



Town of Clayton
Regular Town Council Meeting Agenda
Monday, February 20, 2023 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. Approval of Agenda

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

- February 6, 2023 - Work Session
- February 6, 2023 - Regular Session
- February 6, 2023 - Closed Session

Presenter: Heidi Holland, Town Clerk

[February 6, 2023 - Work Session](#)

[February 6, 2023 - Regular Session](#)

- b. Accept Streets Into the Town of Clayton Street System For Maintenance – Riverwood Athletic Club, Phases 2B-3, Payton Drive, Phase 5A, 5B1, & 5B2

Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

[Resolution #2023-08](#)

- c. FY 2023 Mid-Year Review Budget Amendments

Presenter: Robert McKie - Finance Director

[FY 2023 Mid-Year Review Budget Amendments - Finance Department](#)

POTENTIAL ACTION: Adopt Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Employee Introduction

- Alicia Ballard, Part-Time Custodian

Presenter: Greg Nelson, Property Maintenance Superintendent

- b. Recreation Advisory Board Appointment
Presenter: Heidi Holland, Town Clerk
[Recreation Advisory Board Appointment](#)

POTENTIAL ACTION: Approval of Appointment

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Recognition of Procurement Month
Presenter: Mayor Pro Tem Thompson
[Cover](#)
[Procurement Month Proclamation](#)
- b. Employee Appreciation Day Proclamation
Presenter: Mayor Pro Tem Thompson
[Employee Appreciation Day Proclamation](#)
- c. National Engineer's Week Proclamation
Presenter: Mayor Pro Tem Thompson
[Engineer's Week Proclamation](#)

6. PUBLIC HEARINGS

- a. 2022-206-OA Special Use Permit Text Amendments
Presenter: Ben Howell, Planning Director
[2022-206-OA Special Use Permit Text Amendments - Planning](#)
POTENTIAL ACTION: Adoption of Ordinance #2023-02-01
- b. 2022-214-RZ Town of Clayton Rezoning
Presenter: Bruce Venable, Planner I Trainee
[2022-214-RZ Town of Clayton Rezoning - Planning](#)
POTENTIAL ACTION: Adoption of Ordinance #2023-02-02
- c. 2022-197-RZ Lot 8 Gateway Drive Rezoning
Presenter: Bruce Venable, Planner I
[2022-197-RZ Lot 8 Gateway Drive Rezoning - Planning](#)
POTENTIAL ACTION: Adoption of Ordinance #2023-02-03

7. OLD BUSINESS

- a. Rolling Stock Reimbursement Resolution
Presenter: Robert McKie, Finance Director
[Cover](#)
[Resolution #2023-07](#)

POTENTIAL ACTION: Adoption of Resolution #2023-07

8. NEW BUSINESS

9. STAFF REPORTS

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

10. OTHER BUSINESS

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

11. CLOSED SESSION

- a. Closed Session to Discuss Economic Development in Accordance with NC GS 143-318.11(a)(4) and to Consult with the Town Attorney in Accordance with NC GS 143-318.11(a)(6)

POTENTIAL ACTION: Motion To Go Into Closed Session

POTENTIAL ACTION: Motion To Return To Open Session

12. ADJOURNMENT

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



**Town of Clayton
Town Council Work Session Minutes
Monday, February 6, 2023 at 3:00 PM
Rotary Room, Town Hall
111 E. Second Street**

Council Present:

Mayor Jody McLeod
Mayor Pro Tem Jason Thompson
Council Member Andria Archer
Council Member Avery Everett
Council Member Michael Sims
Council Member Porter Casey

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Lee Barbee, Interim Deputy Town Manager/Fire Chief
Heidi Holland, Town Clerk
Robert McKie, Finance Director
Michelle Snyder, Executive Asst. to Town Manager
Ann Game, Revenue & Utility Cust. Service Director
Shaun Mizell, Procurement Manager
Joshua Baird, Engineering Director
Ben Howell, Planning Director
Dede Bumgarner, Development Services Manager
Byron Poelman, Water Resources Director
Patrick Pierce, Economic Development Director
Nathanael Shelton, Communications Officer

Council Absent:

None

1 CALL TO ORDER

- a) Mayor McLeod called the meeting to order at 3:05 p.m.

2 ADJUSTMENT OF THE AGENDA

- a) Rich Cappola adjusted the agenda as follows:

ADD: 3e. Traffic Impact Analysis Review by Third-Party Consultants Policy
Billboard Discussion
Juneteenth Celebration Discussion

Approve or Adjust the Agenda

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Jason Thompson
YES:	Jason Thompson, Andria Archer, Avery Everett, Michael Sims, and Porter Casey
NO:	None

3 ITEMS FOR DISCUSSION

a) Development Services Software (30 Minutes)

Presenter: Jonathan Jacobs, Assistant Engineering Director

Rich Cappola stated staff and the development community have been asking for this software. Mr. Jacobs stated this software is a collaborative effort between several departments that have talked through the process.

Why:

- Increased Efficiency
- Automation
- Simplicity
- Project History
- Communication
- Transparency
- Metric Reporting
- Fee Tracking

He stated there are a lot of risk in errors with the current process and with staff changes, a lot of history has been lost. This software helps to reduce the risk of missing a step. This software would allow the information to be housed in one place and would be able to provide instructions to the public and inform them on what documents are required. The information would be submitted and routed to the appropriate department and staff.

This software would not require staff to manually route or track an application or permit. He stated we would have the ability but would now be required to.

Mr. Jacobs stated anyone would be able to use this software, it takes you to point A to Point B. Everything would be housed in one location. Applicants would be able to track history, there will be limited history during the review, but they would still be able to track their process. From the public side, they would be able to log into the development dashboard. This provides the public another opportunity to be involved in this process.

He stated most of fees are tracked in New World but a lot are separated in project files. This program would allow citizens to track fees that are due.

He stated as a user, you would create a name and password. Then submit an application through that process. Owners and developers would give rights to citizens that need the access to that project.

Shared was a screenshot of the portal on the website. The page can be customized and would be tailored to the Town. Shared was the permit technician's dashboard which shared various charts and stats that are available for this software, such as application lists, active permits, and outstanding fees.

Timeline

- September - November 2022: Software Evaluation - Core Evaluation took place. Operations, Development, Inspections, Engineering, Procurement and Admin were all part of this process.
- January 2023: Contract and Cost Negotiations
- February 2023: Project Kick Off/Schedule
- Summer/Fall 2023: Software testing/limited Public Involvement
- Fall 2023: Back Office Implementation
- January 1, 2024: Go Live

Mr. Jacobs stated Council would give final approval. Inspections Department has the funds for this. The intent is for those funds to be appropriated. The software chosen is Clariti and Johnston County has just decided to use this software as well. The implementation cost is \$385,000 for this with an annual cost of \$98,000 a year. The cost allows 45 users, which is sufficient for what the Town needs.

The software does come with mobile app option. This software would map out the day and provide the most efficient route. He stated originally the go live date was scheduled for July 2024, but it has been pushed forward to align with UDO. The end of this year is the goal to provide key developers access to test this and go through the process to see how it functions from an outside process.

Council Member Casey asked if this part of the budget? Mr. Cappola stated it was the intent to use the inspection funds.

b) Utilities and Billing Overview (30 Minutes)

Presenter: Ann Game, Revenue & Utility Customer Service Director

Ms. Game stated discussed their department and what is up and coming. She discussed each of her staff members and shared the length they have been with the Town. She stated she is proud of the longevity of her staff. She stated she manages the Town Hall front desk as well. She stated with the new phone system that has been installed, she has been able to track calls received, the average of calls is 3,000 per month. She discussed the front desk staff being assigned the safety aspect. They monitor the cameras at the front desk that view certain locations outside the building as well as inside. The front desk staff also greets all walk-in traffic and receives deliveries.

The cashiers work with all walk-in customers, verify documents for establishing service, process payments (Utility, Fire, Police, Parks & Rec, Library), and answers phone calls (averaging over 1,300 per month). She stated these staff members are the first line of defense and greeters.

Shared were stats on payments received between 2018-2022. These stats included cash, credit card, lockbox, and checks. She stated after COVID, the credit card users doubled. She stated the Town does not make any money on credit card payments.

She discussed the Collections Specialists, their duties include:

- Process credit card & all bank files
- Responsible for all daily deposits
- Set up & process bank drafts
- Process bad debt
- Lead on all disconnects for nonpayment

There was discussion on what happens on a cut off day. Ms. Game stated this list is tripled check before turning off anyone's service. She stated if the payment is received, service is restored the same day. She discussed the techs being able to see the disconnected services on the computer in their truck, which allows them to restore service immediately. Cold weather is taken into consideration on service disconnections.

Council Member Casey asked how are citizens notified their service would be disconnected? Ms. Game stated the citizen receive an email, that notifies them that they have 7 days before they are disconnected. Council Member Sims asked what do you do when they don't have email? Ms. Game said in that instance, their bill serves as their notice. Council Member Casey asked if the mass communication system would be able to help with this. Nathanael Shelton stated in the new system, this would show the record of how many times the citizen had been contacted.

Shared was Bad Debt Accounts Graph. Ms. Game stated renters are the large majority of citizens that owe the Town debt. Council Member Casey stated he would like to know how many renters we have.

Customer Service Representatives

- Process requests for new customers& move outs
- Collect utility deposits
- Educate customers on consumption
- Provide information about all Town services

Stats were shared on how customers apply for service. She stated walk in traffic has picked up back since COVID.

Billing Specialists

- Rate experts for customers
- Prepare all bills –monthly & move out
- Bill adjustments
- High consumption outbound calls
- Meter installs –ERP system & AMI
- Focus on AMI reporting (to avoid billing estimates)

Ms. Game stated 1300 bills are prepared every month.

