lot, tenant, or development;
ii. The maximum sign height or minimum sign clearance;
iii. The maximum allowable sign face area size;
iv. Minimum sign setbacks (except for limitations prohibiting sign placement within a right-of-way);
v. The ability to include changeable copy or how changeable copy is configured; and
vi. Illumination.

b. The following standards may not be waived or modified as part of alternative sign plan:

i. Prohibited signs or prohibited signage locations, including allowable zoning districts and minimum separation requirements;
ii. The degree to which a sign moves or appears to move (excluding electronic message boards);
iii. The ability to locate a sign within a right-of-way;
iv. Standards applied to dilapidated or obsolete signs;
v. Deviations from the nonconforming signage provisions in Section 5.3, Nonconforming Signs~~Nonconforming Signs~~; and
vi. Structural configuration requirements.

4. APPLICATION CONTENTS

a. A written statement detailing the project information, the proposed alternatives being requested, and an explanation of how the proposed alternative meets the standards in Section 2.4, Review Procedures~~Review Procedures~~;

b. The location of land subject to the Alternative Sign Plan;

c. The proposed allocation of permitted sign area among tenants and any other proposed signs;

d. The total allowable sign face area for the project;

e. Sketches of generic sign design and appearance for each sign type provided in Pantone Matching System (PMS) colors, vinyl manufacturer and numbers, or comparable industry standard of color identification;

f. Color specifications for each sign component shall be specified, including but not limited to sign face backgrounds, lettering, and the sign structure;

[111] See STN # 101.

g. A plan or other graphical depiction showing where each particular sign type is proposed;

h. A written justification for the alternative sign plan request, including how the proposed signage will result in a development that is in closer alignment with the Town's Adopted Policy Guidance or the standards in Section 1.7, Purpose and Intent of Ordinance~~Purpose and Intent of Ordinance~~; and

i. Any additional information requested by the Planning Director considers necessary to measure the application's conformance with the applicable review criteria.

5. DOCUMENTATION

~~2.~~ In cases where a proposed development employs flexibility provisions to address the signage requirements of this section, the Sign Permit, or other approval shall document the locations where and describe the extent to which signage flexibility provisions were employed.

6.13.8 SIGN MEASUREMENT

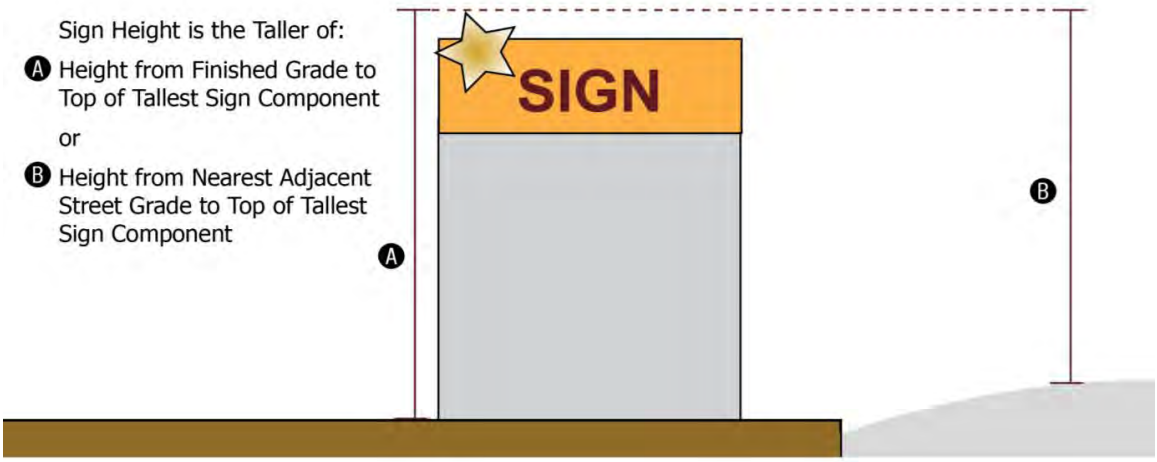
A. SIGN FACE AREA DETERMINATION

1. The sign face area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle, or other regular geometric figure, including all of the elements of the display, including incidental or changeable copy signage, frames, display of identification or licensing officially required by any governmental body, and structural elements.
2. The supporting structure for a sign shall not be included within the calculation of the sign face area unless otherwise indicated in this Ordinance.
3. In the case of signs mounted back-to-back, only one side of the sign is to be included in the calculation of sign face area. Otherwise, the face area of each sign is to be separately computed.
4. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
5. For multi-faced signs, the sign area shall be computed by summing the area of all sign faces.
6. In the case of cylindrical signs, signs in the shape of cubes, or other signs, which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces, is included in the computation of sign face area.
7. Embellishments such as display portions of signs extending outside the primary sign face area, incidental signage, changeable copy, or supplemental signage affixed to or included on a sign or sign support structure shall be computed as part of the total face area of the sign, unless otherwise indicated in this Ordinance.
8. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence on which the sign face or letters are placed shall be calculated in the sign face area.

B. SIGN HEIGHT DETERMINATION

1. Sign height shall be computed as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign.
2. The finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

FIGURE 6.13.8.B, SIGN HEIGHT DETERMINATION



C. WALL AREA (FOR THE PURPOSES OF SIGN AREA MEASUREMENT)

For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which shall be determined as follows:

1. The area of all parallel vertical surfaces along a single building elevation regardless of offsets shall be counted as one wall. This includes wall surfaces that are parallel or approximately parallel that may be located in front of or behind the primary façade plane.
2. The front of each unit of a multiple tenant building shall be counted as a separate wall.
3. In cases where a single tenant occupies two or more individual tenant spaces in a multiple tenant building, the tenant shall only be permitted one wall sign. Calculation of the wall area for the purposes of sign area measurement shall include all the units occupied by the tenant. **AMENDED 4.15.24 (UDOTA1-24)**
4. In cases where the total number of tenant spaces being rented is in question, determination of the total number of tenant spaces shall be made in accordance with Section 2.3.11, Determination~~Determination~~. **AMENDED 4.15.24 (UDOTA1-24)**
5. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with.
6. A 45-degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.

FIGURE 6.13.8.C: WALL AREA DETERMINATION FOR WALL SIGNAGE



LEGEND

One Wall

Ⓐ Area of Parallel Vertical Surfaces Along a Single Building Elevation, Regardless is One Wall

Ⓑ Front of Each Unit of a Multi Tenant Commercial Building is One Wall

Ⓒ Area of An Angled Wall Surface is Part of the Adjoining Wall Surface it is Most Parallel With

Ⓓ 45 Degree Angled Wall May Count as Part of Either Adjoining Wall, But Not Both

6.13.9 PERMANENT SIGN STANDARDS ~~BY SIGN TYPE~~ [112]

The following section sets out the standards applicable to each permanent sign type regulated by this Ordinance.

[112] See STN # 54.

A. AWNING SIGNS

1. Definition

A sign that is part ~~of~~ or permanently attached to an awning, canopy, or other protective canvas, plastic, or metal cover affixed to a building and located over a door, entrance, window, or other outdoor area. Colors, stripes, or patterns on an awning's surface shall not be considered as signage. A sign made from fabric or plastic that is not permanently attached is a "banner."

2. Districts Where Permitted

CON, PUB	Residential, CZR	OFI, NCM	DTNC, CZD, MXD, CZM	CRM, CZC	LID, HID, CZI
No	No	Yes	Yes	Yes	Yes

3. Dimensional Standards

Maximum Number of Awning Signs per Lot	1 per every ten linear feet of building façade facing a street [1]
Maximum Height	Under the roof or top of a parapet wall [2]
Maximum Sign Face Area per Individual Awning Sign	25 percent of the awning area upon which it is located, including the drip flap, if provided
Maximum Sign Face Area of all Awning Signs per Lot	5 percent of each façade facing a street [1]

NOTES:
[1] Signage on umbrellas or shade structures associated with an outdoor dining area are not counted as awning signs and are exempted from the awning sign number and face area standards.
[2] Awning signs attached to a building shall maintain a minimum height of at least nine feet above grade.

4. Additional Requirements

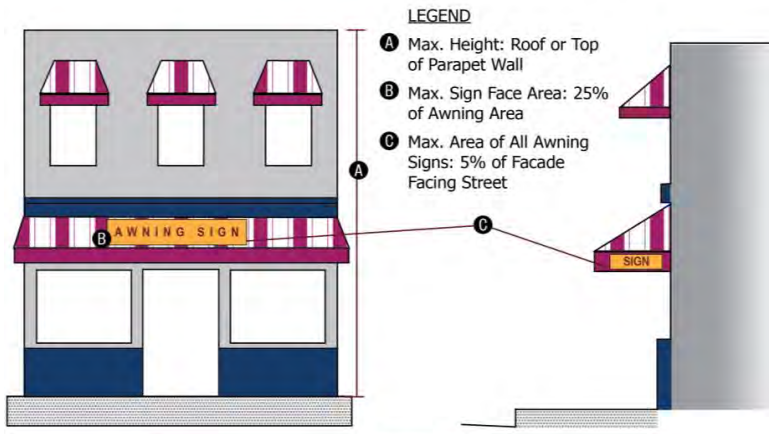
a. Signage may be located on the drip flap, subject to the maximum sign face area standards.

b. No awnings above the 3rd building story may be internally illuminated.

c. Awning signs, when allowed within a street right-of-way, shall not project more than five feet into a right-of-way, nor closer than two feet from the curb line.

d~~c~~. An awning sign may only be established on a lot with a principal structure.

5. Sample Calculation



EXAMPLE:
Total Awning Area of Lower Awning = 90 sf
Total Area of Facade Facing Street = 600 sf

Max. Awning Sign Area on Lower Awning = 25% x 90 = **22.5 sf**
Max. Area of All Awning Signs: 5% x 600 sf = **30 sf**

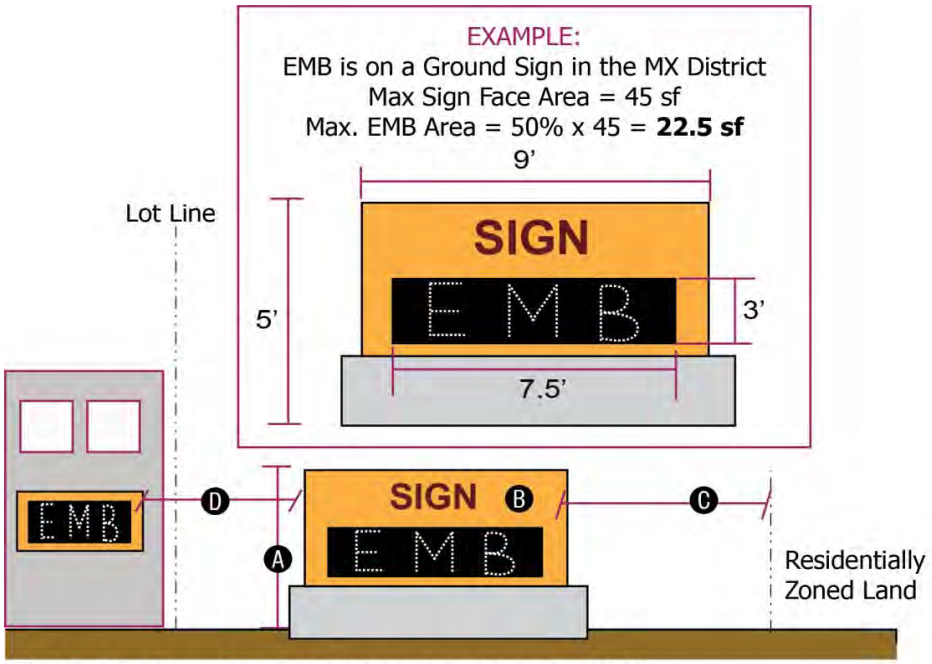
~~B. BANNER SIGNS~~

~~C.~~B. ELECTRONIC MESSAGE BOARD~~S~~

1. Definition	A wall or ground sign, or portion thereof that electronically displays information that may or may not change. Sign content is displayed by light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices arranged in a matrix within the display area. Electronic message boards ("EMBs") do not display animation or imagery that appears to move.					
2. Districts Where Permitted	**CON, PUB**	**Residential, CZR**	**OFI, NCM**	**DTNC, CZD, MXD, CZM**	**CRM, CZC**	**LID, HID, CZI**
	No	No [1]	No [1]	Yes	Yes	Yes
3. Dimensional Standards	**Maximum Number of EMBs per Lot**	One per lot or development [2]				
	Minimum Separation of EMB from Residentially-Zoned Land	150 linear feet [3]				
	Minimum Separation from Another EMB	35 linear feet				
	Maximum Height	In accordance with wall or ground sign standards, as appropriate [4]				
	Maximum EMB Face Area	In accordance with wall or ground sign standards, as appropriate [5]				
	Maximum Percentage of Total Sign Face Area Devoted to an EMB	Lesser of: 32 square feet or 50% of the total allowable sign face area for the type of sign proposed (i.e., wall, ground) [6]				
	Minimum Static Hold Time Between Message Changes	1 minute [7]				
	Maximum Brightness	465 lumens per square foot during daytime hours				
		70 lumens per square foot during dawn, dusk, and nighttime hours				
	NOTES:	[1] May be permitted on a lot containing a religious institution, school, or fraternal club or lodge, and the EMB may occupy 100% of the allowable sign face area. [2] Development on corner lots of two acres or more in area may have up to two EMBs, subject to these standards. [3] Not applied on residential lots containing a religious institution, school, or fraternal club with an EMB. [4] In no instance shall an EMB extend higher than 30 feet above grade. [5] The face area shall include all mounting hardware, framework, and sign supports. [6] A sign's face area could include two or more separate EMB areas, provided the total amount of EMB does not exceed the maximum permitted percentage of allowable EMB size (For example, a ground sign could be configured with one portion of the sign face areas as an EMB with prices and another portion of the same sign face could include a separate EMB area that displays different information). [7] Transition between images shall take place within one second or less.					

Continued on the Following Page

~~C~~B. ELECTRONIC MESSAGE BOARD~~S~~ CONTINUED

4. ADDITIONAL REQUIREMENTS	a. EMBs may only be configured as a wall or ground sign, or portion thereof.
	b. EMBs may only be allowed as part of a permanent sign, not a temporary sign.
	c. Use of the terms "stop", "caution", or "danger" is prohibited on an EMB for reasons of public safety.
	d. Appearance of animation or message movement is prohibited.
	e. The owner or operator of an EMB shall attest to the installation of a power supply system that will power the EMB off after a power outage or other condition that causes the sign to blink, flash, or have the appearance of movement.
	f. An EMB may only be established on a lot with a principal structure.
5. SAMPLE CALCULATION	

~~D.~~C. GROUND SIGN~~S~~

1. Definition

Any sign, other than a pole sign, that is attached directly to the ground by means of a supporting system comprised of a solid pedestal, or other bracing system where there is no open space between the bottom of the sign face area and the ground. Ground signs are configured so that the base of the sign support structure is at least as wide as the sign face area. Ground signs may also be referred to as "pedestal" signs or "monument" signs. Any sign with an opening between the bottom of the sign's face area and ground or where the sign face area is wider than the sign support structure shall be considered as a pole or "freestanding" sign, which are prohibited. Ground signs are not mounted to a building wall, and are not located within a street right-of-way. Ground signs are permanent, not "temporary" signs.

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 Ground Signs Per Lot		1 [1]
Maximum Height [2]		6 feet for lots in residential districts; 15 feet for lots in all other districts [3] [4]
Maximum Sign Face Area [2]	Lots in CON, PUB, and residential districts	32 sf per sign
	Lots in OFI, NCM	32 sf per sign
	Lots in DTNC, CZD, MXD CZM	48 sf per sign
	Lots in CRM, CZC, LID, HID, CZI	150 sf per sign
Minimum Setback from any Lot Line		Up to 75 sf in face area: 5 feet [5]
		75 or more sf in face area: 10 feet
Min. Separation between Ground Signs on Same Lot		At least 250 feet apart at the closest point
Min. Separation between Ground Signs on Adjacent Lots		50 feet [6]

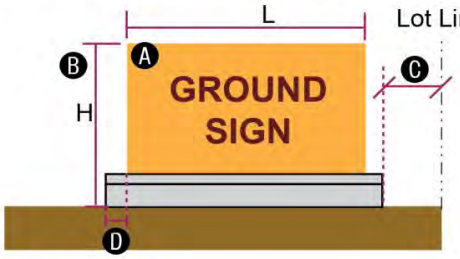
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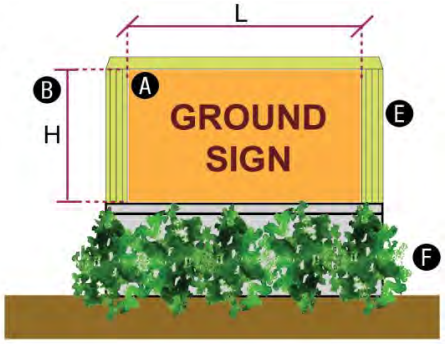
[1] Developments on corner lots of 2 acres in size or greater may have a ground sign for each roadway frontage.
[2] The following features may be excluded from the calculation of maximum sign height and maximum sign face area:
a. The first 36 inches in height of a sign's base when it is surrounded by evergreen shrubs configured as a fully opaque screen and sized in accordance with Section 6.6.8C, Shrub Size and Variety~~Shrub Size and Variety~~.
b. Architectural embellishments along the side of the sign support structure, such as columns, pilasters, coping, or vertical design features with a maximum width of up to 1 foot, provided such embellishments do not include advertising copy.
c. Architectural embellishments along the top of the sign support structure, such as caps, cornices, coping, eaves, or horizontal design features with a maximum height of up to 1 foot and a maximum projection of up to 6 inches beyond the sign face, provided such embellishments do not include advertising copy.
[3] Sign height shall be determined based on the higher of: the adjacent grade level or the grade level of the adjacent street.
[4] The support structure shall be included within the measurement of the sign's maximum height.
[5] All portions of a ground sign shall be at least 5 feet from a public street right-of-way.

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~~E~~D. GROUND SIGN~~S~~ CONTINUED

	NOTES:	[6] In cases where a ground sign is proposed and it is impossible to meet the minimum separation distance requirements from an existing ground sign, the proposed sign shall maintain the minimum street setback necessary to ensure an unimpeded view of the existing ground sign on an adjacent lot.
4. ADDITIONAL REQUIREMENTS	a. Establishment of a new ground sign on a lot with an existing pole or freestanding sign shall require removal of the existing pole or freestanding sign prior to or concurrent with establishment of the ground sign.	
	b. Ground signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.	
	c. A ground sign base may project outwards beyond the edge of the sign face or architectural embellishment by up to six inches on the front, rear, and each side of the sign.	
	d. In no instance shall the depth of a ground sign, including the sign base, architectural embellishments, and the sign face area exceed four feet.	
	e. Ground signs shall not be located on the same lot as a single-family detached, single-family attached, duplex, triplex, or quadplex dwelling.	
	f. A ground sign face area may be comprised of durable, UV resistant, professionally printed fabric stretched taught over an interior frame is permitted provided the sign does not show visible disrepair (fading, torn corners, etc.).	
	g. Except for open air uses of land, a ground sign may only be established on a lot with a principal structure.	
5. SAMPLE CALCULATION	LEGEND Ⓐ Maximum Sign Face Area = LxH: Ⓑ 6′ Max. Height in Residential District; 15′ in Mixed-Use and Nonresidential Districts Ⓒ 5′ Minimum Setback from Lot Line Ⓓ 6″ Max. Foundation Base Extension Ⓔ Allowable Architectural Embellishment Ⓕ Evergreen Shrubs Forming Opaque Screen	

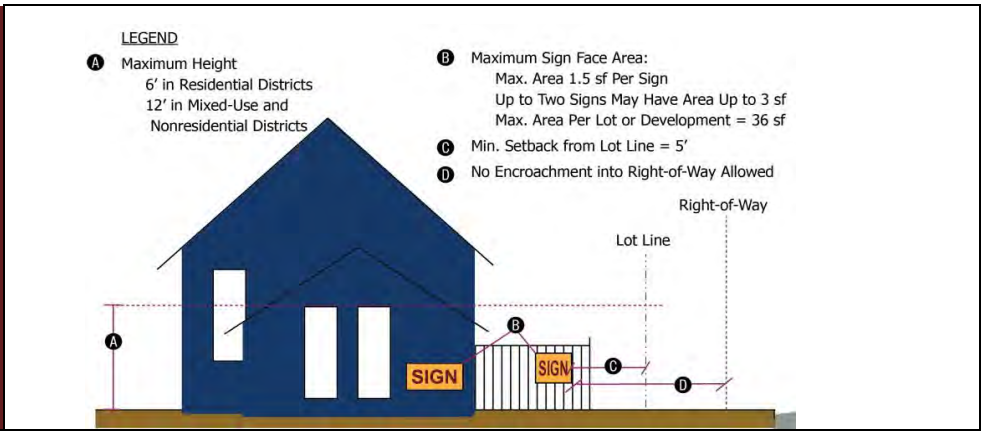




~~E.~~D. INCIDENTAL SIGNS~~S~~[113]

1. Definition	Any small or nondescript sign ~~that only~~intended to provide~~s~~ on-site directional, ~~information or~~ safety, or ideological information ~~for the public~~. Examples of incidental signs include signs addressing on-site traffic circulation (such as "entrance" or "exit" signs), public safety (such as "high voltage" or "beware of dog" signs), ~~or~~ address signs, ~~,~~ or ideological signs.					
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 [1]	**Maximum Number of Incidental Signs Per Lot**	Lots with an existing single family detached dwelling or manufactured home	1 per principal + 1 per secondary building			
		Lots with a single family attached, duplex, triplex, or quadplex dwelling unit	1 per dwelling unit			
		Multi family dwelling	1 per building + 5			
		Lots in a mixed-use or non-residential district	[2]			
	Maximum Height	6 feet for lots in residential districts; 12 feet for lots in mixed-use and non-residential districts [3]				
	Maximum Sign Face Area	1½ square feet per sign [4]				
	Total Incidental Sign Face Area per Mixed-use or Nonresidential Lot or Development	36 square feet				
	Minimum Setback from any Lot Line	5 feet [5]				
	NOTES:	[1] Incidental signs that exceed the maximum height or sign face area shall be considered as a wall sign, ground sign, pole sign, or projecting sign, as appropriate. [2] See total incidental sign face area per mixed-use or nonresidential lot or development. [3] Sign height shall be determined based on the grade adjacent to the sign. [4] Up to two incidental signs on any single lot may be up to three square feet in sign face area size. [5] In no instance shall an incidental sign be located within a right-of-way, a sight distance triangle, or in locations that obstruct the safe movement of vehicles and pedestrians					
4. Additional Requirements	a. No sign permit shall be required for the establishment of incidental signs, but all incidental signage shall comply with the standards in this section.					

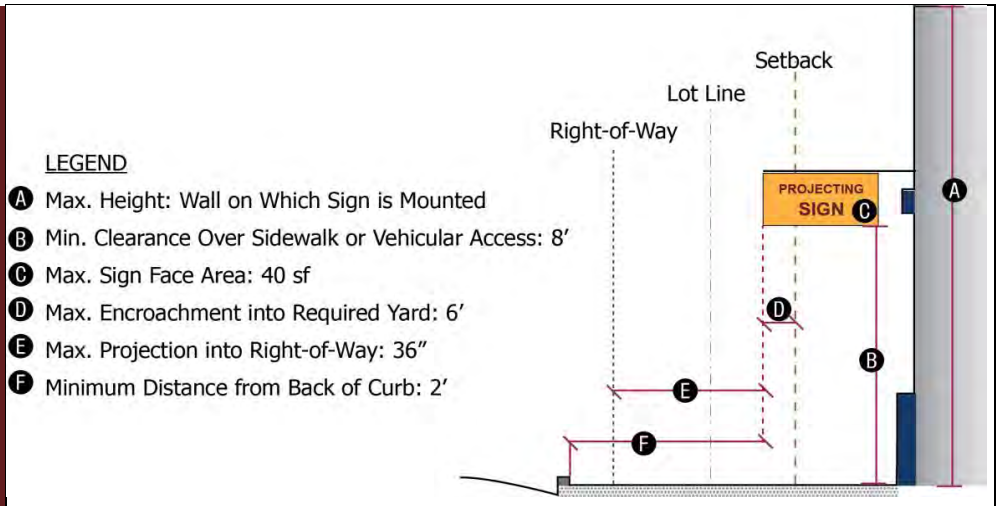
[113] See STN # 54. NOTE: This sign type is intended to replace the "yard sign" type from the Wake Forest example.

5. Sample Calculation	

~~F.~~E. PROJECTING SIGN~~S~~

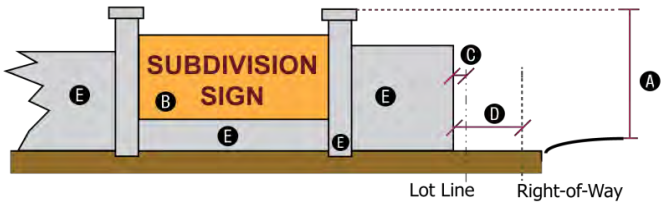
1. Definition	Any sign that projects outward from a building's exterior wall where the sign face area is not parallel to the building wall upon which is mounted. Projecting signs are also referred to as "marquee" signs. Signs mounted to a building wall with sign face areas that are parallel to the building wall are considered "wall" signs. A sign comprised of fabric or similar material is an "awning sign", "flag", or a "banner" ~~sign~~.					
2. Districts Where Permitted	CON, PUB	Residential, CZR	OFI, NCM	DTNC, CZD, MXD, CZM	CRM, CZC	LID, HID, CZI
	No	Yes	Yes	Yes	Yes	Yes
3. Dimensional Standards	Maximum Number of Projecting Signs Per Lot			One per building façade		
	Maximum Height			A projecting sign shall not project above the height of the wall it is mounted to [1]		
	Maximum Sign Face Area			40 square feet [2]		
	Minimum Setback from any Lot Line			A projecting sign shall not encroach into a required yard by more than 6 feet [3]		
	NOTES:	[1] Any projecting sign that projects into a right-of-way or that projects over a sidewalk or vehicular accessway shall maintain a minimum clearance of at least 9 feet above grade. [2] Projecting signs with 3 sides may have up to 80 square feet of sign area. [3] A projecting sign shall not project into a right-of-way by more than 36 inches, and shall maintain a minimum of two feet of horizontal distance from the back of the curb.				
4. Additional Requirements	a. Projecting signs of 1½ square feet in total sign area or less shall be considered incidental signs.					
	b. Any electrical wiring shall be located within the sign or the wall it is affixed to.					
	c. Projecting signs shall not be located on the same lot as a single-family detached, attached, duplex, triplex, or quadplex dwelling.					
	d. A projecting sign may only be established on a lot with a principal structure.					

