



Town of Clayton
Regular Town Council Meeting Agenda
Monday, April 15, 2024 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:** Approve or Adjust the Agenda

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.)

- a. Minutes
 - April 1, 2024 - Regular Session
 - April 1, 2024 - Closed Session

Presenter: Heidi Holland, Town Clerk
[April 1, 2024 - Regular Session](#)
- b. HEML Circulation Policy Amendment
Presenter: Joy Garretson, Library Director
[HEML Circulation Policy](#)
[Resolution #2024-26](#)
- c. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Creekside Commons Phase 6
[Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Creekside Commons Phase 6](#)
- d. NCRR Third Supplemental Document to License Agreement
Presenter: Joshua Baird, PE - Engineering Director
[NCRR Third Supplemental Document to License Agreement](#)
- e. Weyerhaeuser Land Acquisition
Presenter: Robert McKie, Jr. - Finance Director
[Weyerhaeuser Land Acquisition](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. National Lineman Appreciation Day Proclamation
Presenter: Council Member Archer to Present to the Electric Department
[National Lineman Day Proclamation](#)
- b. Administrative Professionals' Day Proclamation
Presenter: Council Member Williams to Present to Admin Staff
[Administrative Professionals' Day Proclamation](#)
- c. International Firefighters' Day Proclamation
Presenter: Mayor Pro Tem Sims to Present to the Fire Department
[International Firefighters' Day Proclamation](#)
- d. Earth Day Proclamation
Presenter: Council Member Casey to Read the Proclamation
[Earth Day Proclamation](#)
- e. Triangle Adventures Proclamation
Presenter: Council Member Anderson to Read the Proclamation
[Triangle Adventures Proclamation](#)
- f. Professional Municipal Clerks Week Proclamation
Presenter: Mayor McLeod to Present to the Clerk's Office
[Municipal Clerks Week 2024 Proclamation](#)
- g. Celebrating 50 Years of Production at the Grifols Site
Presenter: Mayor McLeod to Present to Grifols
[Grifols 50th Anniversary Proclamation](#)

6. PUBLIC HEARINGS

- a. Unified Development Ordinance Text Amendment (UDOTA 1-24)
Presenter: Chad Meadows Codewright Planners (Consultant)
[Unified Development Ordinance Text Amendment \(UDOTA 1-24\)](#)

POTENTIAL ACTION:

Adoption of Ordinance

- b. Downtown Clayton Social District
Presenter: Lydia Davis, Economic Development Specialist
[Downtown Clayton Social District](#)

POTENTIAL ACTION:

Informational Only

- c. 2023-115-CZM Carolina Overlook North Conditional Rezoning
Presenter: Conrad Olmedo, Planning Director
[2023-115-CZM Carolina Overlook North Conditional Rezoning](#)

POTENTIAL ACTION:

Adoption of Ordinance

7. QUASI-JUDICIAL HEARING

- a. *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.

- b. 2023-124-SUP Creekside Townes Modification
Presenter: Bruce Venable
[2023-124-SUP Creekside Townes Modification](#)

POTENTIAL ACTION: Approval of SUP

8. OLD BUSINESS

- a. 2023-143-SUP Pinnacle Indoor Storage Unit Facility. Findings and Conclusions.
Presenter: Steven Mott, Planner II
[2023-143-SUP Pinnacle Indoor Storage Unit Facility. Findings and Conclusions](#)

POTENTIAL ACTION: Adoption of Ordinance

9. NEW BUSINESS

10. STAFF REPORTS

- a. Town Manager
b. Town Attorney
c. Town Clerk
d. Other Staff

11. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- Individuals have three (3) minutes to address the Town Council.
 - Groups will designate a spokesperson. The spokesperson will have five (5) minutes to address the Town Council.
- b. Council Comments

12. CLOSED SESSION

- a. To Discuss Purchasing of Real Property in Accordance with NC GS 143-318.11(a)(5) and To Discuss Economic Development in Accordance with NC GS 143-318.11(a)(4)

13. ADJOURNMENT

- a. Adjourn
- POTENTIAL ACTION:** Motion To Adjourn



Town of Clayton
Regular Town Council Meeting Minutes
Monday, April 1, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:

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

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Robert McKie, Finance Director
Greg Tart, Police Chief
Nathanael Shelton, Communications Officer
David Ranes, Fire Chief
Joshua Baird, Engineering Director
Conrad Olmedo, Planning Director
Sam Johnson-Phillips, Deputy Town Clerk
Patrick Pierce, Economic Development Director
Bruce Venable, Planner

Council Absent:

None

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. An adjustment of the agenda was made to add two closed session items, one to discuss real property and one to discuss a legal matter.

Approve or Adjust the Agenda

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Gretchen Williams, and Ruth Anderson

NO:	None
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3. CONSENT AGENDA

- a. Minutes
- March 18, 2024 - Regular Session
- Presenter:* Sam Johnson-Phillips, Deputy Town Clerk
- b. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Grifols Phase II Wastewater Effluent Line
- c. Resolution to Accept Utilities for Warranty Highgate Ph. 5
- Presenter:* Joshua Baird, PE, CFM - Engineering Director
- d. Resolution in Support of Clean Water State Revolving Fund (CWSRF) Application Submittal for Sam's Branch WRF Program
- Presenter:* Joshua Baird, PE, CFM - Engineering Director

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

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. National Library Workers Day Proclamation
- Presenter:* Council Member Williams to Present to Library Staff

Council Member Williams read the proclamation into the record and presented this to staff at the Library.

6. PUBLIC HEARINGS

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

- a. Town Manager
- Budget Survey Results

Mr. Cappola stated one of the things historically done the past few years has been a public budget survey. A listing of individuals responses was provided to Council. There were over 1500 participants. 1,000 citizens stated they lived in Town limits; approximately 440 in the ETJ; 84 business owners; 256 citizens work here; 450 that come to visit and 35 of which own rental property. Shared were these results.

Data shows there are a lot of younger families moving into the Town. One of the main questions asked was where would you rank where the Town's focus on Fiscal Year 25's priorities; Public Safety was number one with transportation landing at number two.

Some top responses for funds were: Cultural Arts: Family-Friendly Experiences: Economic Stability & Growth: Construction of infrastructure improvements to support new and expanding businesses; Environmental Sustainability: Resources to support community forestry efforts (planting and maintenance of trees); Library: Additional engaging programs for children and teens; Parks and Recreation: Maintenance and Renovation of current parks, recreation facilities and greenways; Transportation and Infrastructure: Maintenance of existing roads; Vibrant and Accessible Downtown: repurposes unused or underused downtown spaces; Special Events: Harvest Festival.

Top 20 Things to Consider Included:

Road & Traffic Improvements
Public Transportation
Pedestrian & Bike Safety
Public Safety
Parks & Recreation
Library & Educational Services
Support for Local Businesses
Downtown Revitalization
Affordable Housing
Green Space Preservation
Health & Wellness
Fiscal Responsibility & Taxation
Community Engagement
Cultural & Recreational Activities
Educational & Skill Development Programs
Infrastructure Upgrades
Inclusivity in Community Planning
Accessibility Improvements
Growth Management
Utility Costs

He stated as we work to finalize the FY25 budget, our focus will be on inclusively addressing each of these varied priorities so that we may foster a vibrant and thriving Clayton for all residents. Mayor McLeod stated he appreciates the almost 1,000 citizens who responded to the survey, he stated it is good information for Council and staff. All of these recommendations would be taken under advisement.

- b. Town Attorney
- c. Town Clerk
- d. Other Staff

SAFRE Grant (Staffing for Adequate Fire and Emergency Response)

Chief Raney, Fire Chief

Chief Raney spoke about two additional grants the fire department is pursuing. They are submitting for a FEMA SAFER Grant to secure additional staffing. The purpose of the grant is to enhance the department's operational capabilities and to ensure compliance with NFPA 1710 while increasing staffing levels for Engine 1 and Rescue 1, both run out of Station 2. This program is designed to assist departments in maintaining and increasing the number of trained frontline firefighters available for response for a period of 3 years.

By securing this grant the department would aim to improve response times and effectiveness in emergency situations and to enhance public safety by ensuring adequate staffing levels and to ensure compliance with NFPA 1710 standards for staffing and response times and to address staffing shortages for Engine 2 and Rescue 1 while allowing for operational efficiency.

This grant is funded 100% for a term of 3 years and our estimated grant request is \$1.5 million dollars. The deadline for submittal is April 12, 2024 with the notification of awards beginning July 31, 2024. All awards would be announced by September 30, 2024.

The second grant is with Firehouse Subs. This grant would be used to purchase technical rescue equipment. Securing this grant would significantly enhance capabilities to respond to various emergency situations involving large vehicles, rail cars, and industrial incidents. Benefits of equipment include enhanced rescue operations, improve safety for both victims and rescue personnel, and efficiency and effectiveness of technical rescue operations.

This grant would cover the entire cost of the equipment; there would be no direct financial implications for the Town. Notifications for this grant would be made around July 30-31, 2024.

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
 - Individuals have three (3) minutes to address the Town Council.
 - Groups will designate a spokesperson. The spokesperson will have five (5) minutes to address the Town Council.
- b. Council Comments

11. CLOSED SESSION

- a. To Discuss Purchasing Of Real Property In Accordance With NC GS 143-318.11 (a)(5); To Discuss Legal Matter in Accordance with NC GS 143-318.11(a)(3)

Motion To Go Into Closed Session

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Michael Sims

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

Motion To Return To Open Session

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

12. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 7:09 p.m.

Motion To Adjourn

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

Duly adopted by the Town Council this 15th day of April 2024 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

Town of Clayton Policy & Procedure Statement



Policy Number	LIBRARY 2024-01A
Department	Library
Subject	HEML Circulation Policy
Approved By	Town Council
Effective Date	February 5, 2024; Resolution #2024-11
Revision Date(s)	April 15, 2024; Resolution #2024-26

Purpose of Policy

The Hocutt-Ellington Memorial Library ("Library") Circulation Policy details library card registration, reserving and lending of materials, and overdue, lost, and damaged item procedures. This policy supports the Library's mission to be a welcoming space for building community and connecting people to ideas and resources.

Confidentiality of Library User Records

The Library will abide by the North Carolina General Statute on Confidentiality of Library User Records (§ 125-19), which states—

(a) Disclosure. -- A library shall not disclose any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library, except as provided for in subsection (b).

(b) Exceptions. -- Library records may be disclosed in the following instances:

- (1) When necessary for the reasonable operation of the library;
- (2) Upon written consent of the user; or
- (3) Pursuant to subpoena, court order, or where otherwise required by law.

Library Cards

All persons who reside on property within Johnston County are entitled to a Library card at no cost. Valid proof of identity and residence are required to obtain a library card. Proof of residence can be shown with photo identification, such as a driver's license with current address listed or a combination of photo identification and a rental lease, utility bill, or comparable bill in the patron's name. Library cards are valid for 3 years from the date of issue, with the exception of some temporary living situations when shorter expiration dates may be issued.

- Children under the age of five may borrow items on their parent/guardian's card. Children from the age of 5-17 can be issued their own library card with parent/guardian consent as long as the parent/guardian has a library card and the child is present at the time of registration. A parent or legal guardian is responsible for the use of library materials by children under the age of 18.
- Homebound patrons may choose a friend or family member to pick up and return library materials on their behalf.
- Library cards expire to ensure staff have a patron's correct contact information. To renew Library cards, patrons must prove their identity and residency within Johnston County in the same way as for the original card application. All fines and fees must be paid before a card can be renewed.

Other Library Card Options

Digital Access Card

Residents of Johnston County may apply for a temporary digital access library card. These library cards provide borrowing privileges to digital resources only and are valid for 6 months.

Non-Resident

Persons who do not pay Johnston County taxes may purchase a non-resident borrower's card according to guidelines found in Chapter 153A Article 14 (Libraries) of North Carolina General Statutes. Non-resident cards are available for three, six, or twelve months. The fee structure for this card is set each year by the Town of Clayton Town Council.

Town Employees

Library cards are issued as a courtesy to all Town of Clayton employees regardless of county residency. A Town Employee card is valid for the duration of employment with the Town of Clayton.

NC Cardinal

The Hocutt-Ellington Memorial Library is a member of the NC Cardinal consortium. A library card issued by the Library is also valid at any NC Cardinal library. Be aware that materials borrowed from other libraries may be subject to owning library policies.

Account Security

To conduct circulation transactions or to receive information about a cardholder's circulation records, patrons must present a valid library card. Patrons conducting business by phone must provide the library card barcode number. Discretionary exceptions to this policy may be made for the occasional forgotten library card if the patron offers valid identification. Minors without official ID will be asked to confirm their address and birthday if they need to check items out without a card.

If a library card is lost or stolen, the cardholder is responsible for notifying the library as soon as possible. Unless a card has been declared lost or stolen, the library assumes that any person presenting the card has the permission of the cardholder to access the account.

Replacement cards may be issued for \$5.

Circulation Loan Periods

- Books and other materials (including audiobooks, kits, games, and technology): 21 days
- New adult fiction and all video: 7 days
- Periodicals, reference, and special collections items are available for in-house use only.
- Overdrive eBooks and eAudiobooks: 7 or 14 days
- Kanopy video streaming: 48 or 72 hours

The Library may establish additional loan periods or restrictions for special collections, materials in high demand, or for other items as needed.

Patrons should refer to their online account or checkout slip to find the correct due date for each item.

Renewal of Library Materials

Materials may be renewed twice if there is not a waiting list for the title. Technology materials are not renewable.

Material Loan Limits

Patrons may check out up to 50 items on their library cards. Downloadable items do not count towards your maximum limit. Limitations have been set for the following:

- New Adult Fiction, Easy Holiday, and Video – 5
- New Large Print, Audiobook, and Nonfiction – 10
- Battle of the Books – 3
- Audiobook – 20
- Technology – 1
- Kits and Games – 2
- OverDrive – 5 (4 for e-iNC)
- Kanopy – monthly credits displayed on platform

Note: Patrons cannot check out technology or backpack kits on Juvenile library cards.

Patrons may place up to 25 items on hold at a time.

Overdue Notices

Overdue notices are emailed as a courtesy. Patrons are responsible for the timely return of materials whether or not they receive overdue notices. It is the responsibility of the patron to notify the Library if they do not receive courtesy reminders and to update contact information as it changes.

Courtesy Notification

Patrons will receive an email or text message two (2) days before an item is due back to the library.

Overdue Notices

The first overdue notice will be sent to the patron's email address on record when the item is two (2) days overdue. If the item is not returned, one further overdue notice will be sent at fifteen (15) days overdue. Notices will include a list of overdue materials.

Bill for Replacement

A bill for replacement will be sent when the item is twenty-eight (28) days overdue. This notice will include a bill for the replacement cost of the item(s), including an individual item processing fee per item.

Fines and Fees

Materials kept out beyond the loan periods will be considered overdue, and fine or replacement fees will be assessed. Having overdue materials, fines, or fees on library cards may cause borrowing or service restrictions. Library patrons or the parent/guardian of juvenile library patrons are expected to return library materials promptly and to pay any fines incurred. Fines and fees will be transferred to responsible adult accounts when minors turn 18 years of age.

Overdue Items

Fees for overdue library materials will be as listed in the Town of Clayton Comprehensive List of Fees and Charges.

- Technology: \$5 per day overdue, up to \$25 total per item.

Technology Items Returned in the Book Drop

Technology items (including hotspots, Chromebooks, and Launchpads) can be damaged if returned in the afterhours outdoor book drop and must be returned inside the library building.

- Patrons returning technology items in the afterhours book drop will be charged a \$10.00 fee, plus the cost of any damages to the device.

If items are returned a second time to the book drop, device checkout privileges will be lost.

Lost and Damaged Items

Fees for items that are long overdue, lost, or damaged will equal the list/retail price of the item as well as the processing cost. Material replacements are not accepted in lieu of fees.

Lost fees are removed from the patron's account upon return or recovery of the materials in question.

- According to North Carolina statute Chapter 14-398 it is considered theft to borrow but not return library materials.

Claims Returned

Patrons who claim to have returned an item which still shows as checked out on their account, or who claim never to have checked out items that show on their account, may be granted a claims returned. Each instance will be noted in the patron's account. Items will remain on the account, without accruing fines, until the issue is resolved.

After five (5) instances, the library will assume that there is a possibility of false reports of claims returned. The most recent claims returned items will be considered overdue on the patron's account. The patron will be expected to return the items or reimburse the library for the lost materials according to the fee schedule listed.

Fine/fee Collection

Library patrons or the parents of juvenile library patrons are expected to return library materials promptly and to pay any fines incurred.

If a patron's account totals more than \$25 in fees, borrowing privileges are suspended unless:

- The patron is paying through an approved installment plan. Information on this plan will be entered into the patron record. It will be removed upon final payment.
- There are exceptions noted on the patron's record.

Any account that accrues an excess of \$50 in fees will be subject to collection through the North Carolina Debt Setoff Program.

- As authorized by the North Carolina General Statutes, Chapter 105A, the Setoff Debt Collection Act (the "Act"), the Town of Clayton will submit debt to the North Carolina Department of Revenue for collection by applying the debt against any income tax refund more than \$50 that you may be entitled to receive or from lottery proceeds.

Refunds

The library does not issue refunds for fine/fee payments, including those for lost items.

Waiving Fees

Fees may not be waived except in the most extraordinary circumstances. Waivers or reductions of fees may be made on a limited basis at the discretion of the Library Director or their designee in the event of extenuating circumstances, which may include:

- Criminal Act
- Natural Disaster
- Medical Emergency
- Financial Hardship
- Reported Loss or Theft of Library Card
- Library Error

Patrons who have had large amounts of fees waived or reduced may be denied further service.

**TOWN OF CLAYTON
AMENDMENT TO THE
HEML CIRCULATION POLICY**

BE IT RESOLVED by the Clayton Town Council to adopt the amendment to the HEML Circulation Policy Amendment as follows:

Technology Items Returned in the Book Drop

Technology items (including hotspots, Chromebooks, and Launchpads) can be damaged if returned in the afterhours outdoor book drop and must be returned inside the library building.

- Patrons returning technology items in the afterhours book drop will be charged a \$10.00 fee, plus the cost of any damages to the device.

If items are returned a second time to the book drop, device checkout privileges will be lost.

The original policy was adopted on February 5, 2024.

Duly adopted this the 15th day of April, 2024 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 15, 2024

Agenda Location

CONSENT AGENDA

Item Title

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance
– Creekside Commons Phase 6

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment

							
☐	☐	☐	☐	☐	☐	☐	☒
Think Clayton (Administrative)	Think Arts & Culture	Think Downtown	Think Economic Development	Think Land Use & Housing	Think Mobility	Think Parks, Recreation & Natural Resources	Think Public Services & Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

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

Summary

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 and pump station 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 entering the one-year warranty period.

Funding Source

N/A

Corresponding Documentation

[Creekside Commons Ph.6_UtilityFinalAcceptanceResolution](#)

Submitted By: Michael Worner, Engineering

Reviewed By:

Joshua Baird, Engineering Director

Approved - Apr 10 2024

Heidi Holland, Town Clerk

Approved - Apr 10 2024

**Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for
Maintenance – Creekside Commons Phase 6**

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, which expired on October 17, 2023; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on March 28, 2024, and recommends final acceptance by Town Council for operation and maintenance by the Town 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	UTILITY TYPE AND SIZE	LENGTH
Commons Creekside Phase 6	Matrix Ct.	6" Waterline	439.50
Creekside Commons Phase 6	Matrix Ct.	8" Sanitary Sewer	253.76
		Total:	693.26 LF

Duly adopted this the 15th day of April 2024.

Jody McLeod
Mayor

ATTEST:

Heidi L. Holland, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 15, 2024

Agenda Location

CONSENT AGENDA

Item Title

NCRR Third Supplemental Document to License Agreement

Presenter(s)

Joshua Baird, PE - Engineering Director

Suggested Action

Approval of Agreement

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☐
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☒
Think Public
Services &
Infrastructure

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

A section of sidewalk and ramp associated with LAPP project, E Main Street Sidewalk Connector, will be within the NCRR right of way. This requires a third supplemental agreement with NCRR permitting the following: installation, maintenance and removal of sidewalk, curb and gutter as identified on Exhibit A attached to the agreement. There is a one-time fee of Fifteen Thousand Dollars (\$15,000.00) to be paid. The fee is determined based on NCRR policies, considering land values, amount of area used and also impact to the rail corridor. The Supplemental Agreement has been pre-audited by Shaun Mizell, Contracts Manager. Agreement is perpetual until terminated by either party. NCRR will route the agreement through DocuSign for execution.

Background/History

This supplemental agreement modifies the original License Agreement effective February 25, 2010 permitting the Town to occupy, maintain, use, repair and remove of the existing brick monument sign that reads "Welcome to Clayton" and associated electric and lighting, 1st supplement agreement effective February 3, 2012 permitting the instillation of wooden posts to prevent parking of cars, 2nd supplemental agreement effective December 3, 2015 permitting the instillation, maintenance and removal of a "Wayfinding Sign" at the corner of Central Street and Main Street.

Funding Source

N/A

Corresponding Documentation

[NCRR Third Supplemental](#)

Submitted By: Shannon Poole, Engineering

Reviewed By:

Joshua Baird, Engineering Director

Heidi Holland, Town Clerk

Approved - Apr 11 2024

Approved - Apr 11 2024

Railroad Use Only
NS Activity No. 1146840
NCRR File No.: o_h-095.4582
AC: t0001429

**Third Supplemental Document to
License Agreement**

This Third Supplemental Document (“Third Supplemental”) to License Agreement (“Agreement”) is made and entered into this ____ day of _____ 2024, by and between NORTH CAROLINA RAILROAD COMPANY, a North Carolina corporation (“NCRR”) and Town of Clayton, a municipal corporation (“Licensee”) and NORFOLK SOUTHERN RAILWAY COMPANY, a Virginia corporation (“Operating Railroad”). Norfolk Southern Railway Company is a consenting party to this Third Supplemental as seen on signature page.

WITNESSETH:

WHEREAS, NCRR, and Licensee entered into that certain Agreement dated and effective the 25th day of February, 2010 concerning certain real property located in Johnston County, the Town of Clayton, North Carolina; and

WHEREAS, the Agreement has been amended by NCRR, Licensee, and Operating Railroad, by a First Supplemental to the License Agreement effective February 03, 2012; and

WHEREAS, the Agreement and First Supplemental have been amended by NCRR, Licensee and Operating Railroad, by a Second Supplemental to the License Agreement effective December 03, 2014; and

WHEREAS, the parties desire to modify the Agreement to reflect the changes as listed below and to ratify and reaffirm the terms and conditions of the Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants of NCRR, Licensee and Operating Railroad, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, NCRR, Licensee and Operating Railroad hereby contract and each agrees with the other as follows:

1. Article 3 of the Agreement is hereby modified by inserting the following after item vi:

“vii: maintenance and removal of any existing sidewalks, curb and gutter.

viii: installation, maintenance and removal of sidewalks, curb and gutter as identified on Exhibit A attached hereto.”

2. Licensee will pay to NCRR a one-time fee of FIFTEEN THOUSAND DOLLARS (\$15,000.00), payable in advance, beginning as of _____, 2024.
3. Licensee hereby acknowledges that it has read and agreed to all terms and conditions of the Agreement and agrees to be bound by those terms and conditions to the Agreement.
4. Except as amended herein, NCRR, Licensee and NSR acknowledge and agree that all other terms, conditions and provisions of the Agreement not otherwise inconsistent herewith are hereby ratified and reaffirmed and remain in full force and effect. Unless otherwise herein amended, all defined terms from this First Supplemental used herein shall have the same meanings as used in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document all as of the day and year first above written.

(Signatures on Following Page)

NORTH CAROLINA RAILROAD COMPANY

By: _____

Printed Name: _____

Title: _____

Date: _____

LICENSEE:

By: _____

Printed Name: _____

Title: _____

Date: _____

NORFOLK SOUTHERN RAILWAY COMPANY

By: _____

Printed Name: _____

Title: _____

Date: _____

Approved to Form: Shaun Mizell

Operating Railroad:

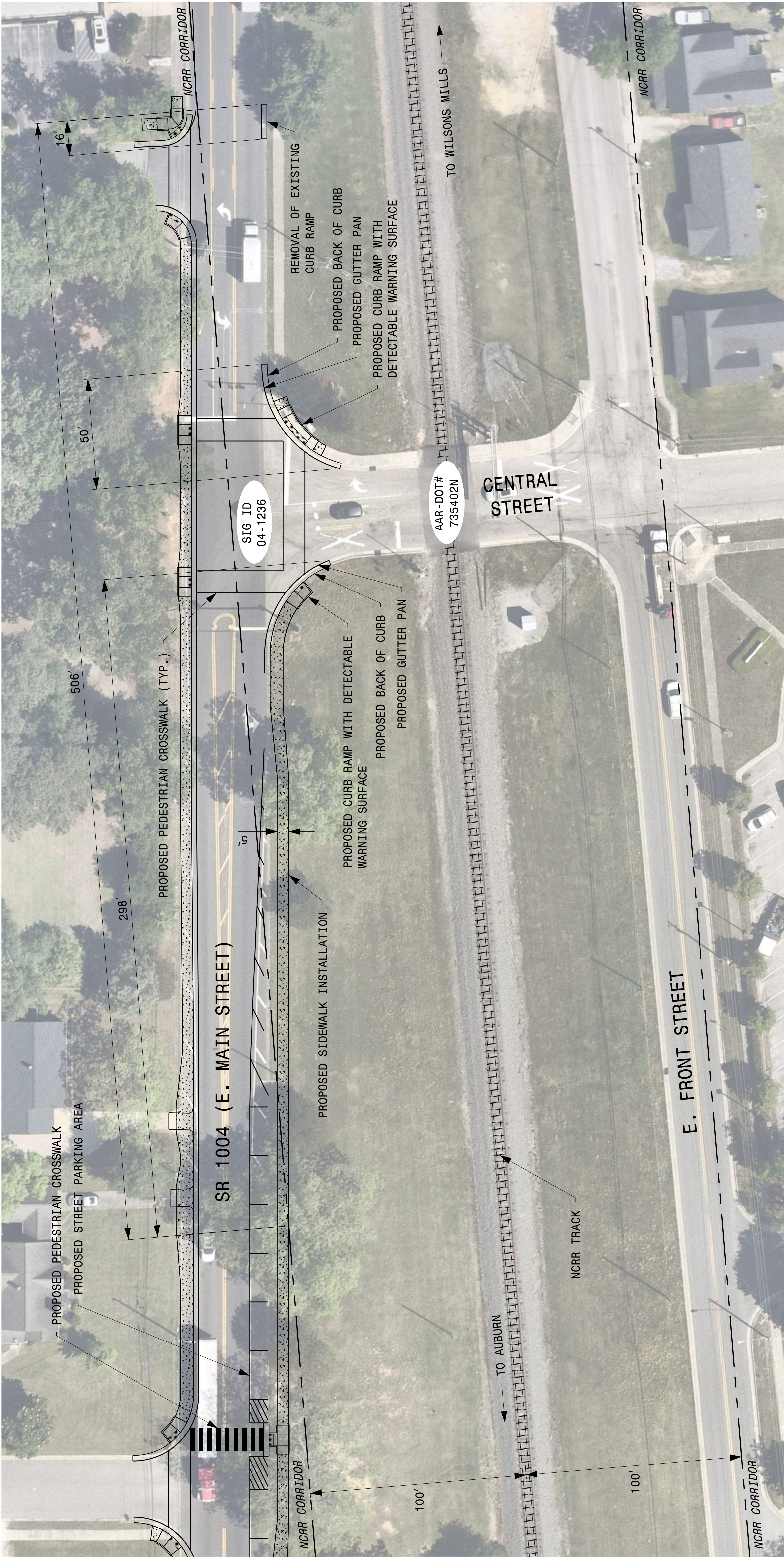
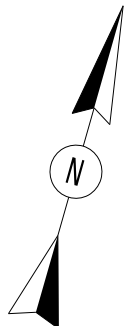
Name : Norfolk Southern Corporation, Subsidiaries and Affiliates
Address: Attn. Risk Management
650 West Peachtree Street NW - Box 46
Atlanta, GA 30308

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

Finance Officer or Designee

Date

Exhibit A



ALL CONSTRUCTION WITHIN THE NCRR CORRIDOR SHALL MEET THE REQUIREMENTS OF: - 'SPECIAL PROVISIONS FOR PROTECTION OF RAILWAY INTERESTS'	
CITY: CLAYTON COUNTY: JOHNSTON STATE: NORTH CAROLINA SHEET NO.: 1 OF 1 DRAWING DATE: 8/3/2023	HORIZONTAL SCALE 0 25 50 FEET VERTICAL SCALE 0 10 20 FEET

PLANS PREPARED IN THE OFFICE OF:
Kimley»Horn
NC License #F-0102
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
(919) 677-2000

NCRR: NORTH CAROLINA RAILROAD



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 15, 2024

Agenda Location

CONSENT AGENDA

Item Title

Weyerhaeuser Land Acquisition

Presenter(s)

Robert McKie, Jr. - Finance Director

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☒
Think
Economic
Development



☒
Think Land
Use &
Housing



☒
Think
Mobility



☒
Think Parks,
Recreation
& Natural
Resources



☒
Think Public
Services &
Infrastructure

Public Hearing: No

Applicable General Statute Number: G.S. 159-15

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

- ☐ Social Media
☐ Special Mailing

- ☐ Survey
☒ None Required

Updates Since Previous Presentation

The Town remitted earnest money in the amount of \$75,000 on November 29, 2023 in accordance with the contract.

Summary

The Town is purchasing property identified as U-5 Tract 4 from Weyerhaeuser NR Company. This land banking acquisition is intended for future parkland and is expected to facilitate a future transportation connection.

Recommendation

Approval of Budget Amendment

Funding Source

Fund Balance Reserve

Cost

Yes

Corresponding Documentation

[General Fund Budget Amendment Weyerhaeuser Land Acquisition](#)

Submitted By: Robert McKie, Finance Department

Reviewed By:

Robert McKie, Finance Director
Heidi Holland, Town Clerk

Approved - Apr 11 2024
Approved - Apr 11 2024

Town of Clayton
Amendment to the FY 23-24 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 23-24 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$6,609,346	+1,462,500	\$8,071,846
Expenditures			
100-40-95-58 07	Land Acquisition -	+1,462,500	\$1,462,500

Explanation:

Amendment to purchase property identified as U-5 Tract 4 from Weyerhaeuser NR Company. This land banking acquisition is for future parkland and is expected to facilitate a future transportation connection. This amendment is required for compliance with G.S. 159-15.

Duly adopted this ____ day of _____, 2024 while in regular session.

Jody L. McLeod
Mayor

Attest:

APPROVED AS TO FORM

Heidi L. Holland, CMC, NCCMC
Town Clerk

Jim Cauley
Town Attorney

**TOWN OF CLAYTON
NATIONAL LINEMAN APPRECIATION DAY
PROCLAMATION**

WHEREAS, linemen are often first responders during weather emergencies and other catastrophic events, they diligently work to make scenes safer for other emergency responders; and

WHEREAS, their profession requires skill, knowledge, passion and dedications; and

WHEREAS, linemen work around thousands of volts of electricity high atop power lines 365 days a year, to keep electricity flowing; and

WHEREAS, linemen work under dangerous conditions away from their family to construct and maintain the energy infrastructure of the Town of Clayton; and

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim Thursday, April 18, 2024, as **NATIONAL LINEMAN APPRECIATION DAY** in the Town of Clayton.

Proclaimed this 15th day of April 2024.

Jody L. McLeod
Mayor

**TOWN OF CLAYTON
ADMINISTRATIVE PROFESSIONALS DAY
PROCLAMATION**

WHEREAS, the last Wednesday on the month of April is Administrative Professionals Day, recognizing the important contributions that administrative professionals make each year to our workplace; and

WHEREAS, administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations; and

WHEREAS, the work of administrative professionals requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service, and other vital office management responsibilities; and

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim April 24, 2024 as **ADMINISTRATIVE PROFESSIONALS DAY** in the Town of Clayton and citizens are encouraged to recognize and celebrate the essential role administrative professionals play in our Town.

Proclaimed this the 15th day of April, 2024.

Jody L. McLeod
Mayor

**TOWN OF CLAYTON
INTERNATIONAL FIREFIGHTERS' DAY
PROCLAMATION**

WHEREAS, Firefighters dedicate their lives to the protection of life and property; and sometimes that dedication is in the form of countless hours volunteered over many years, in others it is many selfless years working in the industry; in all cases it risks the ultimate sacrifice of a firefighter's life; and

WHEREAS, International Firefighters' Day (IFFD) is a time where the community can recognize and honor the sacrifices that firefighters make to ensure that their communities and environment are as safe as possible; it is also a day in which current and past firefighters can be thanked for their contributions; and

WHEREAS, International Firefighters' Day is observed each year on the 4th of May on where we remember the past firefighters who have died while serving our community or dedicated their lives to protecting the safety of us all; and show our support and appreciation to the firefighters worldwide who continue to protect us so well throughout the year; and

WHEREAS, hailing from all walks of life, they are our mothers, fathers, brothers, sisters, aunts, uncles, grandparents, neighbors, and friends. They protect us without wanting of recognition or reward. In our time of need they are there with courage, compassion and loyalty. They are the essence of the true meaning of community.

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim May 4, 2024 as **INTERNATIONAL FIREFIGHTERS' DAY** Accordingly, I encourage our citizens to observe this day in recognition of the patriotic service and dedicated efforts of our fire and emergency services personnel.

Proclaimed this the 15th day of April, 2024.

Jody L. McLeod
Mayor

**TOWN OF CLAYTON
PROCLAMATION
EARTH DAY**

WHEREAS, waste can be found everywhere, land or sea, even in the most remote places on the planet, affecting both humans and animals; and

WHEREAS, humankind is currently facing tremendous global challenges, among them the need to manage an increased amount of waste which will contribute roughly 12,000 million metric tons by 2050; and

WHEREAS, office paper waste is estimated to be around 12.1 trillion sheets of paper a year; each ton of recycled paper saves an estimated 17 trees; and

WHEREAS, all people of this Earth, from all walks of life, have a right to a healthy environment and pollution has been associated with several health issues affecting the general population; and

WHEREAS, it is essential to involve the community in the design and implementation of solutions for pressing environmental issues such as plastic pollution; and

WHEREAS, ending pollution is crucial to the survival of this planet and its inhabitants; and

WHEREAS, Earth Day is an annual reminder of the constant need for environmental activism, stewardship commitments, and sustainability efforts.

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim April 22, 2024 as **EARTH DAY** throughout Town of Clayton and encourage all its inhabitants, businesses, and institutions to use **EARTH DAY** to celebrate the Earth and promote the wellbeing of the inhabitants of the town and the protection of their environment.

Proclaimed this the 15th day of April, 2024.

Jody L. McLeod
Mayor

**TOWN OF CLAYTON
TRIANGLE ADVENTURES
PROCLAMATION**

WHEREAS, Triangle Adventures is the only e-bike touring company that offers a green convenient way of enjoying outdoor travel while protecting the environment; and

WHEREAS, e- bikes makes cycling accessible to all fitness levels; it promotes social interaction, and an environmentally sound form of transportation to enjoy the Town of Clayton's scenic beauty, history, and local attractions; and

WHEREAS, Triangle Adventures will provide the residents of the Town of Clayton, and its visitors, the experience and the joys of e-biking via a local expert tour guide to experience scenic viewpoints, hidden gems in the area, and picturesque rides through the beautiful countryside; and

WHEREAS, the Grand Opening for Triangle Adventures will take place at 1:00 p.m. on Saturday, May 18th at Deep River Brewing Company, Clayton.

NOW, THEREFORE, on behalf of the Clayton Town Council, I Mayor McLeod hereby present to Triangle Adventures this proclamation.

Proclaimed this the 15th day of April, 2024.

Jody L. McLeod
Mayor

Town of Clayton
54th Annual Professional Municipal Clerks Week
Proclamation

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Professional Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk; and

NOW, THEREFORE, on behalf of the Clayton Town Council, I, Jody McLeod, Mayor of the Town of Clayton, do recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerks, Town Clerk Heidi Holland and Deputy Town Clerk Sam Johnson-Phillips, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Proclaimed this the 1st day of May, 2023.

Jody L. McLeod
Mayor

**TOWN OF CLAYTON
CELEBRATING 50 YEARS OF GRIFOLS' PRODUCTION SITE IN CLAYTON
PROCLAMATION**

WHEREAS, Grifols is a global healthcare company, headquartered in Barcelona, Spain, specializing in plasma-derived medicines and transfusion medicine; and

WHEREAS, Grifols operates one of the world's largest production sites of plasma-derived medicines in Clayton, North Carolina, a site that began producing plasma-derived medicines in 1974; and

WHEREAS, the Clayton site has grown from a 70-acre site with three buildings and 100 employees into a 700-acre site with more than 1,600 employees and 30 buildings on 250 developed acres; and

WHEREAS, Grifols has continued and accelerated the growth of the Clayton site since acquiring it 13 years ago, investing nearly a billion dollars in site expansion and improvement and quadrupling the fractionation capacity of the site; and

WHEREAS, Grifols has continued the site's legacy as a significant local employer and strong community partner; and

WHEREAS, patients around the world depend on the plasma-derived medicines produced by Grifols in Clayton, North Carolina to treat a variety of chronic, rare and, at times, life-threatening conditions; and

WHEREAS, the Town of Clayton celebrates the long history of Grifols' Clayton site, its role in providing for the health and well-being of people around the world, and its positive impact on the local community;

NOW, THEREFORE, in honor of this site's 50th anniversary of producing plasma-derived medicines, on behalf of the Clayton Town Council, we congratulate Grifols and its many employees on this milestone and anticipate the continued partnership between the Town of Clayton and Grifols for the betterment of our community and patients around the world.

Proclaimed this the 15th day of April 2024.

Jody L. McLeod
Mayor



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 15, 2024

Agenda Location

PUBLIC HEARINGS

Item Title

Unified Development Ordinance Text Amendment (UDOTA 1-24)

Presenter(s)

Chad Meadows Codewright Planners (Consultant)

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☒ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Summary

Town Staff, Codewright Planners LLC, and the Town of Clayton Planning Board are recommending the Text Amendments included in this packet be adopted by the Town Council.

Background/History

On March 25, 2024 the Town of Clayton Planning Board voted to recommend these Text Amendments for approval to the Town Council.

Recommendation

Staff and Planning Board recommend approval.

Funding Source

N/A

Corresponding Documentation

- [1. UDOTA1-24 Tracking Form 4-4-24 - Modified](#)
- [2. UDOTA1-24 4-4-24 Redline Changes](#)
- [3. Consistency Statements Sheet - Town Council - UDOTA 1-24](#)
- [4. Staff Report - UDOTA 1-24 - TC 4.15.24 - v1](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Conrad Olmedo, Planning Director
Heidi Holland, Town Clerk

Approved - Apr 11 2024
Approved - Apr 11 2024



UDOTA 1-24 SUMMARY TABLE

Last Table Update: 4-4-24

PB packet due 3/15/24 – PB Meeting 3/25/24 – TC Work Session 4/1/24 – TC Adoption 4/15/24

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
1	2-16-24	Joshua	Erosion Control Plans	6.14.6	638	Graham Parrish of DEQ provided a series of changes to the Erosion Control Plan requirements based on the NC Model Ordinance. These changes are included.
2	2-16-24	Joshua	Erosion Control Enforcement	7.5.3.B	682	Clarification that delivery of a NOV regarding erosion or sedimentation is in accordance with applicable NCGS
3	2-16-24	Joshua	Erosion Control Enforcement	7.9.1.E,F, G	690	Remission requests must be requested within 30 days, not 60. The Town has opted to accept the ability to consider and process remission requests.
4	2-16-24	Joshua	Riparian Buffers	2.3.29; 6.12	148, 152, 591	Removal of riparian buffer variance provisions, removal of riparian buffer standards in Section 6.12 in favor of short sentences cross referencing the NCAC
5	2-16-24	Staff	Development Entry Points	Table 6.5.12.F.7	502	The table is unclear about development with 100 units
6	2-16-24	Staff	Neighborhood Meeting	2.4.4.	161	Requirement is that staff not be allowed to attend; also, that it be done 10 days. Need to allow staff and flexibility with regards to the meeting being held.
7	2-16-24	Staff	Wastewater Typo	Table 6.5.10.	492	This should read correctly and not refer to waste water or sewer. Also, need to clarify the requirements for mandatory connection to potable water if not a residential subdivision.
8	2-16-24	Staff	Trucks & Trailers	4.5.5.W.	369	Heavy trucks are allowed in non-residential... restrictions of these vehicles are only in Residential. We have a tractor trailer in CRM on NCDOT. Also want to address cases where trailers are just left on non-residential sites. We also need more clarity of the weight rating stuff and what is or is not allowed. 
9	2-16-24	Staff	Traffic	2.3.27.C.	142	Revise to "may require" instead of Shall

Page 1 of 4

White cell: Not yet discussed; Grey Cell: Removed or delayed; Yellow cell: Addressed in new UDO draft

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description																
			Assessment			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 <u>shall</u> require a Traffic Assessment instead of a Transportation Impact Analysis. 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.																
10	2-16-24	Staff	Deviations & Reductions	3.3.1.E.4.	231	This implies that minimum standards aren't being met. Page 232 of .pdf, Section 4. We need to make sure that minimum UDO standards are being met; suggest change from “deviation” to some other word to avoid suggestion of ‘deviance’ from the UDO.																
11	2-16-24	Staff	Parkland Dedication	6.7.2.	554	Says 5 or more; should read more than 5 or 6 or more so that minor subdivisions aren't needing to provide parkland dedication. This would align it with Open Space requirements. 6.7.2 PARKLAND DEDICATION Subdivisions of land for five 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. A. DEDICATION AMOUNT 1. Single-family residential subdivisions of five 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. 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 2.3.13, Fee-in-Lieu. D. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS 1. AMOUNT a. The minimum required amount of open-space set-aside, as a percentage of a development's size, shall be in accordance with the dimensional standards for the type of use in the zoning district where the development is located. Chapter 3, Districts, sets out the open space set-aside requirements for each zoning district. b. Nothing shall limit the provision of more open space set-aside, provided the minimum requirements in this Ordinance are met. 2. TYPE a. Table 6.7.1.D, Open Space Type, identifies the form(s) of open space set-aside required by this Ordinance. <table><caption>TABLE 6.7.1.D: OPEN SPACE SET-ASIDE TYPE</caption><thead><tr><th>ZONING DISTRICT WHERE LOCATED [1]</th><th>TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]</th></tr></thead><tbody><tr><td>CRM, HD, LD, NCM, CR, CRF, CZ</td><td>Passive Open Space [3]</td></tr><tr><td>DTNC, DTNN, DTNT, CZD</td><td>Gathering Space [4]</td></tr><tr><td>MXD, CZM</td><td>Active Open Space [5]</td></tr><tr><td>PUB</td><td>Passive Open Space [5]</td></tr><tr><td>RHD, RLL, RLD, RMD, RMF, RUR, CZR</td><td>Residential Development with 6 or more units 50% Active Open Space or Gathering Space [6]</td></tr><tr><td></td><td>Residential Development with 5 or fewer units N/A</td></tr><tr><td></td><td>All Other Development Passive Open Space [5]</td></tr></tbody></table> NOTES: [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 6.7.1.E, 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.	ZONING DISTRICT WHERE LOCATED [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]	CRM, HD, LD, NCM, CR, CRF, CZ	Passive Open Space [3]	DTNC, DTNN, DTNT, CZD	Gathering Space [4]	MXD, CZM	Active Open Space [5]	PUB	Passive Open Space [5]	RHD, RLL, RLD, RMD, RMF, RUR, CZR	Residential Development with 6 or more units 50% Active Open Space or Gathering Space [6]		Residential Development with 5 or fewer units N/A		All Other Development Passive Open Space [5]
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	Residential Development with 5 or fewer units N/A																					
	All Other Development Passive Open Space [5]																					
12	2-16-24	Staff	Conservation Subdivision	Table 2.2.2	52	Subdivision Types, Conservation Subdivisions isn't in this type.																
13	2-16-24	Staff	Multi-Tenant	Figure 6.13.8.C.	618	When you have a single tenant occupying multiple multi-tenant suites, is it clear in the UDO: E.g., "Rise" was occupying "left feet" or Pei Wei the yellow signs... do they get a sign on each tenant suite or one sign based on total linear feet. Also, consider this for multi-story building with multi-tenants in downtown. Example below, pink is multi-tenant on two story and red showing one tenant occupying multiple																

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
						tenant suites. 
14	2-16-24	Staff	Wall Sign	6.13.9.L.	632	Is this SF per Linear Foot or SF divided by Linear Foot? So, for 100 linear feet sign area would be 150 SF or 100 divided by 1.5 so 66 SF?
15	2-16-24	Staff	Typo	6.1.4.D.3. a.	417	Typo: "own" not "on" 3. REQUIRED NUMBER a. The maximum number of driveway access points serving an individual single-family detached, duplex, triplex, or quadplex dwelling on its lot shall be two, but the lot
16	2-16-24	Staff	RV's parked in front of house?	4.5.5.X.4.	831	This requirement may be difficult to enforce.
17	3-11-24	Staff	CZR Density for multifamily	3.3.6.B	235	Added language clarifying that residential development not permitted in RMD should follow the dimensional standards for RMF when proposed in CZR
18	3-11-24	Staff	Incentives	3.5.1	240	Remove circular reference regarding conditional rezoning density incentives. Clarify that densities can be stacked or added. Also need to clarify that densities in conditional zoning districts are based on the associated conventional district (but may be modified in accordance with available incentives)
19	3-11-24	Staff	Use Table	4.2.5	290	Remove transfer station as a permitted use in HID and RUR
20	3-11-24	Staff	Use Table	4.2.5		Relocate all forms of self-storage to CZI from LID
21	3-11-24	Staff	Private Streets/Gates	6.5.12.G.6	504	Clarify that gates may be included across a driveway
22	3-11-24	Staff	Exempt Subdivisions	2.3.12	86	Clarify that the statutes explain the exempt subdivision
23	3/11/24	Patrick Pierce	TRC attendance	1.8.6	35	Concern over the Planning Director determining who can attend a TRC meeting
24	3/11/24	Staff	Pedestrian facilities	2.3.13	90	Why are trails listed in FIL when these a private features not required by the UDO? Also, what is a sidepath?
25	3/11/24	Patrick Pierce	Setbacks	3.6.8	252	What is the relationship between setbacks and easements or landscaping areas? Setbacks are measured from lot lines, correct?
26	3/11/24	Consulting Team	Street Connectivity Index	6.5.12.F.6	506	Clarify that only street stubs located at property boundaries may qualify as links in the street connectivity index
27	3/11/24	Consulting team	Wastewater Connection	6.5.13.B	512	As was done with potable water, the sewer connection standards need to be revised to

#	Date Added	Source	Short Title	UDO §#	P# (+/-)	Description
						clarify the rules for single-lot developments.
28	3/11/24	Patrick Pierce	Setbacks and easements	6.6.9.E	524	How are setbacks measured when there is a utility easement or landscaping buffer running parallel to the lot line?
29	3/11/24	Patrick Pierce	Greenway reservation	6.10.1	588	The greenway reservation requirement for additions and expansions is too high and should be relaxed to encourage additions and expansions of existing buildings
29	3/11/24	Patrick Pierce	Sidewalk provisions	6.10.2	591	The greenway reservation requirement for additions and expansions is too high and should be relaxed to encourage additions and expansions of existing buildings
30	3.12.24	Staff	Subdivision Signs	6.3.19.I	618	Need to clarify if there are limits to the size of a sign supporting structure
31	3.11.24	Patrick Pierce	Street Renaming	2.3.24		Do Town-initiated street renamings require a petition?
32	3.19.24	Staff	Duplex/Triplex	3.2.12, 3.2.15		Remove duplexes, triplexes, and quadplexes by right in RMD and RHD and permit them in the conditional option
33	2-16-24	Staff	Change of Use	5.4.3.	401-2	This may stifle local upstart businesses... in areas outside of downtown. 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.
34	3.20.24	Staff	Conventional Rezoning	2.3.8.C	78	Confirm that conditional rezonings are only process a limited number of times per year
35	3.11.24	Patrick Pierce	Temporary Use Permit	2.3.25	139	Decisions regarding special event permits should not be in sole discretion of Planning Director
36	3.11.24	Patrick Pierce	Fill in floodplain	3.7.2.B	267	Should treat all activities resulting in fill in the floodplain the same
37	4/4/24	Bruce Venable	RULIPA violation	4.2.5	295	High schools should be treated like all other schools to avoid violating federal law

UNIFIED DEVELOPMENT ORDINANCE



 C O D I F Y
CLAYTON

Adopted: 11.20.23
Effective: 1.2.24
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ACKNOWLEDGEMENTS



Town Council

Jody McLeod, Mayor
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Andria Archer, Councilmember
Porter Casey, Councilmember
~~Gretchen Williams~~ ~~Michael Sims~~, Councilmember

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James Moore, Chair
~~Steven Powers~~, Vice-Chair
~~Jeffrey Spence~~
~~Lisa Begley~~ ~~Derrick Applewhite~~
~~Anita Bland~~ ~~Ethan Bennett~~
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Codify Clayton Steering Committee

Town of Clayton Planning Board
Marty Bizzell, Chair, Board of Adjustment
Thomas Antoine, Vice-Chair, Board of Adjustment
Rebecca Berry, Member, Board of Adjustment
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~~Robert Yarborough~~ ~~Barry Alston~~, ~~Senior Building Codes~~
~~Official~~ ~~Interim Building Inspections Director~~
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APPENDIX 1. STYLE SET



Joshua Baird, Engineering Director
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Byron Poelman, Water Resources Director
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UDO AMENDMENTS

UDO AMENDMENTS		
ORDINANCE NUMBER	ORDINANCE DATE	DESCRIPTION
<u>UDOTA 1-24</u>	<u>4.15.24</u>	§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 Rezoning 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 Directro 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 Rezoning 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)

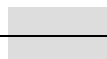


TABLE 2.2.1: APPLICATION TYPES TABLE

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
					BUILDING INSPECTOR	ENGINEERING DIRECTOR	PLANNING DIRECTOR				

NOTES:

[1] Decision-making authority may be delegated in accordance with [Section 8.2.8, Delegation of Authority](#).

[2] Appeals are filed with the North Carolina Commissioner of Insurance.

[3] In cases where a Conditional Rezoning application includes a Concept Plan, the TRC shall review the plan prior to consideration by the Planning Board.

[4] Approval of a Conservation Subdivision also requires approval of a Major Preliminary Plat.

[5] The Engineering Director shall make determinations on matters pertaining to stormwater, erosion control, and infrastructure requirements.

[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.

[7] 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.

[8] Alternative Sign Plan requests shall be reviewed and decided by the Planning Director.

[9] Site Plans that include changes to or extension of public infrastructure shall include construction drawings, which shall be decided by the Engineering Director.

[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 TYPES²

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](#).

² STN 12 - Add reference to conservation subdivision



Chapter 2 Applications

Section 2.2 Application Summary Tables

Sub-section 2.2.2 Subdivision Types

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.
<u>Conservation Subdivision</u>	<u>6 or more</u>	<u>N/A</u>	<u>Yes</u>	<u>No</u>	<u>Major Subdivision</u>	<u>2.3.7</u>
Combination/ Recombination [2]	N/A	N/A	No	No	Exempt Subdivision	2.3.12
Court-ordered Subdivision [3]	N/A	N/A	No	No	Exempt Subdivision	2.3.12
10+-Acre Estate Lot Subdivision	[4]	N/A	No	Yes	Exempt Subdivision	2.3.12
Family Subdivision [5] [6]	Up to 2	N/A	No	Yes	Minor Subdivision	2.3.18
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	2.3.16
Major Subdivision [7]	2 or more	N/A	Yes	Yes	Major Subdivision	2.3.17
Minor Subdivision [8]	Up to 5	N/A	No	Yes	Minor Subdivision	2.3.18
Special Purpose Lot / Easement Plat [9]	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	2.3.12

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 Subdivision.

[3] Lots within a Court-ordered 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 or Major Subdivision, based on the number of lots created.

[5] Family subdivisions are 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 and shall be reviewed as an exempt subdivision, a limited subdivision, or a minor subdivision, 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.



2.3.8 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. APPLICATION³

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.
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.
4. Applications shall include a Traffic Assessment when required by Section 2.3.27, Transportation Impact Analysis.
5. 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.
6. Applications subject to a required neighborhood meeting shall include required information in accordance with Section 2.4.4, Neighborhood Meeting.

D. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams).

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.
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 the standards in Section 2.4, 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 STN 34 Conventional Rezonings are only processed a few times per year on the Town's schedule.



2.3.12 EXEMPT SUBDIVISION

A. EXEMPT SUBDIVISIONS, GENERALLY³

1. Subdivisions exempted from this Ordinance are identified in [NCGS§160D-802 and Table 2.2.2, Subdivision Types Table](#).
2. The Town may not require a plat for an Exempt Subdivision, but the Register of Deeds may require a 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.

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](#)).

D. REVIEW CRITERIA

An application for an Exempt Subdivision shall be decided by the Planning Director in accordance with [Section 2.4.7, Staff Review and Action](#), and the following:

1. GENERALLY

Except for combinations or recombinations, an Exempt Subdivision shall be approved provided it complies with the following:

- a. The plat includes a title block identifying the subdivision as an Exempt Subdivision, and describes what makes the subdivision exempt;
- b. The plat complies with the standards in NCGS§47-30;
- c. The plat is prepared, signed, and sealed by a registered surveyor;
- d. The plat 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 includes all applicable statements and declarations identified in 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 complies with the standards in NCGS§47-30;
 - vi. The title block contains the word "Recombination;"
 - vii. The plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the recombination;
 - viii. The plat is prepared, signed, and sealed by a registered surveyor; and

³ STN22 Clarify that exempt subdivision is explained in NC General Statutes.



2.3.13 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.

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 ~~or trail~~ right-of-way.⁴

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, ~~side~~multi-use paths, or greenways.

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.
- 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.

⁴ STN 24 Suggest removing "trails" as these are not required features- they are private. Also, need to clarify the difference between a sidepath, a sidewalk, and a multi-use path.



- b. The potential for the connection of a proposed greenway segment to the Town's greenway or trail network is unlikely within the foreseeable future, in the opinion of Town staff; or
- c. There are suitable alternatives to in close proximity to the proposed site.

4. STREETS

a. TOWN MANDATED

The Town shall require a fee-in-lieu of installation for residential, residential collector, collector, or commercial streets for the length of the street if any of the following criteria are met:

- i. No direct access to the street is proposed;
- ii. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation;
- iii. Where the new street right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible;
- iv. The street is a freeway, expressway, or any other fully controlled access facility;
- v. The street is in the Town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the Town; or
- vi. The street is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no Town contribution or participation in funding the project. If the Town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution to Town-funded improvements.

b. APPLICANT PROPOSED

The Town shall consider a fee-in-lieu request for construction of residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:

- i. Where existing unimproved streets have:
 1. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 2. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 3. There are no plans for Town improvements on the same block; and
 4. 75 percent or more of the block is already developed such that no future Subdivision or Site Plan submittals are anticipated; or
- ii. Where construction of the streets by the Town or other party is imminent, in the sole opinion of the Engineering Director; or
- iii. Where street construction will not connect to an existing improved street and there are no plans to construct an adjoining street in the near future; or
- iv. Where street construction is impractical due to:
 1. The need for off-site construction or slope encroachment;
 2. Proper street alignment should be determined with off-site development; or
 3. Design of bridges or culverts are required and only a portion of the structure is on the development's property.

5. SIDEWALKS AND ~~SIDE~~MULTI-USE PATHS

- a. The potential for the connection of a proposed sidewalk or ~~side~~multi-use path segment to the Town's sidewalk network is unlikely within the foreseeable future, in the opinion of Town staff; or
- b. There are suitable alternatives to a sidewalk, such as a greenway or trail, in close proximity to the proposed site.



2.3.19 PERFORMANCE GUARANTEE

A. PURPOSE AND INTENT

1. These standards create the additional flexibility necessary for lots in a subdivision 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.

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 subdivision 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, ~~side~~multi-use paths, ~~trails~~, and greenways;
 - b. The final lift of asphalt on a Town-maintained public street;
 - c. Street lights and on-site exterior lighting;
 - d. Active and passive recreation features located within open space set-aside;
 - e. Private stormwater control measures; and
 - f. Placement or replacement of required vegetation, except when required as part of erosion control measures.

C. INELIGIBLE FEATURES

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;
2. Public sanitary sewer;
3. Functional fire protection infrastructure;
4. 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; and
8. Street signs and traffic control signals.

D. 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. 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;



2.3.24 STREET RENAMING/ CLOSURE

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. APPLICATION⁵

1. 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.
2. 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.
- ~~2.3.~~ A petition is not required for street renaming applications initiated by the Town or another unit of government.
- ~~3.4.~~ 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).

D. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 2.4, 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. 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.

E. REVIEW CRITERIA

An application for a Street Renaming/ Closure shall be approved, provided:

1. STREET CLOSURE

- a. Closing of the street is in the best interest of the public; and
- b. 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;
- b. The street renaming will serve the public interest by enhancing public safety or will do no harm;
- c. The street renaming will not adversely affect land values or cause excessive economic impact to landowners or the Town; and

⁵ STN 31 Clarify that government-initiated renaming does not require a petition



2.3.25 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).

D. REVIEW CRITERIA⁷

The Planning Director shall decide applications for a Temporary Permit in accordance with Section 2.4.7, 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;
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, *in the sole opinion of the Planning Director*;
12. Any signage associated with a Temporary Permit shall comply with the applicable standards in Section 6.13, Signage; and
13. 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.

⁷ STN 35 - Concern that crowd control provisions should be reviewed by a wider range of city departments.



2.3.27 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.

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 OPTION⁶

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~~ may require a Traffic Assessment instead of a Transportation Impact Analysis.
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).
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

⁶ STN 9 change from "shall" to "may"



2.3.29 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, riparian buffer protection provisions, and stormwater provisions.

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 DISTINGUISHED⁷

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. Riparian Buffer Variances; and~~
 - ~~e.d.~~ Water Supply Watershed Variances.
2. ~~Riparian Buffer Variances shall take the form of a Minor Variance or a Major Variance. A Minor Variance shall be one pertaining to or impacting only Zone Two of the riparian buffer. Major Variances shall pertain to or impact Zone One of the riparian buffer (see Section 6.12, Riparian Buffers, for riparian buffer zone boundaries).~~

⁷ STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.



- f. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning Department.

2. ~~MAJOR RIPARIAN BUFFER OR WATER SUPPLY WATERSHED VARIANCE~~⁸

- a. In the case of a recommendation of approval for a Major ~~Riparian Buffer or~~ Water Supply Watershed Variance by the Board of Adjustment, the application materials, along with the recommendation of the Board of Adjustment established in accordance with sub-section (1) above, shall be forwarded to the North Carolina Division of Water Resources for consideration by the North Carolina Environmental Management Commission.
- b. Denials of a Major ~~Riparian Buffer or~~ Water Supply Watershed Variance application by the Board of Adjustment shall result in the application not being forwarded to the EMC for a final decision.
- c. The final decision regarding a Major ~~Riparian Buffer or~~ Water Supply Watershed Variance shall be made within 90 days of receipt by the North Carolina Environmental Management Commission (EMC) in accordance with all applicable State law. The decision by the EMC shall be one of the following:
- Approval of the Variance application;
 - Approval of the Variance application with additional conditions; or
 - Denial of the Variance application.
- d. Any final decision by the EMC on a Major ~~Riparian Buffer or~~ Water Supply Watershed Variance may be appealed to the Superior Court of the county where located.

G. REVIEW CRITERIA

1. ZONING OR SUBDIVISION VARIANCE

a. REQUIRED FINDINGS

A Zoning or Subdivision Variance application shall be approved subject to a finding the applicant demonstrates all of the following:

- Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.
- The hardship did not result from actions taken by the applicant or the landowner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the Variance shall not be regarded as a self-created hardship.
- The requested Variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.
- The Variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

b. NOT AVAILABLE AS A BASIS FOR DECISION

None of the following may be used as the basis for approving a Zoning or Subdivision Variance:

- Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- Personal circumstances;

⁸ STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.



Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.29 Variance

- i. The applicant can secure no reasonable use of or return from their property if the provisions of the Ordinance are strictly adhered to;
- ii. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
- iii. The hardship is due to the physical nature of the applicant's property, such as its location, size, shape, or topography, and compliance with provisions of this Ordinance would not allow reasonable use of the property;
- iv. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;
- v. The Variance is consistent with the general spirit, purpose, and intent of the State law and this Ordinance; and
- vi. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

b. STATUTORY EXCEPTIONS

Exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

- i. When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of SCMs.
- ii. When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of SCMs.
- iii. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.²

4.- RIPARIAN BUFFER VARIANCE

- ~~a.-A Riparian Buffer Variance shall be approved on a finding that there are practical difficulties or unnecessary hardships that prevent compliance with this Ordinance, and a finding of practical difficulties or unnecessary hardships requires that all of the following standards are met:~~
- ~~i.-If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, their property. Merely proving that the Variance would permit a greater profit from the property shall not be considered adequate justification for a Variance;~~
 - ~~ii.-Whether the Variance is the minimum possible deviation from the terms of the Ordinance that shall make reasonable use of the property possible;~~
 - ~~iii.-The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;~~
 - ~~iv.-The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this Ordinance would not allow reasonable use of the property;~~

² STN4 DEQ indicates that the UDO should not include any detail about riparian buffers since the Town is not designated to enforce the riparian buffer standards.

Chapter 2 Applications

Section 2.3 Application Types

Sub-section 2.3.29 Variance

- ~~v. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;~~
- ~~vi. The applicant did not purchase the property after the effective date of this Ordinance, and then request a Variance;~~
- ~~vii. The hardship is rare or unique to the applicant's property;~~
- ~~viii. The Variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance; and~~
- ~~ix. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.~~
- ~~b. The North Carolina Environmental Management Commission shall decide a Major Riparian Buffer Variance based on applicable State law.~~

5.4. WATER SUPPLY WATERSHED VARIANCE

- a. A Water Supply Watershed Variance shall be approved on a finding that there are practical difficulties or unnecessary hardships that prevent compliance with this Ordinance, and a finding of practical difficulties or unnecessary hardships requires that all of the following standards are met:
 - i. The applicant can make no reasonable use of or return from their property if the provisions of the Ordinance are strictly adhered to;
 - ii. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
 - iii. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this Ordinance would not allow reasonable use of the property;
 - iv. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;
 - v. The Variance is in harmony with the general purpose and intent of the State's water supply watershed requirements and preserves the spirit of this Ordinance; and
 - vi. In granting the Variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.
- b. The North Carolina Environmental Management Commission shall decide a Major Water Supply Watershed Variance based on applicable State law.

6.5. 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.

- a. Rezoning, conditional and conventional, which would establish a more dense or intense zoning district or when the Town is annexing land located outside its extraterritorial jurisdiction;
 - 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.

C. PROCEDURE¹⁰

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 ~~no less than ten days before~~ prior to the application ~~is to be~~ ing initially filed with the Town. Nothing shall limit the Town Council from requiring one or more neighborhood meetings be conducted prior to the application being decided.

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, 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:

¹⁰ STN 6 – Staff wants flexibility to attend meetings and more flexibility on meeting timing.



- 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 ATTENDANCE¹³

Town staff ~~shall not~~ 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.

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;
- 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.
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.

¹³ STN6 Permit staff to attend neighborhood meetings.



3.2.12 (RHD) RESIDENTIAL HIGH DENSITY¹⁴

A. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT PURPOSE STATEMENT

The Residential High Density (RHD) District is established to accommodate a wide variety of moderate-density residential uses and their complementary secondary uses in neighborhood and individual lot contexts. The district provides a variety of different locations near downtown and proximate to major transportation corridors for Town residents to establish dwellings at densities necessary to support nearby shopping and employment uses. Residential uses in the district are well-connected with surrounding areas via connected streets, sidewalks, greenways, and trails. Proximity and access to transit facilities and alternative forms of transportation are vital for residents. The district accommodates single-family detached dwellings, single-family attached dwellings, ~~triplexes, quadplexes, duplexes~~, and a wide variety of small-lot residential developments like bungalow courts, pocket neighborhoods, and conservation subdivisions. Higher density residential uses like multi-family and upper-story residential are not permitted. In order to promote functional neighborhoods, the district also permits a wide variety of institutional uses, like educational, cultural, and governmental uses along with recreation and open space uses. Residential uses are anticipated to include landscaping and private areas for outdoor activity by occupants. The district discourages any uses or development configurations that would interfere with the residential nature of the district.

B. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT PREFERRED DEVELOPMENT FORMS



Single-Family Attached Building



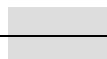
Bungalow Court

~~Quadplex Building~~



Pocket Neighborhood

¹⁴ STN 32 Remove duplexes, triplexes, and quadplexes and permit with conditional rezoning instead.



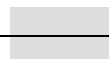
Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.12 (RHD) Residential High Density

C. RESIDENTIAL HIGH DENSITY (RHD) 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	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 ⁷ / ₂	N/A ⁷ / ₂	N/A	N/A
A Minimum Site Size	1 ac	5 ac	N/A	1 ac	12,000 sf [5]	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 ⁹ / ₆₀₀	N/A ⁶ / ₆₀₀	N/A	6,000
C Minimum Lot Width (lf) [6]	50 [7]	20	N/A	50 [7]	50 [7]	50	N/A ⁶⁰	N/A ⁵⁰	N/A	50
Maximum Lot Coverage (% of lot area) [8]	80	90	N/A	90	60 [7]	60	N/A ⁶⁰	N/A ⁶⁰	N/A	60
D Minimum Open Space Set Aside (% of lot or site size) [9]	7	50	N/A	10 [10]	10	10 [11]	N/A ¹⁰	N/A ¹⁰ / ₁₁	N/A	5
E Minimum Street Setback (lf)	20	3 [12]	N/A	3 [12]	25 [13]	25	N/A ²⁵	N/A ²⁵	N/A	20
F Minimum Side Setback (lf)	3 [12]	3 [12]	N/A	3 [12]	6 [7]	6	N/A ⁶	N/A ⁶	N/A	6
G Minimum Rear Setback (lf)	3	3 [12]	N/A	3 [12]	20 [7]	20	N/A ²⁰	N/A ²⁰	N/A	20
H Minimum Spacing Between Principal Buildings on Same Lot (lf) [14]	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) [14]	3	3	N/A	3	10	5	N/A ⁷	N/A ⁵	N/A	10
J Minimum Perimeter Setback for Multi-Building and Unified Developments (lf)	[15]	[16]	N/A	[15]	25	N/A	N/A ²⁵	N/A ²⁵	N/A	20
Maximum Building Height (lf) [17]	35	35	N/A	24	35	35	N/A ³⁵	N/A ³⁵	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. [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] 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] Applied to entire development, not individual lots. [8] Subject to applicable built-upon limits if located within the Watershed Protection Overlay District. [9] See Section 6.7, Open Space Set-Aside and Parkland, for the type of open space required. [10] At least 300 sf of OSS per unit shall be configured as a central green or garden. [11] 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] May be reduced to three feet through provision of rear-loaded alleys and no curb cuts along streets abutting front building facades. [14] A larger distance may be required in accordance with the applicable NC Building Code or NC Fire Code. [15] Requires a Type C buffer along any portion of the development perimeter abutting a residential zoning district. [16] As necessary to comply with visibility requirements in Section 2.3.7, Conservation Subdivision. [17] May be increased in accordance provision of sustainable development incentives.									
 Building (Principal)  Building (Secondary)  Gathering Area			 Vehicular Use Area  Landscaping or OSS  Street			 Lot Line  Setback  Dimensions				

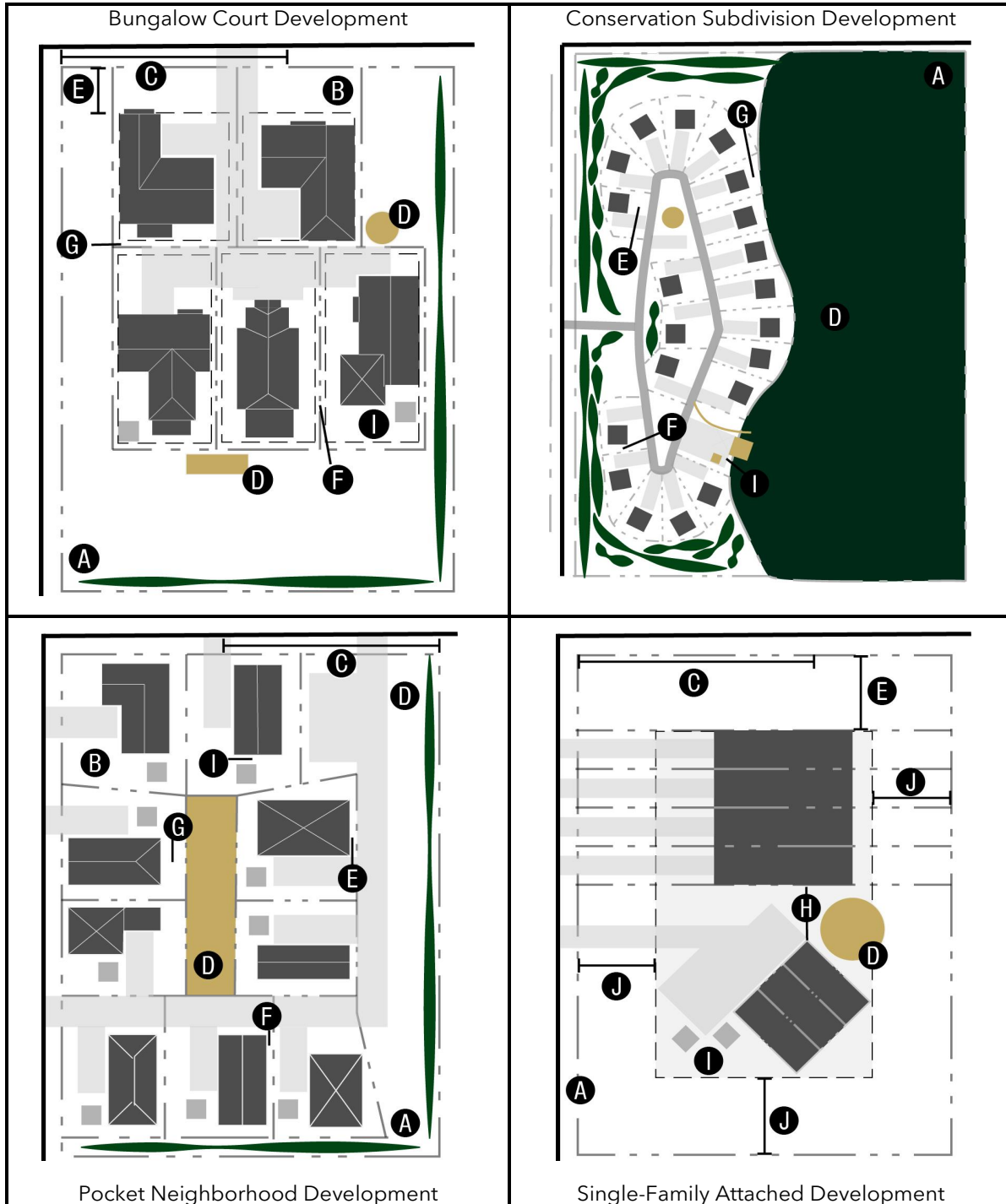


Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.12 (RHD) Residential High Density

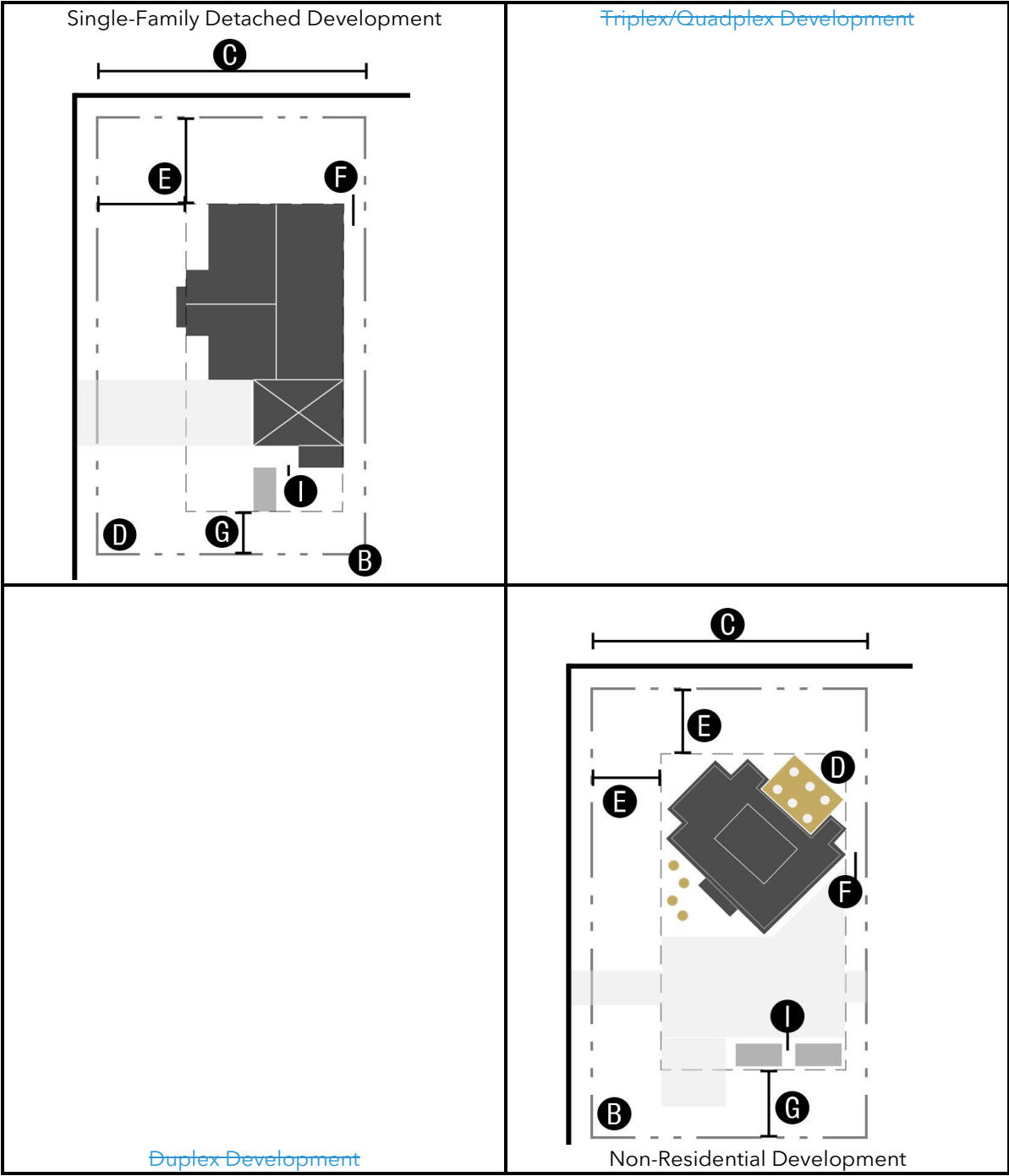
D. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT DIMENSIONAL DIAGRAMS



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Town of Clayton | Last Update
Unified Development Ordinance | 4.15.24++-20-23

E. RESIDENTIAL HIGH DENSITY (RHD) DISTRICT DIMENSIONAL DIAGRAMS (CON'T)



Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.15 (RMD) Residential
Medium Density

3.2.15 (RMD) RESIDENTIAL MEDIUM DENSITY¹⁵

A. RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT PURPOSE STATEMENT

The Residential Medium Density (RMD) District is established to accommodate low-to-moderate-density residential development and complimentary uses on lots served by public utilities in the suburban portions of the Town's jurisdiction. The RMD district provides a transition between lower-density residential areas and higher intensity commercial and shopping areas along major corridors. Development in the RMD district is typically organized as a series of individual neighborhoods. The vast majority of RMD lots are around 8,000 square feet in area and contain a single-family detached dwelling located in the center of a landscaped yard. Off-street parking takes place on a driveway in front of or to the side of the dwelling. Most homes are two-to-three stories tall and around 1,000 square feet in size. While the district accommodates single-family detached homes, it also permits duplex dwellings as well as "small-lot" residential developments such as bungalow courts, pocket neighborhoods, and conservation subdivisions. It also accommodates a limited range of institutional uses but almost no commercial or industrial use types. Streets are typically organized as a modified grid with some curvilinear segments. Neighborhoods are well-served by sidewalks and greenways that permit pedestrians to access nearby institutional and commercial uses.

B. RESIDENTIAL MEDIUM DENSITY DISTRICT PREFERRED DEVELOPMENT FORMS



Single-Family Detached Dwelling

~~Duplex Dwelling~~



Conservation Subdivision

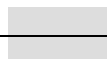


Pocket Neighborhood



Bungalow Court

¹⁵ STN 32 Remove duplexes by-right and consider via conditional rezoning instead.



Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.15 (RMD) Residential
Medium Density

C. RESIDENTIAL MEDIUM DENSITY (RMD) 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]	5.0	5.0	N/A	5.0	N/A	5.0	N/A	N/A5-50	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/A10; 600	N/A	8,000
C Minimum Lot Width (lf) [2]	60 [3]	20	N/A	60 [3]	N/A	60	N/A	N/A60	N/A	60
Maximum Lot Coverage (% of lot area) [4]	80	90	N/A	90	N/A	55	N/A	N/A55	N/A	55
D Minimum Open Space Set Aside (% of lot or site size) [5]	7	50	N/A	10 [6]	N/A	20 [7]	N/A	N/A20 [7]	N/A	20
E Minimum Street Setback (lf)	20	3 [8]	N/A	3 [8]	N/A	25	N/A	N/A25	N/A	25
F Minimum Side Setback (lf)	3	3 [8]	N/A	3 [8]	N/A	10	N/A	N/A10	N/A	10
G Minimum Rear Setback (lf)	3	3 [8]	N/A	3 [8]	N/A	25	N/A	N/A25	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	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/A5	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/A25	N/A	25
Maximum Building Height (lf) [12]	35	35	N/A	24	N/A	35	N/A	N/A35	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. [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, 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 2.3.7, Conservation Subdivision. [12] May be increased in accordance provision of sustainable development incentives.									



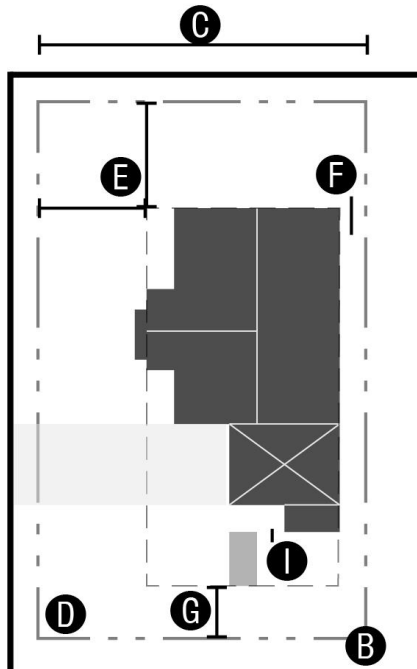
Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

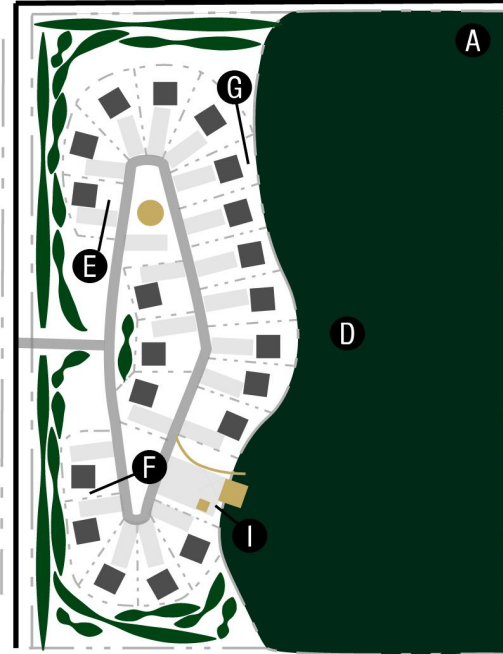
Sub-section 3.2.15 (RMD) Residential
Medium Density

D. RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT DIMENSIONAL DIAGRAMS

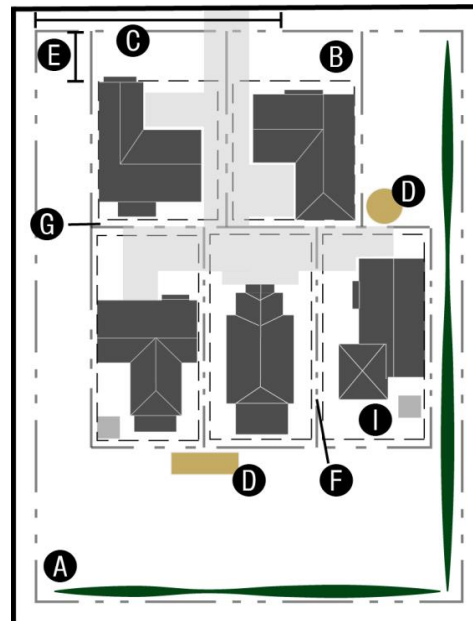
Single-Family Detached Development



Conservation Subdivision Development



Duplex Dwelling Development



Bungalow Court Development



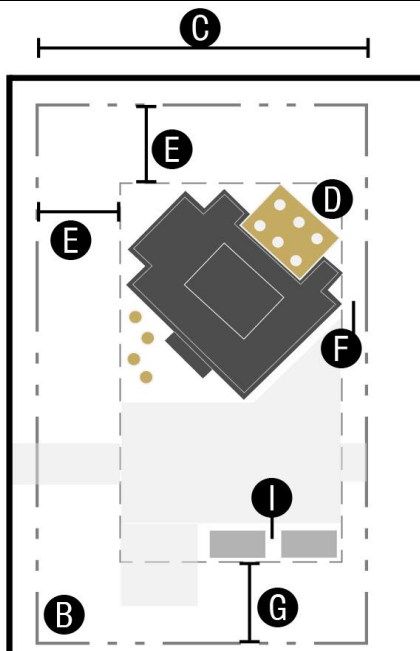
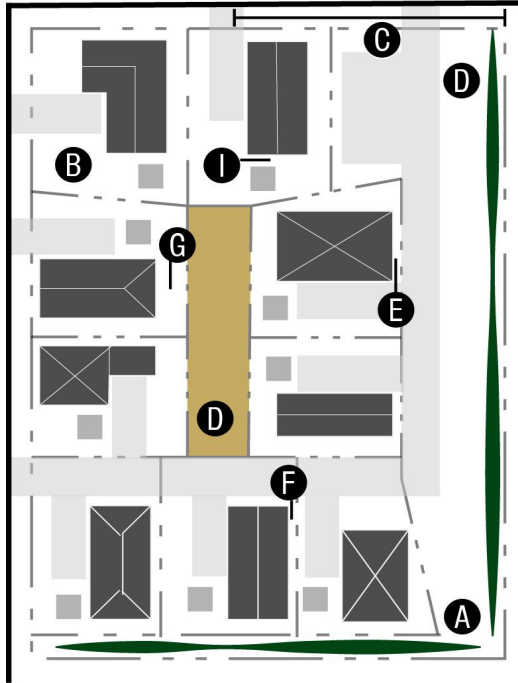
Chapter 3 Districts

Section 3.2 Conventional Zoning Districts

Sub-section 3.2.15 (RMD) Residential
Medium Density

E. RESIDENTIAL MEDIUM DENSITY DISTRICT DIMENSIONAL DIAGRAMS (CON'T)

Pocket Neighborhood Development



Non-Residential Development

- Building (Principal)
- Building (Secondary)
- Gathering Area
- Vehicular Use Area
- Landscaping or OSS
- Street
- Lot Line
- Setback
- Dimensions

Legend



- 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](#), 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 2.3.6D, 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 following:

- 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
- j. The applicable dimensional standards, including consistency with the conditional zoning district dimensional requirements or any requested deviations.

4. DEVIATIONS OR REDUCTIONS¹²

- 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

¹² STN10. Added to reflect that Type 3 conditional rezonings with deviations need to be a higher quality than would result from a strict application of the standards.



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.

a.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.

b.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.

c.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. 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 2.3.9, Determination](#).

6. 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.

7. 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 2.3.6O, Amendment](#).

8. 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](#);
- b. The maximum allowable residential density, unless the landowner complies with the applicable provisions in [Section 3.5, Incentives and Alternatives](#);
- c. Any applicable conservation subdivision standards in [Section 2.3.7, Conservation Subdivision](#);
- d. Any use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#);
- e. Any of the standards applicable in [Section 4.4, Prohibited Uses](#);
- f. Any applicable standards in [Section 6.5, Infrastructure](#); and
- g. Any applicable standards in [Section 6.15, Stormwater](#), and [Section 6.12, Riparian Buffers](#).



9. 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](#).

10. 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 COMMERCIAL¹⁷

A. PURPOSE AND INTENT

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 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](#), 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](#), the maximum density standards in [Section 3.2.1, \(CRM\) Corridor Commercial District](#), shall apply to all development within a CZC District.

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, NCM, or CZC columns of the table in [Section 4.2.5, 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, NCM, or CZC columns of the table in [Section 4.5.4, Listing of Common Secondary Uses](#).
3. In no instance shall a principal or secondary use that is not listed in the CZM, 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, the use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#), or [Section 4.5.5, Standards for Specific Secondary Uses](#), as appropriate shall apply to development in a CZC District.

¹⁷ STN18 Clarify how densities operate within conditional zoning districts.



E.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.8, 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](#), shall apply to all development within a CZD District.

C. ALLOWABLE DENSITY¹⁸

Unless modified as part of a Type 3 Conditional Rezoning application and [Section 3.5, Incentives and Alternatives](#), the maximum density standards in [Section 3.2.3, \(DTNC\) Downtown Core](#), shall apply to all development within a CZD District.

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](#).
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](#).
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.

D.E. USE-SPECIFIC STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#), or [Section 4.5.5, Standards for Specific Secondary Uses](#), as appropriate shall apply to development in a CZD District.

¹⁸ STN18 Clarify how densities operate within conditional zoning districts.



E.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.8, 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](#), shall apply to all development within a CZI District.

C. ALLOWABLE DENSITY¹⁹

Unless modified as part of a Type 3 Conditional Rezoning application and [Section 3.5, Incentives and Alternatives](#), the maximum density standards in [Section 3.2.6, \(HID\) Heavy Industrial](#), shall apply to all development within a CZI District.

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](#).
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](#).
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, the use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#), or [Section 4.5.5, Standards for Specific Secondary Uses](#), as appropriate shall apply to development in a CZI District.

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.8, Limitations on Reductions](#).

¹⁹ STN18 Clarify how densities operate within conditional zoning districts.



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, shall apply to all development within a CZM District.

C. ALLOWABLE DENSITY²⁰

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives, the maximum density standards in Section 3.2.8, (MXD) Mixed-Use, shall apply to all development within a CZM District.

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.
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.
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, the use-specific standards in Section 4.3, Standards for Specific Principal Uses, or Section 4.5.5, Standards for Specific Secondary Uses, as appropriate shall apply to development in a CZM District.

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.8, Limitations on Reductions.

²⁰ STN18 Clarify how densities operate within conditional zoning districts.



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 shall apply to single-family detached, bungalow courts, pocket neighborhoods, and conservation subdivisions development 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, shall apply to single-family attached, multi-family, duplex, triplex, and quadplex, live/work, and upper-story residential dwellings within a CZR district.²¹

C. ALLOWABLE DENSITY²²

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives, the maximum density standards in Section 3.2.16, (RMF) Residential Multi-Family, shall apply to all development within a CZR District.

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.
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.
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, the use-specific standards in Section 4.3, Standards for Specific Principal Uses, or Section 4.5.5, Standards for Specific Secondary Uses, as appropriate shall apply to development in a CZR District.

²¹ STN 17. Need to clarify how density framework can be established for multi-family development in the CZ district.

²² STN18 Clarify how densities operate within conditional zoning districts.



- D. Signage provisions shall be applied to individual lots and uses unless subject to a uniform sign plan in accordance with [Section 2.3.20F.2, 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 2.3.8, Conventional Rezoning](#), and [Section 3.3, Conditional Zoning Districts](#), only in accordance with the following:

- A. [Configuration of a residential subdivision as a conservation subdivision in accordance with \[Section 2.3.7, Conservation Subdivision\]\(#\)](#).
- ~~A.B.~~ Provision of sustainable development features in accordance with [Section 6.17, Sustainable Development Incentives](#);
- ~~B.C.~~ Voluntary compliance with [Section 6.2.6, Single-Family Residential Design Guidelines](#), as applied to a single-family detached [use dwelling](#), [a single-family attached dwelling](#), a duplex, [triplex, or quadplex](#) -use, or ~~a single-family attached dwelling~~; ~~and~~; ~~or~~
- ~~C.D.~~ [Approval of a Type 3 conditional zoning district application in accordance with \[Section 2.3.6, Conditional Rezoning\]\(#\)](#) [Density increases resulting from provision of sustainable development features and voluntary compliance with design guidelines may be combined within the same development](#).¹⁴

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](#);
- ~~A.B.~~ [Section 2.3.7, Conservation Subdivision](#);
- ~~B.C.~~ [Section 6.17, Sustainable Development Incentives](#); or
- ~~C.D.~~ [Section 2.3.29, 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](#).
- B. Deviations or exceptions to maximum building height provisions are permitted in accordance with [Section 3.6.4D, 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](#).
- D. Alternatives to landscaping and screening requirements may be proposed in accordance with [Section 6.6.10C, Alternative Landscape Plans](#).
- E. Alternative off-street parking facilities may be provided in accordance with [Section 6.9.8, Parking Flexibility](#).
- F. Alternative signage configuration may be proposed in accordance with [Section 2.3.20K, Alternative Sign Plan](#).