Meter Techs

- Use AMI system to pull reading for work orders

- Meet with customers to understand high usage
- Conduct meter pressure tests
- Investigate AMI missing reads (to avoid billing estimates)
- Educate Customers on Their Bills

Successes

Ms. Game discussed that AMI was a great success and she thanked Council for their support. She stated it is one of the best things to happen to the Town. She stated the Town's AMI was featured in ElectriCites annual report.

- Customer Facing Portal (The portal would allow this and lets customers see how what they do affect their bill.)
- Ability to monitor usage on inactive accounts
- Electric meter alerts for power failure or tampers
- Rolled out the ATCOM phone system
- Celebrated Public Power Week
- Participated in Breakfast for Top Water Customers (will hold a breakfast for the Top Electric customers in the Spring)

What's on the Horizon?

- DataVoice Implementation
- Communication plan for potential rate increases
- Strategic approach to volume of phone calls
- New payment options for utility customers
- Series of videos for new customers (How to Read Your Bill and Money Saving Tips)
- Updating customer service policies
- Professional development

Mr. Cappola stated Ms. Game and her staff do a great job. He has received a lot of great feedback on her department from citizens.

c) Financial Security Discussion (15 Minutes)

Presenter: Robert McKie, Finance Director & Shaun Mizell, Procurement Manager

Vendor Security Enhancements

- SOP for Vendor Payment Information Changes –Finalized and Approved
- Vendor Package Enhancements:
 - Remove Package from Town Website –Done
 - Sole Distribution by Procurement Team After Department Request –New Process Implemented
 - Update ACH Payment Form to Require Existing Banking Information and Tax ID –Done
 - Verify New Vendor Banking Information and/or Remittance Address
 - Digital Signature Approval (Adobe) -Implemented
 - Change ACH Form Periodically –Annually (Incorporate Version

Date as Header or Footer) –FY 2024 Implementation

- Checklist to Confirm Performance of each Step in the Process – Implemented
- Procurement Analyst, Procurement Manager, Assistant Finance Director, Finance Director Approval Required for Vendor Banking Changes –Implemented
- Cybersecurity Training for Executive Team & Finance Staff (NEOGOV) – Assigned
 - Prevent Phishing –Complete by March 4, 2023
 - Cybersecurity: Data Privacy and Safe Computing –Complete by March 4, 2023

Mr. McKie stated with the incident that happened in November 2022, it led the department to look at a more sophisticated process. He stated they have made sure staff is trained and prepared for any fraudulent situations. He stated Tracy Stubblefield and Shaun Mizell have been working behind the scenes on this updated process. This process is currently being used.

He went into further discussion on the new changes and policies. Staff has been issued mandatory cybersecurity training.

Items under review:

- Shift Risk Via ePayables–Tyler AP Automation Proposal Under Review
- Utilize GIACT to Verify Vendor/Customer Information & NACHA Compliance –Schedule Demo

Council Member Archer stated it was discussed previously to potentially get a higher insurance policy, are any of these tied into this or is that separate? Mr. McKie stated the Town must have a more robust policy, to get a higher level of coverage we must be able to have certain boxes check. While we are on VC3, we won't be able to move toward this process until we are on our own server. She asked if he knew of a timeline. Mr. Mizell stated there are a couple of parties involved in the agreement and they have been waiting to hear back. As soon as questions are answered there would be an update on moving forward.

Mr. Cappola stated Ms. Game has been with dealing with sensitive information, she has been reevaluating her SOP's as well. He shared other examples of processes that have changed. the intent is to have staff keeping their SOP's current. Mr. McKie stated most of these items are considered best practices and as they go through this vendor security SOP, changes can be made as necessary.

Mr. Mizell stated when this started, he reached out to other municipalities. He stated we are now doing more than other municipalities. He went into further detail on the ACH form process. Procurement analyst Karen Malcolm has been looking at this very closely, if she sees anything, it is sent to IT and further researched. Vendors are receptive and excited about this new process. This

is being done on remittance addresses as well.

He stated staff is still going through various training.

- d) **Review of Quarter 2 Accomplishments (15 Minutes)**
Presenter: Rich Cappola, Town Manager

Mr. Cappola stated for the interest of time, this would be reviewed at later date. This information was printed out and distributed to council.

- e) **Council Discussion (30 Minutes)**

Traffic Improvement Analysis Review by Third-Party Consultants Policy
This discussion was to have a consultant review all TIA reports. Jonathan Jacobs stated staff met with stakeholders last week. He stated staff feels they have the ability to hire a third-party engineer. There was discussion on passing on the cost to the developer. He stated from staff perspective, they do not have any concerns, it would be an additional set of eyes over NCDOT. Council Member Casey asked if this was common in other municipalities, Mr. Jacobs stated it depends on the municipality. Ben Howell stated in a previous municipality, they followed a similar process, the third party would review and rerun simulations and often found tweaks that needed to be made.

April 1 would be the effective date, anything submitted after that date would be subject to a third-party TIA. The cost would depend on how in depth the report would be.

Mayor Pro Tem Thompson stated he would rather us be able to have the information to provide to the developer rather than they provide us with the information. Mr. Cappola stated we would have 2-3 consultants on a rotating basis.

Council Member Casey asked if we are maxing out other developer fees? Mr. Howell stated staff looked at surrounding jurisdictions and we are for the most part lower than other Johnston County jurisdictions.

Billboard Discussion

Patrick Pierce stated there are 17 billboards along 70 Business corridor. He stated some are long-term leases. There was discussion on what is required under our current code and either creating a simple text amendment to allow for billboards to move and be able to stick with their lease or to get these under contract so they could be moved. Mayor McLeod stated we should not let the billboard lease stand in the way of tax base or economic development.

Juneteenth Celebration Discussion

Mr. Cappola stated Juneteenth is recognized as a holiday and government offices are closed. Last year there was a digital celebration. There was discussion on hosting a larger event this year. Nathanael Shelton stated it has been discussed to have a local diverse community choir and story-teller Donna Washington, with a reception to follow at the Clayton Center. It was suggested to have this event on Saturday, June 17th from 3:00 – 5:30 p.m. with an hour reception. It was estimated the programming for the event would cost approximately \$2500.00 and an additional cost for the reception. There was discussion to reach out to our local churches to see if they would like to be involved. It was stated to have cake, peanuts, punch for this year's event and next year we could work with a larger budget.

4 CLOSED SESSION

- a) Closed Session to Discuss Personnel Matter in accordance with NC GS 143-318.11(a)(6)

A Closed Session was not held.

5 ADJOURNMENT

- a) Adjourn

With nothing further, the meeting was adjourned at 5:28 p.m.

Motion to Adjourn

RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Avery Everett, Michael Sims, and Porter Casey
NO:	None

Duly adopted this the 20th day of February, 2023, while in regular session.

Jason A. Thompson
Mayor Pro Tem

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

February 6, 2023
Minutes



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, February 6, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street**

Council Present:

Mayor Jody McLeod
Mayor Pro Tem Jason Thompson
Council Member Porter Casey
Council Member Avery Everett
Council Member Andria Archer
Council Member Michael Sims

Council Absent:

None

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Lee Barbee, Interim Deputy Town Manager/Fire Chief
Heidi Holland, Town Clerk
Robert McKie, Finance Director
Greg Tart, Police Chief
Jonathan Jacobs, Assistant Engineering Director
Joshua Baird, Engineering Director
Scott Barnard, Parks & Rec Director
Joy Garretson, Library Director
Patrick Pierce, Economic Development Director
Catherine White, Comm. & Marketing Specialist

1. CALL TO ORDER

a. Call to Order

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

b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

a. Approval of Agenda

Mr. Cappola requested to adjust the agenda to follows:

REMOVE:

3c. Resolution To Accept Streets Into the Town Of Clayton Street System For Maintenance – Riverwood Athletic Club, Phases 2B-3, Payton Drive, Perimeter Tract C (Manning & Collinsworth), Phase 5A, 5B1, & 5B2

ADD:
3e. Recreation Advisory Board Vacancy

ADD
11a. Closed Session to Consult with Attorney Pursuant to NCGS 143-318.11(a)(6)

Approve or Adjust the Agenda

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

3. CONSENT AGENDA

- a. Minutes
- January 17, 2023 - Work Session
 - January 17, 2023 - Regular Session
 - January 17, 2023 - Closed Session
- Presenter:* Heidi Holland, Town Clerk
- b. Sole Source (Town Vehicles)
- Presenter:* Shaun Mizell, Procurement Manager
- c. Resolution To Accept Streets Into the Town Of Clayton Street System For Maintenance – Riverwood Athletic Club, Phases 2B-3, Payton Drive, Perimeter Tract C (Manning & Collinsworth), Phase 5A, 5B1, & 5B2
- Presenter:* Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director
- This item was removed from the consent agenda.
- d. Rules and Regulations For Conduct in the Library
- Presenter:* Joy Garretson

Approve Consent Agenda as Presented

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Awarding of Service Firearm and Badge

- Neal Johnson, Police Officer

Presenter: Greg Tart, Police Chief

Chief Tart stated on February 1, 2023, Neal Johnson retired after 30 years of law enforcement services. He stated Officer Johnson began his career in Dunn in 1992, later worked with Johnston County Sheriff's Office before coming to the Clayton Police Department in August 2010, where he has served the past twelve and a half years. He stated he played many roles in the department and always did what he was asked to do. He stated he hoped to be able to keep Officer Johnson around in a part-time role. He stated Officer Johnson has been a dedicated employee who has given 30 years of his life to helping others and is honorably represented.

Chief Tart presented Officer Johnson with his gun and badge, a recognition for his dedication and commitment to the Town of Clayton and Clayton Police Department.