5. Sample Calculation

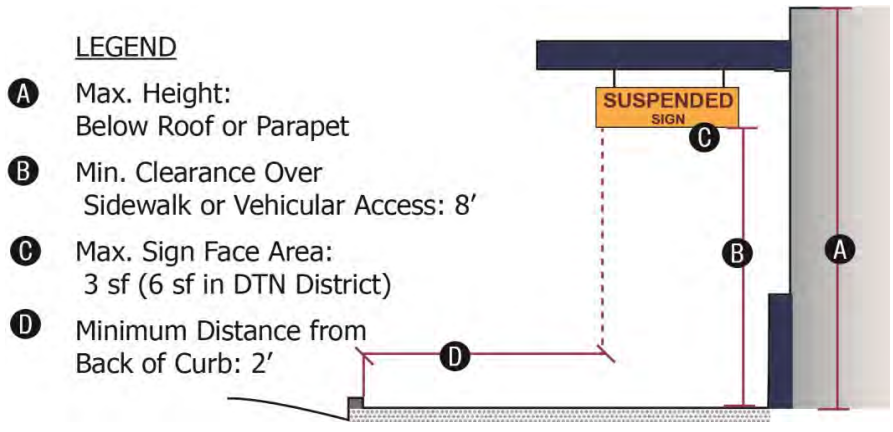


~~G. SIDEWALK SIGNS~~

~~H.~~F. SUBDIVISION SIGN~~S~~

1. Definition	A ground sign located at the entrance to a subdivision consisting of two or more lots. Subdivision signs shall be located outside all street rights-of-way, unless permitted by the Engineering Director, and shall not be located on a lot with a principal building.					
2. Districts Where Permitted	**CON, PUB**	**Residential, CZR**	**OFI, NCM**	**DTNC, DTNN, CZD, MXD, CZM**	**CRM, CZC**	**LID, HID, CZI**
	No	Yes	Yes	Yes	Yes	Yes
3. Dimensional Standards	**Maximum Number of Subdivision Signs Per Development**			1 per development entrance		
	Maximum Height			6 feet [1]		
	Maximum Sign Face Area			32 square feet [2] [3]		
	Minimum Setback from any Lot Line			None		
	Minimum Setback from Right-of-Way			5 feet		
	NOTES:	[1] Sign height shall be determined based on the higher of: the adjacent grade level or the grade level of the adjacent street. [2] The support structure for a subdivision sign configured as a ground sign shall not be included with the calculation of the maximum allowable sign face area. [3] Developments with 2 or more entries may have up to 64 square feet of subdivision sign provided that no single entry has a subdivision sign with a sign face area exceeding 32 square feet.				
4. Additional Requirements	a. Subdivision signs may only be configured as a ground sign.					
	b. Subdivision signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.					
	c. Subdivision signs that are illuminated shall comply with the applicable limitations on glare in Section 6.4, Exterior Lighting~~Exterior Lighting~~.					
5. Sample Calculation AMENDED 4.15.24 (UDOTA1-24)	LEGEND A 6′ Maximum Height B Maximum Sign Face Area = 32 sf (Support Structure Not Counted as Sign Area) C No Min. Setback from Lot Line D Minimum Setback from Right-of-Way = 5′ E Sign Support Structure 					

~~I.~~G. SUSPENDED SIGN~~S~~

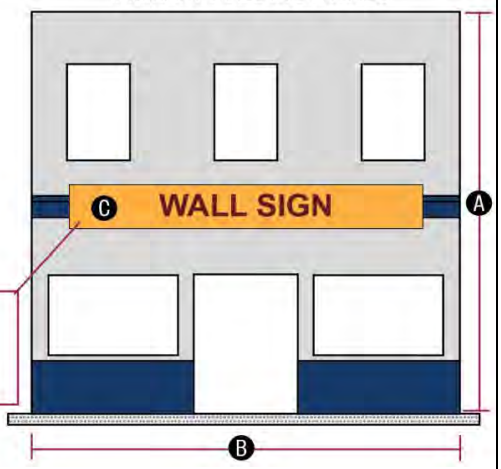
1. Definition	A sign that is suspended from the underside of a principal building's overhang or canopy that is intended for view by pedestrians or patrons already on a site. The sign may be parallel or perpendicular to the building wall. A sign that is not suspended from a canopy or overhang of a building is not a suspended sign. A sign mounted on a building wall parallel to the wall is a "wall" sign. A sign mounted on a building wall perpendicular to the building wall is a "projecting" sign. Signs visible through a window are "window" signs.					
2. Districts Where Permitted	**CON, PUB**	**Residential, CZR**	**OFI, NCM**	**DTNC, CZD, MXD, CZM**	**CRM, CZC**	**LID, HID, CZI**
	No	No	Yes	Yes	Yes	Yes
3. Dimensional Standards	**Maximum Number of Projection Signs Per Development**			1 per lot or 1 per tenant in a multi-tenant building		
	Maximum Mounting Height			Below the roof or parapet [1]		
	Maximum Sign Face Area			3 square feet; 6 square feet in the DTNC district		
	Minimum Setback from any Lot Line			[2]		
	NOTES:	[1] Any suspended sign that projects into a right-of-way or that projects over a sidewalk, walkway, or vehicular accessway shall maintain a minimum clearance of at least 9 feet above the grade or the walkway. [2] A suspended sign shall maintain a minimum of two feet of horizontal distance from the back of the curb.				
4. Additional Requirements	a. Suspended signs shall not project beyond the canopy or overhang they are mounted to.					
	b. Suspended signs shall be flush mounted or drop mounted with metal pipe, chain, wire, or other comparable material and permanently affixed to the overhang or canopy where mounted.					
	c. Suspended signs shall not be mounted to a secondary structure.					
	d. A suspended sign may only be established on a lot with a principal structure.					
5. Sample Calculation						

~~J. TEMPORARY SIGNS~~

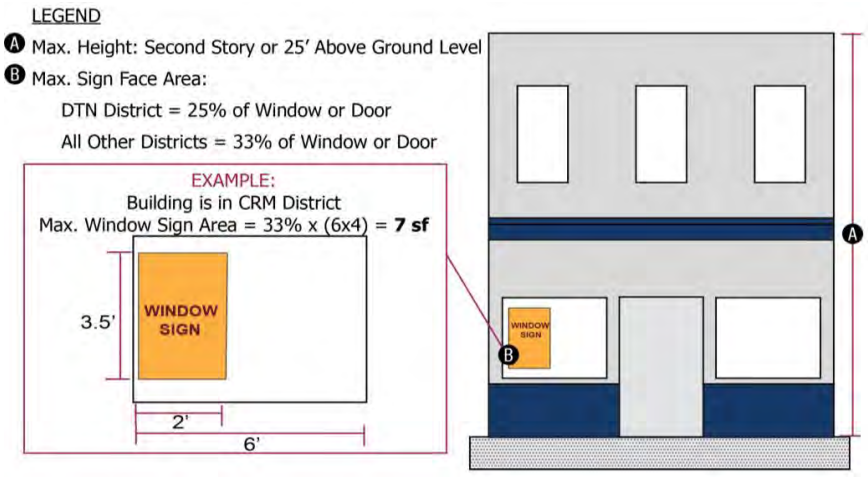
~~K.~~H. WALL SIGN~~S~~

1. Definition	Any sign, other than a projecting or suspended sign, that is mounted to or painted on an exterior building wall. Wall signs have only one sign face and are configured to be parallel to the building wall upon which they are located. Signs mounted perpendicular to a wall are "projecting" signs. Signs mounted from the ceiling of a building's canopy or overhang are "suspended" signs. Signs made of fabric or other material that moves are "banners" or "flags." Signs visible through a window are "window" signs.						
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	**District**	**Type of Tenancy**	**Type of Façade [1]**	**Max. # of Signs**	**Total Sign Area/Façade [2]**		
	CON, PUB, Residential, CZR	All	Primary [3]	1	16 square feet		
	OFI, NCM	Single-tenant	Primary [3]	1	32 square feet		
		Multi-tenant	Primary [3]	1/tenant			
	All Others AMENDED 4.15.24 (UDOTA1-24)	Single-tenant [4]	Primary	2	Lesser of: 1.5 sf per linear foot of building façade or 200 sf		
		Single-tenant [4]	Secondary and Tertiary	1	Lesser of: 1 sf per linear foot of building façade or 100 sf		
		Multi-tenant	Primary	1/tenant	Lesser of: 1.5 sf per linear foot of building façade or 200 sf		
		Multi-tenant	Secondary and Tertiary	1/tenant [5]	Lesser of: 1 sf per linear foot of building façade or 100 sf		
		~~Large format retail~~Individual buildings with a footprint of 70,000 sf or more	Primary	4	Lesser of: 1.5 sf per linear foot of building façade or 200 sf		
			Secondary and Tertiary	2	Lesser of: 1 sf per linear foot of building façade or 100 sf		
	Maximum Mounting Height	No wall sign shall extend above, below, or beyond the building wall to which it is attached [6]					
	Maximum Distance from a Building Corner or Multi-Tenant Boundary	Wall signs shall be no less than 18 inches from the outside corner of a building wall or from the boundary of a tenant's wall frontage on a multi-tenant building					

I~~L~~. WALLS SIGN~~S~~ CONTINUED

	NOTES:	[1] See Section 6.2.5E, Non-Residential Building Walls Distinguished, for building façade type determination. [2] This is the total amount of allowable wall sign face area per façade of a single-tenant or a large format retail building, regardless of the number of individual wall signs on the façade. It is also the total amount of allowable wall sign face area per individual tenant wall frontage in a multi-tenant building (see Section 6.13.8, Sign Measurement~~Sign Measurement~~, for determination of individual tenant wall frontage). [3] Wall signs not permitted on secondary or tertiary building facades. [4] Does not include large format retail establishments. [5] End units in a multi-tenant building may have a wall sign on a primary and secondary building façade. [6] Wall signs that project into a right-of-way shall maintain a minimum vertical clearance of at least 9 feet above grade. [7] Wall signs shall not project into a right-of-way by more than six inches.
4. Additional Requirements	a. No wall sign shall be located in a manner that covers or blocks ingress or egress from a door, window, or fire escape.	
	b. Any electrical wiring shall be located within the sign or the wall it is affixed to.	
	c. Wall signs on secondary building walls abutting a residential use shall not be illuminated.	
	d. Wall signs that are illuminated shall comply with the applicable limitations on glare in Section 6.13.7E, Illumination~~Illumination6.4, Exterior Lighting~~.	
	e. A wall sign face area may consist of durable, UV resistant, professionally printed fabric stretched taught over an interior frame is permitted provided the sign does not show visible disrepair (fading, torn corners, etc.).	
	f. A wall sign may only be established on a lot with a principal structure.	
5. Sample Calculation	Ⓐ Max. Height: Height of Building Ⓑ Primary Facade Length Ⓒ Max. Sign Face Area: 16 sf Residential Districts 32 sf OFI and NCM Districts All Other Districts = Lesser of: 1.5 sf area per linear foot of facade or 200 sf on primary building facade; + Lesser of: 1 sf area per linear foot of facade or 100 sf on secondary or building facades EXAMPLE: Building is in CRM District 30' Primary Facade Length Max. Wall Sign Area = 30 x 1.5 = **45 sf**	

~~L.~~I. WINDOW SIGN~~S~~

1. Definition	A sign affixed to or visible through the surface of a window or glass door that is intended to be visible to the public from outside the building. Signs painted on glass and etched or frosted glass that includes text or symbols shall be considered as a window sign. Signs not visible from off-site areas are exempt from these standards. Signs mounted to a building's exterior wall are "wall" signs.					
2. Districts Where Permitted	**CON, PUB**	**Residential, CZR**	**OFI, NCM**	**DTNC, DTNT, CZD, MXD, CZM**	**CRM, CZC**	**LID, HID, CZI**
	No	No	Yes	Yes	Yes	Yes
3. Dimensional Standards	**Maximum Number of Window Signs Per Development**		No limit, subject to the maximum sign face area standards			
	Maximum Mounting Height		Window signs are not permitted above the second story or higher than 25 feet above ground level			
	Maximum Sign Face Area [1]		DTNC District	25% of the outer extent of any single window or door [2]		
			All Other Districts	33% of the outer extent of any single window or door [2]		
	NOTES:	[1] Groups of multiple windows or doors within six inches of one another on the same building façade shall be considered as one window or door for the purposes of sign face area calculation. [2] Window signs shall not be located or configured in ways that prevent patrons operating doors safely.				
4. Additional Requirements	a. Up to six square feet of window signage may be illuminated per lot or tenant in a multi-tenant building.					
	b. Material used to block views into a vacant building (such as brown paper) is not considered to be a window sign.					
	c. Blinds, shades, or curtains bearing symbols or text that is visible from off-site areas shall be considered to be a window sign subject to these standards.					
	d. A window sign may only be established on a lot with a principal structure.					
5. Sample Calculation						

6.13.10 TEMPORARY SIGN STANDARDS [114]

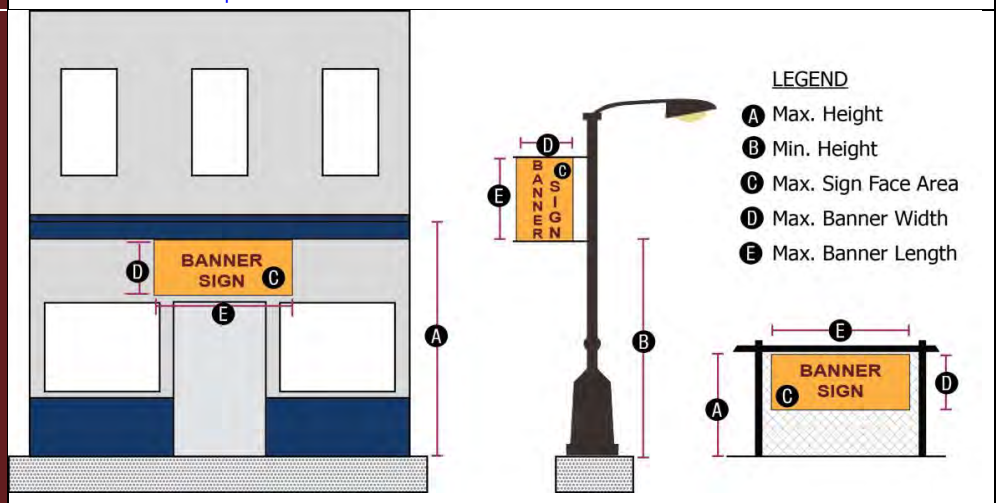
The following section sets out the standards applicable to each temporary sign type regulated by this Ordinance.

~~M.~~A. BANNER SIGN~~S~~

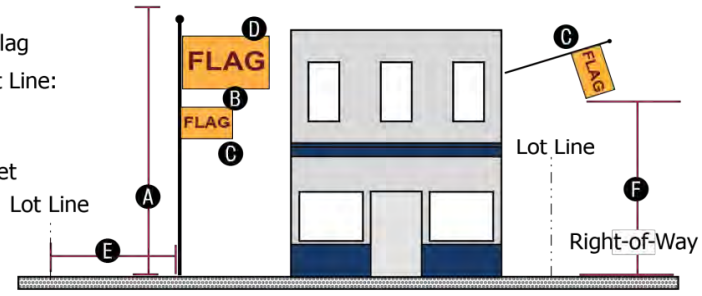
1. Definition	A temporary sign made of a flexible fabric or plastic material that is affixed to a building wall, ~~or other~~ vertical projection~~, except~~ such as a street light or utility pole~~s~~, on a fence, or is ground-mounted, but is not an "awning" sign or a "flag." Feather flags and bow signs are ~~not banners and are~~ prohibited by this Ordinance.					
2. Districts Where Permitted	**CON, PUB**	**Residential, CZR**	**OFI, NCM**	**DTNC, CZD, MXD, CZM**	**CRM, CZC**	**LID, HID, CZI**
	~~No~~Yes	No	~~No~~Yes	Yes	Yes	No
3. Dimensional Standards	**Maximum Number of Banners per Lot**	Building wall:	1 per use or non-residential tenant in a multi-tenant building [1]			
		Pole-mounted:	1 per pole [2]			
		Ground or fence-mounted:	1, but may be two-sided			
	Maximum Mounting Height	Building wall:	Below the roof or parapet [~~2~~3]			
		Pole-mounted:	At least 18 feet above a street, 8 feet above a sidewalk, or 8 feet above the grade			
		Ground or fence-mounted	12 feet to the highest point			
	Maximum Sign Face Area per Individual Banner	Building wall:	20 square feet			
		Pole mounted:	15 square feet			
		Ground or fence-mounted	20 square feet			
	Maximum Banner Length	Building wall:	10 linear feet			
		Pole-mounted:	6 linear feet			
		Ground or fence-mounted	10 linear feet			
	Maximum Banner Width	Building wall:	4 linear feet			
		Pole-mounted:	3 linear feet			
		Ground or fence-mounted:	4 linear feet			
	Minimum Setback	Building wall, ground, or fence-mounted:	10 feet from the edge of pavement or minimum necessary to avoid placement within a street right-of-way [~~3~~4]			
		Pole-mounted:	Must be on an existing pole or other vertical projection			
	Maximum Duration	One occurrence for a maximum duration of 30 consecutive days per use or tenant per calendar year [~~4~~][5]				

[114] See STN # 54.

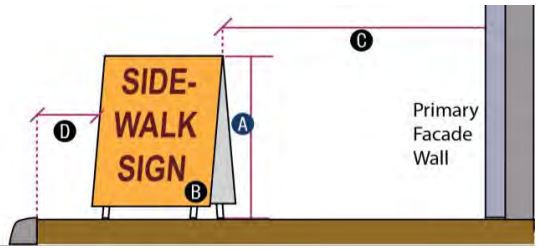
A. BANNER SIGN CONTINUED

	NOTES:	[1] Maximum of 3 banners per multi-tenant development at any one time. [2] May be located within a public street right-of-way or on land owned or operated by the Town are subject to an encroachment agreement. [3] ~~When located on a fence, wall, or as a freestanding banner, a maximum height of 12 feet to the highest point.~~ When located on a building ~~wall~~wall of two or more stories in height, the banner shall not be mounted above the first floor. [4~~3~~] Banners in a unified development subject to a single site plan shall be at least 10 feet from the outside perimeter boundary of the development. ~~[4] Placement of a banner shall require prior issuance of a temporary use permit in accordance with Section 2.3.25, Temporary Permit.~~ [5] Pole-mounted banners in public rights-of-way or on land owned or operated by the Town are not subject to a maximum duration.
4. ADDITIONAL REQUIREMENTS	a. Banners shall be adequately secured through the use of grommets, d-rings, brackets, or similar fastening devices.	
	b. Banners over 9 square feet in size shall incorporate wind slits.	
	c. Banners shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.	
	d. Except for open air uses of land, a banner may only be established on a lot with a principal structure.	
	e. A banner may consist of durable, UV resistant, professionally printed fabric that may be stretched taught over an interior frame is permitted.	
	f. A banner showing visible disrepair (fading, torn corners, etc.) may be required to be removed or repaired.	
5. SAMPLE CALCULATION		

~~N.~~B. FLAGS

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 ~~flown by a governmental agency, located on land owned or operated by a governmental agency, or on a building owned or operated by a governmental agency are exempt from these standards~~that include supporting frames, that are attached to light or utility poles or that are ~~. Flags~~ affixed to two or more poles at the same time are ~~subject to the standards for~~ "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 Flag Pole			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 ~~9~~8 feet above a sidewalk.				
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 					

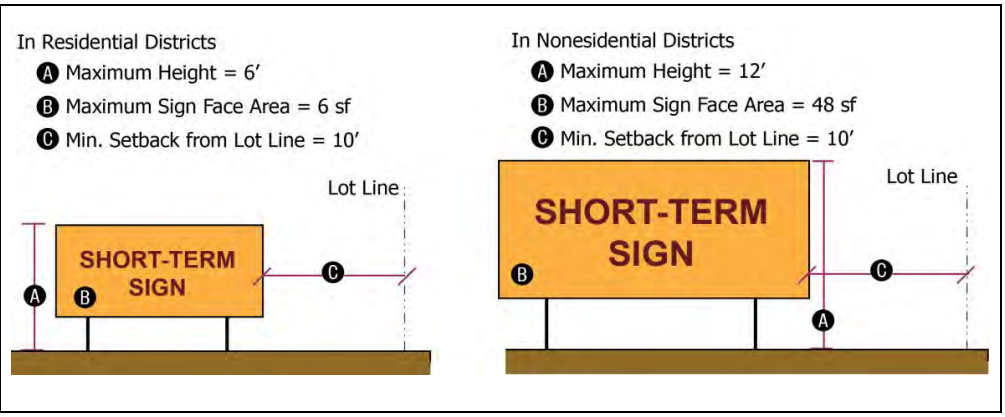
~~O.~~C. SIDEWALK SIGN~~S~~

1. Definition	A pedestrian-oriented movable sign that sits on the grade located proximate to the primary entrance of the non-residential or mixed use being advertised. Sidewalk signs are also referred to as "A-frame" signs or "Board" signs. The sign shall be self-supporting and only visible during operating hours. Sidewalk signs are configured with a broader base then a top or are equipped with supports to ensure they remain stable in normal wind conditions.					
2. Districts Where Permitted	**CON, PUB**	**Residential, CZR**	**OFI, NCM**	**DTNC, DTNT, CZD, MXD, CZM**	**CRM, CZC**	**LID, HID, CZI**
	No	Yes	No	Yes	Yes	No
3. Dimensional Standards	**Maximum Number of Sidewalk Signs Per Lot**	1 per street frontage, regardless of the number of tenants [1] [2]				
	Minimum Clearance Around Sidewalk Sign	5 feet [3] [4]				
	Maximum Height	4 feet				
	Maximum Sign Face Area	8.5 square feet				
	Maximum Number of Sidewalk Sign Sides	2				
	Maximum Distance from Primary Entrance of Use Being Advertised	25 linear feet				
	NOTES:	[1] Sidewalk signs may only be permitted on a sidewalk or on-site pedestrian walkway. [2] Nothing shall limit the rotating of different sidewalk signs on an individual lot provided the total number of signs does not exceed the maximum. [3] A sidewalk sign may only be placed in a manner that allows for unrestricted pedestrian access around all sides of the sign, and shall not be located within a disabled pedestrian access ramp, proximate to an accessible parking space, or within a sight distance triangle. [4] A sidewalk sign shall be no closer than 6 inches from the curb.					
4. Additional Requirements	a. A sidewalk sign shall not be permanently attached to the sidewalk, signs, street trees, landscaping, bicycle rack, or any other fixtures on the sidewalk.					
	b. Sidewalk signs may be located within the street right-of-way adjacent to lots ~~in the DTNC, DTNT, MXD, CZM districts only~~.					
	c. Each sidewalk sign shall be removed each day by the close of business.					
	d. Sidewalks signs may include changeable copy.					
	e. Sidewalks signs shall not be illuminated.					
	f. Except for open air uses of land, a sidewalk sign must be associated with an adjacent principal structure.					
5. Sample Calculation	LEGEND Ⓐ Maximum Height = 4′ Ⓑ Maximum Sign Face Area = 8.5 sf Ⓒ Minimum Clearance = 5′ Ⓓ Min. Distance from Curb = 6″					

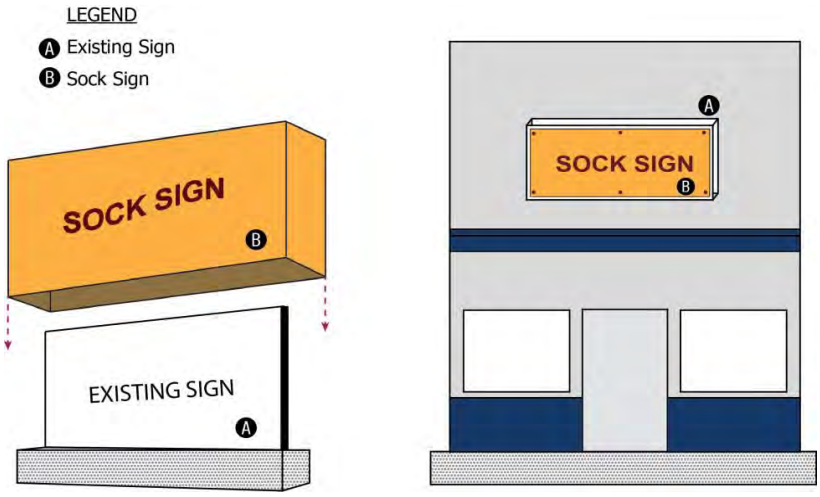
P.D. TEMPORARY SHORT-TERM SIGNS

1. Definition	A ny temporary sign that is comprised of rigid material (such as plywood, corrugated plastic (polypropylene), acrylic, PVC board)), or similar material that is mechanically- attached to a building wall or suspended above the ground via a pole or rigid structural framework, but is not permanently affixed to the ground or a building which and can is intended to be removed without special handling and which is in place for a limited duratio when no longer in use n. Temporary signage that is not rigid is a "Bbanner" sign or a "flag." s and i Incidental signs are not supplemental signs permanent signs: Ideological signs are considered supplemental signs. Signs visible through a window are "window" signs.					
2. Districts Where Permitted	**CON, PUB**	**Residential, CZR**	**OFI, NCM**	**DTNC, DTNT, CZD, MXD, CZM**	**CRM, CZC**	**LID, HID, CZI**
	Yes	Yes	Yes	Yes	Yes	Yes
3. Dimensional Standards	**Maximum Number of Supplemental Short-Term Signs Per Lot**	1 per lot + 1 per non-residential tenant in a multi-tenant development				
	Maximum Sign Height [1]	Residential Districts	6 feet			
		All Other Districts	12 feet			
	Maximum Sign Face Area [2]	Residential Districts	6 square feet			
		All Other Districts	32 square feet [32]			
	Minimum Setback	10 feet from the edge of pavement or minimum necessary to avoid placement within a street right-of-way [43]				
	Maximum Duration	Up to a total of 30 days per site per calendar year [4]				
	Maximum Frequency	Not more than twice per site per calendar year [4]				
	NOTES:	[1] Sign support structures shall be included in maximum sign height and face area. [2] Signs visible through a window are also subject to the standards for window signs. [3] In the case of a multi-tenant building, the temporary short-term sign provided to each individual tenant shall not exceed 6 square feet in area. [43] Signs in a unified development shall be at least 10 feet from the outside perimeter boundary of the development. [4] In instances where the property upon which a short-term sign is located is actively marketed for sale or lease, the maximum duration may be extended until the property is no longer actively marketed.				
4. Additional Requirements	a. Temporary signs shall not require issuance of a Sign Permit but do require approval of a Temporary Permit.					
	ab. Temporary Short-term signs shall not be located within a street right-of-way.					
	be. Temporary Short-term signs may not be illuminated.					
	cf. Temporary Short-term signs shall not block windows or doors.					
	h. A temporary sign consisting of durable, UV resistant, professionally printed fabric stretched taught over an interior frame is permitted provided the sign does not show visible disrepair (fading, torn corners, etc.).					