¹⁴ STN 18. Remove circular reference and clarify density bonuses may be stacked.



3.6.8 SETBACKS

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line. Setbacks are measured from lot lines, not easements or required landscaping areas; however, limitations on uses, structures, or plantings in easements or required landscaping areas still apply, regardless of required setbacks.¹⁵

A. PERIMETER SETBACK

Setbacks applied to unified developments or multiple building developments or two or more lots apply only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets, where the minimum or maximum required street setback shall prevail.

B. REAR SETBACK

A setback from an interior lot line lying on the opposite side of the lot from the street setback.

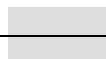
C. SETBACKS FROM RAILROADS OR SIDINGS

Lots serving industrial or commercial uses and abutting a railroad or railroading siding are not required to provide a side or rear setback from the railroad or siding.

D. SIDE SETBACK

Any interior property line setback other than a rear setback.

¹⁵ STN25 Clarify where setbacks are measured from. Note there still needs to be continued discussion regarding instances where utility easements or landscape buffers combine to render a lot as unbuildable (because they occupy a significant portion of the lot).



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.
- ii. ~~Retaining walls, sidewalks and driveways in regulated floodways and non-encroachment areas.~~ Retaining walls, greenways, multi-use paths, trails, and 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.

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.

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, 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, 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, and Section 3.7.2B.2, 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, and Section 3.7.2B.5, 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, and utilized in implementing this section.



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

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	
Outdoor Commercial Recreation	.	.	.	.	.	.	.	.	.	.	.	P	P	.	.	.	.	.	.	C	.	C	4.3.92
Packaging and Shipping	.	.	.	.	.	.	.	P	P	.	P	P	P	.	.	P	.	.	C	C	C	C	.
Parking Lot	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	C	C	.	4.3.97
Parking Structure	.	.	.	.	.	.	.	P	S	S	.	.	.	.	.	.	.	.	.	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	.	
Restaurant Walk-up Service Only	.	.	.	.	.	.	P	P	P	.	P	P	.	.	.	P	.	.	C	C	C	.	
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	4.3.112
Retail, Micro	.	.	.	.	.	P	.	P	P	P	P	P	.	.	.	P	.	C	C	C	C	C	4.3.113
Sexually-Oriented Business	.	.	.	.	.	.	.	.	.	.	.	.	S	.	.	.	.	.	.	.	.	.	4.3.118
Storage, Indoor and Outdoor	.	.	.	.	.	.	.	.	.	.	.	.	⚡P	.	.	.	.	.	.	.	.	⚡C	4.3.124
Storage, Indoor Only	.	.	.	.	.	.	.	.	.	.	.	.	⚡P	.	.	.	.	.	.	.	.	⚡C	4.3.123
Tanning Salon	.	.	.	.	.	.	.	.	P	P	.	P	.	.	.	P	.	.	C	C	C	.	
Tattoo & Piercing Establishment	.	.	.	.	.	.	.	.	.	.	.	P	P	.	.	.	P	.	C	.	C	C	4.3.126
Theatre, Indoors	.	.	.	.	.	.	.	P	P	.	P	P	.	.	.	P	.	.	C	C	C	.	
Theatre, Outdoors	.	.	.	.	.	.	.	.	.	.	.	P	.	.	.	.	.	.	.	C	.	.	4.3.129
Tobacco, CBD, and Vapor Shop	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	C	.	.	4.3.130
Vehicle Painting/ Bodywork	.	.	.	.	.	.	.	.	.	.	.	.	P	P	.	.	.	.	.	.	.	C	4.3.136
Vehicle Parts and Accessory Sales	.	.	.	.	.	.	.	.	.	.	P	P	.	.	.	.	.	.	.	C	.	.	4.3.137



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
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"•" = 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	
Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	C	4.3.105
Research and Development	-	-	-	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	C	C	C	C	
Salvage and Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	4.3.114
Transfer Station		-	-	-	-	-	-	-	-	-	-	-	-		-	-	P	-	-	-	-	C	4.3.131
Warehouse, Distribution or Storage	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	4.3.144
Wholesale Sales, Indoor and Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	4.3.145
Wholesales Sales, Indoor Only	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	C	-	C	
Wind Energy Conversion	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	4.3.146
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	-	-	
Auditorium, Coliseum, Convention Center	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	P	-	C	C	C	-	4.3.14
Broadcasting Studio	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	P	-	-	-	C	-	
Bus Station	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P	P	C	C	C	C	C	
Cemetery or Mausoleum	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	C	-	C	-	-	4.3.27
Child Day Care	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	C	C	C	C	C	4.3.29
College or University	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	P	-	C	C	C	-	
Community Center	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	C	C	C	C	-	
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	-	
Fire/EMS/ Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	C	C	C	C	C	4.3.50
Fraternal Club or Lodge	-	P	P	P	P	-	P	-	-	-	-	-	-	-	-	P	-	C	C	C	C	C	4.3.53
Golf Course (public or private)	P	P	P	P	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	C	-	-	



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

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	
Government Office	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P	P	C	C	C	C	C	
Governmental Training Facility	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	C	C	C	C	C	
Hospital	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	P	-	C	C	C	C	4.3.67
Indoor Recreation, Public	-	P	-	-	-	P	P	P	P	P	P	P	-	-	-	P	P	C	C	C	C	C	
Laboratory	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	P	-	C	C	C	C	4.3.73
Library	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	P	P	C	C	C	C	C	
Museum	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P	P	-	C	C	C	C	
Outdoor Recreation, Public	P	P	P	-	-	P	P	-	-	-	-	-	-	-	-	P	P	C	C	C	C	C	
Outpatient Facility	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	P	-	C	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	C	
Post Office	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	C	C	C	C	C	
Psychiatric Services	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	4.3.102
Rail Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	C	C	
Religious Institution	-	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	-	C	C	C	C	C	
School, High ²⁶	-	SP	SP	SP	SP	-	P	-	-	-	-	-	-	-	-	P	-	C	C	C	C	C	4.3.116
School, Vocational	-	-	-	-	-	-	P	-	-	-	-	-	-	P	-	-	P	C	C	C	C	C	4.3.117
Small Wireless Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	4.3.121
Telecommunications Facility, Major	S	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	C	4.3.127
Telecommunications Facility, Minor or Concealed	P	-	-	-	P	P	P	P	P	P	P	P	P	P	-	P	P	C	-	-	-	-	4.3.127
Urgent Care	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	P	P	-	C	C	C	C	4.3.134
RESIDENTIAL USE CLASSIFICATION																							

RESIDENTIAL USE CLASSIFICATION

²⁶ STN 37 fix RULIPA violation



Chapter 4 Land Uses

Section 4.2 Principal Uses

Sub-section 4.2.5 Listing of Common Principal Uses

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Congregate Care	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.34
Conservation Subdivision [1]	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	-	C	C	-	-	-	4.3.35
Continuing Care Retirement Community	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.36
Duplex Dwelling [1] ¹⁸	-	-	-	-P	-P	P	-	-	-	-	P	-	-	-	-	P	-	C	C	-	C	-	4.3.41
Family Care Home	P	P	P	P	P	P	-	P	P	P	P	-	-	-	-	P	-	C	-	-	-	-	4.3.46
Group Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.62
Halfway House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.64
Homeless Shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.68
Live/Work	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	P	-	C	C	C	C	C	4.3.77
Manufactured Home (Class A Doublewide)	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.79
Manufactured Home (Class B Singlewide)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.80
Manufactured Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	4.3.81
Mobile Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Multi-Family Dwelling	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	-	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	-	4.3.119
Single-Family Detached Dwelling	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	P	-	C	-	-	C	-	4.3.120
Triplex or Quadplex [1]	-	-	-	-	-P	P	-	-	-	-	-	-	-	-	-	P	-	C	C	C	C	-	4.3.132
Upper-Story Dwelling	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	C	C	C	C	-	4.3.133

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.

¹⁸ STN 32 Remove duplexes, triplexes, quadplexes as by-right and permit in conditional districts instead.



Chapter 4 Land Uses

Section 4.3 Standards for Specific Principal Uses

Sub-section 4.3.28 Check Cashing /Pay Day Lending

- 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 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 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; and
- F. A child day care shall provide a Type C perimeter buffer configured in accordance with Section 6.6.12, Perimeter Buffers, along all lot lines that abut a residential district.

4.3.30 COFFEE SHOP OR BAKERY¹⁶

~~A. To assure provision of adequate parking, the maximum amount of seating and/or square footage of the public floor area for a coffee shop or bakery in a multi-tenant building shall be specified at the time of site plan approval;~~

- ~~B.~~ **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
- ~~C.~~ **B.** Coffee shops or bakeries with outdoor seating or gathering areas shall comply with the standards in Section 4.5.5T, Outdoor Dining or Seating.

4.3.31 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;

¹⁶ STN 31 clarify why special parking standards are applied to coffee shops and bakeries



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.1 Establishment of a Secondary Use

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 or a conditional [zoning district](#) 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 Zoning Compliance Permit in accordance with [Section 2.3.31, Zoning Compliance Permit](#).
- 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 2.3.22, 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 2.3.6, 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](#), 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](#).

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](#), 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](#).



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.5 Standards for Specific
Secondary Uses

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. OUTDOOR STORAGE

Outdoor storage as a secondary use shall comply with the standards in [Section 4.3.124, Storage, Outdoor \(as a Principal Use\)](#).

W. PARKING OF HEAVY TRUCKS OR TRAILERS²⁹

1. The parking or storage of motorized vehicles in excess of ~~10~~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 all residential districts~~ 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.
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.

²⁹ STN 8 Staff wanted clarity that heavy trucks not just prohibited in residential districts.



Chapter 4 Land Uses

Section 4.5 Secondary Uses

Sub-section 4.5.5 Standards for Specific
Secondary Uses

X. PARKING OF RECREATIONAL VEHICLES³⁰

1. No recreational vehicle (RV) shall be used as a permanent residence or business.
2. 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.
3. Recreational vehicles shall meet the setbacks of a single-family dwelling in the zoning district in which it is located.
4. ~~The 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. ~~shall not be located between a principal structure and a street.~~
5. Sewer or water connections are not permitted.
6. Any source of electricity must be solely intended for the RV and be on the same parcel of land as the RV.
7. Removal of wheels of a recreational vehicle except for temporary repairs shall be prohibited.
8. Any RV subject to these standards must be road ready and capable of moving within 24 hours.
9. These standards shall not apply to RVs located within a lawfully established and operating recreational vehicle park.

Y. 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.
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. 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. 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;

³⁰ STN16 concern over enforcement. Revised to remove provisions pertaining to location in favor of standards for parking areas to be improved.



B. CONNECTION TO PUBLIC POTABLE WATER SYSTEM²⁰

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 public potable water system shall be connected, at the developer's expense to the Town's potable water system. Mandatory connections to the public potable water system shall be in accordance with Table 6.5.10, Mandatory ~~Sewer~~ Water System Connection Required.

TABLE 6.5.10: MANDATORY WATER SYSTEM CONNECTION REQUIRED	
NUMBER OF LOTS PROPOSED TYPE OF DEVELOPMENT	MAXIMUM DISTANCE FROM EXISTING <u>PUBLIC WATER SYSTEM</u> BEFORE WATER SYSTEM CONNECTION IS NO LONGER REQUIRED (FEET) [1]
<u>SINGLE-FAMILY DETACHED RESIDENTIAL SUBDIVISION (BY # OF LOTS)</u>	
56 -20	300
21-50	500
51-100	1,000
More than 100	Connection is mandatory regardless of distance
<u>ALL OTHER RESIDENTIAL SUBDIVISIONS, NON-RESIDENTIAL DEVELOPMENT, AND MIXED-USE DEVELOPMENT</u>	
<u>1 or more lots</u>	<u>1,000 [2]</u>
NOTES:	
[1] Measured from closest point of proposed development to the existing or approved but not yet constructed public potable water system.	
<u>[2] If connection to a public potable water system is required, connection to the public sewer system is also required.</u>	

- b. In the event a ~~development~~ 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.

- ~~b.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.

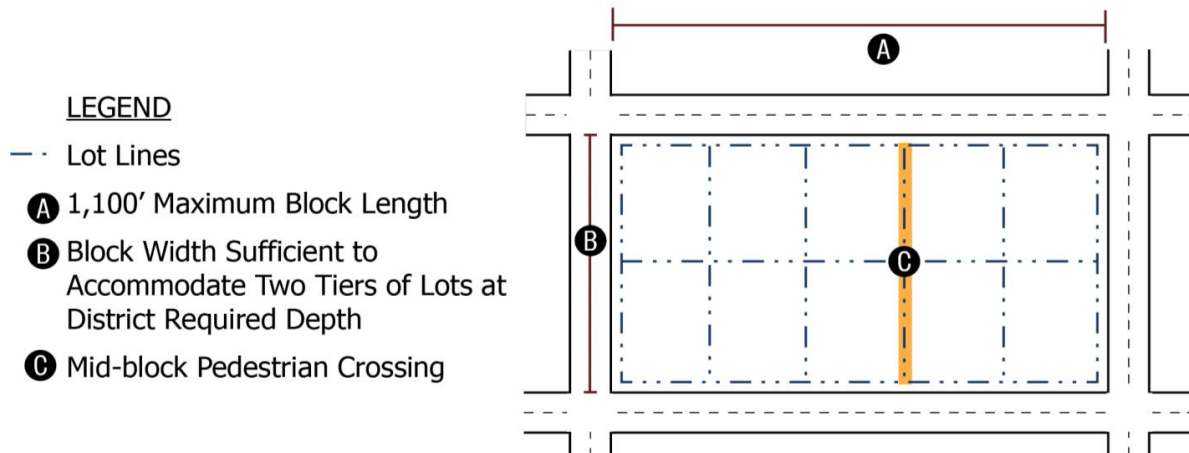
2. OUTSIDE THE CORPORATE LIMITS

- 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

²⁰ STN 7 - Clarify how mandatory connection provisions apply to developments other than residential subdivisions



FIGURE 6.5.12.F.4: BLOCK CONFIGURATION



5. STREET CONTINUATION²¹

- 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 2.3.13, 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.

²¹ STN5 - Results from discussions with staff regarding street continuation issues generally. The topic of street stub requirements needs further discussion with Town staff regarding more clear guidance about the conditions under which a street stub should not be required in order to avoid street stubs that are never likely to be continued.



- e.** New development on a vacant lot shall provide street connections to street stubs or access easements on abutting developed properties.
- d.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.
- e.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.
- f.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.
- g.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 CALCULATION²²

- 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.
- iii. In the diagram, there are 37 links (circles) and 22 nodes (stars); therefore, the connectivity index is 1.68 ($37/22 = 1.68$).

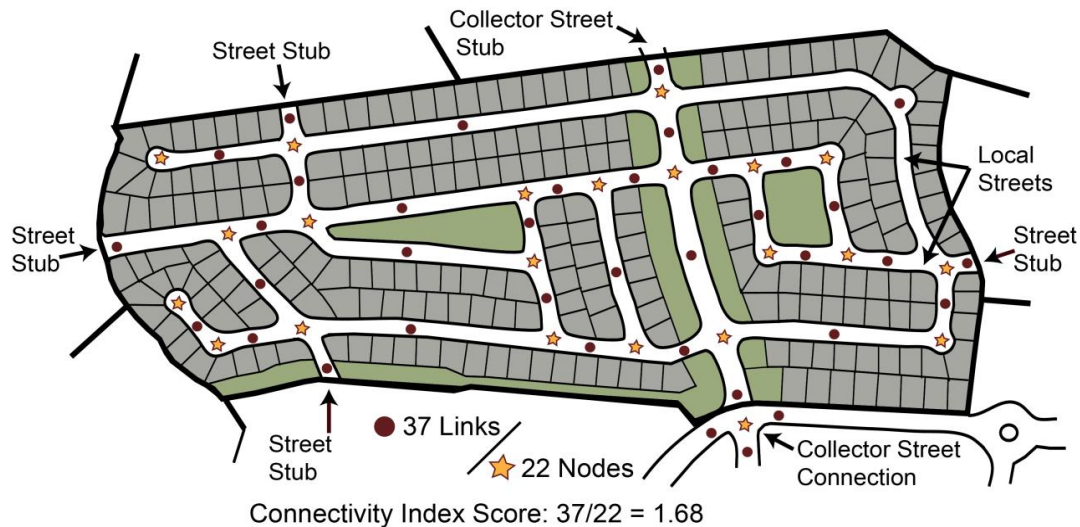
FIGURE 6.5.12.F.6: STREET CONNECTIVITY INDEX EXAMPLE

²² STN 26 Clarify that only street stubs at development boundaries may be counted as links in the connectivity index calculation



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Section 6.5 Infrastructure Sub-section 6.5.12 Streets



c. REDUCTION IN MINIMUM INDEX SCORE

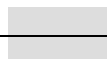
The minimum connectivity index score may be reduced if the developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as is reasonably practical.

7. DEVELOPMENT ENTRY POINTS²³

- a. All new subdivisions and developments shall provide development entry points in accordance with this section. Development entry points are vehicular accessways that provide direct access to streets located streets from the development to the street system outside the development. Development entry points shall be configured in accordance with the following table:

TABLE 6.5.12.F.7: MINIMUM NUMBER OF DEVELOPMENT ENTRY POINTS [1]		
TYPE OF PROPOSED DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS DEVELOPMENT ENTRY POINTS [2] [3] [4]
Single-Family Detached Residential, Duplex, Triplex, and Quadplex	50 or fewer lots or units	1
	51 to 100 lots or units	2
	101 or more lots or units	3+ as required by a Transportation Impact Analysis
	less than 100 <u>or fewer</u> units	2

²³ STN 5 Changes based on staff discussion regarding clarity for development of 100 or fewer units and clarity regarding the ability of street stubs qualifying as development entry points.



Chapter 6 Standards

Section 6.5 Infrastructure Sub-section 6.5.12 Streets

TABLE 6.5.12.F.7: MINIMUM NUMBER OF DEVELOPMENT ENTRY POINTS [1]

TYPE OF PROPOSED DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS DEVELOPMENT ENTRY POINTS [2] [3] [4]
Single-Family Attached Development, Multi-Family, and Mixed-Use Development	101 to 500 units	3
	501 or more units	4
Non-Residential Development [35]	Less than 10 acres	1
	10 to 50 acres	2
	More than 50 acres	3

NOTES:

[1] Development entry points are vehicular accessways that provide direct access ~~shall refer~~ to streets, not driveways.

[2] When two or more development entry points are required, each access should be made to a separate street, to the maximum extent practicable.

[3] Additional development entry points may be required by the Town.

[4] Up to two street stubs may be counted as development entry points for a subdivision or development, but all subdivisions and developments must comply with all applicable Fire Code access provisions.

[5] Industrial development is exempted from these standards.

FIGURE 6.5.12.F.7: DEVELOPMENT ENTRY POINTS



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](#).

~~6. VEHICULAR GATES~~

- ~~a. In no instance shall vehicular gates be placed across public street rights-of-way.~~
- ~~b. Gates on a non-residential, mixed-use, or multi-family site shall:~~
 - ~~i. Conform to Town requirements for emergency access;~~
 - ~~ii. Be located no closer than 50 feet to the street right-of-way;~~
 - ~~iii. Be served by a vehicular turnaround; and~~
 - ~~iv. Be reviewed and approved by the Technical Review Committee.~~

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.
3. Rolled or valley-type curbs may be permitted for new residential streets, but are prohibited on residential collector and other collector streets.

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.



Chapter 6 Standards

Section 6.5 Infrastructure Sub-section 6.5.12 Streets

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 GATES²⁴

1. In no instance shall vehicular gates be placed across public street rights-of-way.
2. Nothing shall prohibit the installation of vehicular gates across a private driveway or site accessway that is not a public street.
3. Gates on a non-residential, mixed-use, or multi-family site shall:
 - a. Conform to Town requirements for emergency access;
 - 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.

²⁴ STN 21 Clarify that gates can obstruct access on a private drive or a driveway.



6.5.13 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 development will be able to comply with the wastewater treatment or disposal system requirements of this Ordinance.

B. CONNECTION TO PUBLIC WASTEWATER TREATMENT SYSTEM

1. WITHIN THE CORPORATE LIMITS²⁵

- 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

NUMBER OF LOTS PROPOSED 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)	
5-20	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	
1 or more lots	1,000 [2]

NOTES:

[1] Measured from closest point of proposed development to the existing or approved but not yet constructed public sewer system.

²⁵ STN 27 The rules for mandatory connection to wastewater need to be clarified for things that are not major subdivisions. NOTE: The Town needs to review SL2023-90 with respect to its impact on mandatory sewer connection requirements.



[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 ~~development~~ 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.

b.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.

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.



6.6.9 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 may be located within a street right-of-way in the DTNC, DTNN, and DTNT districts as well as within the GTOD when specified by adopted policy guidance.
3. Where provided, street trees shall be configured in accordance with [Section 6.6.15, 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 6.6.13, 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 6.6.15, Street Trees](#).
4. Shrubs intended to screen features in accordance with [Section 6.6.13, 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 6.6.12, 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. ~~SETBACK SMALLER THAN REQUIRED~~ CONFLICTS WITH SETBACKS, EASEMENTS, AND REQUIRED LANDSCAPING AREAS²⁶

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:

1. An alternative landscape plan;

²⁶ STN 28 How are setbacks measured when there is a utility easement or required landscaping area parallel to the lot line? NOTE: There is a larger issue to discuss here, which is how will the Town address situations where a public utility easement and/or a required landscaping buffer make a lot unbuildable. How much land occupied by a utility easement and adjacent landscaping buffer is too much?



Chapter 6 Standards

Section 6.7 Open Space Set-Aside and Parkland Sub-section 6.7.1 Open Space Set-Aside

- a. Development of an individual single-family dwelling (including manufactured homes) on lots platted prior to January 2, 2024;
- b. Single-family detached residential subdivisions comprised solely of five or fewer lots where all lots are intended for single-family detached residential dwellings;
- c. Development consisting of up to five duplex, triplex, or quadplex buildings (not individual units); and
- d. Development located within the CON district.

D. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS²⁷

1. AMOUNT

- a. The minimum required amount of open-space set-aside, as a percentage of a development's size, shall be in accordance with the dimensional standards for the type of use in the zoning district where the development is located. Chapter 3, Districts, sets out the open space set-aside requirements for each zoning district.
- b. Nothing shall limit the provision of more open space set-aside, provided the minimum requirements in this Ordinance are met.

2. TYPE

- a. Table 6.7.1.D, Open Space Type, identifies the form(s) of open space set-aside required by this Ordinance.

TABLE 6.7.1.D: OPEN SPACE SET-ASIDE TYPE

ZONING DISTRICT WHERE LOCATED [1]	TYPE OF OPEN SPACE SET-ASIDE REQUIRED [2]	
CRM, HID, LID, NCM, OFI, CZC, CZI	Passive Open Space [3]	
DTNC, DTNN, DTNT, CZD	Gathering Space [4]	
MXD, CZM	Active Open Space [5]	
PUB	Passive Open Space [5]	
RHD, RLL, RLD, RMD, RMF, RUR, CZR	Residential Development <u>or</u> <u>Mixed-Use Development that Includes with 6 or More Residential Units</u>	50% Active Open Space or Gathering Space [6]
	Residential Development <u>with of</u> 5 or fewer <u>units Single-Family Detached Lots</u>	N/A
	<u>Residential Development of 5 or fewer Duplex, Triplex, or Quadplex Buildings</u>	N/A
	All Other Development	Passive Open Space [5]

NOTES:

²⁷ STN 11 – staff wants consistency with minor subdivision, which is how the current standards are configured



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](#).

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 DEDICATION²⁸

Subdivisions of land for ~~five~~ 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.

A. DEDICATION AMOUNT

1. Single-family residential subdivisions of ~~five~~ 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.
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 2.3.13, Fee-in-Lieu](#).

²⁸ STN 11 . Revised to reflect consistency with open space requirements and exemptions for minor subdivisions.



6.10 PEDESTRIAN FACILITIES

6.10.1 GREENWAYS AND TRAILS

A. GREENWAYS AND TRAILS DISTINGUISHED

1. GREENWAYS

- 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.
- Greenways are located in areas designated by the Town's adopted policy guidance and may take the place of a required sidewalk or ~~side~~multi-use path.
- Greenways are constructed to Town standards and operated and maintained by the Town.
- Greenways are configured in accordance with the standards in this section.

2. TRAILS

- 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.
- 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.
- Trails may not be substituted for required sidewalks or greenways.
- Trails are not required to be constructed to Town standards and are operated and maintained by an owners' association.
- Trails are configured in accordance with the standards in [Section 6.7, Open Space Set-Aside and Parkland](#).

B. GREENWAY RESERVATION AND CONSTRUCTION REQUIRED²⁹

- 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.
- 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	

²⁹ STN 29 Soften the greenway reservation requirements for additions or expansions of existing buildings to better encourage redevelopment



Chapter 6 Standards

Section 6.10 Pedestrian Facilities Sub-section 6.10.1 Greenways and Trails

TABLE 6.10.1: GREENWAY CONSTRUCTION REQUIRED

TYPE OF ACTIVITY OR DEVELOPMENT		GREENWAY CONSTRUCTION REQUIREMENT [1]
Replacement of an Existing Principal Structure		
Addition or Expansion of Existing Principal Building with no new Principal Building Construction	Total Project Cost Exceeds 75 50% of Preconstruction Assessed Value	Greenway Reservation and Construction Required
	Total Project Costs are 75 50% or less than Preconstruction Assessed Value	Greenway Reservation Required; Exempted from Greenway Construction
Change of Use with No Addition or Expansion to any Principal Building and with no New Principal Building Construction		Exempted from Greenway Reservation and Construction [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] Greenways are only required in locations specified in the Town's adopted policy guidance.

[2] Exempt and Limited Subdivisions are exempted from these requirements.

[\[3\] The Town may, in its sole discretion, require reservation of land necessary for a greenway.](#)

- In cases where a greenway extends between two or more phases of a development, only the portion of the greenway in the active phase of the development is required to be reserved and constructed.

C. GREENWAY CONFIGURATION

Greenways shall be located and configured in accordance with the Town's adopted policy guidance and the following:

1. MINIMUM GREENWAY WIDTH

The land area associated with a greenway shall be at least 20 feet wide, though a wider greenway may be required in accordance with adopted policy or as needed in cases where a public utility or drainage easement is located within the greenway alignment.

2. EASEMENT REQUIRED

The greenway shall be wholly located within an access easement granted by the landowner in favor of the Town. The easement shall be clearly identified on all Site Plans, Construction Drawings, and Subdivision Plats, and shall be recorded in the office of the Johnston County Register of Deeds prior to the issuance of any Certificates of Occupancy.

3. GREENWAY ACCESS

A greenway may only be accessed by a public street, publicly-owned land, or by another greenway segment.

4. GREENWAY SURFACE

- The trail or pathway portion of a greenway shall maintain a minimum width of at least ten feet unless a wider configuration is specified in the adopted policy guidance.



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 REQUIRED³⁰

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 2.3.2, 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.

³⁰ STN30 Soften the requirements for sidewalk construction for additions and expansions of existing buildings to support redevelopment



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Section 6.10 Pedestrian Facilities

Sub-section 6.10.2 Sidewalks and Multi-Use Paths

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	Total Project Cost Exceeds 75 50% of Preconstruction Assessed Value	Sidewalk/Multi-use Path Dedication and Construction Required
	Total Project Costs are 75 50% 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 <u>[3]</u>
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 <u>Section 6.10.2B, Applicability</u> , 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

- 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.
- 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.



6.12 RIPARIAN BUFFERS

6.12.1 AUTHORITY

This section is adopted pursuant to the authority vested in the Town of Clayton and the General Statutes of North Carolina, particularly:

~~A. NCGS §§ 153A-121 and 153A-140;~~

~~B. NCGS §§ 160A-174 and 160A-193;~~

~~C. Chapter 160D of the North Carolina General Statutes; and~~

~~D. Any special legislation enacted by the General Assembly for the Town of Clayton;~~

6.12.26.12.1 PURPOSE AND INTENT

This section is adopted to protect and preserve existing riparian buffers throughout the Neuse River Basin as generally described in Rule 15A NCAC 02B .0714 (Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers) of the North Carolina Administrative Code, in order to maintain their nutrient removal and stream protection functions.

~~FURTHER, THIS SECTION IS INTENDED TO:~~

~~A. HELP PROTECT THE WATER SUPPLY USES OF FALLS OF THE NEUSE RESERVOIR WATERSHED AND DESIGNATED WATER SUPPLIES THROUGHOUT THE NEUSE RIVER BASIN;~~

~~B. ENHANCE AND PROTECT THE NATURAL ECOLOGY OF STREAM SYSTEMS;~~

~~C. PROTECT WATER QUALITY THROUGH BANK STABILIZATION, SHADING, AND NUTRIENT REMOVAL;~~

~~D. MINIMIZE FLOOD DAMAGE IN FLOOD PRONE AREAS;~~

~~E. HELP TO REMOVE NITROGEN FROM SURFACE WATERS, AND~~

~~F. PREVENT SEDIMENT AND SEDIMENT-BOUND POLLUTANTS SUCH AS PHOSPHOROUS FROM REACHING THE STREAMS.~~

6.12.36.12.2 APPLICABILITY RESPONSIBILITY FOR ENFORCEMENT

Any activities impacting Zone 1 and/or 2 of riparian buffers in the Neuse River Basin, including activities conducted under the authority of the State, the United States, multiple jurisdictions, or locate units of government, silviculture, and/or agricultural activities shall be administered by the NC Department of Environmental Quality (NCDEQ) in accordance with 15A NCAC 02B.0622. Except where exempted by Section 6.12.4, Exemptions, the standards in this section shall apply to all landowners and governmental entities conducting activities within riparian buffer areas as designated below:

6.12.3 APPLICABLE STANDARDS

All development located within the Neuse River Basin shall comply with the applicable riparian buffer and use-related standards identified in 15A NCAC 02b .0714. Applicants for development may request an on-site determination from NCDEQ in accordance with Section 15A NCAC 02b .0714(4) for the purposes of seeking exemption from the applicable requirements.



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Generally

A:—GENERALLY

- 1.—These standards shall apply to activities conducted within 50-foot-wide riparian buffers directly adjacent to surface waters in the Neuse River Basin (intermittent streams, perennial streams, lakes, ponds, reservoirs, and estuaries), excluding wetlands.
- 2.—Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 02H .0506.
- 3.—Riparian buffers shall be determined in accordance with Section 6.12.5, Zones of The Riparian Buffer.
- 4.—No new clearing, grading, or development shall take place, nor shall any new building permits be issued in violation of these standards.
- 5.—Stormwater runoff from activities conducted outside the riparian buffer but that result in stormwater entering the riparian buffer shall comply with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer.
- 6.—A riparian buffer may be exempt from these standards in accordance with Section 6.12.4, Exemptions.

B:—RIPARIAN BUFFERS DESIGNATED BY MAP

A surface water, and the buffer area along it, shall be subject to these standards if the surface water is approximately shown on any of the following references:

- 1.—The most recent version of the published manuscript of the soil survey map that shows stream layers prepared by the Natural Resources Conservation Service of the United States Department of Agriculture;
- 2.—The United States Geologic Survey's (USGS) National Map; or
- 3.—Other maps approved by the Environmental Management Commission as more accurate than those identified above. Other maps shall use a hydrography dataset developed using hydrography specifications and standard metadata approved by the Geographic Information Coordinating Council (GICC) and maintained on a GICC list of the best available hydrography. Edits, deletions, and additions to the hydrography dataset shall follow GICC approved standards and specifications, per stewardship governance. Other maps shall have their hydrography dataset and procedures for edits, deletions and additions reviewed and approved by the GICC. Other maps shall be submitted to the Division for review and recommendation to the Environmental Management Commission. Prior to recommendation to the Environmental Management Commission, the Division shall issue a 30-calendar day public notice through the Division's Mailing List in accordance with 15A NCAC 02H .0503. Division staff shall present recommendations including comments received during the public notice period to the Environmental Management Commission for a final decision. Maps approved in this way shall not apply to projects subject to Section 6.12.4B, Exemption when Exiting Uses are Present and Ongoing.

6.12.4 EXEMPTIONS

A:—EXEMPTIONS BASED ON ON-SITE DETERMINATION

Surface waters that appear on the maps identified in Section 6.12.3B, Riparian Buffers Designated By Map, shall not be subject to these standards if an on-site determination shows that they fall into one of the following categories:

- 1.—Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access;



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Section 6.12 Riparian Buffers

Sub-section 6.12.4 Zones of The Riparian Buffer

- ~~2.—Manmade ponds and lakes that are not fed by an intermittent or perennial stream or do not have a direct discharge point to an intermittent or perennial stream;~~
- ~~3.—Ephemeral streams; and~~
- ~~4.—The absence on the ground of a corresponding perennial waterbody, intermittent waterbody, lake, pond, or estuary.~~

~~B.—EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING~~

- ~~1.—The standards in this section shall not apply to portions of the riparian buffer where a use is existing and ongoing. A use shall be considered existing if:
 - ~~a.—It was present within the riparian buffer as of July 22, 1997, and has continued to exist since that time; or~~
 - ~~b.—It was a deemed allowable activity as listed in Table 6.12.9, Table of Uses; or~~
 - ~~c.—It was conducted and maintained pursuant to a Variance or other allowable deviation.~~~~
- ~~2.—Existing and ongoing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns (i.e., can be mowed without a chainsaw or bush-hog), existing utility line maintenance corridors and on-site sanitary sewage systems, any of which involve either specific periodic management of vegetation or displacement of vegetation by structures or regular activity.~~
- ~~3.—Only the portion of the riparian buffer that contains the footprint of the existing and ongoing use is exempt from these standards.~~
- ~~4.—Change of ownership through purchase or inheritance is not a change of use.~~
- ~~5.—Activities necessary to maintain existing and ongoing uses are allowed provided that the site remains similarly vegetated, no built upon area is added within the riparian buffer where it did not exist prior to July 22, 1997, and the site complies with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer.~~
- ~~6.—These standards shall apply at the time an existing and ongoing use is changed to another use. Change of use shall involve the initiation of any activity not defined as existing and ongoing in this sub-section.~~

~~C.—EXEMPTION FOR PONDS CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES~~

~~These standards shall not apply to a freshwater pond if all of the following conditions are met:~~

- ~~1.—The property on which the pond is located is used for agriculture as that term is defined in NCGS§106-581.1.~~
- ~~2.—The use of the property complies with all other water quality and water quantity statutes and rules applicable to the property before July 22, 1997.~~
- ~~3.—The pond is not a component of an animal waste management system as defined in NCGS§143-215.10B (3).~~

6.12.56.12.4 ZONES OF THE RIPARIAN BUFFER

The protected riparian buffer shall have two zones as follows (see Figure 6.12.5: Riparian Buffer Zones):

A. ZONE 1

Zone 1 shall consist of a vegetated area that is undisturbed except for uses as provided for in 15A NCAC 02b .0714. The location of Zone 1 shall be as follows:

1. For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30



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Sub-section 6.12.4 Zones of The Riparian Buffer

feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end).

2. For ponds, lakes and reservoirs subject to this Rule, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

B. ZONE 2

A.—Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in 15A NCAC 02b .0714. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water. Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, and Section 6.12.9, Table of Uses. The location of Zone 1 shall be as follows:

1.—For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters, or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end):

2.—For ponds, lakes, and reservoirs subject to these standards, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

B.—Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, and Section 6.12.9, Table of Uses. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

FIGURE 6.12.5: RIPARIAN BUFFER ZONES



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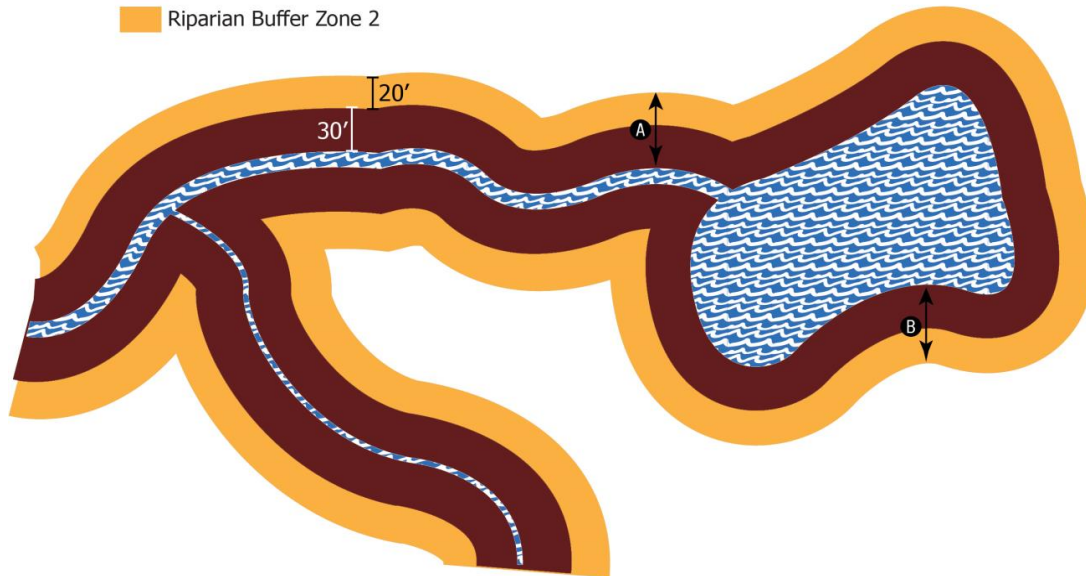
Section 6.12 Riparian Buffers

Sub-section 6.12.5 Stormwater Runoff Through the Riparian Buffer

LEGEND

-  Intermittent or Perennial Stream
-  Pond, Lake, or Reservoir
-  Riparian Buffer Zone 1
-  Riparian Buffer Zone 2

- A** Measured Horizontally from Top of Bank
- B** Measured Horizontally from Normal Water Level



6.12.66.12.5 STORMWATER RUNOFF THROUGH THE RIPARIAN BUFFER

Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except as otherwise described in [15A NCAC 02b .0714](#).

this sub-section. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances. The following stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, as defined in Section 6.12.9, Table of Uses, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody. Stormwater conveyances through the riparian buffer that are not listed below shall be allowable with exception as defined in Section 6.12.8E, Allowable With Exception:

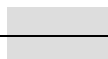
A: Allowable - Runoff

The following are deemed allowable as defined in Section 6.12.8A, Deemed Allowable:

1. New drainage conveyances from a primary SCM, as defined in 15A NCAC 02H .1002, when the primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a State stormwater program or a State-approved local government stormwater program; and
2. New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

B: ALLOWABLE UPON AUTHORIZATION - RUNOFF

The following are allowable upon authorization as defined in Section 6.12.8B, Allowable Upon Authorization:



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Sub-section 1.1.1 Platting within a Riparian Buffer

- 1.—New drainage conveyances from a primary SCM as defined in 15A NCAC 02H .1002 when the primary SCM is provided to treat the drainage area to the conveyance but are not required to be approved under a State stormwater program or a State-approved local government stormwater program;
- 2.—New drainage conveyances when the drainage area to the conveyance is demonstrated via approved nutrient calculation methodologies to meet the nutrient loading goal of 3.6 pounds per acre per year of Nitrogen (N) outside of the Falls of the Neuse Reservoir Watershed;
- 3.—New drainage conveyances when the flow rate of the conveyance is less than 0.5 cubic feet per second during the peak flow from the 0.75-inch-per-hour storm;
- 4.—New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .1059;
- 5.—Realignment of existing drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving the design dimensions provided that no additional travel lanes are added, and the minimum required roadway typical section is used based on traffic and safety considerations;
- 6.—Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;
- 7.—New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;
- 8.—New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a stormwater management facility due to topography constraints provided other measures are employed to protect downstream water quality to the maximum extent practical; and
- 9.—New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass of existing drainage only.

6.12.7 PLATTING WITHIN A RIPARIAN BUFFER

In no instance shall riparian buffers be included as part of a buildable lot established as part of a Major, Minor, or Limited Subdivision.

6.12.86.12.6 USES

Uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, shall be designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, allowable with exception or prohibited by NCDEQ in accordance with 15A NCAC 02b .0714. Potential new uses shall have the following requirements:

A.—DEEMED ALLOWABLE

Uses designated as deemed allowable in Section 6.12.6A, Allowable - Runoff, or Section 6.12.9, Table of Uses, may occur within the riparian buffer. Deemed allowable uses shall be designed, constructed, and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. In addition, deemed allowable uses shall meet the requirements listed in Section 6.12.9, Table of Uses, for the specific use.



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

B. ALLOWABLE UPON AUTHORIZATION

Uses designated as allowable upon authorization in Section 6.12.6B, Allowable Upon Authorization - Runoff, or Section 6.12.9, Table of Uses, require a written authorization from the Town for impacts within the riparian buffer pursuant to these standards:

C. ALLOWABLE WITH MITIGATION UPON AUTHORIZATION

Uses designated as allowable with mitigation upon authorization in Section 6.12.9, Table of Uses, require a written authorization from the Town for impacts within the riparian buffer pursuant to these standards and an appropriate mitigation strategy that has received written approval pursuant to Section 6.12.10, Mitigation.

D. PROHIBITED

Uses designated as prohibited in Section 6.12.9, Table of Uses, may not proceed within the riparian buffer unless a variance has been granted in accordance with Section 2.3.29, Variance. Mitigation may be required as a condition of approval of the variance.

E. ALLOWABLE WITH EXCEPTION

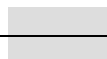
Uses not designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization or prohibited in Section 6.12.9, Table of Uses, require a written authorization certificate with exception from the Town for impacts within the riparian buffer pursuant to this Ordinance and an appropriate mitigation strategy that has received written approval pursuant to Section 6.12.10, Mitigation.

6.12.9 TABLE OF USES

The following table sets out potential new uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, and designates them as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, or prohibited:

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
1. Airport facilities				
(i) Vegetation removal activities necessary to comply with Federal Aviation Administration requirements (e.g. line of sight requirements) provided the disturbed areas are stabilized and revegetated	*			
(ii) Airport facilities that impact equal to or less than one-third of an acre of riparian buffer		*		
(iii) Airport facilities that impact greater than one-third of an acre of riparian buffer			*	
2. Archaeological activities	*			
3. Bridges				
(i) Impact equal to or less than one-tenth of an acre of riparian buffer	*			
(ii) Impact greater than one-tenth of an acre of riparian buffer		*		
4. Dam maintenance activities				



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint of the existing dam	✖			
(ii) Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam		✖		
5. Drainage of a pond subject to Section 6.12.3B, Riparian Buffers Designated By Map, provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to Section 6.12.4A, Exemptions Based on on-Site Determination	✖			
6. Fences				
(i) Fencing livestock out of surface waters	✖			
(ii) Installation does not result in removal of trees from Zone 1	✖			
(iii) Installation results in removal of trees from Zone 1		✖		
7. Fertilizer Application				
(i) One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water	✖			
(ii) Ongoing fertilizer application				✖
8. Forest harvesting	See Section 15A NCAC 02B .0612			
9. Grading only in Zone 2 provided that the health of existing vegetation in Zone 1 is not compromised, Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, is complied with, and disturbed areas are stabilized and revegetated	✖			
10. Greenways, trails, sidewalks, or linear pedestrian/ bicycle transportation systems				
(i) In Zone 2 provided that no built upon area is added within the riparian buffer	✖			
(ii) In Zone 1 provided that no built upon area is added within the riparian buffer and the installation does not result in the removal of tree(s)	✖			



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) When built upon area is added to the riparian buffer, equal to or less than 10 feet wide with two-foot-wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative		✖		
(iv) When built upon area is added to the riparian buffer, greater than 10 feet wide with two-foot-wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative			✖	
11. Historic preservation	✖			
12. New landfills as defined in NCGS§ 130A-290				✖
13. Maintenance access on modified natural streams or canals: a grassed travelway on one side of the waterbody when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travelway shall be located to maximize stream shading		✖		
14. Mining activities				
(i) Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, are established adjacent to any relocated channels		✖		
(ii) Mining activities that are not covered by the Mining Act or where new riparian buffers that meet the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, are not established			✖	
(iii) Wastewater or mining dewatering wells with approved NPDES permit	✖			
15. On-site sanitary sewage systems - new ones that use ground absorption				✖
16. Pedestrian access trail and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure				
(i) Equal to or less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built upon area to the riparian buffer	✖			
(ii) Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built upon area to the riparian buffer		✖		
(iii) Greater than six feet wide			✖	
17. Playground equipment				



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation	✖			
(ii) Playground equipment on single-family lots where installation or use results in the removal of vegetation		✖		
(iii) Playground equipment installed on lands other than single-family lots		✖		
18. Ponds created or modified by impounding streams subject to riparian buffers pursuant to Section 6.12.3B, Riparian Buffers Designated By Map and not used as stormwater control measures (SCMs)				
(i) New ponds provided that a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is established adjacent to the pond		✖		
(ii) New ponds where a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is not established adjacent to the pond			✖	
19. Protection of existing structures and facilities when this requires additional disturbance to the riparian buffer		✖		
20. Public Safety - publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the riparian buffers pose a risk to public safety. The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing	✖			
21. Removal of previous fill or debris provided that Section 6.12.6, Stormwater Runoff Through the Riparian Buffer, is complied with and any vegetation removed is restored	✖			



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
22. Residential Properties: Where application of this Rule would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer				
(i) The residence or necessary infrastructure only impact Zone 2		✖		
(ii) The residence or necessary infrastructure impact Zone 4			✖	
(iii) Impacts other than the residence or necessary infrastructure			✖	
23. Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332				
(i) Wetland or stream restoration is part of a compensatory mitigation bank, nutrient offset bank, or the in-lieu fee program	✖			
(ii) Wetland or stream restoration other than those listed above		✖		
24. Road, driveway, or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to these standards			✖	
25. Road, driveway, or railroad - perpendicular crossings of streams and other surface waters subject to these standards				
(i) Impact equal to or less than one-tenth of an acre of riparian buffer	✖			
(ii) Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer		✖		
(iii) Impact greater than one-third of an acre of riparian buffer			✖	
(iv) Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer		✖		
(v) Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer			✖	
(vi) Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act	✖			
26. Road relocation of existing private access roads associated with public road projects where necessary for public safety				
(i) Less than or equal to 2,500 square feet of riparian buffer impact		✖		



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TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) Greater than 2,500 square feet of riparian buffer impact			✖	
27. Scientific studies and stream gauging	✖			
28. Slatted uncovered decks , including steps and support posts, which are associated with a dwelling, provided that it meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer				
Installation does not result in removal of vegetation in Zone 1		✖		
(iii) Installation results in removal of vegetation in Zone 1			✖	
29. Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002				
(i) In Zone 2 if Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is complied with		✖		
(ii) Installation results in removal of vegetation in Zone 1			✖	
30. Streambank or shoreline stabilization		✖		
31. Temporary roads , provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 026 .0295(i)				
(i) Less than or equal to 2,500 square feet of riparian buffer disturbance	✖			
(ii) Greater than 2,500 square feet of riparian buffer disturbance		✖		
(iii) Associated with culvert installation or bridge construction or replacement		✖		
32. Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 026 .0295(i)				
(i) In Zone 2 provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and that discharge is released in accordance with Section 6.12.6, Stormwater Runoff Through the Riparian Buffer	✖			
(ii) In Zones 1 and 2 to control impacts associated with uses identified in this Table or uses that have received an Authorization Certificate with Exception provided that sediment and erosion control for upland areas is addressed outside the riparian buffer		✖		



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act	✖			
33. Utility Lines - Streambank stabilization for the protection of publicly owned utility lines (not including new line installation)				
(i) Less than 150 feet of streambank disturbance	✖			
(ii) Greater than 150 feet of streambank disturbance		✖		
34. Utility - Sewer lines - Sanitary Sewer Overflows				
(i) Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to the emergency overflow; is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g. grass with grass; hardwoods with hardwoods) within two months of when disturbance is complete	✖			
(ii) Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable Activity", an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities		✖		
35. Utility - Sewer Lines - Vegetation maintenance activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	✖			
(iii) Zone 1 impacts other than those listed above		✖		
36. Utility - Sewer Lines - Replacement / Rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g., grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained				
(i) Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream	✖			



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TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(iii) Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide		✖		
(iii) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts			✖	
37. Utility - Sewer Lines - New Line Construction / Installation Activities - Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide	✖			
(ii) Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		✖		
(iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			✖	
(iv) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts			✖	
38. Utility - Sewer Lines - New Line Construction / Activities - Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		✖		
(iii) Zone 1 impacts other than those listed above			✖	



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
39. Utility - Non-Sewer Underground Lines – Vegetation maintenance activities that remove forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	✖			
(iii) Zone 1 impacts other than those listed above		✖		
40. Utility - Non-Sewer Underground Lines – Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide	✖			
(ii) Construction corridor of greater than 50 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		✖		
(iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			✖	
(iv) Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for Zone 1 impacts)			✖	
41. Utility - Non-Sewer Underground Lines – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
(i) Zone 2 impacts	✖			
(ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		✖		
(iii) Zone 1 impacts other than those listed above			✖	
42. Utilities - Non-sewer aerial lines – Perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards				



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(i) Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed; that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody	✖			
(ii) Disturb greater than 150 linear feet wide of riparian buffer		✖		
43. Utilities – Non-sewer aerial lines – Impacts other than perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards				
(i) Impacts in Zone 2 only	✖			
(ii) Impacts in Zone 1 provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed; that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody		✖		
44. Vegetation management				
(i) Emergency fire control measures provided that topography is restored	✖			
(ii) Periodic mowing and harvesting of plant products only in Zone 2	✖			
(iii) Placement of mulch ring around restoration plantings for a period of five years from the date of planting	✖			
(iv) Planting non-invasive vegetation to enhance the riparian buffer	✖			
(v) Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	✖			
(vi) Removal of individual trees, branches or limbs which are in danger of causing damage to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance	✖			
(vii) Removal of individual trees that are dead, diseased, or damaged	✖			



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Section 6.12 Riparian Buffers Sub-section 1.1.1 Table of Uses

TABLE 6.12.9: TABLE OF USES IN RIPARIAN BUFFERS

USE OR ACTIVITY	DEEMED ALLOWED	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION	PROHIBITED
(viii) Removal of poison ivy, oak, or sumac: Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species	✖			
(ix) Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant then the riparian buffer shall be replanted with non-invasive species	✖			
(x) Removal of woody vegetation in Zone 1 provided that Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is complied with			✖	
45. Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities				
(i) Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide		✖		
(ii) Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide			✖	
46. Water dependent structures (except for boat ramps) as defined in 15A NCAC 02B .0202		✖		
47. Water supply reservoirs:				
(i) New reservoirs provided that a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is established adjacent to the reservoir		✖		
(ii) New reservoirs where a riparian buffer that meets the requirements of Section 6.12.5, Zones of The Riparian Buffer, and Section 6.12.6, Stormwater Runoff Through the Riparian Buffer is not established adjacent to the reservoir			✖	
48. Water wells	✖			
49. Wildlife passage structures		✖		



Chapter 6 Standards

Section 6.12 Riparian Buffers

Sub-section 1.1.1 Mitigation

6.12.10-MITIGATION

Persons who wish to undertake uses designated as allowable with mitigation upon authorization as defined in Section 6.12.8C, Allowable With Mitigation Upon Authorization, or allowable with exception as defined in Section 6.12.8E, Allowable With Exception, shall meet the following requirements in order to proceed with their proposed use:

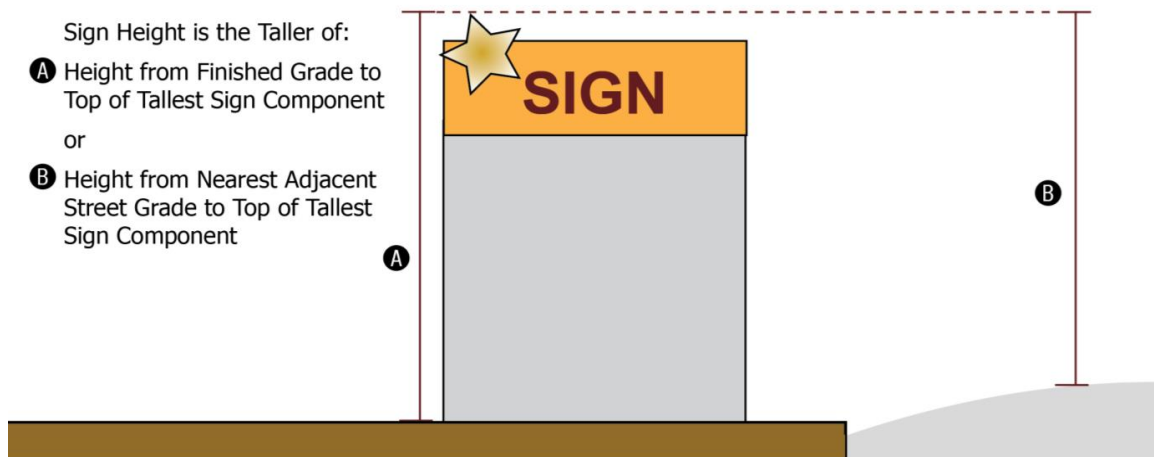
- ~~A. Obtain an authorization certificate pursuant to 15A NCAC 02B.0611; and~~
- ~~B. Obtain written approval for a mitigation proposal pursuant to 15A NCAC 02B.0295.~~



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

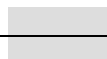


C. WALL AREA (FOR THE PURPOSES OF SIGN AREA MEASUREMENT)³¹

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 **commercial** 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.
- 2.4. 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 2.3.9, Determination.
- 3.5. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with.

³¹ STN 13 Revised for clarity about when 1 tenant occupies 2 or more individual tenant spaces.



Chapter 6 Standards

Section 6.13 Signage

Sub-section 6.13.9 Sign Standards by Sign Type

I. SUBDIVISION SIGNS

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.					
5. SAMPLE CALCULATION	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					



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Section 6.13 Signage

Sub-section 6.13.9 Sign Standards by Sign Type

L. WALL SIGNS³²

1. DEFINITION	Any sign, other than a projecting 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	Single-tenant [4]	Primary	2	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Single-tenant [4]	Secondary	1	Lesser of: 1 sf <u>per</u> linear foot of building façade or 100 sf			
		Multi-tenant	Primary	1/tenant	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Multi-tenant	Secondary	1/tenant [5]	Lesser of: 1 sf <u>per</u> linear foot of building façade or 100 sf			
		Large format retail	Primary	4	Lesser of: 1.5 sf <u>per</u> linear foot of building façade or 200 sf			
		Large format retail	Secondary	2	Lesser of: 1 sf <u>per</u> 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					
	MINIMUM SETBACK FROM ANY LOT LINE		Same as the building [7]					

³² STN 14 clarify that it is 1.5 sf of wall sign area per linear façade foot, not divided by.



6.14.6 EROSION AND SEDIMENTATION CONTROL PLANS

A. PLAN SUBMISSIONS³³

1. A plan shall be prepared for all land-disturbing activities subject to this section whenever the proposed activity will disturb 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.

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, and Section 6.14.6K, 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 2.3.19, 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.

³³ STNote 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 6 Standards

Section 6.14 Soil Erosion & Sedimentation Control

Sub-section 6.14.6 Erosion and Sedimentation Control Plans

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 PLANS³⁴

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.
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 2.3.15, 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 DISAPPROVALS³⁵

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. or disapprove a transfer of a plan under Section 6.14.6L.

³⁴ STN 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁵ STN 1 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 6 Standards

Section 6.14 Soil Erosion & Sedimentation Control

Sub-section 6.14.6 Erosion and Sedimentation Control Plans

Transfers **Section 6.14.6K, Plan Appeals**, upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:

- 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**, 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 2.3.2, 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**, 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.



Chapter 7 Violations

Section 7.5 Enforcement Procedure

Sub-section 7.5.4 Remedy Upon Notice

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 2.3.2, Appeal](#).

B. DELIVERY OF WRITTEN NOTICE³⁶

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.
- ~~3.~~ 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).

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](#).

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.

³⁶ STNote 2 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



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) shall be subject to the provisions of this Chapter as well as the following:

7.9.1 CIVIL PENALTIES

1.A. GENERALLY

Any responsible entity who accidentally or inadvertently violates any of the provisions of Section 2.3.21J.5, Erosion Control Permit, or Section 6.14, 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:

- a.1. The maximum civil penalty amount the Town may assess per violation is \$5,000.
- b.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.
- c.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.

2.B. ENVIRONMENTAL IMPACTS

- a.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.
- b.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.

3.C. REPEAT OFFENSES

- a.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.
- b.2. A responsible party may be assessed a civil penalty from the date the violation is detected if the deadline stated is not met.
- c.3. Each day of a continuing violation shall constitute a separate violation.

4.D. CIVIL PENALTY ASSESSMENT FACTORS

The Engineering Director shall determine the amount of the civil penalty based upon the following factors:

- a.1. The degree and extent of harm caused by the violation;
- b.2. The cost of rectifying the damage;
- c.3. The amount of money the responsible entity saved by noncompliance;
- d.4. Whether the violation was committed willfully, and therefore subject to Section 7.6.3, Criminal Penalties; and
- e.5. The prior record of the responsible entity in complying or failing to comply with the Town's standards for erosion and sedimentation control.



Chapter 7 Violations

Section 7.9 Violation of Soil Erosion and Sedimentation Controls

Sub-section 7.9.2 Criminal Penalties

5.E. NOTICE OF PENALTY ASSESSMENT³⁷

- a.1.** The Engineering Director shall provide notice of the civil penalty amount and basis for assessment to the responsible entity in accordance with NCGS§ 1A-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 2.3.2, Appeal), or file a request with the Sedimentation Control Commission Town for remission of the assessment within ~~60~~ 30 days of receipt of the notice of assessment.
- b.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.
- c.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.

6.F. REMISSION OF CIVIL PENALTY ASSESSMENT³⁸

A request for remission of a civil penalty imposed under NCGS§ 113A-64 may be filed with the North Carolina Sedimentation Control Commission within ~~60~~ 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.

7.G. COLLECTION³⁹

- a.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.
- b.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.
- c.3.** Such civil actions must be filed within three years of the date the assessment was due.
- d.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.
- e.6.** Penalties collected by the Town shall be forwarded to the Civil Penalty Forfeiture Fund in accordance with NCGS § 115C-457.2.

B:7.9.2 CRIMINAL PENALTIES

Any person who knowingly or willfully violates any provision of Section 2.3.21J.5, Erosion Control Permit, or Section 6.14, 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.

³⁷ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁸ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.

³⁹ STNote 3 change added from Graham Parrish at DEQ in accordance with Model Ordinance.



Chapter 8 Word Usage

Section 8.3 Terms Defined Multi-Use Path

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
MULTI-USE PATH	A form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, bicycling, inline skating, and people in wheelchairs. Paths <u>are</u> typically surfaced with asphalt or concrete and are located within public street rights-of-way. <u>A sidepath is a multi-use path.</u>
MURAL	A painting or other work of art executed directly on a wall.
N	
NATIONAL FLOOD INSURANCE PROGRAM	A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas within a community that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.
NATIVE TREE	See "Tree, Native."
NATIVE VEGETATION	Plants that are endemic or naturally occurring within a specified area.
NATURAL EROSION	For the purposes of Soil Erosion and Sedimentation, the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
NATURAL HERITAGE AREA	A site designated by the federal government to encourage historic preservation of the area and an appreciation of the history and heritage of the site.
NEIGHBORHOOD	A distinct area including two or more building lots that share some defining characteristics such as the type of development, the time of development, architecture, general location, socio-economic or demographic characteristics, or other feature that allows the area to be distinguished as a single unit from its surroundings.
NEIGHBORHOOD INFORMATION MEETING	A meeting conducted by the applicant of a proposed development with those in the area around the proposed development.
NEON LIGHTING	See "Luminous Tube Lighting."
NEW CONSTRUCTION	For the purposes of the Flood Protection Overlay District standards, structures for which the start of construction commenced on or after June 16, 1987, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.



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Chapter 8 Word Usage

Section 8.3 Terms Defined Septic Tank

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
SEPTIC TANK	An on-site sewage treatment or storage device.
SETBACK	A required distance from a lot line or development boundary for a principal or secondary building and some required site features, as determined in accordance with Section 3.6.8, Setbacks .
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.
SEXUALLY-ORIENTED BUSINESS	Any place defined as an "adult establishment" by NCGS§ 14-202.10, except that the use type shall not include an adult bookstore, adult video store, adult cabaret, or adult motel as identified and defined in this Ordinance. Another adult use shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy use, or other similar health-related use provided the person rendering or receiving a massage does not exhibit or include "specified anatomical areas" as defined by NCGS§ 14-202.10.
SHADE TREE	See "Tree, Shade."
SHARED DRIVEWAY	See "Driveway, Shared."
SHIELDING (OR SHIELDED)	A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SHRUB, EVERGREEN	A shrub that retains the majority of its leaves or needles throughout the year.
SIDE FAÇADE	See "Façade, Side."
SIDEPATH	See "Multi-Use Path."
SIDEWALK	A paved area running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGHT DISTANCE TRIANGLE	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.



Chapter 8 Word Usage

Section 8.3 Terms Defined

Use, temporary

TABLE 8.3: TERMS DEFINED

TERM	DEFINITION(S)
USE, TEMPORARY	A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.
UTILITY POLE	For the purposes of the communications use-specific standards, a structure that is designed for and used to carry cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless telecommunication services that is located outside the public right-of-way.
UTILITY POLE, PUBLIC	For the purposes of the communications use-specific standards, a utility pole owned, leased, or operated by the Town that is located in the public right-of-way.
UTILITY, MAJOR	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas citygates, and solid waste facilities. Facilities generating energy from solar radiation are solar energy conversion uses. Facilities generating energy from the wind are wind energy conversion uses.
UTILITY, MINOR	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, electrical substations, and surface transportation stops such as bus stops and park-and-ride facilities.
V	
VARIANCE	A grant of relief from the requirements of this Ordinance. A variance may grant relief from water-related standards (stormwater, stream/riparian buffers, water supply watershed, or special flood hazard area) or relief from other zoning or subdivision standards in this Ordinance.
VEGETATION PROTECTION PLAN	See "Plan, Vegetation Protection."
VEGETATIVE COVER	The presence of vegetation (whether tree, shrubs, or ground cover) in a particular location.
VEHICLE PAINTING/ BODYWORK	Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.
VEHICLE PARTS AND ACCESSORY SALES	The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.
VEHICLE REPAIR (NON-COMMERCIAL)	The non-commercial servicing or repair of a personal vehicle on private property.



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Consistency Statements Sheet

The Town Council may choose from one of the four suggested motions below.

Staff Recommends the Option in Red Bold Text

Option 1: Approval – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to approve the Unified Development Ordinance Text Amendments 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 encourage 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.**

Option 2: Approval – Inconsistent with the 2045 Comprehensive Growth Plan⁴

I make a motion to approve the Unified Development Ordinance Text Amendments. 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 encourage 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.

Option 3: Denial – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to deny the Unified Development Ordinance Text Amendments, 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 encourage 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.

Option 4: Denial – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion to deny the Unified Development Ordinance Text Amendments 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 encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Ordinance (UDO), and other plans and regulations adopted by the Town Council.
- Strategy LU 1.1.3 Reviews and updates the Unified Development Ordinance within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

This action is reasonable and in the public interest, in that:

- The 2045 Comprehensive Growth Plan does not encourage an up-to-date Unified Development Ordinance.

- The request is incompatible with providing a relevant and community-reflective land use regulatory framework.



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

Town Council April 15, 2024

STAFF REPORT

Project Name: Unified Development Ordinance Text Amendments (UDOTA 1-24)

Consultant: Chad Meadows, AICP – CodeWright Planners

Applicant: Town of Clayton, Planning Department

Request:

A presentation to the Town Council of the Town of Clayton’s Unified Development Ordinance Text Amendments (UDOTA 1-24).

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 first round of UDO Text Amendments consists of 37 topics, 4 topics were added as follow-up from the March 25, 2024 Planning Board meeting and the April 1, 2024 Town Council meeting, that comprise technical clarifications, improvements in State law alignment, and staff observations from implementation.

REVIEW CRITERIA

Per UDO Section 2.3.26.G., “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.”

Staff Commentary: 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. Staff believes that the provided text amendments are reflective of the Clayton community’s input, put forth in the best good faith effort from deliberation amongst staff and the consultant team, and in alignment with keeping Clayton at the forefront of planning’s best practices.

PLANNING BOARD CONSIDERATIONS

- At their March 25, 2024 meeting, the Planning Board voted to unanimously recommend approval, consistent with the 2045 Comprehensive Growth Plan.

TOWN COUNCIL CONSIDERATIONS

- If approved, the Text Amendments will be included as part of a newly revised version of the Town of Clayton’s UDO.
- The Town Council may recommend the proposed Text Amendments to be modified, altered, added, or removed.

STAFF RECOMMENDATION

Staff recommends approval of the UDO Text Amendments (UDOTA 1-24) per Option 1 in the provided consistency statements sheet, consistent with the 2045 Comprehensive Growth Plan.

ATTACHMENTS:

1. UDOTA 1-24 Tracking Form
2. UDOTA 1-24 Redline Changes
3. Consistency Statements Sheet



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 15, 2024

Agenda Location

PUBLIC HEARINGS

Item Title

Downtown Clayton Social District

Presenter(s)

Lydia Davis, Economic Development Specialist

Suggested Action

Information Only

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☒
Think
Downtown



☒
Think
Economic
Development



☐
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Legislative

Applicable General Statute Number: NC General Statute 160A-205.4

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☒ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

- ☐ Social Media
- ☐ Special Mailing

- ☐ Survey
- ☐ None Required

Summary

In September of 2021 NC House Bill 290 was passed allowing for the creation of local social districts. At the expressed interest of residents, downtown business owners, and at the recommendation of the downtown Strategic plan, a social district in Downtown Clayton is now being recommended. Nearly a year ago, Town Council tasked the Downtown Development Advisory Board to explore this topic by assembling the Social District Taskforce, which has met monthly since August. This taskforce, comprised of local businesses owners, ABC permittees, downtown residents, and Town staff, conducted multiple rounds of outreach, explored various options and formats for the Downtown Clayton Social District to come to the recommendations provided tonight which would allow alcoholic beverages in specific boundaries and in approved cups, to be consumed throughout the downtown area from 10am to 10pm Monday through Saturday, and noon to 10pm on Sunday.

Funding Source

N/A

Corresponding Documentation

[Clayton Social District Ordinance Draft DRAFT 4.4.24 \(clean\)](#)

[Downtown Clayton Social District Supplementary Materials](#)

Submitted By: Lydia Davis, Economic Development

Reviewed By:

Patrick Pierce, Economic
Development Director

Approved - Apr 11 2024

Heidi Holland, Town Clerk

Approved - Apr 11 2024

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON
CREATING THE DOWNTOWN SOCIAL DISTRICT**

WHEREAS, §160A-205.4 authorizes cities to adopt an ordinance designating a social district and §18B-300.1 sets out the maintenance and regulation of said social district; and

WHEREAS, the Town Council of the Town of Clayton finds that the establishment of a social district pursuant to the authority set forth above and as amended will be specifically beneficial to the economic well-being of the area so designated and more generally beneficial to the Town at large; and

WHEREAS, the Town Council of the Town of Clayton desires to create and manage the Town of Clayton Downtown Social District as allowed by NCGS §18B-300.1.

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

SECTION 1: Chapter 116 of the Code of Ordinances of the Town Clayton is amended to add a new section 116.02 to read as follows:

Chapter 116.02: SOCIAL DISTRICTS

Section A. Purpose and Intent

- a) Pursuant to the provisions of North Carolina General Statute 160A-205.4 *et seq.*, one or more social districts may be created within the Town and the Town hereby creates and designates the following social district: Downtown Social District which is designated as shown on a map dated _____; the map is available in the Office of the Town Clerk, and attached hereto. Signage and/or markings shall be posted clearly delineating the boundaries of the Social District.
- b) The Downtown Social District shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statute 160A-205.4 and Chapter 18B.
- c) Any person who violates this ordinance, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor punishable in accordance with N.C.G.S. 14-4.

Section B. Definitions

- a) "Social District" means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under North Carolina General Statute 18B-904(h).

- b) "Permittee" means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under N.C.G.S 18B-200:
 - 1) An on-premises malt beverage permit issued pursuant to G.S. 18B 1001(1).
 - 2) An on-premises unfortified wine permit issued pursuant to G.S. 18B 1001(3).
 - 3) An on-premises fortified wine permit issued pursuant to G.S. 18B 1001(5).
 - 4) A mixed beverage permit issued pursuant to G.S. 18B 1001(10).
 - 5) A wine shop permit issued pursuant to G.S. 18B-1001(16).
 - 6) A distillery permit issued pursuant to G.S. 18B-1100(5).
 - 7) A special one-time permit issued to a nonprofit organization pursuant to G.S. 18B-1002(a)(2).
 - 8) A special one-time permit issued to a unit of local government, a nonprofit organization or a political organization pursuant to G.S. 18B-1002(a)(5).
- c) "Person" means and refers to the individual, firm, partnership, association, corporation, limited liability company, other organization or group, or combination of individuals acting as a unit.
- d) "Premises" means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

Section C. Application

- a) The provisions and terms contained in this ordinance shall be applicable between the hours of 10:00 a.m. and 10:00 p.m., Monday through Saturday and between the hours of 12:00 p.m. and 10:00 p.m. on Sunday. At all other times, the provisions and terms contained in this Article are not in effect and all provisions of State and local laws concerning the possession and consumption of alcohol shall be in full force and effect.
- b) Any alcoholic beverage purchased for consumption in the Downtown Social District shall (i) only be consumed in the Downtown Social District and (ii) be disposed of before the person in possession of the alcoholic beverages exits the Downtown Social District. A violation of this section is a misdemeanor punishable in accordance with N.C.G.S. 14-4.

Section D. Requirements for the Sale of Alcoholic Beverages

- a) A permittee located in or contiguous to the Downtown Social District may sell alcoholic beverages for consumption within the Downtown Social District in which it is located in or contiguous to accordance with the following requirements:
 - 1) The permittee shall only sell alcoholic beverages on its licensed premises.
 - 2) The permittee shall only sell alcoholic beverages for consumption in the Downtown Social District in a container that meets all of the following requirements:
 - a) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b) The container clearly displays a logo or some other mark that is unique to the Downtown Social District.

- c) The container is not made of glass.
- d) The container displays, in no less than 12-point font, the statement “Drink Responsibly – Be 21.”
- e) The container shall not hold more than 16 fluid ounces.
- f) The container shall note the date and time of sale.

Section E. Requirements for the Possession and Consumption of Alcoholic Beverages.

- a) The possession and consumption of an alcoholic beverage in the Downtown Social District is subject to all of the following requirements:
 - 1) Only alcoholic beverages purchased from a permittee located in or contiguous to the Downtown Social District may be possessed or consumed.
 - 2) Alcoholic beverages shall only be in containers meeting the requirements set forth in the “Requirements for Sale” section of this ordinance.
 - 3) Alcoholic Beverages shall only be possessed and consumed during the days and hours set forth in the “Application” section of this ordinance.
 - 4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitations set forth in N.C.G.S. 18B-1010.
 - 5) A person shall dispose of any alcoholic beverage in the person’s possession prior to exiting the Downtown Social District.
- b) Permittees have discretion as to whether to permit alcoholic beverages purchased from a different permittee into their establishment.

Section F. Exceptions.

When an allowed event is held pursuant to the issuance of a Special Event Permit as provided by Town of Clayton Code of Ordinance Section 130.02, the terms and conditions of the Special Event Permit shall control within the boundaries of the Special Event. A violation of this Section is a Class 3 misdemeanor punishable in accordance with days N.C.G.S. 14.4 and N.C.G.S. 160A-175.

SECTION 2: Severability

If any section, phrase, sentence, or portion of this ordinance is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: All ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

This Ordinance shall be effective as of July 11, 2024.

DULY ADOPTED the _____ day of _____, 2024.

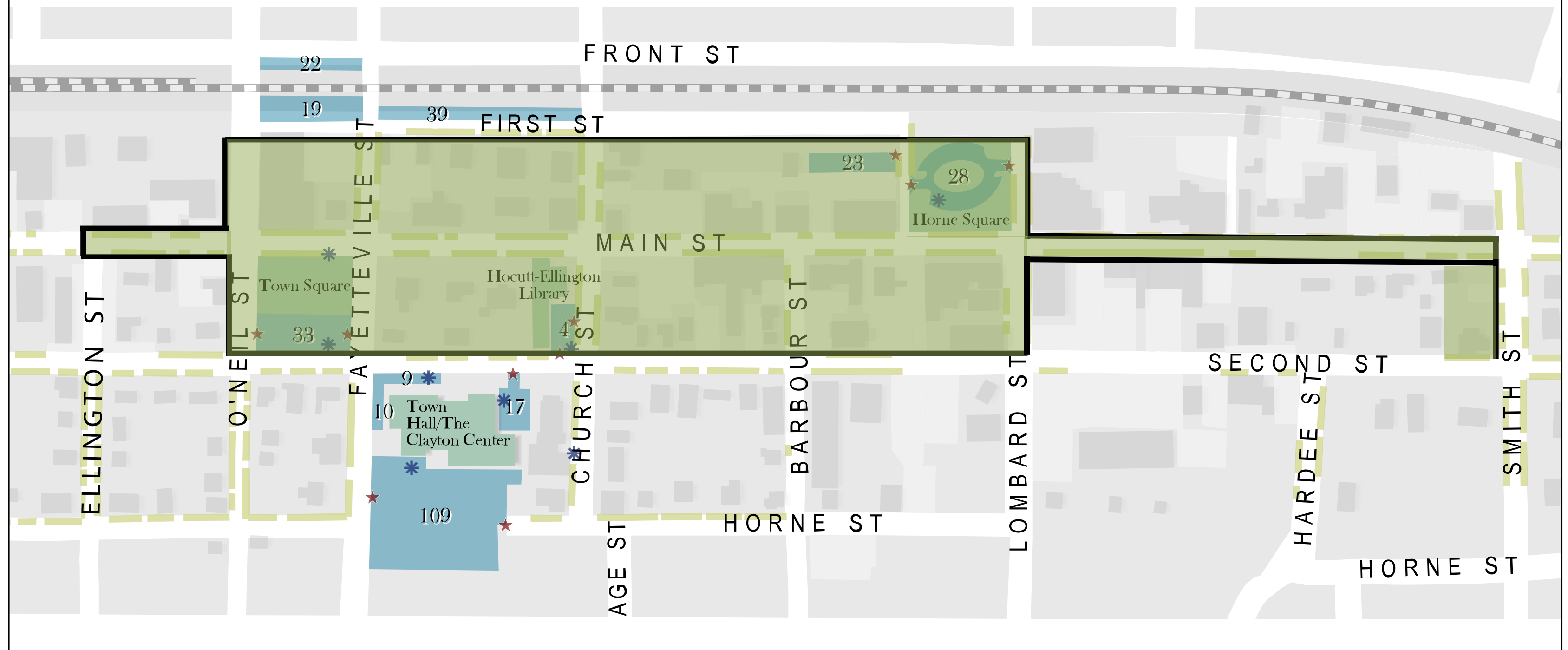
TOWN OF CLAYTON

Jody McLeod, Mayor

ATTEST:

Heidi L. Holland, Town Clerk

DRAFT BOUNDARY MAP:



KNOW THE SIGNS:



Social District Beverages
WELCOMED HERE



Social District Beverages
SOLD HERE



Social District Beverages
NOT PERMITTED HERE





Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 15, 2024

Agenda Location

PUBLIC HEARINGS

Item Title

2023-115-CZM Carolina Overlook North Conditional Rezoning

Presenter(s)

Conrad Olmedo, Planning Director

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

- ☒ Public Hearing (Required by GS)
- ☒ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☒ Special Mailing

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Other/Special Instructions: Signs posted

Summary

The applicant has petitioned the Town of Clayton to Rezone an approximately 357 acre parcel located off of Covered Bridge Rd, from R-8 & R-10 (RMD & RLD per the new UDO) to a Conditional Zoning – Residential District (CZ-R). The Conditional Zoning District would allow for up to 750 units, or a density of up to 2.1 units per acre, along with a recreation center, and active and passive open space with related uses. The Conditional Zoning District is accompanied by a Master Plan and Master Plan Narrative.

Background/History

Planning Board Recommended Approval of the Conditional Zoning with Master Plan on March 25, 2024.

Recommendation

Staff recommends approval of the conditional rezoning.

Funding Source

N/A

Corresponding Documentation

[Staff Report TC - 2023-115-CZM - Carolina Overlook N - 4.10.24](#)

[Staff Report Maps - Carolina Overlook N](#)

[1. Application 2023-115-CZM Carolina Overlook North](#)

[1.1 Owner Consent Form 1 2023-115-CZM Carolina Overlook North](#)

[1.2 Owner Consent Form 2 2023-115-CZM Carolina Overlook North](#)

[2 - Master Plan Narrative - TC Updated - 2023-115-CZM Carolina Overlook North](#)

[3 - Master Plan - 2023-115-CZM Carolina Overlook North](#)

[4 - Neighborhood Meeting Invitation Carolina Overlook North CZM 2023-115-CZM](#)

[5 - Wastewater Allocation - WWA Application 2023-62-WWA Carolina Overlook North](#)

[6 - TIA - Steeplechase 2023-115-CZM Carolina Overlook North](#)

[7 - TC Updated - Conditions of Approval \(SIGNED\) - 20240408 CarolinaOverlookNorth](#)

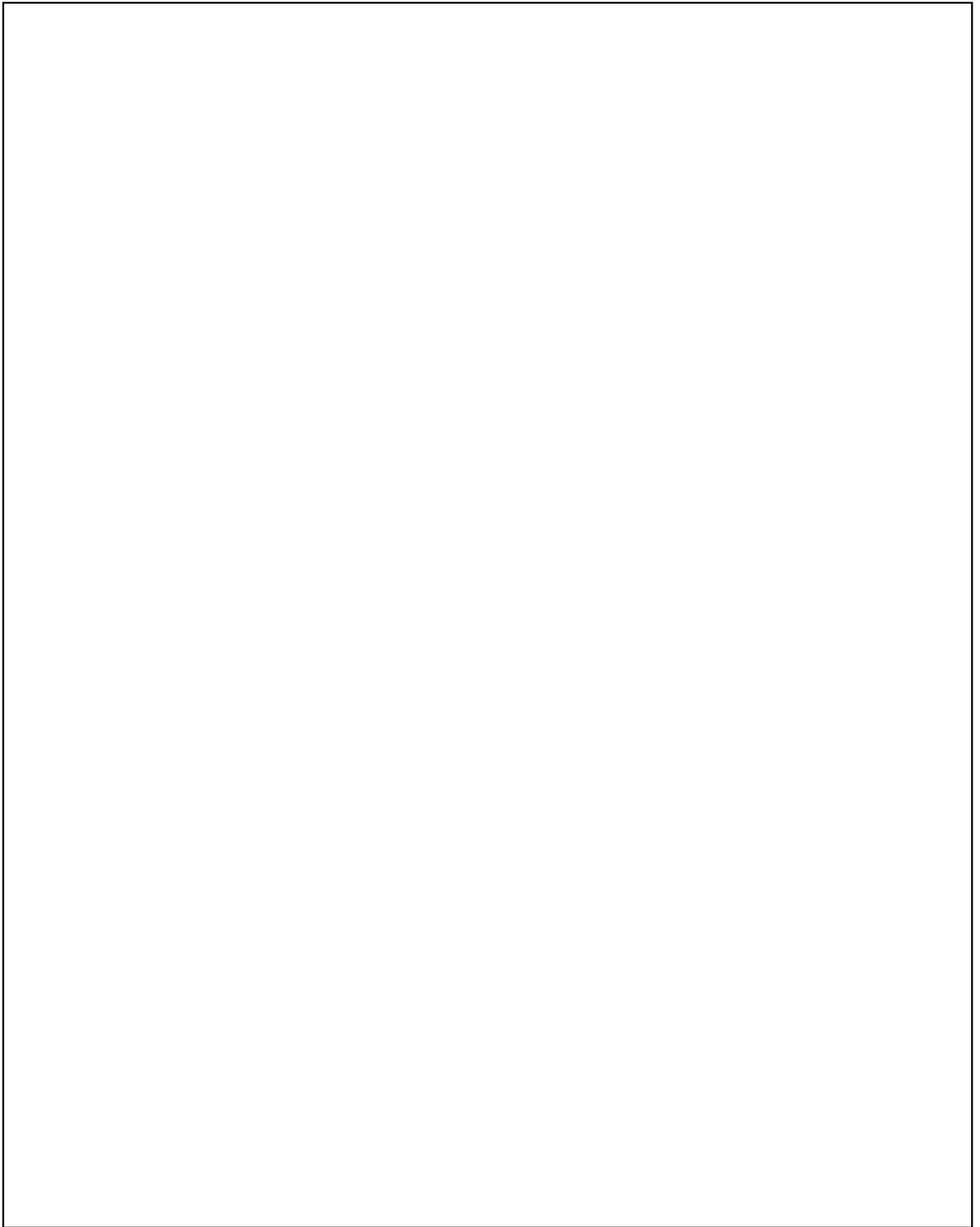
[8 - Consistency Statements Sheet - Town Council - 2023-115-CZM - Carolina Overlook North](#)

Submitted By: Steven Mott, Planning

Reviewed By:

Conrad Olmedo, Planning Director
Heidi Holland, Town Clerk

Approved - Apr 11 2024
Approved - Apr 11 2024





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

Town Council Regular Meeting April 15, 2024

STAFF REPORT

Application Number: 2023-115-CZM
Project Name: Carolina Overlook North

Tag #: 05H02009B

Location: 1603 NC Hwy 42, Clayton NC 27527

Existing Zoning District: R-8, R-10 (RMD, RLD)

Proposed Zoning District: CZ-R

Acreage: 362.75 +/- acres

Existing Use: Vacant

Consultant: WithersRavenel

Applicant: Pulte Homes Corporation

Owner(s): Raymond Elmore Earp Jr Family Trust; Nancy Crews Earp Trustee

Public Noticing:

- Neighborhood meeting: November 14, 2023
- Signs posted: April 5, 2024
- Letters mailed: April 4, 2024

REQUEST: This is a request to rezone property currently zoned Residential Medium Density (RMD) and Residential Low Density (RDL) to be Conditional Zoning – Residential District (CZ-R). The property is located on the north side of Covered Bridge Rd., between Smith Rd. and the Neuse River, consists of approximately 362.75 acres, and is identified as Johnston County Tag# 05H02009B.

PROJECT OVERVIEW

The applicant is requesting a Conditional Zoning – Residential District (CZ-R) with an associated Master Plan to allow for 750 residential dwellings and an Assembly Use on 362.75 +/- acres. The Conditional Zoning District would allow for up to 750 units consisting of both single-family detached units ranging in lot sizes from 4,700 square feet to 8,000 square feet and single-family attached units with a minimum lot size of 4,400 square feet. The project density based on gross acreage will be up to 2.1 units per acre. The project includes a community center with a clubhouse, pool, and mail kiosk. The Conditional Zoning – Residential District (CZ-R) is accompanied by a Master Plan illustrating the overall

development, a Master Plan Narrative providing a project overview, and a list of Recommended Conditions of Approval accepted by staff and signed by the applicant.

SITE ANALYSIS

ADJACENT ZONING, LAND USES, AND FUTURE LAND USE MAP

Direction	Zoning	Existing Use(s)	Future Land Use Map
North	Residential Large Lot (RLL)	Single-family residential	Low Density Residential and Recreation and Open Space
South	Planned District Residential (PD-R), Neighborhood Commercial (NCM), and Planned District Multi Use (PD-MU)	Single-family residential/Vacant/Under Development	Medium Density Residential
East	Residential Medium Density (RMD), Residential Large Lot (RLL)	Neuse River/Single-family residential	Low Density Residential and Medium Density Residential
West	Residential Large Lot (RLL)	Single-family residential	Low Density Residential and Recreation and Open Space

DEVELOPMENT INFORMATION

Proposed Uses:	Residential (detached single-family homes and 2-unit attached single-family homes), clubhouse, park, parking lot, temporary parking lot, food truck, and associated residential accessory uses.
Proposed Density:	Up to 750 units are proposed at an overall proposed residential density of 2.1 units/acre for the development.
Fire Protection:	Town of Clayton
Access/Streets:	2 additional access points will be provided on Covered Bridge Rd. with connections providing access throughout Brookhill Dr., which bisects the proposed development. An access road is also proposed to connect to the existing stub at Michael Way.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Duke Energy

TRANSPORTATION IMPROVEMENTS

The development will be accessed predominately from Covered Bridge Road through Brookhill Drive and will consist of internal streets built to Town standards with sidewalks, curb and gutter. The consultant group Ramey Kemp has performed a trip generation assessment of the proposed Carolina Overlook North Development rezoning. While no formal unit count for the project has been identified to-date, it was assumed for the purposes of these calculations that the project would include up to 750 units in the form of “Senior Adult—Single-Family Housing”. Trip generation calculations for this site were performed using data from the 11th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Those calculations are summarized below in Table 1 Trip Generation and the provided Traffic Impact Analysis (Attachment 7).

Table 1 Trip Generation

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Senior Adult – Single Family Housing (251)	750 units	3,285	59	121	130	84

Traffic Impact Analysis Recommended Improvements:

Based on the findings in the TIA, the improvements below have been recommended to be constructed by the developer to mitigate traffic impacts by the proposed development. These improvements are also outlined in Chapter 6 of the Master Plan Narrative and in the Conditions of Approval.

Roadway/Intersection	Recommended Improvements
Covered Bridge & Shotwell Road	- Signal timings modification. - Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
Covered Bridge Road & Site Access #1 / Steeplechase Driveway #3	Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
Covered Bridge Road & Site Access #2	Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
Brookhill Drive & Site Access #3	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #4	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #5	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #6	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #7	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #8	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #9	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #10	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

STORMWATER

The proposed development is located within the Neuse River Basin and will require stormwater management measures for quality and quantity control in accordance with the Town of Clayton Stormwater Design Manual and the Stormwater Management Ordinance in effect at the time of approval, as outlined in Section 158 of the Clayton UDO. A network of underground piping will convey storm drainage from impervious areas to the proposed Stormwater Control Measures. The number, location, and adequate sizing for these devices will be verified during final site design. All SCMs will be required to meet North Carolina Department of Environmental Quality and Town of Clayton design requirements at the time of site construction drawing submittal.

WATER AND SEWER SERVICE

A public waterline currently exists along the frontage of the site and a wastewater allocation request has been filed in conjunction with the Conditional Zoning/Master Plan submittal which shows a total score of 55 points. All water and sewer lines will be designed to meet Town of Clayton Standards and Specifications. Additionally, a downstream sewer analysis is currently being conducted. Utility easements will be procured through the Ashcroft Section 2 site to access the Town's new Neuse River Water Reclamation Facility.

ELECTRICITY

Electric power will be provided by Duke Energy. A street/site lighting plan will be provided, in compliance with all municipal lighting standards, as part of the Construction Drawing review.

LANDSCAPING, BUFFERING AND SCREENING

A minimum 20' wide Type C landscape buffer will be provided along all project boundaries of the neighborhood per section 155.402 of the UDC. There will be a planted buffer in areas where there is no existing vegetation or where vegetation is removed or damaged during construction of Carolina Overlook North. All landscaping will be per UDC requirements in place at the time of final approval.

ARCHITECTURAL STANDARDS

Elevation examples for the development are provided in Chapter 7 of the Master Plan Narrative. Architectural standards are provided in Chapter 10 of the Master Plan Narrative and in the Conditions of Approval.

CONDITIONAL ZONING AND MASTER PLAN APPROVAL CRITERIA

Conditional Zoning District Approval Criteria

See Master Plan Narrative for Applicant Responses

In connection with its legislative decision on a conditional zoning district request, the Town Council may consider factors including, but not limited to, the following:

1. Consistency with the adopted plans and policies of the Town

Staff Commentary: The 2045 Growth Plan Future Land Use Map designates this area as Low-Density Residential, Medium-Density Residential, and Recreation and Open Space along the river frontage. The Low-Density Residential areas are “intended to remain predominantly suburban in character and provide for low-density, single-family residential development on small lots than those in Rural Residential areas.” The Plan continues, “However, a mix of residential housing types may occur under a conditional zoning district to support conservation of open space, as long as a density of 3 units per acre is not exceeded.” The Plan calls for the predominate unit type to be single-family detached homes, with “no more than 20 percent of the residential units... be constructed as Townhome units.” The Recreation and Open Space land use category, which is located along the Neuse River frontage, “applies to parks, public recreational areas, conservation areas and floodplains.” The Plan states that “uses include active and passive recreation (including trails and greenways), wildlife management, environmental restoration/mitigation/preservation, and educational uses.” The Plan does allow for structures that “support or are associated with the intended uses.”

Based on the guidance in the Land Use Plan, the proposed development is consistent with the density in the Low-Density Residential land use category and preserves the land along the river as recommended by the Recreation and Open Space land use category. The proposed development is also consistent with the recommendation of primarily single-family detached units and up to 25% single-family attached units.

2. Suitability of the subject property for uses permitted by the current versus the proposed conditional district.

Staff Commentary: The current zoning districts for the proposed development are MDR and LDR (R-8 and R-10 at the time of application, per the UDC), and is adjacent to other single-family home developments of similar character, and the Neuse River. Staff believes that with the proposed density and the proposed road improvements, the subject property is suitable for the proposed residential development.

3. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town.

Staff Commentary: The surrounding area is primarily single-family residential. The proposed development consists primarily of residential uses, with a clubhouse, and active and passive open space uses. The proposed conditional zoning district will allow for additional suburban-style residential development, and provide a private clubhouse and active open space amenities which are not present in the given area.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities

and stormwater drainage facilities for the proposed conditional district.

Staff Commentary: The proposed development would be served by Johnston County schools (Cooper Elementary, Riverwood Middle, Clayton High), with Cooper Elementary and Clayton High School on the County's "capped" list for the 2023-2024 school year. Access to the development will be provided by Covered Bridge Road, with Brookhill Drive and an internal network of streets providing access to the homes. The development will be required to meet the Town's Recreation and Open Space requirements in Section 155.203(l). The development will be required to meet the requirements in the Town's Stormwater Ordinance. The property has access to public water along Covered Bridge Road and will install sanitary sewer throughout the development. Staff believes that there is adequate capacity of public services and facilities to serve the proposed development.

5. It has been determined that the legal purposes for which zoning exists are not contravened.

Staff Commentary: Staff does not believe that legal purposes for which zoning exists will be contravened by the approval of the conditional zoning district.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

Staff Commentary: The proposed development will consist of suburban-style, low-density residential development. The overall density of the development is comparable to the surrounding developments and area.

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

Staff Commentary: While the owners/developers may benefit from the development, staff believes that with the proposed conditions there will be no detriment to the general public.

Master Plan Approval Criteria

The master plan shall include and the applicant shall be responsible for successfully addressing the following:

- Compliance with § 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;
- Consistency with the Clayton General Design Guidelines;
- Conformance of the proposal with the stated purpose of the requested conditional zoning district;
- Compatibility of the proposed development with the adjacent community;

- The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- Compatible relationships between each component of the overall project;
- Self-sufficiency of each phase of the overall project;
- The fiscal impact of the proposal and the proposed financing of required improvements;
- The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

Staff Commentary: The applicant has provided a Master Plan Narrative providing details of the proposal. Through the Master Plan, Narrative and proposed conditions, staff believes that the applicant has successfully met the criteria.

TOWN COUNCIL UPDATE

Since the March 25th Planning Board Meeting, the applicant has provided additional Conditions of Approval. The complete Conditions of Approval are included in the attached materials with the new conditions provided in red in the document. The items added to the Conditions of Approval are as follows:

24. Subject to review and approval by the Town and NCDOT, a high visibility crosswalk, or other similar type of improved pedestrian crossing, will be installed across Covered Bridge Road at Brookhill Drive.

25. The project shall have a minimum of three phases to be determined at the time of Site Subdivision Construction Drawing.

26. A minimum of two educational signs shall be posted near riparian buffers and trails on the eastern side of the parcel to educate the residents and visitors about the significance of the Neuse River and the Natural Heritage Area.

TOWN COUNCIL CONSIDERATIONS

- If approved, the conditional zoning district, master plan, and narrative will be recorded with Johnston County and shall guide future development for this land. The conditional zoning district, master plan, and narrative shall not expire, and will run with the land.
- Town Council may recommend conditions be added or removed. The developer must agree to any imposed conditions.

STAFF RECOMMENDATION

Staff recommends approval of the Conditional Zoning – Residential (CZ-R) District per

Option 2 in the provided consistency statements sheet, approval while inconsistent with the Future Land Use Map, and based on the provided recommended Conditions of Approval, project 2023-115-CZM, Carolina Overlook North.

PLANNING BOARD RECOMMENDATION

At the March 25th Planning Board meeting, the Planning Board voted 6-3 to recommend approval of the Conditional Rezoning to the Town Council with the following consistency statement:

“I make a motion to recommend approval of this rezoning request. While the request is inconsistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- *“The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.*
- *“GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.*
- *“STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.*
- *“GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.*
- *“GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.*
- *“The Future Land Use Map will be updated to be consistent with this rezoning request to an appropriate corresponding land use category, per North Carolina General Statutes, § 160D-605(a).*

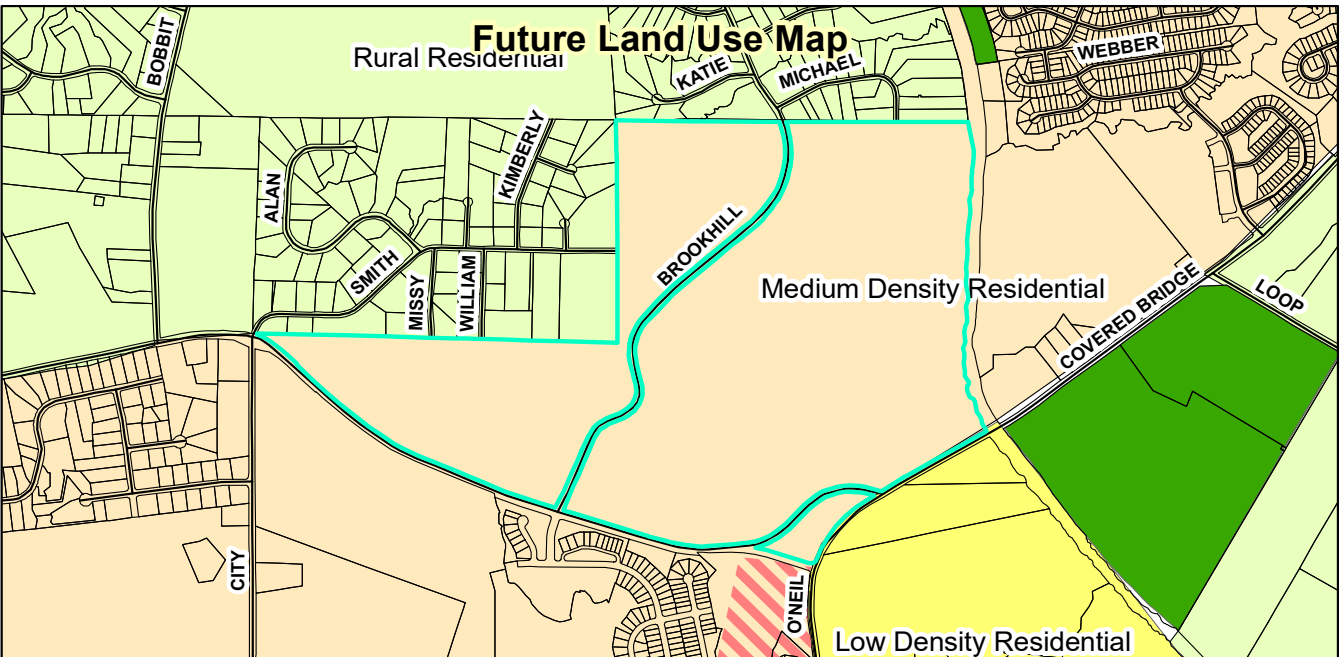
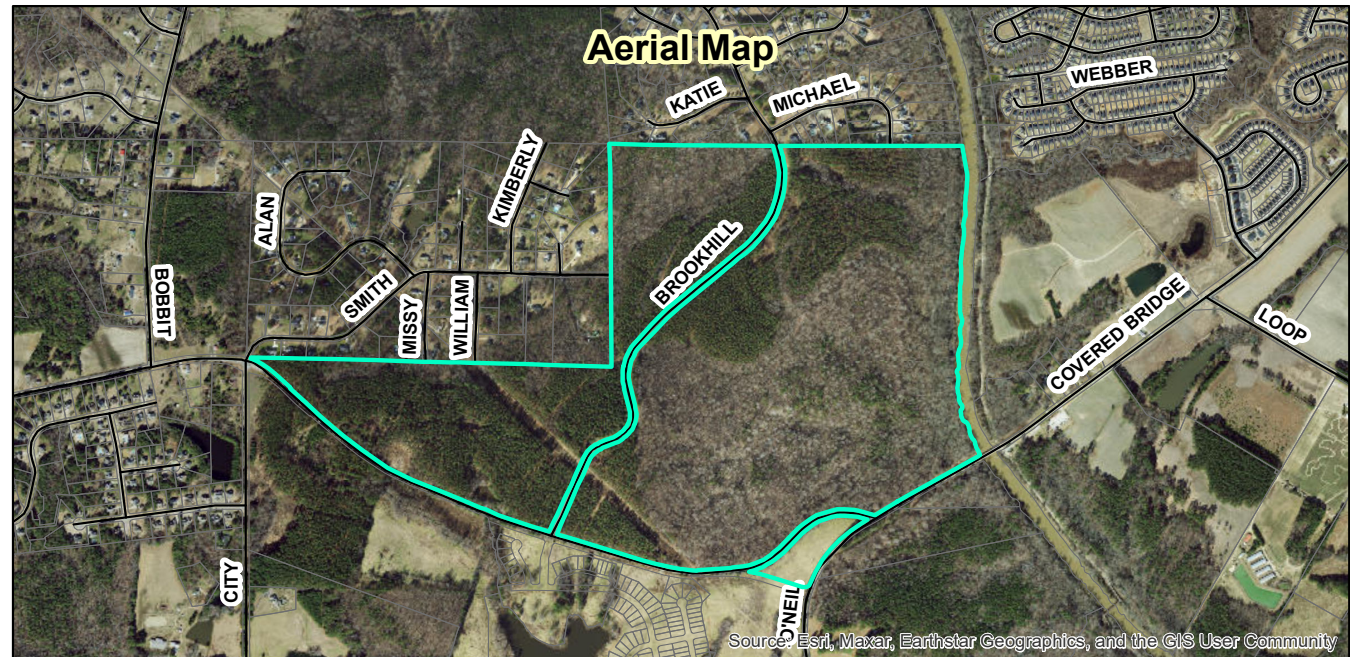
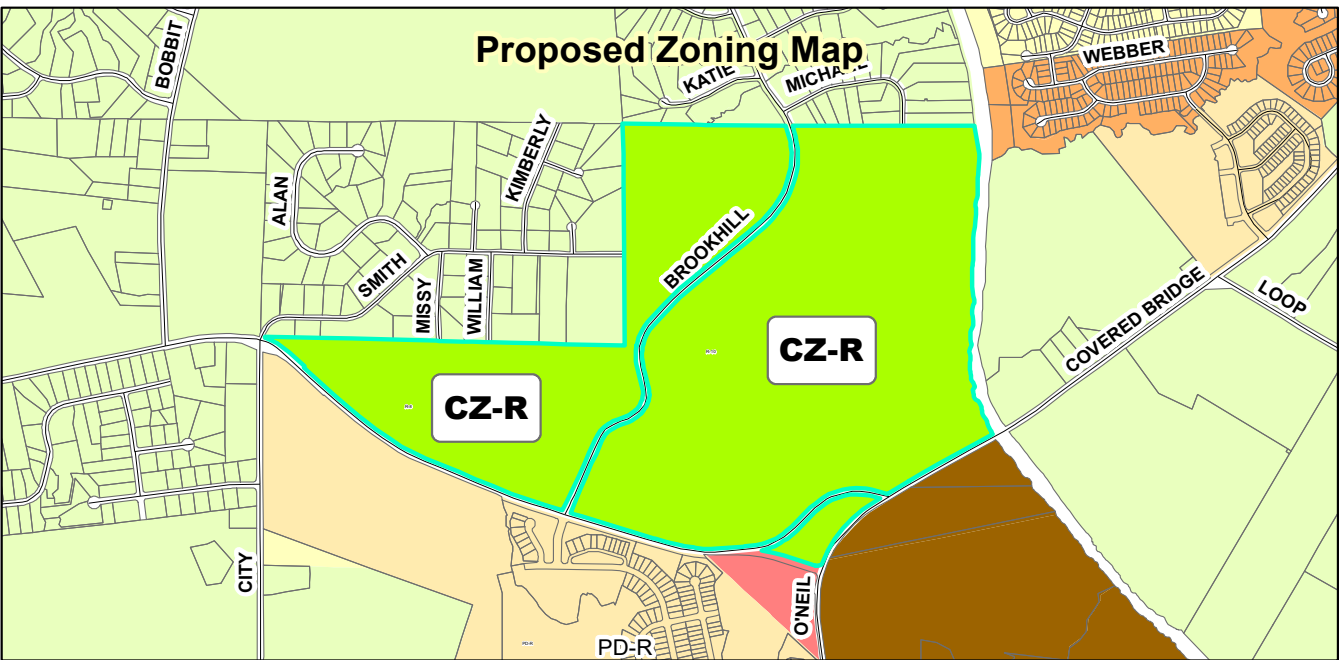
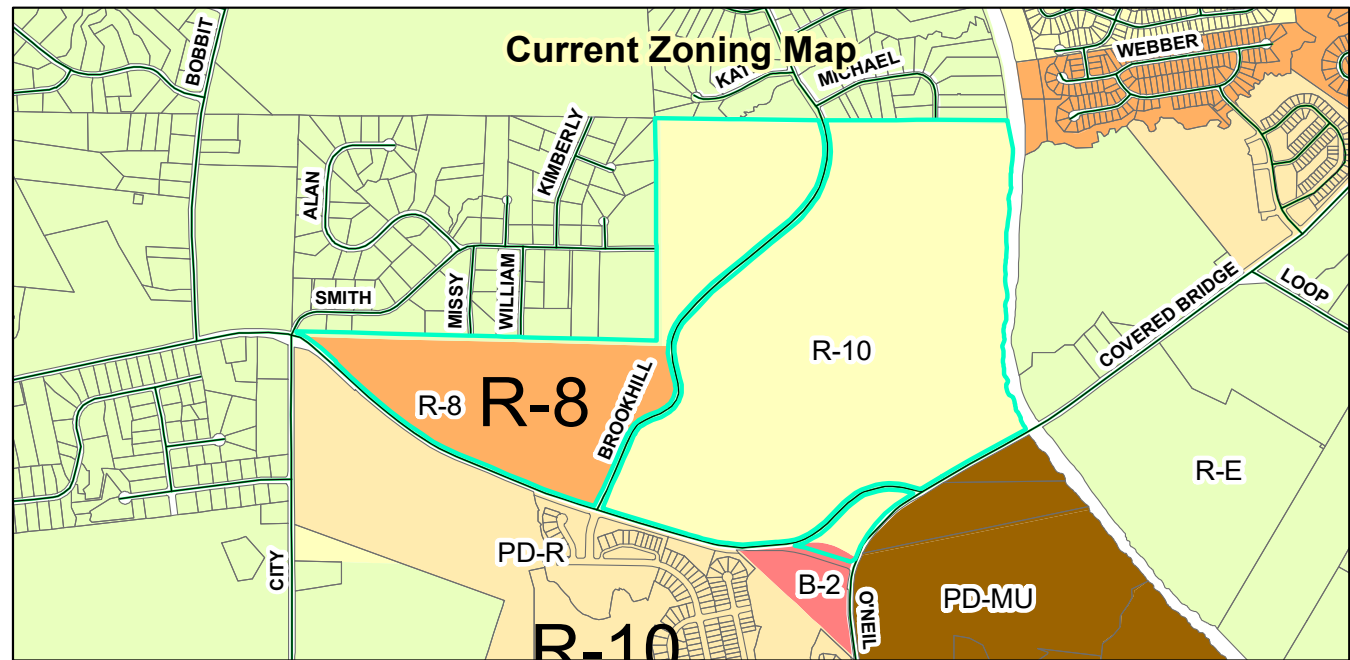
“This action is reasonable and in the public interest, in that:

- *“The Comprehensive Growth Plan encourages residential uses in this area.*
- *“The request is compatible with existing zoning and land uses in the area.”*

ATTACHMENTS:

- 1) Staff Report Maps
- 2) Application & Owner’s Consent Forms
- 3) Master Plan Narrative
- 4) Master Plan
- 5) Neighborhood Meeting Materials
- 6) Wastewater Allocation Request
- 7) Transportation Impact Analysis (TIA)

- 8)** Recommended Conditions of Approval – Signed
- 9)** Consistency Statements Sheet



Request: Conditional Rezoning
Project Name: Carolina Overlook North Conditional Rezoning
Project Number: 2023-115-CZM

Applicant: Pulte Home Corporation
Property Owner: Raymond Elmore Earp Jr Family Trust, Nancy Crews EarpTrustee
Tag #: 05H02009B

0 750 1,500 3,000 4,500 6,000 Feet

N

Town of Clayton
1869

Staff Report Map
Prepared by: TOC Planning Department
March 5, 2024

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

Document Path: C:\Users\smott\Town of Clayton, NC\Planning - Development Projects\Conditional Zoning with Master Plan\2023\2023-115-CZM Carolina Overlook North\Maps\Staff Report Maps - Carolina Overlook N.mxd



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

Conditional Zoning, Unlimited w/Associated Concept Plan Coversheet

Name of Project: Carolina Overlook North Date: 07/17/2023
Applicant Name: Pulte Home Corporation

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: 03/14/23
- ☒ Review Fee
- ☒ Completed Application
- ☐ Owner's Consent Form
- ☒ Adjacent Property Owner's List - Include Names, Full Mailing Addresses & Parcel/NC Tag #
- ☐ Neighborhood Meeting Letter (one copy)
- ☐ Signed & sealed boundary survey
- ☐ Copy of signed & sealed boundary survey in PDF on USB
- ☐ Master Plan Narrative
- ☐ Master Plan Set to include the following:
- Cover Sheet
 - Signed & Sealed Boundary Survey
 - Bubble Plan Outlining:
 - a. Where and which uses or groups of uses will occur
 - b. The proposed intensity/density of those uses
 - c. General location of internal and external network of public right-of-way and public infrastructure

Reviewed by: _____

July 2023



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

**Conditional Zoning, Unlimited
w/Associated Concept Plan Application**

Application Fee: \$1,000 + \$5.00 per acre

Public Noticing Fees (Mailing & Sign) will be confirmed/invoiced by town staff prior to payment.
Mailed Notice: \$1.00 per mailed notice Public Notice Signs: \$20.00 per posted sign

SITE INFORMATION

Name of Project: Carolina Overlook North
Acreage of Property: 362.75 Current Zoning District: R8 & R10
County Tag #: 05H02009B NC Pin #: 176000-51-7806
Address/Location: Covered Bridge Road
Existing Zoning District: R8 & R10 Proposed Zoning District: CZR

Ex: CZR, CZM, CZC, CZD, CZI

APPLICANT INFORMATION

Applicant: Pulte Group
Mailing Address: 1225 Crescent Green Dr, Suite 250, Cary NC 27518
Phone Number: (919) 816-1100 Fax: _____
Contact Person: Chris Raughley
Email Address: Chris.Raughley@PulteGroup.com

PROPERTY OWNER INFORMATION

Name: RAYMOND ELMORE EARP JR FAMILY TRUST and EARP, NANCY CREWS TRUSTEE
Mailing Address: 1109 SUMTER CT, SALISBURY, NC 28144-2868
Phone Number: _____ Fax: _____
Email Address: _____

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

July 2023

EXPLANATION OF PROJECT

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

Carolina Overlook North is a proposed active adult community with a maximum of 750 residential units located on the vacant 357 acre parcel at 1162 Covered Bridge Road.

The proposed zoning of the subject property is CZ-R from the R-8 and R-10 existing zoning which is consistent with the FLUM designation of LDR and MDR.

The Carolina Overlook North neighborhood would provide a variety of amenities and open space as outlined in the Conditional Zoning Master Plan Narrative.

APPROVAL CRITERIA – REZONING

All applications for a Conditional Rezoning must address the following Approval Criteria:

1. Consistency with the adopted plans of the Town. (This criteria must also be addressed in Master Plan Narrative.)

Please see the Conditional Zoning Master Plan Narrative.

2. Suitability of the subject property for uses permitted by the current vs. the proposed conditional district.

Please see the Conditional Zoning Master Plan Narrative.

3. Whether the proposed change tends to improve the balance of uses or meets specific demand in the Town.

Please see the Conditional Zoning Master Plan Narrative.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply facilities and stormwater drainage facilities is available for the proposed conditional district.

Please see the Conditional Zoning Master Plan Narrative.

5. It has been determined that the legal purposes for which zoning exists are not violated.

Please see the Conditional Zoning Master Plan Narrative.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

Please see the Conditional Zoning Master Plan Narrative.

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

Please see the Conditional Zoning Master Plan Narrative.

APPROVAL CRITERIA- MASTER PLAN

All associated Master Plans must address the following Approval Criteria: (This criteria must also be addressed in Master Plan Narrative.)

1. Compliance with code section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter.

Please see the Conditional Zoning Master Plan Narrative.

2. Consistency with the Clayton General Design guidelines.

Please see the Conditional Zoning Master Plan Narrative.

3. Conformance of the proposal with the stated purpose of the requested conditional zoning district.

Please see the Conditional Zoning Master Plan Narrative.

4. Compatibility of the proposed development with the adjacent community.

Please see the Conditional Zoning Master Plan Narrative.

5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out.

Please see the Conditional Zoning Master Plan Narrative.

6. Compatible relationships between each component of the overall project.

Please see the Conditional Zoning Master Plan Narrative.

7. Self-sufficiency of each phase of the overall project.

Please see the Conditional Zoning Master Plan Narrative.

8. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.

Please see the Conditional Zoning Master Plan Narrative.

9. The fiscal impact of the proposal and the proposed financing of required improvements.

Please see the Conditional Zoning Master Plan Narrative.

10. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.

Please see the Conditional Zoning Master Plan Narrative.

11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

Please see the Conditional Zoning Master Plan Narrative.

APPLICANT AFFIDAVIT

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

Chris Raughley VP, Pulte Home Company
Print Name

DocuSigned by:
Chris Raughley
Signature of Applicant

7/17/2023
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: Carolina Overlook North Address or PIN #: PIN# 176000-51-78

AGENT/APPLICANT INFORMATION:

Pulte Home Company, LLC
(Name - type, print clearly)

1225 Crescent Green Dr. STE 250
(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*):

Conditional Zoning Master Plan

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

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

OWNER AUTHORIZATION:

Nancy Earp Dula
(Name - type, print clearly)

1109 Sumter Court
(Address)

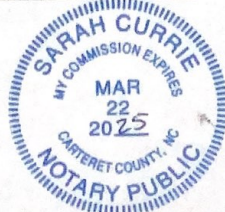
Nancy Earp Dula
(Owner's Signature)

Salisbury, NC 28144
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Carteret

Sworn and subscribed before me Sarah Currie, a Notary Public for the above State and County, this
the 7th day of July, 2023.

SEAL



July 2018

Sarah Currie
Notary Public

My Commission
Expires:

March 22, 2025



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: Carolina Overlook North **Address or PIN #:** PIN# 176000-51-7806

AGENT/APPLICANT INFORMATION:

Pulte Home Company, LLC

(Name - type, print clearly)

1225 Crescent Green Dr. STE 250

(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*):

Conditional Zoning Master Plan

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

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

OWNER AUTHORIZATION:

Mary Earp Worley

(Name - type, print clearly)

7020 NC 42 East

(Address)

Mary Earp Worley

(Owner's Signature)

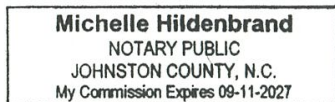
Selma, NC 27576

(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Michelle Hildenbrand a Notary Public for the above State and County, this the 10th day of July, 2023.

SEAL



Michelle Hildenbrand
Notary Public

My Commission
Expires: 9/11/27

July 2018

CAROLINA OVERLOOK NORTH

Conditional Zoning - Master Plan Narrative

Town of Clayton Project 2023-115-CZM

April 4, 2024



PREPARED BY:



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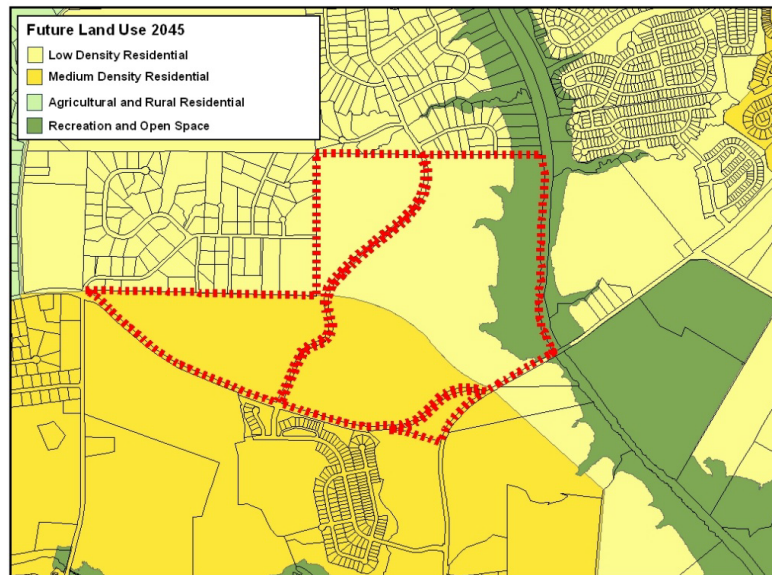
1. Project Overview + Conditional Rezoning Request
2. Plan Consistency + Land Use Compatibility
3. Existing Conditions + Zoning
 - a. Existing Conditions Map
 - b. Current Zoning Map
4. Carolina Overlook North Master Plan
5. Development Standards
 - a. Unit Type/Mix
 - b. Permitted Uses
 - c. Open Space and Amenities
 - d. Landscaping
 - e. Lighting
 - f. Energy Efficient Features
 - g. Natural Resources + Environmental Protection
 - h. Parking
 - i. Development Standards + Modifications
6. Infrastructure + Public Facilities
 - a. Transportation Impact Analysis
 - b. Streets + Sidewalks + Connectivity
 - c. Refuse Collection/Recycling
 - d. Fire Protection
 - e. Stormwater Management
 - f. Water + Sewer
7. Elevations
8. Conditional Rezoning Approval Criteria
9. Master Plan Approval Criteria
10. Carolina Overlook North Zoning Conditions

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Plan Consistency + Land Use Compatibility

Consistency with the adopted plans of the Town.

According to the Think Clayton 2045 Comprehensive Growth Plan, the Future Land Use Map designates this property as **Low Density Residential (LDR)**, **Medium Density Residential (MDR)** and **Recreation and Open Space**. Areas designated as **LDR** are “intended to remain predominantly suburban in character and provide for low-density, single-family residential development on smaller lots than those in Rural Residential areas.”



- **Gross Residential Density*:** ≤3 units/acre
- **Unit Type:** Mostly single family detached homes, generally less than 25% attached units
- **Open Space:** Minimum of 25%**. Open space should be a mix of preserved natural features with passive recreation such as greenways and trails and more formal or developed open space such as common greens, playgrounds or sports fields.

Areas designated as **MDR** are “comprised predominantly of neighborhoods with housing units that are more urban in character and in closer proximity to commercial services and centers.”

- **Gross Residential Density*:** 3-5 units/acre
- **Unit Type:** Single family detached homes, generally less than 50% attached units
- **Open Space:** Minimum of 20%**. Open space should be a mix of preserved natural features with passive recreation such as greenways and trails and more formal or developed open space such as common greens, plazas, playgrounds or sports fields.

The allowed residential uses within the Carolina Overlook North Conditional Zoning include single family detached, and townhome products at an overall density of just over 2.1 units per acre which is consistent with the FLUM designations.

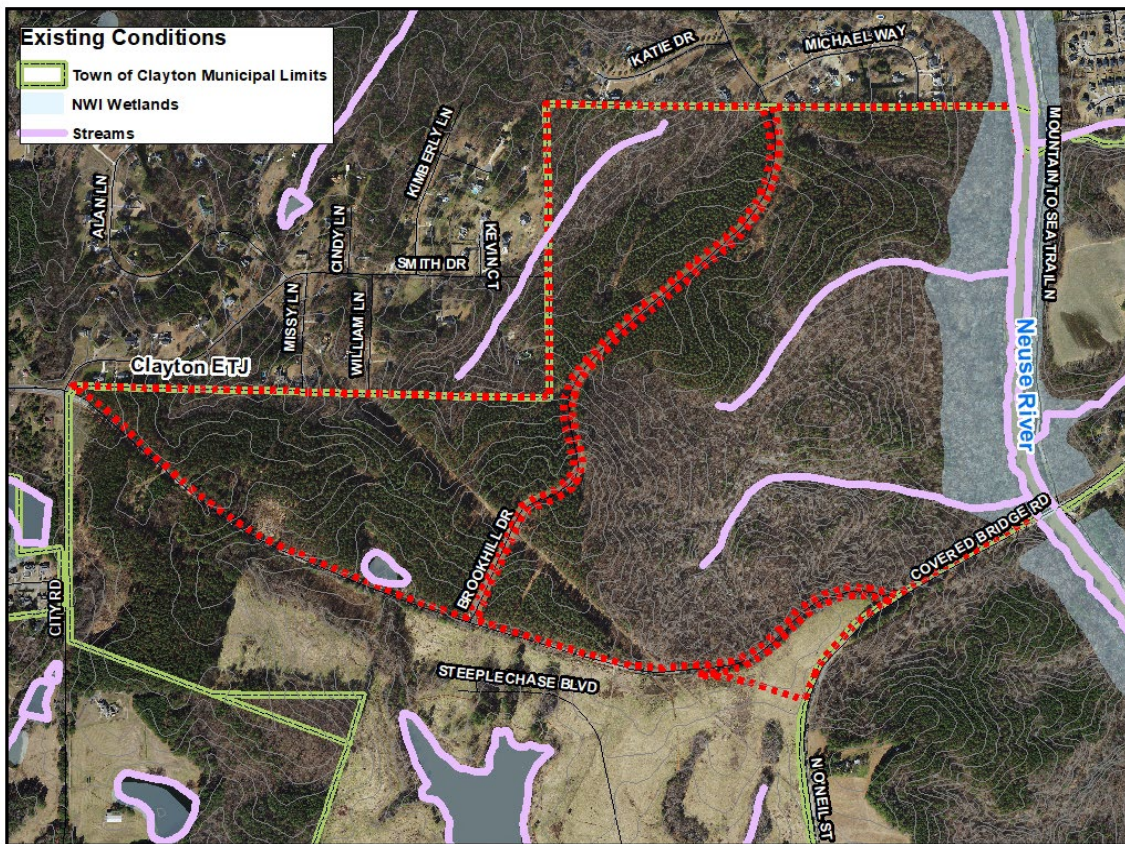
In addition, the rezoning is consistent with the following 2045 Comprehensive Growth Plan goals, policies, and strategies:

- **Goal LU-1:** Preserve Clayton's character while allowing for growth and development in appropriate areas.
- **Strategy LU 1.1.2:** Support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- **Policy LU 1.2:** Encourage developments which incorporate high-quality design and enhance the quality of life for existing and future residents of the Town.
- **Strategy LU 1.2.2:** Encourage high-quality design in residential projects.
 - New developments should contain attractive streets including a planting strip with street trees and sidewalks.
 - New developments should be designed to preserve a significant amount of open space. Open space should be located to preserve significant trees, riparian areas, views, and environmental constraints such as steep slopes, wetlands, and floodplains.
- **Goal LU-3:** Encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- **Strategy LU 3.1.4:** Encourage or require a mix of lot sizes (2+) in some areas (target areas could be HDR, MDR, and LDR areas and associated zoning districts).
- **Strategy LU 3.1.4:** Encourage a range of housing types and styles through the Conditional Zoning process.
- **Policy LU 3.1:** Encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use Map.
- **Policy NR 1.1:** Preserve key natural areas while accommodating new development.

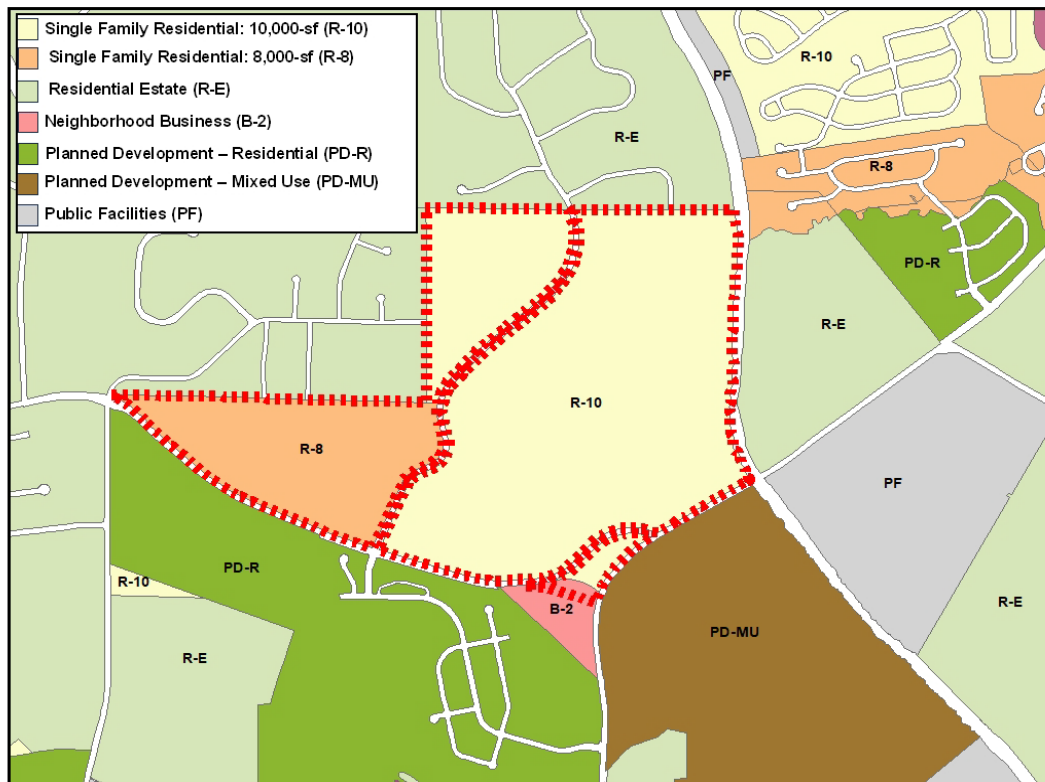
3

Existing Conditions + Zoning

The 362.75+/- acre Carolina Overlook North site is currently undeveloped and predominantly wooded with a stand of healthy mature evergreen and deciduous trees and contains buffered streams and wetland areas. The property fronts Covered Bridge Road and O'Neil Street, is adjacent to the Neuse River to the east, and two existing Johnston County single-family neighborhoods are located to the north/northwest.



The requested rezoning is to Conditional Zoning Residential (CZR) from the current R-8 and R-10 zoning.



As noted in the Unified Development Code, pursuant to GS 160D-703(b) the Town Council may establish conditional districts. These districts provide the opportunity for developments that demonstrate excellence in site design, circulation, use coordination, and compatibility with neighboring properties.

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Carolina Overlook North Master Plan



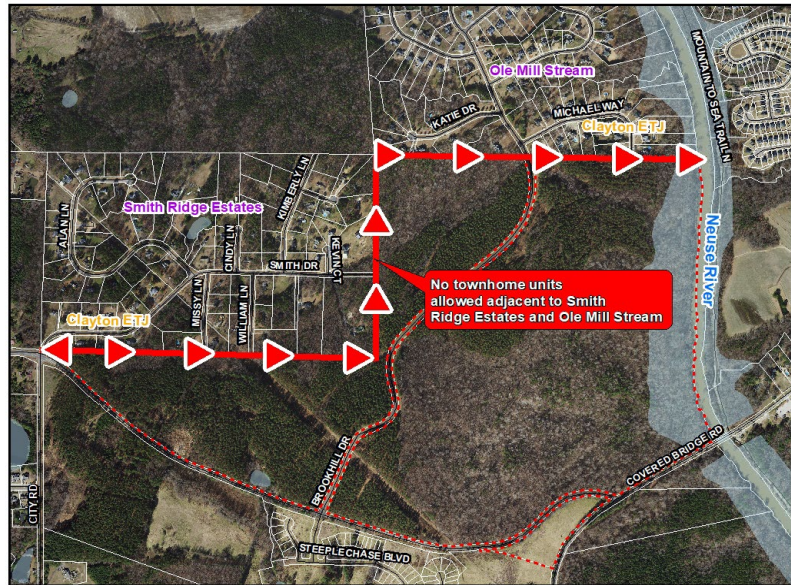
Project Name:	Carolina Overlook North
PIN:	176000-51-7806
Address:	1162 Covered Bridge Rd., Clayton, NC
Existing Zoning:	R8 and R10
Proposed Zoning:	CZ-R
Existing Use:	Vacant
Proposed Use:	Del Webb Residential Community
Total Acreage:	362.75 +/- Acres (15,801,390 SF)
Resource Conservation Area:	70 +/- Acres (3,049,200 SF) = ~ 20 +/- % of Site
Net Acreage:	292 +/- Acres (12,752,190 SF)
Proposed Density:	2.1 DUA maximum density
Total Number of Units:	750 maximum units
Unit Mix:	Single-Family Detached Townhomes (no more than 20% of total units)
Roadway Length:	31,851 Linear Feet
Right-of-Way Area:	31,971 Linear Feet
Minimum Sidewalk Length:	58,000 +/- Linear Feet

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Site Data + Development Standards

A. Unit Type + Mix

The total number of dwelling units allowed within the Carolina Overlook North neighborhood is 750. No more than 20 percent of the proposed units may be constructed as Townhome units, with the remainder constructed as Single-Family Detached units. As shown on the map, townhome units will not be constructed adjacent to the Smith Ridge Estates and Ole Mill Stream subdivisions located in the Town of Clayton ETJ.



B. Permitted Uses

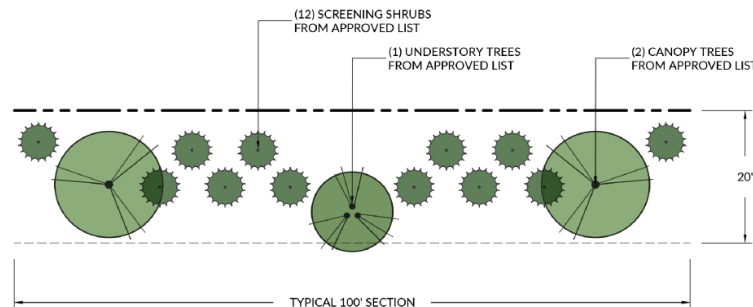
With the approval of the Carolina Overlook North Conditional District, the following uses would be permitted by right: Single Family House, Townhouse, Park, Recreational Facilities, Clubhouse, Parking Lot, Temporary Parking Lot, Food Truck, and associated residential accessory uses. Note that apartments are specifically excluded from the list of permitted uses.

C. Open Space + Amenities

The Carolina Overlook North neighborhood will provide a variety of amenities and open space options for its residents. Active recreational space includes a 13,000 square foot clubhouse (with meeting space and fitness center) and outdoor pool. Other active/improved open space could include walking trails, pocket parks, dog park, and/or a community garden space. Based on the requirement of 1,245 SF per unit, 21.44+/- acres of total open space is required with over 50 acres being provided (14 percent of the overall site acreage).

Open Space	Total Required	Total Proposed
Total Open Space (1,245 sf per unit)	1,245 sf x 750 units = 933,750 SF 21.44 +/- Acres Overall Total	(2,178,000 SF) 50.0 +/- Acres Overall Total
Active Open Space	25% of Required Open Space $21.44 \times .25 = 5.36$ +/- Acres (233,482 SF)	Amenity Center – 4.5 +/- Acres Pocket Parks/Dog Park – 2.0 +/- Acres 6.5 +/- Acres (283,140 SF)
Passive Open Space	75% of Total Open Space $21.44 \times .75 = 16.08$ +/- Acres (700,445 SF)	Perimeter Buffers, Natural Open and Wooded Areas = 43.5 +/- acres (1,894,860 SF)

D. Landscaping



A minimum 20' wide Type C landscape buffer will be provided along all project boundaries of the neighborhood per section 155.402 of the UDC. There will be a planted buffer in areas where there is no existing vegetation or where vegetation is removed or damaged during construction of Carolina Overlook North. All landscaping will be per UDC requirements in place at the time of final approval.

20' Type C Landscape Buffer

E. Lighting

Electric power for Carolina Overlook North will be provided by Duke Energy. A street/site lighting plan will be provided, in compliance with all municipal lighting standards, as part of the Construction Drawing review.

F. Energy Efficient Features

Eco-friendly and energy efficient features will include a minimum of three of the following: Energy efficient home tested and certified by a third party to the Duke Energy Progress HERO standards including blower door testing on all homes; 17 seer gas heat and central air conditioning installed within conditioned space; digital programmable thermostat on each HVAC system; low-E vinyl single hung windows with insulated glass; Grade 1 R-15 fiberglass batt insulation in exterior wall system; R-38 blown fiberglass insulation in all heated ceiling areas; 50 gallon gas water heater; continuous ridge and soffit vents for maximum attic airflow; oriented strand board (OSB) exterior wall sheathing with house-wrap weather protection system installed to provide comfort and energy-efficiency helping to control moisture intrusion; poly seal on windows and doors to prevent water and air intrusion; Advanced Framing Techniques utilizing California Corners, Ladder Blocking and Draft Stopping in unconditioned areas to improve energy efficiency; Subfloor installation properly fastened with upgraded fasteners and glued to joists; water saving toilets.

Equivalent energy-efficient construction material may be substituted for any items noted above.

G. Natural Resources + Environmental Protection

The Comprehensive Growth Plan identifies a portion of the property between Brookhill Drive and the Neuse River as part of the Neuse River Forest Natural Heritage Program Area.

70+/- acres of preserved Resource Conservation Area are shown on the site and depicted on the Master Plan. Per the Clayton Unified Development Code (UDC), the RCA will be permanently protected from development apart from passive recreational uses as defined in the UDC or as otherwise allowed by the Town of Clayton.

The Master Plan shows several proposed vehicular access crossings over the stream to provide movement throughout the site. The crossings will be reviewed and permitted by the appropriate state and federal agencies.

H. Parking

Except where otherwise noted and approved by the Clayton Town Council, parking for all uses included in Carolina Overlook North shall comply with the UDC in effect at the time of this approval.

I. Development Standards + Modifications

The following table summarizes the Lot Standards that will govern the development of the Carolina Overlook North neighborhood.

LOT STANDARD	41' SINGLE FAMILY	51' SINGLE FAMILY	65' SINGLE FAMILY	40' Townhomes
Minimum Lot Size	4,700 SF	6,000 SF	8,000 SF	4,400 SF
Minimum Lot Width	41'	51'	65'	40'
Maximum Impervious	75%	70%	70%	90%
Maximum Building Height	35'	35'	35'	35'
Maximum Building Coverage	2,945 SF	3,895 SF	5,225 SF	3,060 SF
Minimum Garage Setback	21.5'	21.5'	21.5'	25'
Minimum Setback				
Front	15'	15'	15'	15'
Corner	-	11'	11'	11'
Side	5'	5'	5'	5'
Rear	20'	20'	20'	20'

As permitted in Conditional Zoning with Master Plan, the following modifications from the Clayton UDC are proposed:

- Section 155.203, Table 2-3 requires that any single-family detached lot be a minimum of 6,000 sf in size. The Carolina Overlook North neighborhood will include a minimum SF lot size of 4,700 SF.
- Section 155.203, Table 2-3 requires that SF front setbacks be 25 feet. Front-loaded single-family and townhome units will provide a minimum front setback of 15 feet rather than the UDC standard of 25 feet.
- Section 155.203, Table 2-3 requires the minimum garage setback from the back of sidewalk to the garage door on front-loaded units to be 25 feet. Carolina Overlook North will provide a minimum garage setback of 21.5 feet on the 41', 51' and 65' wide lots for consistency with the approved Carolina Overlook South development while preserving availability for rear structural options. All proposed townhome units will meet the 25' minimum setback.
- Section 155.203, Table 2-3 requires a minimum lot area of 4,800 SF for 2-unit townhouse units. Carolina Overlook North will provide a minimum lot area of 4,400 SF for 2-unit townhomes.

- Section 155.301(H)(2.b) requires garage doors for townhomes to not exceed 50% of the individual townhouse unit. Carolina Overlook North requests that this requirement be removed to accommodate garage spaces and façade features.
- Section 155.602(G)(1) requires residential street cul-de-sac serving lots less than 20,000 sf in size be no more than 750 feet in length. Carolina Overlook North requests that this standard be increased to 1,000 feet for a single cul-de-sac located in the southeast portion of the site to the east of the first entrance off Covered Bridge Road. All other cul-de-sac design standards shall be met.

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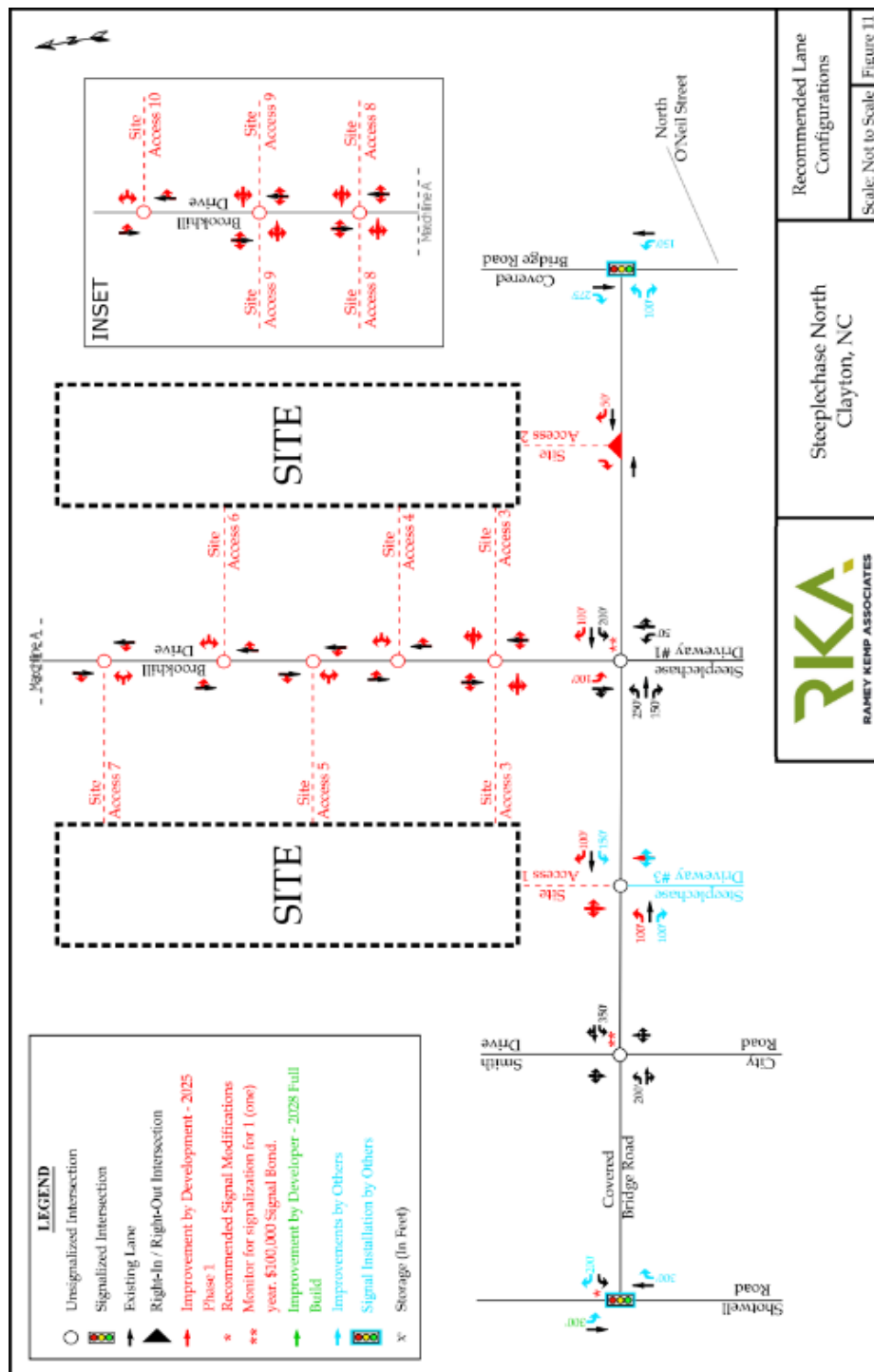
Infrastructure + Public Facilities

A. Transportation Impact Analysis

A Transportation Impact Analysis was prepared by Ramey Kemp & Associates in June 2023 for the subject property. The following improvements, as shown in the TIA (included in the Appendix) will be required to support the development of the Carolina Overlook North neighborhood.

Roadway/Intersection	Recommended Improvements
Covered Bridge & Shotwell Road	- Signal timings modification. - Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
Covered Bridge Road & Smith Drive/ City Road	Monitor Signalization for one year.
Covered Bridge Road & Site Access #1 /Steeplechase Driveway #3	- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct a westbound right turn lane with 100 feet of storage and appropriate taper. - Construct an eastbound left turn lane with 100 feet of storage and appropriate taper.
Covered Bridge Road & Brookhill Driveway	- Construct a southbound left-turn lane with 100 feet of storage and appropriate taper. - Construct a westbound right turn lane with 100 feet of storage and appropriate taper. - Monitor for signalization for one year.
Covered Bridge Road & Site Access #2	- Construct the southbound approach with one ingress lane and one egress lane striped as a right-turn lane. - Construct a westbound right turn lane with 50 feet of storage and appropriate taper.
Brookhill Drive & Site Access #3	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #4	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #5	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #6	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

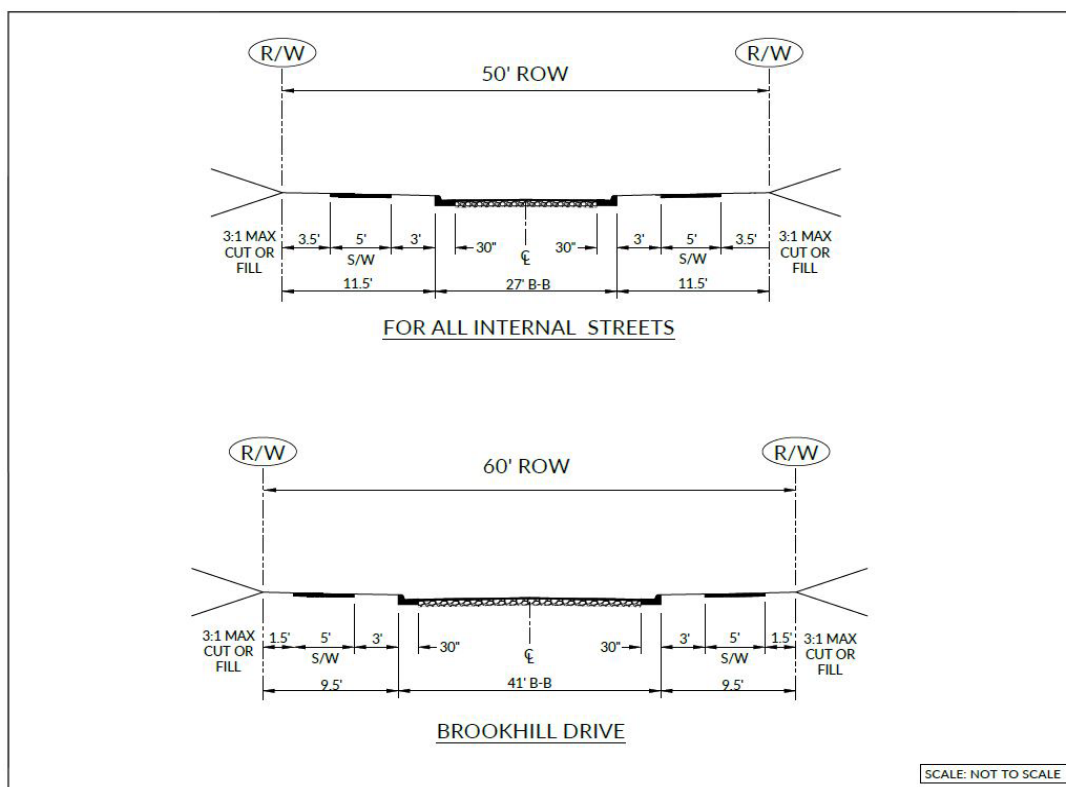
Brookhill Drive & Site Access #7	Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.
Brookhill Drive & Site Access #8	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #9	- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right. - Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.
Brookhill Drive & Site Access #10	Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.
Recommended at Full Build: Covered Bridge & Shotwell Road	Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
	Extend southbound right-turn lane to 300 feet of storage with appropriate taper.



B. Streets + Sidewalks + Connectivity

Brookhill Drive will serve as the primary roadway connecting south across Covered Bridge Road to Carolina Overlook and to the north into the Ole Mill Stream neighborhood. Carolina Overlook North features a pedestrian-friendly public street network that will be constructed to meet Town of Clayton and NCDOT standards, as appropriate. Sidewalks will be constructed on both sides of all streets, including cul-de-sacs, providing over 10 miles of off-street walking and biking options.

The Typical Street Cross Sections are depicted below:



Note: Valley curbs may be used along frontage of lots for the subdivision. Standard curbs may be used along all open spaces and sides of lots.

C. Refuse Collection/Recycling

Trash collection within Carolina Overlook North will be provided by municipal waste collection. All trash collection will be at the garage/driveway for each unit and trash/recycling bins will be stored within garages.

D. Fire Protection

The public street network has been designed to accommodate Town of Clayton fire apparatus vehicles. All units will be accessed from a public street designed to meet Town standards.

E. Stormwater Management

The proposed development is located within the Neuse River Basin and will require stormwater management measures for quality and quantity control in accordance with the Town of Clayton Stormwater Design Manual and the Stormwater Management Ordinance in effect at the time of approval, as outlined in Section 158 of the Clayton UDO. A network of underground piping will convey storm drainage from impervious areas to the proposed Stormwater Control Measures. The number, location, and adequate sizing for these devices will be verified during final site design. All SCMs will be required to meet North Carolina Department of Environmental Quality and Town of Clayton design requirements at the time of site construction drawing submittal.

F. Water + Sewer

Per discussions with staff, the Town has adequate capacity to provide water to the development. All water and sewer lines will be designed to meet Town of Clayton Standards and Specifications. A public waterline currently exists along the frontage of the site and wastewater allocation request has been filed in conjunction with the Conditional Zoning/Master Plan submittal which shows a total score of 55 points. Additionally, a downstream sewer analysis is currently being conducted. Utility easements will be procured through the Ashcroft Section 2 site to access the Town's new Neuse River Water Reclamation Facility.

7

Del Webb Product – Typical Building Elevations

(All single family elevations are for illustrative purposes only)



(All townhome elevations are for illustrative purposes only)



8

Conditional Zoning Approval Criteria

Per the Town of Clayton Conditional Zoning with Master Plan Application the following Approval Criteria must be addressed:

1. Consistency with the adopted plans of the Town.

The request to rezone the subject parcel from R-8 and R-10 to CZ-R is consistent with the Future Land Use Map and many of the goals, strategies and policies of the 2045 Comprehensive Growth Plan.

- **Goal LU-1:** Preserve Clayton's character while allowing for growth and development in appropriate areas.
- **Strategy LU 1.1.2:** Support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- **Policy LU 1.2:** Encourage developments which incorporate high-quality design and enhance the quality of life for existing and future residents of the Town.
- **Strategy LU 1.2.2:** Encourage high-quality design in residential projects.
 - New developments should contain attractive streets including a planting strip with street trees and sidewalks.
 - New developments should be designed to preserve a significant amount of open space. Open space should be located to preserve significant trees, riparian areas, views, and environmental constraints such as steep slopes, wetlands, and floodplains.
- **Goal LU-3:** Encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- **Strategy LU 3.1.4:** Encourage or require a mix of lot sizes (2+) in some areas (target areas could be HDR, MDR, and LDR areas and associated zoning districts).
- **Strategy LU 3.1.4:** Encourage a range of housing types and styles through the Conditional Zoning process.
- **Policy LU 3.1:** Encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use Map.
- **Policy NR 1.1:** Preserve key natural areas while accommodating new development.

2. Suitability of the subject property for uses permitted by the current vs. the proposed conditional district.

The subject site is located within close proximity to two Planned Developments (Carolina Overlook and Ashcroft Section 2) and is immediately adjacent to two existing, Johnston County, single-family neighborhoods. The conditional rezoning will allow for a variety of residential home styles and lot sizes at a density in keeping with the the Town's Future Land Use Map. All subsequent submittals, including Site Plan and Construction Drawings, will be designed in accordance with the UDC unless specifically stated otherwise in the Master Plan and conditions of approval.

3. Whether the proposed change tends to improve the balance of uses, or meet specific demand in the Town.

The proposed rezoning and associated Master Plan will allow the site to developed in a comprehensive manner in accordance with the the Town's Comprehensive Growth Plan and associated Future Land Use Map. The rezoning will allow the development of additional residential uses to provide housing type choices and multiple lot sizes. Apartments are specifically excluded from this rezoning request.

4. The capacity of adequate public facilities and services including schools, roads, recreational facilities, wastewater treatment, water supply facilities and stormwater drainage facilities is available for the proposed conditional district.

Adequate public facilities, including schools, roads/streets, recreation facilities, wastewater treatment facilities, water supply, and stormwater facilities are all either existing or will be improved to meet the needs of the proposed residential neighborhood.

Schools – While at least 80 percent of the homes in the Carolina Overlook North neighborhood will be restricted to those 55+ in age; 20 percent of the homes (no more than 150 homes) could be occupied by individuals less than 55+ in age that could have school age children.

The property would be served by the Johnston County School System. According to the Johnston County Public Schools website, this community is in the attendance area for Cooper Academy, Riverwood Middle School, and Clayton High School. Cooper Academy and Clayton High School are on the JCPS Capped List for 2023-2024.

Roads – A Traffic Impact Analysis was prepared by Ramey Kemp & Associates and is attached as an Appendix to this document. There will be three main points of access off of Covered Bridge Road into the site. The main access will be at Covered Bridge Road and Brookhill Drive. Connection points are shown at Michael Way, and Brookhill Drive.

The street network will consist of public streets in accordance with the Town of Clayton typical cross sections. Transportation improvements recommended by the TIA will be incorporated into the Master Plan and constructed at the appropriate phase in development.

Recreational Facilities – The Carolina Overlook North neighborhood and associated conditional rezoning, meets all UDC requirements for recreation and open space. The neighborhood amenities include a clubhouse (with meeting rooms and fitness facility), an outdoor pool, pocket parks, dog park, community garden and walking trails. Recreation fees, on a per unit basis, will be paid as required in the Comprehensive List of Fees and Charges.

Stormwater Management – The property is within the Neuse River Basin and is subject to Neuse River Basin nutrient requirements as well as Town of Clayton UDC and Stormwater Design Manual provisions.

Water and Sewer – Per discussions with staff, the Town has adequate capacity to provide water to the development. A wastewater allocation request has been filed in conjunction with the Conditional Zoning/Master Plan submittal and shows a total score of 55 points. Utility easements will be procured through the Ashcroft Section 2 site to access the Town's new Neuse River Water Reclamation Facility.

5. It has been determined that the legal purposes for which zoning exists are not violated.

The legal purposes for which zoning exists have not been violated. This application for a proposed conditional rezoning is in compliance with the Town's conditional zoning regulations as noted in the UDC.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

As the proposed rezoning and resultant development must meet Town of Clayton requirements for approval (traffic, infrastructure, UDC, etc.) there should be no adverse impact to adjoining property owners.

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

No one property owner or small group of property owners will benefit materially from the zoning change or development of the property.

9

Master Plan Approval Criteria

1. Compliance with code section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter.

The proposed master plan is in accordance with UDC sections 155.203(L) and 155.705. The proposed development standards and design guidelines are appropriate for the residential uses permitted in the CZ-R district and are compatible existing land uses. Except as noted as a modification, the master plan and conditional rezoning request comply with all standards specified in UDC Section 155.400 through 155.405.

2. Consistency with Clayton General Design Guidelines.

The proposed master plan is consistent with the Town's adopted General Design guidelines. The plan has been thoughtfully designed to minimize impacts to existing environmental resources, provides appropriate vehicular and pedestrian connectivity; and provides multiple elevations and committed architectural standards as a zoning conditions.

3. Conformance of the proposal with the stated purpose of the requested conditional zoning district.

The allowed residential uses within the Carolina Overlook North Conditional Zoning include single family detached, and townhouse products at an overall density of just over 2.1 units per acre which is consistent with the FLUM designations. The neighborhood provides a variety of recreational amenities including a pool and clubhouse, multiple pocket parks, and vehicular and pedestrian connectivity throughout the neighborhood and across Covered Bridge Road to the first Del Webb community. The zoning conditions and architectural standards will provide for a thoughtfully designed community.

4. Compatibility of the proposed development with the adjacent community.

The proposed neighborhood is both complimentary to and compatible with the adjacent community. The site is located across Covered Bridge Road from the original Carolina Overlook community, is across O'Neil Street from Ashcroft Section 2 (a previously approved Planned Development District neighborhood) and is adjacent to two existing Johnston County single family neighborhoods to the north.

5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out.

Carolina Overlook North has been thoughtfully designed to minimize impacts to the natural environment, preserves approximately 70 acres (nearly 20 percent of the site) as RCA, and continues the high-quality design and exceptional amenities approved in the initial Carolina Overlook neighborhood. The associated design guidelines and architectural standards will ensure a unified, cohesive neighborhood.

6. Compatible relationships between each component of the overall project.

Through creative and environmentally sensitive land planning, the proposed master plan preserves nearly 20 percent of the site RCA while also providing a thoughtful neighborhood layout.

7. Self-sufficiency of each phase of the overall project.

The master plan is designed to ensure appropriate infrastructure improvements are completed at each phase of the project. The applicant commits to begin construction of the clubhouse and pool prior to receipt of the Certificate of Occupancy for the 375th unit/lot.

8. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.

The required TIA recommended multiple improvements, all of which are included in the associated master plan. A wastewater allocation request has been submitted that exceeds the minimum number of required points with a total score of 55 points.

9. The fiscal impact of the proposal and the proposed financing of required improvements.

The proposed development will yield an estimated \$70 million infrastructure investment in the Town of Clayton. In addition, the development will pay required System Development and Recreation fees.

10. The success of the proposal in providing adequate pedestrian and bicycle links within the development and the adjacent community.

Sidewalks will be constructed on both sides of all streets, aside from cul-de-sacs, providing over 10 miles of off-street walking and biking options. Brookhill Drive will serve as the main roadway through the site connecting Ole Mill Stream to the north and the original Del Webb community across Covered Bridge Road providing enhanced connectivity and recreational opportunities for the residents of Carolina Overlook North. Furthermore, a high visibility crosswalk will be provided at the intersection of Brookhill Drive and Covered Bridge Road to allow pedestrians to connect to the southern portion of Carolina Overlook.

11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

The Carolina Overlook North neighborhood has been thoughtfully designed and density has been limited to preserve approximately 70 acres of RCA.

10

Zoning Conditions

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire Standards, except where specifically modified by the approved Master Plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. The following uses are permitted by-right within the areas identified on the associated Master Plan:
 - a. Single-Family Detached
 - b. Townhouse
 - c. Park
 - d. Parking Lot
 - e. Food Truck
 - f. Associated Residential Accessory Uses
5. No more than 20 percent of the residential units may be constructed as Townhome units.
6. No townhome units are allowed adjacent to the existing residential subdivision/Clayton ETJ boundary to the north and northwest of the site.
7. Apartments are specifically excluded from the list of permitted uses.
8. Each SF detached unit shall provide either two (2) or three (3) car garage spaces and two (2) driveway parking spaces. Each SF attached unit shall provide a minimum of one garage space and one driveway space.
9. The HOA shall maintain all areas of common open space including landscape medians at entrances and perimeter buffers.
10. At least 80 percent of the occupied dwellings in the community must be occupied by at least one occupant who is 55 years of age or older in accordance with the Housing for Older People Act (HOPA).
11. The following standards will apply to the development:
 - a. Maximum number of dwelling units will not exceed 750.
 - b. Maximum density: 2.1 units per acre.
 - c. Density may be modified so long as the maximum dwelling units per acre remains consistent with the approved TIA.
 - d. Minimum lot size: 4,400 SF (2-Unit Townhomes)

- e. Minimum lot size: 4,700 SF (Single Family Detached)
 - f. Front loaded single family detached units will provide a minimum garage setback of 21.5 feet.
 - g. Townhome units will provide a minimum garage setback of 25 feet.
 - h. All minimum dimensional standards as specified in the Master Plan.
12. The development will include the following active amenity areas:
- a. Community Clubhouse/Meeting Space with Fitness Facility
 - b. Outdoor Pool
 - c. Walking Trails
 - d. Fenced Dog Park
 - e. Pocket Parks
 - f. Community Garden
13. The Town of Clayton Planning Director may administratively waive the required connections to Smith Drive, Missy Lane, and William Lane due to the private status of these roadways in the Clayton ETJ.
14. Construction of the proposed clubhouse amenity and pool prior to receipt of the Certificate of Occupancy for the 375th unit/lot.
15. The widening of Brookhill Drive shall be completed by the 50th Certificate of Occupancy.
16. Active open space plans are to be submitted and reviewed separately from Construction Drawings/Site Plan.
17. Eco-friendly and energy efficient features will include three of the following: Energy efficient home tested and certified by a third party to the Duke Energy Progress HERO standards including blower door testing on all homes, 17 seer gas heat and central air conditioning installed within conditioned space, digital programmable thermostat on each HVAC system, low-E vinyl single hung windows with insulated glass, Grade 1 R-15 fiberglass batt insulation in exterior wall systems, R-38 blown fiberglass insulation in all heated ceiling areas, 50 gallon gas water heater, continuous ridge and soffit vents for maximum attic airflow, oriented strand board (OSB) exterior wall sheathing with housewrap weather protection system installed to provide comfort and energy-efficiency helping to control moisture intrusion, poly seal on windows and doors to prevent water and air intrusion, Advanced Framing Techniques utilizing California Corners, Ladder Blocking and Draft Stopping in unconditioned areas to improve energy efficiency, Subfloor installation properly fastened with upgraded fasteners and glued to joists, water saving toilets.

Equivalent energy-efficient construction material may be substituted for any items noted above.

18. HVAC units will be screened on the side fronting a public street with the use of evergreen shrubs. On corner lots, shrubbery will be added to screen the front and side of HVAC units.
19. Road Improvements from Transportation Impact Analysis (TIA) prepared by Ramey Kemp Associates (with NCDOT approval) to be constructed by developer:

Phase 1

Covered Bridge & Shotwell Road

- Signal timings modification.

Covered Bridge Road & Smith Drive/ City Road

- Monitor for signalization for one year.

Covered Bridge Road & Site Access #1 /Steeplechase Driveway #3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Construct an eastbound left turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & Brookhill Driveway

- Construct a southbound left-turn lane with 100 feet of storage and appropriate taper.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Monitor for signalization for one year.

Covered Bridge Road & Site Access #2

- Construct the southbound approach with one ingress lane and one egress lane striped as a right-turn lane.
- Construct a westbound right turn lane with 50 feet of storage and appropriate taper.

Brookhill Drive & Site Access #3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #9

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Full Build**Covered Bridge & Shotwell Road**

- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
- Extend southbound right-turn lane to 300 feet of storage with appropriate taper.

20. A 30 foot undisturbed buffer will be provided along the northern boundary that abuts the Olde Mill Stream Subdivision. The undisturbed buffer will be supplemented where necessary to provide a Type C buffer.

21. The project will exceed the allowable cul-de-sac length in three (3) locations; but shall not exceed 1200 feet in length, including a branching stem. Appendix D, Section D103, of the adopted North Carolina State Fire Code allows cul-de-sacs to exceed 750 feet with approval. The excess length is due to environmental,

topographic, and easement constraints. The extension of the cul-de-sac length will minimize stream crossings and environmental impacts.

22. The detention provided within the drainage area discharging to the point of analysis along the project's property boundary that intersects adjacent property boundaries with NCPINs 176000-44-8293 and 176000-54-1106 will maintain or reduce peak flow rates at the boundary analysis point compared to those of existing peak flow rate calculations for the 1-yr, 10-yr, 25-yr, and 50-yr, 24-hr storm events.
23. Double lined silt fencing will be provided along the grading boundaries along the east side of the property.
24. Subject to review and approval by the Town and NCDOT, a high visibility crosswalk, or other similar type of improved pedestrian crossing, will be installed across Covered Bridge Road at Brookhill Drive.
25. The project shall have a minimum of three phases to be determined at the time of Site Subdivision Construction Drawing.
26. A minimum of two educational signs shall be posted near riparian buffers and trails on the eastern side of the parcel to educate the residents and visitors about the significance of the Neuse River and the Natural Heritage Area.
27. The following Architectural Standards shall be met:
 - a. Units will be a mixture of one-story, one and one-half stories, and two-story with a variety of elevations. Units of the same elevation shall not be side by side. Exterior color schemes will not be repeated side by side.
 - b. Townhome units shall be limited to no more than three attached units per building.
 - c. All homes will have a combination of two or more of the following materials on the front façade: stone, brick, lap siding, fiber cement siding, shakes or board and batten. Vinyl may be used for soffits, fascia, and corner boards.
 - d. Vinyl siding will not be used on front, side, or rear facades with the exception of trim such as soffits, fascia, and corner boards.
 - e. A minimum of fifty percent of all residential units shall have a covered front porch or stoop.
 - f. Architectural style shingles to be used.
 - g. Rear concrete pad/patio will be provided on a minimum of fifty percent of all residential units.
 - h. To accommodate larger garage spaces and façade features, garage doors may constitute more than 50% of the width of the proposed townhomes.
28. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

MASTER PLANS FOR

CAROLINA OVERLOOK - NORTH

TOWN OF CLAYTON, NORTH CAROLINA

FEBRUARY 09, 2024

SITE DATA TABLE

NAME OF PROJECT:	CAROLINA OVERLOOK NORTH
TOWN:	TOWN OF CLAYTON
TOWN PROJECT NO.:	2023-115-CZM
PARCEL PIN NO.:	176000-51-7806
SITE ADDRESS:	COVERED BRIDGE ROAD & BROOKHILL DRIVE, CLAYTON, JOHNSTON COUNTY, NC
PROPERTY OWNER:	RAYMOND ELMORE EARP, JR FAMILY TRUST NANCY CREW TRUSTEE & WORLEY, MARY EARP
OWNER ADDRESS:	1109 SUMTER COURT, SALISBURY, NC 28144
TOTAL SITE ACREAGE:	+/- 362.75 AC / 15,801,390 SF
RCA:	+/- 70 AC / 3,049,200 SF
NET:	+/- 292.75 AC / 12,752,190 SF
WATERSHED:	NEUSE RIVER
EXISTING ZONING & LAND USE:	R-8 & R-10 / VACANT
PROPOSED USE:	SINGLE FAMILY DETACHED, TOWNHOMES
PROPOSED DENSITY (UNITS/ACRE):	+/- 2.1 DU/AC (750 LOTS / 362.75 AC)
PROPOSED NUMBER OF UNITS:	750 MAX
ATTACHED PRODUCT:	20% MAX
WATER (PUBLIC):	TOWN OF CLAYTON, EAST WATER SYSTEM
SEWER (PUBLIC):	TOWN OF CLAYTON
ELECTRIC:	DUKE ENERGY
MAX BUILDING HEIGHT:	TWO (2) STORY, HEIGHT 35 FT
REQUIRED OPEN SPACE	
PASSIVE:	+/- 16.08 AC / 700,445 SF
IMPROVED:	+/- 5.36 AC / 233,482 SF
PROPOSED OPEN SPACE	
PASSIVE:	+/- 43.5 AC / 1,894,860 SF
IMPROVED:	+/- 6.5 AC / 283,140 SF
STREETS:	29,000 LF
ROW:	29,000 LF / 33 AC
SIDEWALKS:	58,000 LF



SHEET INDEX

Sheet Number	Sheet Title
C0.00	COVER
C2.00	OVERALL MASTER PLAN
C3.00	OPEN SPACE PLAN
C4.00	TYPICAL ROADWAY SECTIONS & TIA RD IMPROVEMENTS
A1.00	ARCHITECTURAL ELEVATIONS

CONTACT LIST:

Project Manager
Colleen Duryea, P.E.
WithersRavenel
115 MacKenan Drive
Cary, NC 27511
919-469-3340
cduryea@withersravenel.com



PRELIMINARY
NOT APPROVED
FOR CONSTRUCTION



WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

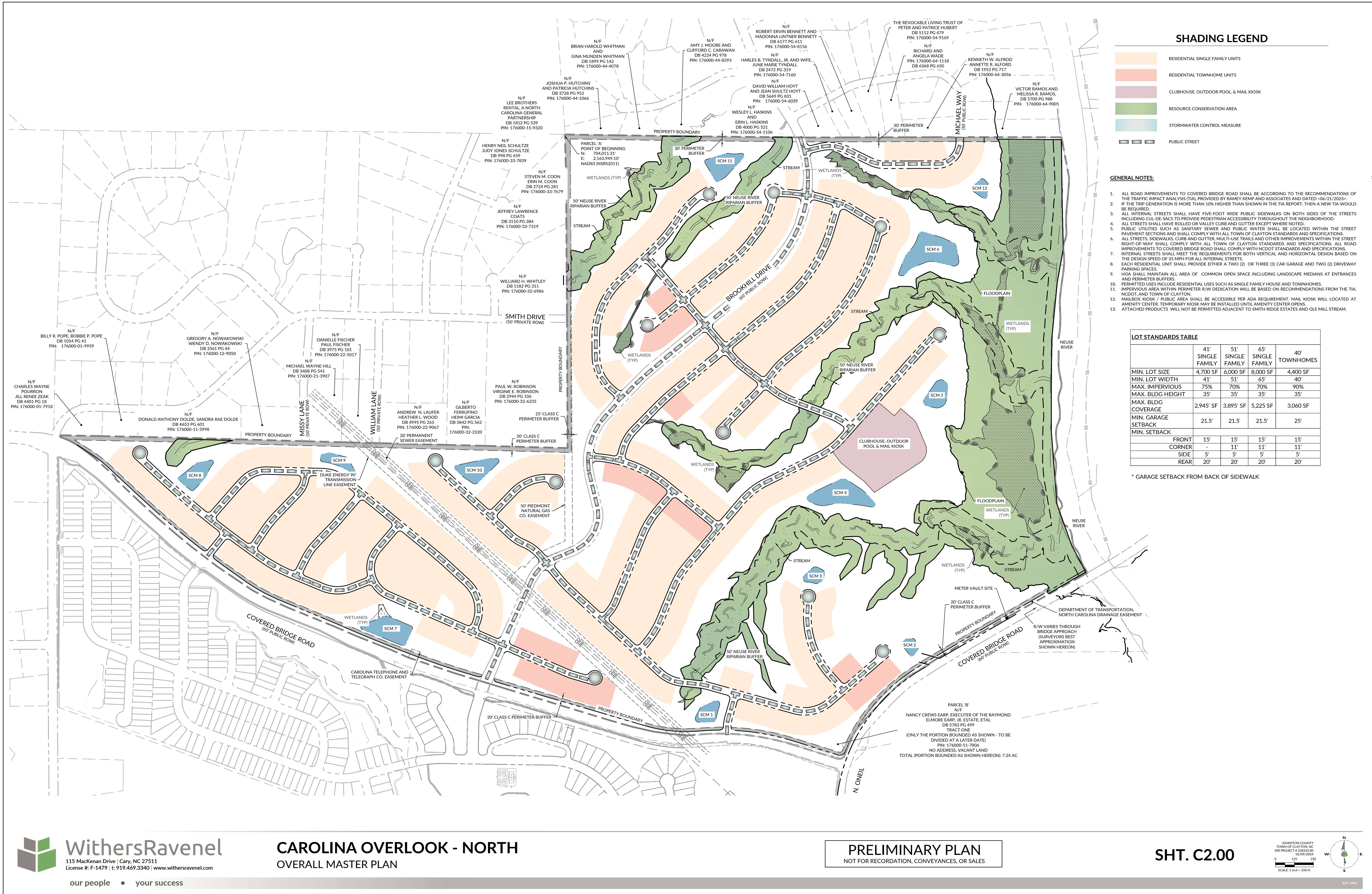
PREPARED BY:

DEVELOPER:
**PULTE HOME
CORPORATION, LLC.**

1225 CRESENT DRIVE, SUITE 250
CARY, NC 27518
PHONE #: (919) 816-1155
ATTENTION: CHRIS RAUGHLEY



MASTER PLANS FOR
CAROLINA OVERLOOK - NORTH
WP PROJECT NO: 200325-00
JOHNSTON COUNTY
TOWN OF CLAYTON, NC
FEBRUARY 09, 2024



OPEN SPACE	TOTAL REQUIRED	TOTAL PROPOSED
TOTAL OPEN SPACE (1,245 SF PER UNIT)	1,245 SF X 750 UNITS = 933,750 SF +/- 21.44 AC	+/- 50.0 AC
Improved Open Space	25% of Required Open Space 21.44 x .25 = +/- 5.36 AC (233,482 SF)	Amenity Center - +/- 4.5 AC Pocket Parks/Dog Park +/- 2.0 AC +/- 6.5 AC (283,140 SF)
Passive Open Space	75% of Required Open Space 21.44 x .75 = +/- 16.08 AC (700,445 SF)	Perimeter Buffers, Natural Open and Wood Areas +/- 43.5 AC (1,894,860 SF)



SHADING LEGEND

RESOURCE CONSERVATION AREA

GENERAL PASSIVE OPEN SPACE

IMPROVED OPEN SPACE

CLUBHOUSE, OUTDOOR POOL, & MAIL KIOSK

PERIMETER BUFFER

STORMWATER CONTROL MEASURE

PUBLIC STREET

- NOTES:
- ALL RESOURCE CONSERVATION AREAS SHALL REMAIN UNDISTURBED PER THE REQUIREMENTS OF ARTICLE 5 OF THE UNIFIED DEVELOPMENT ORDINANCE.
 - ALL AREAS THAT WILL BE PRESERVED SHALL BE DELINEATED BY ORANGE TEMPORARY FENCING DURING GRADING AND CONSTRUCTION.
 - ALL OPEN SPACE AREAS AND THE AMENITY CENTER SHALL BE SUBMITTED AS MINOR SITE PLANS.
 - ALL RECREATION AND OPEN SPACE SHALL BE MAINTAINED BY THE HOA.
 - ACTIVE OPEN SPACE AMENITIES TO INCLUDE A COMMUNITY CLUBHOUSE WITH MEETING SPACE AND FITNESS FACILITY OUTDOOR POOL, WALKING TRAILS, FENCED DOG PARK, POCKET PARKS, AND A COMMUNITY GARDEN.

WithersRavenel

115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

our people • your success

CAROLINA OVERLOOK - NORTH

OPEN SPACE MASTER PLAN

PRELIMINARY PLAN

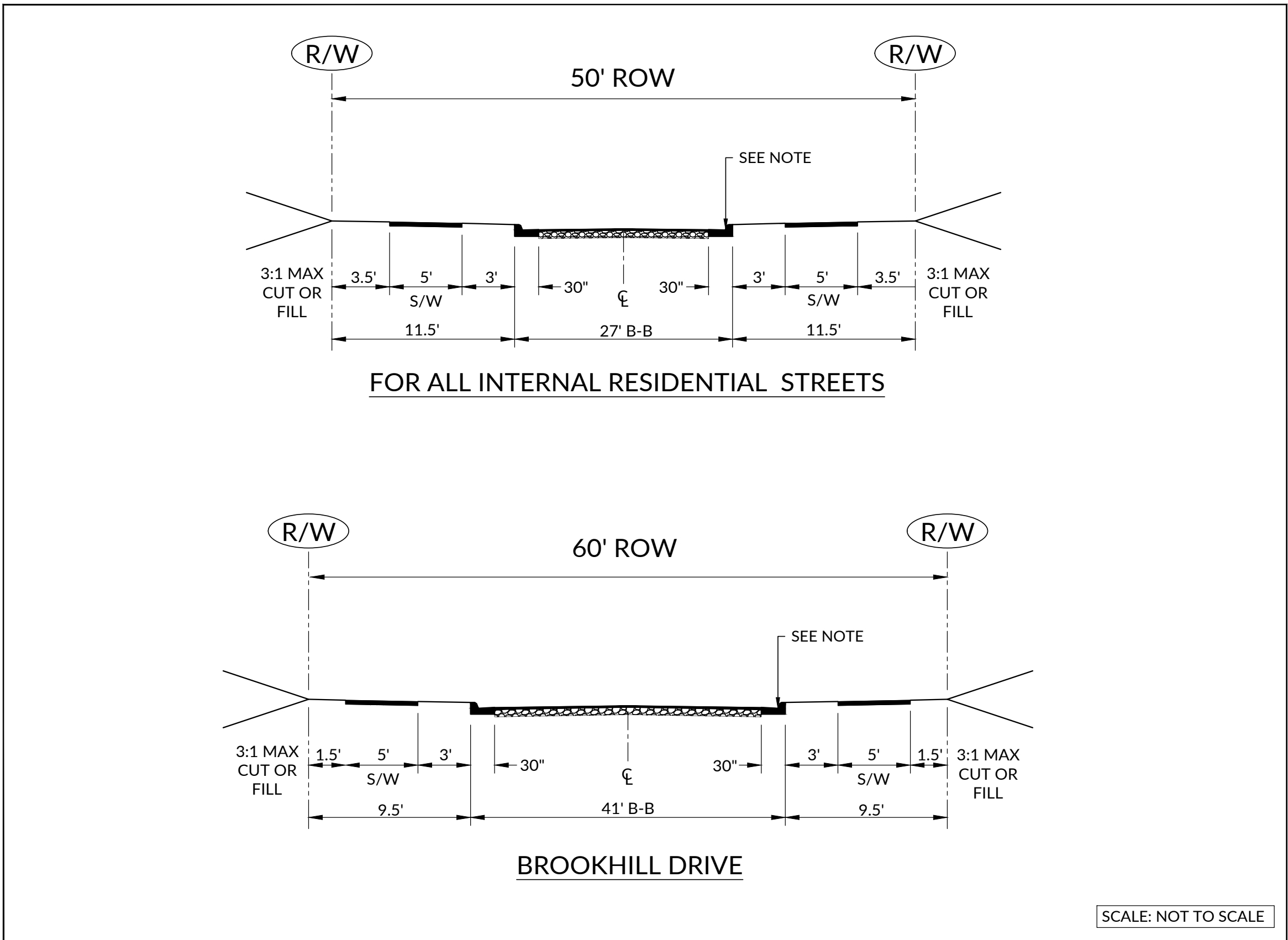
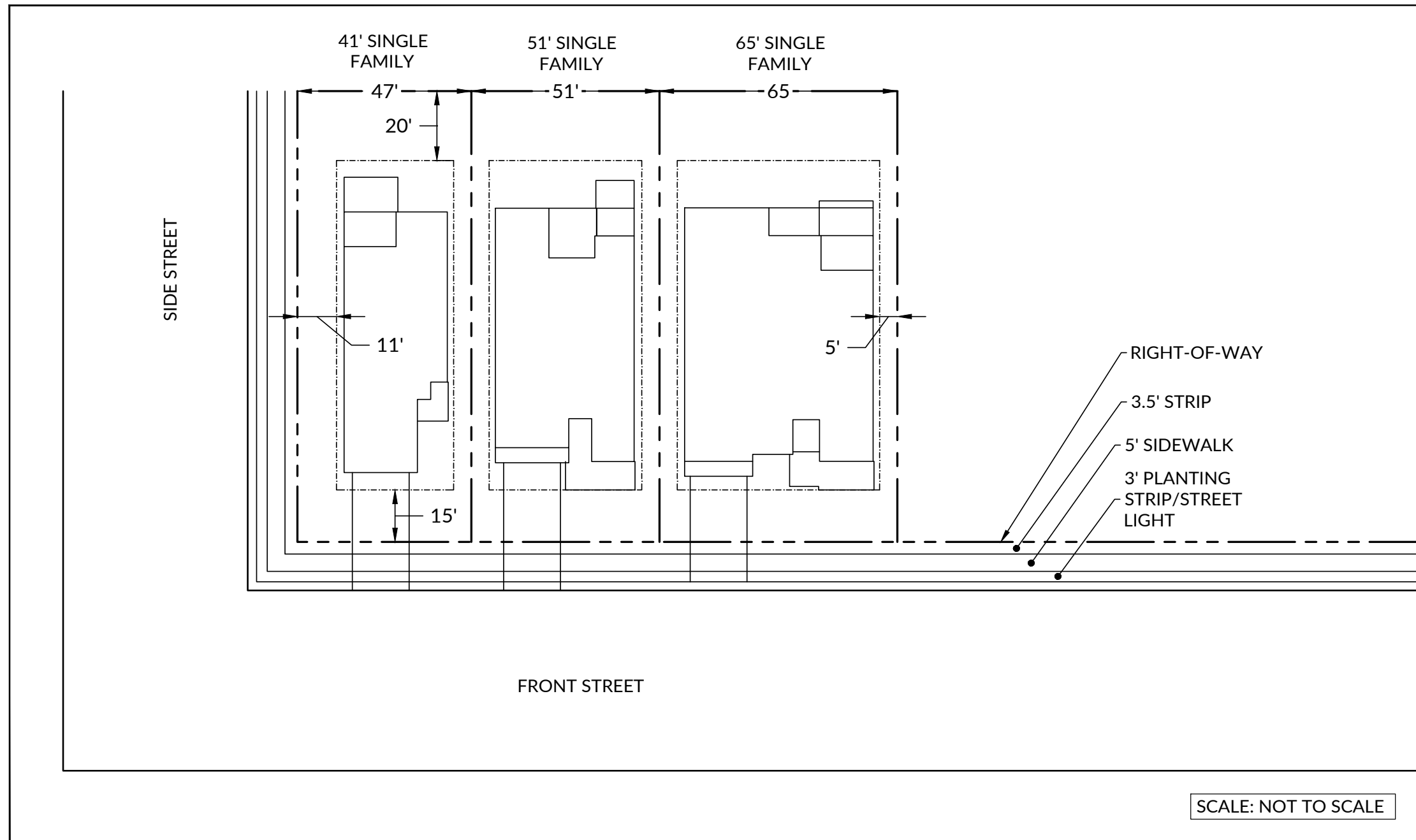
NOT FOR RECORDATION, CONVEYANCES, OR SALES

SHT. C3.00

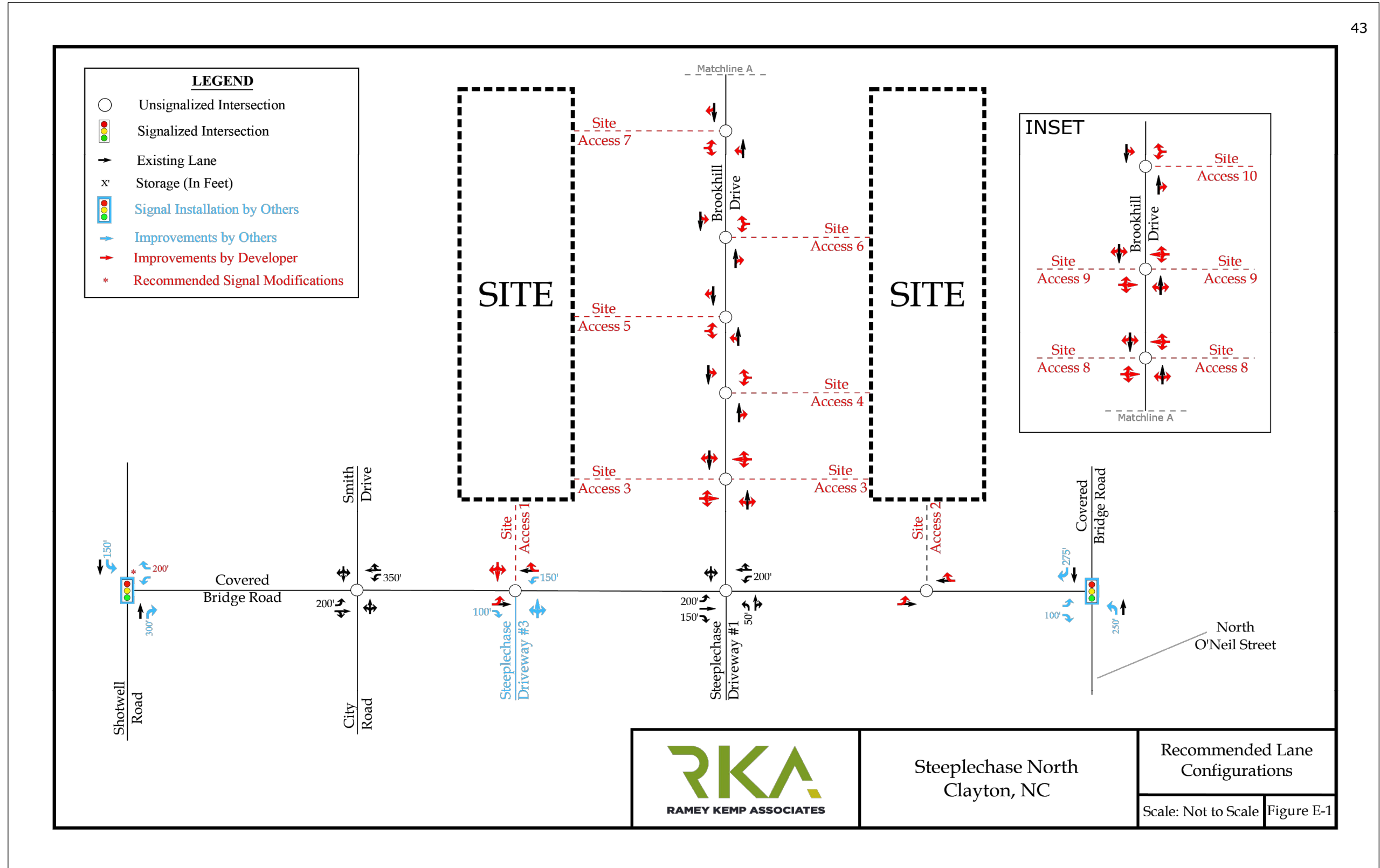
JOHNSTON COUNTY
TOWN OF CLAYTON, NC
WR PROJECT # 200205-00
02/09/2024

SCALE: 1 inch = 250 ft.