Officer Johnson thanked the Town for the opportunity to work for the past twelve and a half years. He stated the past twelve and a half years has been the best of the past thirty and the past two have been the best working under Chief Tart and the current police staff.

Mayor McLeod and Council shared their thoughts with Officer Johnson.

Approval of Resolution #2023-05

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

b. Year and Month of the Trail

Mayor McLeod To Read

Presenter: Emily Beddingfield, Parks and Recreation Advisory Board Chair

Christy Thompson, DDA Advisory Board Chair

Julie Curran, Library Advisory Board Chair

Joy Garretson, Library Director

Scott Barnard, Parks and Recreation Director

Patrick Pierce, Economic Development Director

Ben Howell, Planning Director

Scott Barnard, Joy Garretson and Patrick Pierce were present and here to represent their boards. Mr. Barnard stated in 2022 the State Legislature designated 2023 as the Year of the Trail. Mr. Barnard stated they wanted to take this a step further and make this a Month of the Trail in the Town of Clayton. He stated they want to do something that targeted the recognition of

the trail and trail opportunities. During the month of May, a number of activities would be planned that would shine a light on the trail. Those activities would be announced at a later date. The ask is for Council to designate May as the Month of the Trail. Mayor McLeod read the Proclamation.

6. PUBLIC HEARINGS

- a. Project Life Dust Development Agreement
(Continued from January 17, 2023 Regular Meeting)
Presenter: Patrick Pierce, Economic Development Director

Mr. Pierce stated the developer has requested to continue this item until the March 6, 2023 regular meeting.

Motion to Continue to March 6, 2023 Regular Meeting

It was consensus of Council to move forward with continuing this item to the March 6, 2023 Regular Meeting.

- b. FY '23-24 Budget - Public Input
Presenter: Rich Cappola, Town Manager

Mr. Cappola stated this is an initial public hearing to allow the public to provide input for items they would like to be considered for the FY24 budget. He stated he would be meeting with staff in the next couple weeks to get an initial idea of where everyone stands with their budget needs.

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

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

- a. Town Manager

Mr. Cappola stated staff would be sending out the annual survey for the budget and would also set up an online portal that would allow citizens to share their input.

He stated tomorrow there would be a couple community wide drop-in events. The Greater Triangle Community Commuter Rail Feasibility Study Public Input Session would be held on February 7, 2023 from 5:00 - 7:00 p.m. in the Council Chambers and also tomorrow would be the Gateway 42 Public Meeting which would be held at the Clayton Community Center from 6:00 - 8:00 p.m. A Downtown Master Plan update would be held February 28, 2023.

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

10. OTHER BUSINESS

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

Betty Scarborough, Clayton Parkview Citizen, stated last week one of the resident's organized a trash pick-up on Sunday. She stated she was a part of it and it was discouraging. She stated her community is on City "Dump" Road and Stallings in the back where the railroad tracks are. She stated those are two bad areas for trash. She asked Council if there could be a type of signage that states there would be a penalty for littering. She also asked if the Town could have a Town of Clayton Pick Up Litter Day. Mayor McLeod thanked Ms. Scarborough and her neighbors for their community service to the Town. He stated he would take this into consideration. Council Member Casey stated this could be an opportunity for the Communications Office to begin a campaign to our citizens to be aware of their trash.

- b. Council Comments

Mayor Pro Tem Thompson commended Ms. Scarborough and her neighbors for picking up trash in the area. He stated he thinks it's time to do a Town wide litter campaign, this could start with collaboration between Communications Department, Law Enforcement, and Code Enforcement. He stated we could put together for our citizens in the form of educational videos regarding enforcement and penalties. He stated we have grounds to have signage up. He would like to see this as a Town wide campaign.

11. CLOSED SESSION

- a. Closed Session to Consult with Attorney Pursuant to NCGS 143-318.11(a)(6)

Motion to Go Into Closed Session at 6:35 p.m.

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Motion To Return To Open Session at 7:34 p.m.

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

12. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 7:34 p.m.

Motion to Adjourn

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Duly adopted this the 20th day of February, 2023, while in regular session.

Jason A. Thompson
Mayor Pro Tem

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

February 20, 2023

Agenda Location

CONSENT AGENDA

Item Title

RESOLUTION 2023-08 TO ACCEPT STREETS INTO THE TOWN OF CLAYTON STREET SYSTEM FOR MAINTENANCE – RIVERWOOD ATHLETIC CLUB, PHASES 2B-3, PAYTON DRIVE, PHASE 5A, 5B1, & 5B2

Presenter(s)

Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Suggested Action

Place on Consent Agenda

Suggested Action (2): Adoption of Resolution

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

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release

- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing

- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

Streets and rights-of-way sections, which are to be assumed for maintenance by the Town of Clayton, are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. Having met this criteria through both inspection of the construction process and upon warranty expiration, Engineering staff hereby recommends acceptance of the subject streets into the Town's network. Upon Council action of final acceptance, the subject streets will be fully maintained by the Town and are eligible for funding through NCDOT's Powell Bill Program.

Funding Source

N/A

Corresponding Documentation

[Revised RWAC Street Final Acceptance Resolution Phases 5B, 5B1, B2, 2B-3, Perimter Tract C, Payton Drive DRAFT 2-9-23](#)

Submitted By: Chris Rowland, Engineering

Reviewed By:

Jonathan Jacobs, Assistant
Engineering Director

Approved - Feb 15 2023

Joshua Baird, Engineering Director

Approved - Feb 15 2023

Heidi Holland, Town Clerk

Approved - Feb 15 2023

**RESOLUTION 2023-08 TO ACCEPT STREETS INTO THE TOWN OF CLAYTON
STREET SYSTEM FOR MAINTENANCE – RIVERWOOD ATHLETIC CLUB, PHASES 2B-3,
PAYTON DRIVE, PHASE 5A, 5B1, & 5B2**

WHEREAS, streets and right-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, approval by the Town of Clayton Town Council is necessary for eligibility for receiving funding from the NCDOT's Powell Bill Program.

WHEREAS, the street segments listed below were placed under a five-year warranty period for to monitor for construction deficiencies, which has subsequently expired: and

WHEREAS, Town of Clayton Engineering staff has inspected the street segments referenced below on and recommends final acceptance by Town Council for 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 streets and right-of-way into the Town of Clayton Street System.

SUBDIVISION	STREET NAME	BEGINNING DESCRIPTION	END DESCRIPTION	LENGTH
RWAC, Phase2B-3	Chamberlain Drive	Phase Line 2B	Houston Lane	0.11
RWAC, Phase2B-3	Houston Lane	Chamberlain Drive	Phase Line 2B-2	0.04
RWAC, Alpine Valley	Collinsworth Drive	Athletic Club Blvd	Phase Line 3A-1	0.08
RWAC, Phase 5A	Marino Place	Manning Drive	Phase Line 5B2	0.13
RWAC, Phase 5B1	Hutson Lane	Manning Drive	Phase Line 5B2	0.10
RWAC, Phase 5B2	Hutson Lane	Phase Line 5B1	Marino Place	0.09
RWAC, Phase 5B2	Marino Place	Phase Line 5A	End CDS	0.09
RWAC	Payton Drive	Athletic Club Blvd	Property Line	0.3
TOTAL				0.94MI

Duly adopted this the 20th day of February, 2023.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

February 20, 2023

Agenda Location

CONSENT AGENDA

Item Title

FY 2023 Mid-Year Review Budget Amendments

Presenter(s)

Robert McKie - Finance Director

Suggested Action

Place on Consent Agenda

Suggested Action (2): 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)

☐ 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
- ☐ Social Media
- ☐ Special Mailing

- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

The General Fund budget amendment adjusts the approved position count to 300 FTEs while funding 7 positions Council authorized during the Mid-Year Budget Review Process as follows:

1. Finance - Accountant and Accounting Technician (2)
2. Police - School Resource Officers (4)
3. Fire - Fire Fighter (1)

The budget ordinance was also updated to capture several mid-year budget positions that were approved in the FY21 and FY22 budget cycles that were not correctly accounted for in the FY23 budget ordinance. The total permanent Full-time FTE count should be 300 with the inclusion of the above additions. Permanent Part-Time positions total 19; Auxillary Police and Fire total 11.

Other operational adjustments cover additional expenditures for equipment purchases, sanitation operations, and capital outlay. The Water and Sewer Fund budget amendment reflects adjustments for rate model alignment, the sale of the public pre-treatment facility to Novo Nordisk, and the contractual obligation for the Copper District.

Background/History

The request for additional School Resource Officers (SRO) was presented at a prior council meeting by Chief Tart. The agreement with the school system has been amended to reflect a total of seven SROs.

Recommendation

The Executive Team recommends approval.

Funding Source

General Fund & Water and Sewer Fund

Cost

Yes

Corresponding Documentation

[FY 2022-2023 Adopted Budget Ordinance Amendment Section 8 Amended Position Count February 20, 2023](#)

[General Fund Budget Amendment Mid Year Budget Review](#)

[Water & Sewer Fund Budget Amendment Mid Year Budget Review](#)

Submitted By: Robert McKie, Finance Department

Reviewed By:

Rich Cappola, Town Manager
Heidi Holland, Town Clerk

Approved - Feb 15 2023
Approved - Feb 15 2023

Town of Clayton
Amendment to the FY 22-23 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendment shall be made to Section 8 in the Fiscal Year 2022-2023 Adopted Budget Ordinance:

Section 8 shall previously read: ~~There are hereby six (6) new positions approved for Fiscal Year 2022-2023. Authorized position totals are as follows: 6 elected officials, 289 full-time, 13 permanent part-time, 2 full-time apprentices, 5 interns, and a pool of seasonal/roster workers as needed to support operations.~~ New position authorizations are initially established by the annual budget ordinance and changes authorized by the Town Manager to this schedule may occur during the fiscal year as reclassifications of authorizations to meet the changing needs of the organization.