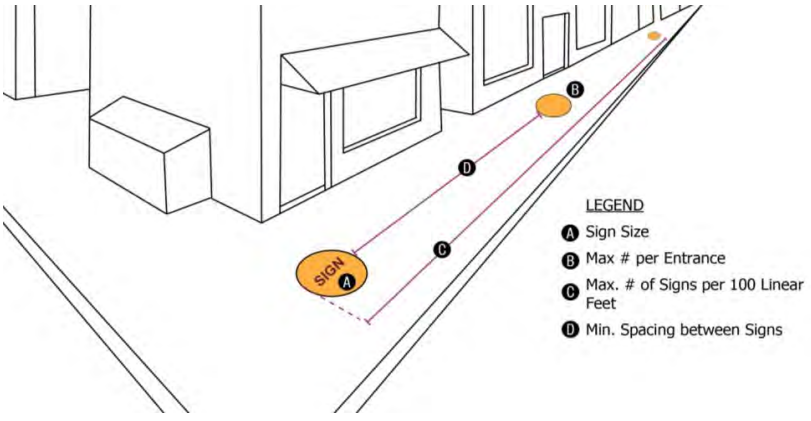
5. Sample Calculation



E. SOCK SIGN

1. Definition	A temporary sign constructed of cloth, plastic, or other flexible material designed to fit over, or on top of, and cover a pre-existing lawfully-established permanent sign. A sock sign is temporary covering of pre-existing signage intended to remain in place only while new permanent signage is being fabricated. Sock signs are removed following installation of new permanent signage.					
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 Signs per Lot	Same as the number of lawfully-established existing signs being covered [1]				
	Maximum Height	Same as the height of the lawfully-established existing sign being covered [2]				
	Maximum Sign Face Area per Individual Sock Sign	Same as the face area of the lawfully-established existing sign(s) being covered				
	Maximum Sign Face Area of all Sock Signs per Lot	Same as the total face area all of lawfully-established existing signs being covered				
	Maximum Duration	90 consecutive days from the date the permanent replacement signage is approved by the Town				
	NOTES:	[1] Sock signs may not be placed over or instead of any temporary signs. [2] Sock signs shall not project higher than the top of the sign face area being covered, regardless of how the existing sign is mounted				
4. Additional Requirements	a. Sock signs shall be fitted to the existing sign being covered and shall be tied or mechanically-attached to the existing sign, wall, or sign-support structure.					
	b. Sock signs that are torn, ripped, or visibly damaged shall be removed and replaced, but in no instance shall a sock sign remain in place for longer than the maximum duration.					
5. Sample Calculation						

F. WALKWAY DECAL SIGN

1. Definition	A sign temporary sign comprised of vinyl or other soft material (but not paint) that is applied to the surface of a sidewalk or pedestrian walkway via adhesive. The decal is comprised of thin material with a thin layer of adhesive so as to avoid becoming a tripping hazard. A walkway decal sign is intended for visibility by persons walking along the walkway.					
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 Size	Six square feet [1]				
	Maximum Number of Decals per Primary Building Entrance	One [2]				
	Maximum Number of Decals per 100 Linear Feet of Sidewalk or Walkway	Three				
	Minimum Spacing Between Decals	At least 30 feet from sign edge to sign edge				
	Maximum Duration	One per tenant for a total of 90 days per calendar year [3]				
	NOTES:	[1] No single decal dimension shall exceed three feet in any direction. [2]Shall be no closer than 12 inches from the back of the curb or to the edge of the walking surface. [2] Limited to no more than three occurrences per calendar year with at least 10 days between occurrence.				
4. Additional Requirements	a. Decals located within the public right-of-way shall require an encroachment agreement.					
	b. Decals shall not be affixed atop gravel, crushed stone, grass, soil, or other soft surface.					
	c. Decals shall be comprised of vinyl or other pliable material and in no instance shall they be thicker than one-eighth of an inch nor extend more than one quarter of an inch above the walkway surface.					
	d. Decals shall be removeable upon demand, and shall be properly maintained so as to avoid becoming a tripping hazard.					
	e. In no instance shall a decal be configured to appear as an official traffic or public safety sign.					
5. Sample Calculation						

C. FILL MATERIAL

Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete, and brick in sizes exceeding 12 inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.

D. GROUND COVER

Whenever land-disturbing activity is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 14 calendar days following completion of construction or development if an NCG01 permit is required. Unless where otherwise specified in the Act or the rules of this Chapter, provisions for permanent ground cover sufficient to restrain erosion shall be accomplished within 90 calendar days following completion of construction or development.

E. PRIOR PLAN APPROVAL

No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract unless, 30 or more days prior to initiating the activity, a plan for the activity is filed with and approved by the Town. The land-disturbing activity may be initiated and conducted in accordance with the plan once the plan has been approved.

F. DE-WATERING

The Town shall forward to the Director of the Division of Water Resources a copy of each plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

G. PLAN APPROVAL REQUIRED

1. The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.
2. All individuals that obtain a state or locally-approved erosion and sedimentation control plan that disturb one acre or more of land are required by the U.S. Environmental Protection Agency to obtain coverage under the N.C. Department of Environmental Quality Construction General Permit No. NCG010000 (NCG01). The requirements in NCG01 for temporary or permanent ground cover may differ from the ground cover, or stabilization, requirements in this chapter. It is the responsibility of the person conducting the land-disturbing activity to ensure compliance with the NCG01.

6.14.4 EFFECTIVE DATE

This section shall be effective on January 1, 2021.

6.14.5 VIOLATIONS

Violations of these provisions shall be addressed in accordance with Chapter 7, Violations, including Section 7.9, Violation of Soil Erosion and Sedimentation Controls~~Violation of Soil Erosion and Sedimentation Controls~~.

6.14.6 EROSION AND SEDIMENTATION CONTROL PLANS

A. PLAN SUBMISSIONS

1. A plan shall be prepared and submitted to the Town 30 days prior to disturbance for all land-disturbing activities subject to this section whenever the proposed activity will disturb an area of 1 acre or more ~~than one acre on a tract~~.
2. Plans should be submitted per current Town standard procedures and policies.
3. Application fees for review of an erosion and sedimental control plan shall be in accordance with the Town's adopted fee schedule. **AMENDED 4.15.24 (UDOTA1-24)**

B. FINANCIAL RESPONSIBILITY AND OWNERSHIP

1. Plans shall be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the person financially responsible; (2) the owner of the land; and (3) any registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this section, or rules or orders adopted or issued pursuant to this section. Except as provided in Section 6.14.6C, Utilities~~Utilities~~, and Section 6.14.6K, Plan Appeals~~Plan Appeals~~, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.
2. Plans shall be disapproved unless accompanied by documentation of property ownership.

C. UTILITIES

If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

D. PERFORMANCE GUARANTEE

1. A performance guarantee, configured in accordance with Section 2.3.20, Performance Guarantee~~Performance Guarantee~~, is required to ensure that stabilization of the site is achieved throughout the disturbed area in the event the contractor is unable to complete the project and shall be paid to the Town prior to the issuance of the Land Disturbance Permit.
2. The guarantee amount shall be equal to $1,500/acre of land disturbance rounded to the nearest half acre.
3. The guarantee will be released once a certificate of completion is issued by the Town. A certificate of completion will be provided when the site is stabilized with a sufficient amount of ground cover to prevent erosion, or permanent mow-able planting with 100 percent coverage and 80 percent growth with no large bare patches.
4. The Town may cash the guarantee if the site is issued a continuing violation notice for ground stabilization.

E. ENVIRONMENTAL POLICY ACT DOCUMENT

Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environment Policy Act (NCGS§ 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town shall promptly notify the person submitting the plan that the 30-day time limit for review of the plan pursuant to this section shall not begin until a complete environmental document is available for review.

F. CONTENT

The plan required by this section shall contain architectural or engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with these requirements. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the Town on request.

G. TIMELINE FOR DECISIONS ON PLANS

1. The Town will review each complete plan submitted to them and within 30 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, or disapproved.
2. Failure to approve, approve with modifications, or disapprove a complete plan within 30 days of receipt shall be deemed approval, the same as the 30-day initial plan review. **AMENDED 4.15.24 (UDOTA1-24)**
3. The Town of Clayton will review each revised plan submitted to them and within 15 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, or disapproved.

H. APPROVAL

1. The Town shall only approve a plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and State water quality laws, regulations, and rules.
2. The Town shall condition approval of plans upon the applicant's compliance with federal and State water quality laws, regulations, and rules.
3. Plan approval is contingent on land-disturbing activity commencing within a year of Land Disturbing Permit issuance.
4. Issuance and regulation of a Land Disturbance Permit shall be in accordance with Section 2.3.17, Land Disturbance Permit~~Land Disturbance Permit~~.

I. DISAPPROVAL FOR CONTENT

The Town may disapprove a plan or draft plan based on its content. A disapproval based upon a plan's content must specifically state in writing the reasons for disapproval.

J. OTHER DISAPPROVALS

1. The Town shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters.
2. The Town may disapprove an erosion and sedimentation control plan in accordance with Section 6.14.6K, Plan Appeals~~Plan Appeals~~, or disapprove a transfer of a plan under Section 6.14.6L, Transfers, upon finding than an applicant or a parent, subsidiary, or other affiliate of the applicant: **AMENDED 4.15.24 (UDOTA1-24)**

a. Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Town pursuant to this section and has not complied with the notice within the time specified in the notice.
b. Has failed to pay a civil penalty assessed pursuant to these standards by the time the payment is due.
c. Has been convicted of a misdemeanor pursuant to NCGS§ 113A-64(b) or other aspect of these standards.
d. Has failed to substantially comply with State rules or these regulations.

3. In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by the Town pursuant to this sub-section, the Town shall notify the Director of the Division of Energy, Mineral, and Land Resources within ten days of the disapproval. The Town shall advise the applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 6.14.6K, Plan Appeals~~Plan Appeals~~, the applicant may appeal the local government's disapproval of the plan directly to the Commission.
4. For purposes of this section, an applicant's record or the proposed transferee's record may be considered for only the two years prior to the application date.

K. PLAN APPEALS

1. The appeal of a disapproval or approval with modifications of a plan shall be governed by the following provisions:
   a. The disapproval or modification of any proposed plan by the Town, may be appealed in accordance with Section 2.3.4, Appeal~~Appeal~~.
   b. If the Board of Adjustment upholds the disapproval or modification of a proposed plan following the hearing, the person submitting the plan shall then be entitled to appeal the decision to the Commission as provided NCGS§ 113A-61(c) and 15A NCAC 4B.0118(d).
2. In the event that a plan is disapproved pursuant to Section 6.14.6J, Other Disapprovals~~Other Disapprovals~~, the applicant may appeal the Town's disapproval directly to the Commission.

L. TRANSFERS

The Town may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this section.

1. The Town may transfer a plan if all of the following conditions are met:
   a. The successor-owner of the property submits to the Town a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.
   b. The Town finds all of the following:
      i. The plan holder is one of the following:
         1. A natural person who is deceased.
         2. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
         3. A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.

iv. A record of any significant deviation from any erosion or sedimentation control measure from that on the approved plan. For the purpose of this rule, a "significant deviation" means an omission, alternation, or relocation of an erosion or sedimentation control measure that prevents it from performing as intended. The record shall include measures required to correct the significant deviation, along with documentation of when those measures were taken. Deviations from the approved plan may also be recommended to enhance the intended performance of the sedimentation and erosion control measures.

B. OTHER INSPECTIONS AND INVESTIGATIONS

1. INSPECTION

Agents, officials, or other qualified persons authorized by the Town, will periodically inspect land-disturbing activities to ensure compliance with the Act, this section, or rules or orders adopted or issued pursuant to this section, and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each plan.

2. WILLFUL RESISTANCE, DELAY OR OBSTRUCTION

No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Town, while that person is inspecting or attempting to inspect a land-disturbing activity under this section.

3. NOTICE OF VIOLATION

If the town determines that a person engaged in land-disturbing activity has failed to comply with the Act, this section, or rules or orders adopted or issued pursuant to this section, a notice of violation shall be served upon that person in accordance with Section 7.5, Enforcement Procedure~~Enforcement Procedure~~.

4. INVESTIGATION

The Town shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this section, and who presents appropriate credentials for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.

5. STATEMENTS AND REPORTS

The Town shall also have the power to require written statements, or filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.

6.14.8 BASIC CONTROL OBJECTIVES

A. OBJECTIVES

An erosion and sedimentation control plan may be disapproved if the plan fails to address the following control objectives:

1. IDENTIFY CRITICAL AREAS

On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

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;
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; and
10. Assigning responsibility and processes for approving the creation and maintenance of adequate drainage.

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, unless exempted in accordance with Section 6.15.4C, Exemptions~~Exemptions~~.

B. ESTABLISHMENT OF VESTED RIGHTS

Vested rights are established in accordance with Section 1.11, Vested Rights~~Vested Rights~~, and Section 2.3.32, Vested Rights Certificate~~Vested Rights Certificate~~.

C. EXEMPTIONS

The following forms of development and actions shall be exempted from the requirements in this section:

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.

6.15.6 EFFECTIVE DATE

These standards shall take effect on January 2, 2024.

6.15.7 REVIEW PROCEDURES

A. PERMITS

Stormwater Permits shall be reviewed and decided in accordance with Section 2.3.24, Stormwater Permit~~Stormwater Permit~~.

B. VARIANCE

Variance from the standards in this section shall be in accordance with Section 2.3.31, Variance~~Variance~~.

C. APPEALS

Appeals of decisions of the Stormwater Administrator regarding these standards shall be in accordance with Section 2.3.4, Appeal~~Appeal~~.

6.15.8 STANDARDS

All development and redevelopment subject to these standards shall comply with the following:

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.

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~~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[115]

a. AMOUNT
The amount of a maintenance guarantee shall be ~~25~~ 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 2.3.20F, Form~~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. RELEASE~~
~~A maintenance guarantee shall not be released, but instead shall be held by the Town until the associated BMP or SCM is lawfully removed by the owner or responsible party.~~

E. 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.

[115] See STN # 3.

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. 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. 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. 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 ENFORCEMENT

Enforcement of the standards in this section shall be in accordance with Chapter 7, Violations, and Section 7.10, Violation of Stormwater Controls~~Violation of Stormwater Controls~~.

6.16 SUBDIVISION DESIGN

6.16.1 PURPOSE AND INTENT

The purpose of this section is to establish standards for the subdivision of land and extension of public infrastructure in the Town's planning jurisdiction. More specifically, this section is intended to:

A. Provide for the orderly growth and development of the Town;
B. Maintain conditions essential to the public's health, safety, and welfare;
C. Facilitate the further re-subdivision of larger tracts into smaller parcels of lands and individual lots, where appropriate;
D. Coordinate the provision of streets within and contiguous to proposed subdivisions;
E. Provide for the dedication or reservation of rights-of-way, and easements, in accordance with the Town's adopted policy guidance; and
F. Ensure lots and public infrastructure are configured in ways that ensure public safety, easy maintenance, and good planning practice.

6.16.2 APPLICABILITY

Unless exempted in accordance with Section 6.16.3, Exemptions~~Exemptions~~, any division of land consistent with the definition of a subdivision in Section 8.3, Terms Defined~~Terms Defined~~, that is located within the Town's planning jurisdiction or the subject of a development agreement to become part of the Town's planning jurisdiction at some point in the future shall comply with the requirements of this section, the standards in Chapter 6, Standards, and the relevant application procedures in Chapter 2, Applications.

6.16.3 EXEMPTIONS

The following divisions of land shall be exempt from these subdivision standards:

A. Exempt subdivisions in accordance with Section 2.3.14, Exempt Subdivision~~Exempt Subdivision~~;
B. Court-ordered subdivisions that comply with Chapter 29 of the North Carolina General Statutes;
C. In no instance shall any division of land be exempted from the standards in the following sections:
1. Section 6.1, Access and Circulation~~Access and Circulation~~;
2. Section 6.5, Infrastructure~~Infrastructure~~;
3. Section 6.11, Resource Conservation Areas~~Resource Conservation Areas~~;
4. Section 6.12, Riparian Buffers~~Riparian Buffers~~;
5. Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~, unless the amount of land disturbance is below established thresholds; and
6. Section 6.15, Stormwater~~Stormwater~~.

6.16.4 APPROVAL AND RECORDATION OF PLATS REQUIRED

A. No subdivision of land within the Town's planning jurisdiction, as defined in Section 8.3, Terms Defined~~Terms Defined~~, shall occur, and no lot or parcel created by such division of land may be conveyed or developed unless the division complies with the standards of this Ordinance as well as the applicable standards in Section 2.3.18, Limited Subdivision~~Limited Subdivision~~, or Section 2.3.19, Major Subdivision~~Major Subdivision~~, ~~or Section 2.3.18, Minor Subdivision~~, as appropriate.
B. Subdivisions of land subject to these standards shall be recorded in the office of the Johnston County Register of Deeds following approval of the plat by the Town.
C. The owner of land or an authorized agent shall sign a statement on the plat prior to recordation that states whether or not all the land shown on the plat is within the Town's planning jurisdiction.

D. No subdivision plat of land within the Town's planning jurisdiction that is subject to these standards shall be filed or recorded until it has been approved by the Town in accordance with this Ordinance.

E. The Johnston County Register of Deeds shall not file or record a subdivision plat for land located within the Town's planning jurisdiction without evidence that the division has been approved by the Town, or is not subject to this Ordinance.

6.16.5 EASEMENTS

Subdivisions including infrastructure, as defined in Section 8.3, Terms Defined~~Terms Defined~~, shall comply with the standards in Section 6.5.7, Easements~~Easements~~.

6.16.6 LANDSCAPING

Subdivisions shall be subject to the applicable standards for perimeter buffers, street trees, and streetscape landscaping in Section 6.6, Landscaping and Screening~~Landscaping and Screening~~.

6.16.7 LOT CONFIGURATION

All lots shall be configured in accordance with the standards in Section 3.4.3, Required Lot Configuration~~Required Lot Configuration~~, or Section 3.4.5, Special Purpose Lots~~Special Purpose Lots~~, as applicable.

6.16.8 MONUMENTS

Monuments shall be included as part of any subdivision, and shall be configured in accordance The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, and the following:

A. Markers shall be set at all lot corners, points of curvature, points of tangency, and at all points with a change in bearings; and

B. The location and type of all markers used shall be indicated on the Final Plat.

6.16.9 REASONABLE RELATIONSHIP

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

6.16.10 SCHOOL SITE RESERVATIONS

A. When a Major Subdivision application is submitted for approval and school site is identified on the site in the Town's or the County's adopted policy guidance, the school site shall be reserved and the Planning Director shall notify the County Board of Education that the subdivision has been submitted for approval.

B. In reviewing the subdivision and giving approval the Planning Director shall consult the Board of Education in determining the exact size and location of any school site to be reserved therein.

C. Before the Final Plat of the subdivision is approved, the Board of Education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the Board of Education does wish to have a school site reserved in the subdivision, the subdivider shall reserve a school site of a size and location agreeable to the Board of Education and the Planning Director.

D. The Board of Education shall then have 18 months, beginning on the date of the final approval of the subdivision, within which to acquire the site. If the Board of Education has not purchased or begun proceedings to acquire the site within 18 months after the subdivision is finally approved, the applicant may proceed to dispose of the reservation and develop the area in accordance with the subdivision procedure and provisions of this Ordinance.

6.17 SUSTAINABLE DEVELOPMENT INCENTIVES

6.17.1 HOW TO USE THESE INCENTIVES

These sustainable development incentives are intended to reward applicants and forms of development that are configured in ways that conserve resources or are better able to withstand damaging natural hazards. Rewards take the form of increased maximum residential densities, increased maximum building heights, or reductions from other kinds of development standards such as required off-street parking or maximum sign face area.

A. Applicants seeking to take advantage of these sustainable development incentives should first understand the type of incentives available in accordance with Section 6.17.4, Type of Incentives~~Type of Incentives~~.

B. Once the preferred type of incentive(s) is determined, an applicant should review Section 6.17.5, Procedure~~Procedure~~, in order to determine the minimum number and type(s) of sustainable development practices required to take advantage of the desired incentive(s).

C. Each type of incentive requires provision of one or more types of sustainable development practice from each of two different schedules (Schedule A and Schedule B).

D. The sustainable development practices are listed, by schedule type, in Table 6.17.6, Menu of Sustainable Development Practices.

E. The types of sustainable development practices to be provided are at the applicant's discretion, but the minimum number of practices from each schedule must be provided in order to benefit from a sustainable development incentive. Nothing shall limit the Town Council from including a condition of approval that specifies the use of one or more particular types of sustainable development practice should an applicant decide to pursue a sustainable development incentive.

F. Site Plans, Subdivision Plats, Concept Plans, and other application materials shall identify the type(s) of incentives sought and the sustainable development practices provided.

6.17.2 PURPOSE AND INTENT

In an effort to encourage sustainable development practices as a means of addressing climate change and the need for more resilient development practices, the protection of natural resources, and ensuring a high quality of life for future Town residents, this Ordinance provides the following sustainable development practice incentives.

6.17.3 APPLICABILITY

The incentives included in this section are available to any new development in the Town's planning jurisdiction unless use of an incentive or inclusion of a particular sustainable development feature has been limited as a condition of approval or is prohibited by State or federal law.

6.17.4 TYPE OF INCENTIVES

A. Development integrating sustainable development practices in accordance with the provisions of this section shall be eligible for incentives identified in Table 6.17.4, Sustainable Development Practice Incentives.

B. Development may include a sufficient number of sustainable development practices to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this sub-section.

TABLE 6.17.4: SUSTAINABLE DEVELOPMENT PRACTICE INCENTIVES		
TYPE OF INCENTIVE	MINIMUM NUMBER OF SUSTAINABLE DEVELOPMENT PRACTICES NECESSARY TO UTILIZE INCENTIVE	
	FROM SCHEDULE A	FROM SCHEDULE B
A density bonus of up to ten~~one~~ additional dwelling unit per acre beyond the maximum allowed in the base zoning district [1]	1	2
A density bonus of up to 20~~two~~ additional dwelling units per acre beyond the maximum allowed in the base zoning district [2]	1	3
A density bonus of up to ~~three~~ 30 additional dwelling units per acre beyond the maximum allowed in the base zoning district [2]	2	4
An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district	2	3
A reduction from the minimum parking space requirements by 15 percent, or an increase to the maximum allowable number of parking spaces provided by 15 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or ground-based signs by 10 percent	1	3
Mass grading of 10 acres or more in area of a phase, single lot, Major Subdivision, or Unified Development [3]	2	1
NOTES: [1] All zoning district dimensional requirements still apply. [2] Zoning district dimensional requirements may be reduced in accordance with the standards and procedures for an Administrative Adjustment. [3] Practices shall be specifically from the "Water Conservation and Quality Protection" section of Table 6.17.6: Menu of Sustainable Development Practices.		

6.17.5 PROCEDURE

A. Development seeking to use incentives in this section shall include a written request with the development application that identifies the type of sustainable development practice proposed and demonstrates how compliance with the standards will be achieved.

B. Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of a Site Plan, Subdivision, Type 3 Conditional Rezoning, Special Use Permit, or Building Permit, as appropriate. The review authority responsible for review of the development application shall also be responsible for the review of sustainable development incentive request.

C. Approval of use of a particular incentive shall be based on the number of sustainable development practices provided, in accordance with Table 6.17.4, Sustainable Development

Practice Incentives, and Table 6.17.6, Menu of Sustainable Development Practices. To obtain the right to a particular incentive, development shall provide the minimum number associated of sustainable development practices from both schedule A and schedule B in the table below.

D. In cases where a proposed development seeks to combine two or more development incentives, the minimum number of required sustainable development practices for each individual incentive shall be provided.

6.17.6 MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

One or more of the sustainable development practices in Table 6.17.6, Menu of Sustainable Development Practices, may be offered by an applicant for proposed development in accordance with Table 6.17.4, Sustainable Development Practice Incentives. An applicant may suggest a practice not listed, approval of which shall require approval via a Determination (see Section 2.3.11, DeterminationDetermination) by the Planning Director.