N
W
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S



NOTE:
1. VALLEY, ROLLED, OR FLAT FACED CURB MAY BE USED ALONG FRONTAGE OF LOTS FOR THE SUBDIVISION. STANDARD CURB MAY BE USED ALONG ALL OPEN SPACES AND SIDES OF LOTS.

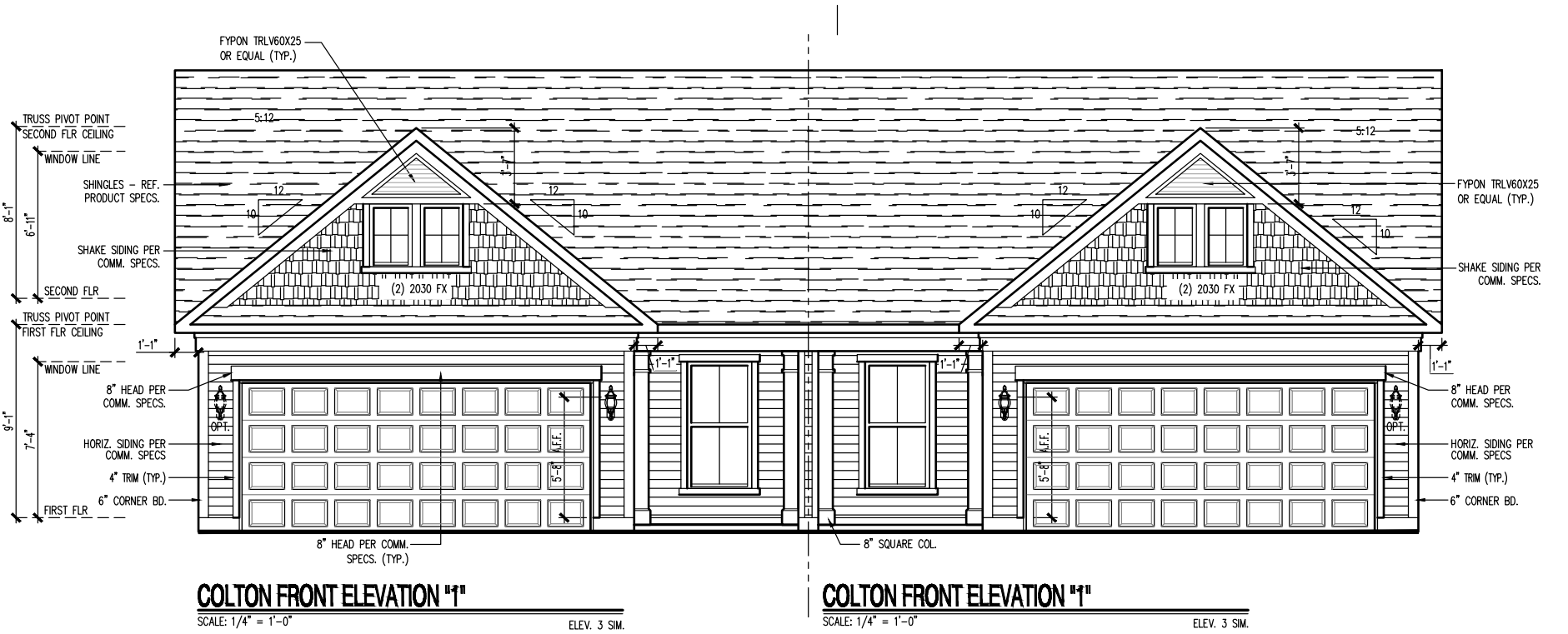


PEDESTRIAN AND VEHICULAR CIRCULATION INTENT AND COMPLIANCE:
INTENT:
1. A VARIETY OF STREET TYPES ARE PROVIDED TO BE ACCESSIBLE TO PEDESTRIANS, BICYCLISTS AND AUTOMOBILES. THE STREET NETWORK ENCOURAGES WALKING AND BIKING, THUS REDUCING THE NUMBER OF AUTOMOBILE TRIPS.
2. PEDESTRIAN AND BICYCLE CONNECTION ARE PROVIDED WITHIN THE NEIGHBORHOOD TO PROVIDE ACCESS TO GREENWAYS, NATURAL FEATURES AND TO SURROUNDING NEIGHBORHOODS.



- ARCHITECTURAL AND CONTEXTUAL STANDARDS FOR ALL RESIDENTIAL HOUSING:**
1. UNITS WILL BE A MIXTURE OF ONE-STORY, ONE AND ONE-HALF STORIES, AND TWO STORIES WITH A VARIETY OF ELEVATIONS. UNITS OF THE SAME ELEVATION SHALL NOT BE SIDE BY SIDE. EXTERIOR COLOR SCHEMES WILL NOT BE REPEATED SIDE BY SIDE.
 2. ALL HOMES WILL HAVE A COMBINATION OF TWO OR MORE OF THE FOLLOWING MATERIALS ON THE FRONT FACADE: STONE, BRICK, LAP SIDING, FIBER CEMENT SIDING, SHAKES OR BOARD AND BATTEN. VINYL MAY BE USED FOR SOFFITS, FACIA, AND CORNER BOARDS.
 3. VINYL SIDING WILL NOT BE USED ON FRONT, SIDE, OR REAR FACADES WITH THE EXCEPTION OF SUCH AS SOFFITS, FACIA, AND CORNER BOARDS.
 4. A MINIMUM OF FIFTY PERCENT OF ALL RESIDENTIAL UNITS SHALL HAVE A COVERED FRONT PORCH OR STOOP.
 5. ARCHITECTURAL STYLE SHINGLES TO BE USED.
 6. REAR CONCRETE PAD/PATIO WILL BE PROVIDED ON A MINIMUM OF FIFTY PERCENT OF ALL RESIDENTIAL UNITS.
 7. TO ACCOMMODATE LARGER GARAGE SPACES AND FACADE FEATURES, GARAGE DOORS MAY CONSTITUTE MORE THAN 50% OF THE WIDTH OF THE PROPOSED TOWNHOMES.

ALL ELEVATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY





November 2, 2023

Dear Clayton Area Property Owner,

This letter serves as an invitation to a meeting regarding a rezoning request filed with the Town of Clayton for the property at 1162 Covered Bridge Road, which is adjacent to or in close proximity to your property.

Meeting Date: November 14, 2023

Meeting Time: 6:00 p.m.

Meeting Location: The Clayton Center - 111 E 2nd St, Clayton, NC 27520

Type of Application: Conditional Zoning

Project/proposal property address: 1162 Covered Bridge Road

Description of project/proposal: Carolina Overlook North is a proposed active adult community with a maximum of 750 residential units located on the vacant 357-acre parcel at 1162 Covered Bridge Road.

The proposed zoning of the subject property is CZ-R from the R-8 and R-10 existing zoning which is consistent with the FLUM designation of LDR and MDR.

The Carolina Overlook North neighborhood would provide a variety of amenities and open space as outlined in the Conditional Zoning Master Plan Narrative.

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

If you have any questions prior to or after this meeting, you may contact us at 919-469-3340. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

WithersRavenel

Brendie Vega

Entitlements Manager

Cc: Town of Clayton Planning Department

115 MacKenan Drive | Cary, NC 27511
t: 919.469.3340 | f: 919.467.6008 | www.withersravenel.com | License No. F-1479
Asheville | Cary | Charlotte | Greensboro | Pittsboro | Raleigh | Southern Pines | Wilmington



*** DISCLAIMER ***

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



Scale: 1:16937 - 1 in. = 1411.38 feet

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

Johnston County GIS
October 19, 2023

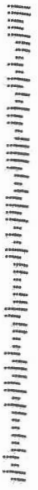
WithersRavenel
115 MacKenan Drive
Cary, NC 27511



RALEIGH NC 275
Research Triangle Region
4 NOV 2023 PM 3 L

Town of Clayton
Planning Department
P.O. Box 879
Clayton, NC 27528

27528-087979



	TOWN OF CLAYTON POLICY	
	Department: Public Services	Effective: January 21, 2020
Policy Title: Water & Wastewater Allocation Policy Version #02 (V.02)	Supersedes: TC Action 2010-026	
	Prepared By: Richard D. Cappola Jr., PE Public Services Director	
	Approved By: Town Council Date: January 21, 2020	

I. Purpose

The Town of Clayton has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacities are among the most important elements of this infrastructure. The intent of this policy is to provide for the judicious allocation of these resources in conformity with adopted goals and priorities in an effort to shape the community consistent with the articulated vision to become the "Premier Community for Active Families." This policy is intended to manage the remaining capacity available until additional capacity is developed through construction of a new Water Reclamation Facility, and should be reviewed periodically to ensure it is achieving the intended purpose.

II. Scope

The Town Council for the Town of Clayton has adopted the Comprehensive Plan 2040 which is a useful tool to successfully evaluate applications for allocation of public resources so that the character of the community shall be consistent with its vision, values, and plans. In accordance with the "Town of Clayton Strategic Growth Plan", utility allocation reservations should support and maximize the concept of increasing the Town's property tax based revenues by the expansion and improvement of higher valued land use development, emphasizing a balance of Residential, commercial, and industrial uses.

III. Policy

The Town of Clayton seeks to grant utility allocations such that the existing character of the Town's utility customer base does not become more residential than is practical to achieve the intent of the Strategic Growth Plan, and seeks to increase the diversity of the customer base by increasing the percentage of resources devoted to industrial, commercial, and mixed use development.

The total amount of available capacity and each incremental increase in capacity should generally be allocated based on the following parameters:

- No more than fifty percent (50%) of the total available capacity may be allocated to projects that include solely residential development.
- At least thirty percent (30%) of the total available capacity shall be reserved for allocation to commercial/industrial projects.
- Projects encompassing mixed use (residential and commercial) elements may be considered for allocation even if such an allocation will exceed the limit established above for residential use.
Note: These percentages may be reviewed and adjusted by the Town Council at their discretion.

Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The Town of Clayton shall track allocation reservations granted and the amount of capacity available. Such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.

The following hierarchy shall apply to evaluation of utility allocation requests:

- Commercial properties with quality development projects
- Development projects with a mixed-use element
- Industrial projects and other major employer entities
- Additional phases attached to residential projects with a proven record of quality product and economic success
- Residential projects that include tangible, high quality community amenities
- Residential projects that include diverse products and opportunities
- Residential projects not otherwise described above

Evaluation of projects will be based on the scoring rubric attached hereto as Exhibit A, which is incorporated in this Agreement by reference. A project must meet or exceed 50 points to receive an allocation. Proposed projects can gain BONUS POINTS by the applicant offering to provide items listed on the rubric as part of their development proposal. Examples of these items may include such things as additional amenities (fire pits, community gardens, etc.) or offering to provide “Minimum of 25% of building façades will be made of masonry materials.”

The Town of Clayton may allocate utility service capacity to competing projects based on a demonstrated intent and ability of the applicant to meet adopted Town goals and plans for character and quality of development. The Town of Clayton reserves the right to deny a utility allocation request if the applicant fails to adequately demonstrate that the project meets adopted Town goals or plans, or in the case that the project is deemed to be less supportive of Town goals or plans of a competing project.

IV. Procedure

The owner or developer of any project requiring water or wastewater utility service from the Town of Clayton shall submit a written application, in the application form provided by Town Staff, for an allocation reservation. The application shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to demand of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the Town of Clayton. In the case of Industrial flows, additional information associated with the constituents shall be required and may be subject to other ordinances or policies of the Town.

- The Town Council shall review for approval all allocations which require or may require a daily flow allocation of ten thousand gallons or more (> 10,000 GPD)
 - The Town Council shall incorporate the evaluation of utility allocation requests into the decision-making process associated with Subdivisions, Mixed-use Planned Developments, and Special Use Permits. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review processes for the accompanying land use application with regard to conformity with Town of Clayton policies and ordinances, planning practices, and consistency with adopted long-range and strategic plans.
 - For allocations requiring Town Council approval, but which do not require other land use regulatory reviews or approvals, the applicant shall provide a full description of how their project supports the goals and priorities established within this and related policies and plans in their application for allocation reservation.

- The Town Manager or their designee shall review for approval all applications for utility capacity which require a daily flow allocation of less than ten thousand gallons (< 10,000 GPD).
 - In addition to the scoring rubric, the Town Manager or their designee shall consider the goals articulated by this and related Town policies when reviewing applications for utility allocations. If an application is denied, the Town Manager or their designee shall state in writing the reasons for denial of the request.

V. General Conditions

- This policy shall replace any previous policies on water and wastewater allocations adopted by the Town Council.
- An allocation will expire if a project has not progressed in construction plan approval, building permit approval, or on-site construction within 12 months of award of the allocation.
- Upon request by the applicant and at the discretion of the Town Engineer, an allocation may be extended for one twelve (12) month period.
- If a project is unsuccessful in obtaining any required Federal, State, or local government permit or approval the reservation shall be retracted. The Town of Clayton shall bear no liability for any costs incurred by the applicant, nor bare further responsibility in the matter.
- Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by Town Ordinance or policy and does not imply or create any vested right.
- Public water may be utilized for irrigation purposes so long as the Primary Use associated with the site has previously gained a water allocation through the Town.
- This policy shall be reviewed annually and, when appropriate, readjusted by the Town Council. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

V. Appeals Process

- Appeal of any provision of this policy shall be made to the Town Council.
- Appeal of any decision on a utility allocation by the Town Manager or their designee shall be made to the Town Council for final decision. Any such appeal shall be placed on the agenda of a regularly scheduled Town Council meeting.



WATER & WASTEWATER ALLOCATION CRITERIA				
TOTAL POINTS = 0 MINIMUM 50 POINTS REQUIRED				
	Category	Points	Calc.	Notes
DEVELOPMENT TYPE ¹ (Choose 1 from this category)	Government/Public Admin./Public Safety	50		
	Non-residential (Commercial) - Retail & Restaurant	30		
	Non-residential (Commercial) - Office	20		
	Non-residential (Commercial) - Warehouse	15		
	Non-residential (Commercial) - Medical	25		
	Non-residential (Commercial) - Hotel/Motel	35		
	Industrial/Manufacturing	30		
	Institutional	15		
	Residential Existing Lot- Single Family Detached	40		Individual Existing Lot construction
	Residential Subdivision - Single Family Detached (> 0.25 Acre Lots)	20		Single Family Homes on Individual Lots greater than 0.25 acres
	Residential Subdivision - Single Family Detached (< 0.25 Acre Lots)	15		Single Family Homes on Individual Lots less than 0.25 Acres
	Residential Subd.- Single Family Attached (> 1,500 SF Heated Space)	10		Townhomes with heated square-footage greater than 1,500 SF
	Residential Subd.- Single Family Attached (< 1,500 SF Heated Space)	5		Townhomes with heated square-footage less than 1,500 SF
	Residential - Multifamily (Apartments)	10		
	Mixed-Residential	25	25	Mix of various lot sizes of Single-family, Townhomes, and Apartments
	Mixed-Use Commercial & Residential	30		Mix of Residential and Non-residential (Commercial) uses
	Downtown Redevelopment	30		
	Infill Development	25		Utilities already exist within 300 Feet of property
FUTURE TAX STATUS (Choose 1 from this category)	Exempt	0		
	Residential	5	5	
	Non-residential	10		
	Industrial	10		
COMMUNITY BENEFIT BONUS POINTS (Choose All that apply from this category)	Cultural Arts/Entertainment for Public	10		
	Sports/Recreation for Public	10		
	Town Electric Customer	20		
	Expansion of existing non-residential use	10		
	Re-development of an existing property	5		Must result in increased property value
	Residential Subdivision - Additional amenities included	5 - 15	15	Pool, Clubhouse, sports courts, etc. - 5 pts per, max 15 pts
	Job Creation - 10 to 25 new jobs	5		
	Job Creation - 26 to 100 new jobs	10		
	Job Creation - 100+ new jobs	15		
	Job creation - Jobs created will have salaries at or above median income	5		Must be greater than 50% of jobs added with documentation to confirm
	Residential - Multiple-Car Garages provided	5	5	
	Residential - Overflow Parking provided	5		Subject to Planning and Engineering support
	Masonry Elements included in Building Construction	10		
	Sustainable/High Efficiency Products and appliances used	5 - 15	5	5 pts per, max 15 pts
	Private trail connection to Public Greenway	10		
COMMUNITY IMPACT DEDUCT POINTS (Choose All that apply from this category)	Pump Station Improvements required ²	-10		Subject to Town policy and standards
	New Pump Station Required ²	-20		Subject to Town policy and standards
	Out-of Town Status (After construction)	-10		
	Outside Fire District	-5		
	Inconsistent with Comp Plan	-5		
CLARIFICATIONS	1	Any Development Type Category not listed is subject to Town Council discretion with staff recommendation.		
	2	The Town Engineer may waive these deductions if the improvements are consistent with Future utility service plans, replace/offline an aging station, or are in the best interest of the Town.		



TOWN OF CLAYTON
Engineering & Inspections Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

WASTEWATER ALLOCATION REQUEST

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

Wastewater Allocation Request Review Fee: \$250

Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.

SITE INFORMATION

Name of Project: Carolina Overlook North **Acreage of Property:** 362.75
County Tag Number: 05H02009B **NC PIN:** _____
Address/Location: 1162 Covered Bridge Road, Clayton, NC

Zoning District: R8/R10
Town Limits / ETJ: ☒ Town Limits ☐ ETJ (Extra-Territorial Jurisdiction)

APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer

Applicant: WithersRavenel, Inc
Mailing Address: 115 Mackenan Drive
Phone Number: 919-469-3340 **Fax:** _____
Contact Person: Colleen Duryea
Email Address: cduryea@withersravenel.com

PROPERTY OWNER INFORMATION

Name: Raymond Elmore Earp Jr
Mailing Address: 1109 Sumter Court, Salisbury, NC 28144
Phone Number: _____ **Fax:** _____
Email Address: _____

FOR OFFICE USE ONLY

Date Received: _____ **File Number:** _____ **Associated Project Number:** _____

PROJECT INFORMATION

Use: ☒ New ☐ Expanded ☐ Change

Use Type: ☒ Residential ☐ Non-Residential

Proposed Use(s): Residential Existing Use(s): Vacant

Invoice shall be mailed to the following:

Developer Name: Pulte Home Corporation, LLC

Mailing Address: 1225 Crescent Drive, Suite 250

Phone Number: 919-816-1155 Fax Number:

Email Address: chris.raughley@pultegroup.com

ALLOCATION REQUEST

The following is required:

- For non-residential construction, submit a floor plan of proposed building.
- Use additional sheets if necessary.
- Provide any documentation supporting/justifying the request as an attachment (using a comparable use is recommended).
- If a phasing / take-down schedule is proposed, include as an attachment.

Residential:

Gross Acreage: 362.75

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units	375	250	93750
>3 Bedroom Units	375	250	93750
Total	750	-----	187500

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total		-----	

Non-Residential: (Design Flow Guideline provided as Appendix A)*

*If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.

Gross Acreage: _____

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
Total			-----	

TOTAL REQUESTED GALLONS PER DAY: _____

NOTE TO APPLICANT:

Invoicing:

Invoices are generated on the following schedule:

Non-Residential:

Generated with the application for a Zoning Compliance Permit.

Residential:

Multi-Family / Apartments:

Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:

Generated at Final Plat submittal.

Fee Development:

Development Fees are calculated and invoiced based on the Town of Clayton adopted [Comprehensive List of Fees and Charges](#). Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

Approval:

Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. 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.

Colleen Duryea

Print Name

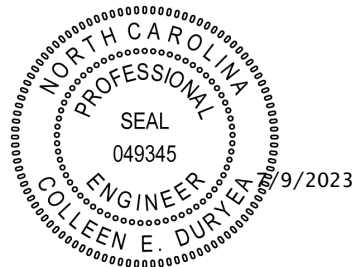
DocuSigned by:
Colleen Duryea
E3CE37D0735C47D...

Signature of Applicant

07/09/2023

Date

Engineer Seal:



TOWN OF CLAYTON OFFICE USE ONLY:

Approved by: ☐ Town Manager

☐ Town Council (*requests of 10,000 GPD or more require Council approval by resolution*)

The **Town Manager / Town Council (circle one)** has authorized the allocation of _____

gallons per day for project # _____.

Date of Approval: _____

Signed:

Town Manager

If approved by Town Council:

Attach a copy of the resolution and any associated documentation.

APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

Establishment Type	Daily Flow Rate
Barber and Beauty Shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, Offices and Factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, Rescue and Emergency Response	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and Drink Facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
Medical, Dental and Veterinary Facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite

Establishment Type	Daily Flow Rate
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, Pre-school and Day Care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service Stations and Car Wash Facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports Centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, Shopping Centers, Malls and Flea Markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
Transportation Terminals	
Air, bus, train, ferry, port and dock	5 gal/passenger

Source: North Carolina Administrative Code 02T.0114, January 1, 2007

RAMEY KEMP ASSOCIATES

TOGETHER WE ARE LIMITLESS



Steeplechase North
Traffic Impact Analysis
Clayton, North Carolina



**TRAFFIC IMPACT
ANALYSIS**

FOR

STEEPLECHASE NORTH

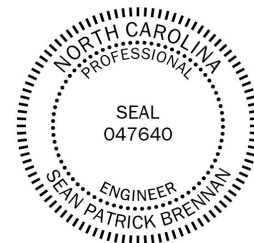
LOCATED

IN

CLAYTON, NC

Prepared For:
PULTE HOME COMPANY
1225 Crescent Green Drive
Cary, North Carolina

Prepared By:
Infrastructure Consulting Services, Inc.
dba
Ramey Kemp Associates
5808 Faringdon Place
Raleigh, NC 27609
License #F-1489



JUNE 2023

Sean Brennan

6/15/23

Prepared By: GB

Reviewed By: SB

RKA Project No. 23113

**TRAFFIC IMPACT ANALYSIS
STEEPLECHASE NORTH
CLAYTON, NORTH CAROLINA**

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Steeplechase North development in accordance with the Clayton (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. The proposed development is expected to be a maximum of 750 senior adult single-family home development and estimated to be built out in 2028. Site access is proposed via two (2) full movement driveways along Covered Bridge Road and eight (8) full movement driveways along Brookhill Drive.

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the NCDOT and the Town and consists of the following existing intersections:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O'Neil Street

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersection listed below, in May of 2023 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O'Neil Street

Traffic volumes were balanced between study intersections, where appropriate.

3. Site Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 11.1th Edition. Table E-1 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Senior Adult – Single Family Housing (251)	750 units	3,285	59	121	130	84

4. Future Traffic Conditions

Through coordination with the NCDOT and the Town, it was determined that an annual growth rate of 3% would be used to generate 2023 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Carolina Overlook
- Ashcroft 2.0
- Walton Farms
- Highgate and Creech Developments

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2023 existing, 2028 no-build, and 2028 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

Improvements by Steeplechase

Covered Bridge Road & Shotwell Road

- Construct a northbound right-turn lane with 150 feet of storage and appropriate taper.
- Construct a southbound left-turn lane with 350 feet of storage and appropriate taper.
- Construct westbound right-turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & N. O'Neil Street

- Construct a southbound right-turn lane with 275 feet of storage and appropriate taper.

Improvements by Highgate and Creech

Covered Bridge Road & Shotwell Road

- Install a traffic signal.

Covered Bridge Road & N. O'Neil Street

- Install a traffic signal.

Improvements by Ashcroft Phase 2

Covered Bridge Road & N. O'Neil Street

- Construct a northbound left-turn lane with 250 feet of storage and appropriate taper.
- Construct an eastbound right-turn lane with 100 feet of storage and appropriate taper.

Recommended Improvements by Developer

Covered Bridge Road & Shotwell Road

- Signal timings modification.
- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Covered Bridge Road & Site Access 2

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 9

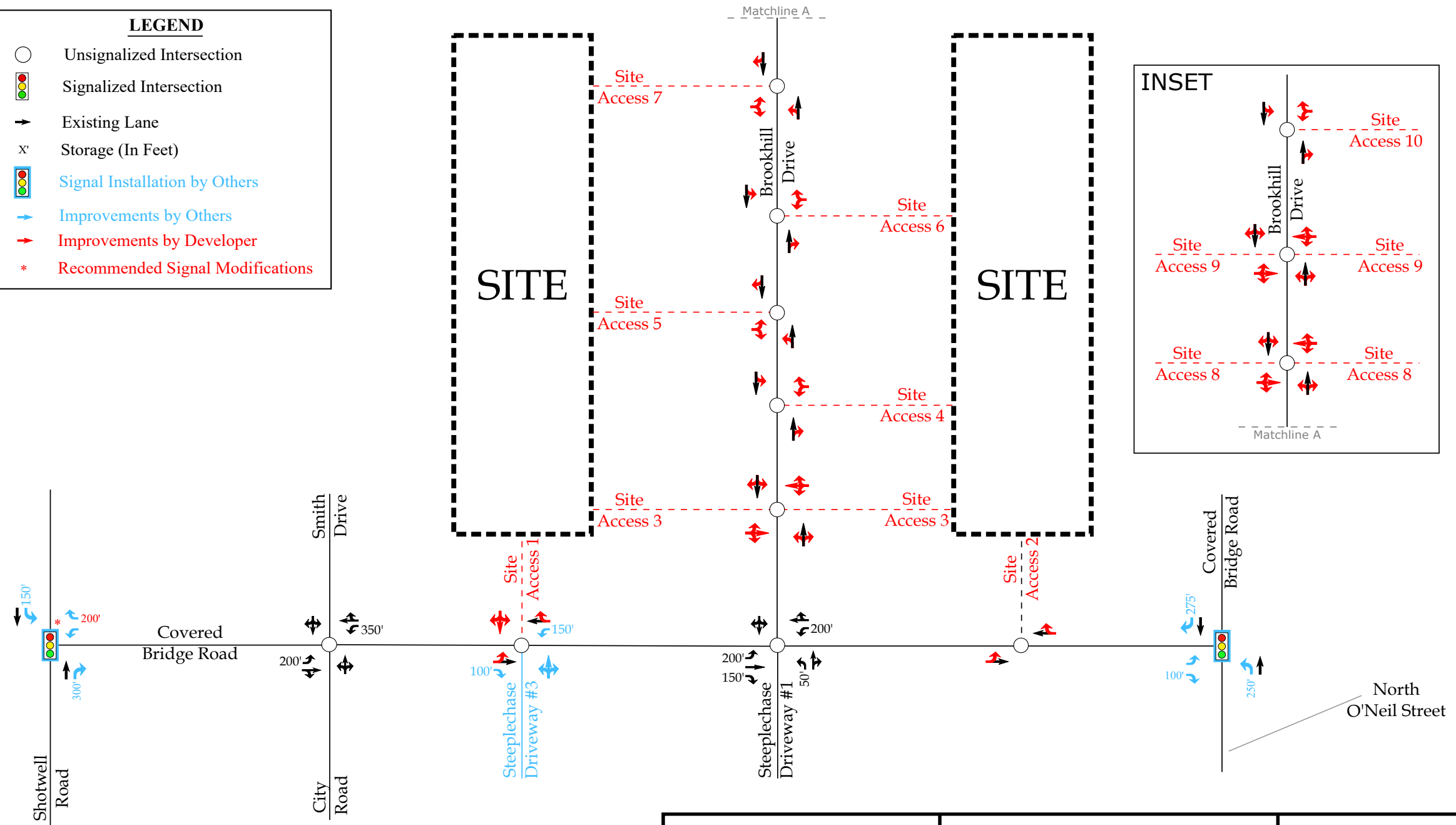
- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

LEGEND

- Unsignalized Intersection
- ◻ Signalized Intersection
- Existing Lane
- x' Storage (In Feet)
- ◻ Signal Installation by Others
- Improvements by Others
- Improvements by Developer
- * Recommended Signal Modifications



Steeplechase North
Clayton, NC

Recommended Lane
Configurations

Scale: Not to Scale | Figure E-1

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**TRAFFIC IMPACT ANALYSIS
STEEPLECHASE NORTH
CLAYTON, NORTH CAROLINA**

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Steeplechase North development to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2028, is assumed to consist of up to 750 senior adult single-family housing. This property was previously considered for development with approximately 1,200 residential units that would not be age-restricted. The current plan proposes fewer units that will be age-restricted.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions

1.1. Site Location and Study Area

The development is proposed to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Clayton (Town) and consists of the following existing intersections:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O'Neil Street

Refer to Appendix A for the approved scoping documentation.

1.2. Proposed Land Use and Site Access

The site is expected to be located along both sides of Brookhill Drive and to the north of Covered Bridge Road. The proposed development, anticipated to be completed in 2028, is assumed to consist of up to 750 senior adult single-family housing.

Site access is proposed via two (2) full movement driveways along Covered Bridge Road and eight (8) full movement driveways along Brookhill Drive. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the following page, provides a summary of this information, as well.

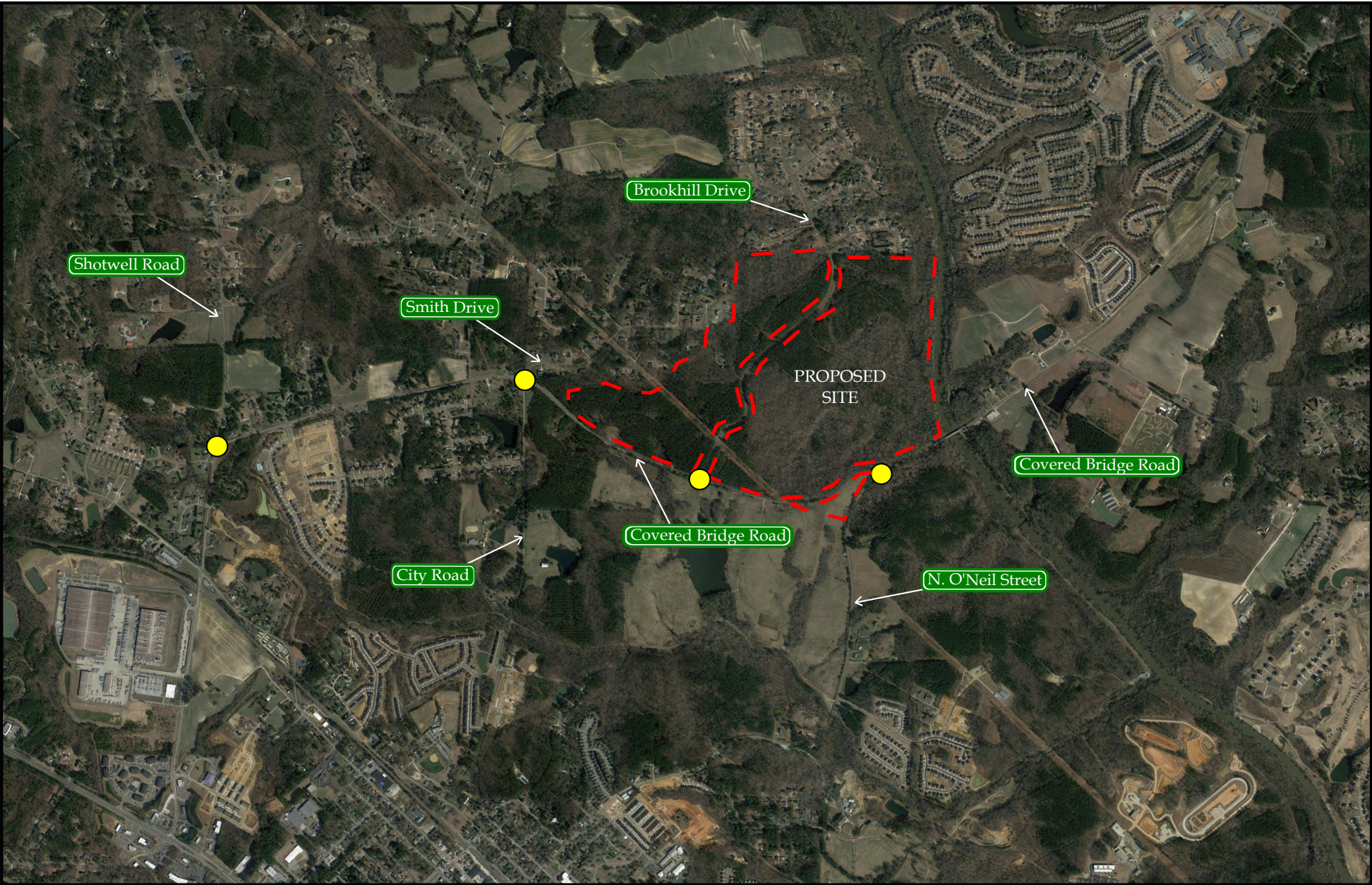
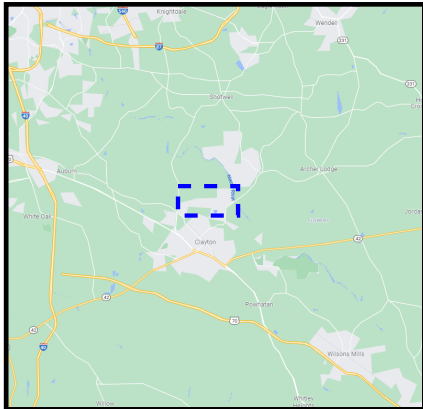
Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	2019 AADT (vpd)
Covered Bridge Road	SR 1700	2-lane undivided	45 mph	11,000
Shotwell Road	SR 1553	2-lane undivided	45 mph	15,000**
City Road/Smith Drive	SR 1709/N/A	2-lane undivided	45 mph/25 mph	1,300/220***
Brookhill Drive	N/A	2-lane undivided	35 mph	210***
N. O'Neil Street	SR 1708	2-lane undivided	55 mph	7,600*

*ADT from 2017

**ADT from 2018

***ADT based on the traffic counts from 2023 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



LEGEND

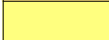
- Proposed Site Location
- Study Intersection
- Study Area

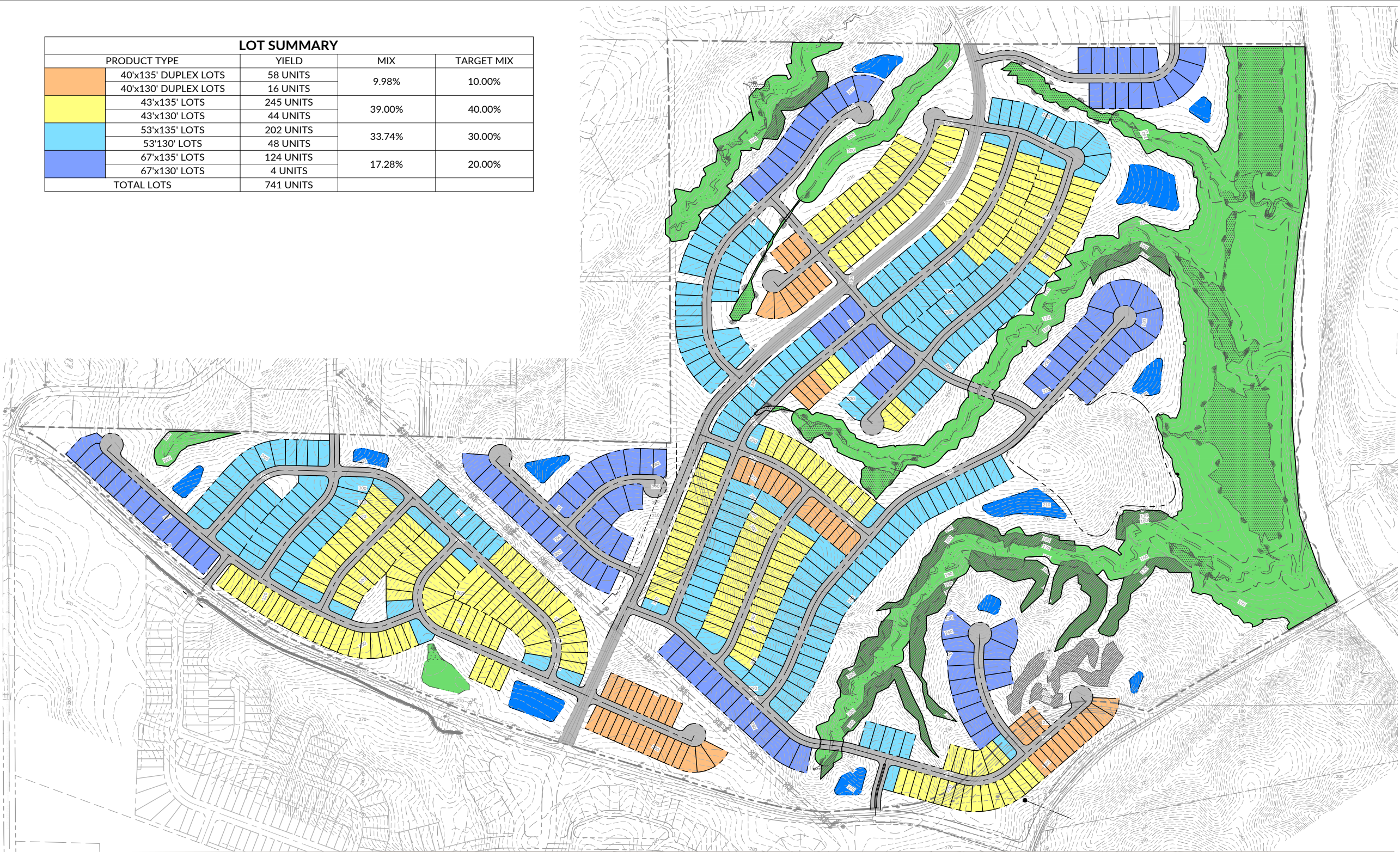


RKA
RAMEY KEMP ASSOCIATES

Steeplechase North
Clayton, NC

Site Location Map	
Scale: Not to Scale	Figure 1

LOT SUMMARY			
PRODUCT TYPE	YIELD	MIX	TARGET MIX
	40'x135' DUPLEX LOTS	58 UNITS	9.98%
	40'x130' DUPLEX LOTS	16 UNITS	
	43'x135' LOTS	245 UNITS	39.00%
	43'x130' LOTS	44 UNITS	
	53'x135' LOTS	202 UNITS	33.74%
	53'x130' LOTS	48 UNITS	
	67'x135' LOTS	124 UNITS	17.28%
	67'x130' LOTS	4 UNITS	
TOTAL LOTS		741 UNITS	

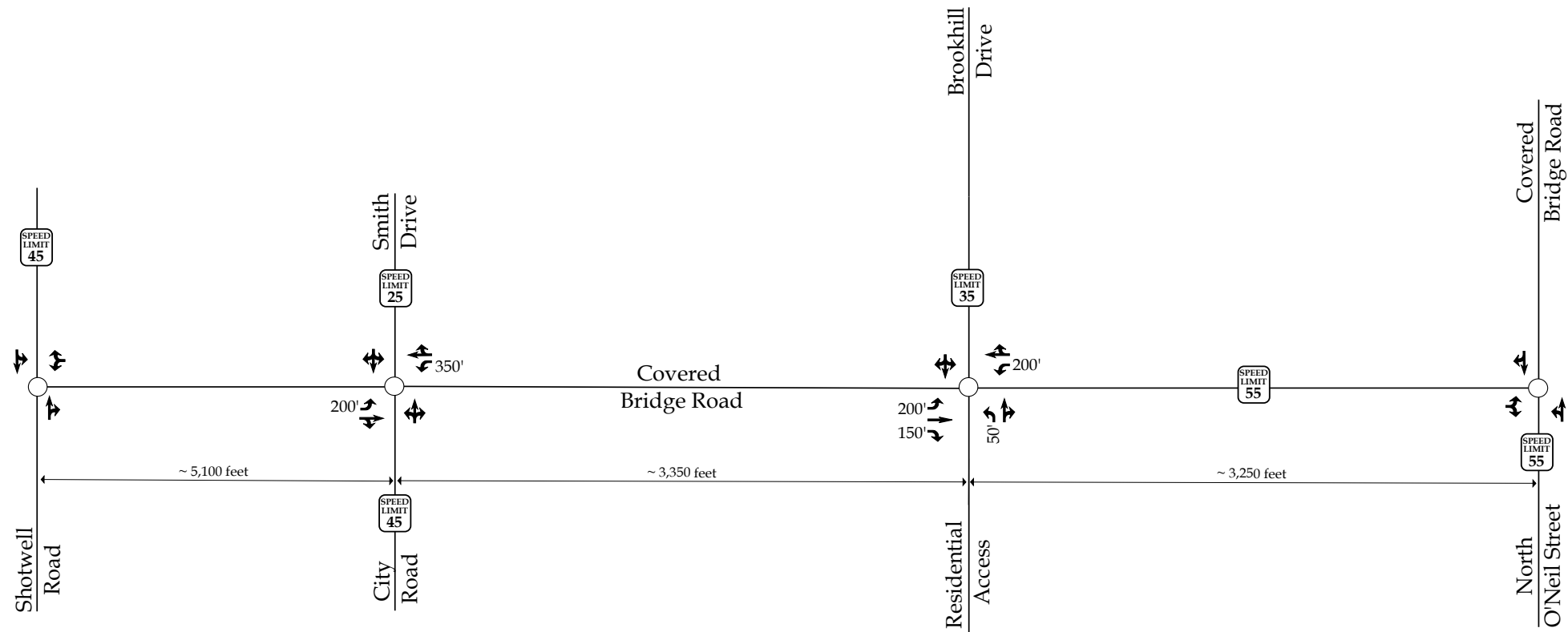


LEGEND

- Unsignalized Intersection
- ➔ Existing Lane
- X' Storage (In Feet)
- SPEED LIMIT

XX

 Posted Speed Limit



Steeplechase North
Clayton, NC

2023 Existing
Lane Configurations

Scale: Not to Scale

Figure 3

2. 2023 EXISTING PEAK HOUR CONDITIONS

2.1. 2023 Existing Peak Hour Traffic Volumes

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in May of 2023 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- Covered Bridge Road & Shotwell Road
- Covered Bridge Road & Smith Drive/City Road
- Covered Bridge Road & Brookhill Drive
- Covered Bridge Road & N. O’Neil Street

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for 2023 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

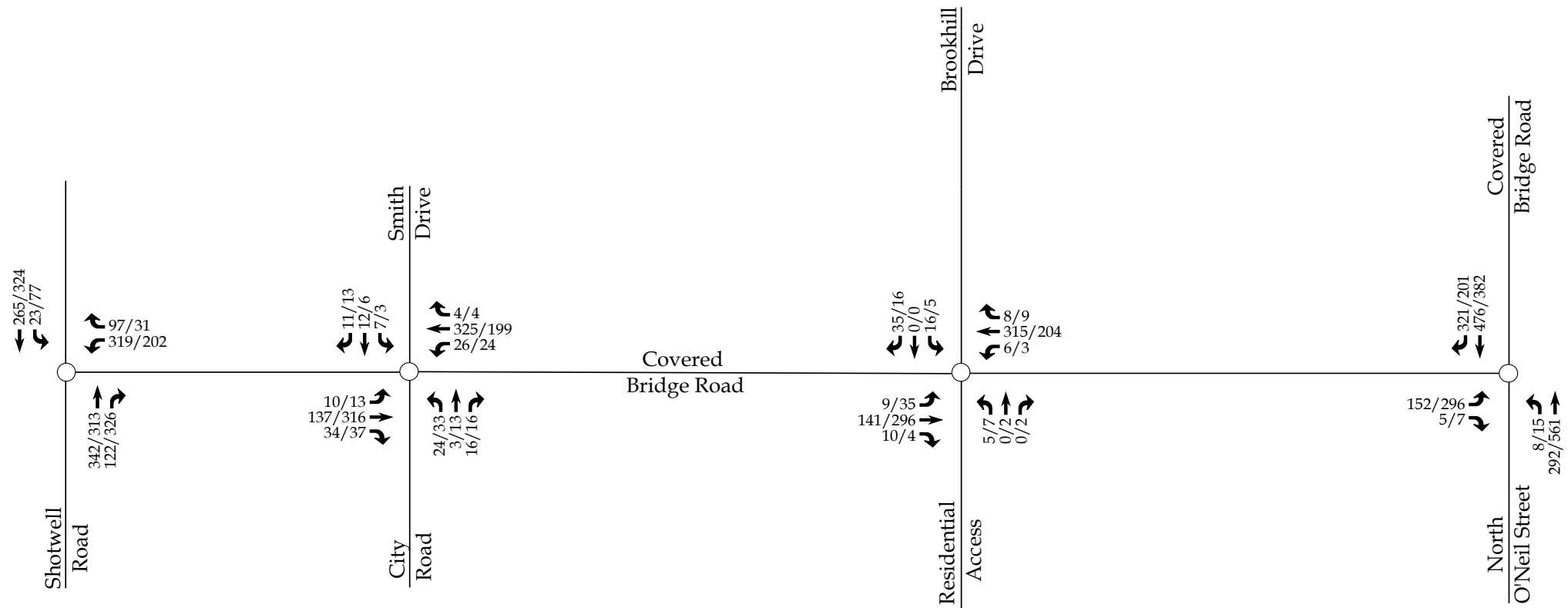
2.2. Analysis of 2023 Existing Peak Hour Traffic Conditions

The 2023 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.

LEGEND

○ Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2023 Existing
Peak Hour Traffic

Scale: Not to Scale

Figure 4

3. 2028 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the NCDOT and the Town, it was determined that an annual growth rate of 3% would be used to generate 2028 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2028 projected peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the NCDOT and the Town, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Carolina Overlook (Steeplechase)
- Ashcroft 2.0
- Walton Farms
- Highgate and Creech Developments

Table 2, on the following page, provides a summary of the adjacent developments.

Table 2: Adjacent Development Information

Development Name	Location	Build-Out Year	Land Use / Intensity	TIA Performed
Carolina Overlook (Steeplechase)	South of Covered Bridge Road and west of N. O'Neil Street	2020	373 Single-family homes and 70 townhomes	March 2018 by RKA
Ashcroft Phase 2	East of N. O'Neil Street on the south side of the Neuse River	2030	300 Single-family homes, 300 townhomes, 180 apartments, and 105,000 square feet of general retail space	August of 2020 by Kimley Horn
Walton Farms	East of the Neuse River and north of Covered Bridge Road	2024	190 single-family homes and 120 apartments	April 2017 by RKA
Highgate and Creech Developments	Between Covered Bridge Road and Old US 70 to the east of Shotwell Road	2019	229 Single-family homes	September 2017 by Moffatt & Nichol

Steeplechase is expected to add a northbound approach, creating a fourth leg to the intersection of Covered Bridge Road and Brookhill Drive striped as a left-turn lane with 100 feet of storage and a shared through-right lane. The development is also expected to add an eastbound right-turn lane and a westbound left-turn lane. These improvements are already in place in the existing traffic conditions. The Highgate and Creech developments are expected to signalize the intersections of Covered Bridge Road and Shotwell Road as well as Covered Bridge Road and N. O'Neil Street.

It should be noted that the adjacent developments were approved, during scoping, by the NCDOT and the Town. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix D.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to be constructed by the public agencies. Improvements required of other developments are considered in this study.

3.4. 2028 No-Build Peak Hour Traffic Volumes

The 2028 no-build traffic volumes were determined by projecting the 2023 existing peak hour traffic to the year 2028 and adding the adjacent development trips. Refer to Figure 7 for an illustration of the 2028 no-build peak hour traffic volumes at the study intersections.

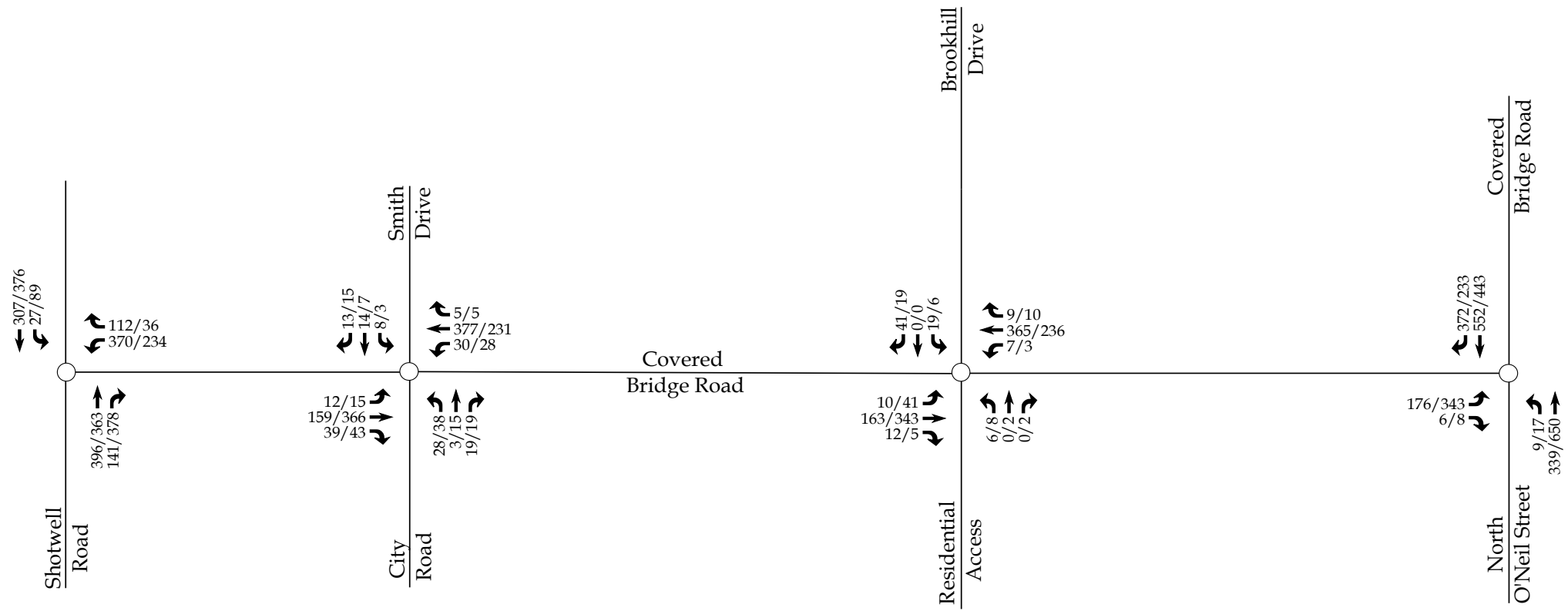
3.5. Analysis of 2028 No-Build Peak Hour Traffic Conditions

The 2028 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.

LEGEND

○ Unsignalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Steeplechase North
Clayton, NC

2028 Projected
Peak Hour Traffic

Scale: Not to Scale

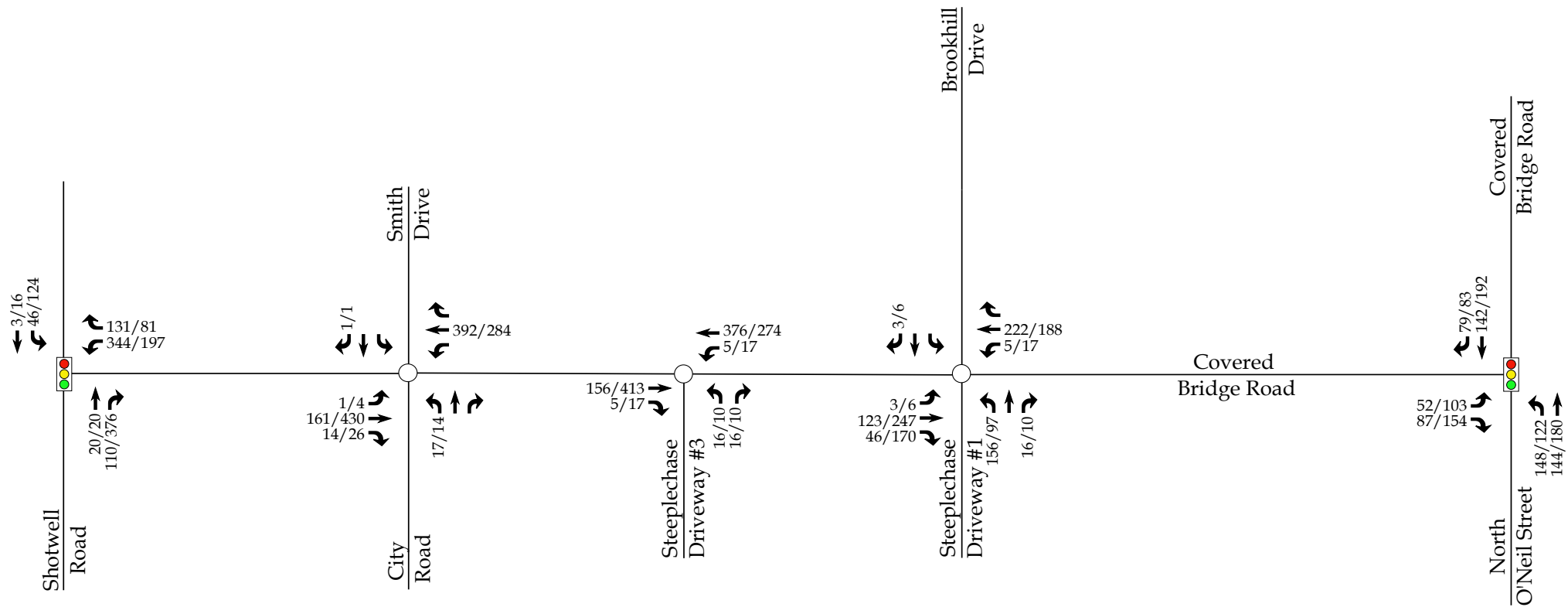
Figure 5

LEGEND

○ Unsignalized Intersection

◫ Signalized Intersection

X / Y → Weekday AM / PM Peak Hour Adjacent Development Trips



Steeplechase North
Clayton, NC

Peak Hour Adjacent
Development Trips

Scale: Not to Scale

Figure 6

LEGEND

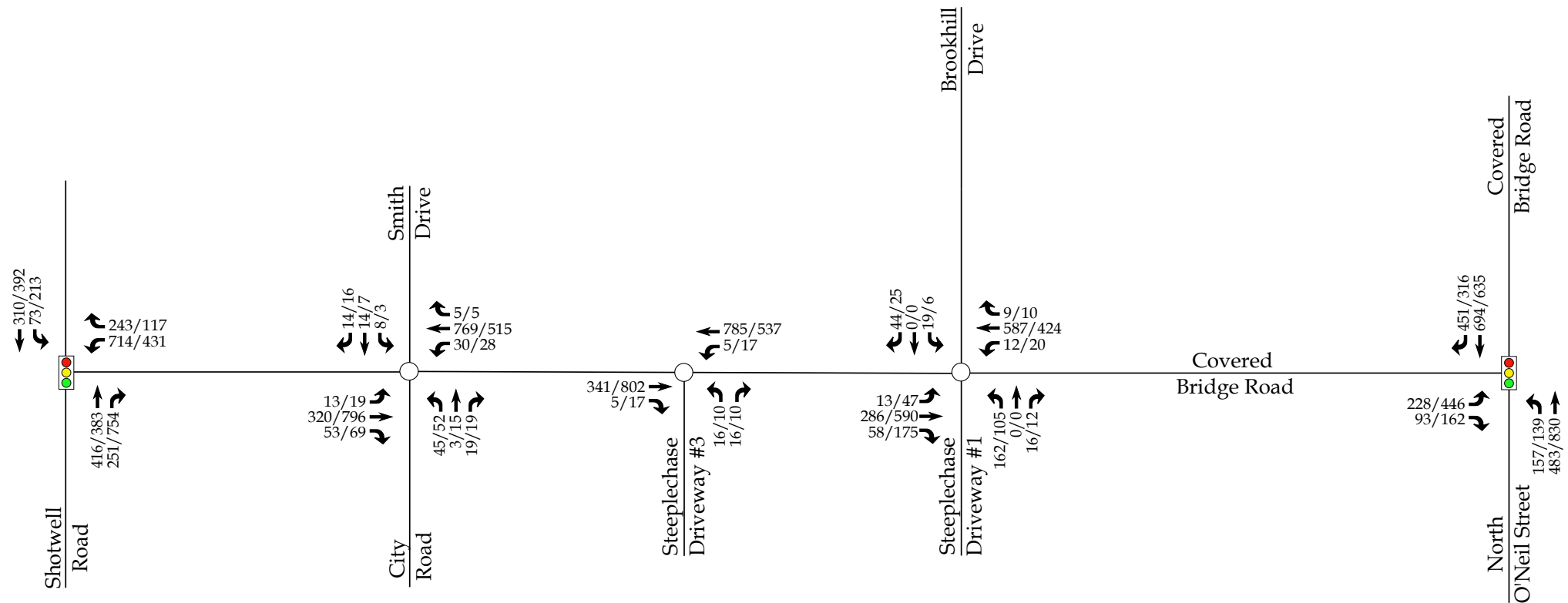
○

Unsignalized Intersection

Signalized Intersection

X / Y →

Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2028 No-Build
Peak Hour Traffic

Scale: Not to Scale Figure 7

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 11.1 Edition. Table 3 provides a summary of the trip generation potential for the site.

Table 3: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Senior Adult – Single Family Housing (251)	750 units	3,285	59	121	130	84

It is estimated that the proposed development will generate approximately 3,285 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 180 trips (59 entering and 121 exiting) will occur during the weekday AM peak hour and 214 trips (130 entering and 84 exiting) will occur during the weekday PM peak hour.

The proposed development will include up to 750 senior adult single-family residential units. This property was previously considered for development with approximately 1,200 residential units that would not be age-restricted. The current plan proposal results in a significantly lower trip generation than the previous development plan.

4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

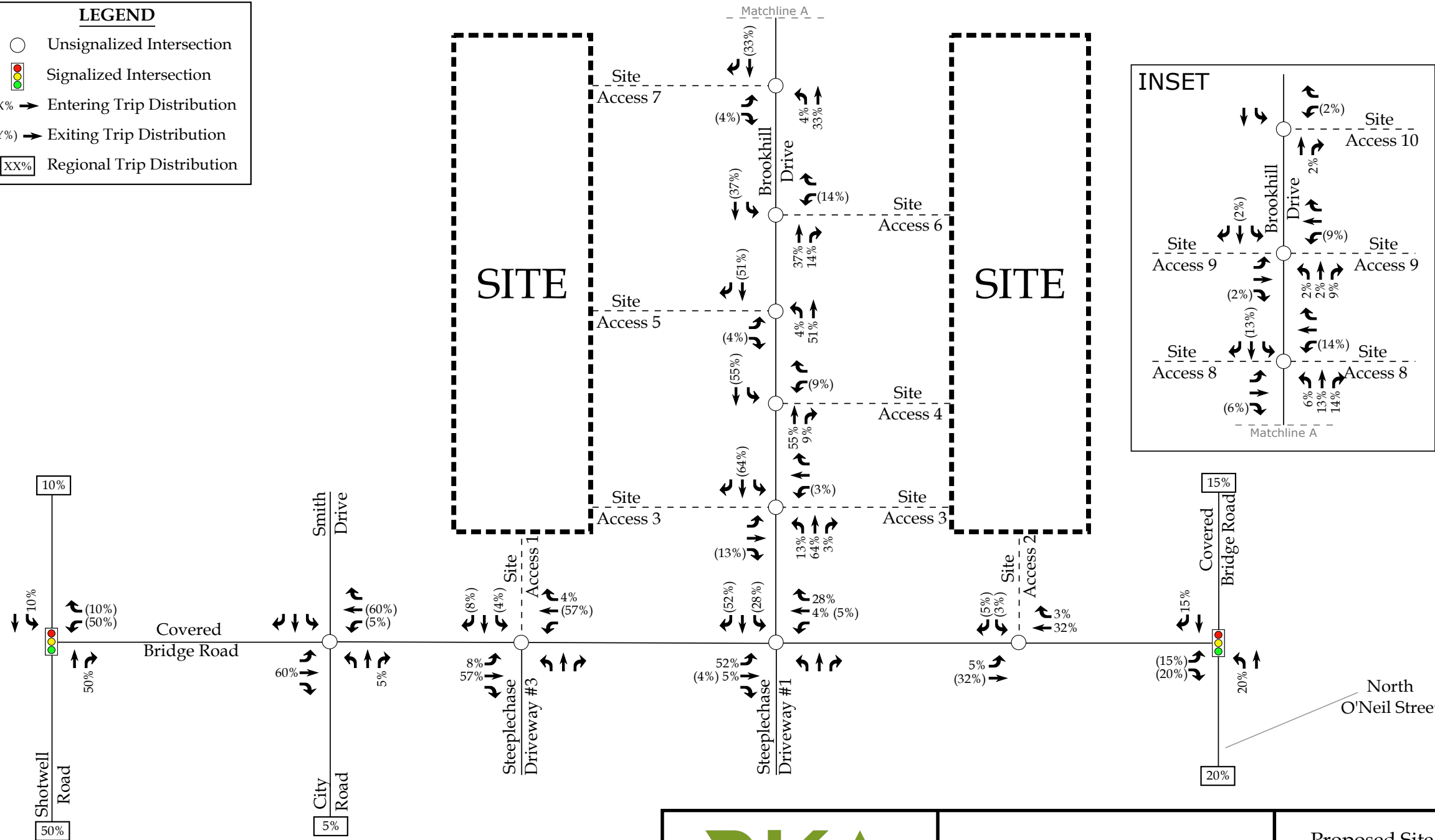
It is estimated that the site trips will be regionally distributed as follows:

- 50% to/from the south via Shotwell Road
- 20% to/from the south via N. O'Neil Street
- 15% to/from the north via Covered Bridge Road
- 10% to/from the north via Shotwell Road
- 5% to/from the south via City Road

The site trip distribution is shown in Figure 8 and refer to Figure 9 for the site trip assignment.

LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- X% → Entering Trip Distribution
- (Y%) → Exiting Trip Distribution
- XX% Regional Trip Distribution



Steeplechase North
Clayton, NC

Proposed Site Trip
Distribution

Scale: Not to Scale

Figure 8

LEGEND

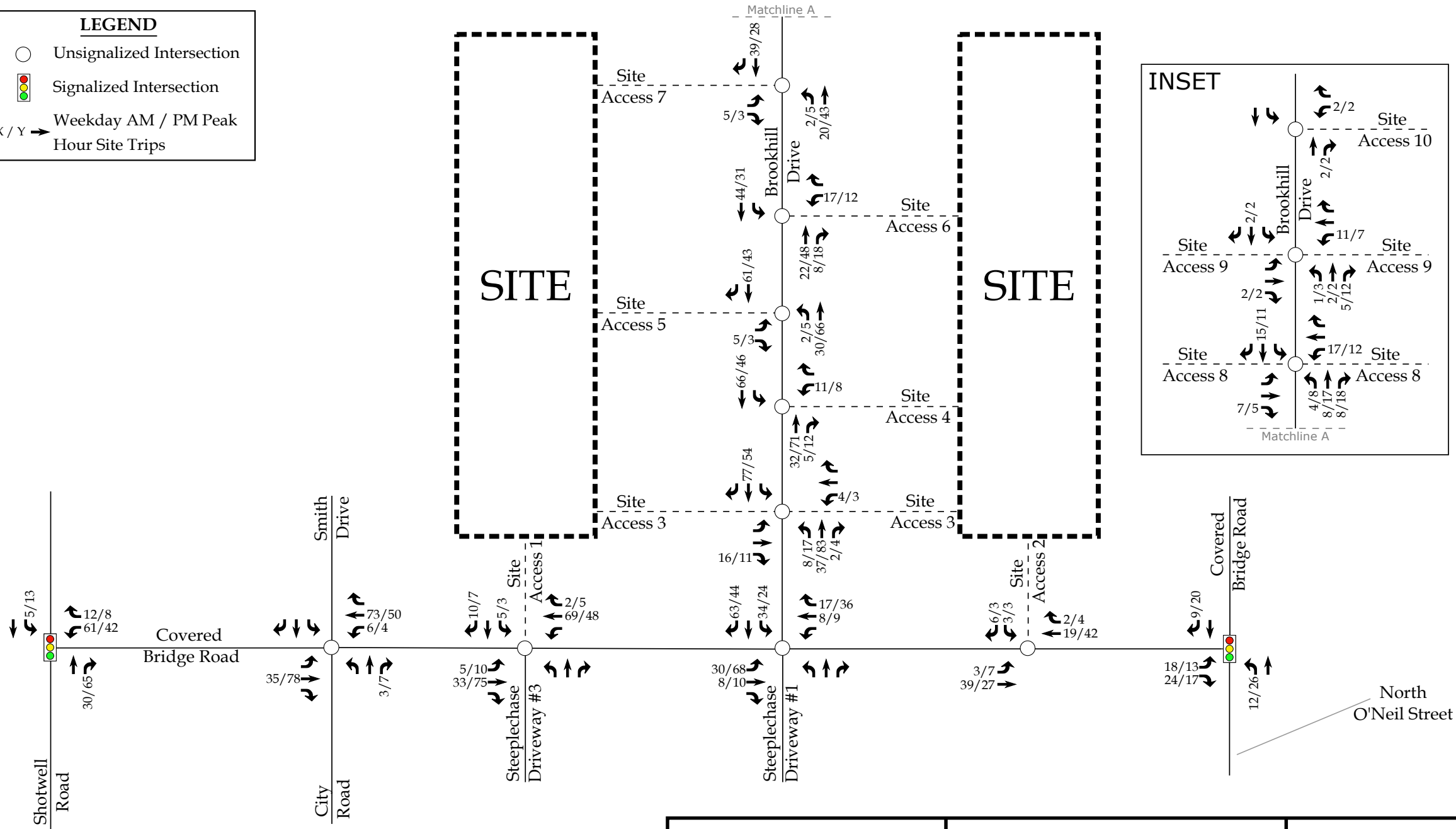
○

Unsignalized Intersection

Signalized Intersection

X / Y

→Weekday AM / PM Peak
Hour Site Trips



Steeplechase North
Clayton, NC

Site Trip Assignment

Scale: Not to Scale

Figure 9

5. 2028 BUILD TRAFFIC CONDITIONS

5.1. 2028 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2028 no-build traffic volumes to determine the 2028 build traffic volumes. Refer to Figure 10 for an illustration of the 2028 build peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of 2028 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2028 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.

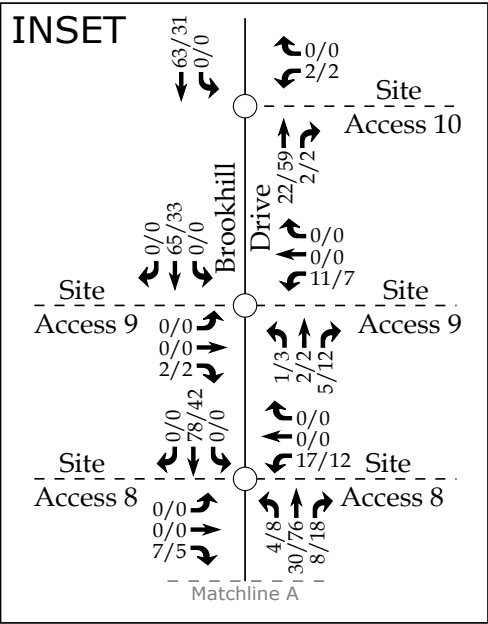
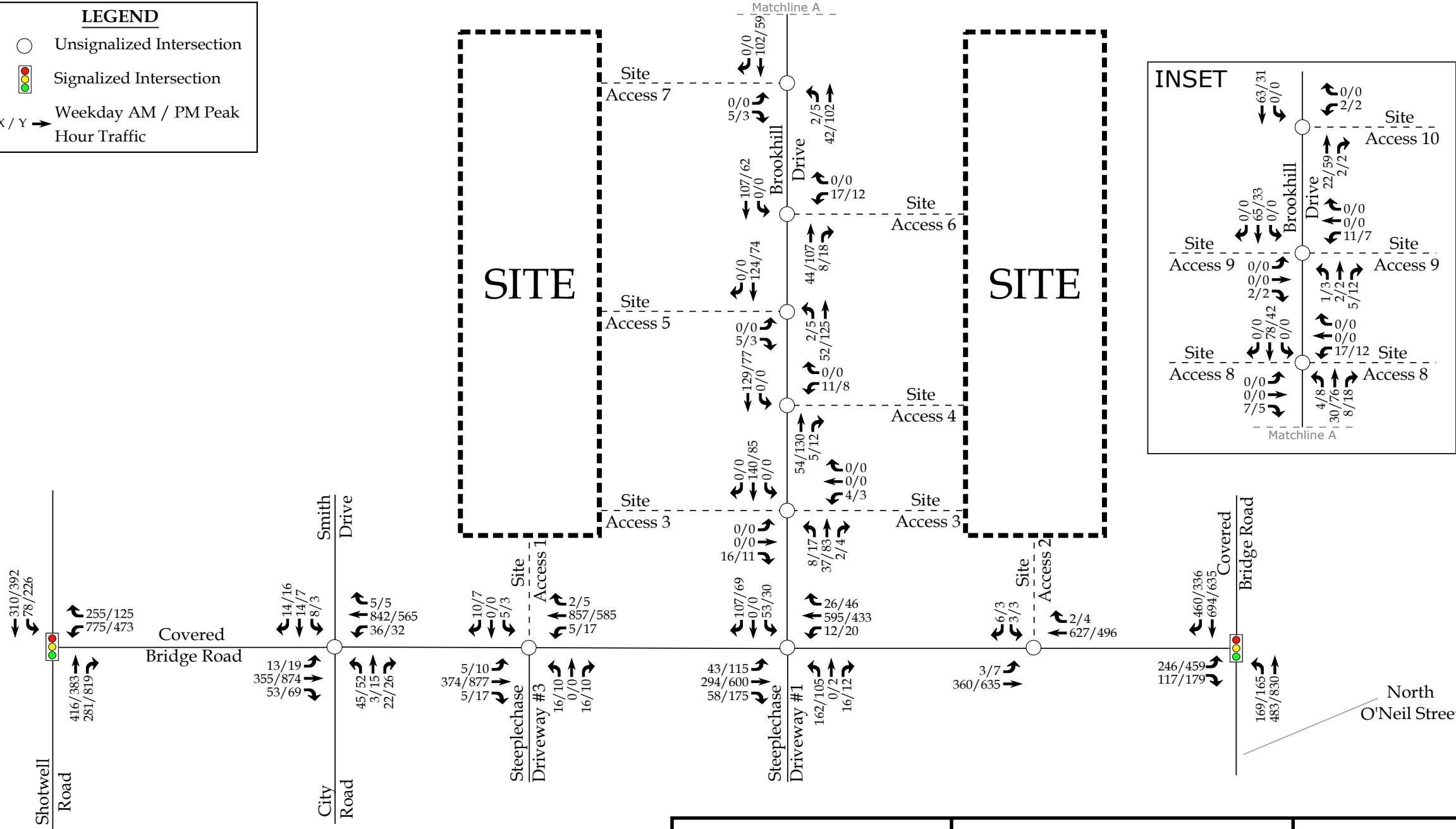
LEGEND

○

Unsignalized Intersection

Signalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Note: Based on NCDOT Congestion Management guidelines, a volume of 4 vehicles per hour (vph) was analyzed for any movement with less than 4 vph.



Steeplechase North
Clayton, NC

2028 Build
Peak Hour Traffic

Scale: Not to Scale Figure 10

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. Synchro (Version 11.1) was used to complete the analyses for the study area intersections. Unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”.

Table 4: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestion Management Guidelines. Any adjustments to the guidelines were accounted for in a separate analysis scenario.

7. CAPACITY ANALYSIS

7.1. Covered Bridge Road & Shotwell Road

The existing unsignalized intersection was analyzed under all traffic conditions with lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports.

Table 5: Analysis Summary of Covered Bridge Road & Shotwell Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	WB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	F ² -- A ¹	N/A	F ² -- A ¹	N/A
2028 No-Build	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	F C B	F (87)	F D E	E (77)
2028 Build	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	F C B	F (110)	F D E	F (106)
2028 Build – with Improvements	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	D E D	D (46)	F E E	F (85)
2028 Build – with Improvements/RTOR	WB NB SB	1 LT, 1 RT 1 TH, 1 RT 1 LT, 1 TH	D D D	D (39)	D C C	C (30)

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor street approach is expected to operate at LOS F during the existing weekday AM and PM peak hours. The major street left turn is expected to operate at LOS A during the existing weekday AM and PM peak hours.

Under the no-build traffic condition the intersection is expected to be signalized by the Highgate and Creech development. During the no-build and build traffic conditions the intersection is expected to operate at LOS F during the weekday AM and PM peak hours. When comparing the no-build and build traffic conditions there is a minor increase in overall

intersection delay. The westbound approach is expected to experience significant queueing during the AM peak hour. The proposed development is expected to account for 8% of the traffic along the westbound approach, and 5% along the northbound approach.

Extending the westbound right turn lane as well as modifying the signal timings were considered to improve the delay of the overall intersection. Although when looking at the build with improvements traffic condition the overall intersection continues to operate at an overall LOS F during the weekday PM peak hour, the weekday AM peak hour is expected to reduce to LOS D. Queueing along the westbound approach is expected to decrease significantly during both AM and PM peak hours.

To show how the intersection is expected to operate in a more real-world condition, a right-turns on red (RTOR) scenario with improvements analysis was also conducted. During the scenario right turns along the westbound and northbound approaches were allowed to turn on a red signal indication as they would in the field. This analysis indicates that the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS C during the weekday PM peak hour.

7.2. Covered Bridge Road & Smith Drive/City Road

The existing unsignalized intersection was analyzed under all traffic conditions with the existing lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Covered Bridge Road & Smith Drive/City Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB	1 LT, 1 TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT, 1 TH-RT	A ¹		A ¹	
	NB	1 LT-TH-RT	B ²		C ²	
	SB	1 LT-TH-RT	B ²		B ²	
2028 No-Build	EB	1 LT, 1 TH-RT	A ¹	N/A	A ¹	N/A
	WB	1 LT, 1 TH-RT	A ¹		B ¹	
	NB	1 LT-TH-RT	F ²		F ²	
	SB	1 LT-TH-RT	D ²		D ²	
2028 Build	EB	1 LT, 1 TH-RT	B ¹	N/A	A ¹	N/A
	WB	1 LT, 1 TH-RT	A ¹		B ¹	
	NB	1 LT-TH-RT	F ²		F ²	
	SB	1 LT-TH-RT	E ²		E ²	

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major-street left turns are expected to operate at LOS B or better during all traffic conditions during the weekday AM and PM peak hours. The minor street approaches are expected to operate at LOS E or F during both the weekday AM and PM peak hours under future year conditions. It is not uncommon for minor streets to experience a higher delay at unsignalized intersections. The proposed development is expected to add 3 vehicles in the AM peak hour and 7 vehicles in the PM peak hour to the northbound approach of City Road. Traffic volumes are relatively low on the minor street approaches and would not be expected to meet warrants for consideration of a traffic signal.

7.3. Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

The existing unsignalized intersection was analyzed under all traffic conditions with the existing lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT-TH-RT	A ¹ A ¹ B ² B ²	N/A	A ¹ A ¹ B ² B ²	N/A
2028 No-Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT	A ¹ A ¹ F ² C ²	N/A	A ¹ A ¹ F ² C ²	N/A
2028 Build	EB WB NB SB	1 LT, 1 TH, 1 RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH-RT	A ¹ A ¹ F ² C ²	N/A	A ¹ A ¹ F ² E ²	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS E or F during the weekday AM and PM peak hours under future conditions. The major-street approaches are expected to operate at LOS A during both the weekday AM and PM peak hours. When comparing the no-build and build traffic conditions the southbound approach is expected to drop from LOS C to LOS E during the PM peak hour. It is not uncommon for minor streets to experience higher delays at unsignalized intersections. Minor Street approach traffic is expected to increase due to future development.

7.4. Covered Bridge Road & N. O'Neil Street

The existing unsignalized intersection was analyzed under all traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 8: Analysis Summary of Covered Bridge Road & N. O'Neil Street

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Existing	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	E ² A ¹ --	N/A	F ² A ¹ --	N/A
2028 No-Build	EB NB SB	1 LT, 1 RT 1 LT, 1 TH 1 TH, 1 RT	D C C	C (28)	F C C	D (42)
2028 Build	EB NB SB	1 LT, 1 RT 1 LT, 1 TH 1 TH, 1 RT	D D C	C (31)	F C C	D (47)

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Capacity analysis indicates that the minor street approach is expected to operate at LOS E during the existing weekday AM peak hour and LOS F during the weekday PM peak hour. Under no-build traffic conditions the intersection is expected to be signalized by the Highgate and Creech development. During no-build and build traffic conditions the intersection is expected to operate at LOS C during the weekday AM peak hour and LOS D during the weekday PM peak hour. When comparing the no-build and build traffic conditions the overall intersection increases by only 3 seconds in the AM and 5 seconds in the PM. In build traffic conditions, the proposed development traffic is expected to account for approximately 2% of the total vehicle traffic and queueing is not expected to increase significantly. Due to overall acceptable levels of service no additional improvements are recommended by the developer.

7.5. Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

The future unsignalized intersection was analyzed under no-build and build traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports.

**Table 9: Analysis Summary of Covered Bridge Road & Site Access
1/Steeplechase Driveway 3**

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 No-Build	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT-RT	-- A ¹ C ²	N/A	-- A ¹ D ²	N/A
2028 Build	EB WB NB SB	1 LT-TH, 1 RT 1 LT, 1 TH-RT 1 LT-TH-RT 1 LT-TH-RT	B ¹ A ¹ D ² D ²	N/A	A ¹ B ¹ F ² E ²	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of no-build traffic conditions indicates the minor-street approach is expected to operate at LOS D or better during the weekday AM and PM peak hours. The major-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. Under build traffic conditions, the minor-street approaches are expected to operate at LOS D during the weekday AM peak hour and LOS E/F during the weekday PM peak hour. The major street is expected to operate at LOS B or better during the weekday AM and PM peak hours. It is not uncommon for minor streets to experience a higher delay at unsignalized intersections. Minor street traffic volumes are low and there are no queueing issues.

When comparing the no-build and build traffic conditions the northbound approach is expected to decrease in LOS during both peak hours. This decrease in LOS can be attributed

to a more conservative analysis per NCDOT Congestion Management guidelines, volumes of 4 vph were included on any movements less than 4 vph, however it is not expected that a significant number of trips would travel to/from the Steeplechase Driveway to/from the proposed development.

Turn lanes along the eastbound and westbound approaches were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* but were found to not be warranted due to low turning volumes into the development. A left turn lane is provided on westbound Covered Bridge Road for Steeplechase Driveway 3. Although an eastbound left turn lane on Covered Bridge Road was not warranted, pavement should be available to provide a short left turn lane on the eastbound approach for Site Access 1.

7.6. Covered Bridge Road and Site Access 2

The proposed intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 10. Refer to Table 10 for a summary of the analysis results. Refer to Appendix J for the Synchro capacity analysis reports.

Table 10: Analysis Summary of Covered Bridge Road & Site Access 2

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB WB SB	1 LT-TH 1 TH-RT 1 LT-RT	A ¹ -- C ²	N/A	A ¹ -- C ²	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of build traffic conditions indicates the minor-street approach of Site Access 2 is expected to operate at LOS C during the weekday AM and PM peak hours. The major street approach is expected to operate at LOS A. No significant queues are expected for any approaches.

Turn lanes along the eastbound and westbound approaches were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* but were found to not be warranted due to low turning volumes into the development. Although the intersection operates at an acceptable LOS and turn lanes are not warranted based on traffic volumes, it is possible that a left turn lane will be required by NCDOT based on traffic volumes along Covered Bride Road.

7.7. Brookhill Drive & Site Access 3

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 11. Refer to Table 11 for a summary of the analysis results. Refer to Appendix K for the Synchro capacity analysis reports.

Table 11: Analysis Summary of Brookhill Drive & Site Access 3

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	B ²		B ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS B or better during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.8. Brookhill Drive & Site Access 4

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 12. Refer to Table 12 for a summary of the analysis results. Refer to Appendix L for the Synchro capacity analysis reports.

Table 12: Analysis Summary of Brookhill Drive & Site Access 4

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.9. Brookhill Drive & Site Access 5

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 13. Refer to Table 13 for a summary of the analysis results. Refer to Appendix M for the Synchro capacity analysis reports.

Table 13: Analysis Summary of Brookhill Drive & Site Access 5

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.10. Brookhill Drive & Site Access 6

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 14. Refer to Table 14 for a summary of the analysis results. Refer to Appendix N for the Synchro capacity analysis reports.

Table 14: Analysis Summary of Brookhill Drive & Site Access 6

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.11. Brookhill Drive & Site Access 7

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 15. Refer to Table 15 for a summary of the analysis results. Refer to Appendix O for the Synchro capacity analysis reports.

Table 15: Analysis Summary of Brookhill Drive & Site Access 7

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	A ² A ¹ --	N/A	A ² A ¹ --	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.12. Brookhill Drive & Site Access 8

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 16. Refer to Table 16 for a summary of the analysis results. Refer to Appendix P for the Synchro capacity analysis reports.

Table 16: Analysis Summary of Brookhill Drive & Site Access 8

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.13. Brookhill Drive & Site Access 9

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 17. Refer to Table 17 for a summary of the analysis results. Refer to Appendix Q for the Synchro capacity analysis reports.

Table 17: Analysis Summary of Brookhill Drive & Site Access 9

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	EB	1 LT-TH-RT	A ²	N/A	A ²	N/A
	WB	1 LT-TH-RT	A ²		A ²	
	NB	1 LT-TH-RT	A ¹		A ¹	
	SB	1 LT-TH-RT	A ¹		A ¹	

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approaches are expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

7.14. Brookhill Drive & Site Access 10

The proposed unsignalized intersection was analyzed under build traffic conditions with the lane configurations and traffic control shown in Table 18. Refer to Table 18 for a summary of the analysis results. Refer to Appendix R for the Synchro capacity analysis reports.

Table 18: Analysis Summary of Brookhill Drive & Site Access 10

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2028 Build	WB NB SB	1 LT-RT 1 TH-RT 1 LT-TH	A ² -- A ¹	N/A	A ² -- A ¹	N/A

Improvements to lane configurations are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the minor-street approach is expected to operate at LOS A during the weekday AM and PM peak hours. The major street approaches are expected to operate at LOS A. No significant queues are expected for any approaches.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Steeplechase North development, along both sides of Brookhill Drive and to the north of Covered Bridge Road in Clayton, North Carolina. Site access to the western parcel is proposed two (2) full movement driveways along Covered Bridge Road and eight (8) full movement driveways along Brookhill Drive.

The proposed development will include up to 750 senior adult single-family residential units. This property was previously considered for development with approximately 1,200 residential units that would not be age-restricted. The current plan proposal results in a significantly lower trip generation than the previous development plan.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2028 No-Build Traffic Conditions
- 2028 Build Traffic Conditions

Trip Generation

Based on the current site plan with age-restricted units, it is estimated that the development will generate approximately 180 primary trips (59 entering and 121 exiting) during the weekday AM peak hour and 214 primary trips (130 entering and 84 exiting) during the weekday PM peak hour. Age-restricted residential units would likely be the lowest trip-generating use for the property. Traditional residential units (non-age restricted) would be expected to generate much higher trips than the proposed development plan.

Capacity Analysis Summary

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Analysis with any adjustments to the guidelines were included as a separate analysis scenario.

Covered Bridge Road & Shotwell Road

Improvements at this intersection are anticipated to be completed by other developments and include a traffic signal and turn lanes on each approach. Due to significant queuing, the proposed development can extend the westbound left turn lane on Covered Bridge Road. With the improvements, the intersection is expected to operate at an acceptable LOS. Right-turn-on-red was considered in build conditions and results in a much improved LOS during the PM peak hour which is due to the higher northbound right turns from Shotwell Road.

Covered Bridge Road & Smith Drive/City Road

Although minor street approaches are expected to operate at poor LOS in the future, traffic volumes are relatively low on Smith Drive and City Road and these low traffic volumes would not warrant consideration of a traffic signal. The proposed development is expected to add 3 vehicles in the AM peak hour and 7 vehicles in the PM peak hour to the northbound approach of City Road.

Covered Bridge Road & Brookhill Drive/Steeplechase Driveway 1

Analysis indicates both minor street approaches will operate at LOS E or F during the peak hours in the future with build out of all developments. Minor Street approach traffic is primarily future development trips.

Covered Bridge Road & N. O'Neil Street

Covered Bridge Road is proposed to be realigned to intersect O'Neil Street to the south. The intersection is anticipated to be signalized by another development which provides an acceptable LOS at the intersection. When comparing the no-build and build traffic conditions the overall intersection increases by only 3 seconds in the AM and 5 seconds in the PM. In build traffic conditions, the development trips account for approximately 2% of the total vehicle traffic.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

In the future, the minor-street approaches are expected to operate at LOS E/F during the weekday PM peak hour. A left turn lane is provided on westbound Covered Bridge Road for

Steeplechase Driveway 3. Although an eastbound left turn lane on Covered Bridge Road was not warranted, pavement should be available to provide a short left turn lane on the eastbound approach for Site Access 1. It is possible that a left turn lane will be required by NCDOT based on traffic volumes along Covered Bride Road.

Covered Bridge Road & Site Access 2

Although the intersection operates at an acceptable LOS and turn lanes are not warranted based on traffic volumes, it is possible that a left turn lane will be required by NCDOT based on traffic volumes along Covered Bride Road.

Brookhill Drive & All Site Access Driveways

Based on low traffic volumes, all Site Access intersections are expected to operate at good LOS with a single approach lane on the site access an no additional turn lanes on Brookhill Drive.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

Improvements by Steeplechase

Covered Bridge Road & Shotwell Road

- Construct a northbound right-turn lane with 150 feet of storage and appropriate taper.
- Construct a southbound left-turn lane with 350 feet of storage and appropriate taper.
- Construct westbound right-turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & N. O'Neil Street

- Construct a southbound right-turn lane with 275 feet of storage and appropriate taper.

Improvements by Highgate and Creech

Covered Bridge Road & Shotwell Road

- Install a traffic signal.

Covered Bridge Road & N. O'Neil Street

- Install a traffic signal.

Improvements by Ashcroft Phase 2Covered Bridge Road & N. O'Neil Street

- Construct a northbound left-turn lane with 250 feet of storage and appropriate taper.
- Construct an eastbound right-turn lane with 100 feet of storage and appropriate taper.

Recommended Improvements by DeveloperCovered Bridge Road & Shotwell Road

- Signal timings modification.
- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.

Covered Bridge Road & Site Access 1/Steeplechase Driveway 3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Covered Bridge Road & Site Access 2

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access 8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 9

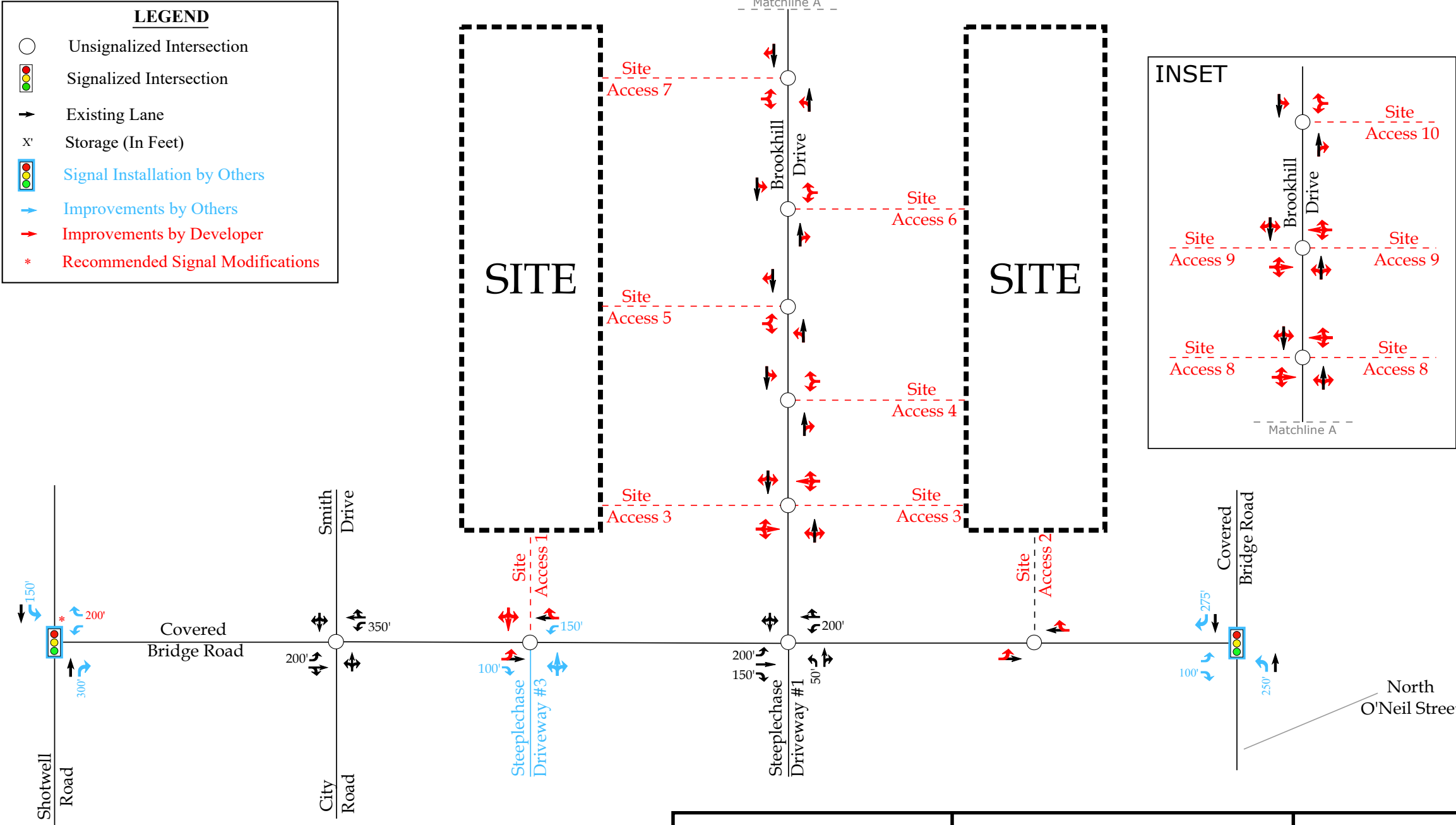
- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-through-right.