Section 8 shall now read: The Budget Ordinance now includes several mid-year positions that were approved in the Fiscal Year 2021 and Fiscal Year 2022 budget cycles, which were not correctly accounted for in Fiscal Year 2023. There are hereby thirteen (13) new positions approved for Fiscal Year 2022-2023. Authorized position totals are as follows: 6 elected officials, 300 full-time, 19 permanent part-time, 2 full-time apprentices, 5 interns, a total of 11 auxiliary positions in Police and Fire, and a pool of seasonal/roster workers as needed to support operations. New position authorizations are initially established by the annual budget ordinance and changes authorized by the Town Manager to this schedule may occur during the fiscal year as reclassifications of authorizations to meet the changing needs of the organization.

Duly adopted this ____ day of _____, 2023 while in regular session.

Jody L. McLeod
Mayor

Attest:

Heidi Holland
Town Clerk

**Town of Clayton
Amendment to the FY 22-23 Budget**

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 22-23 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-41 01	Sales Tax – Article 40 \$1,748,700	+18,977	\$1,767,677
100-40-00-41 03	Sales Tax – Article 44 \$2,088,900	+93,100	\$2,182,000
100-40-00-45 33	Donations -	+25,000	\$25,000
100-41-02-48 00	Misc. Investment Earnings \$225,000	+1,100,000	\$1,325,000
100-50-00-48 60	Miscellaneous Reimbursable Projects \$150,000	+120,000	\$270,000
Expenditures			
100-41-02-50 00	Salaries Full-Time \$326,394	+53,800	\$380,194
100-41-02-51 10	Benefits FICA \$25,287	+4,120	\$29,407
100-41-02-51 11	Benefits Health \$40,696	+7,800	\$48,496
100-41-02-51 20	Benefits Retirement - General \$39,638	+6,550	\$46,188
100-41-02-51 30	Benefits 401K - General \$13,221	+2,150	\$15,371
100-48-02-52 60	Equipment Purchase \$105,000	+45,000	\$150,000
100-50-02-53 90	New Employee Upfit \$50,000	+325,000	\$375,000
100-50-32-50 00	Salaries Full-Time \$936,659	+103,500	\$1,040,159
100-50-32-51 10	Benefits FICA \$82,725	+7,920	\$90,645
100-50-32-51 11	Benefits Health \$125,550	+15,600	\$141,150
100-50-32-51 21	Benefits Retirement - LEO \$127,987	+13,500	\$141,487
100-50-32-51 31	Benefits 401K - LEO \$49,849	+5,175	\$55,024
100-52-40-50 00	Salaries Full-Time \$2,206,852	+21,600	\$2,228,452

100-52-40-51 10	Benefits FICA		
	\$183,834	+1,650	\$185,484
100-52-40-51 11	Benefits Health		
	\$394,336	+3,900	\$398,236
100-52-40-51 20	Benefits Retirement - General		
	\$282,352	+2,620	\$284,972
100-52-40-51 30	Benefits 401K - General		
	\$93,803	+900	\$94,703
100-55-55-52 60	Equipment Purchase		
	\$28,200	+22,700	\$50,900
100-55-59-53 40	Landfill Fees		
	\$360,000	+40,000	\$400,000
100-55-59-53 41	Trash Hauling Fees		
	\$900,000	+88,000	\$988,000
100-55-59-53 42	Recycling Fees		
	\$500,000	+170,000	\$670,000
100-55-59-53 43	Fuel Surcharge		
	\$10,000	+165,000	\$175,000
100-60-02-52 60	Equipment Purchase		
	\$15,623	+29,777	\$45,400
100-60-74-52 60	Equipment Purchase		
	-	+51,615	\$51,615
100-60-95-58 50	Capital Outlay		
	\$118,115	+169,200	\$287,315

Explanation:

Amendment necessary to realign the budget for adjustments made during the Mid-Year Budget Review Process to cover additional expenditures for new positions, equipment purchases, sanitation operations, and capital outlay as follows:

1. Finance – \$74,420 (Accountant and Accounting Technician)
2. Police – \$470,695 (4-School Resource Officers, includes \$325,000 for Upfit)
3. Fire – \$30,670 (Firefighter)
4. Equipment Purchase – \$149,092 (Chambers, Radios, Gym, Municipal Park)
5. Sanitation – \$463,000 (Landfill, Trash Hauling, Recycling, Fuel Surcharges)
6. Capital Outlay – \$169,200 (Parks & Rec: Signage, Soccer Goals, ProGator)

This amendment is required for compliance with G.S. 159-15.

Duly adopted this ____ day of _____, 2023 while in regular session.

Jody L. McLeod
Mayor

Attest:

Heidi L. Holland, CMC, NCCMC
Town Clerk

Town of Clayton
Amendment to the FY 22-23 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 22-23 Budget:

Fund: Water and Sewer Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
300-56-00-44 05	Sale of Water \$10,500,000	+1,500,000	\$12,000,000
300-56-00-44 07	Sale of Water Treatment \$10,800,000	+2,700,000	\$13,500,000
300-56-00-44 08	Sale of Water - Bulk \$3,000	+2,000	\$5,000
300-56-00-48 72	Sale of Real Property \$5,892,237	+28,357,763	\$34,250,000
300-56-00-48 99	Fund Balance Appropriated \$4,469,055	-2,209,763	\$2,259,292
300-56-00-49 85	Due from Capital Project Fund -	+6,500,000	\$6,500,000
Expenditures			
300-56-00-59 20	Transfer to General Fund -	+2,250,000	\$2,250,000
300-56-00-59 23	Transfer to Capital Project Fund -	+30,000,000	\$30,000,000
300-56-60-54 50	Programs Purchase for Resale -	+4,600,000	\$4,600,000

Explanation:

Amendment necessary to realign the budget for adjustments made during the Mid-Year Budget Review Process, primarily attributable to rate model alignment, the sale of the public pretreatment facility to Novo Nordisk, and the contractual obligation for the Copper District. This amendment is required to comply with G.S. 159-15.

Duly adopted this ____ day of _____, 2023 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

February 20, 2023

Agenda Location

ADMINISTRATIVE ITEMS

Item Title

Recreation Advisory Board Appointment

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Other - Approval of Appointment

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

The Recreation Advisory Board has a vacancy for an in-town position to fill an unexpired term of 12/31/2023 and there is one in-town application on file. Council and staff feel this applicant has met the criteria to fill this vacancy. It has been recommended to appoint Carol Houston to fill this vacancy.

Funding Source

N/A

Corresponding Documentation

[CAROL HOUSTON 01102023](#)

Submitted By: Heidi Holland, Clerks

Reviewed By:

Heidi Holland, Town Clerk
Rich Cappola, Town Manager

Approved - Feb 08 2023
Approved - Feb 13 2023



Town of Clayton ADVISORY BOARD CANDIDATE APPLICATION

BA-23-72

Received Date: January 9, 2023

Application Type: Recreation Advisory Board

Name:

CAROL HOUSTON

☐ Male

☒ Female

Phone Number:

9198012156

Email:

CAROLHOUSTON@OUTLOOK.COM

Address:

325 S FAYETTEVILLE ST, CLAYTON, NC, 27520

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residency:

29 years

Do you live in Clayton Corporate Limits?

yes

Do you live in ETJ?

no

How did you find about this board?

Other

Employment Status:

Employed

Employer:

HomeTowne Realty

Please list any experience, education and/or work experience you have relevant to the board you are applying for:

Lived and worked in Clayton for 29 years. Past Church Treasurer and Preschool Director, Real Estate Broker currently (9 years). Mom of 2 adult children raised in Clayton. We have participated in many events in those 29 years!

Outline your qualifications and why you wish to serve on the board you indicated:

Would love to return to the Parks and Recreation advisory board and be apart of this fabulous growing community and help out in anyway possible! My husband and I have lived in downtown Clayton for 29 years. We have seen a lot of growth in those years and love the importance that parks and rec bring to the community. We are avid pickleball players!!

Do you anticipate a conflict of interest if asked to serve as a member of the requested board?

no

Please list any current or previous service to the community, civic organizations, activities and any special talents:

I am a member of Clayton Rotary and Horne Memorial United Methodist Church. Around 2000 I served on the Parks and rec advisory board. Can provide more info if needed.

Printed Name:

HOUSTON



Town Council Agenda Cover Sheet

Meeting Date

February 20, 2023

Agenda Location

Introductions & Special Presentations

Item Title

Procurement Month 2023

Presenter:

Shaun Mizell Procurement Contracts and MWBE Manager

Summary/Description

Procurement Month is celebrated throughout the month of March and is dedicated to honoring public procurement professionals for their hard work. It provides a more formal opportunity to take time to thank the Town of Clayton procurement team for the work they accomplish throughout the year. Procurement Month helps to educate elected officials, vendors, and taxpayers about the work we do in our role of good stewards of public interest.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Procurement Month Resolution

Meeting Timeline

Click or tap here to enter text.

Procurement Month 2023
By the Mayor of the Town of Clayton
A Proclamation

WHEREAS, the purchasing, acquisition, procurement, and materials management professions have a significant role in the quality and efficiency of business and government throughout the United States; and

WHEREAS, professionals in the purchasing, acquisitions, procurement, and materials management fields are employed in private and public sectors as well as in profit and non-profit organizations; and

WHEREAS, public procurement is essential function of local government, providing for purchase of goods and services necessary for the safe and effective operations of the town; and

WHEREAS, The Town's procurement professionals engage in or have direct responsibility for purchasing goods and services; executing and implementing contracts; developing forecasts and procurement strategies; supervising and monitoring storage of materials; and developing working relationships with suppliers and departments within the organization; and

WHEREAS, procurement professionals make important contributions to assure the responsible use of taxpayer dollars by providing efficient service while maintaining the highest ethical standards; and

WHEREAS, local, state, and federal procurement professionals are responsible for managing and monitoring billions of dollars of goods and services every year, which directly influence the local economy; and

WHEREAS, the North Carolina Association of Governmental Purchasing, the National Institute of Governmental Purchasing, NC Department of Administration's Division of Purchase and Contract, and other local governments around the world are sponsoring activities and other special events to further educate and inform the public regarding the role of procurement: and

NOW, THEREFORE, I, Mayor Pro Tem Jason Thompson, do hereby proclaim March 2023 as "Procurement Month" in Clayton, North Carolina, and commend its observance to all people.