TABLE 6.17.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

SCHEDULE [1]	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
ENERGY CONSERVATION		
A	Inclusion of solar photovoltaic panels or small wind energy facilities in an amount capable of producing 900 kilowatt hours of electricity per month for each dwelling or principal use in the development	Indication on Ssite pPlan
A	Use of central air conditioners that are Energy Star qualified	Provision of manufacturer's certification statement
A	Use of only solar water heating systems throughout the structure	Inclusion on Cconstruction Ddrawings
A	Use of a white roof or roofing materials with minimum reflectivity rating of 60 percent or more	Provision of materials sample and manufacturer's certification statement (statement not required for white roofs)
A	Pre-plumb and pre-wire structures for solar water heating and photovoltaic installation	Indication on Ssite Pplan
B	Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	Indication on Ssite pPlan

TABLE 6.17.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

SCHEDULE [1]	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
B	Roof eaves or overhangs of three feet or more on southern or western elevations	Indication on Ssite Pplan
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	Inclusion on Cconstruction dDrawings
B	Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building facade	Indication on Ssite Pplan
B	Shade impervious surfaces and southern/western building exposures to limit heat gain	Indication on Ssite Pplan
B	Inclusion of on-demand hot water systems instead of tank-based systems	Indication on Ssite pPlan
B	Configuration of new buildings with one axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	Indication on Ssite pPlan
BB	Inclusion of electrical transmission lines and transformers capable of providing sufficient electrical current to the development to power EV charging facilities for each principal use	Indication on Cconstruction Ddrawings
CERTIFICATION		
AAA	Construction of the principal structure(s) to meet or exceed LEED Platinum certification standards	Provision of verification of project compliance by certifying agency (may be provided within one year following occupancy)
AA	Construction of the principal structure(s) to meet or exceed LEED Gold certification standards	
BBB	Construction of the principal structure(s) to meet or exceed LEED Silver certification standards	
BB	Construction of the principal structure(s) to meet or exceed LEED Bronze certification standards	
AAA	Construction of the principal structure(s) to meet or exceed BREEAM "Excellent" certification standards	
AA	Construction of the principal structure(s) to meet or exceed BREEAM "Very Good" certification standards	

TABLE 6.17.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

SCHEDULE [1]	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
BBB	Construction of the principal structure(s) to meet or exceed BREEAM "Good" certification standards	
BB	Construction of the principal structure(s) to meet or exceed BREEAM "Pass" certification standards	
AAA	Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Emerald" certification standards	
AA	Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Gold" certification standards	
BBB	Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Silver" certification standards	
BB	Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Bronze" certification standards	
AA	Green Globes certification for new construction or an existing building, as appropriate	
A	Construction of the principal structure(s) to meet some other recognized organization's sustainability standards, as determined by the Technical Review Committee	
WATER CONSERVATION AND QUALITY PROTECTION		
AA	Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rain water	Indication on Ssite Pplan
AA	Configuration of a development that avoids placement of principal or secondary structures outside the 500-year floodplain boundary	
A	The development provides a minimum of five percent Resource Conservation Area or addition thereof any Resource Conservation Area requirements.	Indication on Ssite Pplan or Preliminary ~~subdivision p~~Plat
A	The development retains a minimum of 80 percent of the pre-development drainage areas within their natural basins.	

TABLE 6.17.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

SCHEDULE [1]	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
A	The doubling of a required perimeter buffer width and number of plantings.	
A	The development is a Conservation Subdivision.	Indication on Conservation and Development Plan
A	Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons	Inclusion on ~~c~~Construction D~~d~~rawings
A	Provision of bio-retention area(s) or other appropriate stormwater infiltration system(s) of at least 700 square feet in area	Indication on Site Plan or Preliminary Plat~~Indication on site plan~~
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required	
B	Provision of bio-retention area(s) or other appropriate stormwater infiltration SCM systems of at least 100 square feet in area (includes features in off-street parking lots)	
B	Removal of all lawn or turf in favor of living ground cover	
B	Use of xeriscape landscaping techniques without irrigation	
B	Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters	
B	Use of permeable surfacing on 50 percent or more of the vehicular use area	
~~AA~~	~~Configuration of a development that avoids placement of principal or secondary structures outside the 500-year floodplain boundary~~	~~Indication on site plan or subdivision plat~~
BUILDING CONFIGURATION		
AA	Compliance with the multi-family residential design standards in Section 6.2.4, Multi-Family Design Standards~~Multi-Family Design Standards~~, for single-family attached development	Indication on S~~s~~ite P~~p~~lan & signature on statement of consent
B	Exceeding minimum design standards requirements in Section 6.2, Design Standards and Guidelines~~Design Standards and Guidelines~~	

TABLE 6.17.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

SCHEDULE [1]	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
A	Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1)	Inclusion on Cconstruction Ddrawings
A	Construction of the principal structure to a design wind speed standard of 160 mph	Signed attestation from a qualified NC licensed engineer
B	Inclusion of 2 to 4 dedicated off-street parking spaces devoted to electrical vehicle charging via a level 1 or level 2 EV charging station	Indication on Ssite Pplan
BB	Inclusion of 5 or more dedicated off-street parking spaces devoted to electrical vehicle charging via level 1 or level 2 EV charging stations	
A	Inclusion of 2 to 4 dedicated off-street parking spaces devoted to electrical vehicle charging via a level 3 EV charging station	
AA	Inclusion of 5 or more dedicated off-street parking spaces devoted to electrical vehicle charging via level 3 EV charging stations	
A	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	
A	Setback of a second- or higher story primary building façade wall from a multi-family building's first floor primary façade plane by 12 feet or more	
B	Include operable windows on all building sides	
B	Provision of on-site transit facilities (e.g., designated park-and-ride parking spaces, bus shelters, or similar features)	
B	Inclusion of showering and dressing facilities in non-residential developments for employees using alternative forms of transportation	Inclusion on Cconstruction Ddrawings
B	Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclable generated on-site	Indication on Ssite Pplan

TABLE 6.17.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES		
SCHEDULE [1]	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
B	Setback of a second- or higher story primary building façade wall from a multi-family building's first floor primary façade plane by six feet or more	
RESIDENTIAL DESIGN STANDARDS		
BB	Voluntary compliance with applicable residential design guidelines	Indicate on Site Plan
NOTES: [1] In cases where there are two or more letters listed in the Schedule column, the sustainable development practice qualifies as two or three sustainable development practices.		

6.17.7 FAILURE TO INSTALL OR MAINTAIN SUSTAINABLE DEVELOPMENT PRACTICES

The failure to install or maintain approved sustainable development practices is a violation of this Ordinance, shall render the subject development nonconforming, and may result in revocation of the authorization for use of sustainable development practice incentives.

7.1 PURPOSE AND INTENT

This Chapter identifies the range of activities commonly considered as violations of this Ordinance and sets out the process used by the Town to investigate and remedy identified violations. These provisions are intended to encourage the voluntary correction of violations where possible, rather than to simply punish violators.

7.2 COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and provisions of this Ordinance, as well as with conditions of approval applied under this Ordinance, is required by all persons owning, developing, managing, using, or occupying land or structures in the Town.

7.3 DESCRIPTION OF VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance and by State law:

7.3.1 DEVELOPMENT WITHOUT AUTHORIZATION

Engaging in the development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plan approvals, permits, certificates, or other forms of authorization as set forth in this Ordinance.

7.3.2 DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or related activity of any nature in any way inconsistent with any approved plan, plat, permit, certificate, or other form of authorization granted for such activity.

7.3.3 VIOLATION BY ACT OR OMISSION

Violating, by act or omission, any term, variance, modification, adjustment, condition, requirement, or qualification placed upon any required plan, plat, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon.

7.3.4 USE IN VIOLATION

Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby.

7.3.5 SUBDIVIDE LAND IN VIOLATION

Subdividing land in violation of this Ordinance, or transferring land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the Register of Deeds in the county where the subdivision is located.

7.3.6 VIOLATION OF ENVIRONMENTAL REGULATIONS

Failing to follow or violating the rules or regulations of Section 6.15, Stormwater~~Stormwater~~; Section 6.12, Riparian Buffers~~Riparian Buffers~~; Section 3.7.2 FPOD Flood Protection Overlay District~~FPOD Flood Protection Overlay District~~; and Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~.

7.3.7 REMOVAL OF EXISTING TREES SUBJECT TO PROTECTION

Removal of all or substantially all existing trees at or above four inches in caliper from a lot, tract, or development site, including lots designated for use by single-family detached residential dwellings, prior to receipt of all required approvals in accordance with Section 2.3, Application Types~~Application Types~~.

7.3.8 CONTINUING OR REPEATING A PRIOR VIOLATION

Where a violation of the same nature has been issued to the same violator at the same property within two years and the violation continues or is repeated, the violation shall be treated as an on-going violation.

7.4 ENTITY RESPONSIBLE FOR VIOLATION

7.4.1 GENERALLY

Any of the following parties associated with or participating in a situation that is contrary to the requirements of this Ordinance may be jointly or separately held responsible for a violation and subject to the penalties and remedies provided in this Ordinance:

A. A property owner(s);
B. A tenant or occupant of any land, building, structure, sign, use of land, or part thereof;
C. A permit or approval holder;
D. A contractor or designated agent;
E. An architect, engineer, or builder; or
F. Any person conducting the violating activity.

7.4.2 FAILURE BY TOWN DOES NOT RELIEVE INDIVIDUAL

Except as authorized under Section 7.7, Statute of Limitations~~Statute of Limitations~~, failure of a Town official charged with enforcement responsibility to observe or recognize conditions which violate this Ordinance, or to deny the issuance of a development permit, shall not relieve the applicant or landowner from responsibility for the condition or damages that may result and shall not result in the Town, its officers, or agents being responsible for conditions or damages.

4. TIME PERIOD FOR CORRECTION

The time period in which the violation must be corrected;

5. PENALTIES THAT MAY BE ASSESSED

That penalties or remedies may be assessed if the violation is not addressed within the time period for correction; and

6. APPEAL

That the responsible entity has the right to appeal the notice in accordance with Section 2.3.4, Appeal~~Appeal~~.

B. DELIVERY OF WRITTEN NOTICE

1. The notice of violation shall be delivered to the responsible entity and the landowner if the landowner is not the responsible entity, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.
2. The notice of violation may be posted on the property.
3. The Town official providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
4. In the case of notice for a potential soil erosion and sedimentation violation, notice shall be issued by any means authorized under NCGS§ 1A-1, Rule 4, pursuant to NCGS§ 113A-61.1(c). **AMENDED 4.15.24 (UDOTA1-24)**

C. INITIAL NOTICE SHALL CONSTITUTE FINAL NOTICE

The initial written notice of a violation shall constitute final notice regarding a violation, though additional written notice may be provided, in the sole discretion of the Planning Director or other designated Town official.

7.5.4 REMEDY UPON NOTICE

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the time period for correction stated in the notice of violation.

7.5.5 FAILURE TO COMPLY WITH ORDER

If the landowner or responsible entity fails to comply with a notice of violation from which no appeal has been taken, or fails to comply following a final decision by the Board of Adjustment on an appeal, the landowner or responsible entity shall be subject to such remedies and penalties as may be provided for by State law or Section 7.6, Remedies~~Remedies~~.

7.5.6 EACH DAY A SEPARATE VIOLATION

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

7.6 REMEDIES

Upon failure to address a notice of violation in accordance with this Ordinance, the Town may pursue any of the following remedies to correct the violation. Each of these remedies is cumulative and continuous to the maximum extent provided by State law. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

7.6.1 CIVIL PENALTIES

A. GENERALLY

Any responsible person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty of the minimum amount per day specified in the Town's adopted schedule of fees in accordance with Section 7.6.1B, Assessment~~Assessment~~, and any other applicable enforcement provisions in this Ordinance and the Town Code of Ordinances.

B. ASSESSMENT

The following procedure shall be applied by the Town in the assessment and collection of civil penalties.

1. NOTICE

a. NOTIFICATION REQUIRED

Civil penalties may not be assessed until the responsible entity in violation has been notified in accordance with Section 7.5, Enforcement Procedure~~Enforcement Procedure~~.

b. CIVIL PENALTY IMPOSED

If after receiving a written notice of violation under Section 7.5, Enforcement Procedure~~Enforcement Procedure~~, the responsible party fails to take corrective action or file an appeal, a civil penalty may be imposed in accordance with this section.

c. NOTICE OF PENALTY ASSESSMENT

Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.

d. ASSESSMENT CONTENTS

The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the responsible party, and shall direct the responsible party to pay the civil penalty within 30 days of the date of the notice.

e. SEPARATE NOTICES

Separate notices must be provided for the first or second violations. The Town may, in its discretion, treat the first notice for a violation as the final notice for chronic violators.

f. ASSESSMENT UNTIL COMPLIANCE

Civil penalties may be assessed until compliance is achieved.

C. CONTINUING VIOLATION

For each day the violation is not corrected, the responsible party shall be subject to an additional and separate offense and subject to additional civil penalty.

D. DEMAND FOR PAYMENT

1. If compliance is not achieved, then the Town shall make a written demand for payment of penalties that have accrued while the property has been in violation.
2. The demand for payment shall be sent to the responsible party in violation and must include a description of the violation for which the civil penalties have been imposed.
3. Payment of the penalty shall not constitute a remedy for the violation.

E. NONPAYMENT

If payment is not received or an equitable settlement reached within 30 days after demand for payment is made, the Town may recover any unpaid civil penalty by filing a civil action in the nature of debt.

F. PENALTIES

Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty for each succeeding violation over the course of a calendar year.

7.6.2 CONDITIONED PERMIT OR AUTHORIZATION

A. The Planning Director or other designated Town official may condition a permit, authorization, or other approval for land, subdivision, building, structure, sign, use, or development activity on the correction of the violation, payment of civil penalties, and/or the posting of a compliance guarantee approved by the appropriate governmental authority.

B. In no instance shall the authorization of any permit, certificate, or approval for one property with a violation or outstanding enforcement action be conditioned with the correction of a violation, payment of civil penalties within a specified time, or the posting of a compliance guarantee for a different property.

~~B.~~**C.** In no instance shall the Town withhold a permit or Certificate of Occupancy on one lot or site for an applicant's failure to comply with the provisions of this Ordinance on a different lot or site.[116]

7.6.3 CRIMINAL PENALTIES

Violations of certain environmental standards may subject the violator to the imposition of criminal penalties in accordance with the following sections:

A. Section 7.8, Violation of Flood Protection Controls~~Violation of Flood Protection Controls~~;

B. Section 7.9, Violation of Soil Erosion and Sedimentation Controls~~Violation of Soil Erosion and Sedimentation Controls~~;

C. Section 7.10, Violation of Stormwater Controls~~Violation of Stormwater Controls~~;

D. Section 7.11, Violation of Stream Buffer Controls~~Violation of Stream Buffer Controls~~; and

E. Section 7.12, Violation of Water Supply Watershed Controls~~Violation of Water Supply Watershed Controls~~.

7.6.4 DENIAL OF PERMIT OR AUTHORIZATION

The Planning Director or other designated Town official may withhold or deny a permit or other authorization for the same land, subdivision, building, structure, sign, use, or development activity in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted. In no instance shall the Town withhold issuance of a Building Permit or a Certificate of Occupancy for an applicant's failure to complete installation of required improvements or site features on a separate property subject to a different development approval.

7.6.5 EQUITABLE REMEDY

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by the responsible party as a defense to the Town's application for equitable relief.

[116] See STN # 3 and 20.

B. ORDER IN WRITING

1. The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work.
2. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
3. A copy of the order shall be delivered to the responsible party and to the owner of the property involved (if that person is not the responsible party) by personal delivery, electronic delivery, or first-class mail.
4. The Town official delivering the notice shall certify that the order was delivered, and that certificate shall be deemed conclusive in the absence of fraud.

C. APPEAL

Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with Section 2.3.4, Appeal~~Appeal~~. No further work or activity shall take place in violation of a stop work order until the ruling on the appeal has been made.

D. COMPLIANCE REQUIRED

Neither the responsible entity nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect unless the order is stayed in accordance with applicable State law.

7.7 STATUTE OF LIMITATIONS

Enforcement of violations of this Ordinance shall be in accordance with NCGS§ 1-49(3) and NCGS§1-51(5) of the North Carolina General Statutes.

7.8 VIOLATION OF FLOOD PROTECTION CONTROLS

7.8.1 VIOLATIONS TO BE CORRECTED

When the Floodplain Administrator finds violations of applicable State and Town laws, the Floodplain Administrator shall notify the responsible party(ies) of the violation. The responsible party(ies) shall immediately remedy each of the violations of law pertaining to their property.

7.8.2 ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION

If the responsible party(ies) fails to take corrective action within the timeframe specified by the Floodplain Administrator, the Floodplain Administrator shall give the responsible party(ies) written notice, by certified or registered mail to the party's last known address or by personal service, stating:

A. That the building or property is in violation of the flood damage prevention standards in this Ordinance;

B. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the responsible party(ies) shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

C. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

7.8.3 ORDER TO TAKE CORRECTIVE ACTION

A. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator finds that the building or development is in violation of the flood damage prevention standards in this Ordinance, they shall issue an order in writing to the responsible party(ies), requiring them to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days.

B. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in a lesser period, as may be feasible.

7.8.4 APPEAL

A. Any responsible party who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the Town Clerk within ten days following issuance of the final order.

B. In the absence of an appeal, the order of the Floodplain Administrator shall be final.

C. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

7.8.5 FAILURE TO COMPLY WITH ORDER

If the responsible party(ies) fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the party(ies) shall be guilty of a Class 1 misdemeanor pursuant to NCGS § 143-215.58 and shall be punished at the discretion of the court, and the standards in this section.

7.8.6 PENALTIES

A. Violation of the provisions of Section 3.7.2 FPOD Flood Protection Overlay District~~FPOD Flood Protection Overlay District~~, Section 2.3.16, Floodplain Permit~~Floodplain Permit~~, this section, or

7.9 VIOLATION OF SOIL EROSION AND SEDIMENTATION CONTROLS

Violations of the Town's erosion control and sedimentation standards (see Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~) shall be subject to the provisions of this Chapter as well as the following:

7.9.1 CIVIL PENALTIES

A. GENERALLY

Any responsible entity who accidentally or inadvertently violates any of the provisions of Section 2.3.22H.4, Erosion Control Permit~~Erosion Control Permit~~, or Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~, or who initiates or continues a land-disturbing activity for which an erosion control or sedimentation plan is required, or fails to comply with the provisions of an approved erosion control and sedimentation plan, shall be subject to a civil penalty in accordance with the following:

1. The maximum civil penalty amount the Town may assess per violation is $5,000.
2. A civil penalty may be assessed from the date of the violation, and each day of a continuing violation shall constitute a separate violation.
3. When the responsible entity has not been assessed any civil penalty under this section for any previous violation, and that responsible entity has abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this section for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is $25,000.

B. ENVIRONMENTAL IMPACTS

1. In addition to the civil penalties provided with the Town's fee schedule, the Town may also assess a one-time civil penalty of $5,000 on the day of the violation for off-site sedimentation damage especially in the case of damage to a body of water, wetlands, or riparian buffer.
2. Any malicious or intentional destruction of silt fencing or other sedimentation and erosion control device will result in a one-time civil penalty of up to $1,000.

C. REPEAT OFFENSES

1. An additional civil penalty of $1,000 per day shall be charged to any responsible entity assessed a civil penalty for any violation of these standards within the prior two years.
2. A responsible party may be assessed a civil penalty from the date the violation is detected if the deadline stated is not met.
3. Each day of a continuing violation shall constitute a separate violation.

D. CIVIL PENALTY ASSESSMENT FACTORS

The Engineering Director shall determine the amount of the civil penalty based upon the following factors:

1. The degree and extent of harm caused by the violation;
2. The cost of rectifying the damage;
3. The amount of money the responsible entity saved by noncompliance;
4. Whether the violation was committed willfully, and therefore subject to Section 7.6.3, Criminal Penalties~~Criminal Penalties~~; and

5. The prior record of the responsible entity in complying or failing to comply with the Town's standards for erosion and sedimentation control.

E. NOTICE OF PENALTY ASSESSMENT

1. The Engineering Director shall provide notice of the civil penalty amount and basis for assessment to the responsible entity in accordance with NCGS§ IA-1, Rule 4.
2. A notice of assessment shall direct the responsible entity to either pay the assessment, contest the assessment within 30 days by filing an appeal (see Section 2.3.4, Appeal~~Appeal~~), or file a request with the Town for remission of the assessment within 30 days of receipt of the notice of assessment. **AMENDED 4.15.24 (UDOTA1-24)**
3. In cases where a remission request is filed by a violator, is accepted by the Town, and resolves the violation , in the sole discretion of the Engineering Director, it shall be necessary to transmit the request to the Sedimentation Control Commission, and the Town shall resolve the violation and penalty assessment with the violator in accordance with NCGS§ 113A-64.2. Appeals of the decision of the Engineering Director shall be made to the Sedimentation Control Commission. **AMENDED 4.15.24 (UDOTA1-24)**
4. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to NCGS Chapter 150B and a stipulation of the facts on which the assessment was based.

F. REMISSION OF CIVIL PENALTY ASSESSMENT

A request for remission of a civil penalty imposed under NCGS§ 113A-64 may be filed with the North Carolina Sedimentation Control Commission within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to NCGS § 150B-31 and a stipulation of the facts on which the assessment was based. **AMENDED 4.15.24 (UDOTA1-24)**

G. COLLECTION

1. If payment is not received within 60 days after it is due, the Town may institute a civil action to recover the amount of the assessment.
2. The civil action may be brought in the Johnston County Superior Court, or the County Superior Court of the responsible entity's residence or principal place of business.
3. Such civil actions must be filed within three years of the date the assessment was due.
4. An assessment that is not contested and a remission that is not requested is due when the responsible entity is served with a notice of assessment.
5. An assessment that is contested or a remission that is requested is due at the conclusion of the administrative and judicial review of the assessment.
6. Penalties collected by the Town shall be forwarded to the Civil Penalty Forfeiture Fund in accordance with NCGS § 115C-457.2. **AMENDED 4.15.24 (UDOTA1-24)**

7.9.2 CRIMINAL PENALTIES

Any person who knowingly or willfully violates any provision of Section 2.3.22H.4, Erosion Control Permit~~Erosion Control Permit~~, or Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion control and sedimentation plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor pursuant to NCGS§ 113A-64. Any responsible entity who engages in this conduct shall, upon conviction thereof, be fined not more than $5,000.

7.9.3 RESTORATION AFTER NON-COMPLIANCE

The Town, may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by Section 6.14, Soil Erosion & Sedimentation Control~~Soil Erosion & Sedimentation Control~~, and NCGS§ 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

7.10 VIOLATION OF STORMWATER CONTROLS

7.10.1 GENERALLY

A. AUTHORITY TO ENFORCE

The stormwater provisions in this Ordinance (see Section 6.15, Stormwater~~Stormwater~~) shall be enforced by the Stormwater Administrator, or a designee.

B. VIOLATION UNLAWFUL

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by the stormwater standards in this Ordinance, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this Ordinance, is unlawful and shall constitute a violation subject to the standards in this section and applicable State law.

C. EACH DAY A SEPARATE OFFENSE

Each day that a violation continues shall constitute a separate and distinct violation or offense.

D. RESPONSIBLE PARTIES

1. Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair, or maintain any structure, SCM, practice, or condition in violation of this Ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section.
2. Parties subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs.
3. For the purposes of this section, responsible party(ies) shall include but not be limited to:

   a. PERSON MAINTAINING CONDITION RESULTING IN OR CONSTITUTING VIOLATION

   An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of the stormwater provisions in this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists.

   b. RESPONSIBILITY FOR LAND OR USE OF LAND

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~~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.

7.12.2 ACCIDENTAL VIOLATION MAY RESULT IN CIVIL PENALTY

A. Accidental violation of the water supply watershed protection standards shall be subject to the standards applicable to a civil penalty (see Section 7.6.1, Civil Penalties~~Civil Penalties~~).

B. In addition to the remedies available in Section 7.6, Remedies~~Remedies~~, the North Carolina Environmental Management Commission may also assess civil penalties for violation of the Watershed Protection Overlay District standards in accordance with NCGS§ 143-215.6(A).

8.2 LANGUAGE CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

8.2.1 MEANINGS AND INTENT

A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.7, Purpose and Intent of Ordinance~~Purpose and Intent of Ordinance~~, and the specific purpose statements set forth throughout this Ordinance.

B. When a specific section of these regulations gives a different meaning than the general definition provided in Section 8.3, Terms Defined~~Terms Defined~~, the specific section's meaning and application of the term shall control.

C. Terms that are not defined are subject to their common or customary meaning.

8.2.2 LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

8.2.3 COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town.

8.2.4 TIME-RELATED LANGUAGE

A. Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the Town.

B. The term "day" means a calendar day, or any day during a week, including business days and weekend days.

C. The term "holiday" means a legal holiday recognized by the Town.

D. The term "week" means five business days and two weekend days.

E. Weeks commence on a Monday.

F. The term "month" means a calendar month.

G. The term "year" means a calendar year.

H. The term "temporary" shall mean a condition lasting for only a limited period of time; not permanent.

8.2.5 REFERENCES TO THIS ORDINANCE

A reference to a chapter, section, sub-section, or paragraph means a chapter, section, sub-section, or paragraph of this Ordinance, unless otherwise specified.

8.2.6 REFERENCES TO OTHER ORDINANCES OR PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

8.2.7 REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

8.2.8 DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the Town to do some act or perform some duty, the officer or employee may designate, delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

8.2.9 JOINT AUTHORITY

All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

8.2.10 TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

8.2.11 PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the Town of Clayton, North Carolina, unless otherwise indicated.