Brookhill Drive & Site Access 10

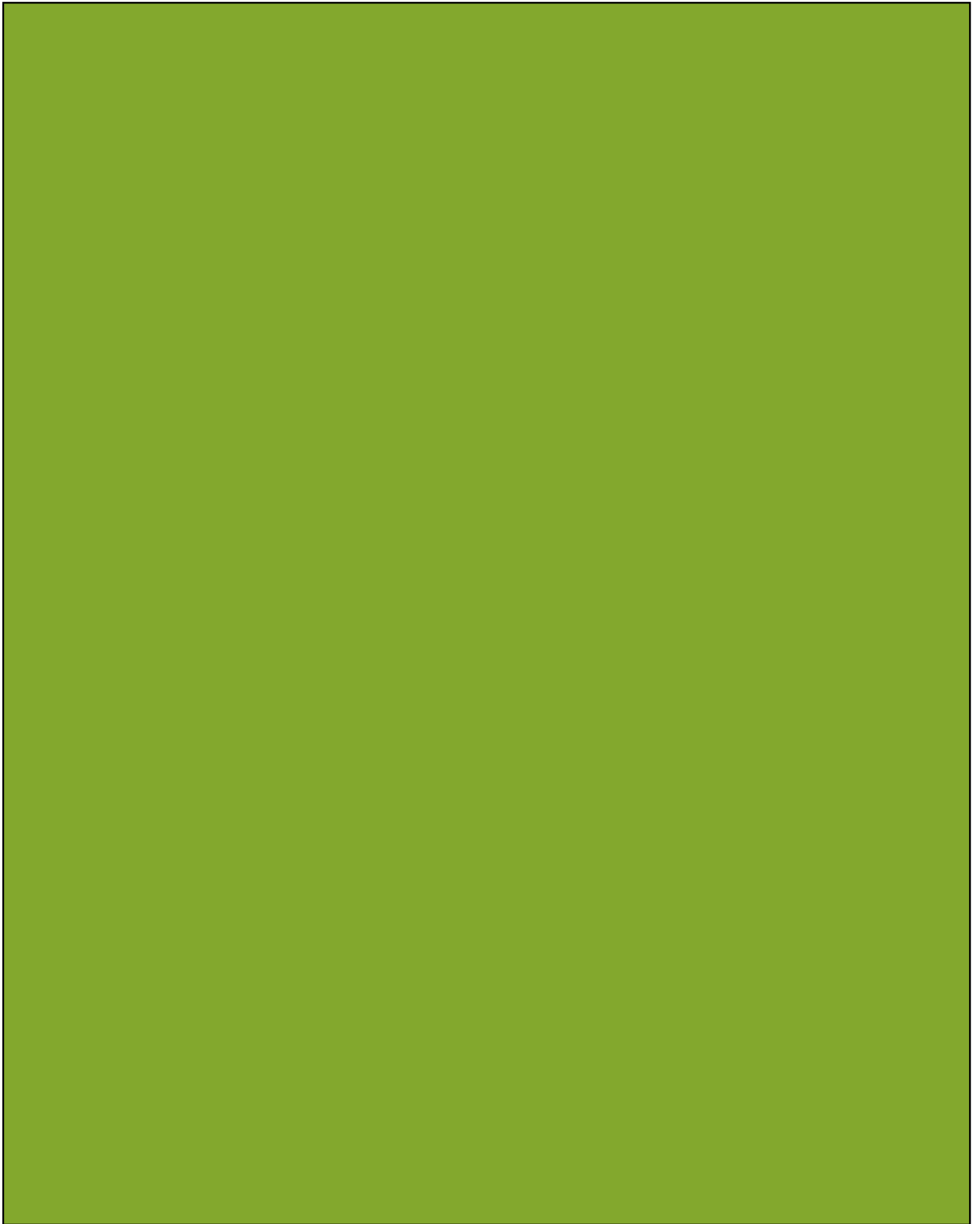
- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

LEGEND

- Unsignalized Intersection
- ◻ Signalized Intersection
- Existing Lane
- x' Storage (In Feet)
- ◻ Signal Installation by Others
- Improvements by Others
- Improvements by Developer
- * Recommended Signal Modifications



 RAMEY KEMP ASSOCIATES	Steeplechase North Clayton, NC	Recommended Lane Configurations	
		Scale: Not to Scale	Figure 11



Recommend Conditions of Approval (SUB 2023-115-CZM)
Carolina Overlook North Conditional Zoning District and Master Plan

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. The following uses are permitted by-right within the areas identified on the associated Master Plan:
 - Single-Family Detached
 - Townhouse
 - Park
 - Parking Lot
 - Food Truck
 - Associated Residential Accessory Uses
5. No more than 20 percent of the residential units may be constructed as Townhome units.
6. No townhome units are allowed adjacent to the existing residential subdivision/Clayton ETJ boundary to the north and northwest of the site.
7. Apartments are specifically excluded from the list of permitted uses.
8. Each Single Family detached unit shall provide either two (2) or three (3) car garage spaces and two (2) driveway parking spaces. Each Townhouse unit shall provide a minimum of one garage space and one driveway space.
9. The HOA shall maintain all areas of common open space including landscape medians at entrances and perimeter buffers.
10. At least 80 percent of the occupied dwellings in the community must be occupied by at least one occupant who is 55 years of age or older in accordance with the Housing for Older People Act (HOPA).

11. The following standards will apply to the development:
- Maximum number of dwelling units will not exceed 750.
 - Maximum density: 2.1 units per acre.
 - Density may be modified so long as the maximum dwelling units per acre remains consistent with the approved TIA.
 - Minimum lot size: 4,400 SF (2-Unit Townhomes)
 - Minimum lot size: 4,700 SF (Single Family Detached)
 - Front loaded single family detached units will provide a minimum garage setback of 21.5 feet.
 - Townhome units will provide a minimum garage setback of 25 feet.
 - All minimum dimensional standards as specified in the Master Plan.
12. The development will include the following active amenity areas:
- Community Clubhouse/Meeting Space with Fitness Facility
 - Outdoor Pool
 - Walking Trails
 - Fenced Dog Park
 - Pocket Parks
 - Community Garden
13. The Town of Clayton Planning Director may administratively waive the required connections to Smith Drive, Missy Lane, and William Lane due to the private status of these roadways in the Clayton ETJ.
14. Construction of the proposed clubhouse amenity and pool prior to receipt of the Certificate of Occupancy for the 375th unit/lot.
15. The widening of Brookhill Drive shall be completed by the 50th Certificate of Occupancy.
16. Active open space plans are to be submitted and reviewed separately from Construction Drawings/Site Plan.
17. Eco-friendly and energy efficient features will include three of the following: Energy efficient home tested and certified by a third party to the Duke Energy Progress HERO standards including blower door testing on all homes, 17 seer gas heat and central air conditioning installed within conditioned space, digital programmable thermostat on each HVAC system, low-E vinyl single hung windows with insulated glass, Grade 1 R-15 fiberglass batt insulation in exterior wall systems, R-38 blown fiberglass insulation in all heated ceiling areas, 50 gallon gas water heater, continuous ridge and soffit vents for maximum attic airflow, oriented strand board (OSB) exterior wall sheathing with housewrap weather protection system installed to provide comfort and energy-efficiency helping to control moisture intrusion, poly seal on windows and doors to prevent water and air intrusion, Advanced Framing Techniques utilizing California Corners, Ladder Blocking and Draft Stopping in unconditioned areas to improve energy efficiency, Subfloor installation properly fastened with upgraded fasteners and glued to joists, water saving toilets.

Equivalent energy-efficient construction material may be substituted for any items noted above.

18. HVAC units will be screened on the side fronting a public street with the use of evergreen shrubs. On corner lots, shrubbery will be added to screen the front and side of HVAC units.
19. Road Improvements from Transportation Impact Analysis (TIA) prepared by Ramey Kemp Associates (with NCDOT approval) to be constructed by developer:

Phase 1

Covered Bridge & Shotwell Road

- Signal timings modification.

Covered Bridge Road & Smith Drive/ City Road

- Monitor for signalization for one year.

Covered Bridge Road & Site Access #1 /Steeplechase Driveway #3

- Construct the southbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Construct an eastbound left turn lane with 100 feet of storage and appropriate taper.

Covered Bridge Road & Brookhill Driveway

- Construct a southbound left-turn lane with 100 feet of storage and appropriate taper.
- Construct a westbound right turn lane with 100 feet of storage and appropriate taper.
- Monitor for signalization for one year.

Covered Bridge Road & Site Access #2

- Construct the southbound approach with one ingress lane and one egress lane striped as a right-turn lane.
- Construct a westbound right turn lane with 50 feet of storage and appropriate taper.

Brookhill Drive & Site Access #3

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #4

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #5

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #6

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #7

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-right.

Brookhill Drive & Site Access #8

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #9

- Construct the eastbound approach with one ingress lane and one egress lane striped as a shared left-through-right.
- Construct the westbound approach with one ingress lane and one egress lane striped as shared left-through-right.

Brookhill Drive & Site Access #10

- Construct the westbound approach with one ingress lane and one egress lane striped as a shared left-right.

Full Build

Covered Bridge & Shotwell Road

- Extend westbound right-turn lane to 200 feet of storage with appropriate taper.
- Extend southbound right-turn lane to 300 feet of storage with appropriate taper.

20. A 30 foot undisturbed buffer will be provided along the northern boundary that abuts the Olde Mill Stream Subdivision. The undisturbed buffer will be supplemented where necessary to provide a Type C buffer.
21. The project will exceed the allowable cul-de-sac length in three (3) locations; but shall not exceed 1200 feet in length, including a branching stem. Appendix D, Section D103, of the adopted North Carolina State Fire Code allows cul-de-sacs to exceed 750 feet with approval. The excess length is due to environmental, topographic, and easement constraints. The extension of the cul-de-sac length will minimize stream crossings and environmental impacts.
22. The detention provided within the drainage area discharging to the point of analysis along the project's property boundary that intersects adjacent property boundaries with NCPINs

176000-44-8293 and 176000-54-1106 will maintain or reduce peak flow rates at the boundary analysis point compared to those of existing peak flow rate calculations for the 1-yr, 10-yr, 25-yr, and 50-yr, 24-hr storm events.

23. Double lined silt fencing will be provided along the grading boundaries along the east side of the property.
24. Subject to review and approval by the Town and NCDOT, a high visibility crosswalk, or other similar type of improved pedestrian crossing, will be installed across Covered Bridge Road at Brookhill Drive.
25. The project shall have a minimum of three phases to be determined at the time of Site Subdivision Construction Drawing.
26. A minimum of two educational signs shall be posted near riparian buffers and trails on the eastern side of the parcel to educate the residents and visitors about the significance of the Neuse River and the Natural Heritage Area.
27. The following Architectural Standards shall be met:
 - Units will be a mixture of one-story, one and one-half stories, and two-story with a variety of elevations. Units of the same elevation shall not be side by side. Exterior color schemes will not be repeated side by side.
 - Townhome units shall be limited to no more than three attached units per building.
 - All homes will have a combination of two or more of the following materials on the front façade: stone, brick, lap siding, fiber cement siding, shakes or board and batten. Vinyl may be used for soffits, fascia, and corner boards.
 - Vinyl siding will not be used on front, side, or rear facades with the exception of trim such as soffits, fascia, and corner boards.
 - A minimum of fifty percent of all residential units shall have a covered front porch or stoop.
 - Architectural style shingles to used.
 - Rear concrete pad/patio will be provided on a minimum of fifty percent of all residential units.
 - To accommodate larger garage spaces and façade features, garage doors may constitute more than 50% of the width of the proposed townhomes.
28. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am in agreement with the conditions as they are outlined within this letter.

Chris Raughley
Print Name

Chris Raughley
Signature of Applicant

4.8.24
Date

Consistency Statements Sheet

Town Council may choose from one of the four suggested motions below.

Staff Recommends the Option in Red Bold Text

Option 1: Approval – Consistent with the Future Land Use Map

I make a motion to approve this rezoning request based on consistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.
- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages residential uses in this area.
- The request is compatible with existing zoning and land uses in the area.

Option 2: Approval – Inconsistent with the Future Land Use Map

I make a motion to approve this rezoning request. While the request is inconsistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- **The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.**
- **GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.**
- **STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.**
- **GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.**
- **GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.**
- **The Future Land Use Map will be updated to be consistent with this rezoning request to an appropriate corresponding land use category, per North Carolina General Statutes, § 160D-605(a).**

This action is reasonable and in the public interest, in that:

- **The Comprehensive Growth Plan encourages residential uses in this area.**
- **The request is compatible with existing zoning and land uses in the area.**

Option 3: Denial – Consistent with the Future Land Use Map

I make a motion to approve this rezoning request, while the request is consistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.
- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.

This action is reasonable and in the public interest, in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.

Option 4: Denial – Inconsistent with the Future Land Use Map

I make a motion to deny this rezoning request based on inconsistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The property is classified as “Low Density Residential” and “Medium Density Residential” in the Future Land Use Map.
- GOAL LU-1 Seeks to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- STRATEGY LU 1.1.2 Looks to support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans.
- GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.

This action is reasonable and in the public interest, in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 15, 2024

Agenda Location

Quasi-Judicial Hearing

Item Title

2023-124-SUP Creekside Townes Modification

Presenter(s)

Bruce Venable

Suggested Action

Approval of SUP

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Quasi

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☒ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☒ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Other/Special Instructions: Sign Posted on Property

Summary

The applicant is seeking to modify their previously approved Special Use Permit (2022-113-SUP Creekside Townes). The request is to allow for a decrease in proposed Townhomes from 25 to 20 units. The reduction of units is due to the applicant seeking to work around a future realignment of Barber Mill Rd. Update: The applicant is requesting a continuation to further discuss the proposed conditions of approval. See attached letter for the applicant's request.

Recommendation

Staff recommends approval of the modification.

Funding Source

N/A

Corresponding Documentation

[Creekside - Town of Clayton Continuance Letter - R&R Development 4-9-24](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Approved - Apr 11 2024

Heidi Holland, Town Clerk

Approved - Apr 11 2024



R&R Development

April 9, 2024

To: Town of Clayton Planning Department

From: Barber Mill Development Group, LLC

Project: 2023-124-SUP Creekside Townes Modification

Location: Barber Mill Rd & Grovewood Dr.

Dear Town of Clayton Planning Department:

We are requesting that the Special Use Permit 2022-124-SUP application be continued to the Monday May 20, 2024 Clayton Town Council meeting. Additional time is needed to review the Towns requested conditions for this project.

Best regards,

A handwritten signature in blue ink, appearing to read 'Robert N Bailey', is written over the printed name.

Robert N Bailey
Manager



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

April 15, 2024

Agenda Location

OLD BUSINESS

Item Title

2023-143-SUP Pinnacle Indoor Storage Unit Facility. Findings and Conclusions.

Presenter(s)

Steven Mott, Planner II

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Quasi

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☒ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Other/Special Instructions: Sign Posted to Property

Updates Since Previous Presentation

On March 18, 2024, the Town Council voted to deny the request for a Special Use Permit during an evidentiary hearing. The Town attorney will provide the Findings and Conclusions from the evidentiary hearing into the record.

Summary

The applicant is requesting a Special Use Permit to allow for self-storage use to accommodate the development of three self-storage structures and supporting infrastructure. The first proposed structure is a 3-story, 101,208 sq. ft. structure housing office space and 685 storage units. Buildings 2 and 3 are large 1-story structures for indoor storage with 13 units at 10,600 sq. ft. total and 9 units at 6,868 sq. ft. The total proposed building square footage is 118,748.

Funding Source

N/A

Corresponding Documentation

[01 Staff Report - 2023-143-SUP Pinnacle Self Storage](#)

[02 Application](#)

[03 Neighborhood Meeting Materials](#)

[04 Pinnacle Storage Clayton Site Plan](#)

[05 SIGNED Conditions Document - 2023-143-SUP Pinnacle Storage](#)

[06 Staff Report Maps - Pinnacle Storage SUP](#)

[07 2023-143-SUP Wastewater Policy Allocation and Request](#)

Submitted By: Bruce Venable, Planning



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

STAFF REPORT

Application Number: 2023-143-SUP

Project Name: Pinnacle Storage – Special Use Permit

Tag #: 05026080W
Location: 11756 US Hwy 70 BUS W, Clayton, NC 27527
Applicant: Robert High Development, LLC
Owner: MOC Clayton II, LLC
Project Planner: Steven Mott, Planner II

Public Noticing Dates:

- **Neighborhood Meeting:** March 5, 2024
- **Sign Posted:** March 6, 2024
- **Newspaper Ad Published:**
- **Letters Mailed:** March 8, 2024

REQUEST: Applicant is requesting a Special Use Permit to build a 4,500 square foot addition to the existing structure along Powhatan Road in addition to a free-standing 78,000 square foot 3-story climate controlled self-storage building along with supporting infrastructure.

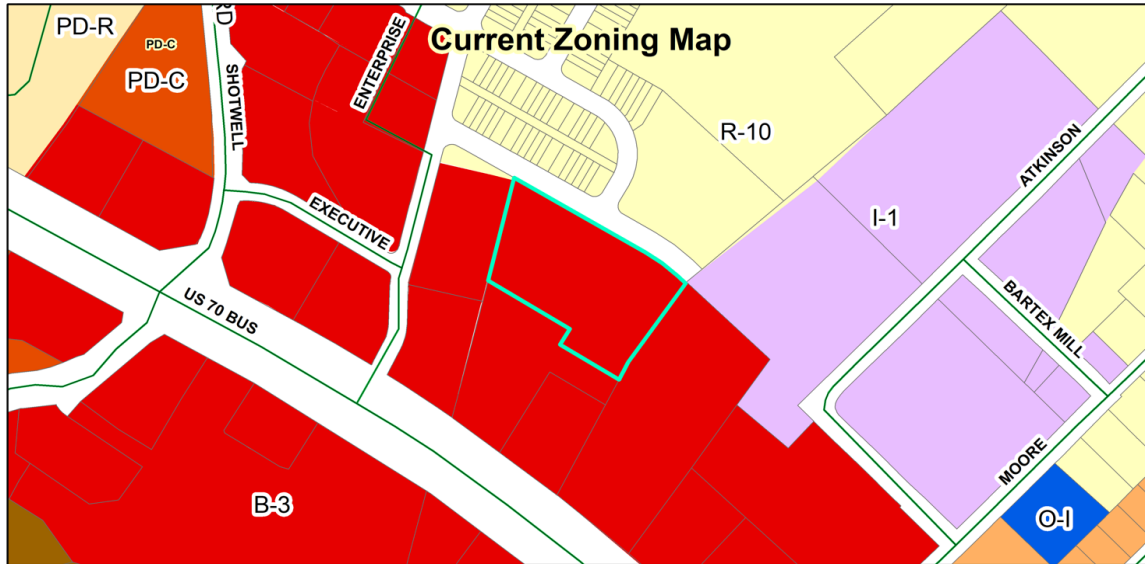
SITE DATA:

Acreage: ± 3.49 acres
Zoning: B-3 (New UDO Zoning: CRM)
Existing Use: Self-Storage



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	R-10 (New UDO Zoning: HDR)	Residential
South	B-3 (CRM)	Under Development to be Commercial
West	B-3 (CRM)	Hotel
East	B-3 (CRM)	Medical, Commercial



DEVELOPMENT DATA:

Proposed Use:	Self Storage Facility
Building Height:	Building 1: 3 story, Buildings 2 & 3: 1 story
Impervious Surface:	± 2.143 acres/60.77%
Parking:	Proposed: 10 spaces, including 1 ADA space; Required: 7
Access/Streets:	The proposed development will be accessed directly from Blakely Street and through access drives through the development to the south connected to US Highway 70 Business West.

STAFF ANALYSIS AND COMMENTARY:**Overview:**

The applicant is requesting a Special Use Permit to allow for self-storage use to accommodate the development of three self-storage structures and supporting infrastructure. The first proposed structure is a 3-story, 101,208 sq. ft. structure housing office space and 685 storage units. Buildings 2 and 3 are large 1-story structures for indoor storage with 13 units at 10,600 sq. ft. total and 9 units at 6,868 sq. ft. The total proposed building square footage is 118,748.

Associated Site Plan:

Pursuant to §155.711(D)(1), concurrent with a request for a Special Use Permit, the applicant was required to submit a Site Plan, which is attached to this staff report. The site plan has been reviewed by staff and is pending approval upon a decision from Council on this Special Use Permit.

Consistency with Adopted Plans:

- **Comprehensive Growth Plan 2045**

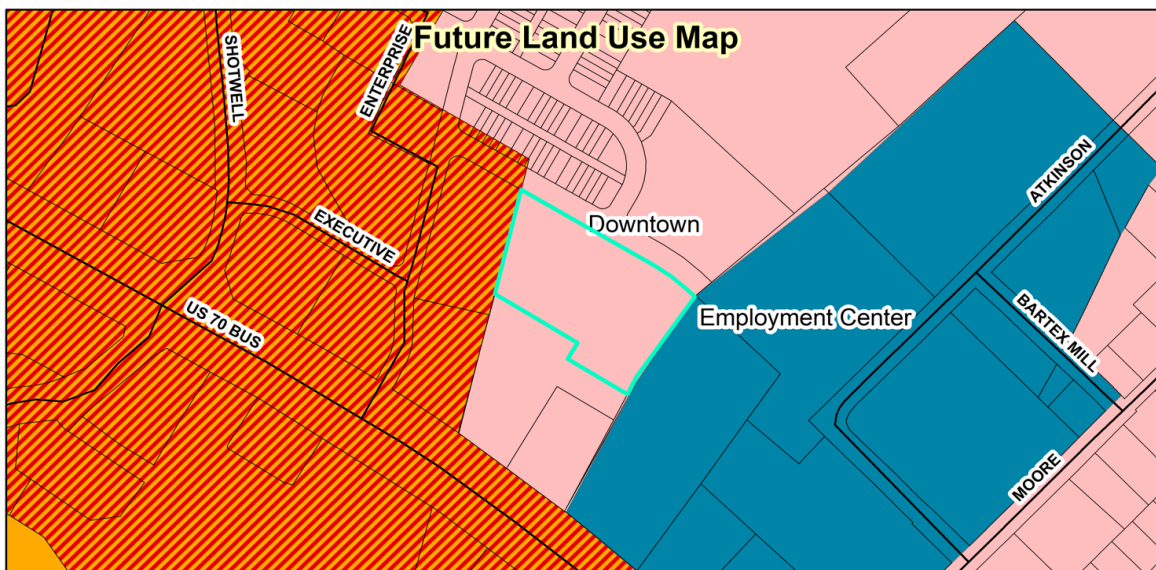
The Future Land Use Map (below) shows that this area is designated as Downtown Support. This land use area designation exists to provide transition between Downtown Neighborhood or other lower intensity character areas and Downtown Core. The Downtown Support category is designed to allow a variety of medium to higher-density housing types in tandem with smaller-scale retail and office uses that support and foster growth of the Downtown Core.

- **Unified Development Code**

If the Special Use Permit is approved, the proposed development will meet the code requirements as outlined in the Unified Development Code, including dimensional standards, parking, and landscaping. The proposed expansion of the use of “Self-Storage” requires a Special Use Permit in B-3 zones, which is the purpose of this application.

CONSIDERATIONS:

- The Town Council shall make final decisions regarding Special Use Permits.
- Special Use Permits shall address specific Findings of Fact, with the burden of proof for meeting the Findings of Fact on the applicant. These Findings all must be met for a Special Use Permit to be approved.
- The Technical Review Committee has reviewed the SUP and associated Site Plan.
- Staff has worked with the applicant on the proposed conditions, and the applicant has agreed to all proposed conditions in writing.
- The Town Council shall consider the recommendation(s) in this staff report, and may approve the SUP with the proposed conditions, add or remove conditions (with the agreement of the applicant), deny the application upon finding that one or more of the Findings of Fact are not met, or may send the application back to the Technical Review Committee for additional consideration.



FINDINGS OF FACT:

Special Use Permits shall address the following findings, with the burden of proof for meeting the Findings of Fact on the applicant. Please see below for the applicant's response to each finding, as well as staff's commentary.

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.*

Applicant Response:

The implementation of this plan will in no way materially endanger the public health or safety if developed according to the plans. The proposed plan conforms to the Town's Code of Ordinances and will provide adequate protection and separation from adjoining properties. There will be no hazardous materials stored on the site with this use.

Staff Commentary:

Staff believes that this project does not constitute a danger to public health or safety.

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.*

Applicant Response:

This application meets all Town Code of Ordinances, specifications, and applicable regulations as submitted and approved. The property is zoned B-3 and the existing and proposed use of the property is allowed with a Special Use Permit.

Staff Commentary:

As this application was submitted prior to the Unified Development Ordinance coming into effect on January 2nd, 2024, this application is under consideration concerning the requirements under the Unified Development Code which allowed for Special Use Permit applications to be submitted for self-storage use within the B-3 zoning district. The applicant has provided a site plan that meets all requirements in the Town of Clayton Unified Development Code and other guidelines.

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.*

Applicant Response:

This 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 plan as submitted and approved is an expansion of an existing use and will meet all Town buffering and zoning conditions.

Staff Commentary:

Staff has no comment with respect to whether the site will affect the value of abutting property. With respect to use or development of surrounding properties, staff does not believe the application as proposed will have any effect on adjacent development.

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.*

Applicant Response:

This 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 proposed plan will conform to all Town Ordinances and regulations.

Staff Commentary:

Staff believes that this request is incongruous to the nature and intention of the Downtown Support Future Land Use Designation and would not constitute as a typified, relevant smaller-scale retail or office use that would work to support and foster growth of the Downtown Core.

RECOMMENDED CONDITIONS OF APPROVAL:

If approved, staff is recommending conditions of approval be placed upon the application. The recommended conditions are listed below, and the applicant's signed acceptance of the recommended conditions is provided as an attachment.

1. The Development shall be constructed in substantial conformance with the Special Use Permit as approved by the Clayton Town Council and associated Site Plan and Rendering (2023-144-SP) as approved by Town staff.
2. Any conditions imposed as part of the Site Plan (2023-144-SP) approval shall remain in effect.

ATTACHMENTS:

- 1) Special Use Permit Application
- 2) Site Plan
- 3) Neighborhood Meeting Materials
- 4) Staff Report Maps
- 5) Recommended Conditions of Approval – Signed by Applicant



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: Pinnacle Storage Date: 09/11/2023
Applicant Name: Robert High Development, LLC

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: 06/21/2023
[☒] Application Review fee
[N/A] Advertisement 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
[☒] Neighborhood Meeting Notice Letter (1 copy)
[N/A] Wastewater Allocation Request Form (if applicable)
[N/A] Set of stamped, addressed, empty envelopes for adjacent property owner notification
[☒] Associated Site Plan (separate application required for major site plans, must be submitted concurrently)

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

Application Fee: \$750.00

☒ New Special Use Permit

☐ Major Modification to an approved SUP
Permit Modified: _____

SITE INFORMATION

Name of Project: Pinnacle Storage

Acreage of Property: 3.49 Zoning District: B-3

County Tag #: 05026080W NC Pin #: 165915-64-0415

Address/Location: 11756 US Hwy 70 Bus West

Existing Use: Vacant Proposed Use: Indoor Self Storage

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: Robert High

Mailing Address: 324 Greenville Avenue Wilmington, NC 28403

Phone Number: 910-790-9490 Fax: _____

Contact Person: Robert High

Email Address: robert@roberthighdevelopment.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

PROPERTY OWNER INFORMATION

Name: MOC Clayton II, LLC - Chris Clayton
Mailing Address: 4030 Wake Forest Road St 349 Raleigh, NC 27609
Phone Number: 919-604-4474 Fax: _____
Email Address: chris@mountoakcapital.com

EXPLANATION OF PROJECT

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

This plan proposes the construction of 3 indoor climate controlled self storage buildings. The main building with office is 3-stories, 101,280 sf and 685 units with buildings 2 & 3 being large 1-story indoor storage 10,600 sf (13 Units) and 6,868 sf (9 Units) and total proposed building sf being 118,748 sf. The site will be accessed on the main level from the proposed drive off US Hwy 70 Bus W between Popeye's and Outback Steakhouse and on the second level from Blakely Street. Along with the buildings will be all supporting infrastructure including, curb & gutter, pavement, storm drainage, utilities (water, sewer, cable, phone, etc). Stormwater peak discharge and nutrient reduction will be taken care of by a wet detention pond approved and constructed as part of the approved construction drawings entitled Outback Steakhouse and Popeyes Louisiana Kitchen by Commercial Site Design with CSD Proj. Number MOC-2114 and TOC Project Number 2022-203-SP_CD dated 04/13/2023

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 developed according to the plans as submitted and approved.
The implementation of this plan will in no way materially endanger the public health or safety if developed according to the plans. The proposed plan conforms to the Town's Code of Ordinances and will provide adequate protection and separation from adjoining properties. There will be no hazardous materials stored on the site with this use.

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.

This application meets all Town Code of Ordinances, specifications, and applicable regulations, as well as representing sound land use planning. The plan as submitted and approved conforms to all Town Ordinance and 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.

This 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 property is zoned Highway Business (B-3) as is the adjacent property to the east and west.

Blakely Street to the north and Hwy 70 to the south provide buffers from surrounding properties.

The regulations in the Town's Ordinance will provide adequate protection to the surrounding 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.

This 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 proposed plan will conform to all Town Ordinances and regulations.

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.

Robert High
Print Name


Signature of Applicant

9/11/23
Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the 1st Public Hearing Meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st Public Hearing Meeting in electronic or hard copy format:

- ☒ Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- ☒ Copy of the letter mailed *Should be submitted with original application packet*
- ☒ Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- ☒ Neighborhood Meeting Summary Form with minutes (see below) *Submit no later than 10 days prior to the 1st public meeting date*

ADJACENT PROPERTY OWNERS LIST

Project Name: Pinnacle Storage

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

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

PARCEL NUMBER	NAME	ADDRESS
05G02005T	BV 173 LLC	1414 Yanceville St Suite 300 Greensboro, NC 27405
05G02005W	Saint Hospitality LLC	761 Enterprise Dr Clayton, NC 27520
05026077E	Sa'Metria Jones	87 Blakely St Clayton, NC 27520
05026077K	Edward M. Heiner	109 Hinton Ct Clayton, NC 27527
05026077D	Together Properties LLC	1021 Powhatan Rd Clayton, NC 27527
05026077F	Edward M. Heiner	109 Hinton Ct Clayton, NC 27527
05026080V	MOC Clayton II LLC	500 6th St San Antonio, TX 78215
05027001	Shackleford-Bunn Dev Co LLC	1025 Ridge Road Clayton, NC 27520
05026076A	Cameron Crossing Townhome Assoc., Inc	2221 E Lamar Blvd Suite 790 Arlington, TX 76006
05026077I	Garrett L. Beckley	117 Blakely St Clayton, NC 27520
05026077J	David M. Cohen	254 Beckwith Ave. Clayton, NC 27527
05026077C	Austin Minnicks	73 Blakely St Clayton, NC 27520
05026077H	V R Property Brothers LLC	520 Catalina Grande Dr Cary, NC 27519
05026077G	Tyson Shoemaker	105 Blakely St Clayton, NC 27520
05026095D	WFCLHK Properties LLC	8620 River Rd Wilmington, NC 28412
05026073U	MOC Clayton II LLC	500 6th St San Antonio, TX 78215
05026077A	David M. Cohen	254 Beckwith Ave. Clayton, NC 27527

ADJACENT PROPERTY OWNERS LIST

Project Name: Pinnacle Storage

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

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

PARCEL NUMBER	NAME	ADDRESS
05026076Z	Krishna Chaitanya Vallabhaneni	228 Tilth St Cary, NC 27519
05026076Y	Evan Allen Joint Tenants (WROS)	2 Leighton St Apt 322 Cambridge, MA 02141
05026077B	Joshjin Paul	4131 Pebble Heights Ln Sugar Land, TX 77479

SAMPLE NEIGHBORHOOD MEETING LETTER

(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

Dear Clayton Area Property Owner:

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

Meeting Date: _____

Meeting Time: _____

Meeting Location: _____

Type of Application: **Special Use Permit**

Project/proposal property address: **11756 US Hwy 70 Bus W**

Description of project/proposal: This plan proposes the construction of 1, 3-story, sprinkled indoor climate controlled Self

Storage building and 2, 1-story, large indoor climate controlled Self Storage buildings along with all supporting infrastructure.

Upcoming public meetings for this
application (Planning Board
and/or Town Council): _____

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

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

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

If you have any questions prior to or after this meeting, you may contact us at **<Insert phone number of applicant>**. You may also contact the Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

	NAME	ADDRESS
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: _____ Date of Mailing: _____

Date of Meeting: _____ Time of Meeting: _____

Location of Meeting: _____

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

Printed Name: _____ Signature: _____

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

[illegible]

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



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

OWNER'S CONSENT FORM

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

Project Name: Pinnacle Storage

Address or PIN #: 165915-54-9340

AGENT/APPLICANT INFORMATION:

(Name - type, print clearly)

(Address)

(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*):

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:

(Name - type, print clearly)

(Address)

(Owner's Signature)

(City, State, Zip)

STATE OF _____
COUNTY OF _____

Sworn and subscribed before me _____, a Notary Public for the above State and County, this
the _____ day of _____, 20_____.

SEAL

Notary Public

My Commission
Expires: _____

April 2023

10 of 10



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SITE PLAN APPLICATION COVERSHEET

Name of Project: Pinnacle Storage Date: _____
Applicant Name: Robert High Development, LLC

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: 06/21/2023
[☒] Review Fee
[☒] Copy of plan sets in PDF on USB

Submit 1 hardcopy and 1 digital copy (via email or USB) of each of the following:

- [☒] Completed Application
[☒] Owner's Consent Form
[☒] Wastewater Allocation Request Form (if applicable)
[☒] Stormwater Management Statement
[☒] Signed/Sealed Traffic Impact Analysis (if applicable)

Submit 1 hardcopy and 1 digital copy (via email or USB) of the plan set. All site plan sets should include the following:

- | | |
|---|--|
| [☒] Cover Sheet | [☒] Preliminary Engineering Plan Set |
| [☒] Site Plan | [☒] Landscaping Plan Sheet |
| [☒] Signed and Sealed Boundary Survey | [☒] Architectural Elevations Sheet (if applicable) |
| [☒] Existing Conditions Sheet | |
| [☒] Lighting Plan Sheet | |
| [☒] Preliminary Grading Plan Sheet | |

Neighborhood Meetings are required for site plans greater than 10,000sq ft. Applicant should submit 1 hardcopy and 1 digital copy (via email or USB) of the following:

- [☒] Adjacent Property Owner's List
[☒] Neighborhood Meeting Letter Notice Letter

Reviewed by: _____



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SITE PLAN APPLICATION

Site Plan Application Fee: \$500.00 + \$15 per acre

Modification to an approved site plan?

Permit Modified: _____

SITE INFORMATION

Name of Project: Pinnacle Storage

Acreage of Property: 3.49 Zoning District: B-3

County Tag #: 05026080W NC Pin #: 165915-64-0415

Address/Location: 11756 US Hwy 70 Bus West

Existing Use: Vacant Proposed Use: Indoor Self Storage

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

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

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

APPLICANT INFORMATION

Applicant: Robert High Development, LLC

Mailing Address: 324 Greenville Avenue Wilmington, NC 28403

Phone Number: 910-790-9490 Fax: _____

Email Address: robert@roberthighdevelopment.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

PROPERTY OWNER INFORMATION

Applicant: MOC Clayton II, LLC

Mailing Address: 4030 Wake Forest Road St 349 Raleigh, NC 27609

Phone Number: 919-604-4474

Fax: _____

Email Address: chris@mountoakcapital.com

EXPLANATION OF PROJECT

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

This plan proposes the construction of 3 indoor climate controlled self storage buildings. The main building with office is 3-stories, 101,280 sf and 685 units with buildings 2 & 3 being large 1-story indoor storage 10,600 sf (13 Units) and 6,868 sf (9 Units) and total proposed building sf being 118,748 sf. The site will be accessed on the main level from the proposed drive off US Hwy 70 Bus W between Popeye's and Outback Steakhouse and on the second level from Blakely Street. Along with the buildings will be all supporting infrastructure including, curb & gutter, pavement, storm drainage, utilities (water, sewer, cable, phone, etc). Stormwater peak discharge and nutrient reduction will be taken care of by a wet detention pond approved and constructed as part of the approved construction drawings entitled Outback Steakhouse and Popeyes Louisiana Kitchen by Commercial Site Design with CSD Proj. Number MOC-2114 and TOC Project Number 2022-203-SP_CD dated 04/13/2023

SITE PLAN REQUIREMENT CHECKLIST

PLAN FORMAT

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

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

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

PLAN ELEMENTS AND GRAPHIC DATA

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

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

SURVEY

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

EXISTING CONDITIONS SHEET

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

SITE PLAN

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

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

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

Other site plan elements:

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

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

CONCEPTUAL ENGINEERING PLANS

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

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

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

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

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

LANDSCAPE PLAN

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

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

LIGHTING PLAN

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

ARCHITECTURAL ELEVATIONS AND FLOORPLAN

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

APPLICANT AFFIDAVIT

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

Robert High

Print Name


Signature of Applicant

9/11/23
Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

If applicable, the neighborhood meeting must be held prior to receiving TRC Approval.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list") Should be submitted with original application packet
- ☐ Copy of the letter mailed Should be submitted with original application packet
- ☐ Attendance Roster (aka "sign-in sheet") Submit once neighborhood meeting has been completed
- ☐ Neighborhood Meeting Summary Form with minutes (see below) Submit once neighborhood meeting has been completed

ADJACENT PROPERTY OWNERS LIST

Project Name: Pinnacle Storage

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

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

[illegible]

ADJACENT PROPERTY OWNERS LIST

Project Name: Pinnacle Storage

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

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

[illegible]

SAMPLE NEIGHBORHOOD MEETING LETTER

(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

Dear Clayton Area Property Owner:

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

Meeting Date: _____

Meeting Time: _____

Meeting Location: _____

Type of Application: **Special Use Permit**

Project/proposal property address: **11756 US Hwy 70 Bus W**

Description of project/proposal: This plan proposes the construction of 1, 3-story, sprinkled indoor climate controlled Self

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

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

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

If you have any questions prior to or after this meeting, you may contact us at **<Insert phone number of applicant>**. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

October 2019

Page 3 of 5

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

NAME	ADDRESS
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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: Pinnacle Storage Address or PIN #: 165915-54-9340

AGENT/APPLICANT INFORMATION:

Robert High
(Name - type, print clearly)

324 Greenville Avenue
(Address)
Wilmington, NC 28403
(City, State, Zip)

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

Special Use Permit Application

Site Plan Application

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

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

OWNER AUTHORIZATION:

Jonathan Coe
(Name - type, print clearly)

500 6th St
(Address)

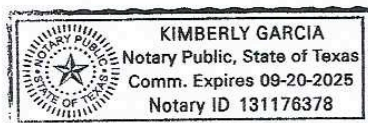
(Signature)
(Owner's Signature)

San Antonio, TX 78215
(City, State, Zip)

STATE OF Texas
COUNTY OF Bexar

Sworn and subscribed before me Jonathan Coe, a Notary Public for the above State and County, this the 12 day of July, 20 23.

SEAL



July 2018

Kim Garcia
Notary Public

My Commission Expires: 09-20-2025



Engineering • Planning • Site Design

February 21, 2024

Dear Clayton Area Property Owner:

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

Meeting Date: March 5, 2024 (Tuesday) Meeting Time: 6:00-8:00pm

Meeting Location: Virtual <https://bit.ly/42UzE7O> (Address is case sensitive)

Type of Application: Special Use Permit
Project/Proposal property address: Pinnacle Storage / 11756 US Hwy 70 Bus W
Description of project/proposal: The plan proposes 3 buildings, the main building being a 3-story climate-controlled indoor self storage and Buildings 2 & 3 being larger climate-controlled units for indoor boat & R/V storage and associated infrastructure (curb, walks, pavement, utilities, storm, etc.)

Upcoming public meetings for this
Application (Planning Board
And/or Town Council):

March 18, 2024 Town Council

The following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map showing the project and neighboring parcels with roads.
4. Project plans and color rendering showing the proposed development.

A map is enclosed with this letter showing the location of the property that is subject to this application for the development proposal.

If you have any questions prior to or after this meeting, you may contact us at 919-630-4466. You may also contact the Town of Clayton Planning Department at 919-553-5002

Sincerely,

WILLIAM G. DANIEL AND ASSOCIATES

Bart J. McClain, P.E. – Project Engineer

Attachments: As stated

Cc: Town of Clayton Planning Department



Engineering • Planning • Site Design

August 31, 2023

Dear Clayton Area Property Owner:

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

Meeting Date: _____ Meeting Time: _____

Meeting Location: _____

Type of Application: Special Use Permit
Project/Proposal property address: Pinnacle Storage / 11756 US Hwy 70 Bus W
Description of project/proposal: The plan proposes 3 buildings, the main building being a 3-story climate-controlled indoor self storage and Buildings 2 & 3 being larger climate-controlled units for indoor boat & R/V storage and associated infrastructure (burb walks, pavement, utilities, storm, etc.

Upcoming public meetings for this
Application (Planning Board
And/or Town Council): _____

The following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map showing the project and neighboring parcels with roads.
4. Project plans and color rendering showing the proposed development.

A map is enclosed with this letter showing the location of the property that is subject to this application for the development proposal.

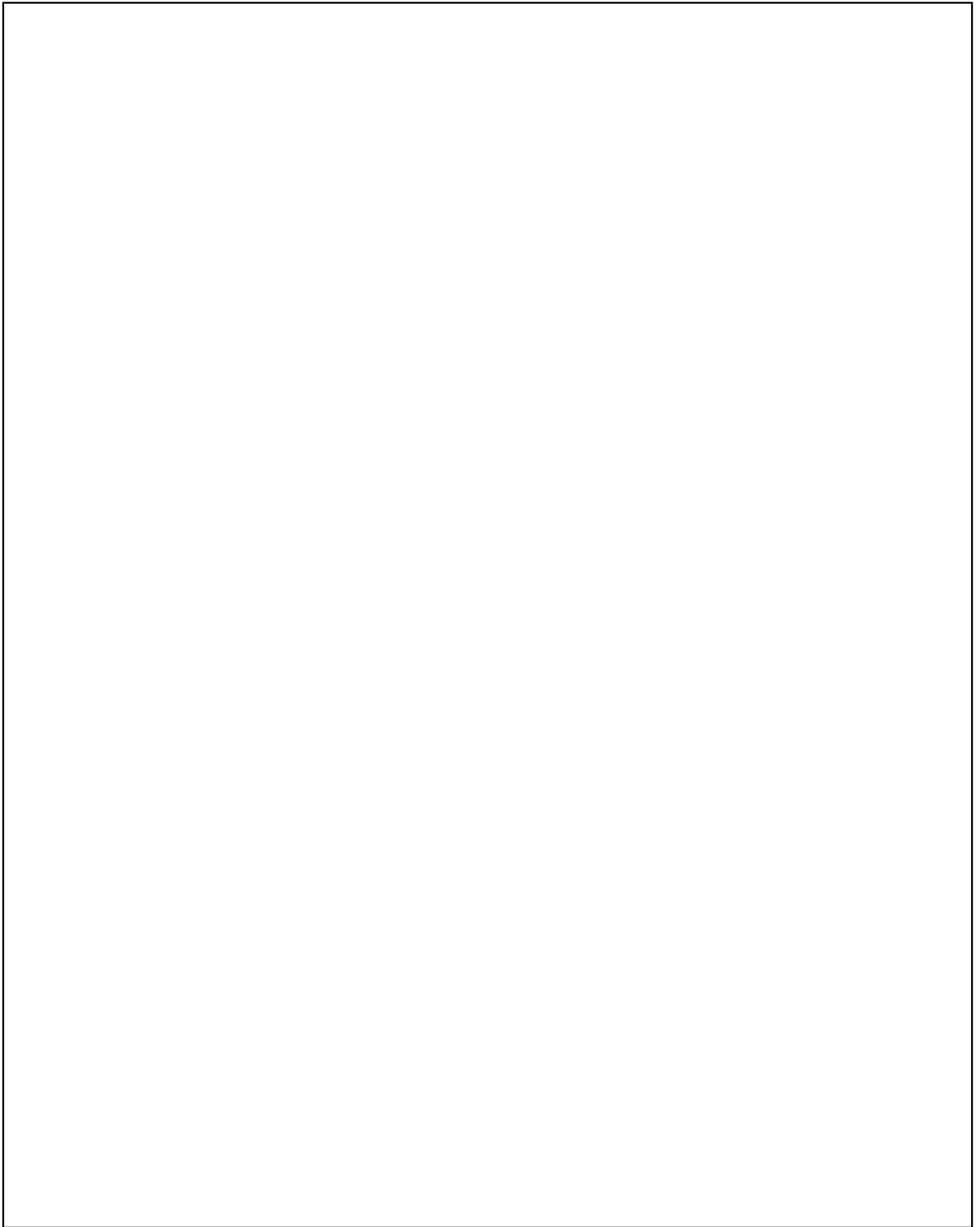
If you have any questions prior to or after this meeting, you may contact us at 919-630-4466. You may also contact the Town of Clayton Planning Department at 919-553-5002

Sincerely,

WILLIAM G. DANIEL AND ASSOCIATES

Bart J. McClain, P.E. – Project Engineer

Attachments: As stated
Cc: Town of Clayton Planning Department



NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 2023-143-SUP Pinnacle Storage Date of Mailing: 2/21/2024
Date of Meeting: 3/05/2024 Time of Meeting: 6pm - 8pm

Location of Meeting: Teams Meeting (Virtual)

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

Printed Name: Bart J. McClain Signature: Bart J. McClain, PE

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

The meeting was attended by Will Clevenger
(representative for Robert High Development the project contractor/
developer/owner) and Bart McClain PE (Project Engineer)
for the full two hours. None of the surrounding neighbors that were
notified by mail, logged on or called in to attended the meeting.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Pinnacle Storage

Application: 2023-143-SUP

Location/Date: Teams Meeting on March 5, 2024

	NAME	ADDRESS
1	No one logged on	or called in to the meeting
2		
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12		
13		
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16		
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18		
19		
20		

Pinnacle Storage ----- US Hwy 70 Bus W

Site Plan 2023-143-SUP



VICINITY MAP
1" = 600'

UNIT MIX CALCULATIONS -- BUILDING 1						
Unit Size	1st Flr	2nd Flr	3rd Flr	TOTAL	HC units	Comments
Interv	4x8	6	4	6	16	2 ADA compliant hardware
4x10	12	13	25	50	4	ADA compliant hardware
8x9	1			1		
8x10	7	1		8		
8x14	1			1		
8x20		1		1		
10x10	37	36	72	145	4	ADA compliant hardware
8x10	30		30	60	1	ADA compliant hardware
8x13	1			1		
8x19	1			1		
8x9	3	4	4	11		
8x10	3	85	120	208	4	ADA compliant hardware
8x14	1			1		
8x15	1	1		2		
8x16	1	1		2		
10x10	2		1	3		
10x14	10			10		
10x15	53	37	34	124	2	ADA compliant hardware
10x19		8		8		
10x20	26	17		43	1	ADA compliant hardware
Exterior	8x4	6		6		
8x18	1	1		2		
10x20	1			1		
10x19	1	8		9		
10x20	6			6	2	ADA compliant hardware
TOTAL	204	216	282	692	20	ADA compliant hardware
19.7 ± 10±2% units over 200						

UNIT MIX CALCULATIONS -- BUILDING 2				
Unit Size	1st Flr	HC units	Comments	
RV Bldg	15x60	12		
30x50	1	1	Electronically operated door	
TOTAL	13	1	Electronically operated door	
.65 ± 5% of total # of units under 200				

UNIT MIX CALCULATIONS -- BUILDING 3				
Unit Size	1st Flr	HC units	Comments	
RV Bldg	15x60	9		
TOTAL	9			
SEE NOTE 1				

NOTE 1:
ACCESSIBLE SPACES ARE PERMITTED TO BE DISPERSED IN A SINGLE BUILDING OF A MULTIBUILDING FACILITY PER 1108.3.1 OF THE 2018 IBC. ACCESSIBLE SPACES ARE LOCATED IN BUILDING "2" LOCATED NEXT TO THIS BUILDING.

Pinnacle Storage Stormwater Impact Statement US Hwy 70 Bus W, Clayton, NC

The site is located on Lot 3 and consists of approximately 3.49 acres, as shown on approved construction drawings entitled Outback Steakhouse and Popeyes Louisiana Kitchen by Commercial Site Design with CSD Proj. Number MOC-2114 and TOC Project Number 2022-203-SP. CD dated 04/13/2023. As shown on the approved construction plans, a wet detention pond (SCM) has been designed and approved allocating 70% impervious area (2.443 Ac.) to Lot 3.

The proposed plan, Pinnacle Storage, has only 2.143 Ac. impervious area (60.77%), well below the allocated 70%, therefore, no stormwater or nutrient reduction required for this project.

The proposed plan is for the development of a self-storage facility with a 3-story indoor climate controlled storage (Building 1 - 118,748 sf) and 2 climate controlled self-storage boat/RV (Buildings 2 & 3 - 17,118 sf) units along with supporting infrastructure. This project will access through the proposed and approved access off US Hwy 70 Bus W as shown on the Outback Steakhouse / Popeyes Louisiana Kitch construction plans and off Blakely Street as shown on these plans

SITE NOTES:

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH TOWN OF CLAYTON STANDARD SPECIFICATIONS AND DETAILS.
2. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF ALL EXISTING UTILITIES.
3. ALL DISTANCES ARE TO BACK OF CURB UNLESS OTHERWISE SPECIFIED.
4. NO FEMA MAPPED FLOOD HAZARD AREAS LOCATED ON THIS SITE.
5. DIGITAL INFORMATION AND A STAKING PLAN WILL BE PROVIDED TO THE CONTRACTOR UPON THEIR REQUEST.
6. ASBUILT AND TOPOGRAPHIC INFORMATION FROM FIELD SURVEY AND PROPOSED DATA PROVIDED BY PROPERTY OWNERS MOC CLAYTON II
7. THIS PROJECT WILL MEET ALL OF THE REQUIREMENTS RELATIVE TO BEST MANAGEMENT PRACTICES AND ENGINEERED STORMWATER CONTROL STRUCTURES AS OUTLINED IN THE TOWN OF CLAYTON STORMWATER ORDINANCE.
8. ALL DIMENSIONS ARE TO BACK OF CURB OR BUILDING FACE.

Contact the North Carolina One Call Center prior to doing any digging. (1-800-632-4949)

ADDRESS
US Hwy 70 Bus. W
Town of Clayton
Johnston County, NC

SOURCE OF TITLE
Deed Book 06385 Page 0918

ACREAGE DATA
6.78 AC±

PROPERTY LOCATION:
LAT: 35.657047
LONG: -78.474875

Financially Responsible Contact:
Robert High
Robert High Development, LLC
910-790-9490

Developer



Robert High - President
D) 910.790.9490 C) 910.443.7327
324 Greenville Avenue Wilmington, NC 28403
E-mail: Robert@RobertHighDevelopment.com
www.roberthighdevelopment.com

Architect



Bradley C. Williams
D) 252-355-1300 C) 252-714-9822
100 A Oakmont Drive Greenville, NC 27858
E-mail: brad@bwarchitecture.info
www.bwarchitecture.info

Landscape Architect



TMTLA Associates
5011 Southpark Drive, Suite 200
Durham, NC 27713
T (919) 484-8880
www.tmtla.com

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

UTILITY WARNING

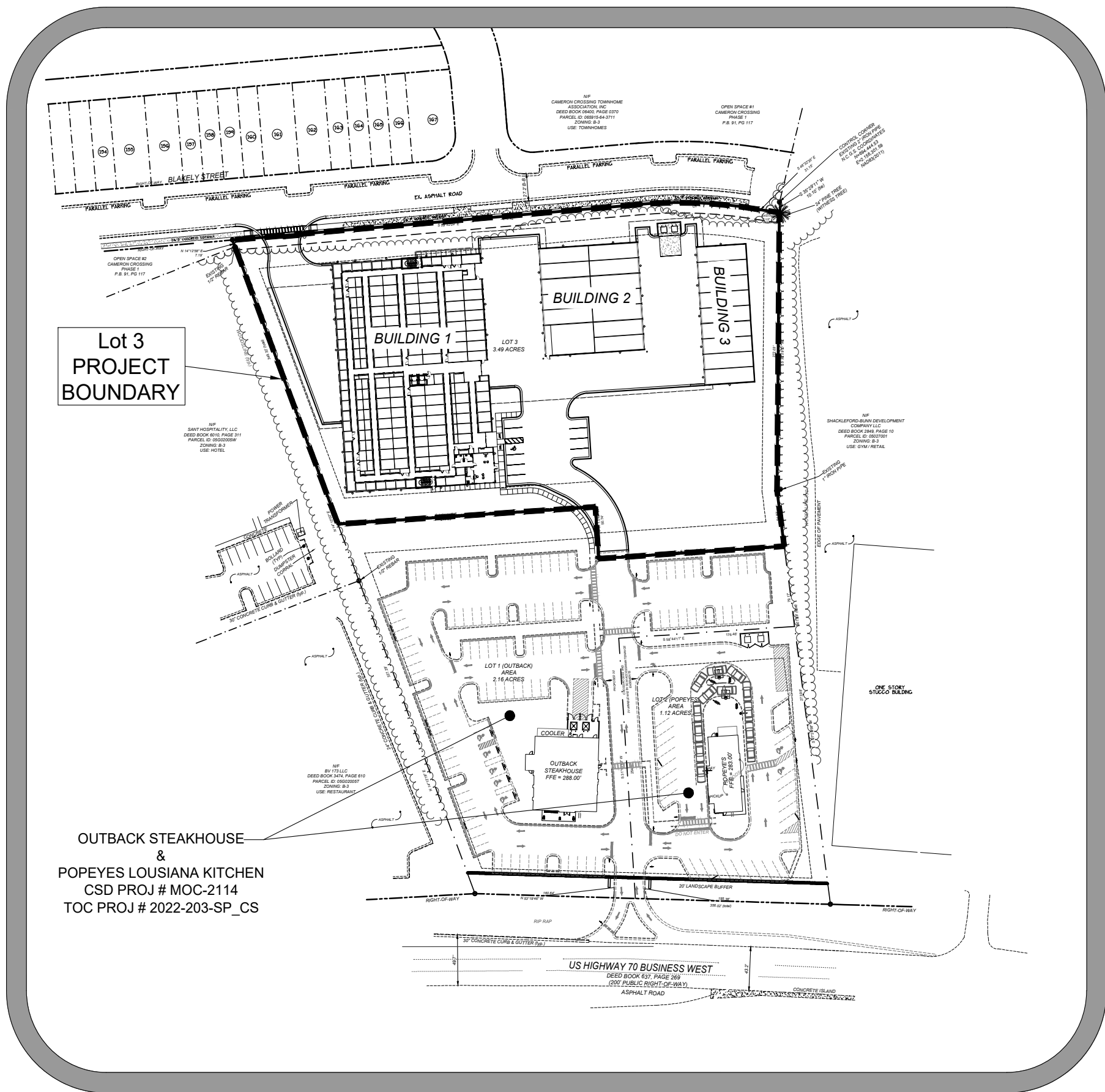
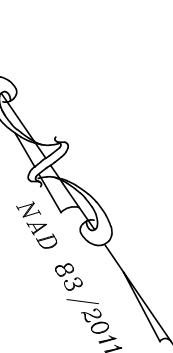
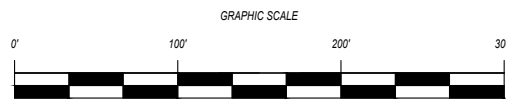
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

NCDOT NOTE:
No NCDOT Driveway Permit required for this project.

IMPERVIOUS DATA

EX. IMPERVIOUS AREA = SEE NOTE BELOW
LOT 3 IMPERVIOUS ALLOCATION OF
2.443 AC. (70%) FROM APPROVED
PLANS 2022-203-SP_CD

PROP. IMPERVIOUS AREA = 2.143 AC.
VUA = 39,435 SF = 0.905 Ac.
BLDG = 50,928 SF = 1.169 Ac.
MISC. = 3,021 SF = 0.069 Ac.



SITE DATA

OWNER: MOC Clayton II, LLC
500 6th Street
San Antonio, TX 78215

PIN #: 165915-64-0415
COUNTRY TAG #: 05026080W
LOT #: 3

EX. ACREAGE: 3.49 AC
SITE ADDRESS: 11756 US Hwy 70 Bus W
ZONING: B-3
OVERLAY DISTRICT: None
DEED BOOK AND PAGE: 06510 -- 0070
PLAT BOOK AND PAGE: 98 & 483

WATERSHED: Swift Creek
RIVER BASIN: Neuse

EXISTING USE (Lot 3): Vacant
PROPOSED USE (Lot 3): Self Storage

BUILDING SETBACKS
FRONT: 25 Ft
SIDE: 15 Ft
REAR: 30 Ft
SIDE: IIB

CONSTRUCTION TYPE: IIB

STORAGE UNITS:
BUILDING #1: 707 Units Total
BUILDING #2: 685 Units
BUILDING #3: 13 Units
BUILDING #3: 9 Units

OF PARKING SPACES
REQUIRED: 7
PROPOSED: 10 (9 Reg, 1 HC)

OF HC PARKING SPACES
REQUIRED: 1
PROPOSED: 1 -- Van Accessible

PARKING CALCULATIONS BASED ON 1 SPACE PER 100 UNITS

BICYCLE SPACES
REQUIRED: N/A
PROPOSED: 0

BUILDING AREA (SF)
EXISTING: 0,000 sf (0.00% of Site)
PROPOSED (GROSS): 118,748 Sf (Total)
BUILDING 1: 101,280 SF (3-Story)
BUILDING 2: 10,250 SF (1-Story)
BUILDING 3: 6,868 SF (1-Story)
PROPOSED (FOOTPRINT): 51,228 Sf (Total)
BUILDING 1: 33,760 SF (3-Story)
BUILDING 2: 10,250 SF (1-Story)
BUILDING 3: 6,868 SF (1-Story)

FAR (FLOOR AREA RATIO) %: 78.11% (Lot 3)
BUILDING LOT COVERAGE %: 22.21% (Lot 3)
BUILDING HEIGHT (Max)
BLDG 1: 33'-0" (3 Story)
BLDG 2: 16'-0" (1 Story)
BLDG 3: 16'-0" (1 Story)

ALLOCATED IMPERVIOUS AREA: 2.443 Ac. (70.00%)
PROPOSED IMPERVIOUS AREA: 2.143 Ac. (60.77%)

TOTAL DENUDED AREA: 3.54 Ac.
PROPOSED WATER SERVICES: 1 -- 1" Dom. Service
PROPOSED FIRE LINE: 282 LF 6" DIP Private
NUMBER OF PROPOSED WATER TAPS: 1 (1" Domestic)
NUMBER OF CUT IN TEES W/ VALVES: 2 (6" Fire Line)
NUMBER OF PROPOSED SEWER TAPS: 1 (4" Domestic)
PROPOSED SEWER FLOW (PERMANENT) = 685 GPD (TOTAL)
(1 GPD PER UNIT x 685 UNITS)

OPEN SPACE: N/A
WATER: Town of Clayton Utilities
SEWER: Town of Clayton Utilities
ENERGY: Duke Energy Progress or Town of Clayton. Customers choice.

SHEET NO.	DESCRIPTION
CS-1	COVER
CS-2	PLAT
CS-3	EXISTING CONDITIONS PLAN
CS-4	SITE PLAN
CS-5	UTILITY PLAN
CS-6	GRADING/DRAINAGE PLAN
CS-7	EROSION CONTROL PLAN - PHASE 1
CS-7A	EROSION CONTROL PLAN - PHASE 2
CS-8	NPDES PLAN
CS-8A	NPDES DETAILS
CS-9	SITE DETAILS
CS-10	UTILITY DETAILS
CS-11	STORM & EROSION DETAILS
CS-12	CHARTS & TABLES
L-1	LANDSCAPE PLAN
L-2	WET DETENTION PLANTING PLAN
ES101	LIGHTING PLAN
ES102	LIGHTING FIXTURE CUTSHEETS
A-101	ARCH BUILDING 1 FIRST FLOOR PLAN
A-201	ARCH BUILDING 1 SECOND FLOOR PLAN
A-301	ARCH BUILDING 1 THIRD FLOOR PLAN
A-401	ARCH BUILDING 1 ELEVATION VIEWS
A-402	ARCH BUILDING 1 ELEVATION VIEWS
A-101	ARCH BUILDING 2 FLOOR PLAN
A-201	ARCH BUILDING 2 ELEVATION VIEWS
A-101	ARCH BUILDING 3 FLOOR PLAN
A-201	ARCH BUILDING 3 ELEVATION VIEWS

Wm. G. Daniel & Assoc.
Engineering Planning
Site Design
1150 SE MAYNARD ROAD
SUITE 200
CARY, NC 27511
(919) 467-9708
C-0329



Revisions

10/24/2023 Per Town of Clayton 1st
Site Plan review comments.
11/27/2023 Per Town of Clayton 2nd
Site Plan review comments.
01/26/2024 Per Town of Clayton 3rd
Site Plan review comments.

OWNER:
MOC Clayton II, LLC
500 6th Street
San Antonio, TX 78215
919-604-4474

DEVELOPER:
Robert High Development, LLC
324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

Project

Pinnacle Storage
US Hwy 70 Business West

Cover

Date

August 30, 2023

Scale

1" = 100'

Sheet

CS - 1



Revisions

10/24/2023 Per Town of Clayton 1st
Site Plan review comments.
11/27/2023 Per Town of Clayton 2nd
Site Plan review comments.
01/26/2024 Per Town of Clayton 3rd
Site Plan review comments.

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324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

Project

Pinnacle Storage
US Hwy 70 Business West

Plat

Date

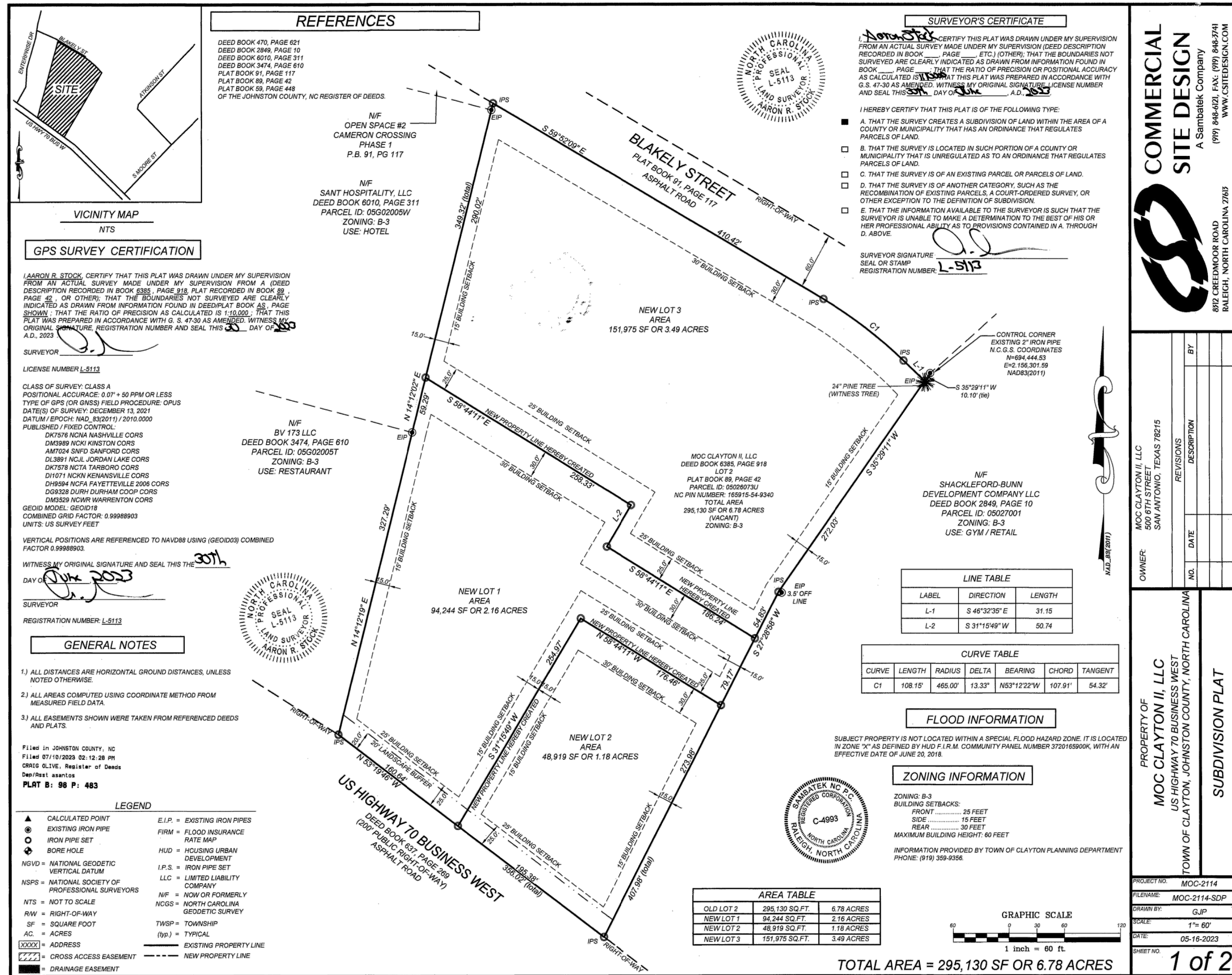
August 30, 2023

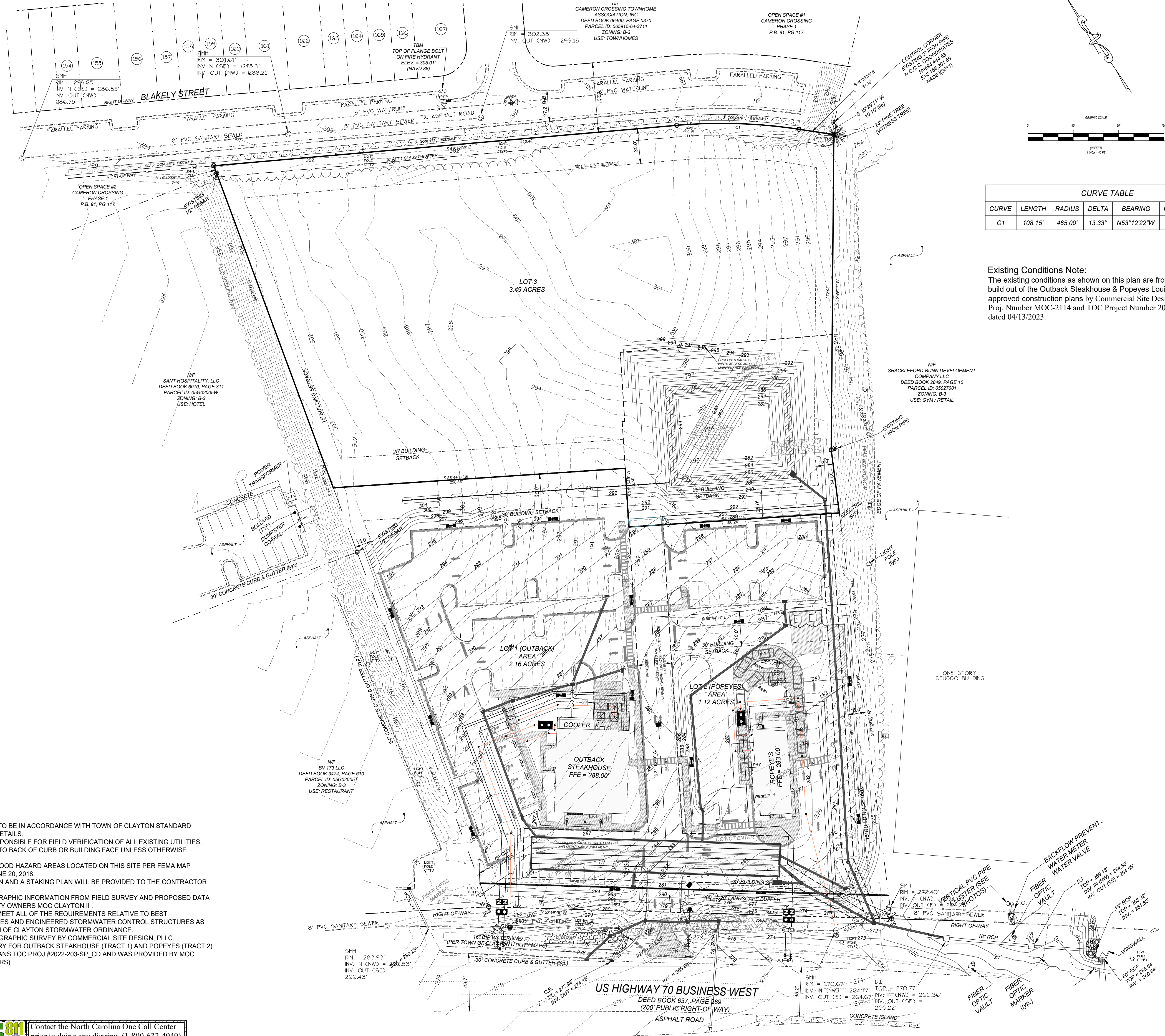
Scale

As Shown

Sheet

CS - 2





Wm. G. Daniel & Assoc.
Engineering Planning
Site Design

1150 SE MAYNARD ROAD
SUITE 260
CARY, NC 27511
(919) 467-9708
C-0329



Revisions

- 10/24/2023 Per Town of Clayton 1st Site Plan review comments.
- 11/27/2023 Per Town of Clayton 2nd Site Plan review comments.
- 01/26/2024 Per Town of Clayton 3rd Site Plan review comments.

OWNER:
MOC Clayton II, LLC
500 6th Street
San Antonio, TX 78215
919-604-4474

DEVELOPER:
Robert High Development, LLC
324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

Project

Pinnacle Storage
US Hwy 70 Business West

Existing Conditions Plan

Date

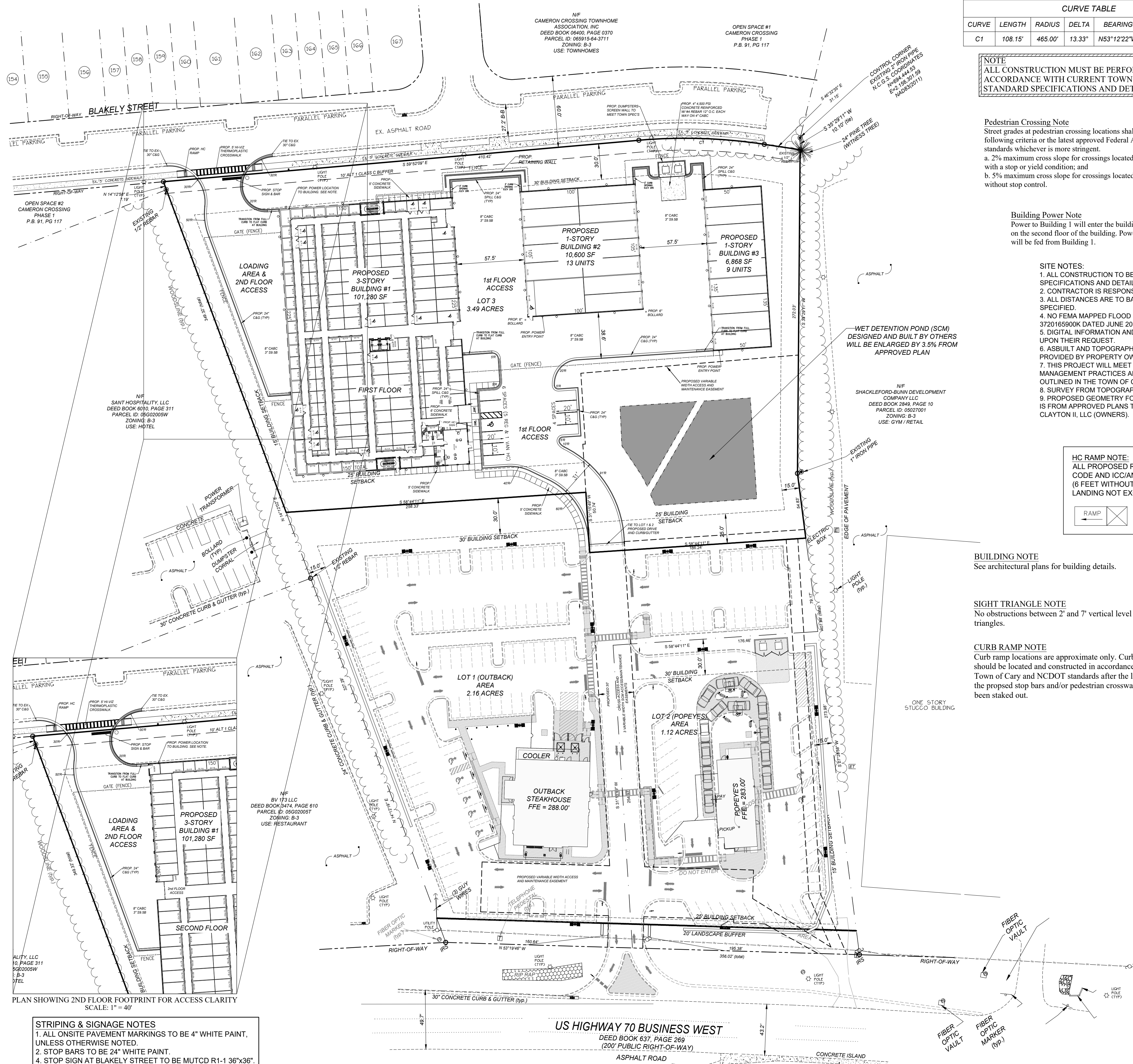
August 30, 2023

Scale

1" = 40'

Sheet

CS - 3



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD	TANGENT
C1	108.15'	465.00'	13.33°	N53°12'22"W	107.91'	54.32'

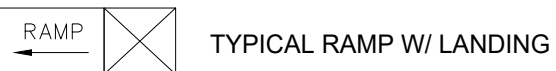
NOTE
ALL CONSTRUCTION MUST BE PERFORMED IN ACCORDANCE WITH CURRENT TOWN OF CLAYTON STANDARD SPECIFICATIONS AND DETAILS.

Pedestrian Crossing Note
Street grades at pedestrian crossing locations shall meet the following criteria or the latest approved Federal Access Board standards whichever is more stringent.
a. 2% maximum cross slope for crossings located at approaches with a stop or yield condition; and
b. 5% maximum cross slope for crossings located at approaches without stop control.

Building Power Note
Power to Building 1 will enter the building in the NW corner on the second floor of the building. Power for Buildings 2 & 3 will be fed from Building 1.

- SITE NOTES:**
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 2. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF ALL EXISTING UTILITIES.
 3. ALL DISTANCES ARE TO BACK OF CURB OR BUILDING FACE UNLESS OTHERWISE SPECIFIED.
 4. NO FEMA MAPPED FLOOD HAZARD AREAS LOCATED ON THIS SITE PER FEMA MAP 3720165900K DATED JUNE 20, 2018.
 5. DIGITAL INFORMATION AND A STAKING PLAN WILL BE PROVIDED TO THE CONTRACTOR UPON THEIR REQUEST.
 6. ASBUILT AND TOPOGRAPHIC INFORMATION FROM FIELD SURVEY AND PROPOSED DATA PROVIDED BY PROPERTY OWNERS MOC CLAYTON II.
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 8. SURVEY FROM TOPOGRAPHIC SURVEY BY COMMERCIAL SITE DESIGN, PLLC.
 9. PROPOSED GEOMETRY FOR OUTBACK STEAKHOUSE (TRACT 1) AND POPEYES (TRACT 2) IS FROM APPROVED PLANS TOC PROJ #2022-203-SP_CD AND WAS PROVIDED BY MOC CLAYTON II, LLC (OWNERS).

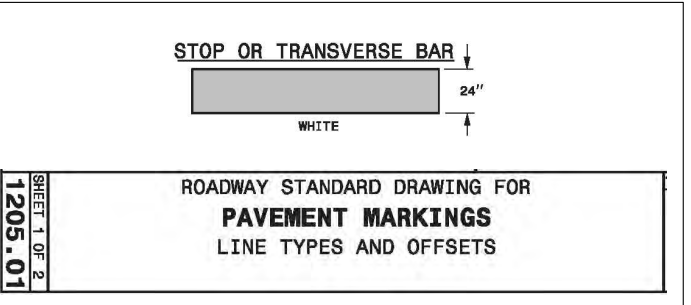
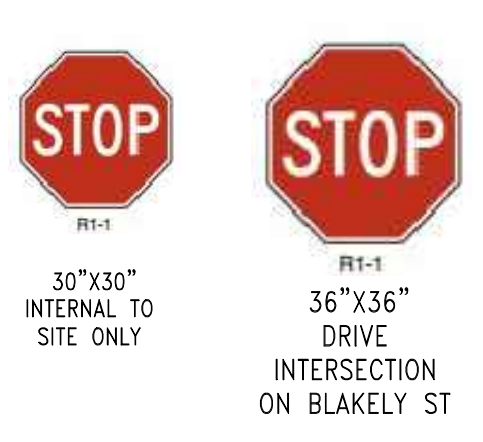
HC RAMP NOTE:
ALL PROPOSED RAMPS SHALL MEET THE CURRENT NC BUILDING CODE AND ICC/ANSI A117.1-2009 FOR SLOPE (MAX 1:12), LENGTH (6 FEET WITHOUT HANDRAILS), WIDTH 4' , AND A 4'x4' (MINIMUM) LANDING NOT EXCEEDING 2% SLOPE AT THE TOP OF THE RAMP.



BUILDING NOTE
See architectural plans for building details.

SIGHT TRIANGLE NOTE
No obstructions between 2' and 7' vertical level in sight triangles.

CURB RAMP NOTE
Curb ramp locations are approximate only. Curb ramps should be located and constructed in accordance with the Town of Cary and NCDOT standards after the locations of the proposed stop bars and/or pedestrian crosswalks have been staked out.



UTILITY WARNING
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- STRIPING & SIGNAGE NOTES**
1. ALL ONSITE PAVEMENT MARKINGS TO BE 4" WHITE PAINT, UNLESS OTHERWISE NOTED.
 2. STOP BARS TO BE 24" WHITE PAINT.
 4. STOP SIGN AT BLAKELY STREET TO BE MUTCD R1-1 36"x36".
 5. INTERNAL STOP SIGNS ARE TO BE MUTCD R1-1 30"x30".

Contact the North Carolina One Call Center prior to doing any digging. (1-800-632-4949)

Wm. G. Daniel & Assoc.
Engineering Planning
Site Design
1150 SE MAYNARD ROAD
SUITE 260
CARY, NC 27511
(919) 467-9708
C-0329



Revisions

- 10/24/2023 Per Town of Clayton 1st Site Plan review comments.
11/27/2023 Per Town of Clayton 2nd Site Plan review comments.
01/26/2024 Per Town of Clayton 3rd Site Plan review comments.

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500 6th Street
San Antonio, TX 78215
919-604-4474

DEVELOPER:
Robert High Development, LLC
324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

Project

Pinnacle Storage
US Hwy 70 Business West

Site Plan

Date
August 30, 2023

Scale
1" = 40'

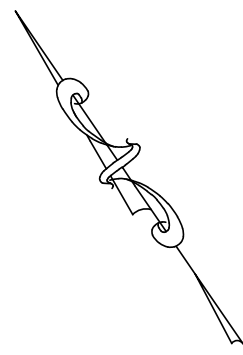
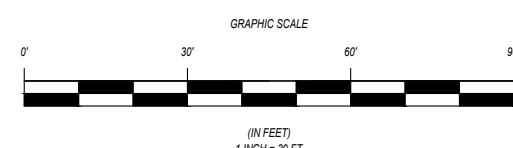
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CS - 4

NOTE
ALL CONSTRUCTION MUST BE PERFORMED IN
ACCORDANCE WITH CURRENT TOWN OF CLAYTON
STANDARD SPECIFICATIONS AND DETAILS.

NUMBER OF PROPOSED WATER TAPS: 1 (1" Domestic)
NUMBER OF CUT IN TEES W/ VALVES 2 (6" Fire Line)
NUMBER OF PROPOSED SEWER TAPS: 1 (4" Domestic)
PROPOSED SEWER FLOW (PERMANENT) = 685 GPD (TOTAL)
(1 GPD PER UNIT)

PROP CO: NON TRAFFIC RATED
PROP CO: TRAFFIC RATED



Wm. G. Daniel & Assoc.
Engineering Planning
Site Design
1150 SE MAYNARD ROAD
SUITE 200
CARY, NC 27511
(919) 467-9708
C-0329



Revisions

10/24/2023 Per Town of Clayton 1st
Site Plan review comments.
11/27/2023 Per Town of Clayton 2nd
Site Plan review comments.
01/26/2024 Per Town of Clayton 3rd
Site Plan review comments.

LEGEND	
	EIP EXIST. IRON PIPE
	ECM EXIST. MONUMENT
	NO POINT FOUND
	EIS EXIST. IRON STAKE
	PP POWER POLE
	W WATER METER
	EXISTING SIGN
	GAS METER
	ELECTRIC METER
	WATER VALVE
	EXISTING LINK FENCE
	POWER LINE
	GAS LINE MARKER
	FIBER OPTIC MARKER
	SEWER MANHOLE
	TELE PEDESTAL
	ADDRESS

LEGEND	
	EX. SANITARY SEWER
	EX. STORM DRAINAGE
	EX. WATERLINE
	EX. SANITARY SEWER MANHOLE
	PROP. CATCH BASIN
	PROP. YARD RAIL
	PROP. JUNCTION BOX
	PROP. HEAD WALL
	PROP. FLARED END SECTION
	PROP. HYDRANT ASSEMBLY
	PROP. GATE VALVE IN MANHOLE
	PROP. BLOW-OFF ASSEMBLY
	EX. MANHOLE
	EX. CATCH BASIN
	UNDERGROUND GAS
	UNDERGROUND ELECTRIC
	UNDERGROUND TELEPHONE

BACKFLOW NOTE
Fire line backflow preventer to be
located within riser room.

UTILITY SERVICE NOTE
Contractor to coordinate with public service
companies (ie telephone, cable, gas, and electric) for
installation of service lines. Service locations at
building are approximate. See architectural plans for
details.

SEWER SERVICE NOTE
Sewer service pipe material shall be PVC Sch. 40.

SITE NOTES:
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(OWNERS).

North Carolina One Call Center
Contact the North Carolina One Call Center
prior to doing any digging. (1-800-632-4949)

NOTE
All utility or other pipes, wiring, conduits, cables, and
fixtures, including but not limited to electrical, gas,
telephone and telecommunications lines, fiber optic
cables and the like, shall be installed underground,
except for transmission lines with a voltage of 115kV or
greater, or in situations where such placement is
prohibited or determined to be impractical by the Zoning
Board of Adjustment in a quasi-judicial hearing.

UTILITY WARNING
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED
FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS.
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GROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES
IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE
SURVEYOR FURTHER DOES NOT WARRANT THAT THE
UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT
LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT
THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM
INFORMATION AVAILABLE. THE SURVEYOR HAS NOT
PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

Project

Pinnacle Storage
US Hwy 70 Business West

Utility Plan

Date

August 30, 2023

Scale

1" = 30'

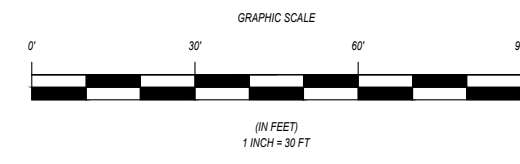
Sheet

CS - 5

OWNER:
MOC Clayton II, LLC
500 6th Street
San Antonio, TX 78215
919-604-4474
DEVELOPER:
Robert High Development, LLC
324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

NOTE
ALL CONSTRUCTION MUST BE PERFORMED IN
ACCORDANCE WITH CURRENT TOWN OF CLAYTON
STANDARD SPECIFICATIONS AND DETAILS.

RIVER BASIN = NEUSE
WATERSHED = LITTLE CREEK
DENUDE AREA: 3.54 Ac.



Wm. G. Daniel & Assoc.
Engineering Planning
Site Design

1150 SE MAYNARD ROAD
SUITE 200
CARY, NC 27511
(919) 467-9708
C-0329



Revisions

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01/26/2024 Per Town of Clayton 3rd
Site Plan review comments.

LEGEND	
⊙	EIP EXIST. IRON PIPE
⊠	ECM EXIST. MONUMENT
△	NO POINT FOUND
⊞	EIS EXIST. IRON STAKE
●	PP POWER POLE
W	WATER METER
—	EXISTING SIGN
G	GAS METER
E	ELECTRIC METER
WV	WATER VALVE
—	EXISTING LINK FENCE
—	POWER LINE
⊙	GAS LINE MARKER
⊙	FIBER OPTIC MARKER
⊙	SEWER MANHOLE
T	TELE PEDESTAL
####	ADDRESS

WET DETENTION POND (SCM)
DESIGNED AND BUILT BY OTHERS
WILL BE ENLARGED BY 3.5% FROM
APPROVED PLAN

N/F
SHACKLEFORD-BUNN DEVELOPMENT
COMPANY LLC
DEED BOOK 2849, PAGE 10
PARCEL ID: 05027001
ZONING: B-3
USE: GYM / RETAIL

OWNER:
MOC Clayton II, LLC
500 6th Street
San Antonio, TX 78215
919-604-4474

DEVELOPER:
Robert High Development, LLC
324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

Project

Pinnacle Storage
US Hwy 70 Business West

Grading / Drainage Plan

Date

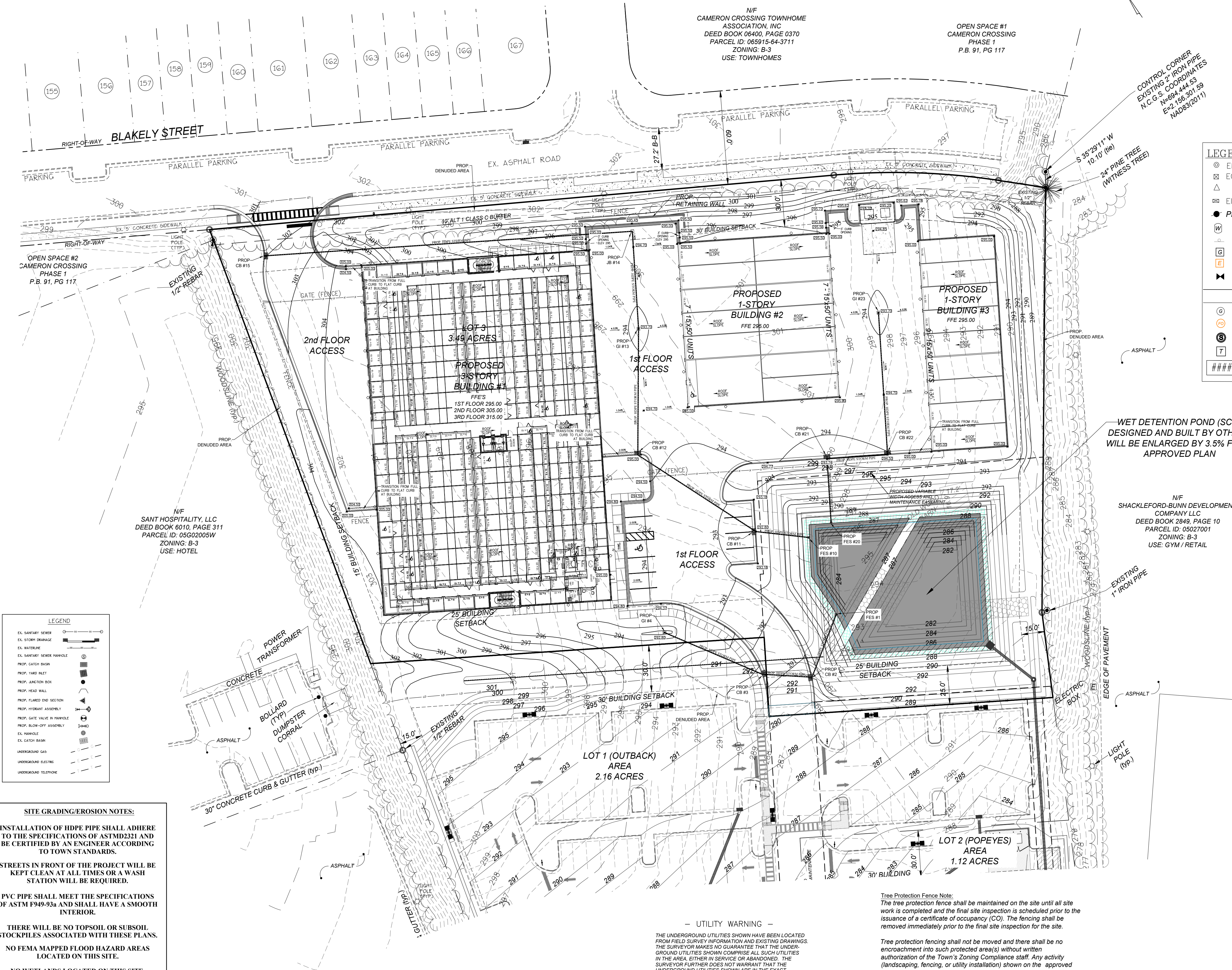
August 30, 2023

Scale

1" = 30'

Sheet

CS - 6



LEGEND	
EX. SANITARY SEWER	—
EX. STORM DRAINAGE	—
EX. WATERLINE	—
EX. SANITARY SEWER MANHOLE	⊙
PROP. CATCH BASIN	⊞
PROP. YARD INLET	⊞
PROP. JUNCTION BOX	⊞
PROP. HEAD WALL	—
PROP. FLARED END SECTION	—
PROP. STREET ASSEMBLY	—
PROP. GATE VALVE IN MANHOLE	⊞
PROP. BLOW-OFF ASSEMBLY	⊞
EX. MANHOLE	⊙
EX. CATCH BASIN	⊞
UNDERGROUND GAS	—
UNDERGROUND ELECTRIC	—
UNDERGROUND TELEPHONE	—

SITE GRADING/EROSION NOTES:

INSTALLATION OF HDPE PIPE SHALL ADHERE
TO THE SPECIFICATIONS OF ASTM D2321 AND
BE CERTIFIED BY AN ENGINEER ACCORDING
TO TOWN STANDARDS.