Proclaimed this the 20th day of February 2023, while in regular session.

Jason A. Thompson
Mayor Pro Tem

ATTEST

Heidi L. Holland, CMC, NCCMC
Town Clerk

**TOWN OF CLAYTON
PROCLAMATION
EMPLOYEE APPRECIATION DAY**

WHEREAS, The Town of Clayton's citizens are served every day by public servants, the "unsung heroes", who do the jobs that keep our Town working; and,

WHEREAS, public employees make great contributions to their communities by serving in areas such as crime prevention, fire protection, utility service and administration; and,

WHEREAS, the public employees of the Town of Clayton are committed to exhibiting the highest standards of excellence, dedication, creativity and skills; and,

WHEREAS, day in and day out, they provide the quality and quantity of diverse services required and expected by the citizens of their local government with efficiency, effectiveness and integrity; and,

WHEREAS, without these public servants at every level, continuity of service would be impossible; and,

WHEREAS, The Town of Clayton recognizes the dedication and talents of public employees, as well as the value of the service they render; and,

NOW, THEREFORE, LET IT BE PROCLAIMED on behalf of the Clayton Town Council, I, Jason Thompson, Mayor Pro Tem of the Town of Clayton, do hereby proclaim March 3, 2023, be recognized as:

EMPLOYEE APPRECIATION DAY

Proclaimed this the 20th day of February, 2023, while in regular session.

Jason A. Thompson
Mayor Pro Tem

TOWN OF CLAYTON PROCLAMATION ENGINEER'S WEEK

WHEREAS, engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and,

WHEREAS, engineers face the major technological challenges of our time –from rebuilding towns devastated by natural disaster, cleaning up the environment, and assuring safe, clean, and efficient sources of energy, to designing information systems that will speed our country into the future; and,

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and,

WHEREAS, we will look more than ever to engineers and their knowledge and skills to meet the challenges of the twenty-first century:

NOW, THEREFORE, LET IT BE PROCLAIMED on behalf of the Clayton Town Council, I, Jason Thompson, Mayor Pro Tem of the Town of Clayton, do hereby proclaim February 19-25, 2023, be recognized as:

ENGINEERS WEEK

Proclaimed this the 20th day of February, 2023, while in regular session.

Jason A. Thompson
Mayor Pro Tem



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

February 20, 2023

Agenda Location

PUBLIC HEARINGS

Item Title

2022-206-OA Special Use Permit Text Amendments

Presenter(s)

Ben Howell, 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? 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

Request to amend the Unified Development Code, Sections 155.202, 155.203(L), 155.402(E)(2)(d), and 155.705. The purpose of this text amendment is to remove the requirement for a Special Use Permit for apartments, duplexes and townhomes, instead requiring these uses to apply for a Conditional Zoning District. The amendment also clarifies the perimeter buffer requirement for Conditional Zoning Districts, removes the minimum size requirements for Conditional Zoning Districts, clarifies the requirement of a Master Plan Narrative, and allows certain Conditional Zoning District requests to be accompanied by a Site Plan instead of a Master Plan and Narrative. This amendment will allow development projects proposing apartments, duplexes or townhomes to follow the legislative Conditional Zoning District process instead of the quasi-judicial Special Use Permit process.

Background/History

The Planning Board reviewed the proposed text amendment at their meeting on December 20, 2022 and tabled action on the amendment at that time. The Planning Board unanimously recommended approval of the proposed text amendment at their meeting on January 23, 2023.

Recommendation

Staff recommends the Town Council hear public comment on the proposed text amendment and approve Ordinance 2023-02-01 and the proposed Consistency Statement.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

[0 2022-206-OA SUP Text Amendment Staff Report](#)
[1 2022-206-OA SUP Text Amendment 155.202-203\(L\) Current Language](#)
[2 2022-206-OA SUP Text Amendment 155.202-203\(L\) Redlined Changes](#)
[3 2022-206-OA SUP Text Amendment 155.202-203\(L\) New Language](#)
[4 2022-206-OA SUP Text Amendment 155.402\(E\)\(2\)\(d\) Current Language](#)
[5 2022-206-OA SUP Text Amendment 155.402\(E\)\(2\)\(d\) Redlined Changes](#)
[6 2022-206-OA SUP Text Amendment 155-402\(E\)\(2\)\(d\) New Language](#)
[7 2022-206-OA SUP Text Amendment 155.705 Current Language](#)
[8 2022-206-OA SUP Text Amendment 155.705 Redlined Changes](#)
[9 2022-206-OA SUP Text Amendment 155.705 New Language](#)
[2022-206-OA SUP Text Amendment Consistency Statement](#)
[2022-206-OA SUP Text Amendment Approval Ordinance 2023-02-01](#)

Meeting Timeline

Planning Board Public Comment Session - December 20, 2022

Planning Board Recommendation - January 23, 2023

Town Council Public Hearing - February 20, 2023

Submitted By: Ben Howell, Planning

Reviewed By:

Ben Howell, Planning Director

Approved - Feb 07 2023

Rich Cappola, Town Manager

Approved - Feb 13 2023

Heidi Holland, Town Clerk

Approved - Feb 13 2023



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

*Planning Board December 20, 2022
Town Council February 20, 2023*

STAFF REPORT

Application Number: 2022-206-OA

Project Name: Special Use Permit Ordinance Amendment

Applicant: Town of Clayton
Public Noticing: Newspaper ad be published February 8 and February 15, 2023

REQUEST: Request to modify sections of Articles 2, 4 and 7 of the Unified Development Code. This text amendment removes the requirement for a Special Use Permit for apartments, townhomes and duplexes, instead requiring these uses to rezone to a Conditional Zoning District. The amendment also clarifies the perimeter buffer requirement for Conditional Zoning Districts and the process and application requirements for Conditional Zoning Districts.

SECTIONS PROPOSED FOR AMENDMENT:

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

§155.202 – Land Use Regulations
§155.203(L) – Conditional Zoning District Standards
§155.402(E)(2)(d) – Project Boundary Buffers
§155.705 – Conditional Zoning District (Administration/Procedures)

STAFF ANALYSIS AND COMMENTARY:

Overview

These amendments will allow for certain residential uses to be approved through the legislative Conditional Zoning District process instead of the quasi-judicial Special Use Permit process, as well as clarify several processes and requirements for Conditional Zoning Districts. This amendment was initiated at the request of Town Council and Town Administration.

Approval Criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements, and must adopt a statement describing whether the action is consistent or inconsistent with approved plans;

Response: The proposed text amendment is consistent with the remainder of the applicable chapters in the UDC. It meets the intent of the code and is consistent with all approved plans. The primary purpose of the text amendment is to change the process by which certain residential uses are approved.

2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;

Response: The proposed text amendment is a result of changing circumstances – the Town is seeing more townhome and apartment development, and allowing these types of developments to be approved legislatively through the Conditional Zoning process will allow for more open public debate and a simplified process for applicants, the public and Town staff.

3. Whether or not the proposed text amendment corrects an error in the chapter;

Response: The proposed text amendment does not correct an error in chapters 202, 203 or 705; it does correct an error in chapter 402 by replacing “planned development” with “conditional zoning district,” as the Town no longer has planned developments.

4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law;

Response: The purpose of the proposed text amendment is not to comply with state or federal statutes or case law.

CONSIDERATIONS

- The Council shall consider the recommendations of the Planning Board and Planning Director.
- The Town Council may approve the amendment, deny the amendment, or send the amendment back to the Planning Board for additional consideration.

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed changes to the UDC.

PLANNING BOARD DISCUSSION AND RECOMMENDATION:

At their December 20th meeting, the Planning Board voiced concern about the speed with which the amendment came forth to them for consideration, lack of additional standards in the amendment for the new conditional zoning uses, and questioned why this amendment cannot wait until the Codify Clayton project is complete. The Board voted unanimously to table consideration of the text amendment to the January 23, 2023 Planning Board meeting.

At their January 23rd meeting, the Planning Board had no further discussion on the amendment, and approved the proposed text amendment unanimously.

ATTACHMENTS:

- 1) §155.202, 203(L) Current Language
- 2) §155.202, 203(L) Redlined Changes
- 3) §155.202, 203(L) Proposed Language
- 4) §155.402(E)(2)(d) Current Language
- 5) §155.402(E)(2)(d) Redlined Changes

- 6) §155.402(E)(2)(d) Proposed Language
- 7) §155.705 Current Language
- 8) §155.705 Redlined Changes
- 9) §155.705 Proposed Language

§ 155.202 LAND USE REGULATIONS**(A) USE REGULATIONS TABLE**

The use regulations table is subject to the explanation as set forth below.

(1) Key to Types of Use

- (a) **Permitted.** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.
- (b) **Special Use Review.** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.
- (c) **Specific Use Section.** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.
- (d) **Uses Not Permitted.** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:
 - 1. Open dump;
 - 2. Outdoor gun range; and
 - 3. Any use prohibited by an applicable overlay zoning district.