8.2.12 MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may," "can," and "should" are permissive in nature.

8.2.13 CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

A. "And" indicates that all connected items, conditions, provisions, or events apply.

B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

8.2.14 TENSES, PLURAL, AND GENDER

A. Words used in the past or present tense include the future tense as well as the past and present.

B. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

C. Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

8.2.15 OATH

The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

8.2.16 TERM NOT DEFINED

If a term used in any article of this Ordinance is not defined, the Planning Director is authorized to interpret the term in accordance with Section 2.3.11, Determination~~Determination~~, based upon the definitions used in professionally accepted sources.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
ANTENNA COLLOCATION, MAJOR	Uses involving the placement of antennas on building's roof or wall, placement of antennas on a vertical projection not constructed for communications purposes, or placement of antennas on a communications structure that requires "substantial modifications" as defined in NCGS§ 160D-931.
ANTENNA COLLOCATION, MINOR	Uses involving the placement of antennas on a vertical projection (including a structure built for communications) that does not require substantial modifications and meets the definition of an "eligible facility" in NCGS§ 160D-931.
ANTENNA SUPPORT STRUCTURE	The frame, bracket, or other mechanical device, including mounting hardware such as bolts, screws, or other fasteners used to affix an antenna to a wireless telecommunications tower, building, utility pole, or other vertical projection.
APPEAL	A request for a review of a determination, decision, or the application of any provision of this Ordinance.
APPLICANT	A person who has submitted a development application for review under applicable provisions of this Ordinance.
APPLICATION	The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate Town department or board as part of the development review processes.
APPLICATION, ABANDONED	An application for development approval that has been delayed and has not met the timing standards in Section 2.4.14C, Abandonment~~Abandonment~~.
APPLICATION, COMPLETE	A complete application is one that: 1. Contains all information and materials established by the Planning Director as required for submittal of the particular type of application; 2. Is in the form established by the Planning Director as required for submittal of the particular type of application; 3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and 4. Is accompanied by the fee established for the particular type of application. An application is not considered as submitted until it is determined to be a complete application.
APPLICATION, INCOMPLETE	An application for proposed development that does meet the minimum requirements in Section 2.4.5G, Determination of Application Completeness~~Determination of Application Completeness~~.
APPLICATION, MULTI-PART	An application for development approval submitted under this Ordinance that is comprised of two or more different application types described in Chapter 2, Applications.
APPROVING AUTHORITY	For the purposes of Soil Erosion and Sedimentation, the division or other state or local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provision of the Act.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
BANK, CREDIT UNION, OR SIMILAR USE	An establishment that provides retail banking services, mortgage lending, cash or checks for the purposes of payments or investments, or similar services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities including bail bond brokers. Banks or credit unions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only, as well as drive-through facilities. Establishments where patrons compete against others for cash or other prizes in games where the outcome is based on skill are electronic gaming operations.
BANNER	A sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more opposite sides. Flags are mounted along one side and shall not be considered banners.
BAR, COCKTAIL LOUNGE, OR PRIVATE CLUB	An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.
BARBED, CONCERTINA, OR RAZOR WIRE	Wire serving as a fence or located on top of a fence, wall, or building, that includes clusters of short spikes set at regular intervals or supplemented with strands of sharpened metal used as a security method to deter people or animals from climbing the fence, building, or wall.
~~**BARBER OR BEAUTY SALON**~~	~~A personal services establishment where one or more persons provides grooming services to members of the general public. Such uses may include secondary retail sale of personal products for patrons.~~
BASE FLOOD	For the purposes of the Flood Protection Overlay District standards, the flood having a 1 percent chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION (BFE)	For the purposes of the Flood Protection Overlay District standards, a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a federal, state, or other source using FEMA approved engineering methodologies. This elevation, when combined with the freeboard, establishes the Regulatory Flood Protection Elevation.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
BASEMENT	Any area of a building with its floor subgrade (below ground level) on all sides. For the purposes of the Flood Protection Overlay District standards, any area of the building having its floor subgrade (below ground level) on all sides.
BAY WINDOW	A window, typically with two or more sides that is built to project outward from an outside wall.
BED AND BREAKFAST	A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and businesspeople, where provision of meals is limited to breakfast for guests only. A bed and breakfast with more than six rooms available for rent is considered a hotel or motel.
BEING CONDUCTED	For the purposes of Soil Erosion and Sedimentation, a land-disturbing activity has been initiated and not deemed complete by the approving authority.
BELFRY	An enclosed vertical projection attached or detached to another habitable structure (like a church or school) typically used for the location of bells.
BELT COURSE	A projecting horizontal course of the same or a contrasting material (often masonry) on the exterior of a building used to direct water off the wall or denote an interior floor level.
BERM	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
BEST MANAGEMENT PRACTICE (BMP)	For the purposes of riparian buffers or stormwater management, a practice or combination of practices that is determined to be an effective and practicable means of preventing or reducing the amount of pollution to a level compatible with the water quality goals in Section 6.12, Riparian Buffers~~Riparian Buffers~~, or Section 6.15, Stormwater~~Stormwater~~.
BICYCLE LANE	A portion of a street designated solely for use by bicyclists.
BICYCLE PARKING SPACE	Land and facilities used for the parking of bicycles, including a mechanism for securing a parked bicycle.
BILLBOARD	See "Outdoor Advertising."
BIO-RETENTION CELL	A stormwater infiltration device consisting of an excavated area that is filled with a specialized soil media and plants, grass, or sod.
BLOCK	The land lying within an area bounded on all sides by streets.
BLOCK FACE	The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.
BOARD OF ADJUSTMENT	A quasi-judicial decision-making body responsible for hearing Appeals, Variance requests, and Special Use Permits in Clayton, North Carolina.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
CHECK CASHING / PAY DAY LENDING	An establishment engaged in loaning money upon deposit of personal property or signature on a promise to repay. Such uses also store personal property on site and may sell goods at retail sale.
CHEMICAL STORAGE FACILITY	For the purposes of the Flood Protection Overlay District standards, a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
CHICANE	A serpentine curve added to a street as a traffic calming measure.
CHILD CARE, INCIDENTAL	A secondary use where, at any one time, three or more children under the age of 13, receive child care on a regular basis of at least once per week for at least four (but less than 24) hours per day from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. This definition does not include child day care centers, cooperative arrangements among parents, or other activities not defined as child care by NCGS§ 110-86. Provision of child care services for more than six children in a residential dwelling is not a secondary use and is subject to the standards for a child day care center.
CHILD DAY CARE	A commercial or non-profit use licensed by the State where, at any one time, three or more unrelated children under the age of 13 receive child care from an unrelated person in a building other than a private residence on a regular basis of at least one occurrence per week for more than four hours per occurrence. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).
CHRONIC VIOLATOR [117]	A responsible party who owns or maintains property whereupon, in the previous 12 months since issuance of the first notice of violation, the Town has given notice of violation of this Ordinance or the Town Code of Ordinances at least three separate times.
CITATION	As used in Chapter 7, Violations, a formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.
CIVIL ACTION	A legal action at law brought between a private party(ies) and the Town to protect a civil right or to compel a civil remedy (as opposed to criminal prosecution).
CIVIL PENALTY	A fine or other financial penalty imposed by a court, the County, or another governmental entity as restitution for violation of this Ordinance or other wrongdoing.
CLEAN WATER ACT	For the purposes of stormwater management, the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et seq.

[117] See STN # 65.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
DWELLING	Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses or appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.
DWELLING UNIT	A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
DWELLING UNIT, ACCESSORY	A separate or distinct residential dwelling or housekeeping unit that is located either internally or fully detached from a principal single-family dwelling. An accessory dwelling unit is a complete residential dwelling or housekeeping unit.
DWELLING UNIT, ACCESSORY (DETACHED)	An accessory dwelling unit established on the same lot as a principal single-family detached dwelling but within a separate structure that is clearly separate and detached from the principal single-family detached dwelling.
DWELLING UNIT, ACCESSORY (INTERNAL)	An accessory dwelling unit established within the perimeter walls and roof of an existing single-family detached residential dwelling unit.
DWELLING, CARETAKER	A secondary dwelling unit on a non-residential, mixed-use, or multi-family development site that houses staff responsible for security or maintenance of the site. Accessory dwelling units are not considered as a caretaker dwelling.
DWELLING, DUPLEX	A single detached dwelling on one lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.
DWELLING, LIVE/WORK	A structure or portion of a structure combining a dwelling unit with an integrated non-residential work space used by one or more of the residents. The non-residential work space is found on the building's ground floor.
DWELLING, MANUFACTURED HOME	See "Manufactured Home."
DWELLING, MOBILE HOME	See "Mobile Home."
DWELLING, MODULAR HOME	See "Modular Home."

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
DWELLING, MULTI-FAMILY	A structure containing five or more dwelling units that are not located on individual lots. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multi-family dwellings include what are commonly called apartments, or condominium units, but not single-family attached dwellings since single-family attached dwellings are on their own individual lots. Structures containing two dwelling units on one lot are duplex or duplex uses. Structures containing three dwelling units on one lot are triplexes. Structures containing four dwelling units on one lot are quadplexes.
DWELLING, QUADPLEX	A single residential structure on one fee simple lot that contains four dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. A residential structure containing four units, each on its own fee simple lot, is single-family attached.
DWELLING, SINGLE-FAMILY ATTACHED	A principal dwelling unit in its own structure located on its own fee simple lot. One or more dwelling unit walls on each lot may be shared, party walls. Lots may maintain individual lot frontages on a public street, or may be located entirely within a larger parcel owned in common that incorporates shared parking, recreation features.
DWELLING, SINGLE-FAMILY DETACHED	A dwelling in a single structure located on its own fee simple lot containing one principal dwelling unit meeting the minimum size requirements in the North Carolina Building Code that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include Class A or B manufactured dwellings, mobile homes, or recreational vehicles, but does include modular homes. An accessory dwelling unit may be within, attached to, or on the same lot as a single-family detached home.[118]
DWELLING, TEMPORARY	A structure established to serve as a temporary domicile while an existing principal residence is constructed, repaired, or established. A temporary dwelling may also be located on a non-residential construction site and occupied by persons having construction or security responsibilities over the construction.
DWELLING, TEMPORARY DISASTER	A residence (which may be a manufactured home) that is located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster.

[118] See STN # 24.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
EXISTING BUILDING AND EXISTING STRUCTURE	For the purposes of the Flood Protection Overlay District standards, any building or structure for which the start of construction commenced before April 1, 1982, the effective date of the initial Flood Insurance Rate Map.
EXISTING DEVELOPMENT	Those projects that are built prior to January 2, 2024, or those projects with an established a vested right established in accordance with Section 1.11, Vested Rights~~Vested Rights~~, as of the effective date of this Ordinance.
EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION	For the purposes of the Flood Protection Overlay District standards, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed June 16, 1987, before the initial effective date of the floodplain management regulations adopted by the Town.
EXISTING TREES	Trees or other woody vegetation that exist prior to development or land disturbance and that are retained on a development site after construction, development, or land disturbance.
EXPANSION	An increase in the floor area of an existing structure or building, or the increase of area of a use.
EX-PARTE COMMUNICATION	Any communication between a member of a decision-making body and another person involved in a development application that is made without the presence or knowledge of the other members of the same decision-making body.
EXTERIOR ARCHITECTURAL FEATURES	Includes the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" shall include historic signs, color and significant landscape, archaeological and natural features of the area.
EXTERIOR LIGHTING	Illumination of a building, parking lot, or site feature.
EXTRACTIVE INDUSTRY	A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, hydraulic fracturing, and similar activities. Specifically excluded from this use is grading and removal of dirt associated with an approved Site Plan or Subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.
EXTRATERRITORIAL JURISDICTION	The land area located outside the corporate limits of a municipality, but still subject to the planning and zoning laws associated with the municipality.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
FIRE LANE	A lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.
FIRE PROTECTION SYSTEM	A fire hydrant, water storage tank, or connection to a building's sprinkler system, typically referred to as a standpipe, all used for the purposes of providing water for fire suppression.
FIRE/EMS/POLICE STATION	A facility that serves as the base of operations for a fire company, police precinct, sheriff's office, or emergency medical technician operation. Such facilities may also include living quarters for personnel, equipment storage, and vehicular maintenance areas.
FIREPLACE	A structure, located within or outside a building, used for the sole purpose of combustion of wood or gas for recreational, food preparation, or climate control purposes.
FIRST CLASS MAIL	Correspondence, including postcards, sealed letters, and sealed packages deposited with the US Postal Service for transmittal to an addressee for a fee. First class mail is the basic level of service offered by the US Postal Service and does not include a guarantee of delivery or receipt.
FITNESS CENTER	A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Such uses may include indoor swimming pools, athletic courts, tracks, or other similar features. Retail sales of hand-held fitness equipment, clothing, or health foods may occur as a secondary use.
FLAG	See Section 6.13.9, Permanent Sign Standards~~Permanent Sign Standards~~.
FLAG LOT	See "Lot, Flag."
FLAGPOLE	A freestanding structure or structure attached to the wall or roof of a building that is used to display flags.
FLEA MARKET	A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.
FLOOD AND FLOODING	For the purposes of the Flood Protection Overlay District standards, a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
GENERAL ASSEMBLY	The General Assembly for the State of North Carolina. Also referred to as the Legislature.
GENERAL PUBLIC	Residents of and visitors to the Town on a lot, site, or within a building, but who do not own the lot, site, or building, or who do not belong to an owners' association with maintenance responsibility of the lot, site, or building.
GENERAL RETAIL	See "Retail, General."
GENERAL STATUTES	A statute is a written law passed the General Assembly that sets forth general propositions of law that courts apply to specific situations.
GLARE	The effect produced within the visual field by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.
GLAZING	The portion of an exterior building surface occupied by glass or windows. Also referred to as transparency.
GOLF COURSE (PUBLIC OR PRIVATE)	A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.
GOOD CAUSE	Legally adequate or substantial grounds or reason to take a certain action based upon the circumstances of each individual case.
GOOD FAITH	Sincere conduct free from malice or a desire to defraud others.
GOVERNMENT OFFICE	An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.
GOVERNMENT MAINTENANCE AND STORAGE FACILITY	A lot or site engaged in the operation, storage, or maintenance of government equipment and associated materials. Such uses may include secondary offices, membrane structures, outdoor storage areas, vehicle storage, and related aspects.
GOVERNMENTAL TRAINING FACILITY	A governmental operation, including structures, open areas, and other facilities intended for training use by governmental emergency service providers and personnel. Governmental training facilities are not open to members of the general public.
GRADE, ESTABLISHED	The ground elevation at a specific point on a site after completion of development activity or prior to development activity on a vacant site.
GRADE, FINISHED	See "Finished Grade."
GRADING	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
GRATE	Metal, wood, or plastic configured to cover or obscure an opening in a wall, roof, or the ground.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
GREEN ROOF	The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
GREEN WALL	See "Wall, Green."
GREENWAY	Public open space under the control and maintenance of the Town which has been designated on an officially adopted greenway or open space plan and developed in accordance with the adopted greenway or open space plan.
GROCERY STORE	An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.
GROOMING (ANIMAL)	Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.
GROSS FLOOR AREA	See Section 3.6.5, Floor Area~~Floor Area~~.
GROUND COVER	Low growing plants such as grasses, ivy, creeping bushes, and similar decorative plantings as well as mulch, pinestraw, or other similar materials used to cover the ground within required landscaping areas. For the purposes of Soil Erosion and Sedimentation, any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
GROUND-BASED MECHANICAL EQUIPMENT	Utility or other equipment of a mechanical nature that is mounted on or below grade on the site it serves.
GROUP HOME	A residential facility (such as an orphanage, shelter, crisis center) with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for more than six persons needing emergency or post-incarceration services (but not including those with mental illness who are dangerous to themselves or others).
GUARD HOUSE, SHELTER, OR GATEHOUSE	A secondary structure typically located on the perimeter or at the entry of a development and used to screen visitors or maintain records of persons entering or leaving a development.
GUYED TOWER	A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.
H	
HABITABLE SPACE	A space in a building for living, sleeping, eating, or cooking, or used as a home occupation.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
LANDOWNER	The holder of the title to land in fee simple. Absent evidence to the contrary, the Town may rely on county tax records to determine the landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as their representative for the purpose of making applications for development approvals.
LANDSCAPE FABRIC	A geotextile material used to control weeds by inhibiting their exposure to sunlight.
LANDSCAPE ISLAND	The portion of a parking lot intended for landscaping material and pervious surfaces.
LANDSCAPE STRIP	Linear landscape islands located between two parallel rows of off-street parking spaces.
LANDSCAPING	The improvement of a lot, parcel, or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and objects designed and arranged to produce an aesthetically pleasing effect.
~~**LARGE FORMAT RETAIL**~~	~~See "Retail, Large Format."~~
LATTICE TOWER	A guyed or self-supporting, open, steel frame structure, with three or more sides, that is used to support telecommunications equipment.
LAUNDRY AND FABRIC CLEANING	A commercial establishment engaged in the cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents. Such uses may provide cleaning and laundering services on-site or in off-site locations.
LEGISLATIVE PUBLIC HEARING	See "Public Hearing, Legislative."
LETTER OF MAP CHANGE (LOMC)	For the purposes of the Flood Protection Overlay District standards, an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include a Letter of Map Amendment (LOMA) - an official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
LETTER OF MAP REVISION (LOMR)	For the purposes of the Flood Protection Overlay District standards, a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
LOCAL GOVERNMENT	For the purposes of Soil Erosion and Sedimentation, any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.
LOCAL STREET	See "Street, Local."
LOT	A parcel of land not divided by streets that is or will be occupied by a building and its secondary building(s) or an open-air use of land, together with all required yard and other required open spaces, with all forms of required access and necessary utilities.
LOT DEPTH	See Section 3.6.7A.2, Lot Depth~~Lot Depth~~.
LOT FRONTAGE	For the purposes of the subdivision regulations, the distance for which the front boundary line of a lot and the street line are coincident. In the case of corner lots, this shall be the lot line adjacent to the street from which the lot obtains its street address.
LOT OF RECORD	A lot or tract of land that is either part of a subdivision or identified by a set of metes and bounds that has been recorded in the office of the Register of Deeds for the county where it is located prior to the effective date of this Ordinance.
LOT WIDTH	See Section 3.6.7A.3, Lot Width~~Lot Width~~.
LOT, CORNER	See Section 3.6.7C.1, Corner Lot~~Corner Lot~~.
LOT, DOUBLE FRONTAGE	A lot with frontage on streets located at the front and rear of the lot.
LOT, FLAG	An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.
LOT, NONCONFORMING	A lot of record that that was lawful at the date on which it was established, but does not conform to the current dimensional requirements of the zoning district in which it is located.
LOT, THROUGH	A lot having frontage on two parallel or approximately parallel streets.
LOUVERS	A set of angled slats or flat strips fixed or hung at regular intervals in a door, shutter, screen, or light fixture to allow air or light to pass through.
LOW IMPACT DEVELOPMENT	A method of site development and stormwater management that mimics the natural hydro- logic functions of infiltration, runoff, and evapotranspiration on a site before development occurs.
LOW INTENSITY OFFICE	See "Office, Low Intensity."
LOWEST ADJACENT GRADE (LAG)	For the purposes of the Flood Protection Overlay District standards, the lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
MARKET VALUE	For the purposes of the Flood Protection Overlay District standards, the building value, not including the land value and that of any secondary structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
MASS GRADING	The grading of 10 acres or more in area on a phase, single lot, Major Subdivision, or Unified Development. The phasing or staged grading of a project resulting in less than 10 acres shall not exclude the project from this definition. ~~Removal, deposition, Movement or redistribution of large quantities of soil or fill material on a development site.~~that takes place across 75 ~~percent or more of the surface of a single lot, site, or development phase that is five acres or more in area. Mass grading involves the cut and fill of substrate rather than deposition and redistribution of topsoil. Mass grading is accomplished with bulldozers, excavators, and graders rather than with skid steers or with hand tools. Mass grading typically takes place early in the construction process in advance of fine or finish grading associated with installation of building foundations, erosion control measures, landscaping, or paving. Mass grading activities typically result in the removal of all or substantially all existing vegetation from a lot, site, or development phase.~~[119]
MASTER PLAN	See "Plan, Master."
MATERIAL RETURN	The continuation of one or more exterior building materials on one building façade beyond an inside or outside building corner to a logical termination point on a different wall plane.
MATURE TREE	A tree that has reached more than one-third of its expected maximum size.
MAUSOLEUM	See "Cemetery or Mausoleum."
MAXIMUM EXTENT PRACTICABLE (POSSIBLE)	No feasible or practical alternative exists, as determined by the Town, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."
MDC	For purposes of Stormwater Management, minimum design criteria as set forth by the Department for stormwater control devices in the Design Manual.

[119] See STN# 41.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
MEAN SEA LEVEL	The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.
MECHANICAL EQUIPMENT	Equipment and fixtures used for HVAC, fabrication, assembly, or production purposes.
MEMBRANE STRUCTURE	A secondary structure comprised of a metal frame covered by tensioned membrane of fabric, plastic, or poly carbonate material that is secured to the ground and used for the purposes of storage, maintenance, or minor fabrication of goods or materials. A membrane structure is typically not considered a permanent structure, though it may remain in place for months or years. [120]
METAL FABRICATION	A commercial establishment engaged in the alteration or modification of metal goods, building supplies, tools, or other products comprised primarily of metal. Such uses may include welding, folding, shaping, assembly, coating, or other activity associated with raw forms of metal, but metal fabrication uses are not involved in the creation of metal products from raw materials.
METAL HALIDE	A method of providing illumination by a bulb filled with gas or vapor that provides illumination when an electrical current is passed through it.
MICRO BREWERY, MICRO DISTILLERY, OR MICRO WINERY	An establishment engaged in the production and packaging of malt beverages, wine or spirits for distribution, retail, or wholesale both on and off-premises. A micro brewery is a facility that produces less than 15,000 barrels of beer per year and sells the majority of the beer it produces for off-site resale and consumption. A micro winery produces less than 100,000 gallons of wine per year. A micro distillery produces less than 15,000 gallons of alcoholic spirits per year. Secondary uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.
MICRO RETAIL	See "Retail, Micro."
MID-BLOCK ALLEY AMENDED 9.16.24 (UDOTA2-24)	A street, whether public or private, meeting the specifications and configuration of an alley street that transects a single block of lots approximately mid-way along the block face. Mid-block alleys connect streets or connect a street with another alley.
MINOR MODIFICATION	An insignificant deviation in an application, proposed development, or portion of a development that does not impact the operation, appearance, function, value, or compatibility of proposed development.
~~**MINOR SUBDIVISION**~~	~~See "Subdivision, Minor."~~

[120] See STN # 28.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
MINOR UTILITY	See "Utility, Minor."
MINOR VARIANCE (WATERSHED)	A variance from the minimum statewide watershed protection rules that results in a relaxation by a factor of up to 10 percent of any management requirements.
MIXED-USE DEVELOPMENT	A format that includes some combination of integrated residential, commercial, industrial, or institutional use types in one single building or within one single development that is planned, built, themed, or operated in a unified manner. Mixed use development may include different use types within the same building or different use types within the same development that is comprised of multiple buildings.
MOBILE HOME	A detached residential dwelling unit constructed prior to July 15, 1976, that does not bear a certification of compliance with National Manufactured Housing Construction and Safety Standards Act of 1974. A mobile home is designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and similar features. Mobile homes are typically 16-feet-wide or less.
MOBILE HOME PARK	A commercial use where land is divided into individual leaseholds, but not individual lots owned in fee simple that are intended for occupation by individual mobile, manufactured, or modular homes. Mobile home parks may include shared or individual accessways, recreation facilities, and other shared secondary uses like laundries, storage, or refuse collection areas.
MOBILE RESTAURANT	A motorized vehicle that is designed to be readily moved and operated for the purpose of preparing and or selling food and or non-alcoholic beverages to the general public on a recurring basis.
MODIFICATION, MAJOR	See "Amendment."
MODIFICATION, MINOR	A change, revision, addition, or deletion to a development approval of a de minimum or small nature that does not impact the basic configuration or operation of development.
MODULAR HOME	A prefabricated detached residential dwelling unit that is built in sections (or modules) in a factory setting and then transported to a permanent location for assembly. Modular homes are placed on a permanent foundation and must comply with the North Carolina Residential Building Code. For the purposes of this Ordinance, modular homes are considered identical to site-built single-family detached dwellings. [121]
MOLDING	An ornamentally shaped outline as an architectural feature, especially in a cornice.