STREETS IN FRONT OF THE PROJECT WILL BE
KEPT CLEAN AT ALL TIMES OR A WASH
STATION WILL BE REQUIRED.

PVC PIPE SHALL MEET THE SPECIFICATIONS
OF ASTM F949-93a AND SHALL HAVE A SMOOTH
INTERIOR.

THERE WILL BE NO TOPSOIL OR SUBSOIL
STOCKPILES ASSOCIATED WITH THESE PLANS.

NO FEMA MAPPED FLOOD HAZARD AREAS
LOCATED ON THIS SITE.

NO WETLANDS LOCATED ON THIS SITE.

SEPARATE BUILDING PERMITS ARE REQUIRED
FOR RETAINING WALLS AND
DUMPMETER/COMPACTER ENCLOSURES.

North Carolina One Call Center
Contact the North Carolina One Call Center
prior to doing any digging. (1-800-632-4949)

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED
FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS.
THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDER-
GROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES
IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE
SURVEYOR FURTHER DOES NOT WARRANT THAT THE
UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT
LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT
THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM
INFORMATION AVAILABLE. THE SURVEYOR HAS NOT
PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

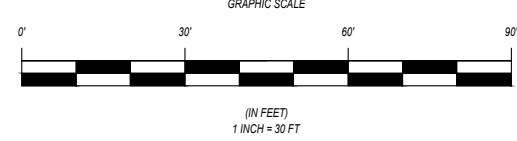
Tree Protection Fence Note:
The tree protection fence shall be maintained on the site until all site
work is completed and the final site inspection is scheduled prior to the
issuance of a certificate of occupancy (CO). The fencing shall be
removed immediately prior to the final site inspection for the site.

Tree protection fencing shall not be moved and there shall be no
encroachment into such protected area(s) without written
authorization of the Town's Zoning Compliance staff. Any activity
(landscaping, fencing, or utility installation) shown on the approved
plans in a tree protection area, shall also not occur without written
authorization from the Town's Zoning Compliance staff. Any
unauthorized encroachment or disturbance within the boundaries of a
tree protection area shall automatically result in fines and the
replacement of any damaged vegetation in accordance with the Land
Development Ordinance.

NOTE:
Pursuant to G.S. 113A-57(2), the angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion-control devices or structures. In any event, slopes left exposed will, within 7 and 14 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. Pursuant to G.S. 113A-57(3), provisions for permanent ground cover sufficient to restrain erosion must be accomplished for all disturbed areas within 15 working days or 90 calendar days (whichever is shorter) following completion of construction or development.

NOTE
ALL CONSTRUCTION MUST BE PERFORMED IN ACCORDANCE WITH CURRENT TOWN OF CLAYTON STANDARD SPECIFICATIONS AND DETAILS.

RIVER BASIN = NEUSE
WATERSHED = LITTLE CREEK
DENUDE AREA: 3.54 Ac.



Wm. G. Daniel & Assoc.
Engineering Planning
Site Design
1150 SE MAYNARD ROAD
SUITE 200
CARY, NC 27511
(919) 467-9708
C-0329



Revisions

10/24/2023 Per Town of Clayton 1st Site Plan review comments.
11/27/2023 Per Town of Clayton 2nd Site Plan review comments.
01/26/2024 Per Town of Clayton 3rd Site Plan review comments.

1) Ground Stabilization*		
Site Area Description	Stabilization Time Frame	Stabilization Time Frame Exceptions
• Perimeter dikes, swales, ditches and slopes	7 days	None
• High Quality Water (HQW) Zones	7 days	None
• Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed.
• Slopes 3:1 or flatter	14 days	7 days for slopes greater than 50 feet in length
• All other areas with slopes flatter than 4:1	14 days	None (except for perimeters and HQW Zones)

* "Extensions of time may be approved by the permitting authority based on weather or other site-specific conditions that make compliance impracticable." (Section 11.02(b))

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NO WETLANDS LOCATED ON THIS SITE.

SEPARATE BUILDING PERMITS ARE REQUIRED FOR RETAINING WALLS AND DUMPSTER/COMPACTER ENCLOSURES.

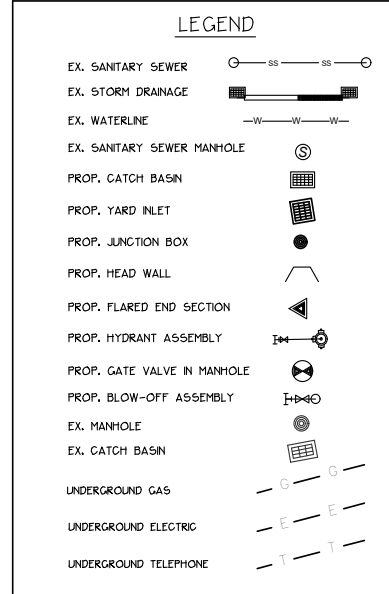
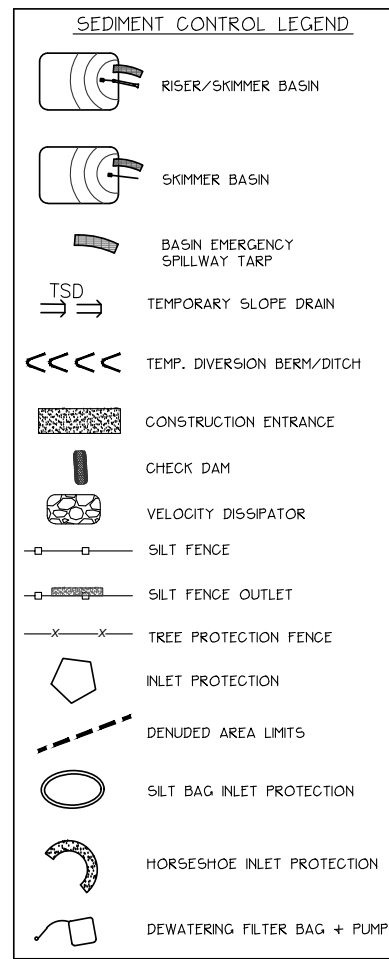


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THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

Tree Protection Fence Note:
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Project

Pinnacle Storage
US Hwy 70 Business West

Erosion Control Plan
Phase 1

Date

August 30, 2023

Scale

1" = 30'

Sheet

CS - 7

OWNER:
MOC Clayton II, LLC
500 6th Street
San Antonio, TX 78215
919-604-4474

DEVELOPER:
Robert High Development, LLC
324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

N/F
SHACKLEFORD-BUNN DEVELOPMENT
COMPANY LLC
DEED BOOK 2849, PAGE 10
PARCEL ID: 05027001
ZONING: B-3
USE: GYM / RETAIL

OUTLET PIPE AND RISER TO BE
INSTALLED DURING CONSTRUCTION OF
THE OUTBACK STEAKHOUSE AND
POPEYES APPROVED PLANS.

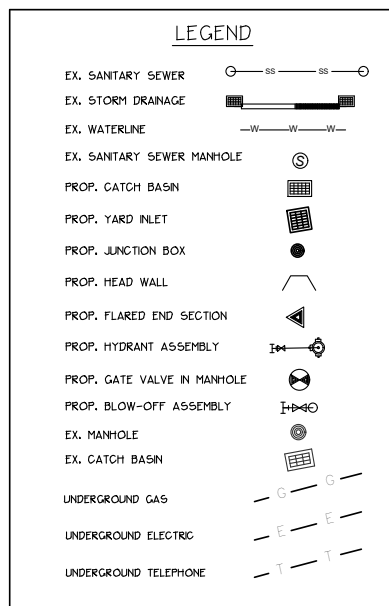
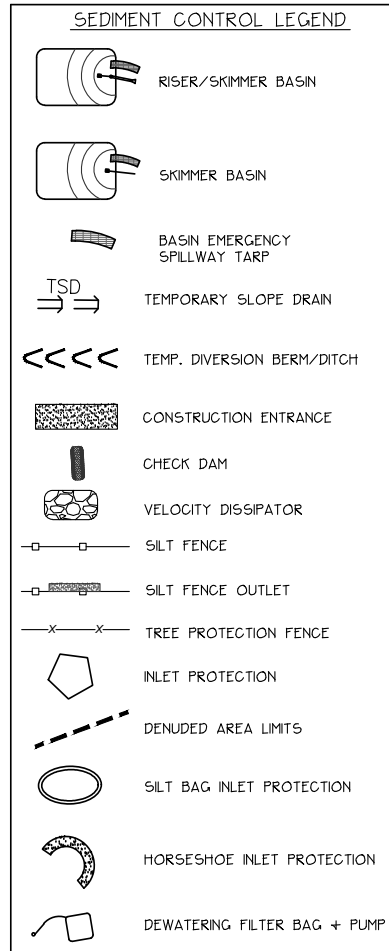
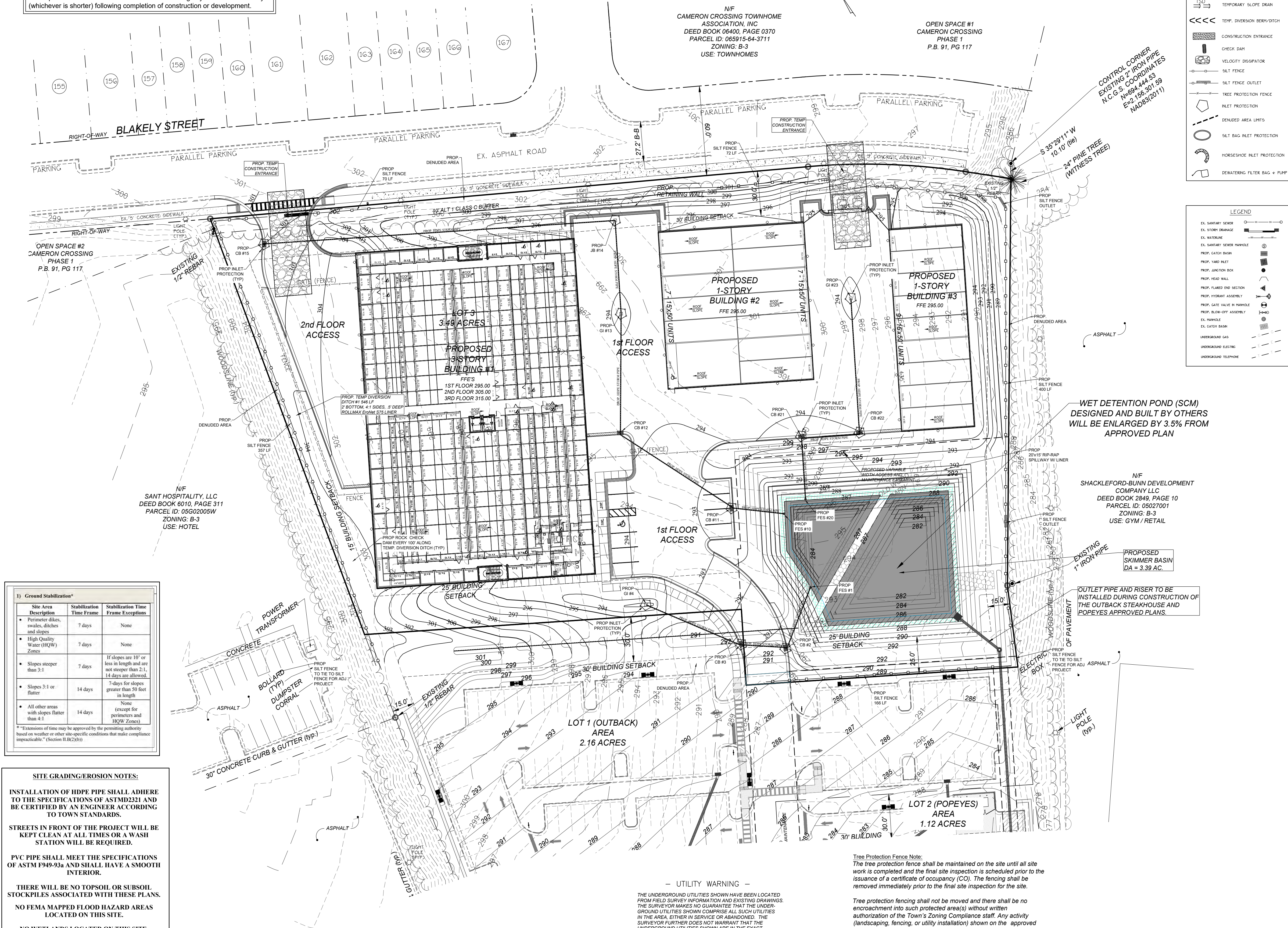
UTILITY WARNING

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NOTE
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WATERSHED = LITTLE CREEK
DENUDED AREA: 3.54 AC.



1) Ground Stabilization*		
Site Area Description	Stabilization Time Frame	Stabilization Time Frame Exceptions
• Perimeter ditches, swales, ditches and slopes	7 days	None
• High Quality Water (HQW) Zones	7 days	None
• Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed.
• Slopes 3:1 or flatter	14 days	7-days for slopes greater than 50 feet in length
• All other areas with slopes flatter than 4:1	14 days	None (except for perimeters and HQW Zones)

* Extensions of time may be approved by the permitting authority based on weather or other site-specific conditions that make compliance impracticable. (Section 11.B.2(b))

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C-0329



Revisions

10/24/2023 Per Town of Clayton 1st Site Plan review comments.

11/27/2023 Per Town of Clayton 2nd Site Plan review comments.

01/26/2024 Per Town of Clayton 3rd Site Plan review comments.

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324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

Project

Pinnacle Storage
US Hwy 70 Business West

Erosion Control Plan
Phase 2

Date

August 30, 2023

Scale

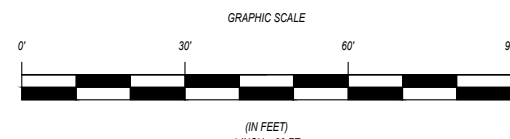
1" = 30'

Sheet

CS - 7A

NOTE
ALL CONSTRUCTION MUST BE PERFORMED IN
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STANDARD SPECIFICATIONS AND DETAILS.

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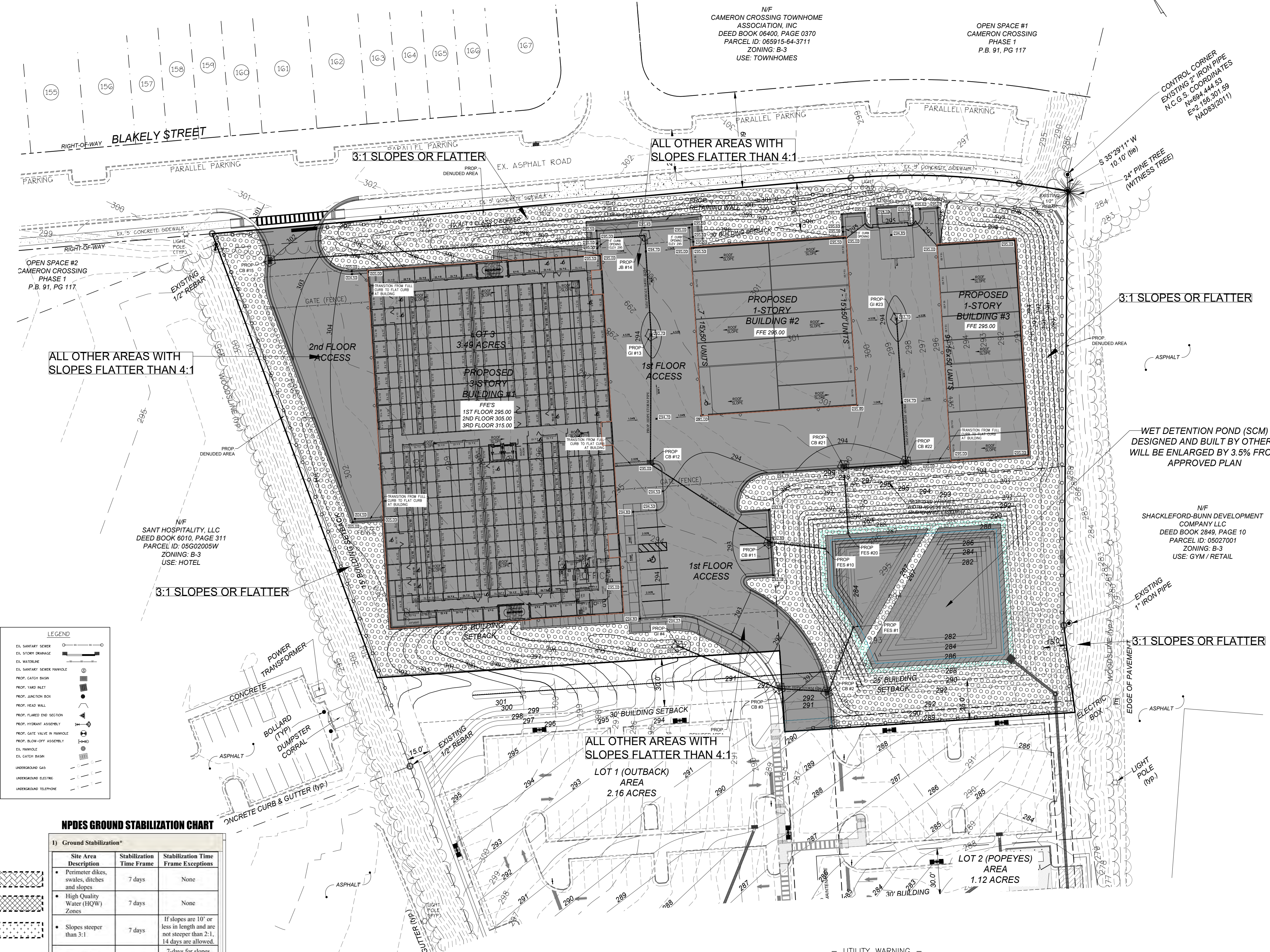
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Revisions

10/24/2023 Per Town of Clayton 1st
Site Plan review comments.
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Site Plan review comments.
01/26/2024 Per Town of Clayton 3rd
Site Plan review comments.



LEGEND

EX. SANITARY SEWER	---
EX. STORM DRAINAGE	---
EX. WATERWAY	---
EX. SANITARY SEWER MANHOLE	○
PROP. CATCH BASIN	■
PROP. YARD INLET	■
PROP. JUNCTION BOX	■
PROP. HEAD WALL	---
PROP. FLARED END SECTION	---
PROP. UTILITY ASSEMBLY	---
PROP. GATE VALVE IN MANHOLE	○
PROP. BLOW-OFF ASSEMBLY	---
EX. MANHOLE	○
EX. CATCH BASIN	■
UNDERGROUND GAS	---
UNDERGROUND ELECTRIC	---
UNDERGROUND TELEPHONE	---

NPDES GROUND STABILIZATION CHART

Site Area Description	Stabilization Time Frame	Stabilization Time Frame Exceptions
• Perimeter dikes, swales, ditches and slopes	7 days	None
• High Quality Water (HQW) Zones	7 days	None
• Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed.
• Slopes 3:1 or flatter	14 days	7-days for slopes greater than 50 feet in length
• All other areas with slopes flatter than 4:1	14 days	None (except for perimeters and HQW Zones)

* "Extensions of time may be approved by the permitting authority based on weather or other site-specific conditions that make compliance impracticable." (Section II.B.2(b))

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Project

Pinnacle Storage
US Hwy 70 Business West

NPDES Plan

Date

August 30, 2023

Scale

1" = 30'

Sheet

CS - 8

NCG-01 GROUND COVER & MATERIALS HANDLING

GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT
 Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Ground Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections E and F, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. All details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.

SECTION E: GROUND STABILIZATION		
Required Ground Stabilization Timeframes		
Site Area Description	Stabilize within this many calendar days after ceasing land disturbance	Timeframe variations
(a) Perimeter dikes, swales, ditches, and perimeter slopes	7	None
(b) High Quality Water (HQW) Zones	7	None
(c) Slopes steeper than 3:1	7	If slopes are 10 feet or less in length and are not steeper than 2:1, 14 days are allowed
(d) Slopes 3:1 to 4:1	14	-7 days for slopes greater than 50' in length and with slopes steeper than 4:1 -7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones -10 days for Falls Lake Watershed
(e) Areas with slopes flatter than 4:1	14	-7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones -10 days for Falls Lake Watershed unless there is zero slope

Note: After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.

GROUND STABILIZATION SPECIFICATION	
Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:	
Temporary Stabilization	Permanent Stabilization
- Temporary grass seed covered with straw or other mulches and tackifiers. - Hydroseeding - Rollled erosion control products with or without temporary grass seed - Appropriately applied straw or other mulch - Plastic sheeting	- Permanent grass seed covered with straw or other mulches and tackifiers - Geotextile fabrics such as permanent soil reinforcement matting - Hydroseeding - Shrubs or other permanent plantings covered with mulch - Uniform and evenly distributed ground cover sufficient to restrain erosion - Structural methods such as concrete, asphalt or retaining walls - Rollled erosion control products with grass seed

POLYACRYLAMIDES (PAMS) AND FLOCCULANTS	
1. Select flocculants that are appropriate for the soils being exposed during construction, selecting from the <i>NC DWR List of Approved PAMS/Flocculants</i> . 2. Apply flocculants at or before the inlets to Erosion and Sediment Control Measures. 3. Apply flocculants at the concentrations specified in the <i>NC DWR List of Approved PAMS/Flocculants</i> and in accordance with the manufacturer's instructions. 4. Provide ponding area for containment of treated Stormwater before discharging offsite. 5. Store flocculants in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures.	

EQUIPMENT AND VEHICLE MAINTENANCE	
1. Maintain vehicles and equipment to prevent discharge of fluids. 2. Provide drip pans under any stored equipment. 3. Identify leaks and repair as soon as feasible, or remove leaking equipment from the project. 4. Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible). 5. Remove leaking vehicles and construction equipment from service until the problem has been corrected. 6. Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.	

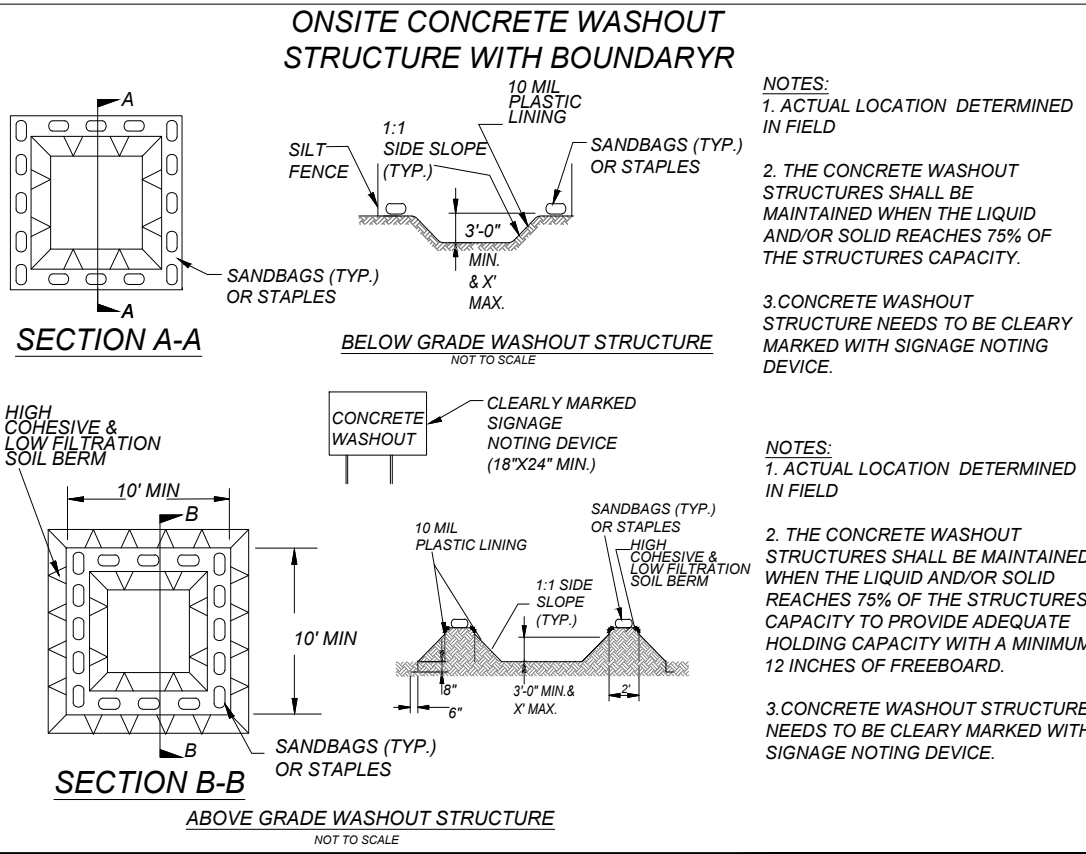
LITTER, BUILDING MATERIAL AND LAND CLEARING WASTE	
1. Never bury or burn waste. Place litter and debris in approved waste containers. 2. Provide a sufficient number and size of waste containers (e.g dumpster, trash receptacle) on site to contain construction and domestic wastes. 3. Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available. 4. Locate waste containers on areas that do not receive substantial amounts of runoff from upland areas and does not drain directly to a storm drain, stream or wetland. 5. Cover waste containers at the end of each workday and before storm events or provide secondary containment. Repair or replace damaged waste containers. 6. Anchor all lightweight items in waste containers during times of high winds. 7. Empty waste containers as needed to prevent overflow. Clean up immediately if containers overflow. 8. Dispose waste off-site at an approved disposal facility. 9. On business days, clean up and dispose of waste in designated waste containers.	

PAINT AND OTHER LIQUID WASTE	
1. Do not dump paint and other liquid waste into storm drains, streams or wetlands. 2. Locate paint washouts at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available. 3. Contain liquid wastes in a controlled area. 4. Containment must be labeled, sized and placed appropriately for the needs of site. 5. Prevent the discharge of soaps, solvents, detergents and other liquid wastes from construction sites.	

PORTABLE TOILETS	
1. Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is no alternative reasonably available. If 50 foot offset is not attainable, provide relocation of portable toilet behind silt fence or place on a gravel pad and surround with sand bags. 2. Provide staking or anchoring of portable toilets during periods of high winds or in high foot traffic areas. 3. Monitor portable toilets for leaking and properly dispose of any leaked material. Utilize a licensed sanitary waste hauler to remove leaking portable toilets and replace with properly operating unit.	

EARTHEN STOCKPILE MANAGEMENT	
1. Show stockpile locations on plans. Locate earthen-material stockpile areas at least 50 feet away from storm drain inlets, sediment basins, perimeter sediment controls and surface waters unless it can be shown no other alternatives are reasonably available. 2. Protect stockpile with silt fence installed along toe of slope with a minimum offset of five feet from the toe of stockpile. 3. Provide stable stone access point when feasible. 4. Stabilize stockpile within the timeframes provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.	

HAZARDOUS AND TOXIC WASTE	
1. Create designated hazardous waste collection areas on-site. 2. Place hazardous waste containers under cover or in secondary containment. 3. Do not store hazardous chemicals, drums or bagged materials directly on the ground.	



CONCRETE WASHOUTS	
1. Do not discharge concrete or cement slurry from the site. 2. Dispose of, or recycle settled, hardened concrete residue in accordance with local and state solid waste regulations and an approved facility. 3. Manage washout from mortar mixers in accordance with the above item and in addition place the mixer and associated materials on impervious barrier and within lot perimeter silt fence. 4. Install temporary concrete washouts per local requirements, where applicable. If an alternate method or product is to be used, contact your approval authority for review and approval. If local standard details are not available, use one of the two types of temporary concrete washouts provided on this detail. 5. Do not use concrete washouts for dewatering or storing defective curb or sidewalk sections. Stormwater accumulated within the washout may not be pumped into or discharged to the storm drain system or receiving surface waters. Liquid waste must be pumped out and removed from project. 6. Locate washouts at least 50 feet from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available. At a minimum, install protection of storm drain inlet(s) closest to the washout which could receive spills or overflow. 7. Locate washouts in an easily accessible area, on level ground and install a stone entrance pad in front of the washout. Additional controls may be required by the approving authority. 8. Install at least one sign directing concrete trucks to the washout within the project limits. Post signage on the washout itself to identify this location. 9. Remove leavings from the washout when at approximately 75% capacity to limit overflow events. Replace the tarp, sand bags or other temporary structural components when no longer functional. When utilizing alternative or proprietary products, follow manufacturer's instructions. 10. At the completion of the concrete work, remove remaining leavings and dispose of in an approved disposal facility. Fill pit, if applicable, and stabilize any disturbance caused by removal of washout.	

HERBICIDES, PESTICIDES AND RODENTICIDES	
1. Store and apply herbicides, pesticides and rodenticides in accordance with label restrictions. 2. Store herbicides, pesticides and rodenticides in their original containers with the label, which lists directions for use, ingredients and first aid steps in case of accidental poisoning. 3. Do not store herbicides, pesticides and rodenticides in areas where flooding is possible or where they may spill or leak into wells, stormwater drains, ground water or surface water. If a spill occurs, clean area immediately. 4. Do not stockpile these materials onsite.	

NCG01- SELF INSPECTION

PART III SELF-INSPECTION, RECORDKEEPING AND REPORTING		
SECTION A: SELF-INSPECTION		
Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.		
Inspect	Frequency (during normal business hours)	Inspection records must include:
(1) Rain gauge maintained in good working order	Daily	Daily rainfall amounts. If no daily rain gauge observations are made during weekend or holiday periods, and no individual-day rainfall information is available, record the cumulative rain measurement for those unattended days (this will determine if a site inspection is needed). Days on which no rainfall occurred shall be recorded as "Zero." The permittee may use another rain-monitoring device approved by the Division.
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain event $\geq$ 1.0 inch in 24 hours.	1. Identification of the measures inspected 2. Date and Time of the inspection 3. Name of the person performing the inspection 4. Indication of whether the measures were operating properly 5. Description of maintenance needs for the measure 6. Description, Evidence, and date of corrective actions taken
(3) Stormwater discharge outfalls(SDOs)	At least once per 7 calendar days and within 24 hours of a rain event $\geq$ 1.0 inch in 24 hours.	1. Identification of the discharge outfalls inspected 2. Date and Time of the inspection 3. Name of the person performing the inspection 4. Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration 5. Indication of visible sediment leaving the site 6. Description, Evidence, and date corrective actions taken
(4) Perimeter of Site	At least once per 7 calendar days and within 24 hours of a rain event $\geq$ 1.0 inch in 24 hours.	If visible Sedimentation is found outside site limits, then record of the following shall be made: 1) Actions taken to clean up or stabilize sediment that has left the site limits 2) Description, Evidence and date of corrective actions taken 3) An explanation as to the actions taken to control future releases
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event $\geq$ 1.0 inch in 24 hours.	If the stream or wetland has increased visible sedimentation or has visible increased turbidity from the construction activity, then a record of the following shall be made: 1) Description, Evidence and date of corrective actions taken 2) Records of required reports to the appropriate Division Regional Office per Part II, Section C, Item(2)(a) of this permit
(6) Ground Stabilization Measures	After each phase of grading.	1. The phase of grading (installation of perimeter E&SC measures, clearing and grubbing, installation of storm drainage facilities, completion of all land-disturbing activity, construction or redevelopment, permanent ground cover). 2. Documentation that the required ground stabilization measures have been provided within the required timeframe or assurance that they will be provided as soon as possible.
NOTE: The rain inspection resets the required 7 calendar day inspection requirement.		

PART III SELF-INSPECTION, RECORDKEEPING AND REPORTING	
SECTION B: RECORDKEEPING	
1. E&SC Plan Documentation	
The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the E&SC plan shall be kept on site and available for inspection at all times during normal business hours.	
Item to Document	Document Requirements
(a) Each E&SC measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC plan.	Initial and date each E&SC measure on a copy of the approved E&SC plan or complete, date and sign an inspection report that lists each E&SC measure shown on the approved E&SC plan. This documentation is required upon the initial installation of the E&SC measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&SC plan.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&SC measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&SC measures.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate the completion of the corrective action.

2. Additional Documentation to be Kept on Site
 In addition to the E&SC plan documents above, the following items shall be kept on the site and available for inspectors at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

- (a) This General Permit as well as the Certificate of Coverage, after it is received.
 (b) Records of inspections made during the previous twelve months. The permittee shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically-available records in lieu of the required paper copies will be allowed if the Division approves the hard-copy records.
 All data used to complete the e-NOI and all inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

PART II, SECTION G, ITEM (4) DRAW DOWN OF SEDIMENT BASINS FOR MAINTENANCE OR CLOSE OUT	
Sediment basins and traps that receive runoff from drainage areas of one acre or more shall use outlet structures that withdraw water from the surface when these devices need to be drawn down for maintenance or close out unless this is infeasible. The circumstances in which it is not feasible to withdraw water from the surface shall be rare (for example, times with extended cold weather). Non-surface withdrawals from sediment basins shall be allowed only when all of the following criteria have been met:	
(a)	The E&SC plan authority has been provided with documentation of the non-surface withdrawal and the specific time periods or conditions in which it will occur. The non-surface withdrawal shall not commence until the E&SC plan authority has approved these items.
(b)	The non-surface withdrawal has been reported as an anticipated bypass in accordance with Part III, Section C, Item (2)(c) and (d) of this permit.
(c)	Dewatering discharges are treated with controls to minimize discharges of pollutants from stormwater that is removed from the sediment basin. Examples of appropriate controls include properly sited, designed and maintained dewatering tanks, weir tanks, and filtration systems.
(d)	Vegetated, upland areas of the sites or a properly designed stone pad is used to the extent feasible at the outlet of the dewatering treatment devices described in Item (c) above.
(e)	Velocity dissipation devices such as check dams, sediment traps, and riprap are provided at the discharge points of all dewatering devices, and
(f)	Sediment removed from the dewatering treatment devices described in Item (c) above is disposed of in a manner that does not cause deposition of sediment into waters of the United States.

PART III SELF-INSPECTION, RECORDKEEPING AND REPORTING	
SECTION C: REPORTING	
1. Occurrences that Must be Reported	
Permittees shall report the following occurrences:	
(a)	Visible sediment deposition in a stream or wetland.
(b)	Oil spills if: - They are 25 gallons or more, - They are less than 25 gallons but cannot be cleaned up within 24 hours, - They cause sheen on surface waters (regardless of volume), or - They are within 100 feet of surface waters (regardless of volume).
(c)	Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref. 40 CFR 110.3 and 40 CFR 117.3) or Section 102 of CERCLA (Ref. 40 CFR 302.4) or G.S. 143-215.85.
(d)	Anticipated bypasses and unanticipated bypasses.
(e)	Noncompliance with the conditions of this permit that may endanger health or the environment.
2. Reporting Timeframes and Other Requirements	
After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368.	

Occurrence	Reporting Timeframe (After Discovery) and Other Requirements
(a) Visible sediment deposition in a stream or wetland	- Within 24 hours, an oral or electronic notification. - Within 7 Calendar Days, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis. - If the stream is named on the NC 303(d) list as impaired for sediment-related caused, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions.
(b) Oil spills and release of hazardous substances per item 1(b)-(c) above	Within 24 Hours, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
(c) Anticipated bypasses [40 CFR 122.41(m)(3)]	A report at least ten days before the date of the bypass, if possible. The report shall include an evaluation of the anticipated quality and effect of the bypass.
(d) Unanticipated bypasses [40 CFR 122.41(m)(3)]	- Within 24 Hours, an oral or electronic notification - Within 7 calendar days, a report that includes an evaluation of the quality and effect of the bypass.
(e) Noncompliance with the conditions of this permit that may endanger health or the environment [40 CFR 122.41(l)(7)]	- Within 24 Hours, an oral or electronic notification - Within 7 calendar days, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. [40 CFR 122.41(l)(6). - Division staff may waive the requirement for a written report on a case-by-case basis.

Wm. G. Daniel & Assoc.
 Engineering Planning
 Site Design

1150 SE MAYNARD ROAD
 SUITE 260
 CARY, NC 27511
 (919) 467-9708
 C-0329



Revisions

MOC Clayton II, LLC
 500 6th Street
 San Antonio, TX 78215
 919-604-4474

DEVELOPER:
Robert High Development, LLC
 324 Greenville Avenue
 Wilmington, NC 28403
 910-790-9490

Project

Pinnacle Storage
 US Hwy 70 Business West

NPDES Details

Date

August 30, 2023

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Revisions

- 10/24/2023 Per Town of Clayton 1st Site Plan review comments.
- 11/27/2023 Per Town of Clayton 2nd Site Plan review comments.
- 01/26/2024 Per Town of Clayton 3rd Site Plan review comments.

OWNER: MOC Clayton II, LLC 500 6th Street San Antonio, TX 78215 919-604-4474

DEVELOPER: Robert High Development, LLC 324 Greenville Avenue Wilmington, NC 28403 910-790-9490

Project

Pinnacle Storage US Hwy 70 Business West

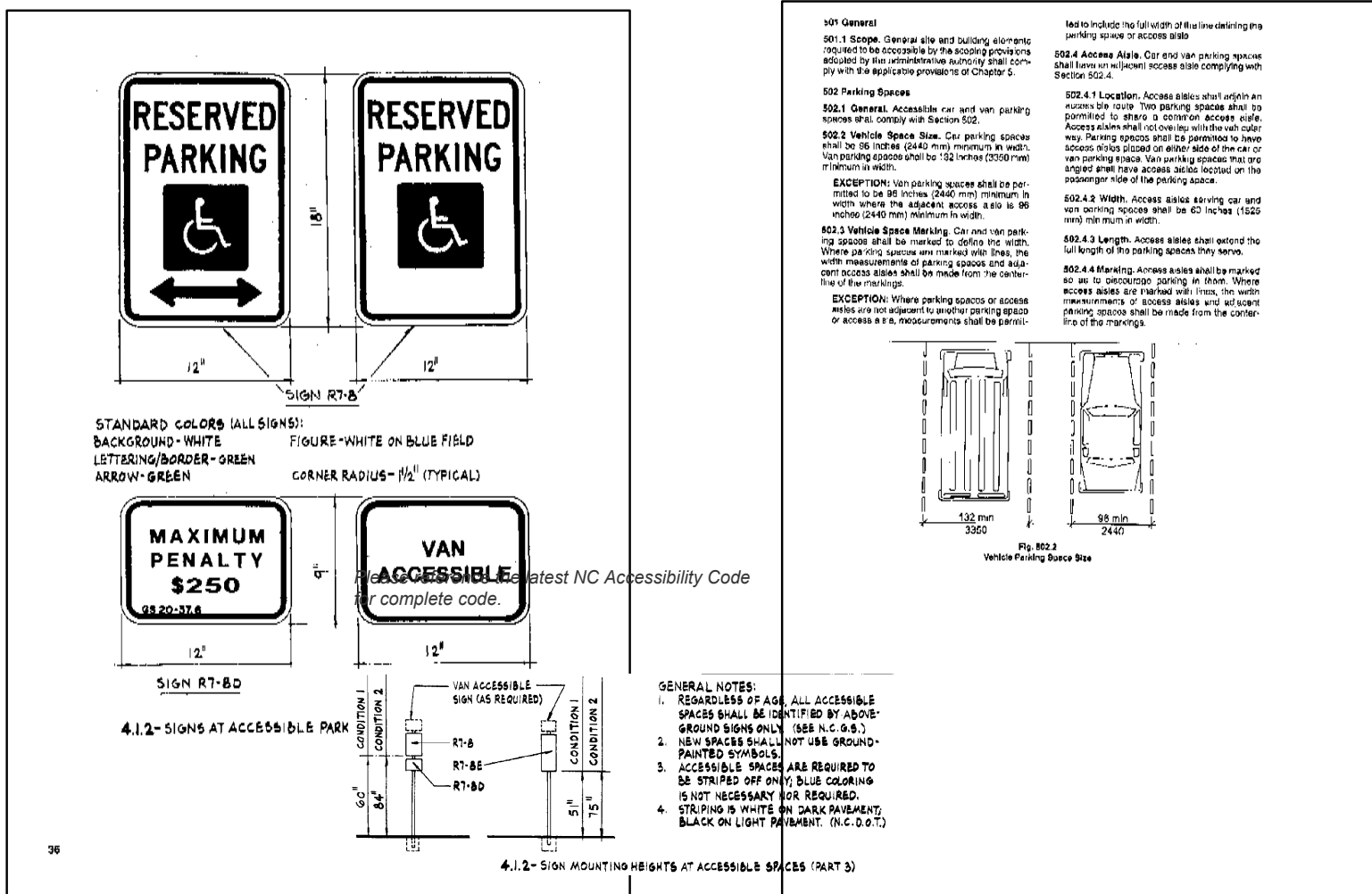
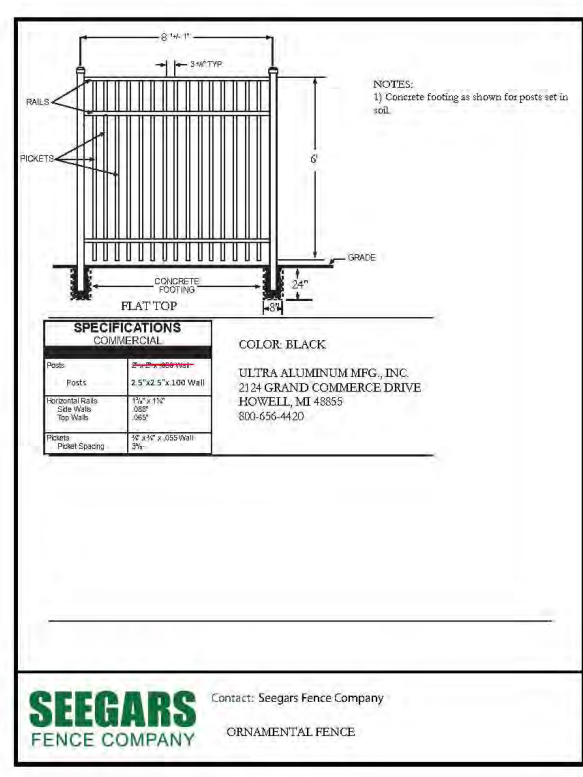
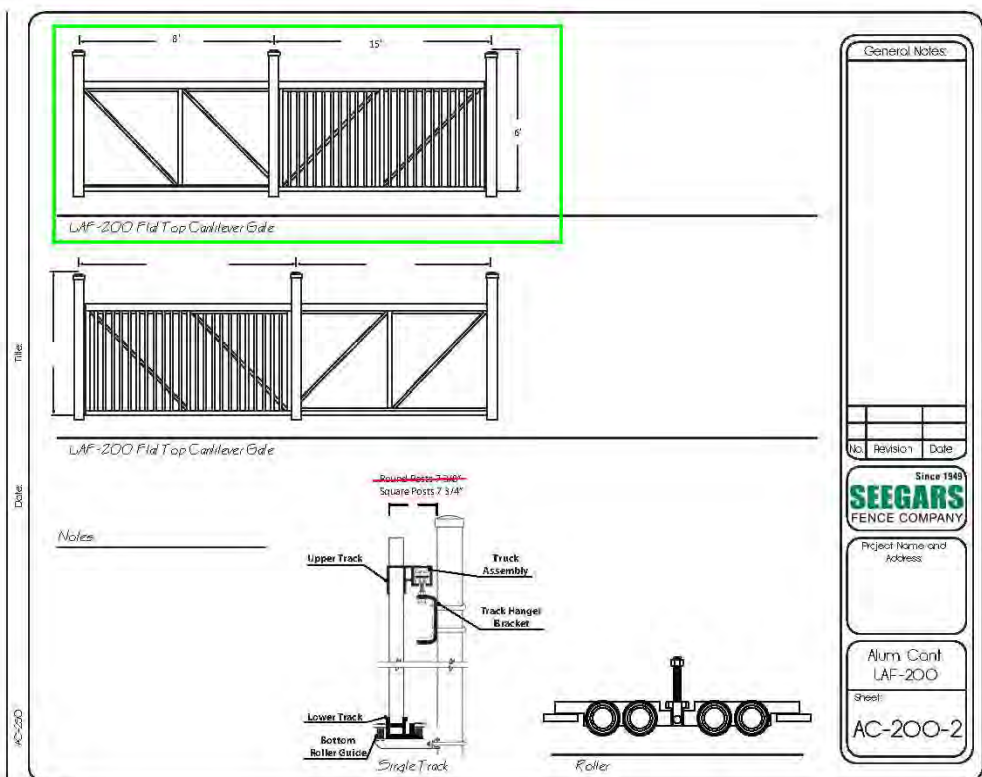
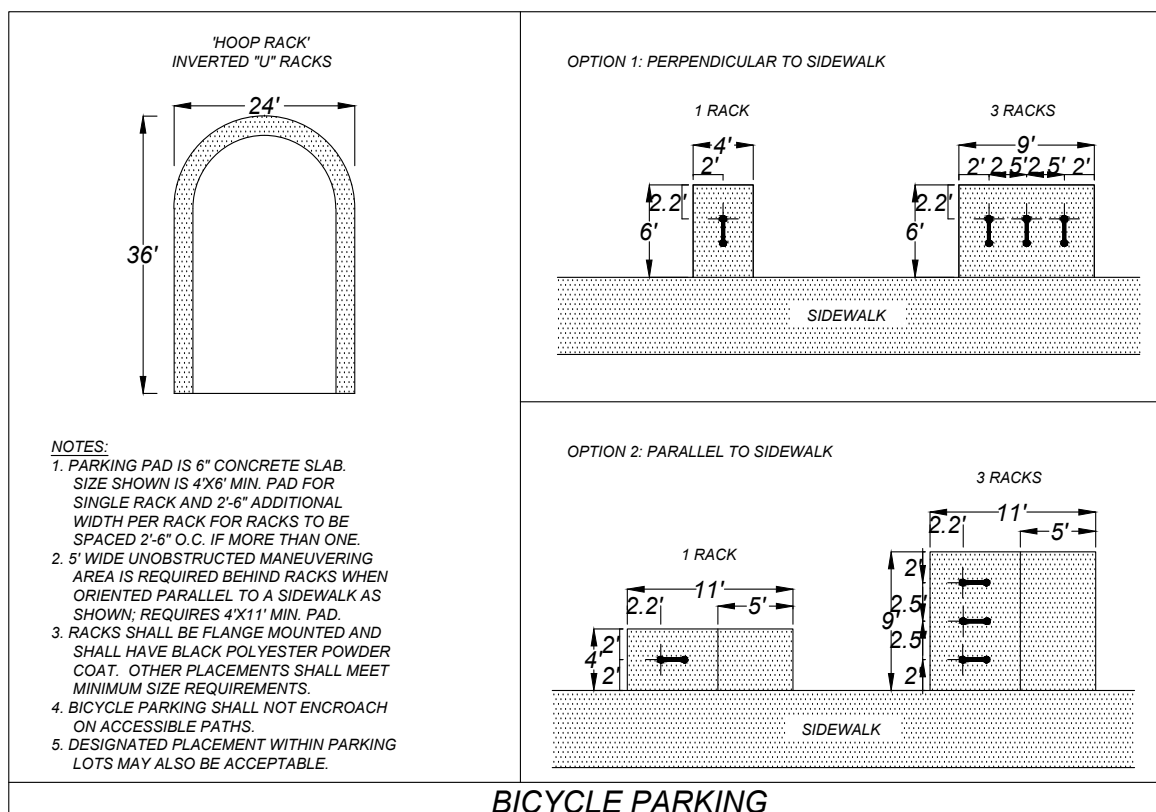
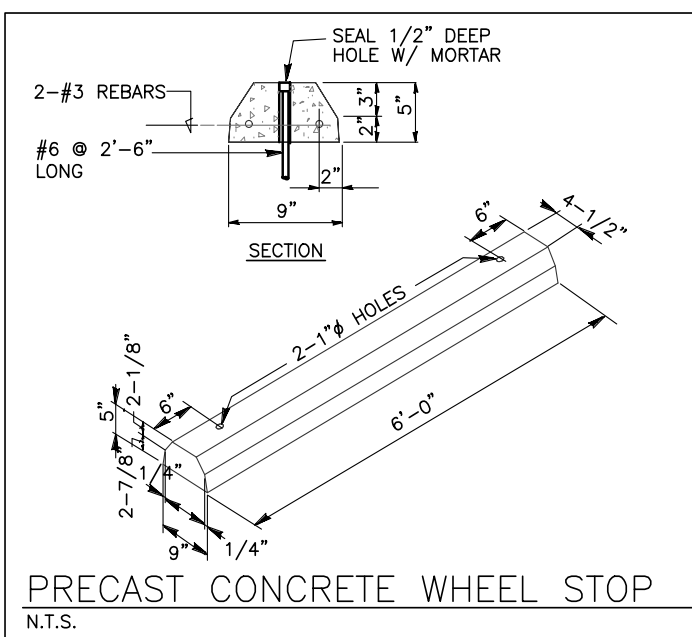
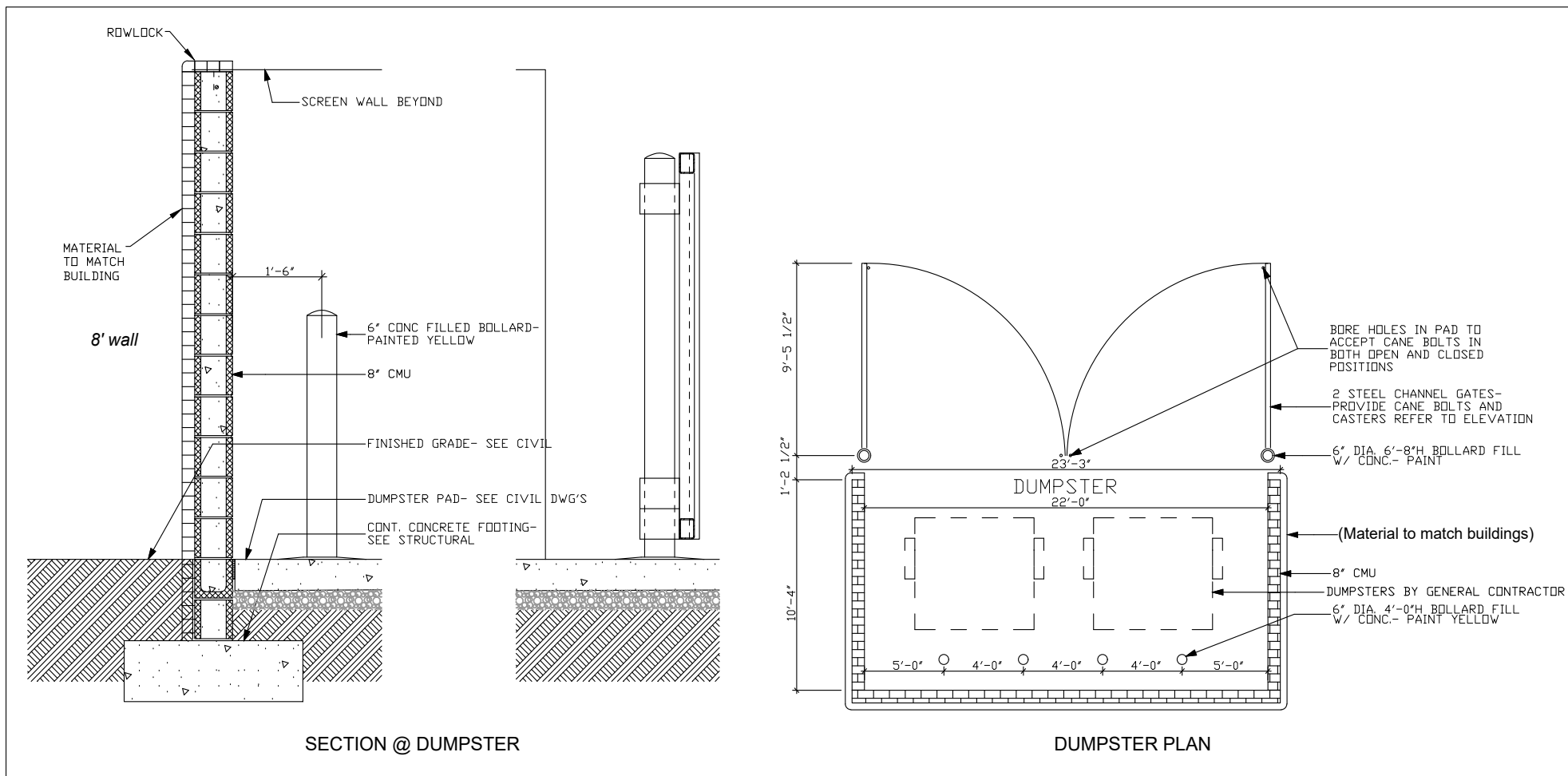
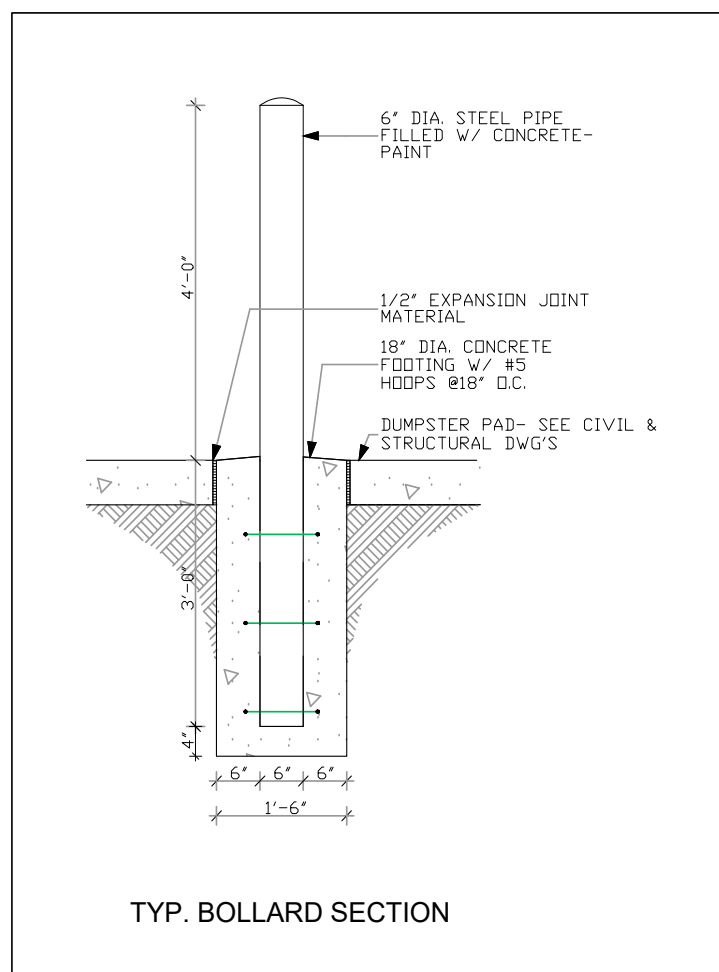
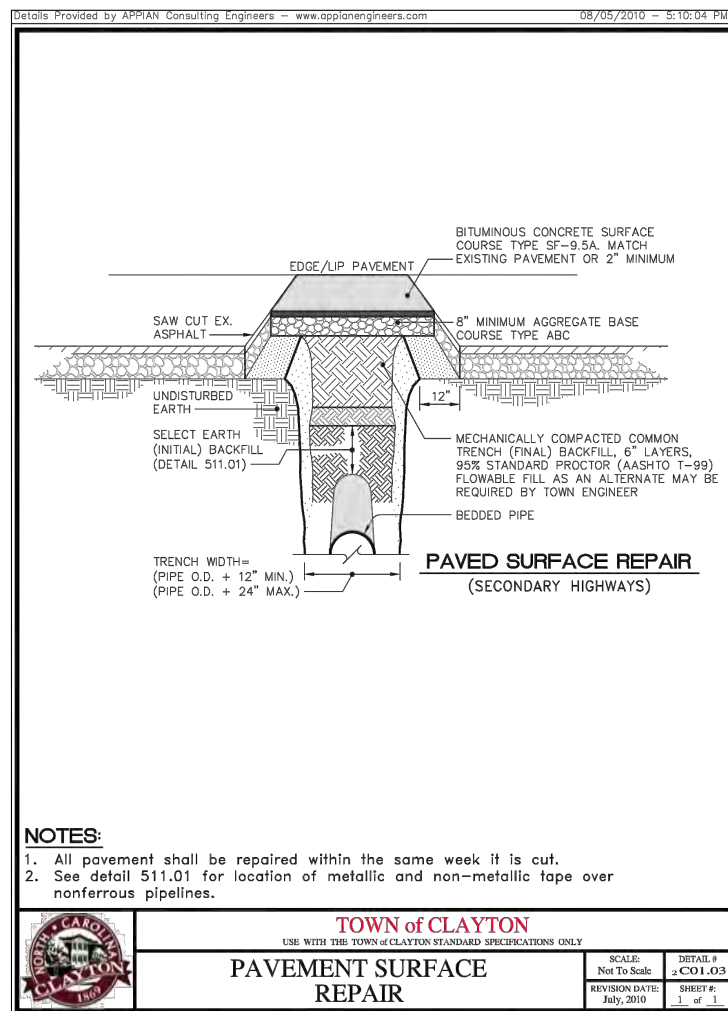
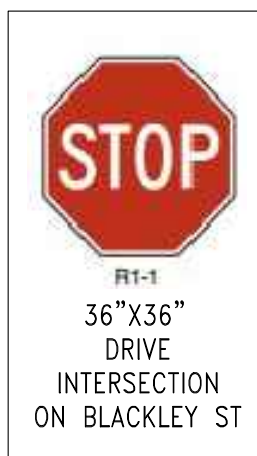
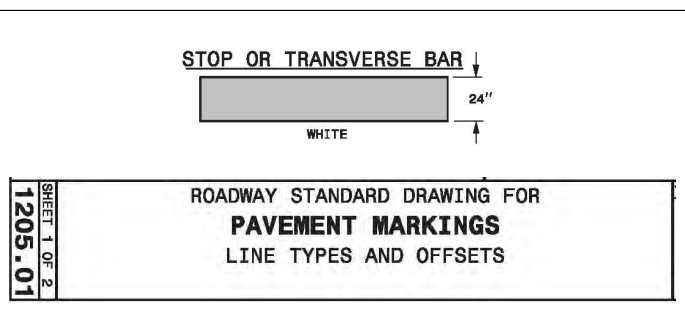
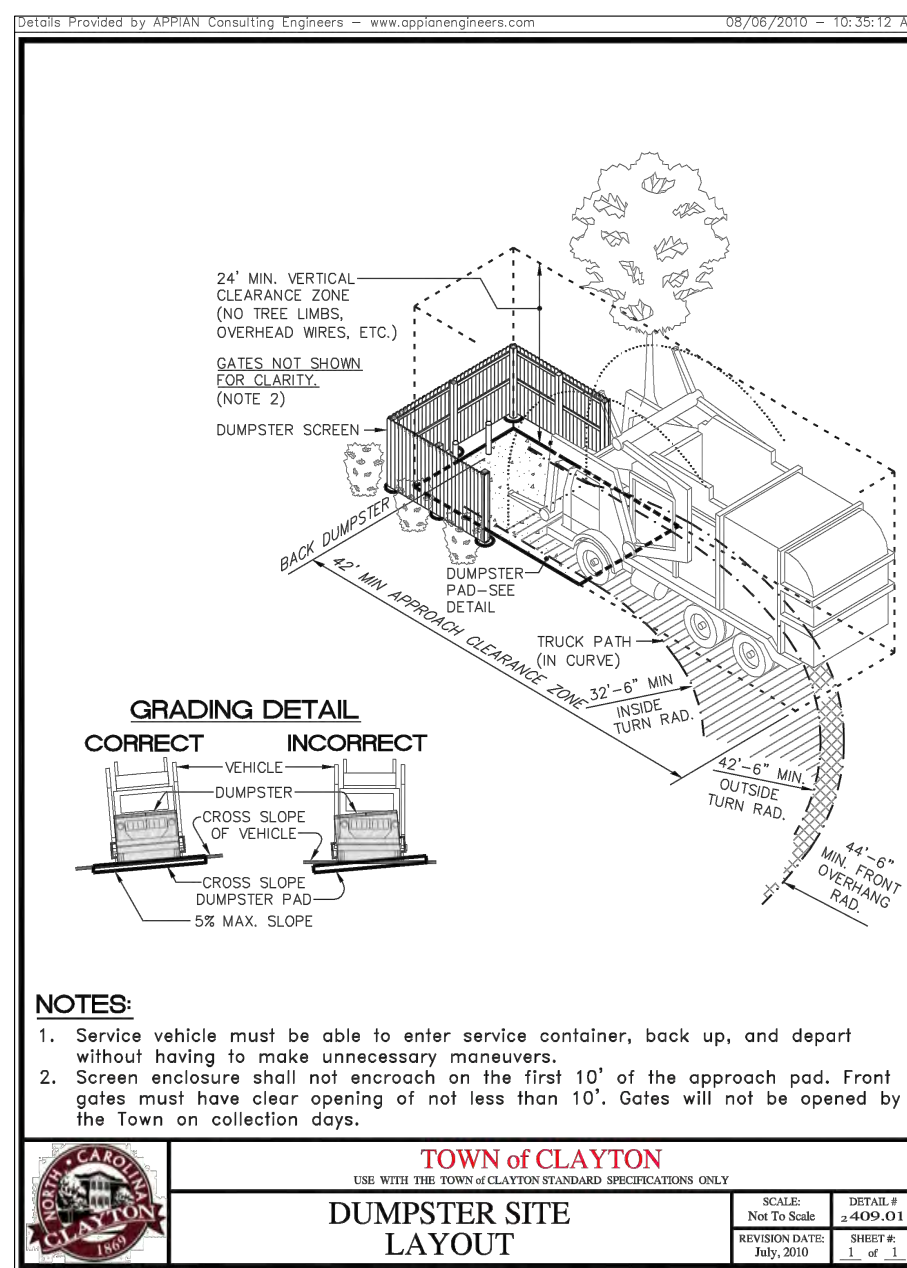
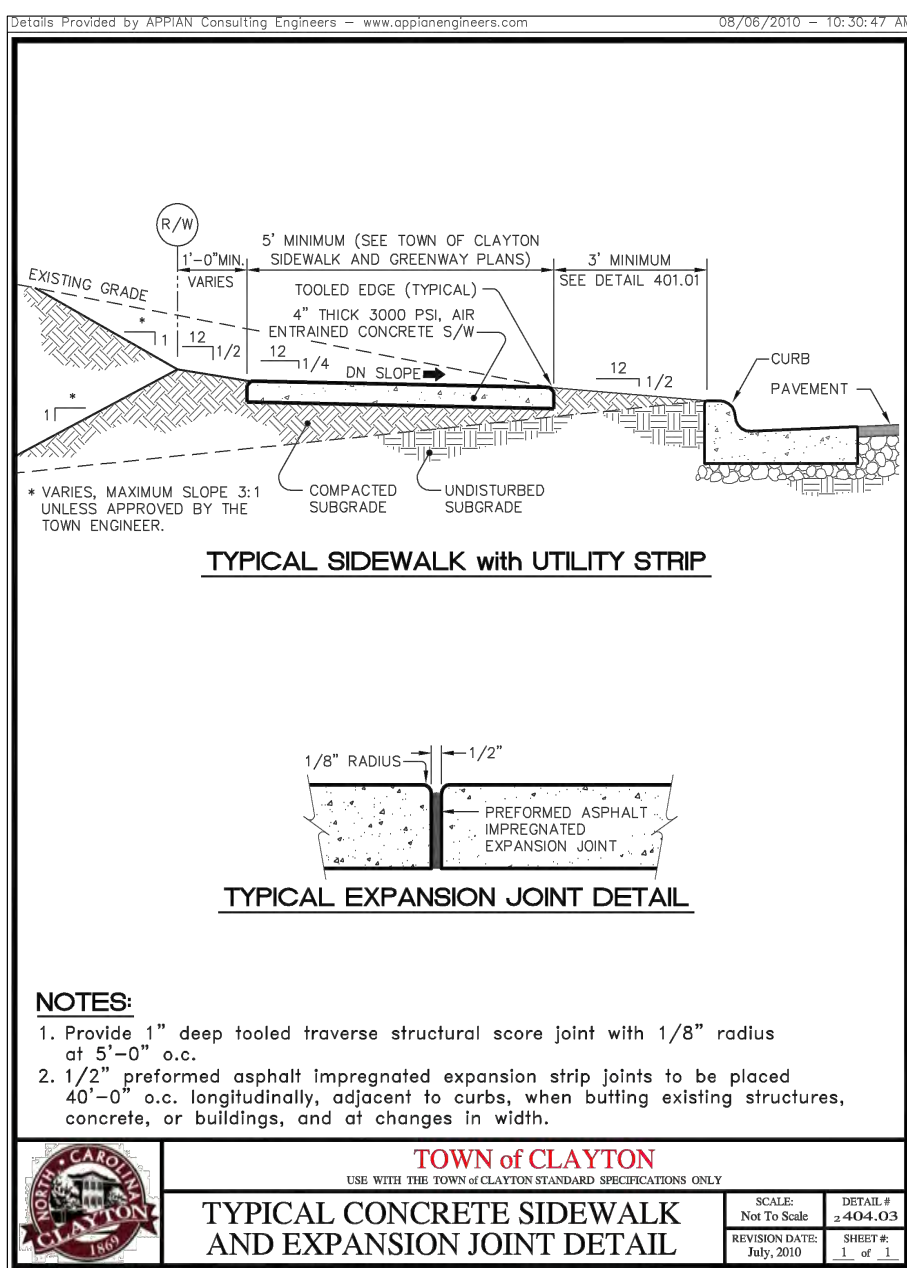
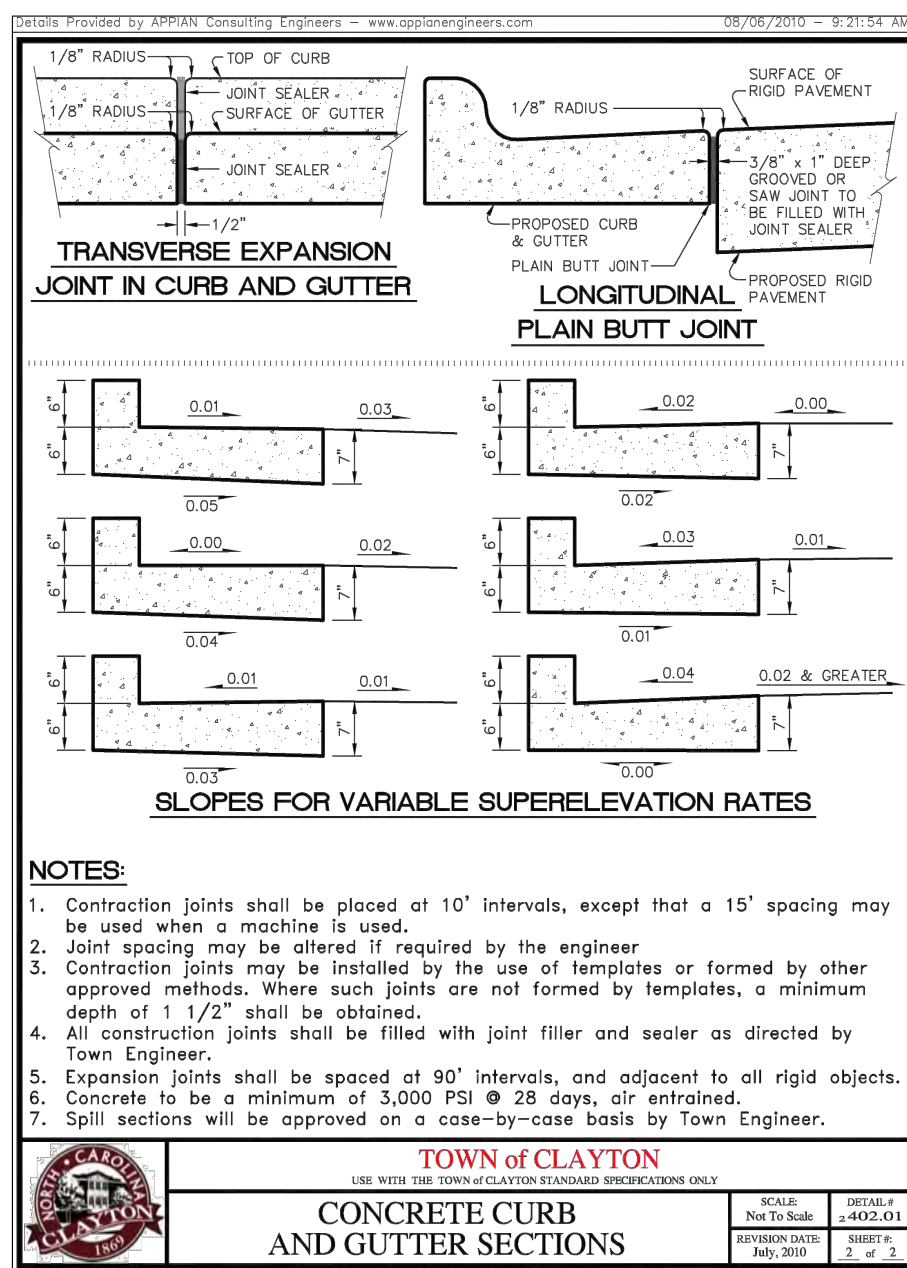
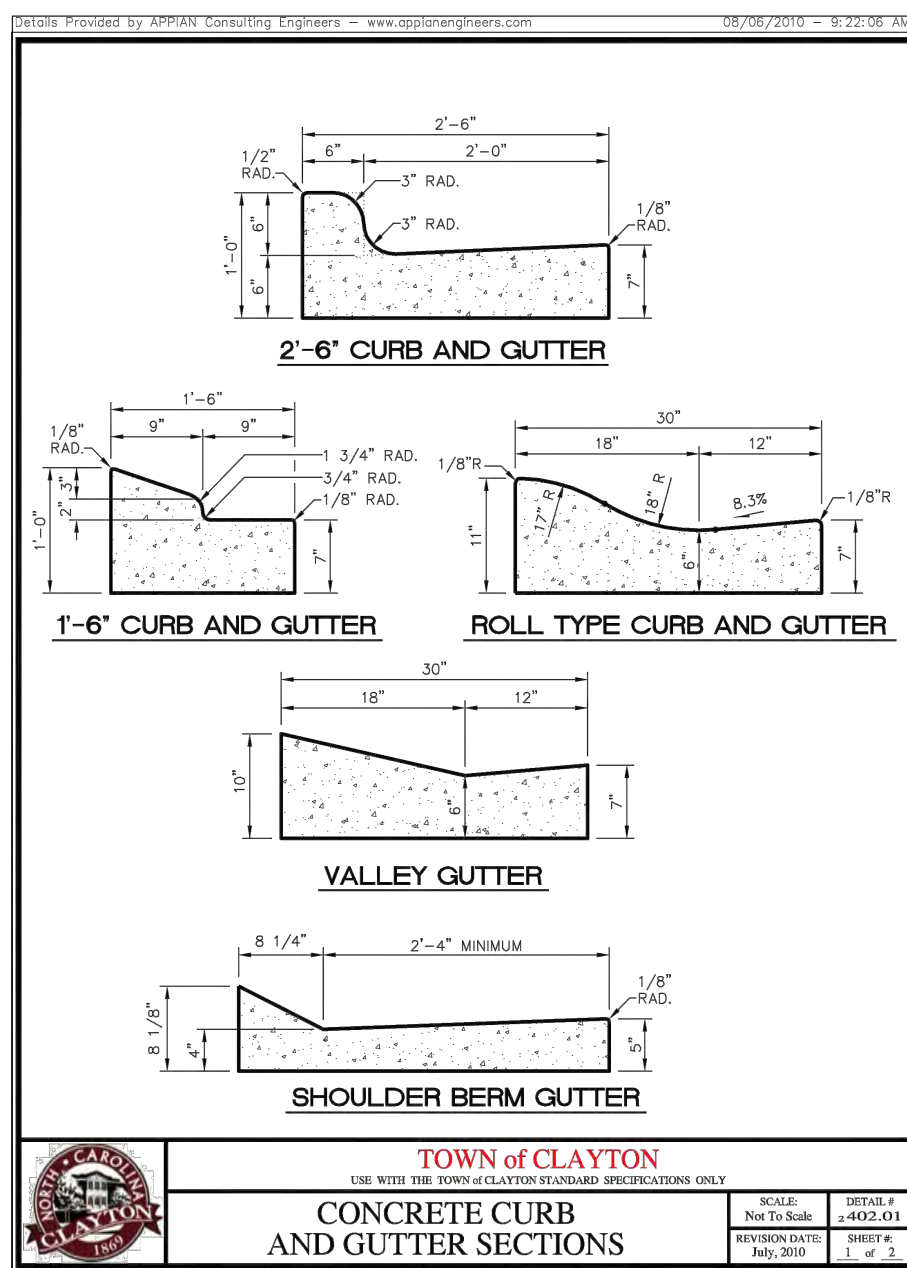
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Revisions

10/24/2023 Per Town of Clayton 1st
Site Plan review comments.

11/27/2023 Per Town of Clayton 2nd
Site Plan review comments.

01/26/2024 Per Town of Clayton 3rd
Site Plan review comments.

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324 Greenville Avenue
Wilmington, NC 28403
910-790-9490