(2) Uses

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Residential Uses													

Use Type	Zoning Districts													Specific Use Section
	Residential				Nonresidential									
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Group Care Home (2-6 residents)	P	P	P	P									\$155.301(A)	
Group Care Home (7-12 Residents)	S	S	S	S	S	S		S					\$155.301(A)	
Group Care Home (13+ Residents)						S		S					\$155.301(A)	
Apartments		S	S	S	S	S	S	S	S				\$155.301(B)	
Boarding House				S		S		S					\$155.301(C)	
Duplex		S	S	S	S								\$155.301(G)	
Manufactured Home	P												\$155.301(D)	
Manufactured Home Park	S												\$155.301(E)	
Nursing Home (Congregate Living Facility)	P					P		P	P				\$155.301(F)	
Townhouse		S	S	S	S	S		S	S				\$155.301(H)	
Security/Caretaker Quarters	P								S			S	\$155.301(I)	
Single Family House	P	P	P	P	P								\$155.301(J)	
Upper-story Residence					P	P	P	P	P				\$155.301(K)	
Zero Lot Line House		P	P	P									\$155.301(L)	
Public and Civic Uses														
Assembly	S					P	S	S	P			P	\$155.302(A)	
Cemetery	P								S			P	\$155.302(B)	
Church or Place of Worship	S	S	S	S		P		P	S				\$155.302(C)	
College or University						P						P	\$155.302(D)	
Day Care Facility	S	S	S	S	S	P		P	P				\$155.302(E)	
Government Service	S	S	S	S	P	P	P	P	P	P	P	P	\$155.302(F)	
Hospital or Medical Center						P			P			P	\$155.302(G)	
School (Elementary or Secondary)	S	S	S	S		P						P	\$155.302(H)	
School (Technical, Trade or Business)	S	S	S	S		P			P	P	P	P	\$155.302(I)	
Recreational Uses														
Entertainment, Indoor						P	S	P	P	P		P	\$155.303(A)	
Entertainment, Outdoor									S	P		P	\$155.303(B)	
Fitness/Recreation Center						P	S	P	P	P		P	\$155.303(C)	
Golf Course	P	P	P	P								P	\$155.303(D)	
Gun Range							S		S	S	S	S	\$155.303(E)	
Park	P	P	P	P	P	P	S	P				P	\$155.303(F)	
Stable, Private	P												\$155.303(G)	
Agricultural Uses														
Agriculture, Livestock	S												\$155.304(A)	
Agriculture, Sales and Service	P										S		\$155.304(B)	
Nursery	P					P	S	P	P			P	\$155.304(C)	
Commercial Uses														
Adult Oriented Business										S			\$155.305(A)	
Bed and Breakfast	P			S	S		S						\$155.305(B)	
Car Wash/Auto Detailing								P	P				\$155.305(C)	
Contractor Office						P			P	P	P		\$155.305(D)	
Convenience Store with Gas Sales								P	P	P			\$155.305(E)	
Creative Studio					P	P	P	P	P				\$155.305(F)	
Financial Institution						P	S	P	P				\$155.305(G)	
Funeral Home	S				P	P							\$155.305(H)	
Hotel/Motel						P	S	P	P				\$155.305(I)	
Kennel	S							P	P				\$155.305(J)	
Laundry Services								P	P	P	P		\$155.305(K)	
Lounge, Cocktail							S	S	S	S			\$155.305(L)	
Microbrewery							P	S	P	P	P		\$155.305(M)	
Publisher						P			P	P	P		\$155.305(N)	
Office, General					P	P	P	P	P	P		P	\$155.305(O)	
Office, Medical					P	P	P	P	P				\$155.305(P)	
Outdoor Seating/Sidewalk Cafe						P	P	P	P				\$155.305(Q)	
Parking Lot						S	S	S	S	S	S	S	\$155.305(R)	
Pawn Shop									P	P			\$155.305(S)	
Radio or Television Studio									P	P	P		\$155.305(T)	
Restaurant						P	P	P	P				\$155.305(U)	
Retail Sales							P	P	P	P			\$155.305(V)	

Use Type	Zoning Districts													Specific Use Section
	Residential				Nonresidential									
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Self-storage Facility									S	P			\$155.305(W)	
Service					P	P	P	P	P				\$155.305(X)	
Tattoo Parlor									P				\$155.305(Y)	
Towing Service and Storage									S	S	P		\$155.305(Z)	
Vehicle Repair or Service									S	P	P		\$155.305(AA)	
Vehicle Sales and Rental									S	P	P		\$155.305(BB)	
Veterinary Clinic						P		P	P				\$155.305(CC)	
Industrial Uses														
Building Supplies, Wholesale										P	P		\$155.306(A)	
Crematorium										P	P		\$155.306(B)	
Gas and Fuel, Wholesale										P	P	P	\$155.306(C)	
Laboratory, Research						P				P	P		\$155.306(D)	
Manufacturing, Light										P	P		\$155.306(E)	
Manufacturing, Heavy											P		\$155.306(F)	
Research and Development						P				P	P		\$155.306(G)	
Warehouse, Freight Movement									S	P	P		\$155.306(H)	
Utilities														
Recycling Center										S	P	P	\$155.307(A)	
Renewable Energy Facility	S									S	S	S	\$155.307(B)	
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	S	\$155.307(C)	
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	\$155.307(D)	
Utility, Major										P	P	P	\$155.307(E)	
Waste Service										S	P	P	\$155.307(F)	
Accessory Uses														
Accessory Dwelling Unit	S	S	S	S									155.308(C)(1)	
Food Truck						P	P	P	P	P	P	P	155.308(D)(2)	
Day Care Facility	S	S	S	S		P		P	P	P	P	P	155.308(D)(3)	
In-Home Daycare	P	P	P	P	P								155.308(C)(3)	
Park									P			P	155.308(D)(4)	
Outdoor Display/Sales							P	P	P				155.308(D)(5)	
Outdoor Dining						P	P	P	P				155.308(D)(6)	
Outdoor Storage, Limited									S	P	P	P	155.308(D)(7)	
Outdoor Storage, General										P	P	P	155.308(D)(8)	
	Key:													
	P – Permitted													
	S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)													

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

the B-1 District, no townhouse or apartment shall be established on a parcel less than 20,000 square feet in area.

- (b) Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform to the lot, yard and bulk requirements of the principal building.
- (c) Except in the B-1 District, townhouse and apartment parcels and upper-story residential units shall not exceed a density of 12 units per acre in a standard residential district.

PART 3. CONDITIONAL ZONING DISTRICTS

(L) CONDITIONAL ZONING DISTRICT STANDARDS

(1) General Provisions for all Conditional Zoning Districts

(a) *Rezoning Criteria*

In approving a rezoning for a conditional district, the Town Council shall find the district designation and master plan comply with the general standards of this section and the specific criteria of (§ 155.705).

(b) *Master Plan*

The development proposed in the master plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The master plan shall be prepared by a professionally certified landscape architect, engineer or architect.

(c) *Design Guidelines and Dimensional Standards*

Each master plan shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area, and dimensional standards shall be established by the Town Council at the time of approval.

(d) *General Development Standards*

Unless granted Variance by the Board of Adjustment, all standards specified in §§ 155.400 through 155.405 shall apply.

(e) *Resource Conservation Areas*

See Article 5 for restrictions on the use of resource conservation areas.

(f) *Recreation and Open Space*

The master plan shall meet or exceed the recreation and open space requirements of an open space residential subdivision (see § 155.203(H)).

(g) ***Stormwater Management***

The master plan shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the state.

(h) ***Phasing***

If development is proposed to occur in phases, the master plan shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

(i) ***Landscaping, Buffering, and Screening***

As otherwise required by Article 4, with a minimum requirement of a 15 ft wide buffer meeting Class "C" perimeter buffer planting requirements.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-08-05, adopted 8/7/2017)

§ 155.202 LAND USE REGULATIONS**(A) USE REGULATIONS TABLE**

The use regulations table is subject to the explanation as set forth below.

(1) Key to Types of Use

- (a) **Permitted.** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.
- (b) **Special Use Review.** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.
- (c) **Conditional Zoning District Required.** A "C" in a cell of the principal use table indicates that a specific use type is permitted as part of the approval of a Conditional Zoning District, provided the Conditional Zoning District request is accompanied by either a Site Plan or Master Plan and Narrative in accordance with Section 155.203(L) of this Article.
- ~~(e)~~(d) **Specific Use Section.** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.
- ~~(e)~~(e) **Uses Not Permitted.** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:
 1. Open dump;
 2. Outdoor gun range; and
 3. Any use prohibited by an applicable overlay zoning district.