[121] See STN # 24.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
PERSON	An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity. For the purposes of Soil Erosion and Sedimentation, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
PERSON CONDUCTING THE LAND-DISTURBING ACTIVITY	Any person who may be held responsible for violation of any regulations governing land-disturbing activity, unless expressly provided otherwise. For the purposes of Soil Erosion and Sedimentation, any person who may be held responsible for violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act.
PERSON WHO VIOLATES OR VIOLATOR	For the purposes of Soil Erosion and Sedimentation, as used in NCGS§ 113A-64, means: (1) Any landowner or other person who has financial or operational control over the land-disturbing activity; or (2) Who has directly or indirectly allowed the activity, and who has failed to comply with the provisions of the Act, the rules of this Ordinance, or any order or local ordinance adopted pursuant the Act, as it imposes a duty upon that person.
PERSONAL PROPERTY	All forms of property, except real property.
PERVIOUS SURFACE	A substance that allows water to pass through it.
PHARMACY	A commercial establishment engaged in the storage, preparation, and sale of drugs and other medications to customers at retail. Pharmacy uses may also offer a wide variety of food, household goods, or other personal products for sale. A pharmacy may also incorporate a medical technician who provides on-site medical assistance and counselling to patrons. Pharmacies that exceed the floor area thresholds for large format retail uses shall be considered as a large format retail use.
PHASE	The discrete portion of a proposed development.
PILASTER	A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
PLAN	For the purposes of Soil Erosion and Sedimentation, an erosion and sedimentation control plan.
PLAN, ALTERNATIVE LANDSCAPE	A document prepared by an applicant's representative that proposes an alternative means of compliance with the standards in Section 6.6, Landscaping and Screening~~Landscaping and Screening~~.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
PLAN, ALTERNATIVE PARKING	A document prepared by an applicant's representative that proposes an alternative means of compliance with the standards in Section 6.9, Parking and Loading~~Parking and Loading~~.
PLAN, ALTERNATIVE SIGN	A document prepared by an applicant's representative that proposes an alternative means of compliance with the standards in Section 6.13, Signage~~Signage~~.
PLAN, CONCEPT	A plan for development intended solely for illustrative purposes to assist a review authority in its consideration of a proposed development (like a Type 3 Conditional Rezoning or a Special Use Permit). A Concept Plan may, but does not necessarily need to include, the detailed elements typically found in a site plan (for example, detailed locations of buildings, location of off-street parking, location of landscaping, etc.).
PLAN, EROSION CONTROL	A plan illustrating the extent of land disturbance and the steps taken to prevent erosion and off-site sedimentation.
PLAN, FORESTRY MANAGEMENT	A plan depicting the location and extents of forestry activities.
PLAN, LANDSCAPE	A plan illustrating the design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location and design of built features such as berms, fencing, walls, etc.
PLAN, LIGHTING	A graphic deposition of proposed exterior lighting fixture locations, height, anticipated luminance, and cones of illumination.
PLAN, MASTER **AMENDED 12.16.24 (UDOTA3-24)**	The Downtown Master Plan, a summary planning document prepared for a major subdivision preliminary plat, or a plan describing the full extent of a Multi-Phase Development Plan associated with vested rights. A master plan is intended to be comprehensive guideline for the physical development of the downtown or of a particular community or development site.
PLAN, MULTI-PHASE DEVELOPMENT	A site plan that includes development proposed in two or more distinct phases.
PLAN, PARKING	A plan or diagram prepared by an applicant for development that depicts the required and provided number of parking spaces (if different from the required number of parking spaces. The plan also shows points of vehicular ingress and egress, drive aisles, the locations of parking lot landscaping islands, pedestrian circulation features, and off-street loading facilities.
PLAN, PLOT	A simple drawing or sketch depicting compliance with one or more requirements of this Ordinance.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
PLAT, FINAL	A map, plan, or survey document in compliance with NCGS§47-30 that is prepared by a ~~licensed, registered~~ professional land surveyor, licensed in North Carolina, containing a drawing and description of ~~the~~ subdivided or recombined land with ties to permanent monuments (for the purposes of reproduction) prepared in a form that is suitable for recording an Exempt Subdivision (per NCGS§160D-802), a Limited Subdivision, and a Major Subdivision, with the Register of Deeds for Johnston County.
PLAT, PRELIMINARY	A drawing or plan prepared by a ~~licensed~~ professional land surveyor, a professional landscape architect, or a professional engineer, licensed in the North Carolina, showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, topography and drainage, and all proposed facilities unsized and without profiles, at suitable scale and in such detail as required by this Ordinance.
PLAY EQUIPMENT	Secondary structures devoted to active recreation by children associated with residential and institutional uses. Such uses typically include swing sets, trampolines, jungle gyms, play structures, obstacle courses, tree houses, slides, zip lines. Facilities and features devoted to the playing of organized or unorganized sports are outdoor recreation facilities.
PLAY STRUCTURE	A non-habitable structure intended for recreational purposes.
PLAZA	An open space at the intersection of important streets or adjacent to important structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement, and formal landscaping or tree plantings.
POCKET NEIGHBORHOOD **AMENDED 12.16.24 (UDOTA3-24)**	A development of small single-family detached dwellings, each on their own lot, located around a common open space and served by either on-street, on-site, or shared off-street parking. Each home fronts a shared common open space which can be configured as an open green, community garden, or recreation area.
PORCH	A covered or uncovered projection (can be glazed or screened) from the main wall of a building, located at or above grade, that provides ingress or egress to a building but is not used for livable space.
PORTABLE STORAGE CONTAINERS	A moveable container intended for storage of personal property, waste, or debris, that is brought to a site on a temporary basis.
PORTICO	A large porch usually with a pediment usually associated with an entrance, supported by columns.
POST OFFICE	An office or station of a government postal system at which mail is received and sorted, from which it is dispatched and distributed, and at which stamps are sold or other services rendered.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
REMODELING	Development activity associated with an existing building, structure, or use of land that includes: - Replacement or upgrade of existing fixtures, fittings, or surfacing materials; - Refurbishment of internal systems or equipment; - Installation of new features such as doorways, windows, or habitable space within the existing footprint and floorplate; - Cosmetic changes to existing buildings or structures without any changes to existing footprint or floorplate; or - Enhancement of existing site features without the addition of new impervious surface area. For the purposes of this Ordinance, "renovation" or "expansion" includes the construction of new floor area (principal or secondary) that extends the building's footprint or floorplate.
REPAIR SHOP	An establishment primarily engaged in the provision of repair services for electronics, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer. Repair establishments do not include outdoor storage of goods, materials, or equipment. Repair of cars, trucks, or similar heavy equipment is a vehicle-related establishment.
REQUIRED LANDSCAPE AREA	An area required to be planted with trees, shrubs, or ground cover as required by Section 6.6, Landscaping and Screening~~Landscaping and Screening~~.
RESEARCH AND DEVELOPMENT	A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of prototypical devices as well as the creation and testing of drugs and compounds, vehicles, equipment, and industrial processes.
RESERVATION	An obligation, shown on a Subdivision or Site {Plan, to keep land free from development and available for public acquisition for a stated period of time.
RESERVE STRIPS	Strips of land that are not developed as a means of limiting or preventing vehicular access.
RESIDENTIAL DEVELOPMENT	Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, and their associated outbuildings such as garages, storage buildings, and gazebos and customary home occupations.
RESIDENTIAL TREATMENT FACILITY	Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.
RESIDUALS	Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under the authority of the Environmental Management Commission.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
RESOLUTION	The official written expression of the opinion or the will of the Town Council, Board of Adjustment, or Planning Board.
RESTAURANT	An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Seating for patrons consuming products on site are located either indoors or outdoors, and the use does not provide drive-through service. Such uses may include a bar or cocktail lounge as a secondary use.
RESTAURANT, MOBILE	See "Mobile Restaurant."
RESTORATION	The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
RETAIL, GENERAL	Commercial establishments engaged in the retail sale of goods and services.
~~**RETAIL, LARGE FORMAT**~~	~~A retail establishment consisting of a single or multiple tenants in one or more buildings totaling 70,000 square feet or more of indoor and outdoor area with 70 percent or more of the total floor area occupied by retail sales activities.~~
RETAIL, MICRO	Small-scale commercial operations employing two or fewer people on a shift in a building or individual tenant space of 1,000 square feet or less. A micro-retail use may share building floor area with other residential or non-residential uses.
RETAINING WALL	See "Wall, Retaining."
RETENTION POND (WET)	A stormwater control measure consisting of a depression in the land that is designed to capture runoff from a design storm and release it gradually over a specified period of time via a properly designed outlet structure.
REVEGETATION PLAN	A plan depicting the re-establishment or replanting of required vegetation or landscaping material on a lot or site where clearing has taken place in violation of this Ordinance or a condition of approval.
REVERSE FRONTAGE	A lot with two or more street frontages that includes a building or structure that is oriented in a manner that differs from other existing structures or from the development patterns indicated by adopted policy guidance or good planning practice.
REVIEW AUTHORITY	The Town Manager, Planning Board, Board of Adjustment, Town Council, Planning Director, Engineering Director, or Technical Review Committee, as appropriate.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
SIGN	Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which any message is made known, including any surface, fabric or other material or structure designed to carry such devices that are used to designate or attract attention to an individual, a firm, an event, an association, a corporation, a profession, a business or a commodity or product that are exposed to public view. The definition of a sign does not include flags, badges, or insignias of any governmental unit.
SIGN CABINET	A metal enclosure housing sign face displays and methods of internal illumination, when provided.
SIGN FACE AREA	The portion of sign that contains the message being conveyed, as determined in accordance with Section 6.13.8, Sign Measurement~~Sign Measurement~~.
SIGN HEIGHT	The height to the tallest point of a sign structure, as determined in Section 6.13.8, Sign Measurement~~Sign Measurement~~.
SIGN PERMIT	A development approval associated with the erection, alteration, continuation, or removal of signage or ancillary features associated with a sign.
SIGN SUPPORTING STRUCTURE	The framework and structural support for a sign.
SIGN, AWNING	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SIGN, BANNER	See Section 6.13.10, Temporary Sign Standards ~~Temporary Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SIGN, BILLBOARD	See "Sign, Outdoor Advertising."
SIGN, BOW	A feather flag sign with an elongated mounting post that curves at the top to form a circular shape within which the sign material is mounted.
SIGN, CHANGEABLE COPY	A sign with a portion of the face area that accommodates the regular or occasional manual modification to the message or copy.
SIGN, DILAPIDATED	A sign that is old or that has been poorly maintained that poses a public safety hazard or is difficult to read.
SIGN, ELECTION	See "Sign, Political."
SIGN, FEATHER FLAG	A sign made of fabric or similar material in a curvilinear shape that is mounted to a pole along the long edge of the sign.
SIGN, FENCE WRAP	A temporary sign affixed to fencing surrounding an active construction site.
SIGN, FLASHING	A sign with a message that is intermittently on and off or supplemented with lights that turn on and off in rapid succession.
SIGN, GOVERNMENT	Any temporary or permanent sign erected and maintained for any government purposes.
SIGN, GROUND	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
SIGN, INCIDENTAL	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SIGN, INFLATABLE	A hollow sign that is intended to expand as air is pumped inside of it. Inflatable signs are tethered to the ground or some other structure.
SIGN, MONUMENT	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SIGN, MOVING	A sign that moves or has moving parts, including but not limited to the sign face area, the sign support structure, or some other element of the sign. Flags and banners are not considered moving signs.
SIGN, NONCONFORMING	Any sign that was lawfully established, but does not meet the standards of this Ordinance.
SIGN, OBSOLETE	A sign advertising a use or establishment that is no longer present.
SIGN, OUTDOOR ADVERTISING	A sign, configured for viewing primarily by persons travelling in an automobile on an interstate or primary commercial highway. Outdoor advertising directs attention to a business, commodity, service, or entertainment that is conducted, sold, or offered either on the premises or off the premises where the sign is located.
SIGN, PROJECTING	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SIGN, SHORT-TERM	See Section 6.13.10, Temporary Sign Standards ~~Temporary Sign Standards~~
SIGN, SIDEWALK	See Section 6.13.10, Temporary Sign Standards ~~Temporary Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SIGN, SOCK	Section 6.13.10, Temporary Sign Standards ~~Temporary Sign Standards~~
SIGN, SUBDIVISION	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards 6.13.9, Sign Standards by Sign Type~~.
SIGN, SUSPENDED	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SIGN, TEMPORARY [122]	~~See Section 6.13.9, Sign Standards by Sign Type~~ Signage and supporting structures intended to display signage for a limited duration of time.
SIGN, TRAFFIC WARNING	Signage devoted to warning motorists, pedestrians, or bicyclists of a potential traffic hazard or other danger.
SIGN, WALKWAY DECAL	Section 6.13.10, Temporary Sign Standards ~~Temporary Sign Standards~~
SIGN, WALL	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SIGN, WINDOW	See Section 6.13.9, Permanent Sign Standards ~~Permanent Sign Standards Section 6.13.9, Sign Standards by Sign Type~~.
SILL	A horizontal piece or structural member typically found below a window, door, or other opening.

[122] See STN # 54.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
SOLAR ENERGY CONVERSION, LEVEL 1	A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. Level 1 solar energy conversion uses are secondary uses serving a principal use on the same lot and is an energy system is designed to primarily meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or secondary structures, but may also be mounted on the ground.
SOLAR ENERGY CONVERSION, LEVEL 2 OR 3	A system consisting of solar panels, modules, and related equipment that collects solar radiation and converts it into electricity for use on site and in other sites. Level 2 solar energy conversion uses are industrial-scale principal uses devoted to collecting solar energy scale for conversion to electricity, and subsequent use in another location. Level 2 solar energy conversion uses are located on lots or sites of less than 10 acres in area. Level 3 solar energy conversion uses are located on lots or sites of 10 acres or more in area.
SOLDIER COURSE	One or more courses of bricks or blocks that are installed within a masonry wall in a vertical instead of horizontal alignment. Soldier courses are often used to denote differing floors of a multi-story building.
SOLID WASTE DISPOSAL FACILITY	For the purposes of the Flood Protection Overlay District standards, any facility involved in the disposal of solid waste, as defined in NCGS§ 130A-290(a)(35).
SOLID WASTE DISPOSAL SITE	For the purposes of the Flood Protection Overlay District standards, as defined in NCGS§ 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
SPECIAL EVENT	Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals.
SPECIAL FLOOD HAZARD AREA (SFHA)	For the purposes of the Flood Protection Overlay District standards, the land in the floodplain subject to a 1 percent or greater chance of being flooded in any given year, as determined in Section 3.7.2, FPOD Flood Protection Overlay District~~FPOD Flood Protection Overlay District~~.
SPECIAL USE PERMIT	A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with any applicable specific standards.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
SUBDIVISION, FAMILY	A division of land where lots are conveyed from one immediate family member to another immediate family member.
SUBDIVISION, LIMITED	A subdivision of three or fewer lots comprised of more than five acres in accordance with Section 160D-802 of the North Carolina General Statutes.
SUBDIVISION, MAJOR	A division of two or more lots involving the extension or installation of public infrastructure, or the division of land creating six or more lots with no extension or installation of public infrastructure.
~~**SUBDIVISION, MINOR**~~	~~A division of land creating more than one but fewer than six lots, with no extension or installation of public infrastructure.~~
SUBSIDIARY	For the purposes of Soil Erosion and Sedimentation, an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.
SUBSTANTIAL CHANGE	An amendment or deviation in a development, a development application, a use, or a site condition that is significant enough to alter the nature of the development or proposal, its function, or its impact on its surroundings. Substantial changes typically require re-review or additional consideration by an appropriate review authority.
SUBSTANTIAL COMMENCEMENT	The initiation of development or development-related activity subject to the requirements of this Ordinance. Each of the following activities must have taken place in order to achieve substantial commencement: - All required authorizations to begin the development (including a Building Permit) are secured; and - All application fees and applicable fines have been paid in full; and - Any required notice of commencement to all governmental entities or other identified parties has taken place; and - Performance of some form of site-related activity that requires prior approval from the Town has taken place. Initiation of site-related activity that does not require some form of approval from the Town, such as surveying, site investigation, plan or study preparation, minor clearing or grubbing of the site, full or partial demolition, or agricultural related activity associated with a bona fide farm, shall not be considered as substantial commencement. Substantial commencement does not require the start of construction on a principal structure or commencement of the anticipated operation of the approved use.
SUBSTANTIAL CONFORMITY	A condition where there is no variation from the preliminary plan or plat, other than minor changes in the size of lots, the location of lot lines, the locations or sizes of easements, or the width of streets. Change in types or numbers of land uses, any variance in residential density, or any change in location of a public right-of-way shall not be considered as being in substantial conformity with an initial approval. For the purposes of this definition, minor changes shall be changes in dimensional attributes of five feet or less or any variation of a dimensional standard of five percent or less.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
SUBSTANTIAL DAMAGE	For the purposes of the Flood Protection Overlay District standards, damage of any origin sustained by a structure during anyone-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
SUBSTANTIAL DETRIMENT	A condition resulting from revisions to an ordinance or development regulations that renders an existing or partially completed development to a status of being in violation of the standards or being otherwise unlawful.
SUBSTANTIAL IMPROVEMENT	For the purposes of the Flood Protection Overlay District standards, any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "Start of Construction" of the improvement. This term includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed. The term does not, however, include either: 1. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the Town's code enforcement official and which are the minimum necessary to assure safe living conditions; or 2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 2.3.31, Variance~~Variance~~.
SUBSTANTIAL MODIFICATION	The collocation of antenna and related wireless telecommunications equipment on an existing telecommunications tower that necessitates replacement of the existing tower, structural additions to the existing tower that increase its height or the length of protrusions from the tower, or increases in the size of the equipment compound by an amount specified in Section 160D-931 of the North Carolina General Statutes. Collocations requiring structural modifications are reviewed and decided in accordance with the procedures for a major collocation. Collocations involving changes to an existing telecommunications tower or equipment compound beyond those identified as "substantial modifications" in Section 160D-931 in the North Carolina General Statutes are reviewed and decided in accordance with the procedures for a major telecommunications tower.

TABLE 8.3: TERMS DEFINED	
TERM	**DEFINITION(S)**
UNDERTAKEN	For the purposes of Soil Erosion and Sedimentation, the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.
UNIFIED DEVELOPMENT	A development consisting of two or more principal structures on one or more lots that is planned, organized, and ~~operated~~ developed as a single development for the purposes of the development standards.
UNLICENSED VEHICLE	A motor vehicle, including a trailer, that does not have a valid and unexpired license plate.
UPPER STORY RESIDENTIAL	See 'Dwelling, Upper-Story Residential."
URBAN ARCHERY	A collective term that includes the hunting of deer with a bow and arrow or crossbow, defined as "Archery" by the North Carolina Wildlife Resources Commission, during the Urban Archery Season as established by the North Carolina Wildlife Resources Commission. ~~A regulated program of noncommercial bowhunting of deer as a means of managing overpopulated herds.~~[123]
URBAN HEAT ISLAND	A portion of an urban or metropolitan area that is significantly warmer than its surroundings due to additional paving, building mass, and lack of shade. The temperature difference usually is larger at night than during the day, and is most apparent when winds are weak.
URGENT CARE	A walk-in clinic or medical facility focused on the delivery of ambulatory care for injuries or illnesses requiring immediate care, but not serious enough to require a hospital emergency department.
USABLE OPEN SPACE	A parcel or parcels of land or an area of water as a combination of both land and water and designed for the recreational use and enjoyment of residents of the proposed development, not including streets or off-street parking areas. Not more than one half of the required usable open space may be areas covered by water. Usable open space shall be substantially free of structures but may contain such improvements as are appropriate for the benefit of residents. A maximum of five percent of the area designated as usable open space may be covered by structures clearly ancillary to the recreational use of the space. Except for such structures, all usable open space shall be unobstructed except for plants, lawn furniture, swimming pools, terraces, walkways, play equipment, etc., so arranged to provide for the free movement of the people within the space. No portion of any such usable open space shall be located in any required yard area adjacent to a public street. Parking areas, vehicle drive aisles, and storage areas shall not be included in the calculation of usable open space.
USE	The purpose for which land or structures thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.

[123] See STN#35.

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UDO AMENDMENT TABLE

8.5 UDO AMENDMENT TABLE

UDO AMENDMENTS
ORDINANCE NUMBER ORDINANCE DATE DESCRIPTION
UDOTA 1-24. ADOPTED 4.15.24
§1.8.6 No exclusion of TRC members from a TRC meeting
§2.2.2 Add conservation subdivisions to the subdivision types table
§2.3.8 Conventional Rezonings only processed in accordance with Town's schedule
§2.3.12 Clarify exempt subdivisions identified in NCGS
§2.3.13 Removal of trail from fee-in-lieu procedure (trails are private and not required like greenways or sidewalks); revise term "sidepath" to "multi-use path" (also changed in §6.10.1 & 8.3)
2.3.24 Clarify that a Town-initiated street renaming does not require a petition
§2.3.27 Revise traffic assessment from "shall" require to "may" require
§2.3.29 Revise Riparian Buffer provisions to clarify administration by the State, not the Town
§2.4.4 Remove the timing requirement from neighborhood meetings, and permit Town staff to attend in accordance with Planning Director discretion
§3.2.12 Duplexes, triplexes, and quadplexes no longer permitted by right (CZR district option still available)
§3.2.15 Duplexes no longer permitted by right (CZR district option still available)
§3.3.1 Clarify that Type 3 Conditional Rezonings with deviation requests are expected to result in higher quality development
§3.3.6 Clarify the default dimensional standards that would apply for higher density residential uses in the CZR district
§3.5.1 Remove circular cross reference to conditional zoning districts permitting higher residential densities and clarify that density incentives may be combined in the same development
§3.6.8 Clarify that district setbacks are measured from lot lines, not from easements or required landscaping areas
§4.5.5.W Clarify that parking of heavy trucks and trailers is prohibited in more than just residential districts
§4.5.5.X Clarify that recreational vehicles must be parked on an improved surface
§6.5.10 Clarified water extension requirements for single-lot developments
§6.5.12.F.6 Add provisions addressing performance guarantees when street stubs can not be extended to property boundaries; also clarify that internal street stubs are not credited as links in the street connectivity index
§6.5.12.F.7 Clarify the rules surrounding development entry points
§6.5.12.G Move vehicular gates out of private street standards and into its own sub-section; clarify private drives and driveways may have gates
§6.5.13 clarified sewer extension requirements for individual developments
§6.6.9 Clarified how setbacks are measured if there are conflicts with required landscaping or easements
§6.7.1 Clarify that open space set-aside is not required for minor subdivisions and some forms of residential development
§6.7.2 Clarifies parkland dedication is not required for minor residential subdivisions
§6.10.1 Softens greenway provision requirements for additions and expansions of existing buildings
§6.12 Revision of Riparian Buffer rules to clarify the State's responsibility for enforcement
§6.13.8.C Clarifies how wall signage is determined for tenants in multi-tenant buildings who rent more than one space in the same building
§6.13.9 Clarify that sign supporting structures do not have maximum areas; walls sign measurement is wall sign area per linear foot of building facade
§6.14.6 Updates to Soil Erosion & Sedimentation Control provisions (also changed in §7.5.4 & §7.9.1)

PROCEDURES MANUAL

UNIFIED DEVELOPMENT ORDINANCE

Effective: July 22, 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, is able to 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 June 17, 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 in UDOTA 1-25 (approved on July 21, 2025) 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

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

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ABOUT THE UDO PROCEDURES MANUAL

1 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 1: 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 1: 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 1: 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 1: 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

2 USE CATEGORY DESCRIPTIONS

The following tables set out the range of use categories, use characteristics, and example use types by use classification listed in Section **Error! Reference source not found.**, **Error! Reference source not found.**.

2.1 AGRICULTURAL USE CLASSIFICATION

Table 5.1, Agricultural Use Categories, sets out the use categories included in the agricultural use classification in 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 5.1: 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.

TABLE 5.1: AGRICULTURAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
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.
	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.

2.2 COMMERCIAL USE CLASSIFICATION

Table 5.2, Commercial Use Categories, sets out the use categories included in the commercial use classification in 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 5.2: 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.

TABLE 5.2: COMMERCIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
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.
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.

TABLE 5.2: COMMERCIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
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.
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.

TABLE 5.2: COMMERCIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	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.
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.

2.3 INDUSTRIAL USES

Table 5.3, Industrial Use Categories, sets out the use categories included in the industrial use classification in 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 5.3: 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.
	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.

TABLE 5.3: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
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.
	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.

TABLE 5.3: INDUSTRIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
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.
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.

2.4 INSTITUTIONAL USES

Table 5.4, Institutional Use Categories, sets out the use categories included in the institutional use classification in 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 5.4: 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.
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.

TABLE 5.4: INSTITUTIONAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	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.
	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.

TABLE 5.4: INSTITUTIONAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	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.

2.5 RESIDENTIAL USES

Table 5.5, Residential Use Categories, sets out the use categories included in the residential use classification in 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 5.5: 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.

TABLE 5.5: RESIDENTIAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS EXAMPLES
	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.

3 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 2: 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		

3.1 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	

3.2 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	

3.3 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 _____

3.4 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

3.5 CERTFICIATE OF FAMILY SUBDIVISION

Plats deemed to be a family subdivision shall contain the following statement. Any certificate for a Family Subdivision shall also include a certificate of exemption or other certification, as appropriate as well as the Review Officer's Certificate.

LANDOWNER ATTESTATION

I acknowledge that this plat creating up to one additional lot from the parent tract was approved under the provisions of a Family Subdivision as described in Table 2.2.2 and as defined in the Clayton Unified Development Ordinance, and is solely for the purpose for one immediate family member to homestead on the newly created lot.

_____ _____

Owner/Subdivider Date

NOTARY PUBLIC CERTIFICATION

I, _____, a Notary Public for said County and State, do hereby certify that

_____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the _____ day of

_____, 20 _____

Notary

My commission expires (Seal)

_____, 20____

3.6 REVIEW 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

3.7 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

3.8 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.

3.9 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

4 INFORMATION REQUIRED WITH APPLICATIONS

4.1 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. **AMENDED 9.16.24 (UDOTA2-24)**

TABLE 3.1: REQUIRED APPLICATION MATERIALS

"X" = Required
"•" = Not Required

Required Information	Concept Plan (CZ) Rezoning	Concept Plan (SUP)	Site Plan	Family Sub.	Limited Sub.	Minor Plat	Preliminary Plat	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	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	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
Bonds, letters of credit, or other performance guarantees		•	X	•	X	X	•	•	X

TABLE 3.1: REQUIRED APPLICATION MATERIALS

"X" = Required
"•" = Not Required

Required Information	Concept Plan (CZ) Rezoning	Concept Plan (SUP)	Site Plan	Family Sub.	Limited Sub.	Minor Plat	Preliminary Plat	Construction Drawings	Final Plat
A transportation impact analysis performed and prepared by a qualified transportation or traffic engineer		X	X	•	•	•	X	•	•
Time schedules for the completion of phases in staged development		•	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	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	X	X	•
Clarify that the lot may not be sold for a period of at least three years following approval of the plat **AMENDED 9.16.24 (UDOTA2-24)**		•	•	X	•	•	•	•	•

4.2 REQUIRED INFORMATION FOR PLANS AND/OR PLATS

A. All plans and plats filed under this Ordinance shall contain the following information.

B. Failure to include one or more required elements may result in the application being considered incomplete.

C. An "X" in a cell in the table below indicates that the noted information is required on the particular type of plan or plat.

D. 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.

E. Failure to include one or more required elements indicated with an "X" may result in the application being considered incomplete.