Project

Pinnacle Storage
US Hwy 70 Business West

Utility Details

Date

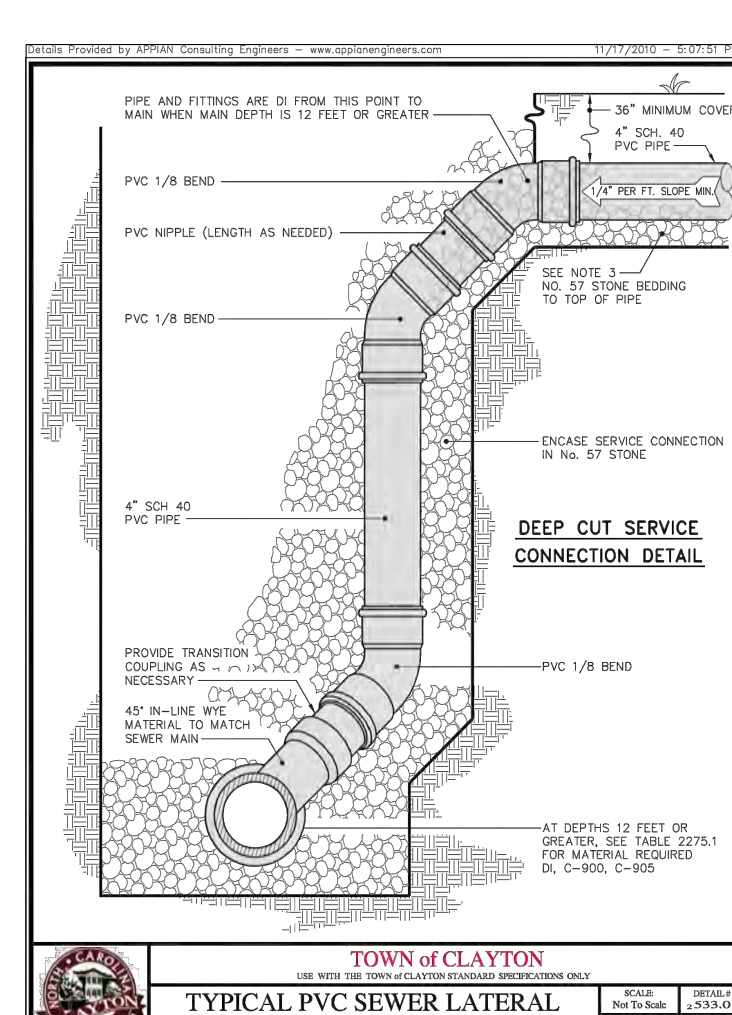
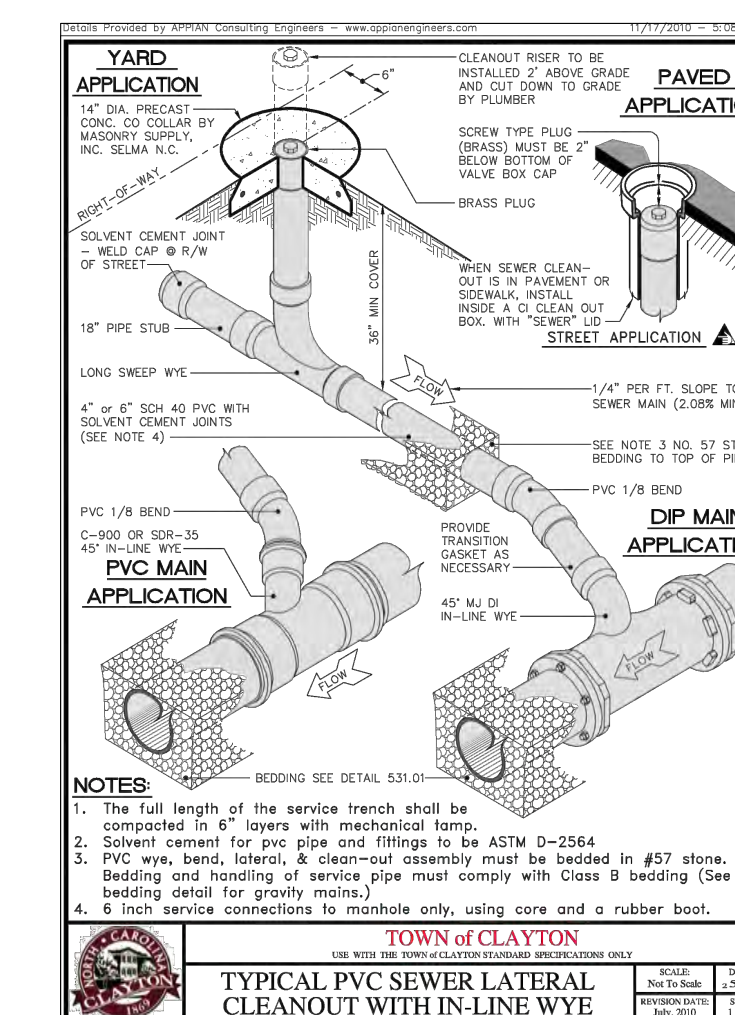
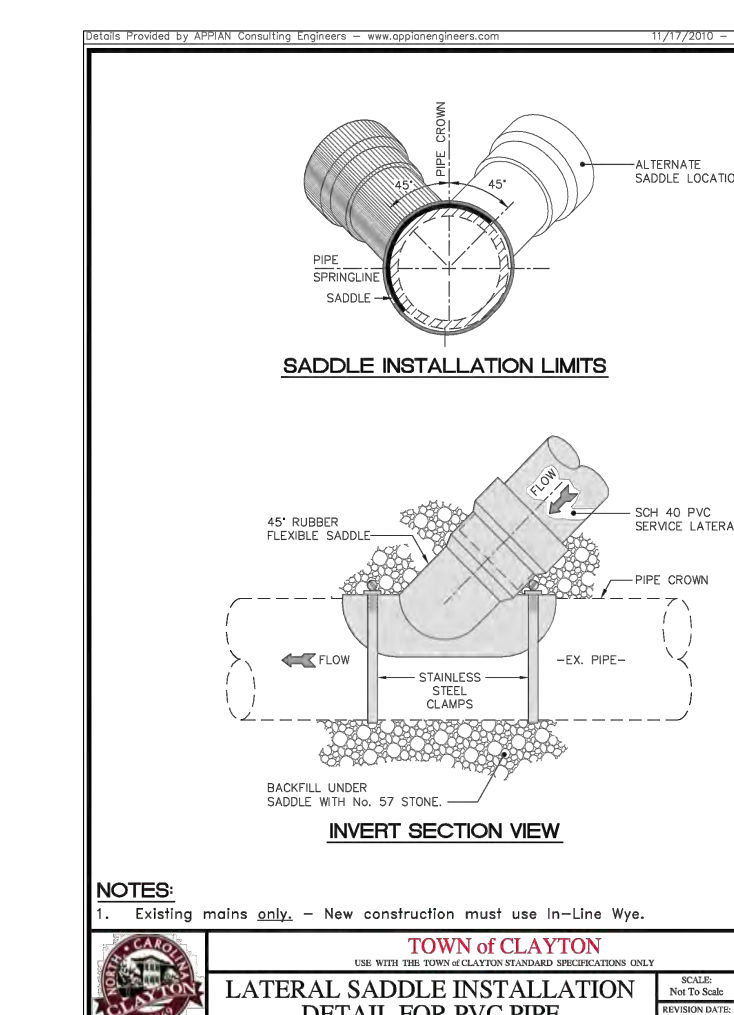
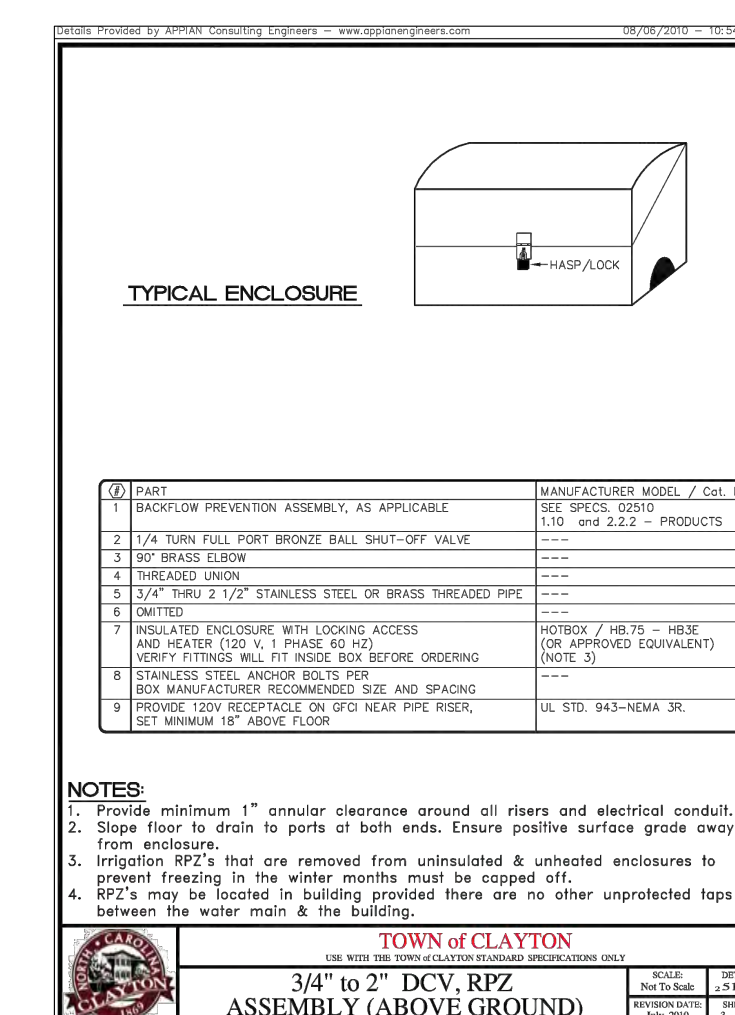
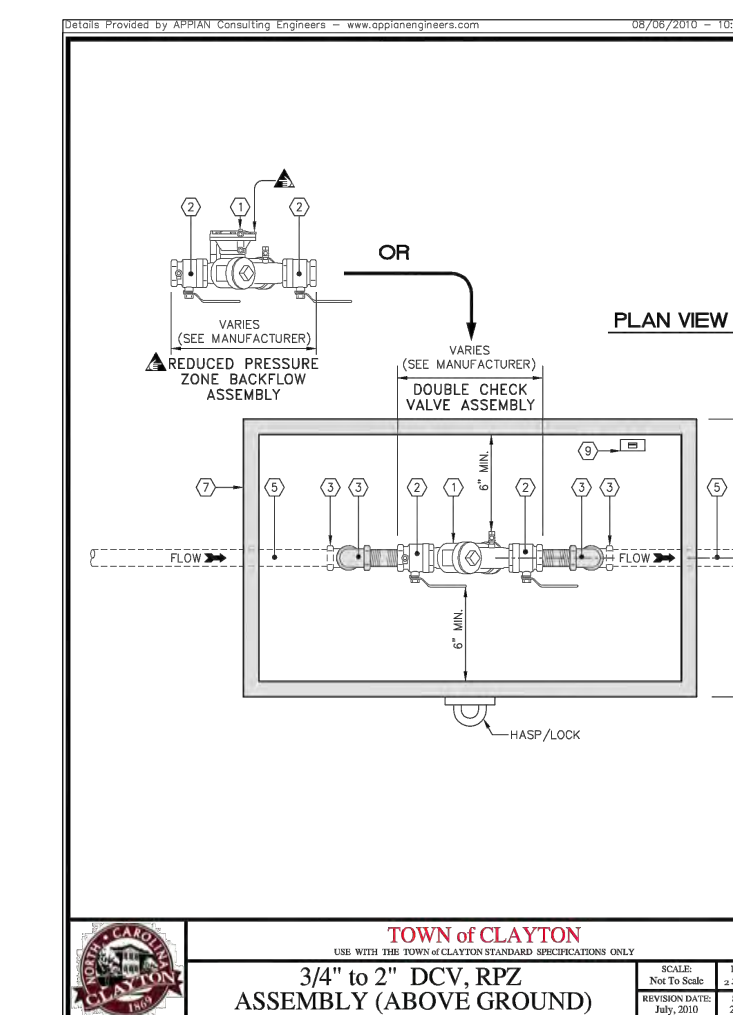
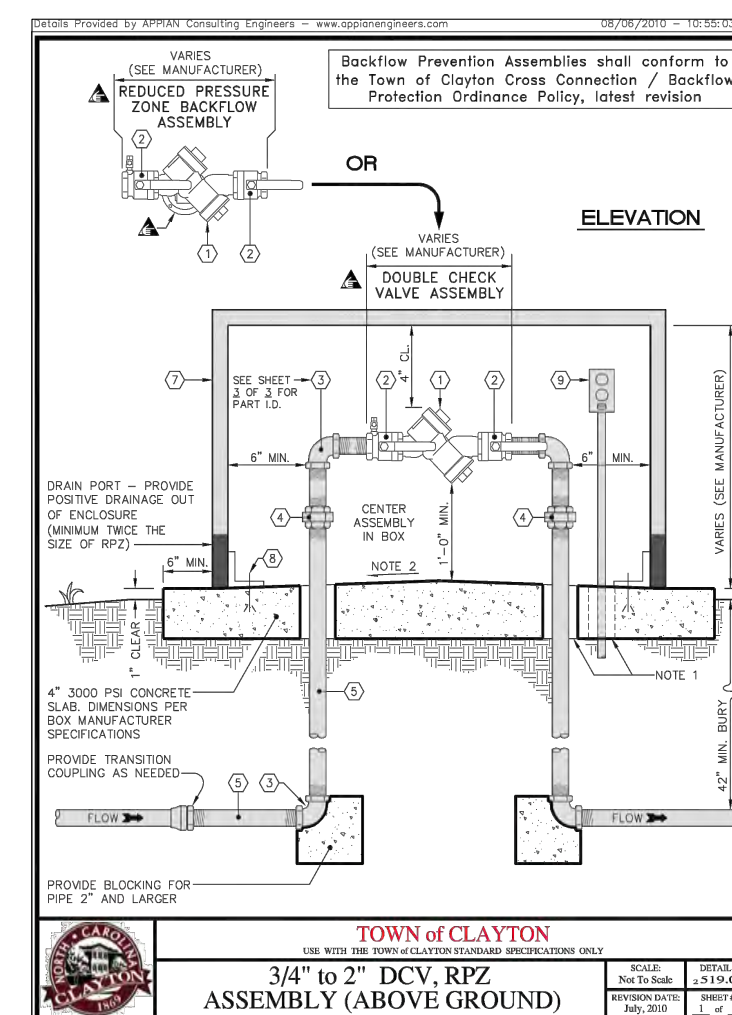
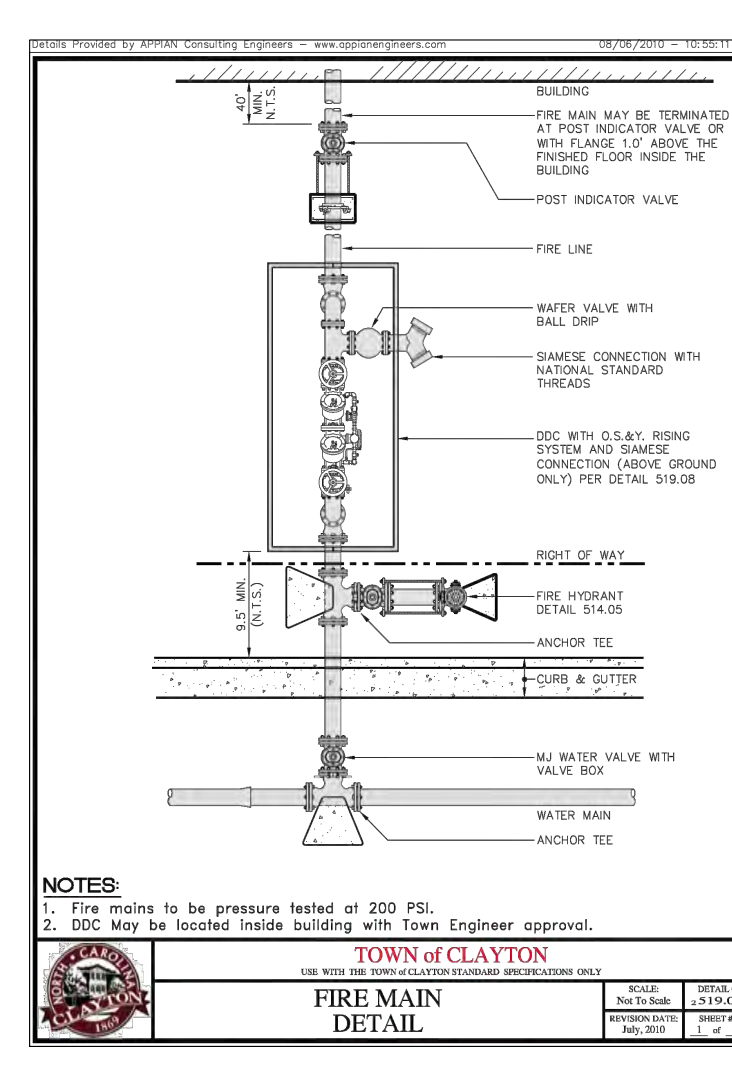
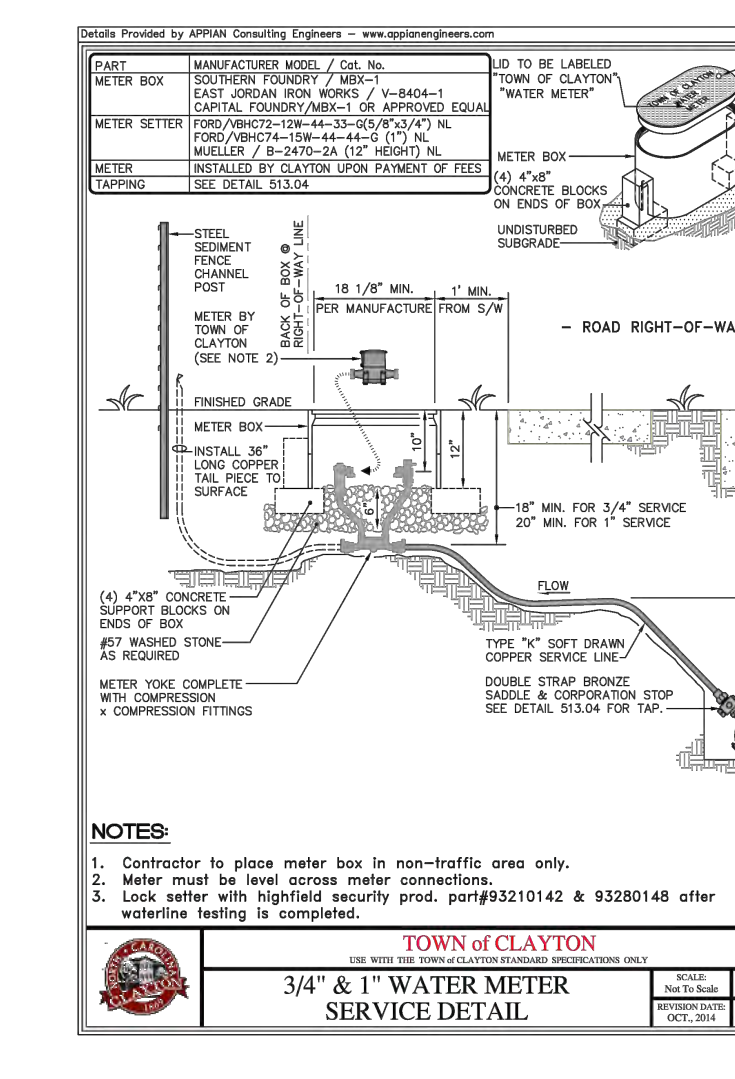
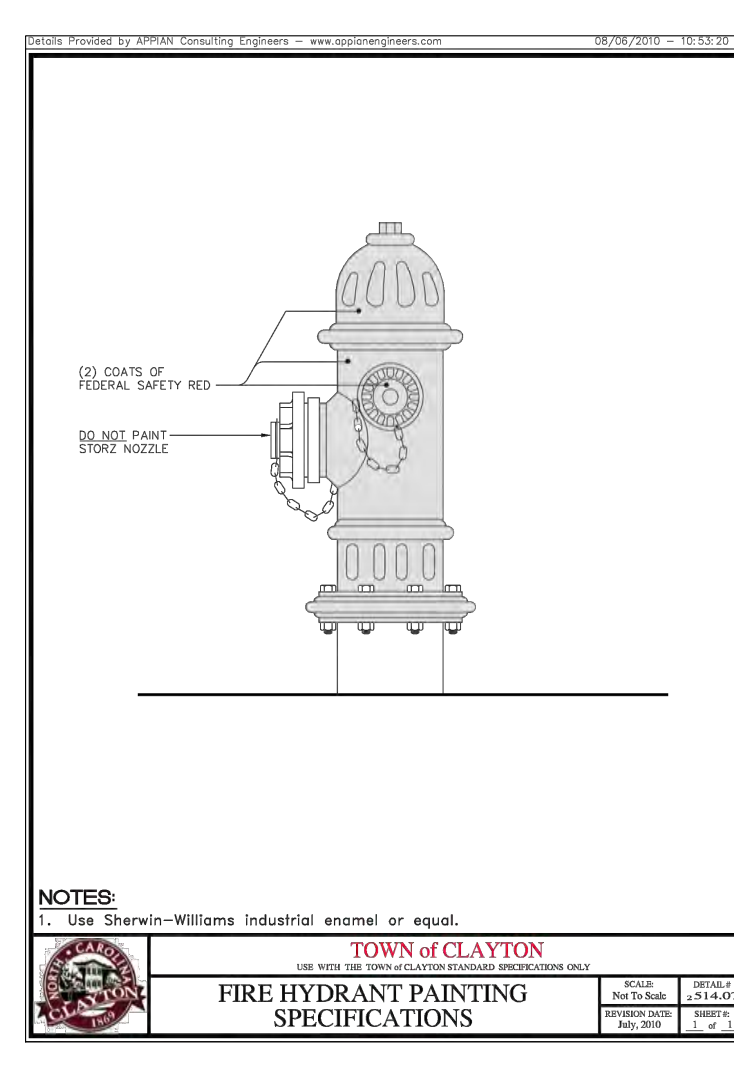
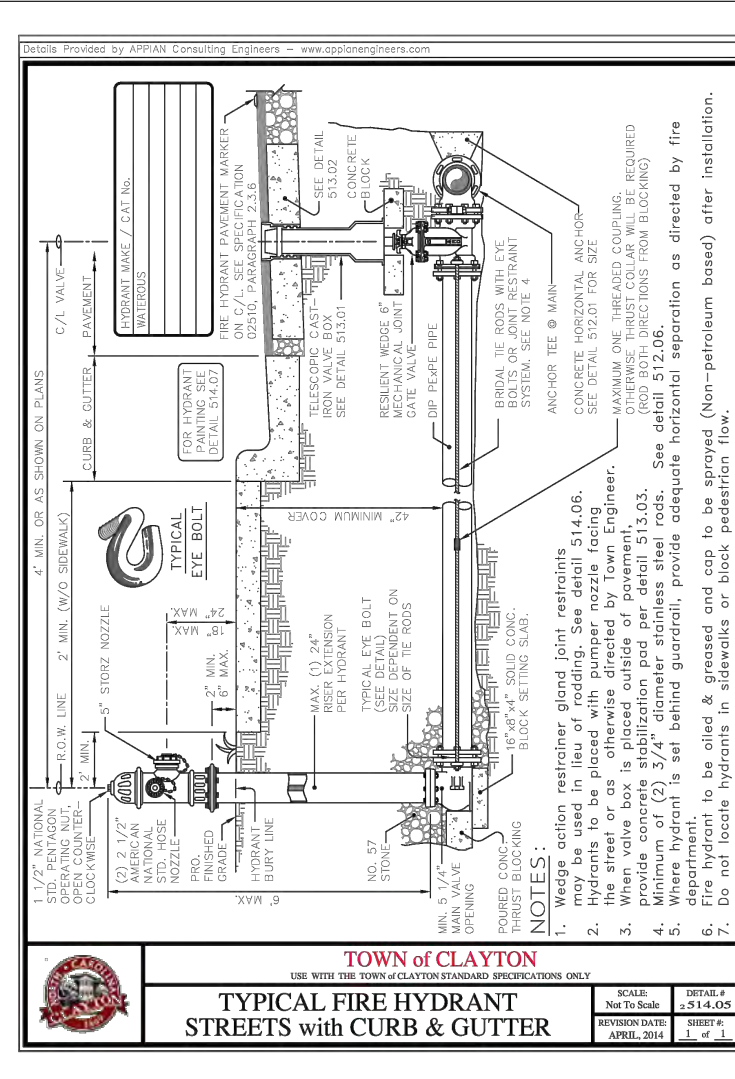
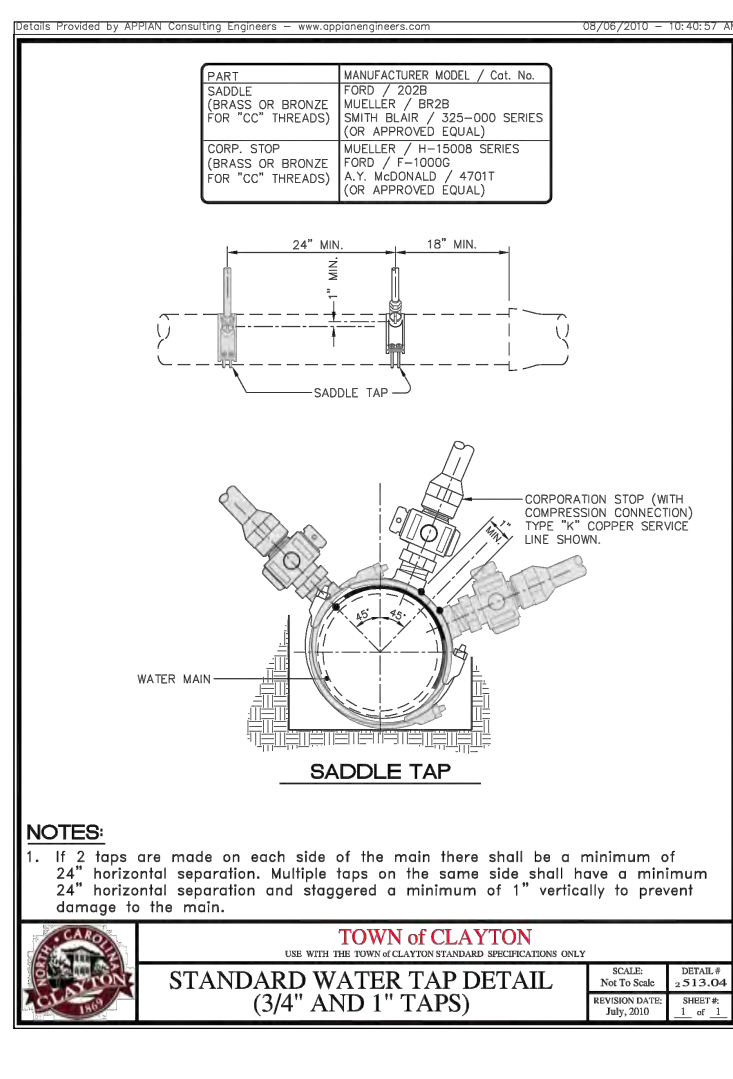
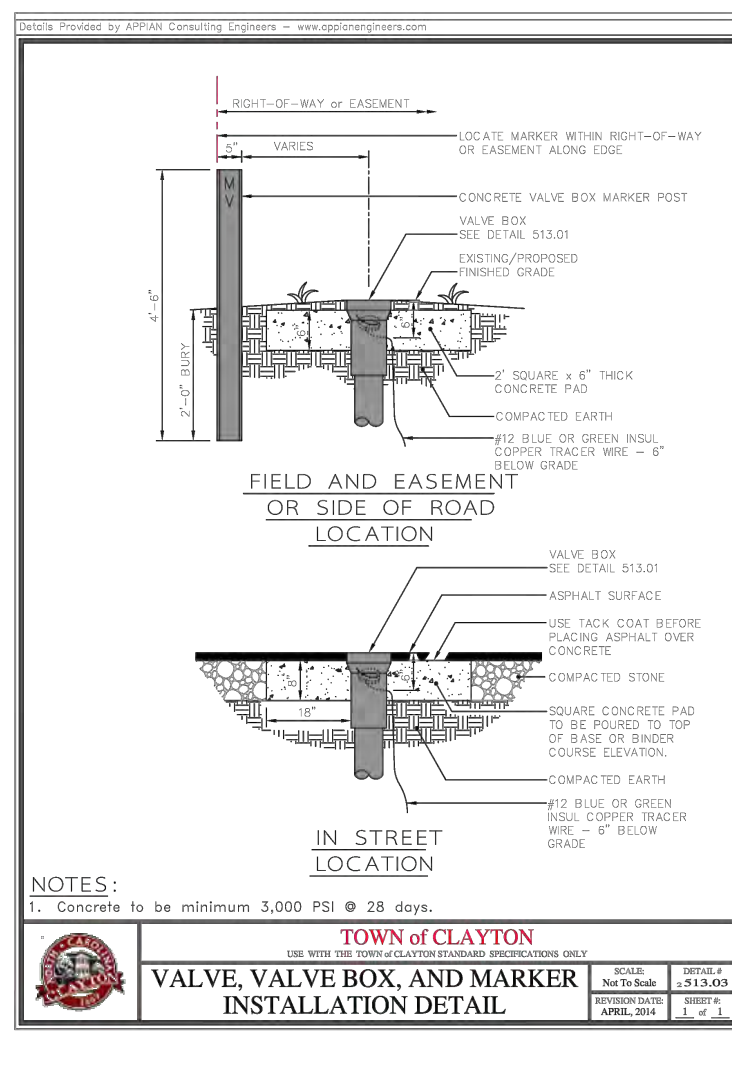
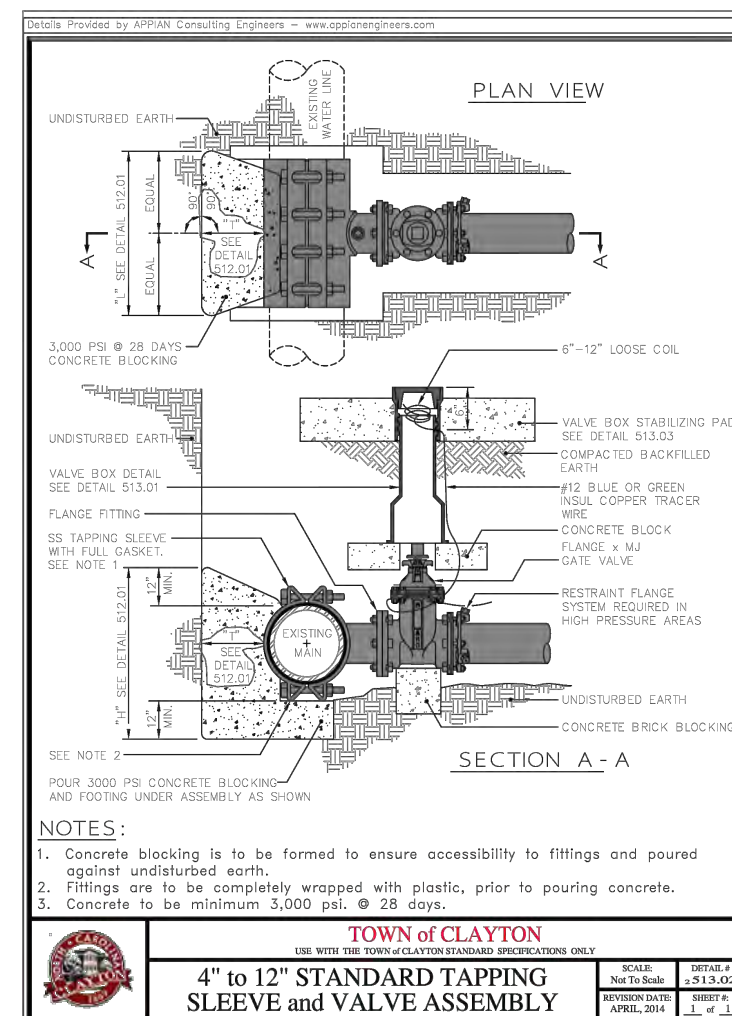
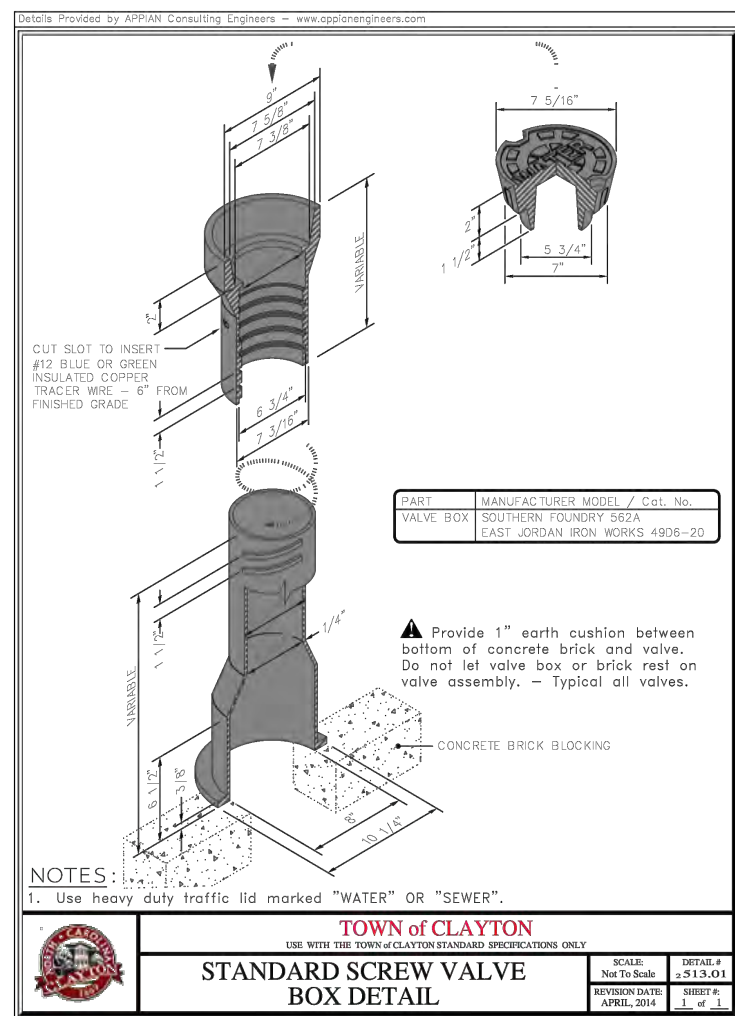
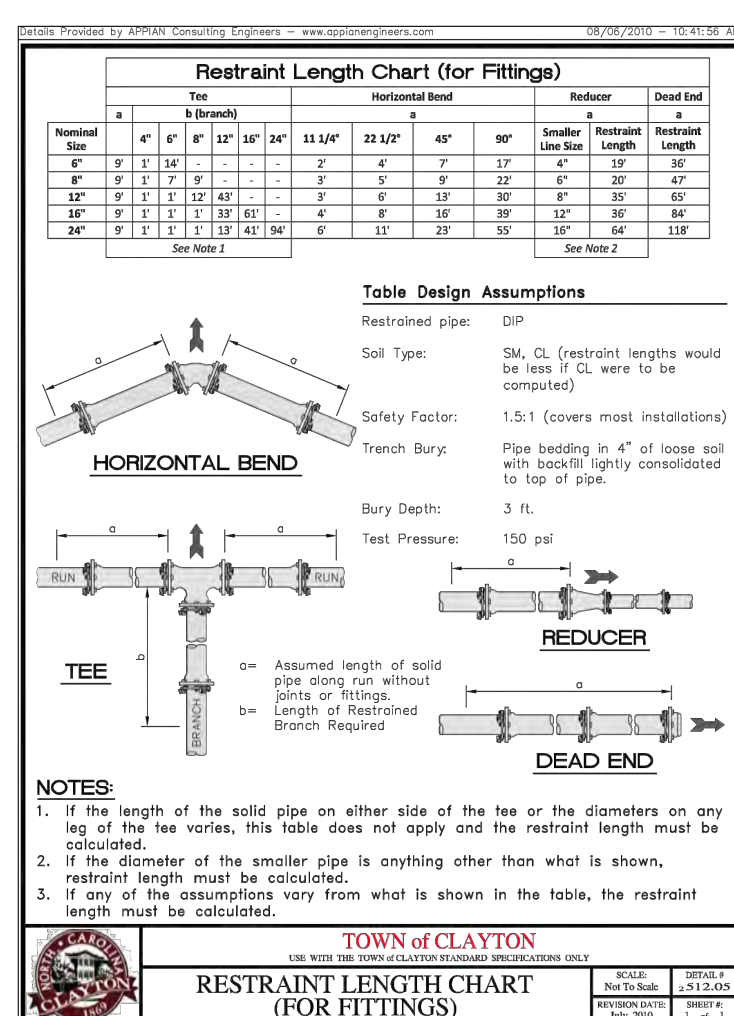
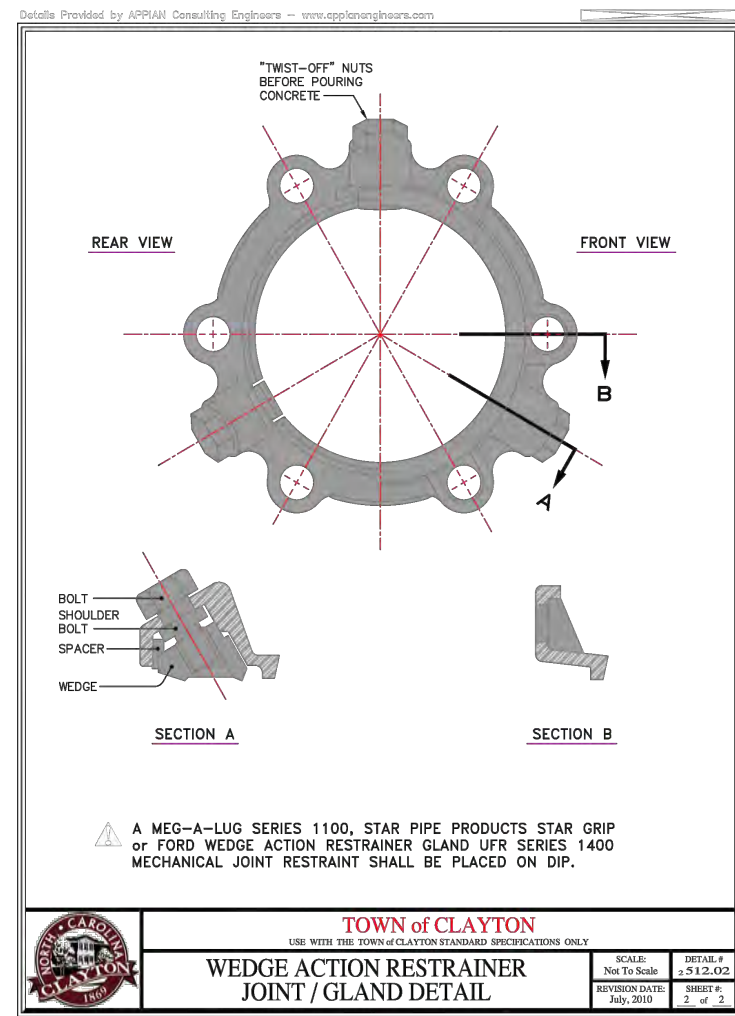
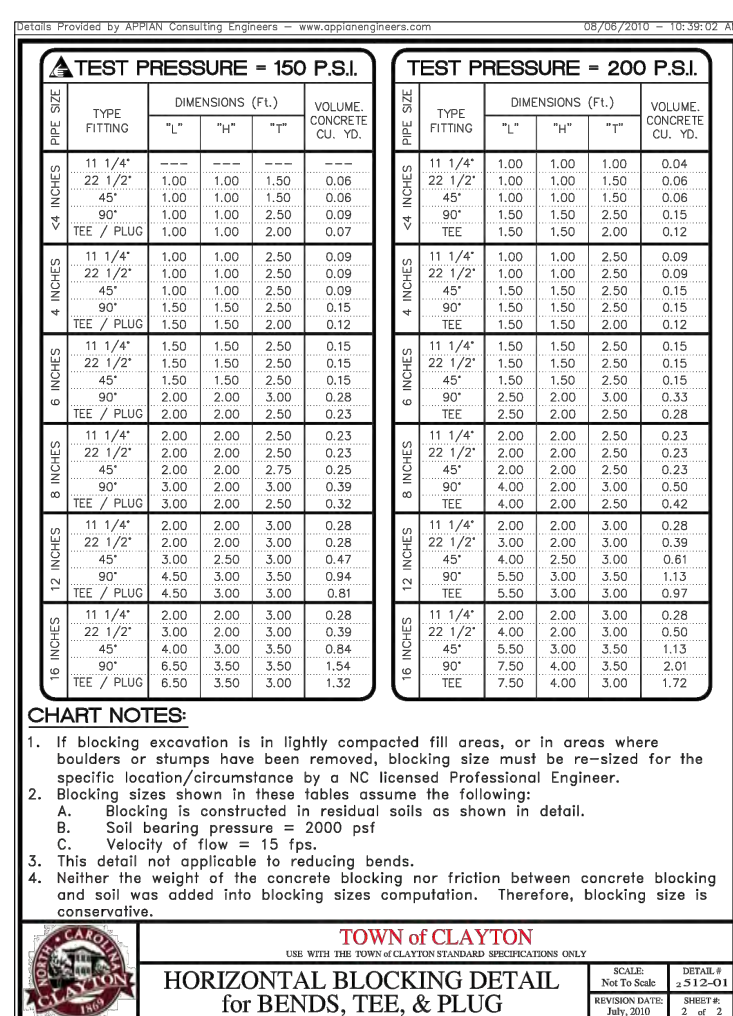
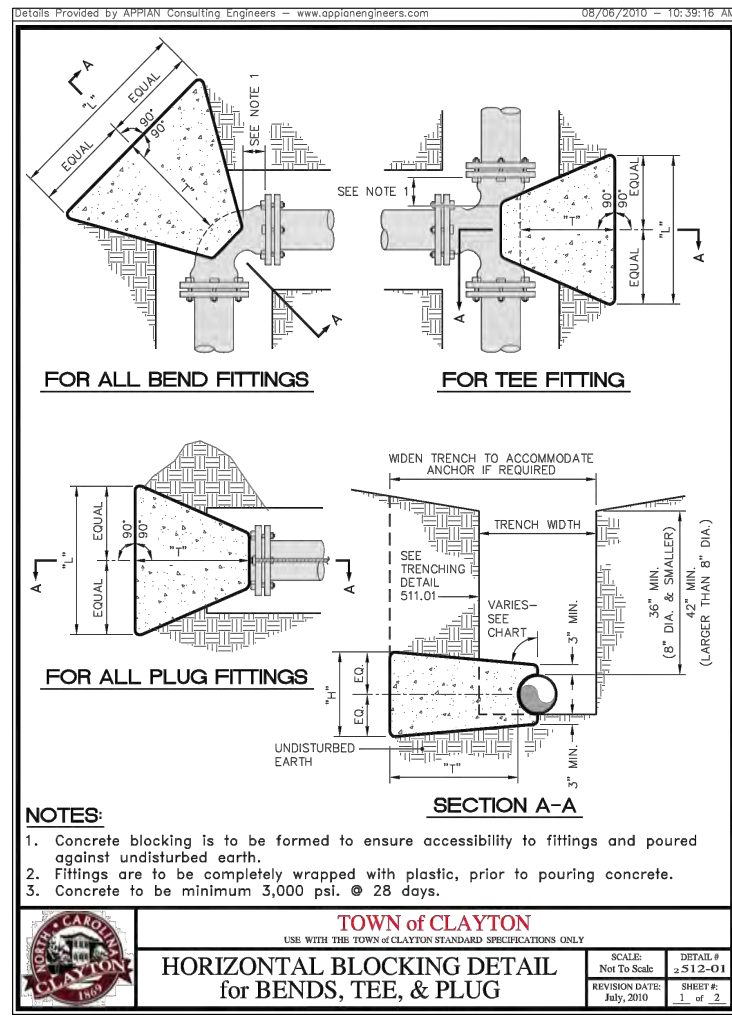
August 30, 2023

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Revisions

10/24/2023 Per Town of Clayton 1st
Site Plan review comments.

11/27/2023 Per Town of Clayton 2nd
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01/26/2024 Per Town of Clayton 3rd
Site Plan review comments.

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Wilmington, NC 28403
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Project

Pinnacle Storage
US Hwy 70 Business West

Storm & Erosion Control
Details

Date

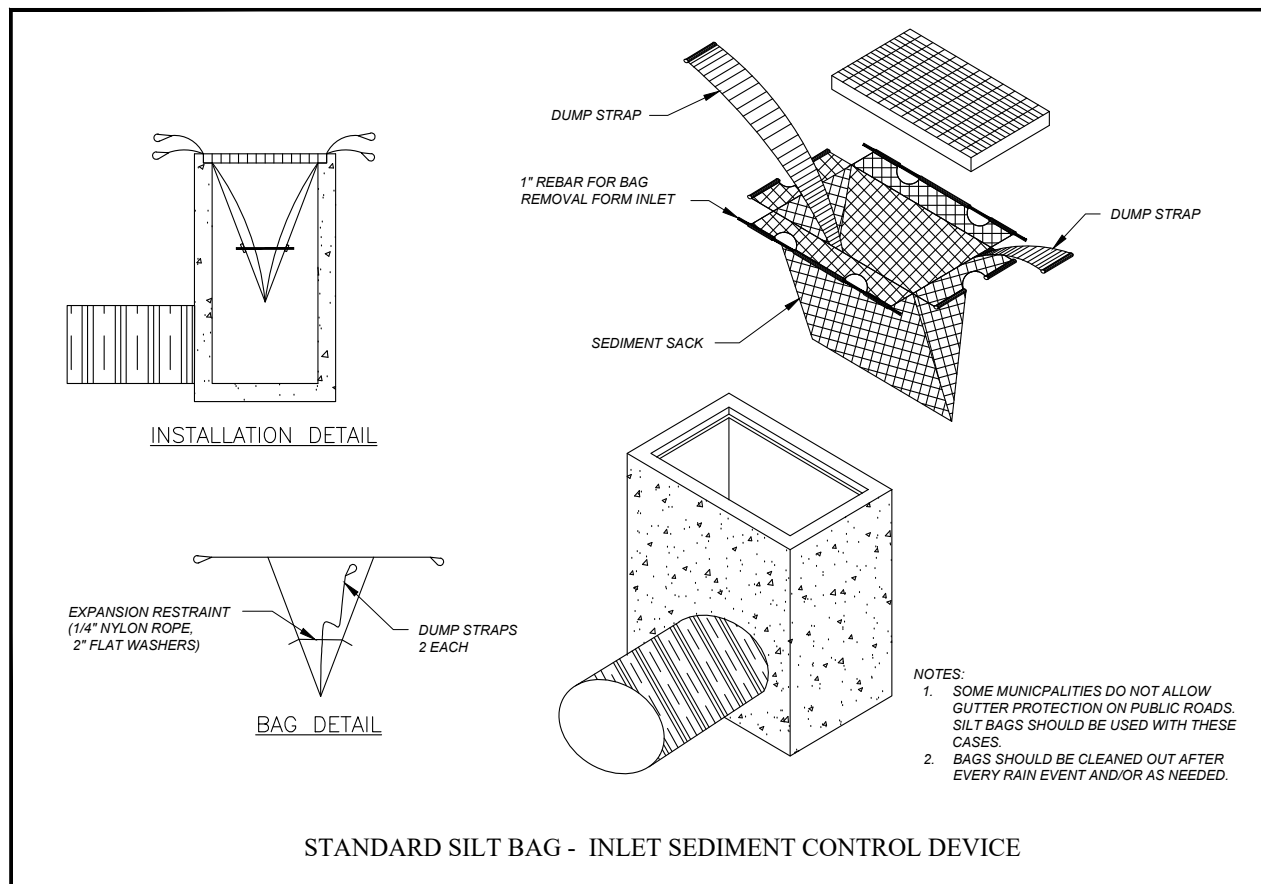
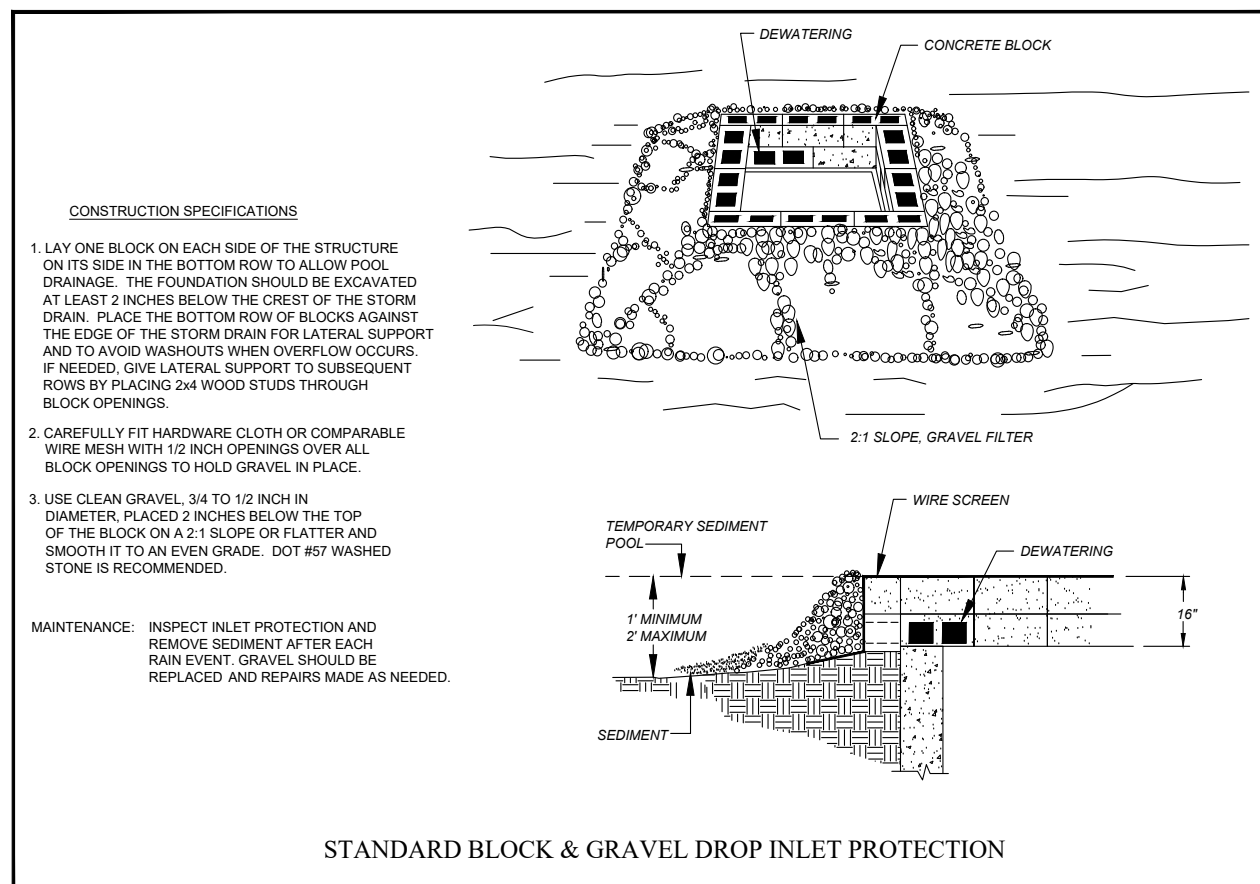
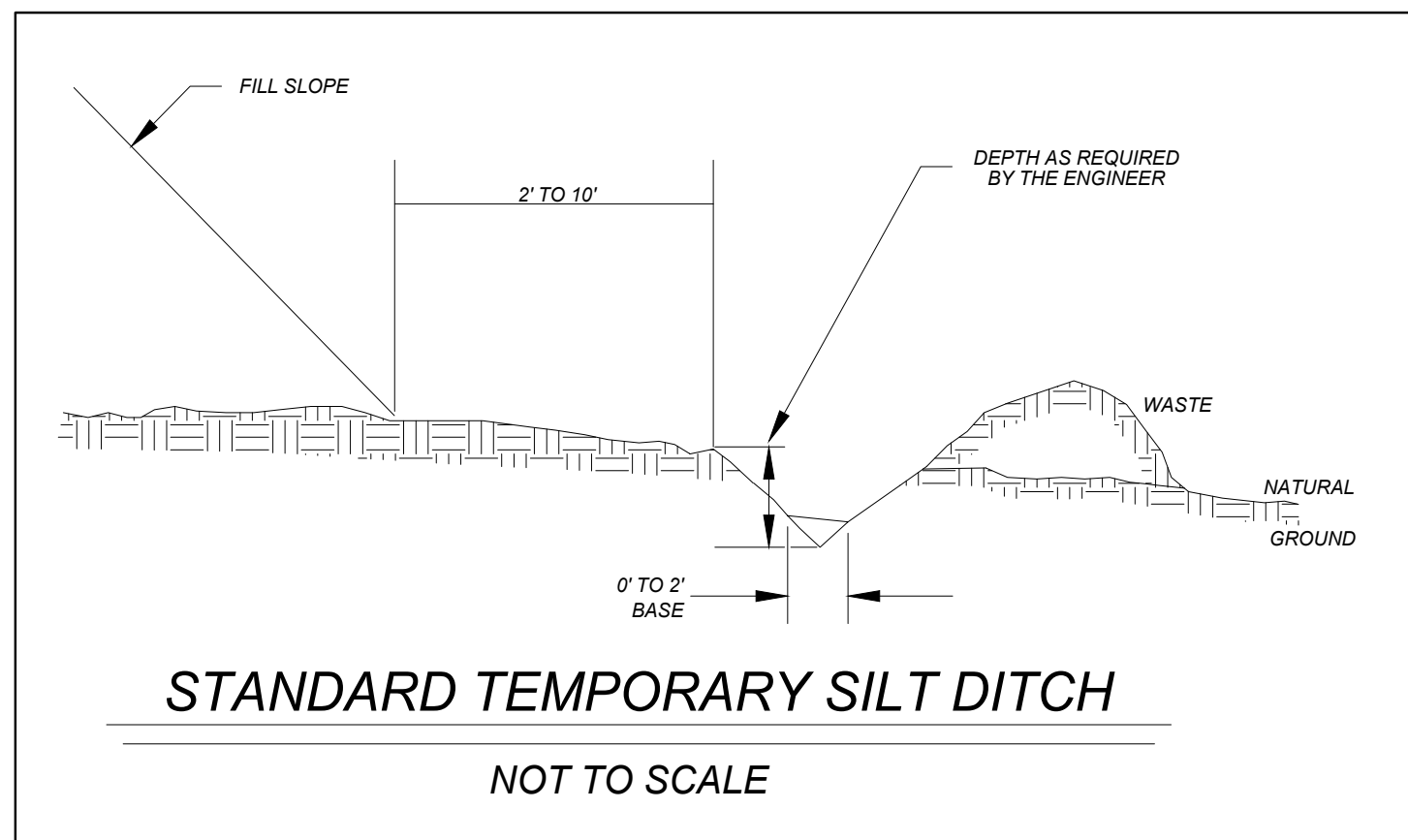
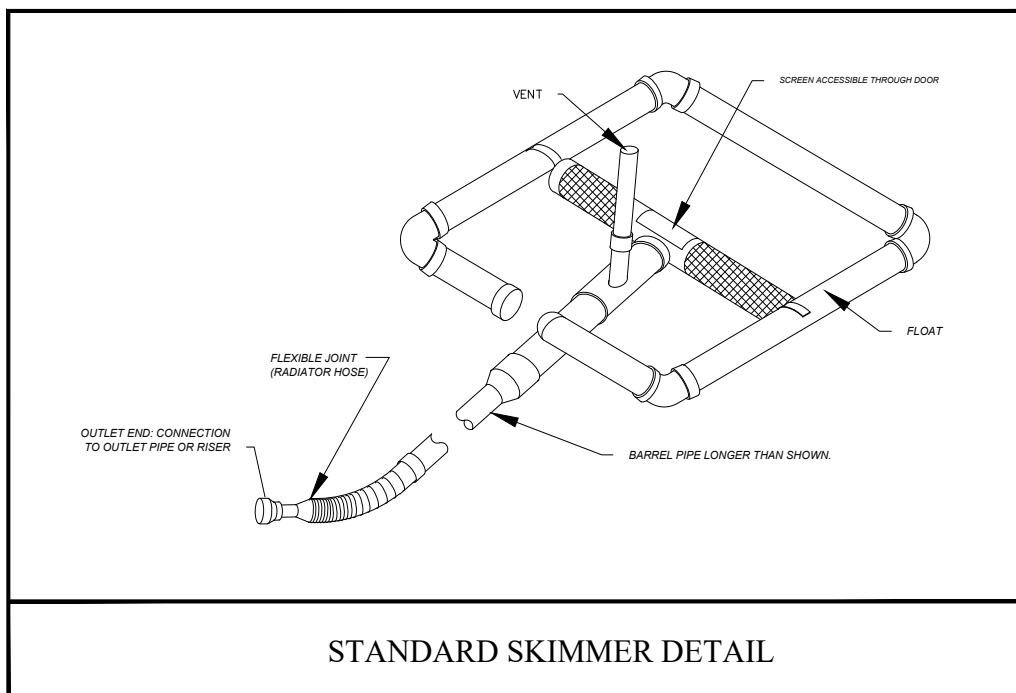
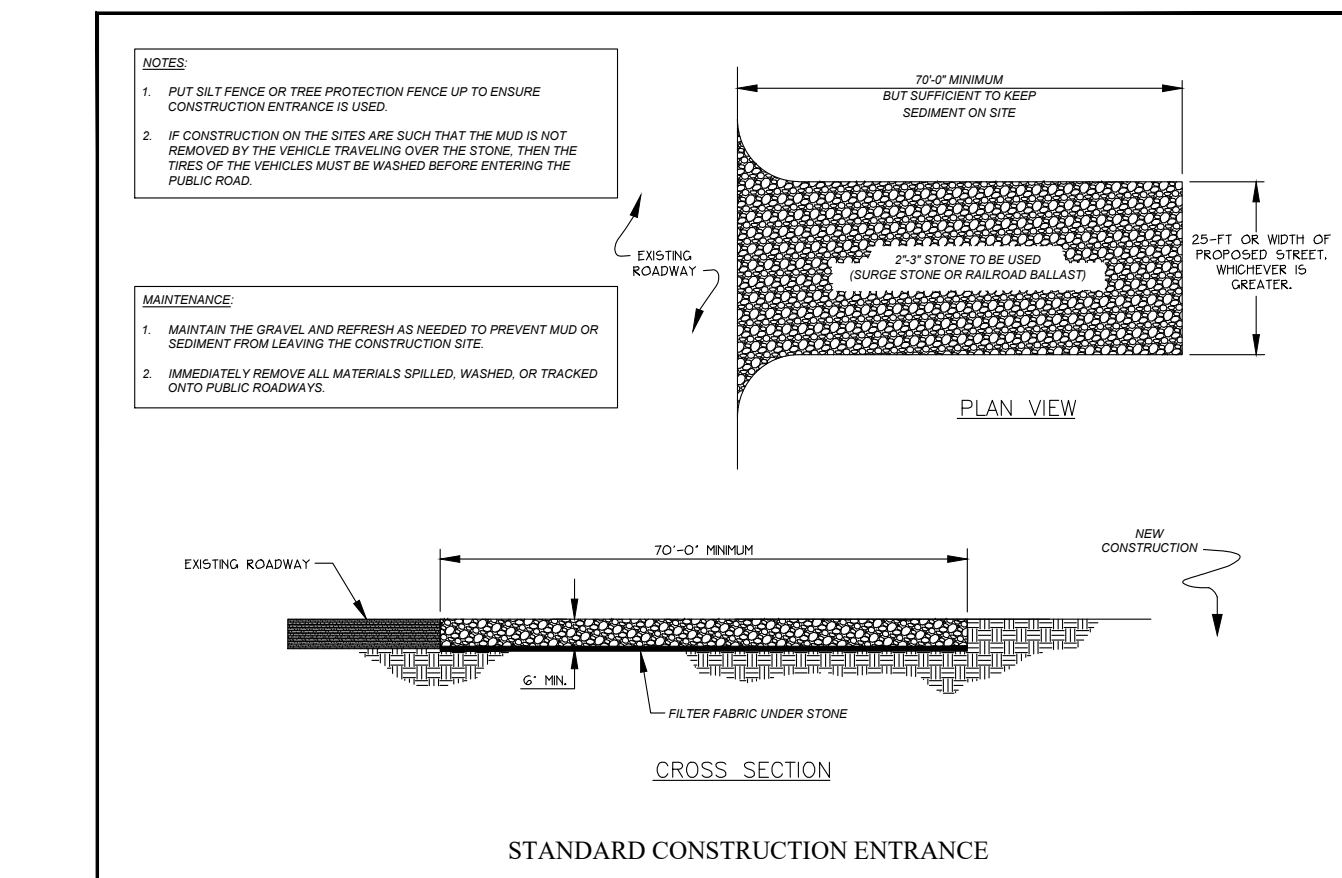
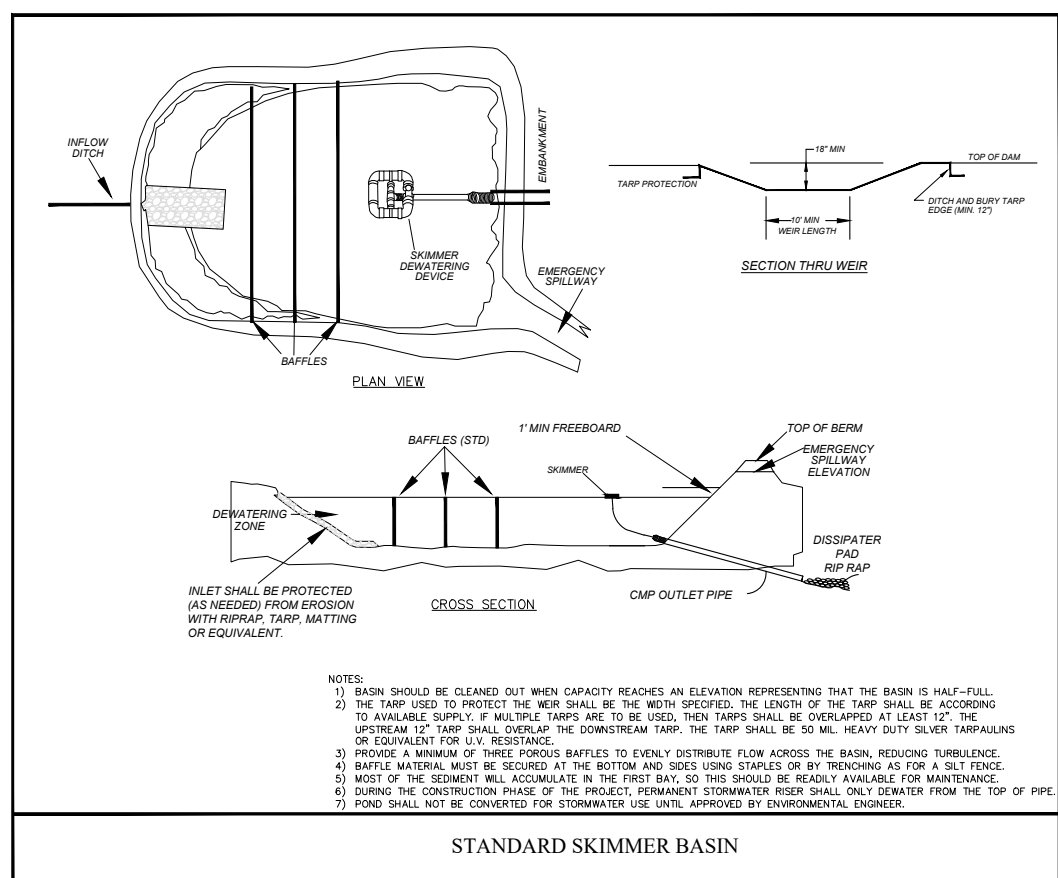
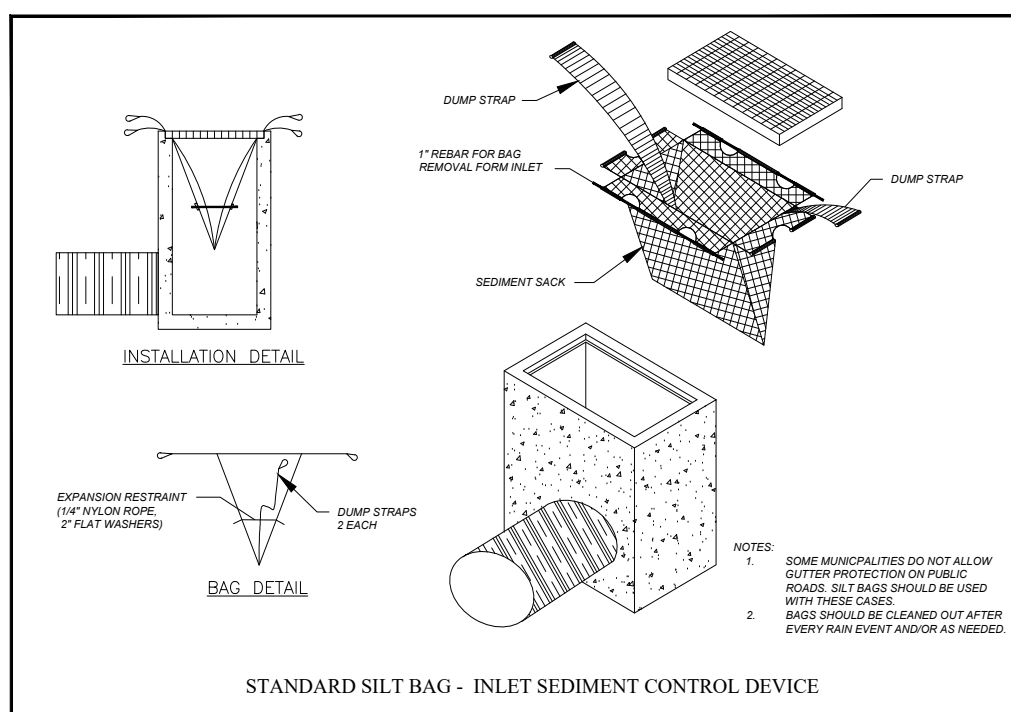
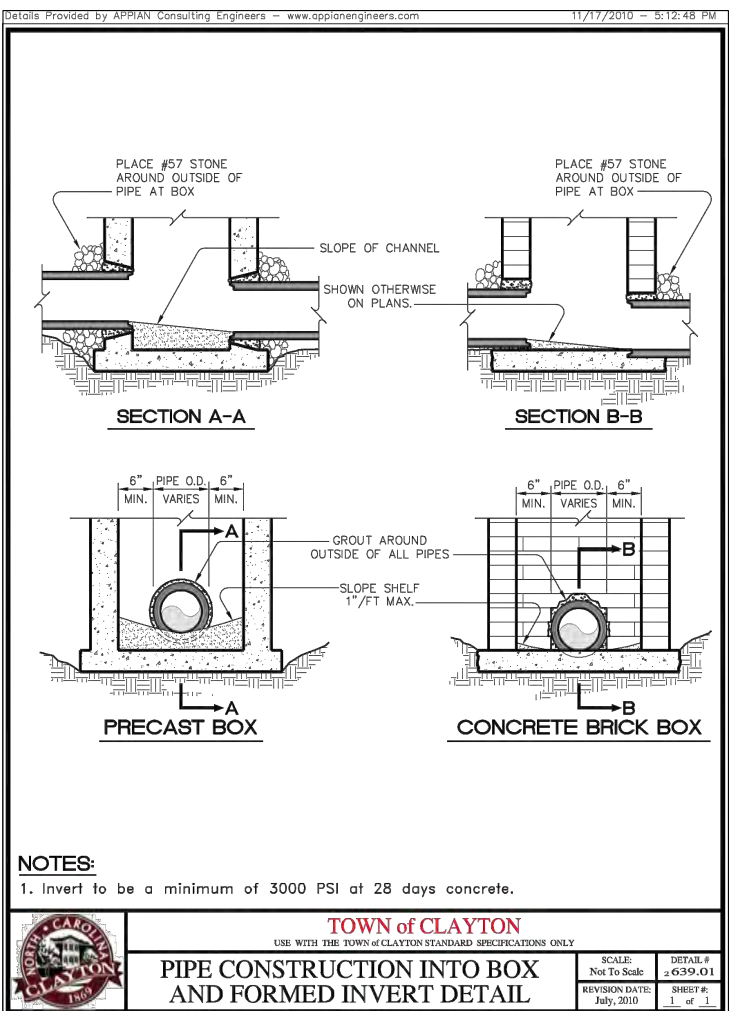
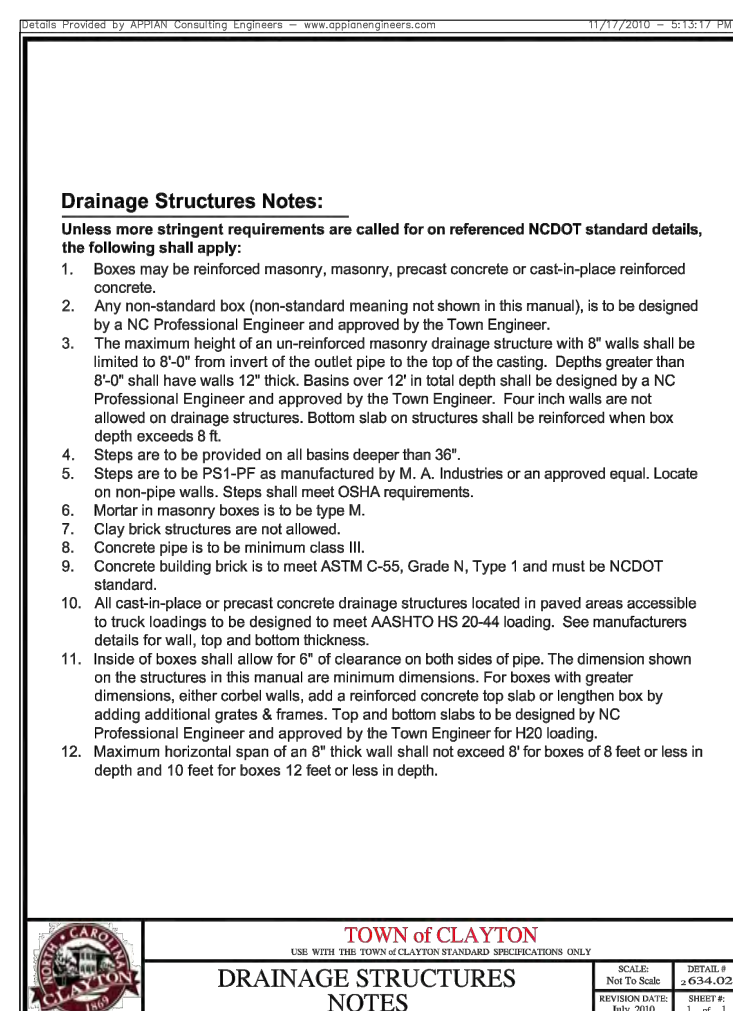
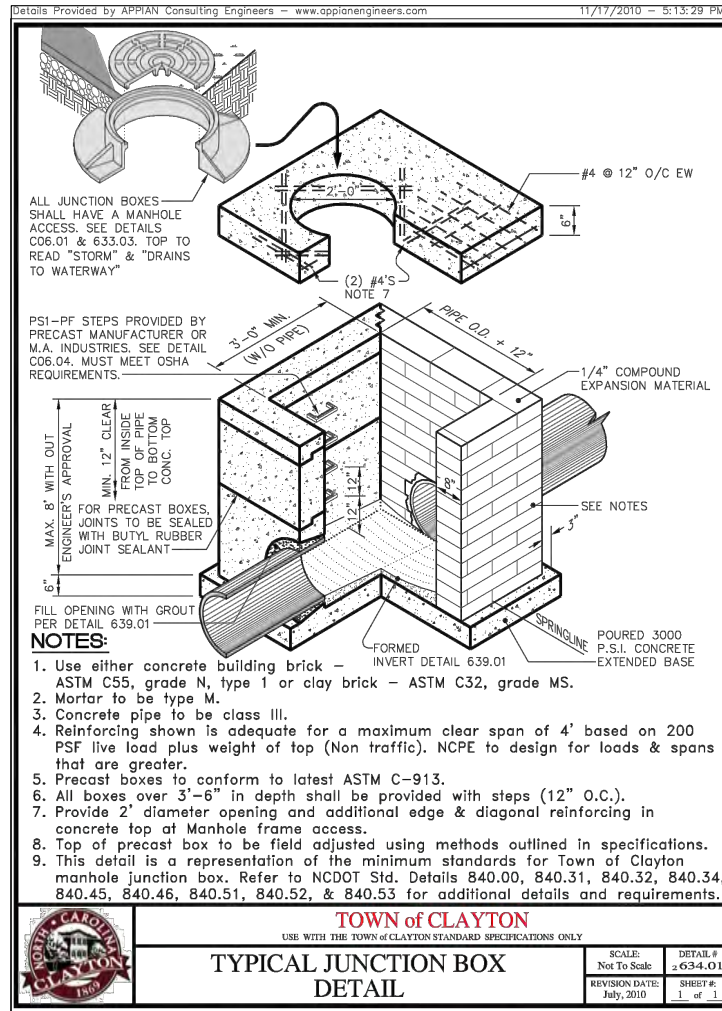
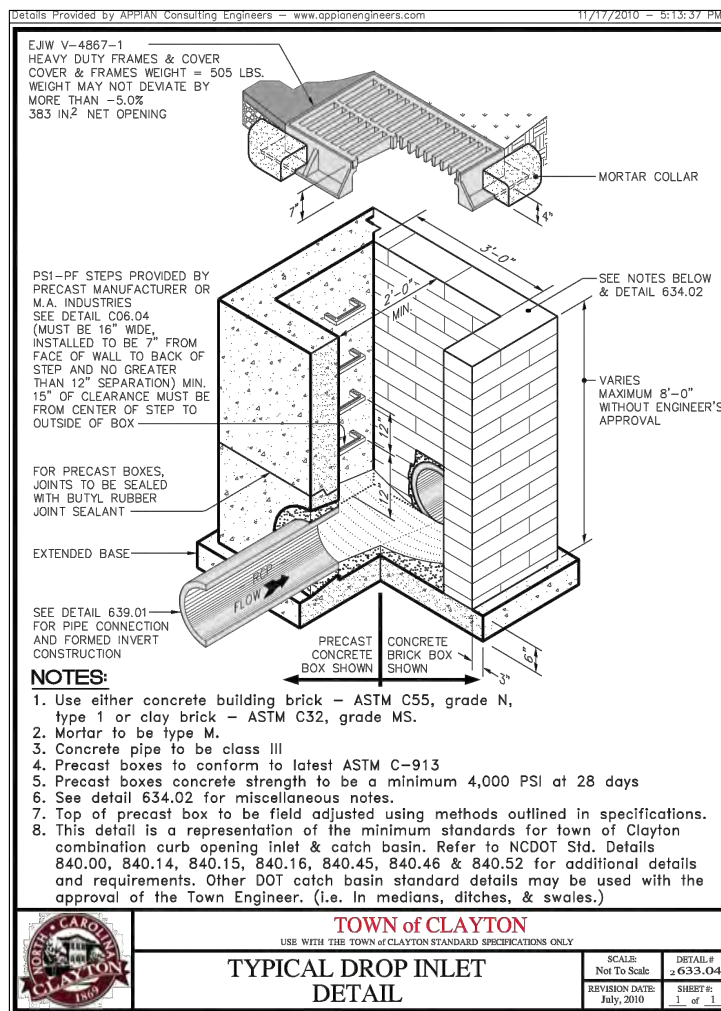
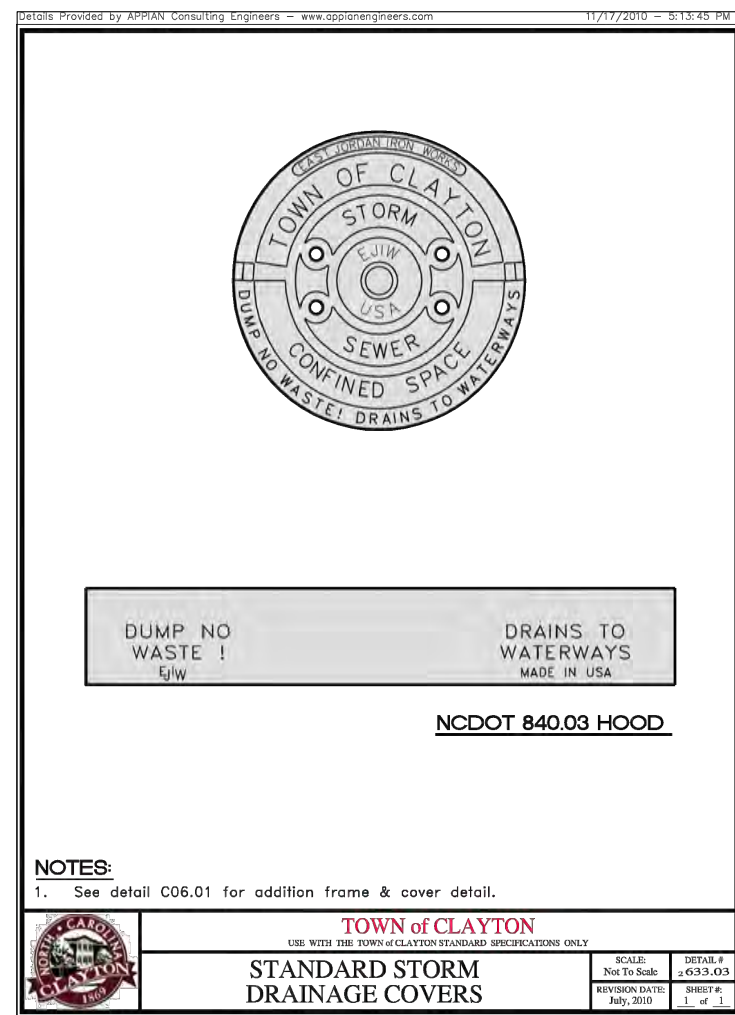
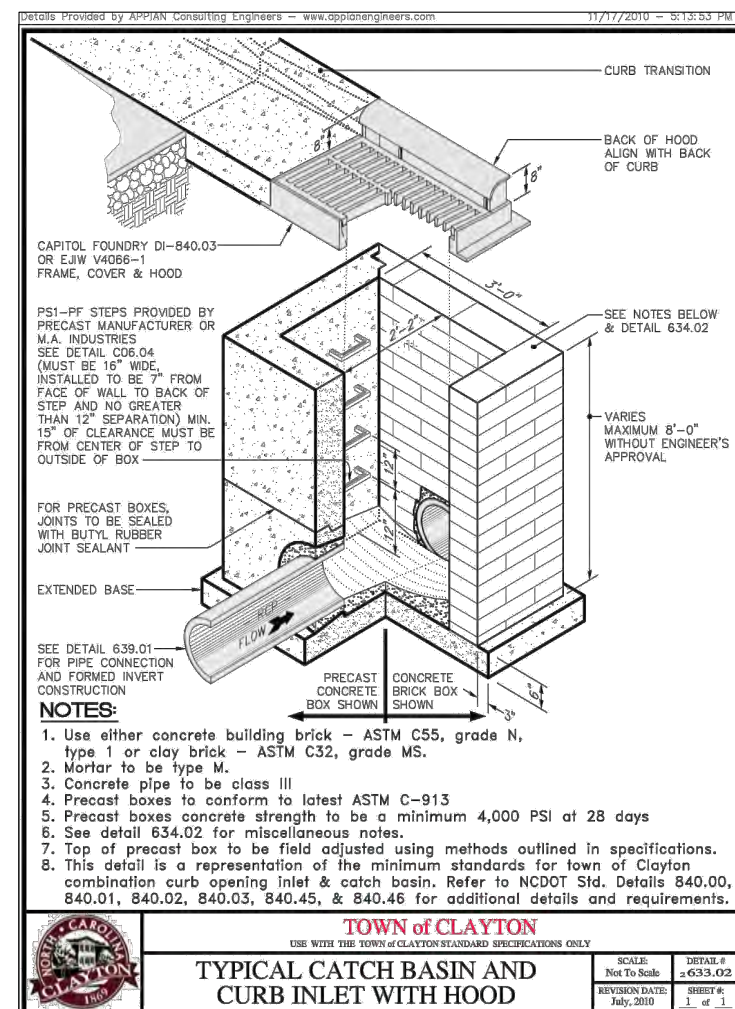
August 30, 2023

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MAINTENANCE SPECIFICATIONS FOR EROSION CONTROL DEVICES

Gravel Inlet Protection
Inspect the barrier at least weekly and after each significant (1/2 inch or greater) rainfall and make repairs as needed.

Remove sediment as necessary to provide adequate storage volume for subsequent rains.

When the contributing drainage area has been adequately stabilized, remove all materials and any unstable soil, and either salvage or dispose of it properly. Bring the disturbed area to proper grade, then smooth and compact it. Appropriately stabilize all bare areas around the inlet.

Silt Fence
Inspect sediment fences at least once a week and after each rainfall. Make any required repairs immediately.

Should the fabric of a sediment fence collapse, tear, decompose or become ineffective, replace it promptly.

Remove sediment deposits as necessary to provide adequate storage volume for the next rain and to reduce pressure on the fence. Take care to avoid undermining the fence during cleanout.

Remove all fencing materials and unstable sediment deposits and bring the area to grade and stabilize it after the contributing drainage area has been properly stabilized.

Construction Entrance
Maintain the gravel pad in a condition to prevent mud or sediment from leaving the construction site. This may require periodic topdressing with 2- inch stone. After each rainfall, inspect any structure used to trap sediment and clean it out as necessary. Immediately remove all objectionable materials spilled, washed, or tracked onto public roadways.

Skimmer Basin
Inspect skimmer sediment basins at least weekly and after each significant (one-half inch or greater) rainfall event and repair immediately. Remove sediment and restore the basin to its original dimensions when sediment accumulates to one-half the height of the first baffle. Pull the skimmer to one side so that the sediment underneath it can be excavated. Excavate the sediment from the entire basin, not just around the skimmer or the first cell. Make sure vegetation growing in the bottom of the basin does not hold down the skimmer.

Repair the baffles if they are damaged. Re-anchor the baffles if water is flowing underneath or around them.

If the skimmer is clogged with trash and there is water in the basin, usually jacking on the rope will make the skimmer bob up and down and dislodge the debris and restore flow. If this does not work, pull the skimmer over to the side of the basin and remove the debris. Also check the orifice inside the skimmer to see if it is clogged; if so remove the debris.

If the skimmer arm or barrel pipe is clogged, the orifice can be removed and the obstruction cleared with a plumber's snake or by flushing with water. Be sure and replace the orifice before repositioning the skimmer.

Check the fabric BOUNDARY & spillway for damage and make any required repairs with fabric that spans the full width of the spillway. Check the embankment, spillways, and outlet for erosion damage, and inspect the embankment for piping and settlement. Make all necessary repairs immediately. Remove all trash and other debris from the skimmer and pool areas.

Freezing weather can result in ice forming in the basin. Some special precautions should be taken in gibe winter to prevent the skimmer from plugging with ice.

Porous Baffles
Inspect baffles at least once a week and after each rainfall. Make any required repairs immediately.

Be sure to maintain access to the baffles. Should the fabric of a baffle collapse, tear, decompose, or become ineffective, replace it promptly.

Remove sediment deposits when it reaches half full to provide adequate storage volume for the next rain and to reduce pressure on the baffles. Take care to avoid damaging the baffles during cleanout. Sediment depth should never exceed half the designed storage depth.

After the contributing drainage area has been properly stabilized, remove all baffle materials and unstable sediment deposits, bring the area to grade, and stabilize it.

Diversion Ditch
Inspect temporary diversions once a week and after every rainfall. Immediately remove sediment from the flow area and repair the diversion ridge. Carefully check outlets and make timely repairs as needed. When the area protected is permanently stabilized, remove the ridge and the channel to blend with the natural ground level and appropriately stabilize it.

Skimmer Basin

1. Clean, grade, and only the area under the embankment of all vegetation and tree stumps. Remove all debris and other objectionable material. Place the fill material in multiple or dispose of it properly. Final all objectionable material to the designated disposal area. Place temporary sediment control treatment before basin is needed.

2. Excavate the fill material for the embankment in front of, under, and behind the skimmer. Remove all debris and other objectionable material. Place the fill material in multiple or dispose of it properly. Final all objectionable material to the designated disposal area. Place temporary sediment control treatment before basin is needed.

3. Shape the basin to the specified dimensions. Prevent the skimming device from settling into the mud by excavating a shallow pit under the skimmer or providing a low support under the skimmer of stone or timber.

4. Place the baffle (porous) inside the basin and anchor it to the firm, smooth foundation of impervious soil. Do not use previous material such as sand, gravel, or crushed stone as backfill around the pipe. Place the fill material around the pipe (spillway) in 4-inch layers and compact it under and around the pipe to a least the same density as the adjacent embankment. Care must be taken not to raise the pipe from the firm contact with its foundation when compacting under the pipe baffle.

5. Assemble the skimmer following the manufacturer's instructions, or as designed.

6. Lay the interlocked skimmer on the bottom of the basin with the flexible joint at the side of the basin pipe. Attach the flexible joint to the basin pipe and position the skimmer over the excavation of the spillway. Be sure to attach a rope to the skimmer and anchor it to the side of the basin. This will be used to pull the skimmer to the side for maintenance.

7. Fasten spillway—baffle the spillway is undisturbed soil to the greatest extent possible. The achievement of pinned diversion, grade, design width, and entrance and exit channel slopes are critical to the successful operation of the spillway. The spillway should be lined with laminated plastic or impervious geotextile fabric. The fabric must be wide and long enough to cover the bottom and sides and extend over the top of the dam for anchoring to a trench. The spillway must be secured with each edge of the fabric. The fabric must be long enough to extend down the slope and exit into stable ground. The width of the fabric must be one piece, or joined at vertical corners, water can get under the fabric. If the length of the fabric is insufficient for the entire length of the spillway, multiple pieces, spanning the complete width, may be used. The upper sections should overlap the lower sections as the water comes from under the fabric. Secure the upper edge and sides of the fabric in a trench with staples or pins. (Adapted from "A Manual for Designing, Installing and Maintaining Skimmer Basins," February, 1999, J. W. Fairchild & Son.)

8. Install. Discharge water into the basin to restore to preconstruction. Use temporary slope drains or diversions with outlet protection to direct sediment into the basin and away from the spillway. Do not allow sediment to enter the spillway immediately after construction (Reference: Surface Stabilization). (Reference: Army Corps of Engineers and United States Army Corps of Engineers.)

9. After all the sediment-producing areas have been permanently stabilized, remove the structure and all its unstable soil. Transfer the area to be used with the adjoining area and stabilize properly (Reference: Surface Stabilization).

10. Install porous baffles as specified in Practice 6.6, Porous Baffles. 11. After all the sediment-producing areas have been permanently stabilized, remove the structure and all its unstable soil. Transfer the area to be used with the adjoining area and stabilize properly (Reference: Surface Stabilization).

12. Install porous baffles as specified in Practice 6.6, Porous Baffles. 13. After all the sediment-producing areas have been permanently stabilized, remove the structure and all its unstable soil. Transfer the area to be used with the adjoining area and stabilize properly (Reference: Surface Stabilization).

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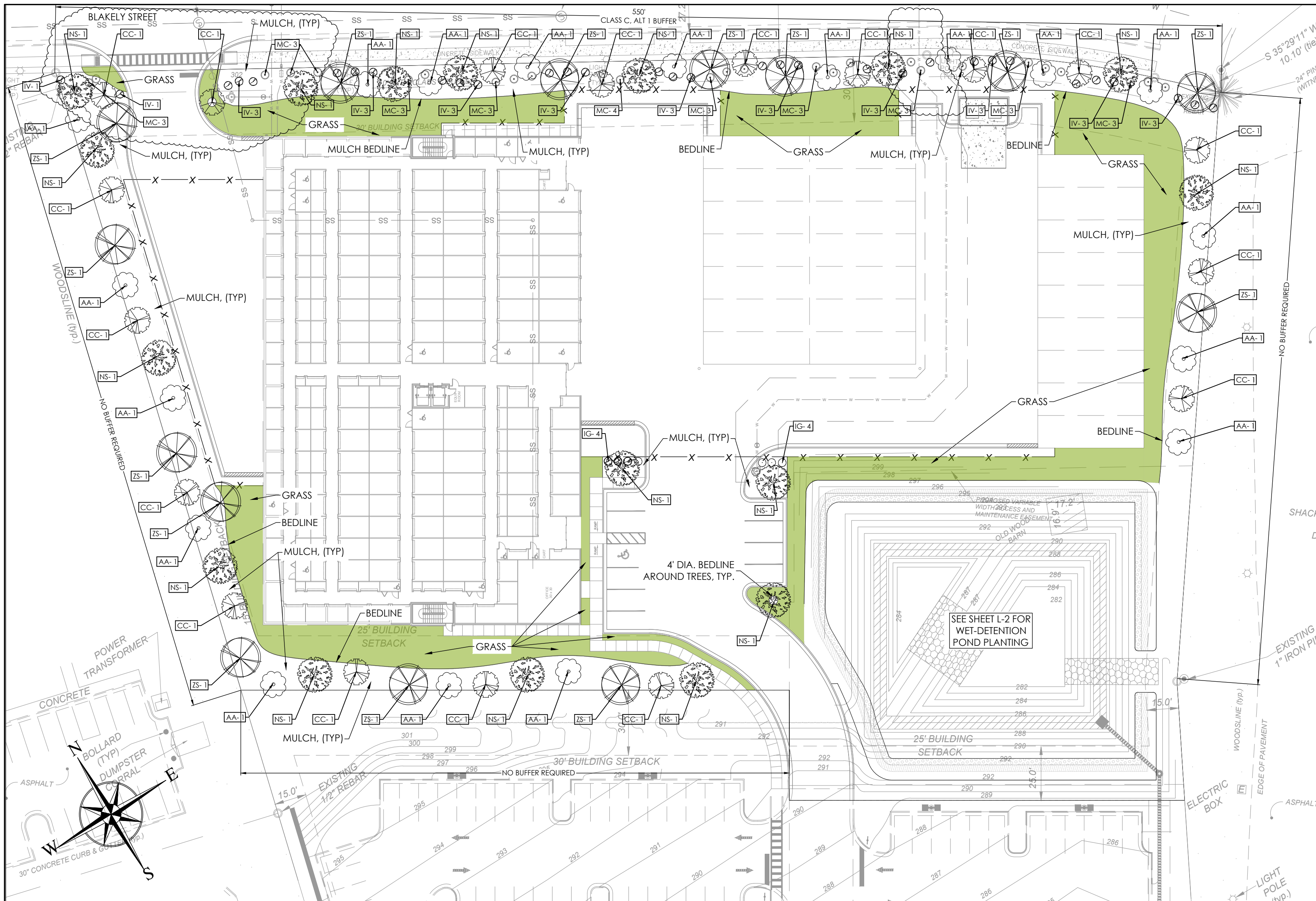
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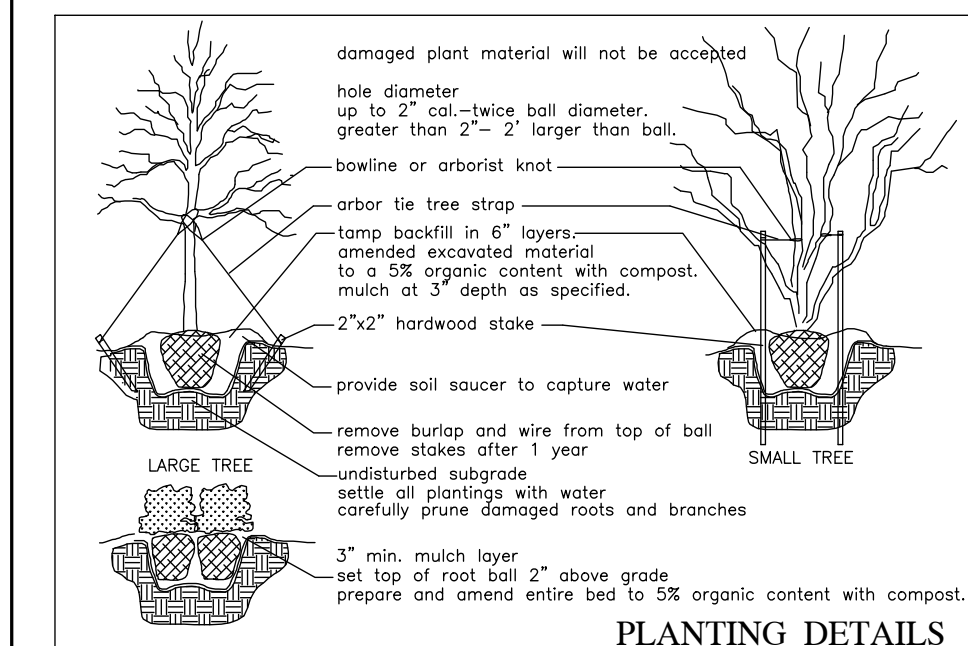
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Fall Permanent Seeding - Centipede		August 15 - November 1	
• 10-10-10 Fertilizer	2 tons/acre	• 10000 Ryegrass	500 lbs/acre
• 0-20-0	500 lbs/acre	• 10000 Ryegrass	500 lbs/acre
• Unapproved Service Landscape	2 tons/acre	• 10000 Ryegrass	500 lbs/acre
• 0-20-0	500 lbs/acre	• 10000 Ryegrass	500 lbs/acre
• Ryegrass	2 tons/acre	• 10000 Ryegrass	500 lbs/acre
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1 LANDSCAPE PLAN SCALE: 1"=30'



- ## GENERAL PLANTING NOTES
1. INSTALLATION OF TOTAL QUANTITIES AS SHOWN ON THE PLANTING PLAN SHALL BE THE RESPONSIBILITY OF THE PLANTING CONTRACTOR.
 2. ALL TREES, SHRUBS, AND BEDDING PLANTS SHALL CONFORM TO THE ACCEPTED STANDARDS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSEMEN.
 3. ALL PLANTINGS AND SAUCERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING INSTALLATION.
 4. SET TOP OF TREE ROOT BALL 3" ABOVE GRADE, SHRUBS 2" ABOVE GRADE.
 5. THE SIZE OF ALL ROOT BALLS SHALL CONFORM TO ANY STANDARDS.
 6. FERTILIZE ALL PLANTS WITH AGRIFORM FERTILIZER TABLETS OR EQUAL, APPLIED AT MANUFACTURERS RECOMMENDED RATE PER SOIL TEST REPORT.
 7. GUYING AND STAKING, IF NECESSARY, SHALL BE REMOVED AFTER ONE GROWING SEASON.
 8. ALL ROOT BALLS REMOVED FROM CONTAINERS SHALL BE SCARIFIED PRIOR TO BACKFILLING.
 9. ALL TREES HAVE BEEN LOCATED WITH RESPECT TO PROPOSED OR EXISTING FACILITIES AND STRUCTURES. VERIFY ANY FIELD ADJUST WITH OWNER OR AGENT.
 10. REPORT ANY DISCREPANCIES TO THE PROJECT OWNER OR AGENT.
 11. SUBSTITUTIONS OR ALTERATIONS SHALL NOT BE MADE WITHOUT PRIOR WRITTEN NOTIFICATION BY THE OWNER OR GOVERNING AUTHORITY.
 12. IF ADVERSE PLANTING CONDITION EXIST, REPORT ISSUES TO PROJECT OWNER OR AGENT.
 13. ALL NEWLY INSTALLED TREES, SHRUBS AND BEDDING PLANTS SHALL BE GUARANTEED FOR ONE YEAR.

2 TREE AND SHRUB PLANTING DETAIL L-1 NTS

LANDSCAPE CALCULATIONS

TOWN OF CLAYTON CODE OF ORDINANCES
SEC. 155.402 PART 1, D.1 - INTERIOR LANDSCAPING

TOTAL LOT AREA: 151,974 SF / 3.49 ACRES
REQ. 20% OF TOTAL LOT AREA: 30,395 SF
LANDSCAPE AREA: 151,974 x .20 = 30,400 SF
PROVIDED: 30,950 SF

REQ. PLANTS PER 1,000 SF:
1 Canopy Tree 31 - PROVIDED: 31
1 Understory tree 61 - PROVIDED: 36
2 Shrubs 62 - PROVIDED: 63

NOTE: MANY OF THESE ARE PLANTED AROUND THE PERIMETER OF THE PROJECT.

SITE PLANTING:
(A) PERIMETER SCREENING:
NORTH: CLASS C, ALT 1 10' BUFFER -SEE BUFFER PLANT CALCS BELOW
SOUTH: N/A
EAST: N/A
WEST: N/A
(B) LANDSCAPING ISLANDS:
EACH ISLAND CONTAINS A MIN. 150 SF OF LANDSCAPED AREA WITH MIN. 8" INSIDE CURBS AND (1) 2.5" CAL. SHADE TREE.
YUA
PARKING FOR STORAGE FACILITY IS NOT VISIBLE FROM PUBLIC RIGHT-OF-WAY

TOWN OF CLAYTON CODE OF ORDINANCES SEC. 155.402 - BUFFER TYPE STANDARDS

BUFFER-N1 (550 LF) 10' CLASS C LANDSCAPE BUFFER
550 LF - 32 DRIVEWAY = 518 LF PLANTABLE BUFFER AREA
CANOPY TREES: 2 PER 100 LINEAR FEET - 518 LF / 100 = 5.2 X 2 = 10.4 (ROUNDS TO 11 SHADE TREES REQUIRED/13 PROVIDED)
UNDERSTORY TREES: 3 PER 100 LINEAR FEET - 518 LF / 100 = 5.2 X 3 = 15.6 (ROUNDS TO 16 UNDERSTORY TREES REQUIRED/16 PROVIDED)
SHRUBS: 12 PER 100 LINEAR FEET - 518 LF / 100 = 5.2 X 12 = 62.4 (ROUNDS TO 63 SHRUBS REQUIRED/63 PROVIDED)

EAST, SOUTH AND WEST BUFFERS NOT REQUIRED IN THIS CASE.