(2) Uses

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type			Zoning Districts													Specific Use Section
		Residential					Nonresidential									
		R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
	Residential Uses															
Group Care Home (2-6 residents)	P	P	P	P											\$155.301(A)	
Group Care Home (7-12 Residents)	S	S	S	S		S	S		S						\$155.301(A)	
Group Care Home (13+ Residents)							S		S						\$155.301(A)	
Apartments		S	S	S	C	S	S	S	S	S					\$155.301(B)	
Boarding House				S			S		S						\$155.301(C)	
Duplex		S	S	S	C	S									\$155.301(G)	
Manufactured Home	P														\$155.301(D)	
Manufactured Home Park	S														\$155.301(E)	
Nursing Home (Congregate Living Facility)	P						P		P	P					\$155.301(F)	
Townhouse		S	S	S	C	S	S		S	S					\$155.301(H)	
Security/Caretaker Quarters	P									S			S		\$155.301(I)	
Single Family House	P	P	P	P		P									\$155.301(J)	
Upper-story Residence						P	P	P	P	P					\$155.301(K)	
Zero Lot Line House		P	P	P											\$155.301(L)	
	Public and Civic Uses															
Assembly	S						P	S	S	P			P		\$155.302(A)	
Cemetery	P									S			P		\$155.302(B)	
Church or Place of Worship	S	S	S	S			P		P	S					\$155.302(C)	
College or University							P						P		\$155.302(D)	
Day Care Facility	S	S	S	S		S	P		P	P					\$155.302(E)	
Government Service	S	S	S	S		P	P	P	P	P	P	P	P		\$155.302(F)	
Hospital or Medical Center							P			P			P		\$155.302(G)	
School (Elementary or Secondary)	S	S	S	S			P						P		\$155.302(H)	
School (Technical, Trade or Business)	S	S	S	S			P			P	P	P	P		\$155.302(I)	
	Recreational Uses															
Entertainment, Indoor							P	S	P	P	P		P		\$155.303(A)	
Entertainment, Outdoor										S	P		P		\$155.303(B)	
Fitness/Recreation Center							P	S	P	P	P		P		\$155.303(C)	
Golf Course	P	P	P	P									P		\$155.303(D)	
Gun Range								S		S	S	S	S		\$155.303(E)	
Park	P	P	P	P		P	P	S	P				P		\$155.303(F)	
Stable, Private	P														\$155.303(G)	
	Agricultural Uses															
Agriculture, Livestock	S														\$155.304(A)	
Agriculture, Sales and Service	P											S			\$155.304(B)	
Nursery	P						P	S	P	P			P		\$155.304(C)	
	Commercial Uses															
Adult Oriented Business											S				\$155.305(A)	
Bed and Breakfast	P			S		S		S							\$155.305(B)	
Car Wash/Auto Detailing									P	P					\$155.305(C)	
Contractor Office							P			P	P	P			\$155.305(D)	
Convenience Store with Gas Sales									P	P	P				\$155.305(E)	
Creative Studio						P	P	P	P	P					\$155.305(F)	
Financial Institution							P	S	P	P					\$155.305(G)	
Funeral Home	S					P	P								\$155.305(H)	
Hotel/Motel							P	S	P	P					\$155.305(I)	
Kennel	S								P	P					\$155.305(J)	
Laundry Services									P	P	P	P			\$155.305(K)	
Lounge, Cocktail								S	S	S	S				\$155.305(L)	
Microbrewery								P	S	P	P	P			\$155.305(M)	
Publisher							P			P	P	P			\$155.305(N)	
Office, General						P	P	P	P	P	P		P		\$155.305(O)	
Office, Medical						P	P	P	P	P					\$155.305(P)	
Outdoor Seating/Sidewalk Cafe							P	P	P	P					\$155.305(Q)	

Use Type		Zoning Districts													Specific Use Section
	Residential					Nonresidential									
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Parking Lot							S	S	S	S	S	S	S	\$155.305(R)	
Pawn Shop										P	P			\$155.305(S)	
Radio or Television Studio										P	P	P		\$155.305(T)	
Restaurant							P	P	P	P				\$155.305(U)	
Retail Sales								P	P	P	P			\$155.305(V)	
Self-storage Facility										S	P			\$155.305(W)	
Service						P	P	P	P	P				\$155.305(X)	
Tattoo Parlor										P				\$155.305(Y)	
Towing Service and Storage										S	S	P		\$155.305(Z)	
Vehicle Repair or Service										S	P	P		\$155.305(AA)	
Vehicle Sales and Rental										S	P	P		\$155.305(BB)	
Veterinary Clinic							P		P	P				\$155.305(CC)	
Industrial Uses															
Building Supplies, Wholesale											P	P		\$155.306(A)	
Crematorium											P	P		\$155.306(B)	
Gas and Fuel, Wholesale											P	P	P	\$155.306(C)	
Laboratory, Research							P				P	P		\$155.306(D)	
Manufacturing, Light											P	P		\$155.306(E)	
Manufacturing, Heavy												P		\$155.306(F)	
Research and Development							P				P	P		\$155.306(G)	
Warehouse, Freight Movement										S	P	P		\$155.306(H)	
Utilities															
Recycling Center											S	P	P	\$155.307(A)	
Renewable Energy Facility	S										S	S	S	\$155.307(B)	
Telecommunication Facility	S	S	S	S		S	S	S	S	S	S	S	S	\$155.307(C)	
Utility, Minor	P	P	P	P		P	P	P	P	P	P	P	P	\$155.307(D)	
Utility, Major											P	P	P	\$155.307(E)	
Waste Service											S	P	P	\$155.307(F)	
Accessory Uses															
Accessory Dwelling Unit	S	S	S	S										155.308(C)(1)	
Food Truck							P	P	P	P	P	P	P	155.308(D)(2)	
Day Care Facility	S	S	S	S			P		P	P	P	P	P	155.308(D)(3)	
In-Home Daycare	P	P	P	P		P								155.308(C)(3)	
Park										P			P	155.308(D)(4)	
Outdoor Display/Sales								P	P	P				155.308(D)(5)	
Outdoor Dining							P	P	P	P				155.308(D)(6)	
Outdoor Storage, Limited										S	P	P	P	155.308(D)(7)	
Outdoor Storage, General											P	P	P	155.308(D)(8)	
			Key:												
		P – Permitted													
		S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)													
		C – Conditional Zoning District required for this use (\$155.203(L) and \$155.705)													

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

the B-1 District, no townhouse or apartment shall be established on a parcel less than 20,000 square feet in area.

- (b) Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform to the lot, yard and bulk requirements of the principal building.
- (c) Except in the B-1 District, townhouse and apartment parcels and upper-story residential units shall not exceed a density of 12 units per acre in a standard residential district.

PART 3. CONDITIONAL ZONING DISTRICTS

(L) CONDITIONAL ZONING DISTRICT STANDARDS

(1) **General Provisions for all Conditional Zoning Districts**

(a) ***Rezoning Criteria***

In approving a rezoning for a conditional district, the Town Council shall find the district designation and site plan or master plan and narrative comply with the general standards of this section and the specific criteria of (§ 155.705).

(b) ***Site Plan or Master Plan and Narrative***

The development proposed in the site plan or master plan and narrative is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The site plan or master plan and narrative shall be prepared by a professionally certified landscape architect, engineer or architect.

(c) ***Design Guidelines and Dimensional Standards***

Each site plan or master plan and narrative shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area, and dimensional standards shall be established by the Town Council at the time of approval.

(d) ***General Development Standards***

Unless granted Variance by the Board of Adjustment, all standards specified in §§ 155.400 through 155.405 shall apply.

(e) ***Specific Use Standards***

Unless modified standards are approved by the Town Council through one or more conditions, the specific use standards in Article 3 of this Ordinance shall apply to all Conditional Zoning Districts.

~~(e)~~(f) ***Resource Conservation Areas***

See Article 5 for restrictions on the use of resource conservation areas.

~~(f)~~(g) ***Recreation and Open Space***

The site plan or master plan and narrative shall meet or exceed the recreation and open space requirements of an open space residential subdivision (see § 155.203(H)).

~~(g)~~(h) ***Stormwater Management***

The site plan or master plan and narrative shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the state.

~~(h)~~(i) ***Phasing***

If development is proposed to occur in phases, the site plan or master plan and narrative shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

~~(i)~~(j) ***Landscaping, Buffering, and Screening***

As otherwise required by Article 4, with a minimum requirement of a 15 ft wide buffer meeting Class “C” perimeter buffer planting requirements.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-08-05, adopted 8/7/2017)

§ 155.202 LAND USE REGULATIONS

(A) USE REGULATIONS TABLE

The use regulations table is subject to the explanation as set forth below.

(1) Key to Types of Use

- (a) **Permitted.** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.
- (b) **Special Use Review.** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.
- (c) **Conditional Zoning District Required.** A "C" in a cell of the principal use table indicates that a specific use type is permitted as part of the approval of a Conditional Zoning District, provided the Conditional Zoning District request is accompanied by either a Site Plan or Master Plan and Narrative in accordance with Section 155.203(L) of this Article.
- (d) **Specific Use Section.** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.
- (e) **Uses Not Permitted.** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:
 - 1. Open dump;
 - 2. Outdoor gun range; and
 - 3. Any use prohibited by an applicable overlay zoning district.