F. Additional materials may be required in order to determine if an application is complete.

G. 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.

4.3 PLAN OR PLAT SIZE

A. Construction plans and site plans shall not exceed 24" x 36" unless authorized by the Planning Director.

B. Plans and plats may be drawn on more than one sheet with appropriate match lines.

C. Plats to be recorded shall be of a size and material as required by the Office of the Johnston County Register of Deeds.

D. 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.

E. For concept plans, drawing shall be at a scale of not less than 1" equal to 40 feet.

TABLE 3.3: 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 3.3: 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 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		•	•	X	X	X	X
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

TABLE 3.3: TABLE OF REQUIRED PLAN/PLAT ELEMENTS

"X" = Required
"•" = Not Required

Required Information	Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
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	•
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						

TABLE 3.3: TABLE OF REQUIRED PLAN/PLAT ELEMENTS

"X" = Required
"•" = Not Required

Required Information		Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
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
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	•

TABLE 3.3: TABLE OF REQUIRED PLAN/PLAT ELEMENTS

"X" = Required
"•" = Not Required

Required Information		Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
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 following types of utilities:	Sanitary sewer	•	•	X	X	X	X
	Water distribution	•	•	X	X	X	X
	Natural gas, electric, cable, fiber optic, etc.	•	•	X	X	X	X
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

TABLE 3.3: TABLE OF REQUIRED PLAN/PLAT ELEMENTS

"X" = Required
"•" = Not Required

Required Information	Exempt Plats	Final Plats	Preliminary Plats	Construction Drawings	Concept Plans	Site Plans
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						
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

5 SUGGESTED PLANT MATERIALS LIST

5.1 LARGE VARIETY TREES (35 FEET OR GREATER)

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

5.2 MEDIUM VARIETY TREES (25 TO 35 FEET)

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

5.3 SMALL VARIETY TREES (LESS THAN 25 FEET)

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

5.4 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

5.5 LANDSCAPING SHRUBS (36 INCHES OR MORE)

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.

5.6 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

5.7 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

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: Approval – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to approve the Unified Development Ordinance Text Amendments, UDOTA 1-25, Ordinance #2025-06-2, 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: Approval – Inconsistent with the 2045 Comprehensive Growth Plan4

I make a motion to approve the Unified Development Ordinance Text Amendments, UDOTA 1-25, Ordinance #2025-06-2. 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: Denial – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to deny the Unified Development Ordinance Text Amendments, UDOTA 1-25, Ordinance #2025-06-2, 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: Denial – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion to deny the Unified Development Ordinance Text Amendments, UDOTA 1-25, Ordinance #2025-06-2, 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.

Ordinance #2025-06-02

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDOTA 1-25)
OF THE TOWN OF CLAYTON, NORTH CAROLINA

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 terms as the Unified Development Ordinance ("UDO"); and

WHEREAS, on May 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 June 16, 2025 and continued to July 21, 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. That the Town of Clayton Unified Development Ordinance is amended in accordance with the attached amendments (UDOTA 1-25) with the <u>underlined text</u> added and the ~~stricken text~~ removed.

SECTION 2. That § 91.09 Urban Archery Season for the Legal Harvesting of Deer in the Clayton, North Carolina Code of Ordinances is hereby repealed the effective date of this Ordinance.

SECTION 3. 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 4. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 21st day of July 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 Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	Quasi-Judicial Hearing

Item Title

2024-143-SUP Magnolia Pointe Special Use Permit, Substantial Deviation

Presenter(s)

Audrey Duchesne, Senior Planner

Suggested Action

Other - Approval or Denial of the Special Use Permit

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 - Quasi

Applicable General Statute Number: §160D-406

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

Other/Special Instructions: Public Notice sign posted on property July 11, 2025. Newspaper ad published in accordance with UDC requirements. Adjacent property notice mailed July 11, 2025.

Summary

The applicant is requesting a Substantial Deviation from a previously approved Special Use Permit, 2022-67-SUP, per UDC Section 155.711. The original Special Use Permit approved the use of townhomes, up to 68 units. The applicant is now proposing to modify this permit to develop 59 townhome units, adjust the internal roadway network, update building elevations, and revise dimensional standards. Revisions to dimensional standards include changes to lot sizes and minimum setbacks. The subject property is approximately 13.89 acres and is identified as Johnston County Tag 05G02031V.

Background/History

The request seeks to modify the previously approved Special Use Permit, 2022-67-SUP. The original Special Use Permit ran concurrently with an associated Preliminary Plat, 2022-66-SD. Both applications were approved in 2022.

Recommendation

N/A

Funding Source

N/A

Cost

N/A

Corresponding Documentation

00.Staff Report_Magnolia Pointe SUP_07112025 (2)

01. Application_Magnolia Pointe SUP_07112025

02. Owner's Consent Form_Magnolia Pointe SUP_07112025

03. Staff Report Maps_Magnolia Pointe SUP_07112025

04. Statement on Required Findings of Facts__Magnolia Pointe SUP_07112025

05. Conditions of Approval_Magnolia Pointe SUP_07112025

06. Exhibit A - Overall Site Plan_Magnolia Pointe SUP_07112025

07. Exhibit B - Building Elevations_Magnolia Pointe SUP_07112025

08. Adjacent Property Owner Notice_Magnolia Pointe SUP_07112025

09. Affidavit of Publication_Magnolia Pointe SUP_07142025

10. Ordinance_Magnolia Pointe SUP_07112025 (3)

Meeting Timeline

Evidentiary Hearing on July 21, 2025

Submitted By: Audrey Duchesne, Planning

Reviewed By:

Haley Downey, Assistant Planning Director	Approved - Jul 17 2025
Conrad Olmedo, Planning Director	Approved - Jul 17 2025
Courtney Tanner, Deputy Town Manager	Approved - Jul 17 2025
Heidi Holland, Town Clerk	Approved - Jul 17 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

Town Council Public Hearing: July 21st, 2025

STAFF REPORT	
Project Number:	2024-143-SUP
Project Name:	Magnolia Pointe Special Use Permit, Substantial Deviation
Property Pin #:	165914-33-6257
Location:	Within Clayton Town limits and located on the westerly side of Shotwell Road north of the intersection of Amelia Church Road and south of the intersection of Clayton Boulevard with no assigned address and identified as Johnston County Tax ID 05G02031V.
Applicant:	Mattamy Homes, Ashley Honeycutt Terrazas
Property Owner:	ASCO BUILDERS INC
Project Planner:	Audrey Duchesne, Senior Planner
Public Noticing Dates:	Adjacent Property Letters mailed: July 11, 2025 Newspaper Ads published: July 2nd, 2025 & July 9, 2025 Sign posted: July 11, 2025
Request:	Applicant is requesting a Substantial Deviation to the previously approved Special Use Permit (2022-67-SUP). This modification includes a reduction in unit count, changes to architectural standards, and changes to the dimensional standards such as minimum setbacks and lot sizes. The property is approximately 13.89 acres and is identified as Johnston County Tag #05G02031V.

The applicant seeks to modify a previously approved Special Use Permit, 2022-67-SUP. The revised proposal includes 59 residential units, a reduction from the originally approved 68 units. Key changes also include a realignment of Road C, which affects the location of the cul-de-sac, and a reduction in the total number of parking spaces from 153 spaces to 133 spaces. The reduction in parking reflects the lower number of units. The lot is currently vacant, and no construction has begun to date. The property is located within the Residential Medium Density (RMD) zoning district. This substantial deviation is being conducted per UDC Section 155.711 Special Use Permit review, which requires that modifications be made in accordance with the original approval process. Running concurrently with this application is Preliminary Plat, 2025-036-SD, which depicts the layout of the proposed development architectural elevations.

Located directly across Shotwell Road is an existing residential development, as well as a Senior Living Facility. To the South, there is an existing medical office. A 50-foot Neuse River Riparian Buffer borders the property to the north and west. Portions of this buffer are located within the subject parcel, while other portions extend onto adjacent private properties. To the south of the site lies an Office Institutional (OFI) zoning district. To the east, across Shotwell Road, the area is predominantly zoned Conditional Mixed-Use (CZM) and consists of existing single-family residential dwellings, along with a senior living facility.

Conditions of Approval

Conditions of Approval are proposed to be placed upon this application. If approved, these conditions would replace the originally approved conditions included within 2022-67-SUP. The conditions require the development to be built in substantial conformance with the approved Special Use Permit and Preliminary Plat. Architectural standards include a minimum of 25% brick on front building unit façades, and all buildings must match the submitted elevations. The site must be served by the Town's electric utility, and all open space will be maintained by an Homeowner's Association. Transportation-related conditions include right-of-way dedication along Shotwell Road, required sidewalk improvements must be extended to the property lines, either through construction or by providing a fee-in-lieu, as specified in the Conditions of Approval (Attachment #5), and the installation of No Parking signs along internal streets. If approved, this Special Use Permit will expire if construction does not begin or maintain progress within one year.

Direction	Zoning	Existing Land Use(s)	Future Land Use
North	Residential Large Lot (RLL) & Conditional Commercial (CZC)	Single Family Dwelling (detached)	Recreation and Open Space
South	Office Institutional (OFI)	Office, Low Intensity	High Density Residential
East	Conditional Mixed-Use (CZM)	Single Family Dwellings (detached) and Senior Living Facility	High Density Residential
West	Residential Large Lot (RLL)	Single Family Dwellings (detached)	Low Density Residential

Per UDC Section 155.711 (H), Special Use Permit process should be presented with four (4) required Findings of Fact presented during the Evidentiary Hearing: (1) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (2) That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the town Code of Ordinances or other applicable regulations. (3) That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. (4) That the application will not adversely affect the adopted plans and policies of the town, or violate the character of existing standards for development of the adjacent properties.			
1. Application 2. Owner's Consent Form 3. Staff Report Maps 4. Statement on Required Findings of Fact 5. Conditions of Approval 6. Exhibit A : Preliminary Plat (2025-36-SD) 7. Exhibit B : Building Elevations 8. Adjacent Property Owner Notice 9. Newspaper Ad Affidavit 10. Ordinance			

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

SPECIAL USE PERMIT APPLICATION COVER SHEET

Name of Project: Magnolia Pointe SUP Revision **Date:** _____

Applicant Name: Mattamy Homes c/o Parker, Poe, Adams & Bernstein

The following checklist to be completed by applicant:

[✓] Pre-Application Meeting on: 10/4/2024

[✓] Application Review fee

Submit 1 hardcopy and 1 digital (via email or USB) of each of the following:

[✓] Completed Application

[✓] Owner's Consent Form

[✓] Adjacent Property Owner's List

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

N/A [ ] Wastewater Allocation Request Form (if applicable)

[✓] Adjacent Property Owner's List - Include Names, Full Mailing Addresses & Parcel/NC Tag #

[✓] Associated Site Plan

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

SPECIAL USE PERMIT APPLICATION

www.ClaytonNC.org/Fees
Applicable Fees: Special Use Permit Fee

☐ **New Special Use Permit** ■ **Major Modification to an approved SUP**
Permit Modified: 2022-67-SUP

SITE INFORMATION

Name of Project: Magnolia Pointe

Acreage of Property: 13.83 **Zoning District:** RMD

County Tag #: 05G02031V **NC Pin #:** 165914-33-6257

Address/Location: 219 Shotwell Road, Clayton, NC

Existing Use: vacant **Proposed Use:** townhomes

Is project within a Planned Development? ☐ **Yes** ■ **No If yes, which:**

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

APPLICANT INFORMATION

Applicant: Mattamy Homes c/o Ashley Honeycutt Terrazas
Mailing Address: 301 Fayetteville St, Suite 1400
Phone Number: 919-835-4043 **Fax:**
Contact Person: Ashley Honeycutt Terrazas
Email Address: ashleyterrazas@parkerpoe.com

OFFICE USE ONLY

Date Received: Amount Paid: File Number:

PROPERTY OWNER INFORMATION

Name: Asco Builders Inc.

Mailing Address: 319 Chapanoke Rd, Ste 102, Raleigh, NC 27603

Phone Number: 919-779-8649 **Fax:**

Email Address: matt@sfreholdings.com

EXPLANATION OF PROJECT

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

The proposed project adjustments include reducing the density by nine units and replacing those areas with additional, more-centralized, community open space, moving the SCM to the site's natural low point, adding a small amount of additional right-of-way to Street B to achieve this, and including a handful of designated on-street guest parking spaces on Street A. These are small changes to the project that will make it better for future residents by reducing the impervious surfaces, improving site drainage, and making the open space more central and usable. These changes will also reduce the impact of the project to the Town--as the unit count reduction will decrease the traffic generated by, and the utilities needed for, the project. And, finally, these changes will reduce the impact of the project to adjacent property-owners, as, again, there will be less traffic generated, and the new townhome buildings will actually be further away from existing homes than those that could be built on the property today under the approved SUP.

See attached exhibits for additional details.

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. That the application will not materially endanger the public health or safety if located where proposed and is developed according to the plans as submitted and approved.

   The revised SUP will not endanger the public health or safety. The revisions proposed make Magnolia Pointe better from a public health and safety perspective—for both the neighbors and the future residents of the development.

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The application and revised preliminary plat will meet all required specifications of the Unified Development Code and conforms to the standards and practices of sound land use planning and all applicable regulations. Locating stormwater control facilities at the site's natural low point, and reducing impervious surfaces and grading, are all consistent with sound land use planning practices.

3. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The SUP revisions will not injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties. The revised SUP proposes a development that is very similar to the approved Magnolia Pointe SUP, with the same access points, a similar road layout, similar amenities, and townhomes of the same (or better) high architectural quality. These changes will have no impact to the property values or potential development of adjacent properties.

4. That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

The changes to the application will not adversely affect the adopted plans and policies of the Town nor violate the character or existing standards for development of the adjacent properties. The property is designated as "High Density Residential" on the Future Land Use Map, and while slightly less dense than the original SUP, the overall project is very similar in that it proposes high-quality attached housing that will serve as a transition between higher residential and commercial densities and lower residential densities.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make an application and petition to the Town Council of the Town of Clayton to approve the subject Special Use Permit. 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.

Bob Wiggins		
Print Name	***Signature of Applicant***	***Date***

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The application and revised preliminary plat will meet all required specifications of the Unified Development Code and conforms to the standards and practices of sound land use planning and all applicable regulations. Locating stormwater control facilities at the site's natural low point, and reducing impervious surfaces and grading, are all consistent with sound land use planning practices.

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APPLICANT AFFIDAVIT

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Bob Wiggins
Print Name

Signature of Applicant

12/13/24
Date

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

OWNER'S CONSENT FORM

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

Project Name: Magnolia Pointe **Address or PIN #:** 219 Shotwell Road

AGENT/APPLICANT INFORMATION:

Bob Wiggins
(Name - type, print clearly)

11000 Regency Pkwy Suite #110
(Address)
Cary, NC 27518
(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***):

2022-67-SUP & 2022-66-SD Revisions

All subsequent development approvals

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:

Matt Stephens, President, Asco Builders Inc.
(Name - type, print clearly)

(Owner's Signature)

319 Chapanoke Rd, Suite 102
(Address)

Raleigh, NC 27603
(City, State, Zip)

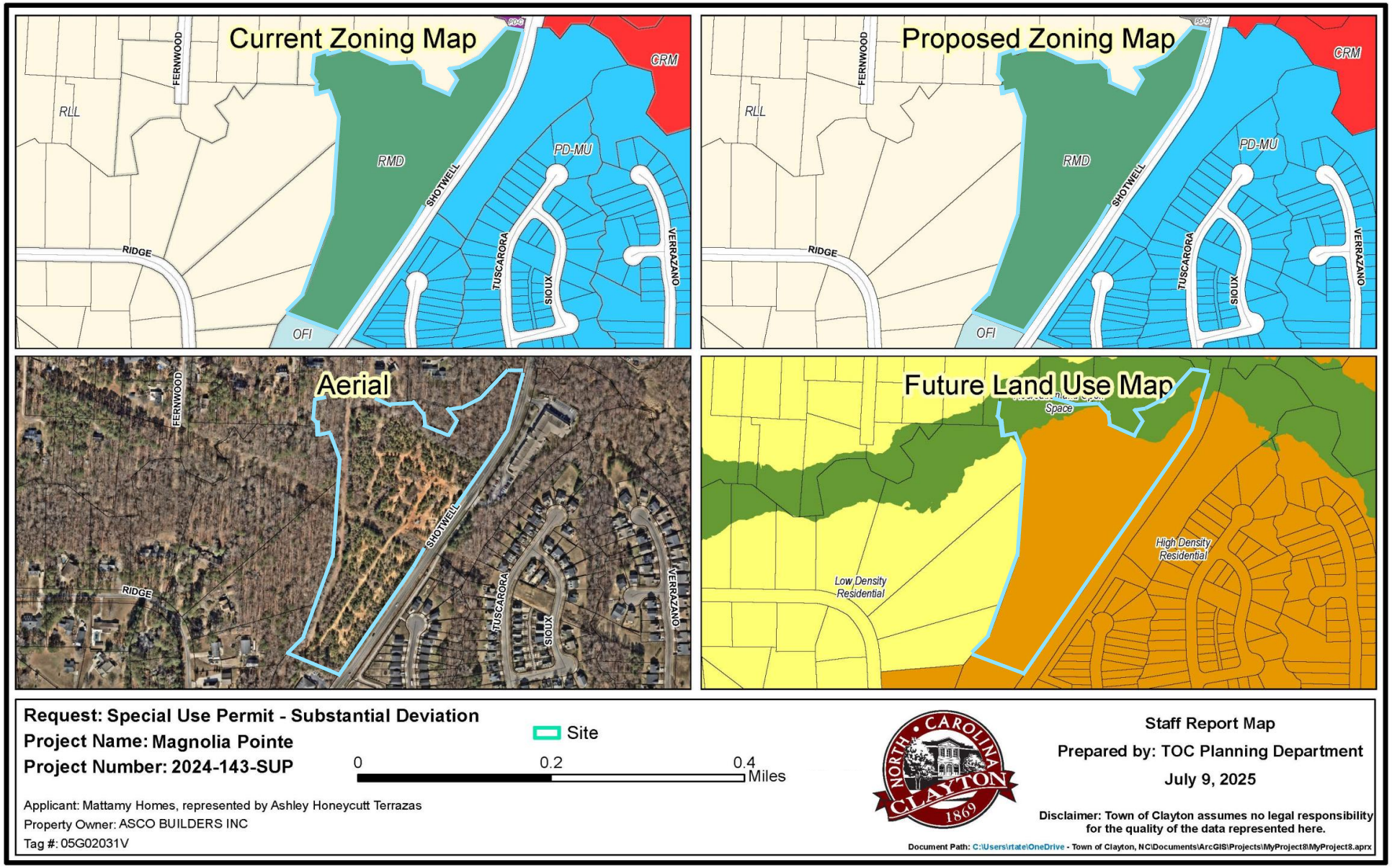
STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me Brenda E. Jones, a Notary Public for the above State and County, this the 6th day of November, 2024.

SEAL

Brenda E. Jones
Notary Public

My Commission Expires: 6/30/2025


Current Zoning Map
Proposed Zoning Map
Aerial
Future Land Use Map
FERNWOOD
RLL
RMD
PD-MU
CRM
OFI
SHOTWELL
TUSCARORA
SIOUX
VERRAZANO
RIDGE
Space
High Density Residential
Low Density Residential
Request: Special Use Permit - Substantial Deviation
Project Name: Magnolia Pointe
Project Number: 2024-143-SUP
Site
0
0.2
0.4
Miles
Applicant: Mattamy Homes, represented by Ashley Honeycutt Terrazas
Property Owner: ASCO BUILDERS INC
Tag #: 05G02031V
NORTH CAROLINA CLAYTON 1869
Staff Report Map
Prepared by: TOC Planning Department
July 9, 2025
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.
Document Path: C:\Users\rtate\OneDrive - Town of Clayton, NC\Documents\ArcGIS\Projects\MyProject8\MyProject8.aprx

Magnolia Point SUP Revisions

UDC § 155.711(I) Special Use Permit Showings

1. *That the application will not materially endanger the public health or safety if located where proposed and is developed according the plans as submitted and approved.*

The revised SUP will not endanger the public health or safety. The revisions proposed make Magnolia Pointe better from a public health and safety perspective—for both the neighbors and the future residents of the development.

2. *That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.*

The application and revised preliminary plat will meet all required specifications of the Unified Development Code and conforms to the standards and practices of sound land use planning and all applicable regulations. Locating stormwater control facilities at the site's natural low point, and reducing impervious surfaces and grading, are all consistent with sound land use planning practices.

3. *That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

The SUP revisions will not injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties. The revised SUP proposes a development that is very similar to the approved Magnolia Pointe SUP, with the same access points, a similar road layout, similar amenities, and townhomes of the same (or better) high architectural quality. These changes will have no impact to the property values or potential development of adjacent properties.

4. *That the application will not adversely affect the adopted plans and policies of the Town or violate the character or existing standards for development of the adjacent properties.*

The changes to the application will not adversely affect the adopted plans and policies of the Town nor violate the character or existing standards for development of the adjacent properties. The property is designated as "High Density Residential" on the Future Land Use Map, and while slightly less dense than the original SUP, the overall project is very similar in that it proposes high-quality attached housing that will serve as a transition between higher residential and commercial densities and lower residential densities.

Docusign Envelope ID: DFDF6152-600D-424F-BCEB-86483CC9C93A

Conditions of Approval (2024-143-SUP) Magnolia Pointe Special Use Permit Modification to 2022-67-SUP

1. These Conditions of Approval, and any others included with the associated Preliminary Subdivision Plat (2025-036-SD) shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and approval.

2. The Development shall be constructed in substantial conformance with the Special Use Permit as approved by the Clayton Town Council and associated Subdivision Plat as approved by Town staff.

3. All portions of the site shall obtain electricity from the Town of Clayton's electric utility, in accordance with the Wastewater Allocation Criteria sheet submitted by the applicant.

4. The buildings in the development shall be constructed in accordance with the Architectural elevations provided in the associated Preliminary Subdivision Plat 2025-036-SD, including identified façade materials. All buildings shall include a minimum brick masonry coverage of 25% on the front building unit façades.

5. All common open space and recreational areas shall be maintained and protected in perpetuity by a Homeowner's Association.

6. The following transportation improvements shall be constructed prior to the first Certificate of Occupancy:

    a. Right-of-Way dedication for Shotwell Road along the Shotwell Road frontage will be provided in accordance with the Subdivision Plat to meet the ultimate width of 110 feet
    b. Road improvements, including a sidewalk, on Shotwell Road will be constructed in accordance with the Subdivision Plat, except for approximately 485.17 linear feet north of "Street B," to the subject property line, where Fee-in-Lieu of street improvements will be provided at 125% of the estimated cost according to an engineer's estimate approved by the Town of Clayton Engineering Department prior to construction drawing approval.
    c. Road improvements, including a sidewalk, shall be extended to connect to the existing sidewalk and street section to the south of Street A along the property frontage on Shotwell Road if 1) it can be accommodated in the existing public right-of-way and any needed off-site easements are granted, 2) does not require any retaining walls to comply with all applicable laws and regulations, and 3) is permitted by the North Carolina Department of Transportation (NCDOT). If the sidewalk connection is provided, a Fee-in-Lieu of additional widening for the ultimate section will be provided at 125% of the estimated cost according to an engineer's estimate approved by the Town of Clayton Engineering Department prior to Construction Drawing approval.
    If the sidewalk connection is not provided, frontage widening and sidewalk to the south of Street A will be provided to the greatest extent practicable in the planned final locations required by the Unified Development Code and Comprehensive Transportation Plan at the time of the original Special Use Permit approval, November 7, 2022.

Docusign Envelope ID: DFDF6152-600D-424F-BCEB-86483CC9C93A

7. No Parking Signs shall be installed along one side of both Street A and Street B in the areas without on-street parking spaces outside of the travel lanes. The location of the No Parking Signs shall be determined and approved by Town Staff during the Construction Drawing review.

8. To the extent of any conflict between the Preliminary Plat and these Conditions of Approval, these Conditions shall control.

9. Unless otherwise stated in this approval, this Special Use Permit shall expire and become null and void one (1) year after the date of issuance, on July 21, 2026, if:

    a. An application for Constructions Drawings has not been filed; or
    b. Substantial commencement of work authorized under the special use permit has not taken place; or
    c. Construction activities have started, but the owner has voluntarily stopped construction and substantial progress has not been maintained.

10. Any new or modified development permit applications made outside of the vested rights period as defined in N.C.G.S. § 160D-108, or beyond the scope of the approved Preliminary Plat (2025-036-SD) (i.e. signage permits), shall be subject to the Town of Clayton ordinances and regulations in effect at the time of such submittal. For clarity, construction drawings and final plat shall be subject to the Town of Clayton ordinances and standards in place at the time of the original special use permit approval, November 7, 2022, if made during the vested rights period.

PROPERTY OWNER OR AUTHORIZED AGENT 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.

Bob Wiggins	DocuSigned by: 60F29158FD41410...	7/9/2025
Print Name	***Signature of Property Owner/Authorized Agent***	***Date***

Signature affirms compliance with Unified Development Code Section ***155.711 SPECIAL USE PERMIT REVIEW (I) (3).***

LEGEND

PROP. CONCRETE SIDEWALK

PROP. SANITARY SEWER ESMT.