LANDSCAPE SCOPE OF WORK LANDSCAPE PLAN NOTES

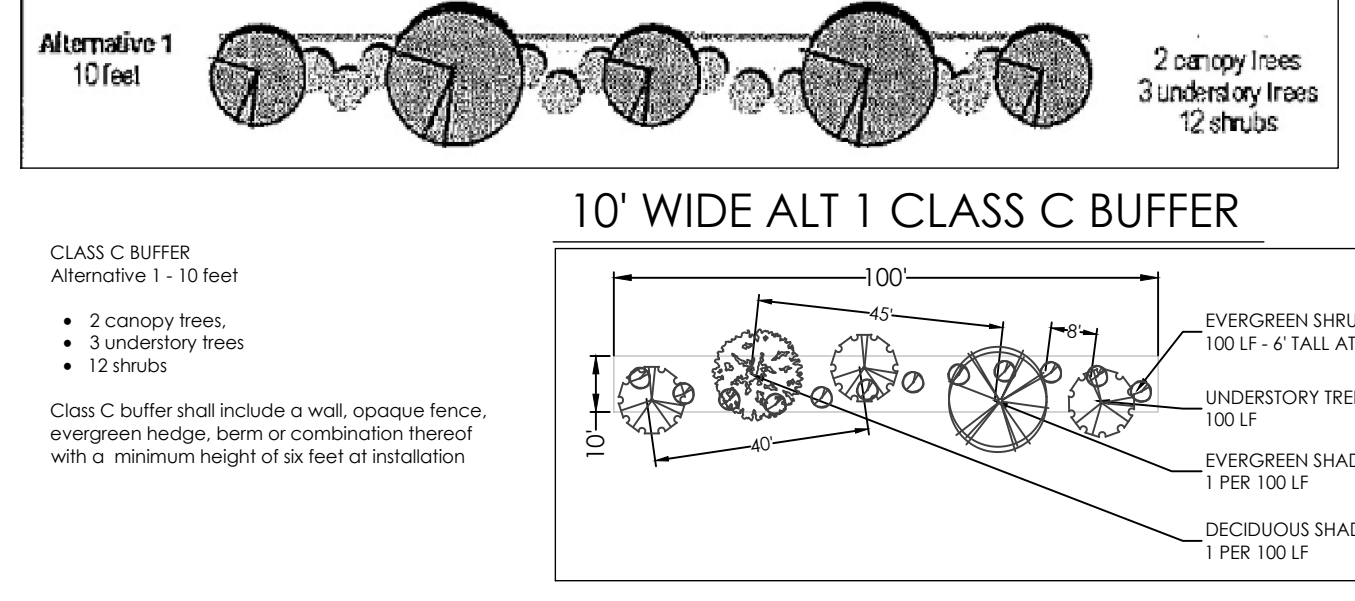
1. FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT REQUIRED OR INDICATED BY THE DRAWINGS AND SPECIFICATIONS TO COMPLETE THE WORK INCLUDING INSTALLATION OF ALL TREES, SHRUBS, GROUNDCOVER, ANNUALS, SEED, SOD AND MULCH.
2. MATERIALS AND WORK:
THE SELECTION OF ALL MATERIALS AND THE EXECUTION OF ALL WORK REQUIRED UNDER THE CONTRACT SHALL BE SUBJECT TO APPROVAL BY THE OWNER. THE OWNER SHALL HAVE THE RIGHT TO REJECT ANY AND ALL MATERIALS AND ANY AND ALL WORK, WHICH IN HIS OPINION, DOES NOT MEET THE REQUIREMENTS OF THE CONTRACT.
3. PLANT MATERIALS:
ALL PLANT MATERIALS SHALL BE NURSERY GROWN, FRESHLY DUG IN THE FIELD, NATURALLY SHAPED, WELL BRANCHED, FULLY FOLIATED WHEN IN LEAF WITH FULLY DEVELOPED ROOT SYSTEMS. TREES MUST BE SELF-SUPPORTING, WITH STRAIGHT TRUNKS AND LEADERS INTACT. ALL PLANTS MUST BE FREE OF DISEASE, INSECT INFESTATION OR THEIR EGGS AND SHALL HAVE BEEN GROWN IN CLIMATIC CONDITIONS SIMILAR TO THOSE OF THE PROJECT SITE.
4. PLANT SIZE:
SPECIFIED SIZES INDICATES THE MINIMUM ALLOWABLE SIZE AT PLANTING. WHERE CONTAINER AND HEIGHT/SPREADS ARE INDICATED FOR A SINGLE SPECIES, BOTH SIZE REQUIREMENTS SHALL BE MET WHEN ONLY PLANT HEIGHT OR SPREAD ARE INDICATED, CONTAINER SIZE SHALL BE BASED ON "AMERICAN STANDARDS FOR NURSERY STOCK" STANDARDS.
5. ORGANIC MATTER:
AGED MANURE, COMPOST OR PINE BARK FINES, AT THE OPTION OF THE CONTRACTOR, MATERIAL SHALL BE AIR DRIED, FINELY SHREDDED AND SUITABLE FOR HORTICULTURAL PURPOSES AND SHALL CONTAIN NO MORE THAN 35% MOISTURE CONTENT BY WEIGHT.
6. PINE BARK MULCH:
ALL PINE BARK MULCH SHALL BE CLEAN, DOUBLE GROUND, FINE TEXTURED NUGGET MULCH WITH MINIMAL AMOUNTS OF SAWWOOD CONTENT.
7. TURF AREAS:
PRIOR TO ANY SEEDING OR SOD APPLICATION, VERIFY THAT ALL TRECHING AND LAND DISTURBING ACTIVITIES HAVE BEEN COMPLETED. ENSURE ALL AREAS ARE FREE OF STONES, LARGE SOIL CLOUDS AND ANY OTHER CONSTRUCTION DEBRIS.
1. ALL PLANT MATERIAL ON THIS SITE MUST MEET MINIMUM TOWN OF CLAYTON COO REQUIREMENTS FOR SIZE HEIGHT, AND SPACING. PLANT MATERIAL SHALL BE INSTALLED ACCORDING TO SOUND NURSERY PRACTICES AND IN CONFORMANCE WITH THE GENERAL PLANTING NOTES AND DETAILS WITHIN THIS PLAN SET.
2. PLANTING STOCK SHALL MEET ALL STANDARDS WITHIN THE LATEST EDITION OF "AMERICAN STANDARDS FOR NURSERY STOCK". ALL PLANTS SHALL BE VIGOROUS, HEALTHY MATERIAL FREE FROM PESTS AND DISEASE.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW THE PROJECT SITE AND FAMILIARIZE WITH ACTUAL FIELD CONDITIONS PRIOR TO BIDDING AND COMMENCING WORK. THE CONTRACTOR SHALL ACCEPT ACTUAL CONDITIONS AT THE SITE AND PERFORM THE WORK SPECIFIED INCLUDING THE FINE GRADING AND INCORPORATION OF TOPSOIL INTO PLANTING AREAS, WITHOUT ADDITIONAL COMPENSATION FOR POSSIBLE VARIATIONS FROM GRADES AND CONDITIONS SHOWN WEATHER SURFACE OR SUBSURFACE. IF FIELD CONDITIONS ARE FOUND TO BE SIGNIFICANTLY DIFFERENT THE CONTRACTOR SHALL NOTIFY THE PROJECT LANDSCAPE ARCHITECT OR ENGINEER IMMEDIATELY AND PRIOR TO ORDERING MATERIALS.
4. CONTRACTOR IS RESPONSIBLE FOR ALL REQUIRED PERMITS TO PERFORM THE WORK.
5. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES ABOVE AND BELOW GROUND AND SHALL BE RESPONSIBLE FOR ANY DAMAGE RESULTING FROM THEIR ACTIVITIES. CONTRACTOR SHALL NOTIFY NORTH CAROLINA ONE CALL (1-800-632-4949) AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR TO CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF NORTH CAROLINA ONE CALL. THE CONTRACTOR MAY ALSO NEED TO ENGAGE A PRIVATE UTILITY LOCATING FIRM AT THEIR OWN COST TO EFFICIENTLY HAVE ALL UTILITIES LOCATED.
6. ANY DAMAGE TO EXISTING IMPROVEMENTS OUTSIDE OF THE PROJECT LIMITS, INCLUDING CURB AND GUTTER, SIDEWALKS, PAVED OR TURF AREAS SHALL BE REPAIRED TO ORIGINAL CONDITIONS BY THE CONTRACTOR WITHOUT ADDITIONAL COST TO THE DEVELOPER.
7. PLANT QUANTITIES TO BE VERIFIED BY LANDSCAPE CONTRACTOR. IN THE EVENT OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE PLANS AS COMPARED TO THE PLANT LIST THE CONTRACTOR SHALL PROVIDE THE QUANTITY SHOWN ON THE PLANS.
8. CONTRACTOR SHALL OBTAIN WRITTEN AUTHORIZATION FROM THE LANDSCAPE ARCHITECT FOR ANY PLANT SUBSTITUTIONS OR MODIFICATIONS TO THE LANDSCAPE PLANS. THIS MAY REQUIRE A MODIFICATION TO THE APPROVED PLANS. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES ON THE PLANS.
9. ALL ABOVE GROUND MECHANICAL EQUIPMENT, ELECTRICAL TRANSFORMERS, DUMPSTERS, BACKFLOW PREVENTERS, AND VALVE BOXES SHALL BE SCREENED FROM VIEW OF ADJACENT PROPERTIES AND RIGHT-OF-WAY WHILE MAINTAINING REQUIRED ACCESS TO LOCAL CODE STANDARDS AND REQUIREMENTS.
10. WITHIN THE SIGHT TRIANGLES SHOWN ON THIS PLAN, NO OBSTRUCTIONS BETWEEN TWO FEET AND EIGHT FEET IN HEIGHT ABOVE THE NEAREST VEHICLE SURFACE OR ADJACENT CURB LINE SHALL BE ALLOWED.
11. ALL UNPAVED AREAS SHALL BE TOPSOILED AND SEEDED / SODDED OR MULCHED TO THE LIMITS OF CONSTRUCTION BASED ON ACTUAL FIELD CONDITIONS BEYOND THE APPROVED PLANS.
12. ALL SOD TO BE REBEL RESCUE IV, TURF GEM, LESCO OR EQUAL. ALL SEED TO BE REBEL RESCUE IV, TURF GEM, LESCO OR EQUAL @ 4 LBS. PER 1000 S.F. IN LAWN AREAS 3" TOPSOIL SHALL BE TILED INTO THE TOP 6" OF GROUND PRIOR TO SEEDING.
13. SLOPES GREATER THAN 3:1 SHALL REQUIRE HYDRO-SEEDING. SLOPES GREATER THAN 2:1 SHALL BE SODDED WITH CENTREDE GRASS. ADDITIONAL STABILIZATION MEASURES MAY BE REQUIRED FOR SLOPES GREATER THAN 3:1 TO ENSURE SOIL STABILIZATION AND ESTABLISHMENT OF PERMANENT GROUND COVER.
14. INTERIOR MULCH SHALL BE DOUBLE GROUND PINE BARK TO A DEPTH OF 4". PERIMETER LANDSCAPE BUFFERS SHALL BE MULCHED WITH 4" PINE STRAW TO BED LINES SHOWN OR BUFFER LIMITS. BED LINES SHALL CONFORM TO CONFIGURATION SHOWN ON THE PLANS.
15. PINE STRAW SHALL NOT BE USED AS MULCH OR GROUND COVER WITHIN TEN FEET OF ANY STRUCTURES CONSISTING OF EXTERIOR COMBUSTIBLE CONSTRUCTION.
16. CONTRACTOR SHALL LEVEL AND SMOOTH ALL DISTURBED AREAS AND REMOVE ALL ROCKS AND CONSTRUCTION DEBRIS PRIOR TO SEEDING, SOD OR PLANT INSTALLATION.
17. NOTE THAT WITHIN LANDSCAPED AREAS SURROUNDING BUILDING, THE GRADES SHOWN ON THE GRADING SHEET ARE "TOP OF MULCH" OR "TOP OF TOPSOIL". CONTRACTOR SHALL ENSURE POSITIVE FINISHED DRAINAGE (MIN. 2%) AWAY FROM ALL BUILDINGS AND COORDINATE WITH THE LANDSCAPE PLAN TO LEAVE SUBGRADE LOW ENOUGH TO MAINTAIN THESE SPOTS AS FINISHED GRADE.
18. OWNER SHALL MAINTAIN ALL PLANT BEDS AND PLANT MATERIAL IN GOOD HEALTH, AND ANY DEAD, UNHEALTHY OR MISSING PLANTS SHALL BE REPLACED WITH THE SAME PLANT MATERIAL ORIGINALLY SPECIFIED ON THIS PLAN.
19. TREE PLANTING AND SITE LIGHTING SHALL BE SEPARATED BY AT LEAST 10 FEET.

PLANT LEGEND

- CANOPY/SHADE TREES
- ZS - ZELKOVA SERRATA (JAPANESE ZELKOVA)
 - NS - NYSSA SYLVATICA (BLACK GUM)
- UNDERSTORY TREES
- CC - CERCIS CANADENSIS (EASTERN REDBUD)
 - AA - AMERLANCHIER ARBOREA (SHADBLOW)
- SHRUBS
- IV - ILEX VOMITORIA (YAUPOIN HOLLY)
 - MC - MYRTICA CERIFERA (BAYBERRY)
 - IG - ILEX GLABRA (INKBERRY)

PLANT SCHEDULE

PINNACLE STORAGE-CLAYTON - PLANT LIST							
Key	Qty.	BOTANICAL NAME	COMMON NAME	SIZE	Ht At Install	ROOT	COMMENTS
ZS	14	Zelkova serrata	Japanese Zelkova	2-5" cal	14" min.	B&B	Shade Decid. tree
NS	17	Nyssa sylvatica	Black Gum	2-5" cal	14" min.	B&B	Shade Decid. tree
AA	18	Amerlancher arborea	Downy Serviceberry	2" cal	8" min.	B&B	Understory tree
CC	18	Cercis canadensis	Eastern Redbud	2" cal	12" min.	B&B	Understory tree
IV	40	Ilex vomitoria	Yaupon Holly	10" Ht.	6' Ht.	Cont.	Buffer Evergreen Shrub
MC	31	Myrica cerifera	Bayberry	10" Ht.	6' Ht.	Cont.	Buffer Evergreen Shrub
IG	8	Ilex glabra	Inkberry	5' Ht.	24" Ht.	Cont.	Parking screening

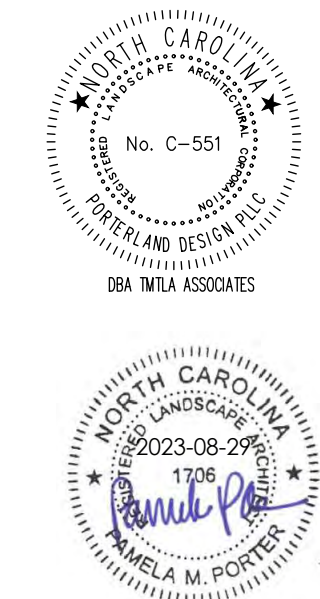


TMTLA ASSOCIATES

LANDSCAPE ARCHITECTURE & LAND PLANNING

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p: (919) 484-8880 e: info@tmtla.com



REVISIONS:

2023-10-26 REV. BUFFER SHRUBS

2023-11-27 REV. PER COMMENTS

LANDSCAPE PLAN

PINNACLE STORAGE

US HWY 70 BUS. WEST, CLAYTON, NC

ROBERT HIGH DEVELOPMENT, LLC, WILMINGTON, NC

SCALE: AS NOTED

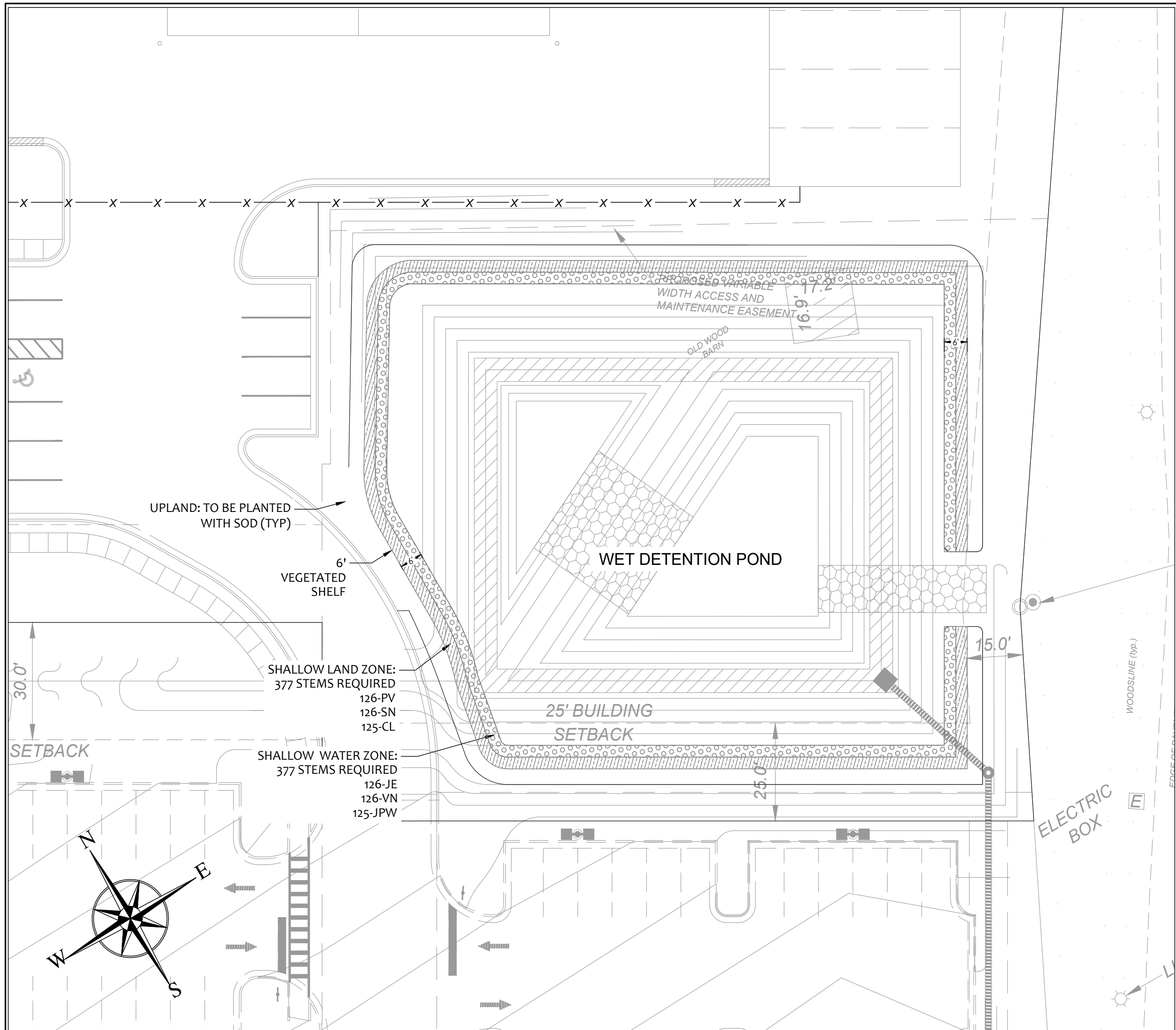
DRAWN BY: RLM / AJP

PROJECT # 23133

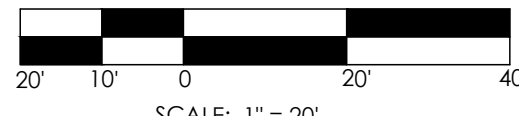
DATE: 08-29-2023

SHEET L-1

OF



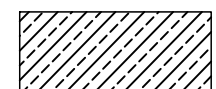
1 WET DETENTION POND LANDSCAPE PLAN
L-5 SCALE: 1"=20'



PLANT LIST FOR WET POND						
KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	QTY.	SPACING
Wet Pond						
PV	<i>Panicum virgatum</i>	Switch Grass	4" pot	Cont.	126	24" o.c.
SN	<i>Sorghastrum nutans</i>	Indian Grass	SP1	Cont.	126	24" o.c.
CL	<i>Chasmanthium latifolium</i>	River Oats	SP1	Cont.	125	24" o.c.
JE	<i>Juncus effusus</i>	Common Rush	SP1	Cont.	126	24" o.c.
VN	<i>Vernonia noveboracensis</i>	Ironweed	SP1	Cont.	126	24" o.c.
JPW	<i>Eupatoriadelphus fistulosus</i>	Joe Pye Weed	SP1	Cont.	125	24" o.c.

PLANT SOURCES: ALL PLANT MATERIAL SHALL COME FROM LOCAL NURSERY STOCK. IF A SOURCE FOR A SPECIFIED PLANT CAN NOT BE LOCATED, LANDSCAPE CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT FOR A SUITABLE SUBSTITUTION.

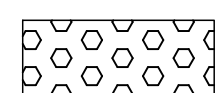
Shallow Land:



PV *Panicum virgatum*
SN *Sorghastrum nutans*
CL *Chasmanthium latifolium*

Switchgrass
Indiangrass
River Oats

Shallow Water:



JE *Juncus effusus*
VN *Vernonia noveboracensis*
JPW *Eupatoriadelphus fistulosus*

Common Rush
Ironweed
Joe Pye Weed

WET DETENTION PLANT CALCULATIONS

POND (1):

VEGETATED SHELF = 3,016 S.F.

(3,016 / 200) * 50 = 754

377 STEMS REQUIRED

377 STEMS REQUIRED

REQUIREMENTS TAKEN FROM NCDCNR BMP MANUAL

SEE LANDSCAPE PLAN NOTES ON SHEET L-1, LANDSCAPE PLAN

SEE TREE & SHRUB PLANTING DETAIL ON SHEET L-1, LANDSCAPE PLAN

NOTES:

- NO TREES OR SHRUBS SHALL BE PLACED WITHIN 10 FEET OF INLET OR OUTLET PIPES, OR MANMADE DRAINAGE STRUCTURES SUCH AS SPILLWAYS OR FLOW SPREADERS.
- PLANTINGS SHALL NOT BE PLACED ON BERMS.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL PLANT QUANTITIES AND SHALL BRING ANY DISCREPANCIES TO THE ATTENTION OF THE LANDSCAPE ARCHITECT.
- PROTECT AGAINST EROSION BEFORE WATER IS ALLOWED TO ENTER THE STORMWATER BMP FACILITY.
- ALL NEWLY PLANTED PLANT MATERIAL SHALL BE PROTECTED FROM INVASIVE WEEDS AND ANIMAL DAMAGE (STAKING, NETTING, ETC.) TO ENSURE PLANT SURVIVAL.
- ANY STAKING SHALL BE REMOVED WITHIN 12 MONTHS TO PREVENT GIRDLING.
- ALL PLANTS SHALL HAVE A 2-YEAR WARRANTY. AT THE END OF THE 1ST YEAR AND AGAIN AT THE END OF THE 2-YEAR WARRANTY PERIOD, ALL PLANTS THAT DO NOT SURVIVE SHALL BE REPLACED.
- ANY SOIL AMENDMENTS SHOULD BE ADDED AT THE END OF THE SITE CONSTRUCTION PROCESS. THE BMP SHALL BE PLANTED AND MULCHED IMMEDIATELY AFTER AMENDING THE SOIL TO STABILIZE THE SITE AS SOON AS POSSIBLE.
- SHALLOW WATER PLANTS ARE BEST PLANTED BETWEEN APRIL 1 AND JULY 15. AVOID WINTER PLANTINGS.
- UPLAND EMBANKMENT SHALL BE VEGETATED WITH SOD OF MATCHING TYPE TO PERMANENT SEEDING.

NCDEQ Stormwater Design Manual



- The maximum depth for the wet pond shall be 6 feet to ensure that the stormwater is in contact with the roots of the wetland plants.
- Wetland mat material shall float, be durable, non-toxic, and capable of supporting plant life, allowing root growth freely through the bottom into the water column.
- Floating mats shall be spaced evenly from bank to bank perpendicular to the flow. Floating mats shall be at least 10 feet away from the outlet structure to prevent clogging.
- Vegetation shall be obligate wetland plants that are capable of developing thick root masses that hang two to three feet in the water column for optimal water interception.
- Plants shall be installed at a density of one plant per 2 square feet. There shall be a minimum of 85% aerial coverage of plants on the mats.
- Anchor cable shall be as long as the maximum depth of the pond. Stainless steel or durable plastic cables are recommended for connecting the FTW to a weighted anchor such as cinderblocks at the bottom of the pond. The anchor cable should be inspected annually.
- Prior to installing FTWs, the wet pond should be inspected for invasive aquatic weeds so they can be removed. Planting material should be peat moss or potting soil (per manufacturer's recommendations) installed in pre-drilled holes in the floating mat material.
- Fencing should be installed over the island to prevent geese & wildlife intrusion while plants are being established. Twine or deer fencing is recommended.

Maintenance

Important operation and maintenance procedures:

- Immediately after the wet pond is established, the plants on the vegetated shelf and perimeter of the basin will be watered twice weekly if needed, until the plants become established (commonly six weeks).
- No portion of the wet pond will be fertilized after the first initial fertilization that is required to establish the plants on the vegetated shelf.
- Stable groundcover will be maintained in the drainage area to reduce the sediment load to the wet pond.
- If the pond must be drained for an emergency or to perform maintenance, the flushing of sediment through the emergency drain will be minimized as much as possible.
- Once a year, a dam safety expert should inspect the embankment.
- The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

C-3 Wet Pond

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Revised: 11-23-2020

NCDEQ Stormwater Design Manual



After the wet pond is established, it should be inspected quarterly and within 24 hours after every storm event greater than 1.0 inches (or 1.5 inches if in a Coastal County). Records of operation and maintenance will be kept in a known set location and shall be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

Table 4: Sample Operation and Maintenance Provisions for Wet Ponds		
SCM element:	Potential problems:	How to remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The perimeter of the wet pond	Areas of bare soil and/or erosion gullies have formed.	Regrade the soil if necessary to remove the gully, plant ground cover and water until it is established. Provide lime and a one-time fertilizer application.
The inlet device	The inlet pipe is clogged (if applicable).	Unclog the pipe. Dispose of the sediment in a location where it will not cause impacts to streams or the SCM.
	The inlet pipe is cracked or otherwise damaged (if applicable).	Repair or replace the pipe.
The forebay	Erosion is occurring in the swale (if applicable).	Regrade the swale if necessary and provide erosion control devices such as reinforced turf matting or stone to avoid future erosion problems.
	Sediment has accumulated to a depth greater than the original design depth for sediment storage.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
The forebay	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or stone if needed to prevent future erosion problems.

C-3 Wet Pond

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Revised: 11-23-2020

NCDEQ Stormwater Design Manual



The vegetated shelf	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
	Best professional practices show that pruning is needed to maintain optimal plant health.	Prune according to best professional practices.
	Plants are dead, diseased or dying.	Determine the source of the problem: soil, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application to establish the ground cover if a soil test indicates it is necessary.
The main treatment area	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
	Sediment has accumulated to a depth greater than the original design sediment storage depth.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Algal growth covers over 50% of the area.	Consult a professional to remove and control the algal growth.
The embankment	Cattails, phragmites or other invasive plants cover 50% of the basin surface.	Remove the plants by wiping them with pesticide (do not spray).
	Shrubs have started to grow on the embankment.	Remove shrubs immediately.
	Evidence of muskrat or beaver activity is present.	Consult a professional to remove muskrats or beavers and repair any holes or erosion.
The embankment	A tree has started to grow on the embankment.	Consult a dam safety specialist to remove the tree.

C-3 Wet Pond

18

Revised: 11-23-2020

TMTLA ASSOCIATES

LANDSCAPE ARCHITECTURE & LAND PLANNING

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p: (919) 484-8880 e: info@tmtla.com



REVISIONS:

2023-10-26 REV. BUFFER SHRUBS.

WET DETENTION PLANTING PLAN

PINNACLE STORAGE

US HWY 70 BUS. WEST CLAYTON, NC
ROBERT HIGH DEVELOPMENT, LLC, WILMINGTON, NC

SCALE:

AS NOTED

DRAWN BY:

RLM / AJP

PROJECT #

23133

DATE:

08-29-2023

SHEET

L-2

OF

LIGHTING FIXTURE SCHEDULE

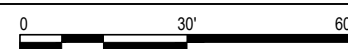
MARK	DESCRIPTION	MANUFACTURER/SERIES	TEMP(°K)	LAMPS	VOLTS	DELIVERED LUMENS	WATTS	COLOR	MOUNTING HEIGHT	BALLAST/ DRIVER
F	WALL MOUNTED EXTERIOR LED FIXTURE FULL CUTOFF	HUBBELL SG SERIES	4000	LEDs	120	5548	51	DARK BRONZE	REFER TO PLANS	LED DRIVER
F1	WALL MOUNTED EXTERIOR LED	OR APPROVED EQUAL HUBBELL SG SERIES	4000	LEDs	120	2263	21	DARK BRONZE	REFER TO PLANS	LED DRIVER
G1	WALL MOUNTED EXTERIOR LED FIXTURE WITH EMERGENCY 90 MINUTE BATTERY	HUBBELL COMPASS CUSO OR APPROVED EQUAL	4000	LEDs	120	1600 AC 600 EM	17	DARK BRONZE	REFER TO PLANS	LED DRIVER

STATISTICS

DESCRIPTION	AVG.	MAX.	MIN.	AVG/MIN.
PROPERTY LINE	0.0 FC	0.2 FC	0.0FC	N/A
MAIN DRIVEWAY	1.4 FC	12.6 FC	0.0 FC	N/A
SIDE DRIVEWAY	0.9 FC	10.1 FC	0.0 FC	N/A



PHOTOMETRIC PLAN

$$1'' = 30'-0''$$


0	ISSUED FOR REVIEW	08-24-2023
	REVISIONS	Date:

CBHF
Engineers, PLLC

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Wilmington, NC 28401

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NC# P-0506



CLAYTON
SELF STORAGE
BEAUFORT TOWNSHIP
TETER COUNTY, NORTH CAROLINA

JOB NO: CBHF:23205 RHD:23-9035
DRAWN: RRD
DESIGNED: RRD
CHECKED: JPF

DRAWING NO:
ES101

REVISION:
0



Sizes listed for individual storage units are nominal and center to center of partition walls. There may be adjustments to any such unit to allow for site constraints, structural tolerances, mechanical systems, vertical transportation and other issues encountered both during design and in the field.

5ft wide handicapped units are equipped with 3'-0" wide swing doors with ADA compliant lever hardware. Typical 10ft wide handicapped units are equipped with electronically operated roll-up doors and 3'-0" wide swing doors with ADA compliant lever hardware. Typical 10ft wide handicapped units are equipped with a swing door cannot be provided, the roll-up door must be operable with a battery backup in case of power failure.

Owner acknowledges and agrees that Robert High Development, LLC (RHD) and its architect BW Architecture have retained all ownership and other rights, title and interests in and to all conceptual, working and final drawings, plans and specifications (collectively, Plans and Specifications) relating to the Project (including without limitation architectural and engineering drawings, plans and specifications), and any and all of its proprietary rights embodied therein or related thereto. Except in connection with the construction, ownership, operation and management of the Project by Owner, this Agreement shall not grant Owner any right, title or interest in or to any of the Plans and Specifications or any patents (issued or pending), trademarks, service marks, trade names, copyrights, licenses, licensed or other proprietary rights of RHD or any such rights granted by third parties or other professionals to RHD.

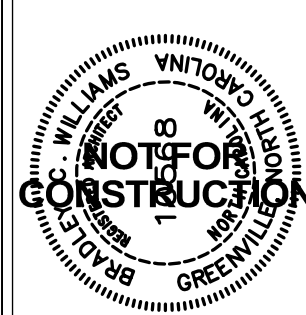
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- WALL LEGEND**
- 2" METAL STUD WALL
 - 4" METAL STUD WALL
 - 4" METAL STUD WALL WITH BATT INSULATION
 - 4" METAL STUD WALL WITH 4" BRICK (CMU)
 - 4" METAL STUD WALL
 - 12" 14" SUPERIOR WALL
 - 4" CMU WALL
 - 1/4" INSULATED 4" CMU WALL

BW ARCHITECTURE
FORGING THE BUILT ENVIRONMENT
BW ARCHITECTURE, PLLC

www.bwarchitecture.info
100 A OAKMONT DR.
GREENVILLE, NC 27658
919.555.1300

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PROPOSED NEW CONSTRUCTION FOR:

PINNACLE STORAGE BUILDING 1

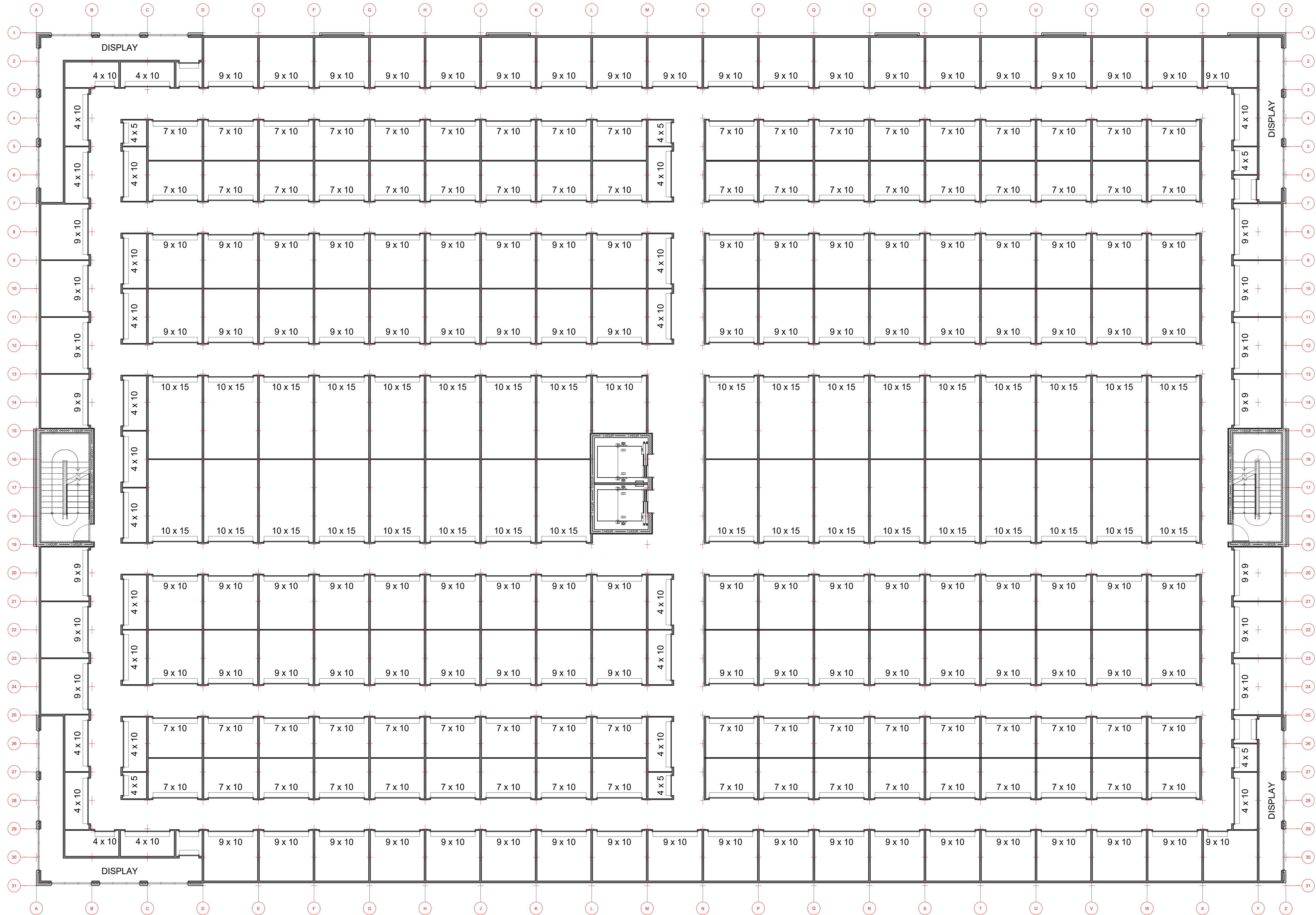
US HWY 78 BUSINESS WEST
JOHNSTON COUNTY, NORTH CAROLINA

Revisions	No.	Date

Project No: _____
Date: ??/??/23

A201

201.1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'



Sizes listed for individual storage units are nominal and center to center of partition walls. There may be adjustments to any such unit to allow for site constraints, structural tolerances, mechanical systems, vertical transportation and other issues encountered both during design and in the field.

5ft wide handicapped units are equipped with 3'-0" wide swing doors with ADA compliant lever hardware, typical. 10ft wide handicapped units are equipped with electronically operated roll-up doors and 3'-0" wide swing doors with ADA compliant lever hardware, typical. In all handicapped unit locations where a swing door cannot be provided, the roll-up door must be operable with a battery backup in case of power failure.

Owner acknowledges and agrees that Robert High Development, LLC (RHD) and its architect BW Architecture have retained all ownership and other rights, title and interests in and to all conceptual, working and final drawings, plans and specifications (collectively, Plans and Specifications) relating to the Project (including without limitation architectural and engineering drawings, plans and specifications) and any and all of the proprietary rights embodied therein or relating thereto. Except in connection with the construction, ownership, operation and management of the Project by Owner, this Agreement shall not grant Owner any vested right, title or interest in or to any of the Plans and Specifications or any patents (issued or pending), trademarks, service marks, trade names, copyrights, formulas, know-how or other proprietary rights of RHD or any such rights granted by third parties or other professionals to RHD.

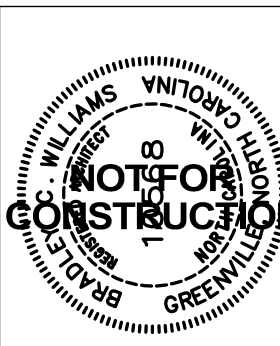
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- WALL LEGEND**
- 2" METAL STUD WALL
 - 4" METAL STUD WALL
 - 4" METAL STUD WALL WITH BATT INSULATION
 - 4" METAL STUD WALL WITH 4" BRICK CMU
 - 6" METAL STUD WALL
 - 10 1/4" SUPERIOR WALL
 - 8" CMU WALL
 - 1/4HR FIRE RATED 4" CMU WALL

BW ARCHITECTURE
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PROPOSED NEW CONSTRUCTION FOR:

PINNACLE STORAGE BUILDING 1

US HWY 78 BUSINESS WEST
JOHNSTON COUNTY, NORTH CAROLINA

Revisions
No. Date

Project No: -----
Date: ??/??/23

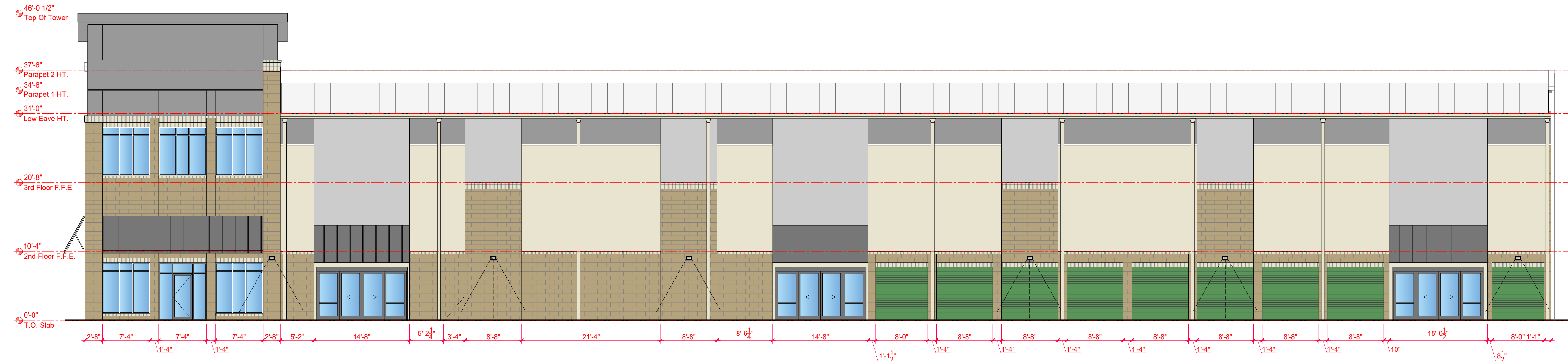
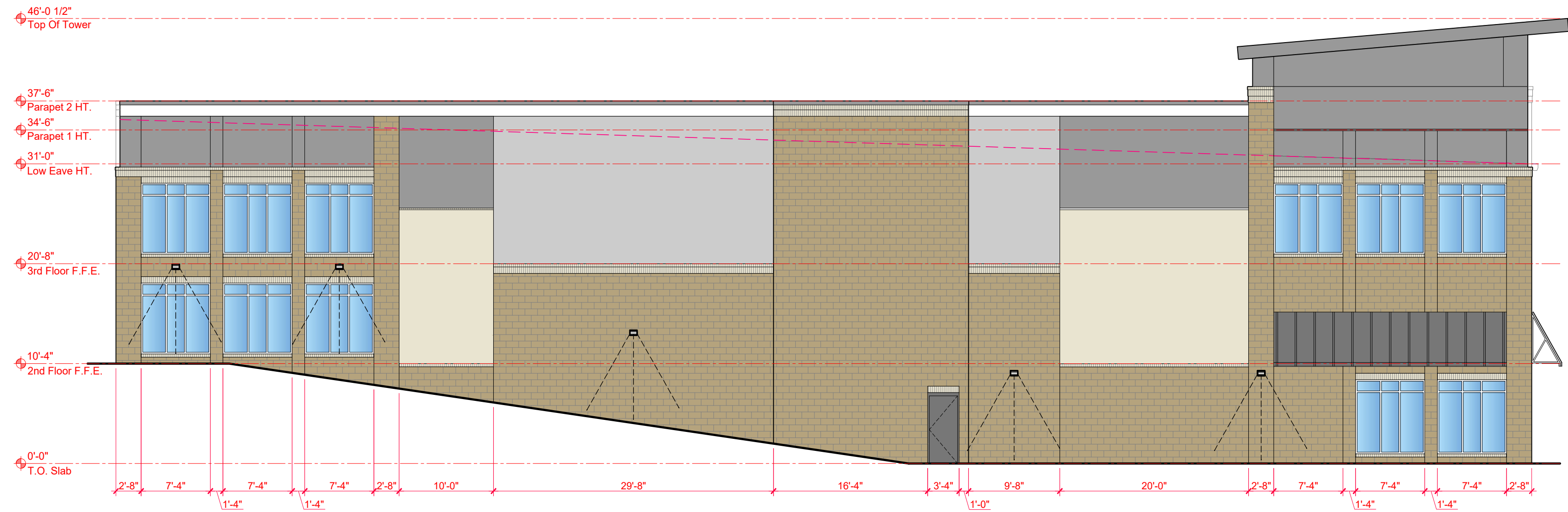
A301

301.1 THIRD FLOOR PLAN
SCALE: 1/8" = 1'

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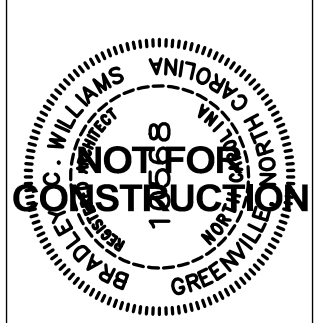
Material Legend	
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	EIFS 1 - Color to match Sherwin Williams SW 6096 Pacer White
	EIFS 2 - Color to match Sherwin Williams SW 6120 Believable Buff
	EIFS 3 - Color to match Sherwin Williams SW 7658 Gray Clouds
	EIFS 4 - Color to match Sherwin Williams SW 7622 Homburg Gray
	Exterior roll-up doors - "Fern Green"
	Standing seam metal awnings- "Charcoal Gray"
	Split-faced CMU, Fay Block #5101
	Soldier course Palmetto Brick, "75 Greystone"



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PROPOSED NEW CONSTRUCTION FOR:
PINNACLE STORAGE BUILDING 1
US HWY 78 BUSINESS WEST
JOHNSTON COUNTY, NORTH CAROLINA

Revisions	
No.	Date

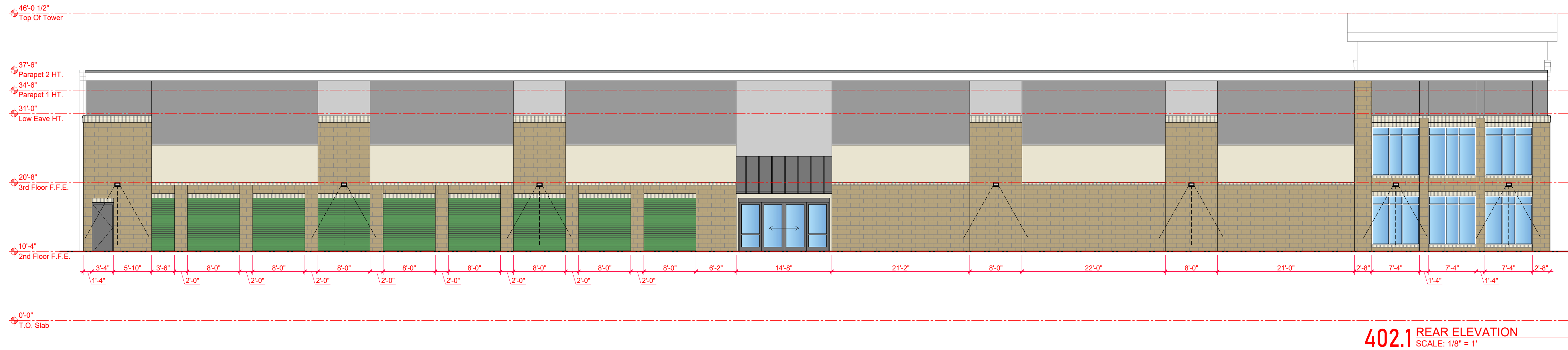
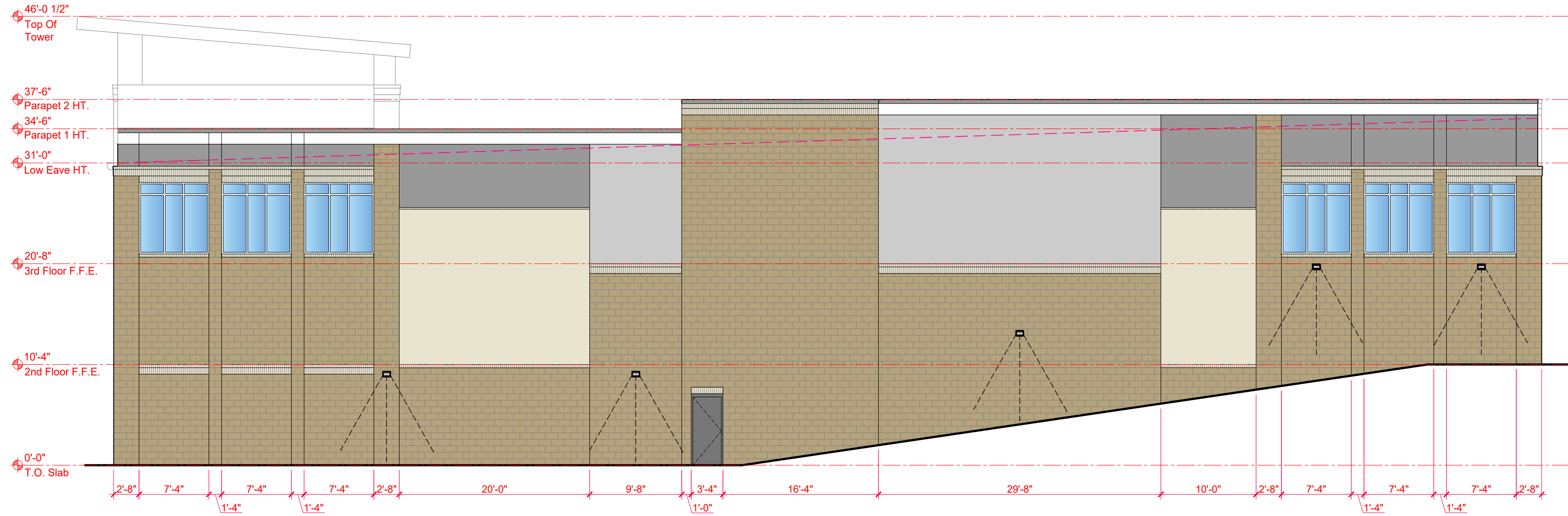
Project No: -----
Date: ??/??/23

A401

Owner acknowledges and agrees that Robert High Development, LLC (RHD) [and its architect BW Architecture, PLLC] have retained all ownership and other rights, title and interests in and to all conceptual, working and final drawings, plans and specifications (collectively, Plans and Specifications) relating to the Project (including without limitation architectural and engineering drawings, plans and specifications, and any and all of its proprietary rights embodied therein or related thereto. Except in connection with the construction, ownership, operation and management of the Project by Owner, this Agreement shall not grant Owner any vested right, title or interest in or to any of the Plans and Specifications or any patents (issued or pending), trademarks, service marks, trade names, copyrights, trade secrets, licensed or other proprietary rights of RHD or any such rights granted by third parties or other professionals to RHD.

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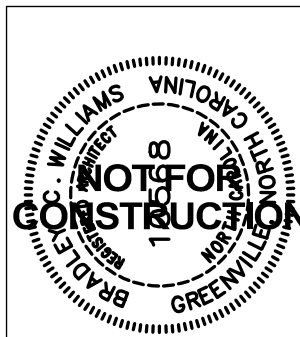
Material Legend	
	Metal coping, gutters, downspouts - "Light Stone"
	EIFS 1 - Color to match Sherwin Williams SW 6096 Pacer White
	EIFS 2 - Color to match Sherwin Williams SW 6120 Believable Buff
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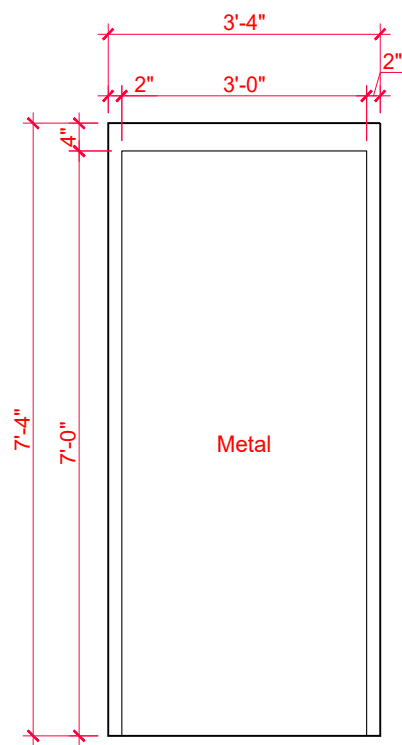


PROPOSED NEW CONSTRUCTION FOR:
PINNACLE STORAGE BUILDING 1
US HWY 78 BUSINESS WEST
JOHNSTON COUNTY, NORTH CAROLINA

Revisions	
No.	Date

Project No: -----
Date: ??/??/23

A402



1

DOOR SCHEDULE									
Door		Frame			Hardware		Remarks		
No.	Size	Elevation	Material	Rating	Elevation	Material	Type	Rating	
1	3'-0" x 7'-0"	1	H.M.		1	H.M.	Verify with contractor		@ HC doors

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WALL LEGEND	
	4" METAL STUD WALL
	3-HR FIRE RATED CMU WALL

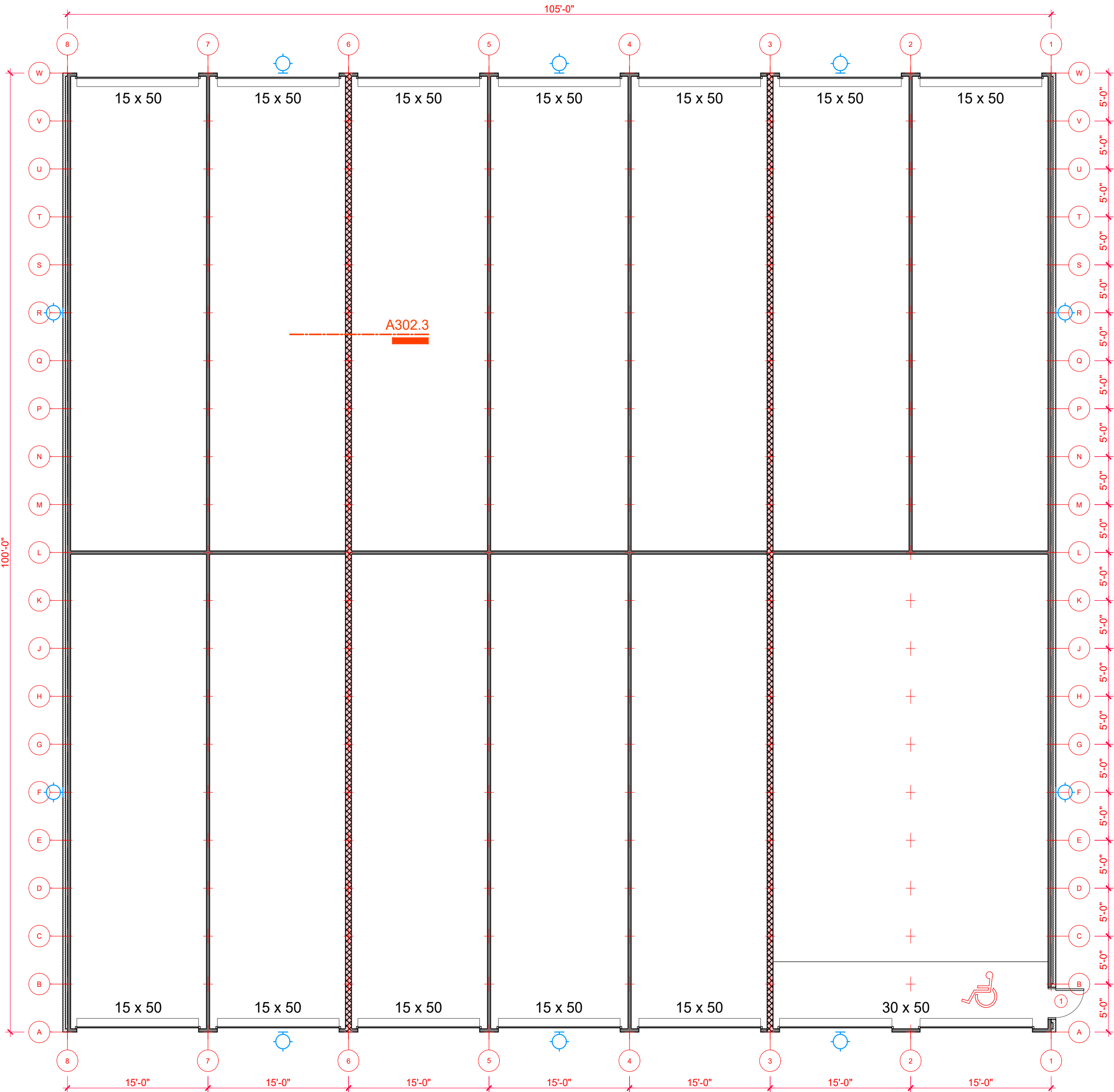
UNIT MIX CALCULATIONS			
Unit Size	1st Flr	HC units	Comments
RV Bldg	15x50	12	
	30x50	1	1 Electronically operated door
TOTAL		13	1 Electronically operated door
		65%	5% of total # of units under 200

NOTE 1: ACCESSIBLE SPACES ARE PERMITTED TO BE DISPENSED IN A SINGLE BUILDING OF A MULTIBUILDING FACILITY PER 1108.3.1 OF THE 2018 IBC. ACCESSIBLE SPACES FOR BUILDING "2" ARE LOCATED IN THIS BUILDING.

Sizes listed for individual storage units are nominal and center to center of partition walls. There may be adjustments to any such unit to allow for the containers, structural elements, mechanical systems, vertical transportation and other issues encountered both during design and in the field.

32'-0" wide, handicapped, RV units are equipped with electronically operated, 12'-0" wide roll-up doors. Typical doors are 12'-0" wide.

In all handicapped unit locations where a swing door cannot be provided, the roll-up door must be operable with a battery backup in case of power failure.

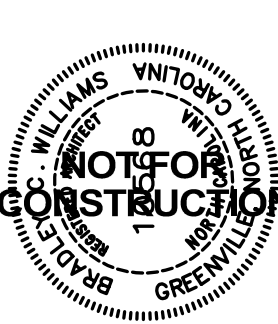


101.1 FLOOR PLAN
SCALE: 1/8" = 1'

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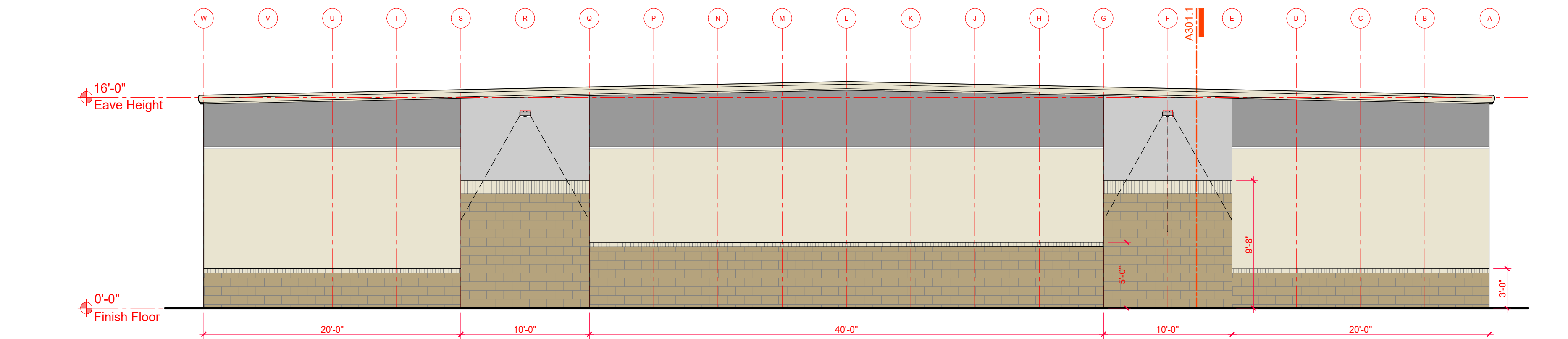
PROPOSED NEW CONSTRUCTION FOR:
**PINNACLE STORAGE
BUILDING 2**

US HWY 78 BUSINESS WEST
JOHNSTON COUNTY, NORTH CAROLINA

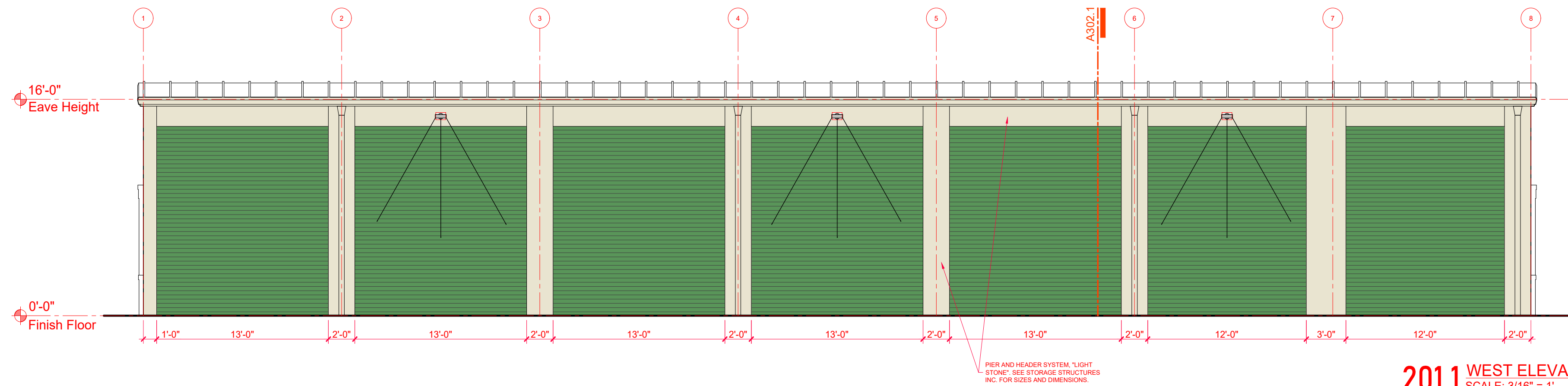
Revisions	
No.	Date

Project No: -----
Date: ???/??/23

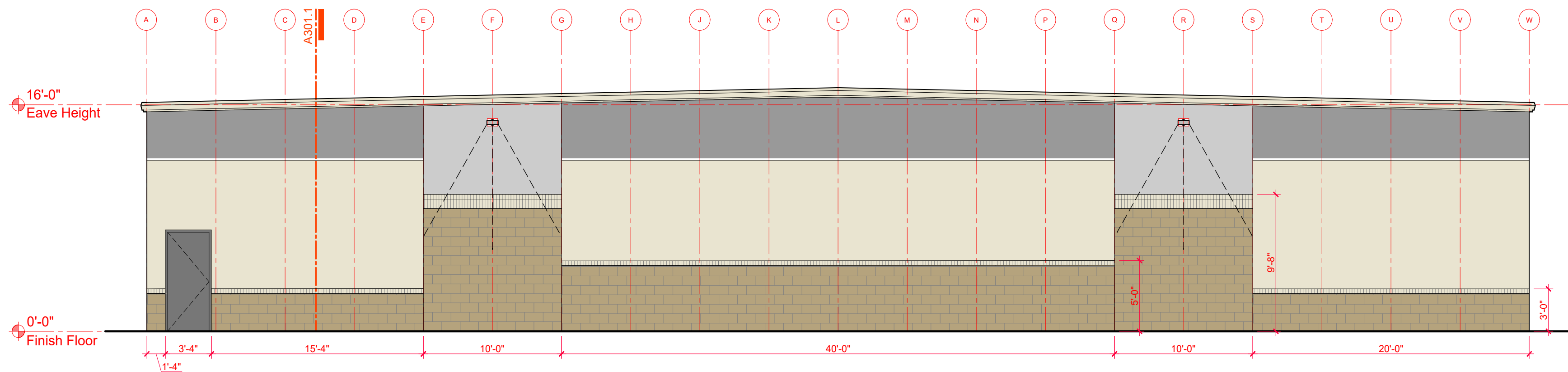
A101



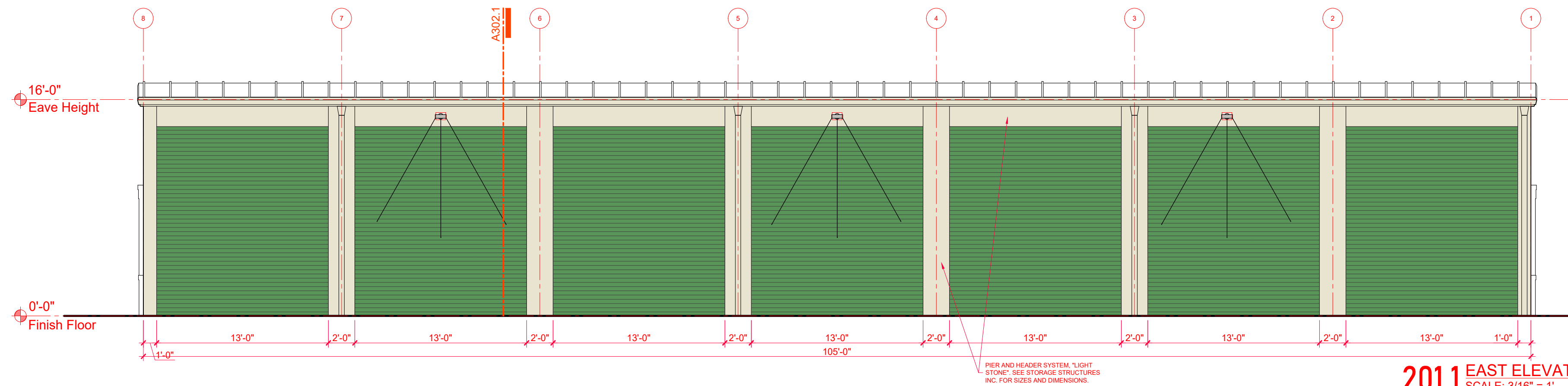
201.1 NORTH ELEVATION
SCALE: 3/16" = 1"



201.1 WEST ELEVATION
SCALE: 3/16" = 1"



201.1 SOUTH ELEVATION
SCALE: 3/16" = 1"



201.1 EAST ELEVATION
SCALE: 3/16" = 1"

Material Legend

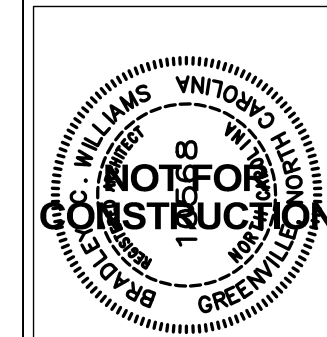
- Metal coping, gutters, downspouts - "Light Stone"
- EIFS 2 - Color to match Sherwin Williams SW 6120 Believable Buff
- EIFS 3 - Color to match Sherwin Williams SW 7658 Gray Clouds
- EIFS 4 - Color to match Sherwin Williams SW 7622 Homburg Gray
- Exterior roll-up doors - "Fern Green"
- Split-faced CMU, Fay Block #5101
- Soldier course Palmetto Brick, ~75 Greystone®

Owner acknowledges and agrees that Robert High Development, LLC (RHDD) and its architect BW Architecture, PLLC have retained all ownership and other rights, title and interests in and to all conceptual, working and final drawings, plans and specifications (collectively, Plans and Specifications) relating to the Project (including without limitation architectural and engineering drawings, plans and specifications), and any and all of its proprietary rights embodied therein or related thereto. Except in connection with the construction, ownership, operation and management of the Project by Owner, this Agreement shall not grant Owner any vested right, title or interest in or to any of the Plans and Specifications or any patents (issued or pending), trademarks, service marks, trade names, copyrights, licenses, licensed or other proprietary rights of RHDD or any such rights granted by third parties or other professionals to RHDD.

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PROPOSED NEW CONSTRUCTION FOR:
**PINNACLE STORAGE
BUILDING 2**

US HWY 78 BUSINESS WEST
JOHNSTON COUNTY, NORTH CAROLINA

Revisions	
No.	Date

Project No: -----
Date: ??/??/23

A201

Owner acknowledges and agrees that Robert High Development, LLC (RHD) [and its architect BW Architecture, PLLC] have retained all ownership and other rights, title and interests in and to all conceptual, working and final drawings, plans and specifications (collectively, Plans and Specifications) relating to the Project (including without limitation architectural and engineering drawings, plans and specifications), and any and all of its proprietary rights embodied therein or related thereto. Except in connection with the construction, ownership, operation and management of the Project by Owner, this Agreement shall not grant Owner any vested right, title or interest in or to any of the Plans and Specifications or any portion (issued or pending), trademarks, service marks, trade names, copyrights, licenses, issued or other proprietary rights of RHD or any such rights granted by third parties or other professionals to RHD.

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WALL LEGEND			
	4\"/>	4\"/>	4\"/>
	3-4\"/>	3-4\"/>	3-4\"/>

UNIT MIX CALCULATIONS			
RV Bldg.	Unit Size	1st Flr	HC units
	15x50	9	
	TOTAL	9	
			SEE NOTE 1

NOTE 1: ACCESSIBLE SPACES ARE PERMITTED TO BE DISPERSED IN A SINGLE BUILDING OF A MULTIBUILDING FACILITY PER 108.3.1 OF THE 2018 IBC. ACCESSIBLE SPACES ARE LOCATED IN BUILDING "2" LOCATED NEXT TO THIS BUILDING.

Size listed for individual storage units are nominal and center to center of partition walls. There may be adjustments to any unit size to allow for site constraints, structural tolerances, mechanical systems, vertical transportation and other issues encountered both during design and in the field.

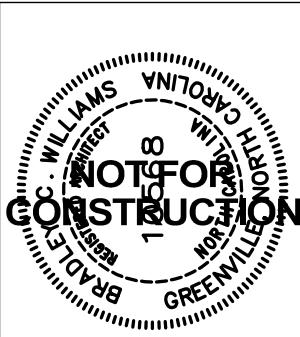
30' 0" wide, handicapped, RV units are equipped with electronically operated, 12' 0" wide roll-up doors. Typical doors are 12' 0" wide.

In all handicapped unit locations where a swing door cannot be provided, the roll-up door must be operable with a battery backup in case of power failure.

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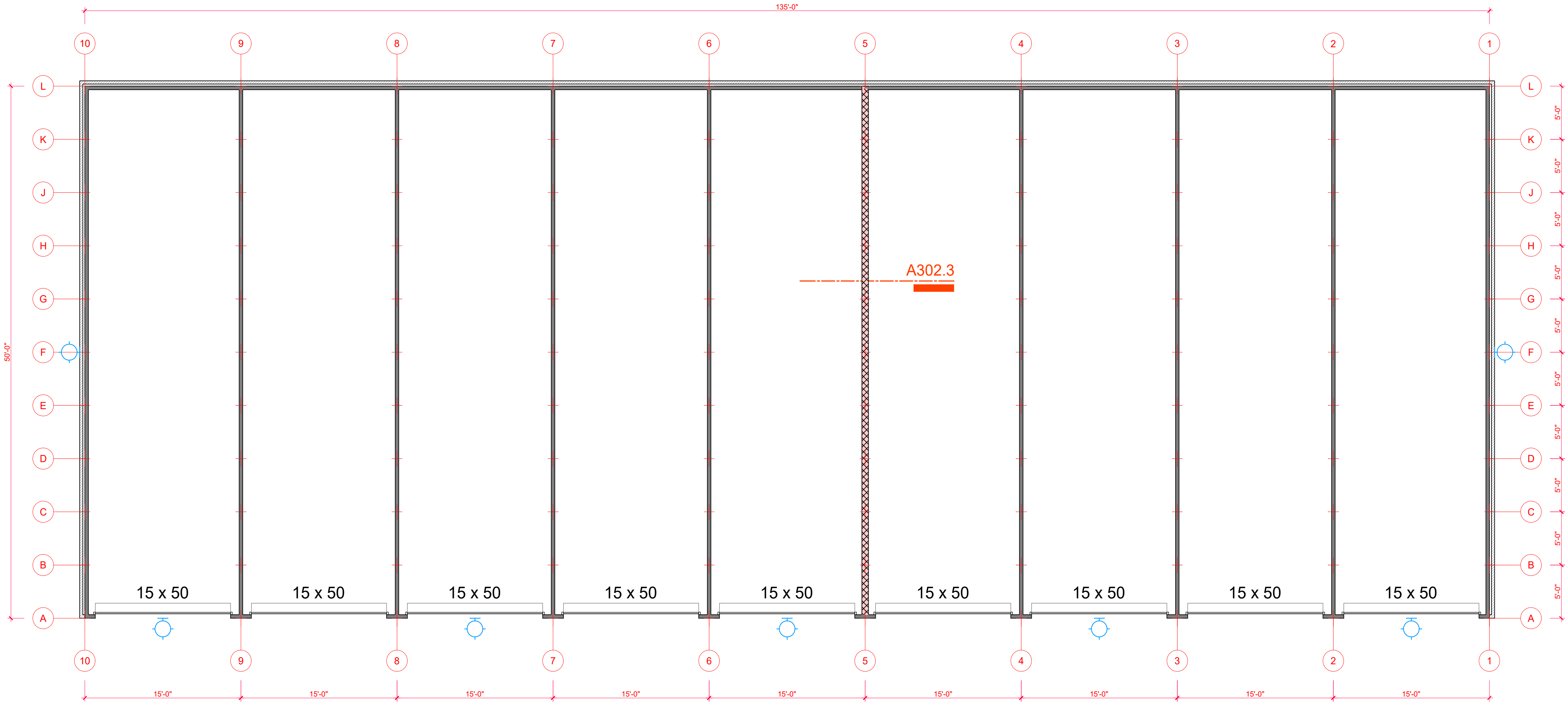


PROPOSED NEW CONSTRUCTION FOR:
**PINNACLE STORAGE
BUILDING 3**
US HWY 78 BUSINESS WEST
JOHNSTON COUNTY, NORTH CAROLINA

Revisions	
No.	Date

Project No: -----
Date: ??/??/23

A101

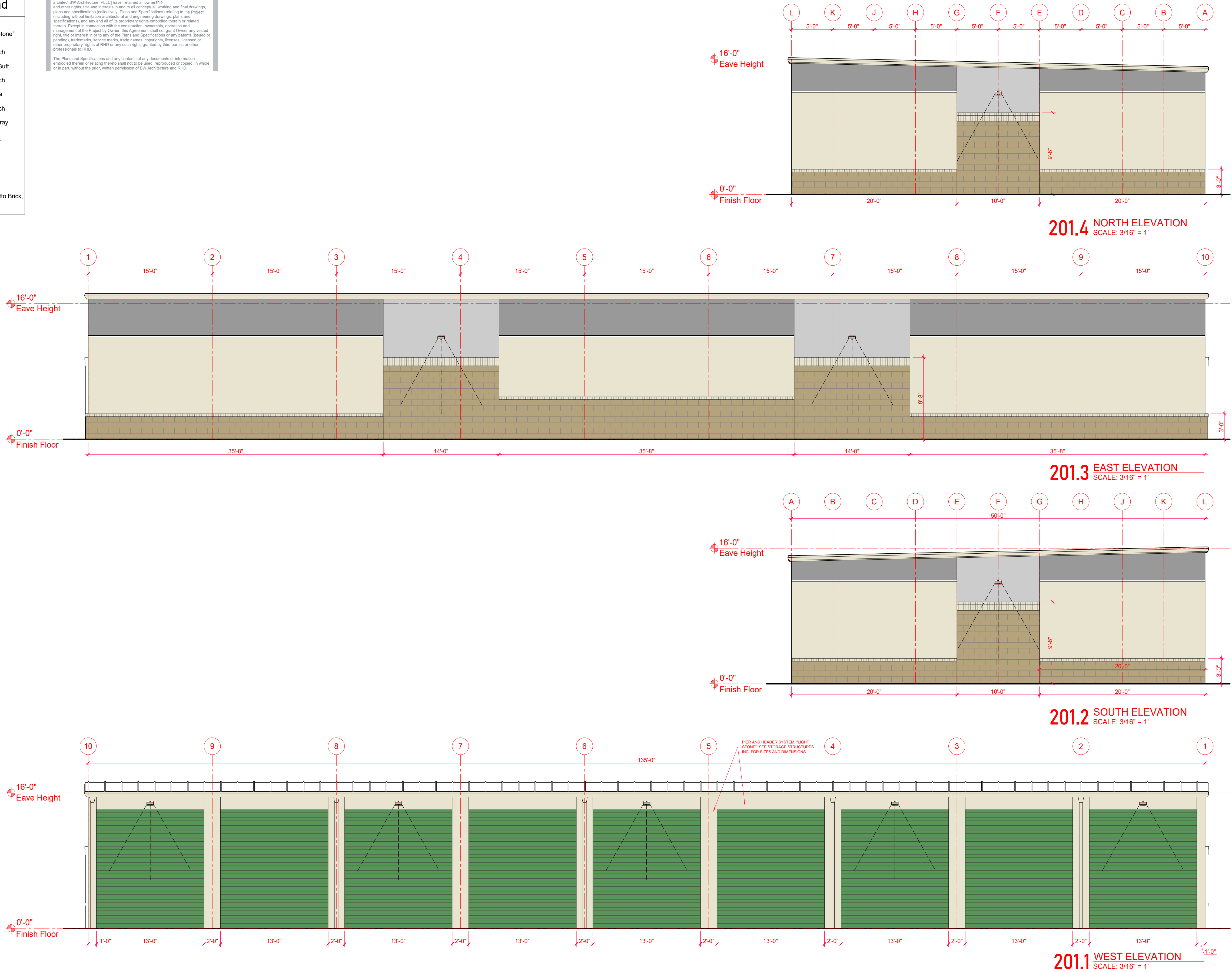


101.1 GROUND FLOOR PLAN
SCALE: 3/16" = 1'

Material Legend	
	Metal coping, gutters, downspouts - "Light Stone"
	EIFS 2 - Color to match Sherwin Williams SW 6120 Believable Buff
	EIFS 3 - Color to match Sherwin Williams SW 7658 Gray Clouds
	EIFS 4 - Color to match Sherwin Williams SW 7622 Homburg Gray
	Exterior roll-up doors - "Fern Green"
	Split-faced CMU, Fay Block #5101
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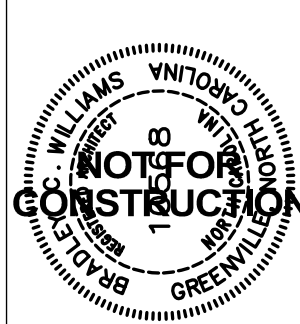
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PROPOSED NEW CONSTRUCTION FOR:
**PINNACLE STORAGE
BUILDING 3**
US HWY 78 BUSINESS WEST
JOHNSTON COUNTY, NORTH CAROLINA

Revisions	
No.	Date

Project No: -----
Date: ??/??/23

A201



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

March 12, 2024

Re: 2024-143-SUP Pinnacle Storage

To Whom It May Concern,

The Town of Clayton Planning staff is recommending to the Town Council that conditions of approval be placed upon the above referenced application, which proceeds to Town Council on Monday, March 18, 2024. These recommended conditions of approval are outlined on the back of this letter.

Please read through these potential conditions of approval, and sign below if you are in agreement with the conditions as proposed. If you are not in agreement, please respond accordingly in writing. This will be included within the agenda packet for Town Council review.

Thank you.

Sincerely,

Steven S. Mott
Planner II

Recommended Conditions of Approval (2024-143-SUP Pinnacle Storage):

1. The Development shall be constructed in substantial conformance with the Special Use Permit as approved by the Clayton Town Council and associated Site Plan and Renderings (2023-144-SP) as approved by Town staff.
2. Any conditions imposed as part of the Site Plan (2023-144-SP) approval shall remain in effect.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am in agreement with the conditions as they are outlined within this letter.

Robert High

Print Name

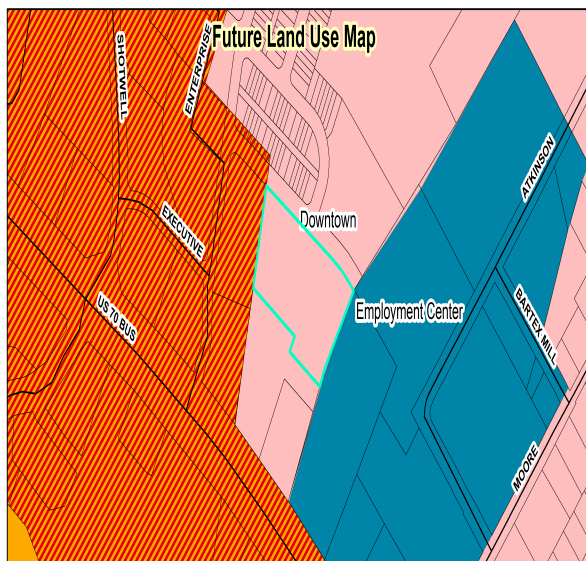
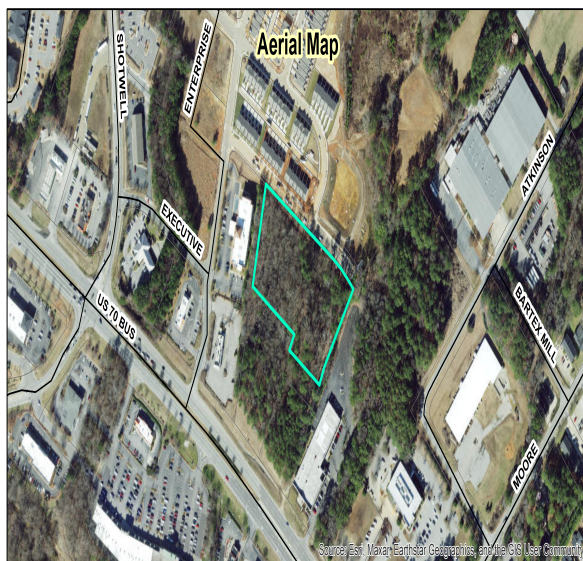
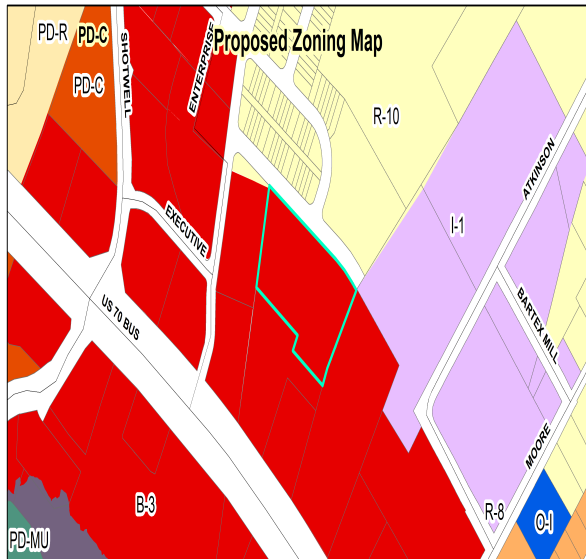
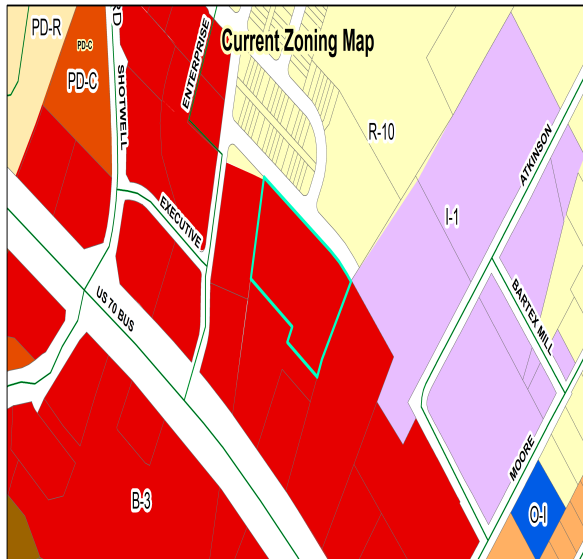
DocuSigned by:

Robert High

Signature of Applicant

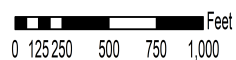
3/12/2024

Date



Request: Special Use Permit
Project Name: Pinnacle Storage SUP
Project Number: 2023-143-SUP

Applicant: Robert High Development, LLC
 Property Owner: MOC Clayton II, LLC
 Tag #: 05026080W



Staff Report Map
 Prepared by: TOC Planning Department
 March 5, 2024

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

Document Path: C:\Users\smott\Town of Clayton, NC\Planning - Development Projects\Special Use Permit\2023\2023-143-SUP Pinnacle Storage\Maps\Staff Report Maps - Pinnacle Storage SUP.mxd

	TOWN OF CLAYTON POLICY	
	Department: Public Services	Effective: January 21, 2020
Policy Title: Water & Wastewater Allocation Policy Version #02 (V.02)	Supersedes: TC Action 2010-026	
	Prepared By: Richard D. Cappola Jr., PE Public Services Director	
	Approved By: Town Council Date: January 21, 2020	

I. Purpose

The Town of Clayton has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacities are among the most important elements of this infrastructure. The intent of this policy is to provide for the judicious allocation of these resources in conformity with adopted goals and priorities in an effort to shape the community consistent with the articulated vision to become the "Premier Community for Active Families." This policy is intended to manage the remaining capacity available until additional capacity is developed through construction of a new Water Reclamation Facility, and should be reviewed periodically to ensure it is achieving the intended purpose.

II. Scope

The Town Council for the Town of Clayton has adopted the Comprehensive Plan 2040 which is a useful tool to successfully evaluate applications for allocation of public resources so that the character of the community shall be consistent with its vision, values, and plans. In accordance with the "Town of Clayton Strategic Growth Plan", utility allocation reservations should support and maximize the concept of increasing the Town's property tax based revenues by the expansion and improvement of higher valued land use development, emphasizing a balance of Residential, commercial, and industrial uses.

III. Policy

The Town of Clayton seeks to grant utility allocations such that the existing character of the Town's utility customer base does not become more residential than is practical to achieve the intent of the Strategic Growth Plan, and seeks to increase the diversity of the customer base by increasing the percentage of resources devoted to industrial, commercial, and mixed use development.

The total amount of available capacity and each incremental increase in capacity should generally be allocated based on the following parameters:

- No more than fifty percent (50%) of the total available capacity may be allocated to projects that include solely residential development.
- At least thirty percent (30%) of the total available capacity shall be reserved for allocation to commercial/industrial projects.
- Projects encompassing mixed use (residential and commercial) elements may be considered for allocation even if such an allocation will exceed the limit established above for residential use.
Note: These percentages may be reviewed and adjusted by the Town Council at their discretion.

Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The Town of Clayton shall track allocation reservations granted and the amount of capacity available. Such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.

The following hierarchy shall apply to evaluation of utility allocation requests:

- Commercial properties with quality development projects
- Development projects with a mixed-use element
- Industrial projects and other major employer entities
- Additional phases attached to residential projects with a proven record of quality product and economic success
- Residential projects that include tangible, high quality community amenities
- Residential projects that include diverse products and opportunities
- Residential projects not otherwise described above

Evaluation of projects will be based on the scoring rubric attached hereto as Exhibit A, which is incorporated in this Agreement by reference. A project must meet or exceed 50 points to receive an allocation. Proposed projects can gain BONUS POINTS by the applicant offering to provide items listed on the rubric as part of their development proposal. Examples of these items may include such things as additional amenities (fire pits, community gardens, etc.) or offering to provide “Minimum of 25% of building façades will be made of masonry materials.”

The Town of Clayton may allocate utility service capacity to competing projects based on a demonstrated intent and ability of the applicant to meet adopted Town goals and plans for character and quality of development. The Town of Clayton reserves the right to deny a utility allocation request if the applicant fails to adequately demonstrate that the project meets adopted Town goals or plans, or in the case that the project is deemed to be less supportive of Town goals or plans of a competing project.

IV. Procedure

The owner or developer of any project requiring water or wastewater utility service from the Town of Clayton shall submit a written application, in the application form provided by Town Staff, for an allocation reservation. The application shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to demand of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the Town of Clayton. In the case of Industrial flows, additional information associated with the constituents shall be required and may be subject to other ordinances or policies of the Town.

- The Town Council shall review for approval all allocations which require or may require a daily flow allocation of ten thousand gallons or more (> 10,000 GPD)
 - The Town Council shall incorporate the evaluation of utility allocation requests into the decision-making process associated with Subdivisions, Mixed-use Planned Developments, and Special Use Permits. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review processes for the accompanying land use application with regard to conformity with Town of Clayton policies and ordinances, planning practices, and consistency with adopted long-range and strategic plans.
 - For allocations requiring Town Council approval, but which do not require other land use regulatory reviews or approvals, the applicant shall provide a full description of how their project supports the goals and priorities established within this and related policies and plans in their application for allocation reservation.

- The Town Manager or their designee shall review for approval all applications for utility capacity which require a daily flow allocation of less than ten thousand gallons (< 10,000 GPD).
 - In addition to the scoring rubric, the Town Manager or their designee shall consider the goals articulated by this and related Town policies when reviewing applications for utility allocations. If an application is denied, the Town Manager or their designee shall state in writing the reasons for denial of the request.

V. General Conditions

- This policy shall replace any previous policies on water and wastewater allocations adopted by the Town Council.
- An allocation will expire if a project has not progressed in construction plan approval, building permit approval, or on-site construction within 12 months of award of the allocation.
- Upon request by the applicant and at the discretion of the Town Engineer, an allocation may be extended for one twelve (12) month period.
- If a project is unsuccessful in obtaining any required Federal, State, or local government permit or approval the reservation shall be retracted. The Town of Clayton shall bear no liability for any costs incurred by the applicant, nor bare further responsibility in the matter.
- Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by Town Ordinance or policy and does not imply or create any vested right.
- Public water may be utilized for irrigation purposes so long as the Primary Use associated with the site has previously gained a water allocation through the Town.
- This policy shall be reviewed annually and, when appropriate, readjusted by the Town Council. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

V. Appeals Process

- Appeal of any provision of this policy shall be made to the Town Council.
- Appeal of any decision on a utility allocation by the Town Manager or their designee shall be made to the Town Council for final decision. Any such appeal shall be placed on the agenda of a regularly scheduled Town Council meeting.



WATER & WASTEWATER ALLOCATION CRITERIA

TOTAL POINTS = 0 MINIMUM 50 POINTS REQUIRED

	Category	Points	Calc.	Notes
DEVELOPMENT TYPE (Choose 1 from this category)	Government/Public Admin./Public Safety	50		
	Non-residential (Commercial) - Retail & Restaurant	30		
	Non-residential (Commercial) - Office	20		
	Non-residential (Commercial) - Warehouse	15	15	Indoor climate controlled Self-Storage
	Non-residential (Commercial) - Medical	25		
	Non-residential (Commercial) - Hotel/Motel	35		
	Industrial/Manufacturing	30		
	Institutional	15		
	Residential Existing Lot- Single Family Detached	40		Individual Existing Lot construction
	Residential Subdivision - Single Family Detached (> 0.25 Acre Lots)	20		Single Family Homes on Individual Lots greater than 0.25 acres
	Residential Subdivision - Single Family Detached (< 0.25 Acre Lots)	15		Single Family Homes on Individual Lots less than 0.25 Acres
	Residential Subd.-Single Family Attached (> 1,500 SF Heated Space)	10		Townhomes with heated square-footage greater than 1,500 SF
	Residential Subd.-Single Family Attached (< 1,500 SF Heated Space)	5		Townhomes with heated square-footage less than 1,500 SF
	Residential - Multifamily (Apartments)	10		
	Mixed-Residential	25		Mix of various lot sizes of Single-family, Townhomes, and Apartments
	Mixed-Use Commercial & Residential	30		Mix of Residential and Non-residential (Commercial) uses
	Downtown Redevelopment	30		
	Infill Development	25		Utilities already exist within 300 Feet of property
FUTURE TAX STATUS (Choose 1 from this category)	Exempt	0		
	Residential	5		
	Non-residential	10	10	
	Industrial	10		
COMMUNITY BENEFIT BONUS POINTS (Choose All that apply from this category)	Cultural Arts/Entertainment for Public	10		
	Sports/Recreation for Public	10		
	Town Electric Customer	20		
	Expansion of existing non-residential use	10		
	Re-development of an existing property	5		Must result in increased property value
	Residential Subdivision - Additional amenities included	5 + 15		Pool, Clubhouse, sports courts, etc. - 5 pts per, max 15 pts
	Job Creation - 10 to 25 new jobs	5		
	Job Creation - 26 to 100 new jobs	10		
	Job Creation - 100+ new jobs	15		
	Job creation - Jobs created will have salaries at or above median income	5	5	Must be greater than 50% of jobs added with documentation to confirm
	Residential - Multiple-Car Garages provided	5		(See letter from RHD)
	Residential - Overflow Parking provided	5		Subject to Planning and Engineering support
	Masonry Elements included in Building Construction	10	10	(Approx. ???% Masonry used on building)
	Sustainable/High Efficiency Products and appliances used	5 + 15	15	5 pts per, max 15 pts See accompanying list from RHD (Owner)
COMMUNITY IMPACT DEDUCT POINTS (Choose All that apply from this category)	Private trail connection to Public Greenway	10		
	Pump Station Improvements required ²	-10		Subject to Town policy and standards
	New Pump Station Required ²	-20		Subject to Town policy and standards
	Out-of Town Status (After construction)	-10		
	Outside Fire District	-5		
CLARIFICATIONS	Inconsistent with Comp Plan	-5		
	1 Any Development Type Category not listed is subject to Town Council discretion with staff recommendation.			
	2 The Town Engineer may waive these deductions if the improvements are consistent with Future utility service plans, replace/offline an aging station, or are in the best interest of the Town.			



TOWN OF CLAYTON
Engineering & Inspections Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

WASTEWATER ALLOCATION REQUEST

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

Wastewater Allocation Request Review Fee: \$500

Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.

SITE INFORMATION

Name of Project: Pinnacle Storage Acreage of Property: 3.49
County Tag Number: 05026080W NC PIN: 165915-64-0415
Address/Location: 11756 US Hwy 70 Bus W

Zoning District: B-3
Town Limits / ETJ: ☒ Town Limits ☐ ETJ (Extra-Territorial Jurisdiction)

APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer

Applicant: Bart J. McClain, PE - William G. Daniel & Associates, PA
Mailing Address: 1150 SE Maynard Road Suite 260 Cary, NC 27511
Phone Number: 919-467-9708 Fax: n/a
Contact Person: Bart J. McClain
Email Address: bmcclain@wmgda.com

PROPERTY OWNER INFORMATION

Name: MOC Clayton II, LLC -- Chris Clayton
Mailing Address: 4030 Wake Forest Road St 349 Raleigh, NC 27609
Phone Number: 919-604-4474 Fax: _____
Email Address: chris@mountoakcapital.com

FOR OFFICE USE ONLY

Date Received: _____ File Number: _____ Associated Project Number: _____

PROJECT INFORMATION

Use: ☒ New ☐ Expanded ☐ Change

Use Type: ☐ Residential ☐ Non-Residential

Proposed Use(s): Indoor climate controlled self-storage Existing Use(s): n/a

Invoice shall be mailed to the following:

Developer Name: Robert High Development, LLC

Mailing Address: 324 Greenville Avenue Wilmington, NC 28403

Phone Number: 910-790-9490 Fax Number: n/a

Email Address: robert@roberthighdevelopment.com

ALLOCATION REQUEST

The following is required:

- For non-residential construction, submit a floor plan of proposed building.
- Use additional sheets if necessary.
- Provide any documentation supporting/justifying the request as an attachment (using a comparable use is recommended).
- If a phasing / take-down schedule is proposed, include as an attachment.

Residential:

Gross Acreage: _____

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total			

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total			

Non-Residential: (Design Flow Guideline provided as Appendix A)*

**If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

Gross Acreage: _____

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
Warehouse - Self Storage	Each	685	1	685
Total				

TOTAL REQUESTED GALLONS PER DAY: 685

NOTE TO APPLICANT:

Invoicing:

Invoices are generated on the following schedule:

Non-Residential:

Generated with the application for a Zoning Compliance Permit.

Residential:

Multi-Family / Apartments:

Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:

Generated at Final Plat submittal.

Fee Development:

Development Fees are calculated and invoiced based on the Town of Clayton adopted [Comprehensive List of Fees and Charges](#). Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

Approval:

Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. 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.

Bart J. McClain

Print Name

Bart J. McClain
Signature of Applicant

03/06/2024

Date

Engineer Seal:



TOWN OF CLAYTON OFFICE USE ONLY:

Approved by: ☐ Town Manager

☐ Town Council (*requests of 10,000 GPD or more require Council approval by resolution*)

The **Town Manager / Town Council (circle one)** has authorized the allocation of _____

gallons per day for project # _____.

Date of Approval: _____

Signed:

Town Manager

If approved by Town Council:

Attach a copy of the resolution and any associated documentation.

APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

Establishment Type	Daily Flow Rate
Barber and Beauty Shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, Offices and Factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, Rescue and Emergency Response	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and Drink Facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
Medical, Dental and Veterinary Facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite

Establishment Type	Daily Flow Rate
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, Pre-school and Day Care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service Stations and Car Wash Facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports Centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, Shopping Centers, Malls and Flea Markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
Transportation Terminals	
Air, bus, train, ferry, port and dock	5 gal/passenger

Source: North Carolina Administrative Code 02T.0114, January 1, 2007