PROP. PRIVATE STORM DRAINAGE EASEMENT (PSDE)

PROP. PUBLIC UTILITY ESMT. (PUE)

PROP. PERIMETER BUFFER

PROP. PRIVATE STORMWATER CONTROL MEASURE EASEMENT (SCM)

EXIST. WETLAND

EXIST. STREAM TOP OF BANK

EXIST. STREAM BUFFER

PROP. CONCRETE PAVEMENT

PROP. FENCE

PROP. FIRE HYDRANT

PROP. SETBACK

PROP. RIGHT-OF-WAY

PROP. LOT LINES

RESOURCE CONVERSATION AREA

EXIST. OVERHEAD POWER LINE

EXIST. FIBER OPTIC LINE

EXIST. RIGHT-OF-WAY

EXIST. ADJACENT PROP. LINE

SITE DATA:

LOCATION:	TOWN OF CLAYTON
CURRENT ZONING:	RMD
PROPOSED ZONING:	RMD
PARKING REQUIRED:	2 X 59 = 118
DRIVEWAY PARKING PROVIDED:	59
GARAGE PARKING PROVIDED:	59
ON-STREET PARKING PROVIDED:	12
MAIL KIOSK PARKING PROVIDED:	3
TOTAL PARKING PROVIDED:	133
ELECTRIC PROVIDER:	DUKE ENERGY
WATER PROVIDER:	TOWN OF CLAYTON
SANITARY SEWER PROVIDER:	TOWN OF CLAYTON
TOWNHOMES:	59
OVERALL SITE AREA:	14.94 AC.
EXISTING R/W:	1.11 AC.
ADDITIONAL DEDICATED R/W:	0.92 AC.
MIN. PARCEL AREA:	20,000 SQ. FT.
PROP. PARCEL AREA:	14.94 AC
NET SITE AREA:	12.91 AC.
TOTAL DISTURBED AREA:	9.84 AC.
PROPOSED ON-SITE IMPERVIOUS:	4.30 AC. / 28.8%
PROPOSED USE:	TOWNHOMES (3+ UNITS)
TOTAL NUMBER OF PROPOSED LOTS:	59
MIN. LOT AREA (SQ. FT):	1560 SF
MIN. LOT WIDTH (FT):	20 FT
MAX. BUILDING HEIGHT (FT):	38 FT
MAX. LOT COVERAGE (%):	85%
MAX. IMPERVIOUS SURFACE AREA/LOT (%):	85%

OPEN SPACE SUMMARY:

TOTAL OPEN SPACE :	2.55 AC.
OPEN SPACE:	2.11 AC.
IMPROVED OPEN SPACE:	0.44 AC.
RESOURCE CONSERVATION AREA:	4.03 AC.

MINIMUM BUILDING SETBACK REQUIREMENTS:

MIN. FRONT YARD:	20 FT
MIN. SIDE YARD:	10 FT
MIN. SIDE STREET:	20 FT
MIN. REAR YARD:	15 FT

LOTS:

OVERALL PROJECT DENSITY:	3.95 UNITS/AC

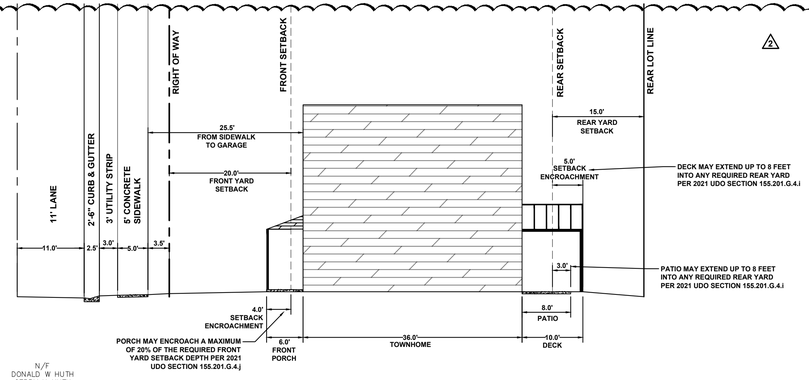
PER UDC SECTION § 155.401 OFF-STREET PARKING AND LOADING (E), IN RESIDENTIAL DISTRICTS WHERE GARAGE SPACE IS PROVIDED, THE GARAGE SPACE MAY BE CONSIDERED WHEN DETERMINING WHETHER THE REQUIRED PARKING HAS BEEN MET.

COMPREHENSIVE GROWTH PLAN:

FUTURE LAND USE:	HIGH DENSITY RESIDENTIAL
GROSS RESIDENTIAL DENSITY:	3.95 UNITS/ACRE. ≤ 10 UNITS/ACRE, WITH HIGHER DENSITIES ALLOWED AS PART OF PLANNED DEVELOPMENTS THAT ARE WALKABLE TO COMMERCIAL AREAS
UNITY TYPE:	TOWNHOMES (3+ UNITS)
OPEN SPACE:	MINIMUM OF 10% OPEN SPACE SHOULD BE A MIX OF PRESERVED NATURAL FEATURES WITH PASSIVE RECREATION FACILITIES, BUFFERS TO EXISTING DEVELOPMENT AND MORE FORMAL OR DEVELOPED OPEN SPACE SUCH AS COMMON GREENS, PLAZAS, AND/ OR PLAYGROUNDS.

SITE NOTES

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF CLAYTON AND NCDOT STANDARDS AND SPECIFICATIONS AS APPLICABLE.
2. ALL RADII DIMENSIONS SHOWN ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED.
3. ALL HANDICAP ACCESS RAMPS SHALL COMPLY WITH THE LATEST EDITION OF THE ADA ACCESSIBILITY GUIDELINES.
4. NO OBSTRUCTIONS, PLANTINGS, OR FENCING SHALL BE PERMITTED WITHIN SIGHT TRIANGLES, PERMANENT STORM DRAINAGE EASEMENTS (PSDE) AND SANITARY SEWER EASEMENTS.
5. MAINTENANCE RESPONSIBILITIES OF ALL ITEMS INCLUDING BUT NOT LIMITED TO: PARKING, MAIL KIOSK, SUBDIVISION SIGN, DRAINAGE EASEMENTS, RETAINING WALLS, STEEP SLOPES, AND ALL OPEN SPACES & AMENITIES.
6. SEE ALTA/NSPS LAND TITLE SURVEY SHEET FOR COMPLETE BOUNDARY DESCRIPTION, ADJOINING PROPERTIES, ZONING AND USE.
7. THIS SITE IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE CURRENT FLOOD INSURANCE RATE MAP, FIRM PANEL 3720161 / 5900 DATED JUNE, 20, 2018.
8. SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM CANOY SURVEYING.
9. REFUSE COLLECTION WITH INDIVIDUAL ROLLOUT BINS.



TYPICAL LOT SECTION

NTS

TYPICAL LOT DIAGRAM

1"=20'

NOTES:

- PROPOSED DRIVEWAY SHOWS A 20.86' LONG FORD-150 SUPERCAB.

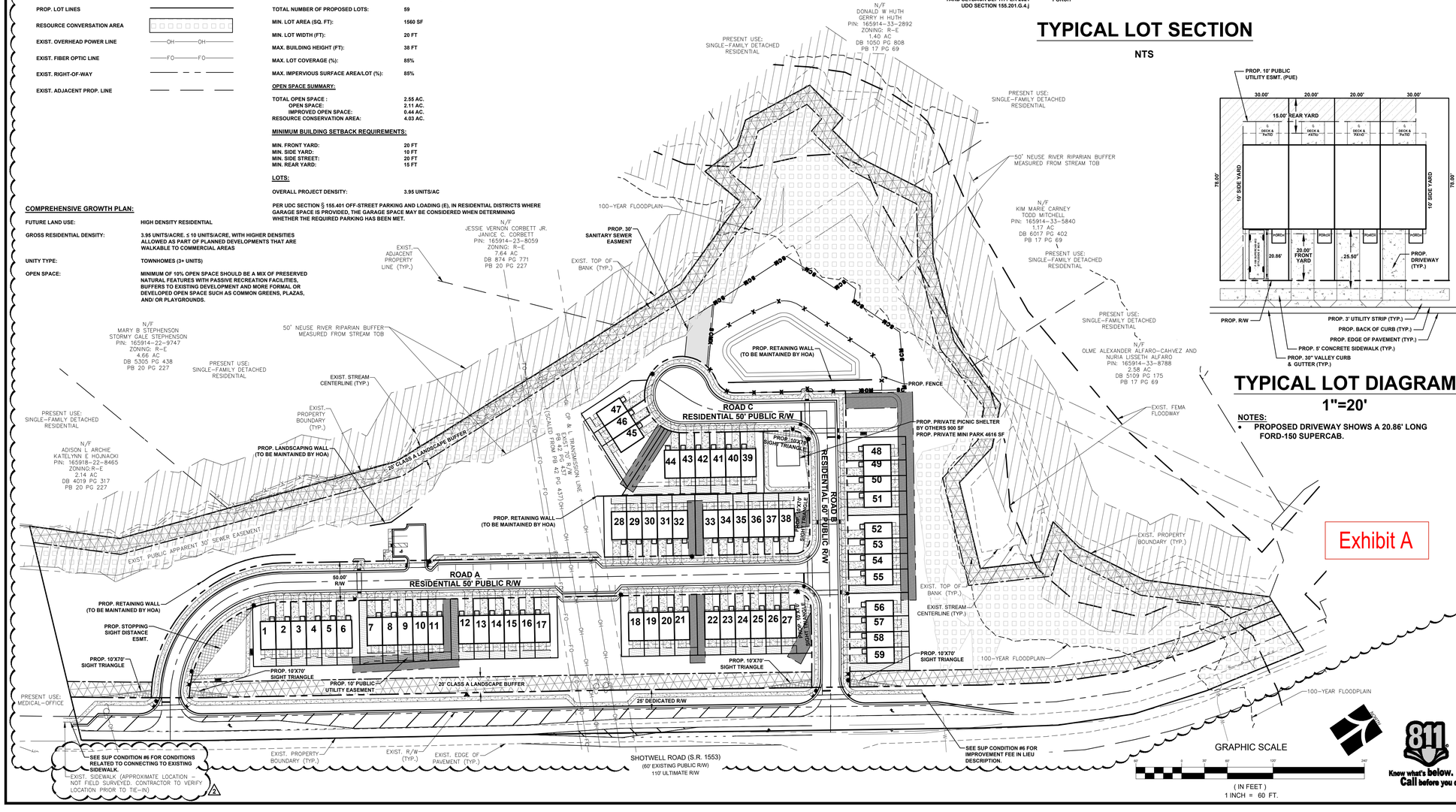


Exhibit A

GRAPHIC SCALE

(IN FEET)
1 INCH = 60 FT.

Know what's below. Call before you dig.

ESP Associates, Inc.
2200 Gateway Centre Blvd
Suite 216
Morrisville, NC 27560
919-873-1010 (PH)
www.espassociates.com

NORTH CAROLINA PROFESSIONAL ENGINEER LICENSE NO.: F-1407 ESP ASSOCIATES, INC.

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 050132 ZACHARY T. HOWES

NO.	DATE	REVISION	BY
1	04/11/2025	REVISED PER TOWN OF CLAYTON COMMENTS	TRK
2	07/02/2025	REVISED PER TOWN OF CLAYTON COMMENTS	TRK

OVERALL SITE PLAN

MAGNOLIA POINTE
TOWN OF CLAYTON, NC

MATTAMY HOMES, LLC

PROJECT INFORMATION	
PROJECT MANAGER:	ATH
DESIGNED BY:	TRK/CAL
DRAWN BY:	TRK/CAL
PROJECT NUMBER:	24-00691
ORIGINAL DATE:	01-31-2025
SHEET:	C2.0

S:\RE1\Projects\2024\24-00691 - Mattamy - Magnolia Pointe_24-00691\Sheets\24-00691-SITE OVERALL.dwg, Layout: shales



Exhibit B

S:\RE1\Projects\2024\24-00691 - Mattamy - Magnolia Pointe_24-00691\Sheets\24-00691-ARCHITECTURAL BUILDING ELEVATIONS.dwg, A2 ARCHITECTURAL BUILDING ELEVATIONS - SHEET 1 OF 2, jshales

ESP Associates, Inc.
2200 Gateway Centre Blvd
Suite 216
Morrisville, NC 27560
919-873-1010 (VOC)
www.espassociates.com

NO.	DATE	REVISION	BY
1	04/11/2025	REVISED PER TOWN OF CLAYTON COMMENTS	TRK
2	07/03/2025	REVISED PER TOWN OF CLAYTON COMMENTS	TRK

ARCHITECTURAL BUILDING ELEVATIONS - SHEET 1 OF 2

MAGNOLIA POINTE

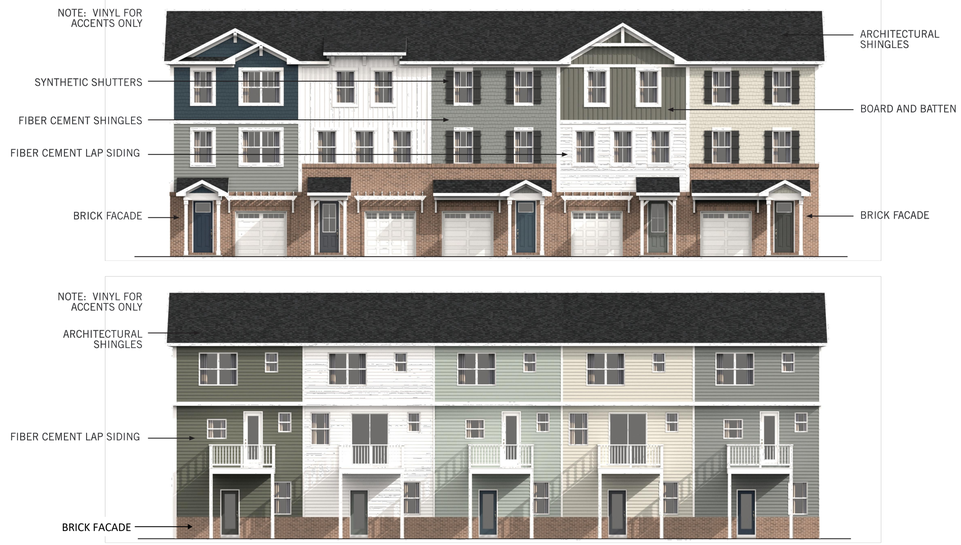
TOWN OF CLAYTON, NC

MATTAMY HOMES, LLC

PROJECT INFORMATION	
PROJECT MANAGER:	ATH
DESIGNED BY:	TRK/CAL
DRAWN BY:	TRK/CAL
PROJECT NUMBER:	24-00691
ORIGINAL DATE:	01-31-2025

SHEET:

A2



mattamyHOMES
mattamyhomes.com

MAGNOLIA POINTE I TOWNHOMES



mattamyHOMES
mattamyhomes.com

MAGNOLIA POINTE I TOWNHOMES

ESP Associates, Inc.
2200 Gateway Centre Blvd
Suite 216
Morrisville, NC 27560
919-873-0100 (VOC)
www.espassociates.com

NO.	DATE	REVISION	BY
1	04/11/2025	REVISED PER TOWN OF CLAYTON COMMENTS	TRK
2	07/03/2025	REVISED PER TOWN OF CLAYTON COMMENTS	TRK

ARCHITECTURAL BUILDING ELEVATIONS - SHEET 2 OF 2

MAGNOLIA POINTE
TOWN OF CLAYTON, NC

MATTAMY HOMES, LLC

PROJECT INFORMATION	
PROJECT MANAGER:	ATH
DESIGNED BY:	TRK/CAL
DRAWN BY:	TRK/CAL
PROJECT NUMBER:	24-00691
ORIGINAL DATE:	01-31-2025

SHEET:
A3

S:\RE I\Projects\2024\24-00691 - Mattamy - Magnolia Pointe_24-00691\Sheets\24-00691-ARCHITECTURAL BUILDING ELEVATIONS.dwg, A3 ARCHITECTURAL BUILDING ELEVATIONS - SHEET 2 OF 2, ahales

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

July 11, 2025

PUBLIC NOTICE

SUBJECT: **Project:** 2024-143-SUP – Magnolia Pointe Substantial Deviation

Location: Located of Shotwell Road near Amelia Church Road

PIN #(s): 165914-33-6257

Applicant: Mattamy Homes, Ashley Honeycutt Terrazas

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on Monday, July 21, 2025, at 6:00 p.m. in the Council Chambers at Town Hall, 111 E. Second Street, to consider the special use substantial deviation application referenced above.

The applicant is requesting a substantial modification to Special Use Permit 2022-67-SUP, previously approved by the Town Council. This request will be reviewed through a quasi-judicial process, as outlined in Section 155.701 (Summary of Review Authority) of the Unified Development Code (UDC). The revised proposal reduces the number of residential units from 68 to 59. Additional changes include revisions to the internal roadway layout.

Based upon records in the Johnston County Tax Office, you are the owner of property that is within 300 feet of this proposed rezoning request. You are invited to attend this hearing and express your opinions on this request to the Town Council.

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

Sincerely,

Audrey Duchesne, Senior Planner

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

11 de julio de 2025

AVISO PÚBLICO

ASUNTO: **Proyecto:** 024-143-SUP – Magnolia Pointe Substantial Deviation

Ubicación: Ubicado en Shotwell Road, cerca de Amelia Church Road.

Números de PIN: 165914-33-6257

Solicitante: Mattamy Homes, Ashley Honeycutt Terrazas

Estimado propietario de propiedad en el área de Clayton:

Por la presente, se notifica que el Ayuntamiento de Clayton celebrará una audiencia pública el lunes 21 de julio de 2025 a las 18:00 h en la Sala del Ayuntamiento, ubicada en 111 E. Second Street, para considerar la solicitud de desviación sustancial de un permiso de uso especial mencionada anteriormente.

El solicitante solicita una modificación sustancial del Permiso de Uso Especial 2022-67-SUP, previamente aprobado por el Ayuntamiento. Esta solicitud será evaluada mediante un proceso cuasi judicial, conforme a lo establecido en la Sección 155.701 (Resumen de la Autoridad de Revisión) del Código de Desarrollo Urbano (UDC). La propuesta revisada reduce el número de unidades residenciales de 68 a 59. Los cambios adicionales incluyen revisiones en el trazado vial interno.

Según los registros de la Oficina de Impuestos del Condado de Johnston, usted es el propietario de una propiedad que se encuentra a menos de 300 pies de esta solicitud de rezonificación propuesta. Le invitamos a asistir a esta audiencia y a expresar su opinión sobre esta solicitud al Ayuntamiento.

Si necesita ayuda o información adicional, comuníquese con el Departamento de Planificación al (919) 553-5002 o envíe un correo electrónico a aduchesne@townofclaytonnc.org.

Atentamente,

Audrey Duchesne, Planificadora Senior

Johnstonian News

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Edmar Corachia, 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:
Jul. 2, 2025

Jul. 9, 2025

NOTICE ID: 4rwq9I3gdNr26WKVcXql
NOTICE NAME: 2024-143-SUP Magnolia Pointe
Publication Fee: 117.20

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

Edmar Corachia
(Signed)_____

VERIFICATION

State of Florida
County of Orange

PAMELA BAEZ
Notary Public - State of Florida
Commission # HH 186700
Expires on October 14, 2025

Subscribed in my presence and sworn to before me on this: 07/11/2025

_____
Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE

In accordance with the Town of Clayton Unified Development Code, Section § 155.702 Common Review Procedures, the Clayton Town Council will hold a Public Hearing on Monday, July 21, 2025, at 6:00 PM at Town Hall, 111 E. Second St., to consider:

2024-143-SUP – A request to modify the previously approved SUP #2022-67-SUP. The project proposes 59 townhomes on a 13.89-acre property located on Shotwell Road, identified as Johnston County Tax Parcel 05G02031V.

(Quasi-Judicial)

Audrey Duchesne, Senior Planner
919-553-5002, Ext. 5501

_____
The Johnstonian

Please advertise on the following dates:

July 02, 2025
July 09, 2025

Affidavit of publication required.

The Johnstonian
July 2, 9, 2025

TOWN OF CLAYTON
SPECIAL USE PERMIT
#2024-143-SUP
GRANTED

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: Mattamy Homes, Ashley Honeycutt Terrazas

Property Owner: ASCO BUILDERS INC

NC Pin: 165914-33-6257

Brief Property Description: ±13.89 acres Acre Property with frontage on Shotwell Rd.

Tax Parcel Number: 05G02031V

Proposed Use of Property: Townhouse

Hearing Date: July 21, 2025

Having heard all the evidence and argument presented at the hearing, the Town Council makes the following Findings, per Unified Development Code Section 155.711.H:

1) That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.

2) That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

3) That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

4) That the application will not adversely affect the adopted plans and polices of the Town or violate the character of existing standards for development of the adjacent properties.

Conditions of Approval (2024-143-SUP) Magnolia Pointe Special Use Permit Modification to 2022-67-SUP

1. These Conditions of Approval, and any others included with the associated Preliminary Subdivision Plat (2025-036-SD) shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and approval.

2. The Development shall be constructed in substantial conformance with the Special Use Permit as approved by the Clayton Town Council and associated Subdivision Plat as approved by Town staff.

3. All portions of the site shall obtain electricity from the Town of Clayton's electric utility, in accordance with the Wastewater Allocation Criteria sheet submitted by the applicant.

4. The buildings in the development shall be constructed in accordance with the Architectural elevations provided in the associated Preliminary Subdivision Plat 2025-036-SD, including identified façade materials. All buildings shall include a minimum brick masonry coverage of 25% on the front building unit façades.

5. All common open space and recreational areas shall be maintained and protected in perpetuity by a Homeowner's Association.

6. The following transportation improvements shall be constructed prior to the first Certificate of Occupancy:

    a. Right-of-Way dedication for Shotwell Road along the Shotwell Road frontage will be provided in accordance with the Subdivision Plat to meet the ultimate width of 110 feet
    b. Road improvements, including a sidewalk, on Shotwell Road will be constructed in accordance with the Subdivision Plat, except for approximately 485.17 linear feet north of "Street B," to the subject property line, where Fee-in-Lieu of street improvements will be provided at 125% of the estimated cost according to an engineer's estimate approved by the Town of Clayton Engineering Department prior to construction drawing approval.
    c. Road improvements, including a sidewalk, shall be extended to connect to the existing sidewalk and street section to the south of Street A along the property frontage on Shotwell Road if 1) it can be accommodated in the existing public right-of-way and any needed off-site easements are granted, 2) does not require any retaining walls to comply with all applicable laws and regulations, and 3) is permitted by the North Carolina Department of Transportation (NCDOT). If the sidewalk connection is provided, a Fee-in-Lieu of additional widening for the ultimate section will be provided at 125% of the estimated cost according to an engineer's estimate approved by the Town of Clayton Engineering Department prior to Construction Drawing approval.

       If the sidewalk connection is not provided, frontage widening and sidewalk to the south of Street A will be provided to the greatest extent practicable in the planned final locations required by the Unified Development Code and Comprehensive Transportation Plan at the time of the original Special Use Permit approval, November 7, 2022.

7. No Parking Signs shall be installed along one side of both Street A and Street B in the areas without on-street parking spaces outside of the travel lanes. The location of the No Parking Signs shall be determined and approved by Town Staff during the Construction Drawing review.

8. To the extent of any conflict between the Preliminary Plat and these Conditions of Approval, these Conditions shall control.

9. Unless otherwise stated in this approval, this Special Use Permit shall expire and become null and void one (1) year after the date of issuance, on July 21, 2026, if:

    a. An application for Constructions Drawings has not been filed; or
    b. Substantial commencement of work authorized under the special use permit has not taken place; or
    c. Construction activities have started, but the owner has voluntarily stopped construction and substantial progress has not been maintained.

10. Any new or modified development permit applications made outside of the vested rights period as defined in N.C.G.S. § 160D-108, or beyond the scope of the approved Preliminary Plat (2025-036-SD) (i.e. signage permits), shall be subject to the Town of Clayton ordinances and regulations in effect at the time of such submittal. For clarity, construction drawings and final plat shall be subject to the Town of Clayton ordinances and standards in place at the time of the original special use permit approval, November 7, 2022, if made during the vested rights period.

TOWN OF CLAYTON

BY: _____
Jody L. McLeod
Mayor

DATE:
_____

Ordinance #2025-07-01

ATTEST:

_____
Sam Johnson-Phillips CMC, NCCMC
Deputy Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

Ordinance #2025-07-01

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
July 21, 2025	NEW BUSINESS

Item Title

Adopting the Town Emergency Operations Plan (EOP) and Authorizing the Development and Administrative Management of a Continuity of Operations Plan (CoOP)

Presenter(s)

Stacey Turner, Deputy Fire Chief

Suggested Action

Adoption of Resolution - Resolution #2025-65

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 EOP is an emergency operations overview. The CoOP is a plan that ensures town functions after a significant event.

Funding Source

N/A

Corresponding Documentation

Resolution Adopting Emergency Operations Plan (EOP)

Submitted By: Heidi Holland, Fire Department

Reviewed By:

Rich Cappola, Town Manager	Approved - Jul 16 2025
Heidi Holland, Town Clerk	Approved - Jul 17 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON, NORTH CAROLINA, ADOPTING THE TOWN EMERGENCY OPERATIONS PLAN (EOP) AND AUTHORIZING THE DEVELOPMENT AND ADMINISTRATIVE MANAGEMENT OF A CONTINUITY OF OPERATIONS PLAN (CoOP)

WHEREAS, the Town of Clayton recognizes the importance of preparedness, response, and recovery in the event of emergencies and disasters that may impact the health, safety, and welfare of its residents, businesses, and visitors; and

WHEREAS, the Town Emergency Operations Plan (EOP) provides a comprehensive framework for coordinated emergency response and recovery efforts across all departments and partner agencies; and

WHEREAS, the Town Council supports the continued enhancement of organizational resilience and operational readiness through the development of a Continuity of Operations Plan (CoOP); and

WHEREAS, the Town Manager is best positioned to oversee the development, implementation, and maintenance of such a plan to ensure continuity of essential services and functions during and after disruptive events;

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

1. The Town of Clayton Emergency Operations Plan (EOP) is hereby adopted as the official emergency response framework for the Town.
2. The Town Manager is hereby authorized to develop, implement, and maintain a Continuity of Operations Plan (CoOP) for the Town of Clayton.
3. The Town Manager is further authorized to approve and update the CoOP administratively, as needed, to reflect changes in organizational structure, operations, or emerging risks, without requiring additional Council action.
4. Funding for the development, implementation, and maintenance of the CoOP shall be provided through existing budgeted resources, grants, or other available funding sources, as determined appropriate by the Town Manager.

Resolution #2025-65

Duly adopted this 21st day of July 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

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

Resolution #2025-65