(2) Uses

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type			Zoning Districts													Specific Use Section
		Residential					Nonresidential									
		R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Residential Uses																
Group Care Home (2-6 residents)	P	P	P	P											\$155.301(A)	
Group Care Home (7-12 Residents)	S	S	S	S		S	S		S						\$155.301(A)	
Group Care Home (13+ Residents)							S		S						\$155.301(A)	
Apartments					C										\$155.301(B)	
Boarding House				S			S		S						\$155.301(C)	
Duplex					C										\$155.301(G)	
Manufactured Home	P														\$155.301(D)	
Manufactured Home Park	S														\$155.301(E)	
Nursing Home (Congregate Living Facility)	P						P		P	P					\$155.301(F)	
Townhouse					C										\$155.301(H)	
Security/Caretaker Quarters	P									S			S		\$155.301(I)	
Single Family House	P	P	P	P		P									\$155.301(J)	
Upper-story Residence						P	P	P	P	P					\$155.301(K)	
Zero Lot Line House		P	P	P											\$155.301(L)	
Public and Civic Uses																
Assembly	S						P	S	S	P			P		\$155.302(A)	
Cemetery	P									S			P		\$155.302(B)	
Church or Place of Worship	S	S	S	S			P		P	S					\$155.302(C)	
College or University							P						P		\$155.302(D)	
Day Care Facility	S	S	S	S		S	P		P	P					\$155.302(E)	
Government Service	S	S	S	S		P	P	P	P	P	P	P	P		\$155.302(F)	
Hospital or Medical Center							P			P			P		\$155.302(G)	
School (Elementary or Secondary)	S	S	S	S			P						P		\$155.302(H)	
School (Technical, Trade or Business)	S	S	S	S			P			P	P	P	P		\$155.302(I)	
Recreational Uses																
Entertainment, Indoor							P	S	P	P	P		P		\$155.303(A)	
Entertainment, Outdoor										S	P		P		\$155.303(B)	
Fitness/Recreation Center							P	S	P	P	P		P		\$155.303(C)	
Golf Course	P	P	P	P									P		\$155.303(D)	
Gun Range								S		S	S	S	S		\$155.303(E)	
Park	P	P	P	P		P	P	S	P				P		\$155.303(F)	
Stable, Private	P														\$155.303(G)	
Agricultural Uses																
Agriculture, Livestock	S														\$155.304(A)	
Agriculture, Sales and Service	P											S			\$155.304(B)	
Nursery	P						P	S	P	P			P		\$155.304(C)	
Commercial Uses																
Adult Oriented Business											S				\$155.305(A)	
Bed and Breakfast	P			S		S		S							\$155.305(B)	
Car Wash/Auto Detailing									P	P					\$155.305(C)	
Contractor Office							P			P	P	P			\$155.305(D)	
Convenience Store with Gas Sales									P	P	P				\$155.305(E)	
Creative Studio						P	P	P	P	P					\$155.305(F)	
Financial Institution							P	S	P	P					\$155.305(G)	
Funeral Home	S					P	P								\$155.305(H)	
Hotel/Motel							P	S	P	P					\$155.305(I)	
Kennel	S								P	P					\$155.305(J)	
Laundry Services									P	P	P	P			\$155.305(K)	
Lounge, Cocktail								S	S	S	S				\$155.305(L)	
Microbrewery								P	S	P	P	P			\$155.305(M)	
Publisher							P			P	P	P			\$155.305(N)	
Office, General						P	P	P	P	P	P		P		\$155.305(O)	
Office, Medical						P	P	P	P	P					\$155.305(P)	
Outdoor Seating/Sidewalk Cafe							P	P	P	P					\$155.305(Q)	
Parking Lot							S	S	S	S	S	S	S		\$155.305(R)	

Use Type		Zoning Districts													Specific Use Section
	Residential					Nonresidential									
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF		
Pawn Shop										P	P			\$155.305(S)	
Radio or Television Studio										P	P	P		\$155.305(T)	
Restaurant							P	P	P	P				\$155.305(U)	
Retail Sales								P	P	P	P			\$155.305(V)	
Self-storage Facility										S	P			\$155.305(W)	
Service						P	P	P	P	P				\$155.305(X)	
Tattoo Parlor										P				\$155.305(Y)	
Towing Service and Storage										S	S	P		\$155.305(Z)	
Vehicle Repair or Service										S	P	P		\$155.305(AA)	
Vehicle Sales and Rental										S	P	P		\$155.305(BB)	
Veterinary Clinic							P		P	P				\$155.305(CC)	
Industrial Uses															
Building Supplies, Wholesale											P	P		\$155.306(A)	
Crematorium											P	P		\$155.306(B)	
Gas and Fuel, Wholesale											P	P	P	\$155.306(C)	
Laboratory, Research							P				P	P		\$155.306(D)	
Manufacturing, Light											P	P		\$155.306(E)	
Manufacturing, Heavy												P		\$155.306(F)	
Research and Development							P				P	P		\$155.306(G)	
Warehouse, Freight Movement										S	P	P		\$155.306(H)	
Utilities															
Recycling Center											S	P	P	\$155.307(A)	
Renewable Energy Facility	S										S	S	S	\$155.307(B)	
Telecommunication Facility	S	S	S	S		S	S	S	S	S	S	S	S	\$155.307(C)	
Utility, Minor	P	P	P	P		P	P	P	P	P	P	P	P	\$155.307(D)	
Utility, Major											P	P	P	\$155.307(E)	
Waste Service											S	P	P	\$155.307(F)	
Accessory Uses															
Accessory Dwelling Unit	S	S	S	S										155.308(C)(1)	
Food Truck							P	P	P	P	P	P	P	155.308(D)(2)	
Day Care Facility	S	S	S	S			P		P	P	P	P	P	155.308(D)(3)	
In-Home Daycare	P	P	P	P		P								155.308(C)(3)	
Park										P			P	155.308(D)(4)	
Outdoor Display/Sales								P	P	P				155.308(D)(5)	
Outdoor Dining							P	P	P	P				155.308(D)(6)	
Outdoor Storage, Limited										S	P	P	P	155.308(D)(7)	
Outdoor Storage, General											P	P	P	155.308(D)(8)	
		Key:													
		P – Permitted													
		S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)													
		C – Conditional Zoning District required for this use (§155.203(L) and §155.705)													

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017)

the B-1 District, no townhouse or apartment shall be established on a parcel less than 20,000 square feet in area.

- (b) Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform to the lot, yard and bulk requirements of the principal building.
- (c) Except in the B-1 District, townhouse and apartment parcels and upper-story residential units shall not exceed a density of 12 units per acre in a standard residential district.

PART 3. CONDITIONAL ZONING DISTRICTS

(L) CONDITIONAL ZONING DISTRICT STANDARDS

(1) General Provisions for all Conditional Zoning Districts

(a) *Rezoning Criteria*

In approving a rezoning for a conditional district, the Town Council shall find the district designation and site plan or master plan and narrative comply with the general standards of this section and the specific criteria of (§ 155.705).

(b) *Site Plan or Master Plan and Narrative*

The development proposed in the site plan or master plan and narrative is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The site plan or master plan and narrative shall be prepared by a professionally certified landscape architect, engineer or architect.

(c) *Design Guidelines and Dimensional Standards*

Each site plan or master plan and narrative shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area, and dimensional standards shall be established by the Town Council at the time of approval.

(d) *General Development Standards*

Unless granted Variance by the Board of Adjustment, all standards specified in §§ 155.400 through 155.405 shall apply.

(e) *Specific Use Standards*

Unless modified standards are approved by the Town Council through one or more conditions, the specific use standards in Article 3 of this Ordinance shall apply to all Conditional Zoning Districts.

(f) *Resource Conservation Areas*

See Article 5 for restrictions on the use of resource conservation areas.

(g) ***Recreation and Open Space***

The site plan or master plan and narrative shall meet or exceed the recreation and open space requirements of an open space residential subdivision (see § 155.203(H)).

(h) ***Stormwater Management***

The site plan or master plan and narrative shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the state.

(i) ***Phasing***

If development is proposed to occur in phases, the site plan or master plan and narrative shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

(j) ***Landscaping, Buffering, and Screening***

As otherwise required by Article 4, with a minimum requirement of a 15 ft wide buffer meeting Class “C” perimeter buffer planting requirements.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-08-05, adopted 8/7/2017)

(d) ***Project Boundary Buffers***

Project boundary buffers are established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply.

1. Open Space Residential Subdivision

A Class C buffer is required along all project boundaries of an open space subdivision (see § 155.203(H)(8)).

2. Planned Development

A. A Class C buffer is required along all project boundaries of a planned development.

B. The continuous visual barrier of Class C buffers is not required for the street-side of non-residential Planned Developments where they abut major or minor thoroughfares.

C. A Class B buffer may be used when a Planned Development - Commercial (PD-C) abuts a non-residential district (see § 155.203(L)).

3. Manufactured Home Park

A Class C buffer is required along all project boundaries of a manufactured home park (see § 155.301(G)(4)).

(3) **Buffer Classification**

Figure 4-1 establishes the specific width and plant material for each buffer classification. The applicant may choose any alternative (1, 2, or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree.

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2. ~~Planned Development~~Conditional Zoning Districts

A. A Class C buffer is required along all project boundaries of a ~~planned development~~Conditional Zoning District.

B. The continuous visual barrier of Class C buffers is not required for the street-side of non-residential ~~Planned Developments~~Conditional Zoning Districts where they abut major or minor thoroughfares.

C. A Class B buffer may be used when a ~~Planned Development~~Conditional Zoning District - Commercial (~~PD-CCZ-C~~) abuts a non-residential district (see § 155.203(L)).

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A Class C buffer is required along all project boundaries of a manufactured home park (see § 155.301(G)(4)).

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A Class C buffer is required along all project boundaries of an open space subdivision (see § 155.203(H)(8)).

2. Conditional Zoning Districts

- A. A Class C buffer is required along all project boundaries of a Conditional Zoning District.
- B. The continuous visual barrier of Class C buffers is not required for the street-side of non-residential Conditional Zoning Districts where they abut major or minor thoroughfares.
- C. A Class B buffer may be used when a Conditional Zoning District - Commercial (CZ-C) abuts a non-residential district (see § 155.203(L)).

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§ 155.705 CONDITIONAL ZONING DISTRICT**(A) APPLICABILITY**

- (1) Conditional zoning district review (also known as conditional rezoning) shall occur in accordance with the provisions of this section.
- (2) The Town Council shall consider conditional districts, as may be required from time to time.
- (3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- (4) A conditional district is not appropriate for developments that could be substantially achieved through traditional subdivision and conventional district rezoning.
- (5) At a minimum, and to avoid the potential for spot zoning, a conditional zoning application shall include a minimum amount of land of either:
 - (a) 5 acres, or
 - (b) One full city block (either existing or proposed) of at least 1 acre whose abutting street network connects to or extends in alignment with the existing public street network.

(B) INITIATION OF AMENDMENT

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council to establish a conditional district.

(C) PRE-APPLICATION CONFERENCE

All applicants petitioning for a conditional district shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) NEIGHBORHOOD MEETING

All applicants petitioning for a conditional district shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) APPLICATION REQUIREMENTS

- (1) Concurrent with a request for establishment of a conditional district, an applicant shall submit a master plan, as detailed in this section, to govern the development and maintenance of the land within the conditional district. The master plan shall be prepared by a professional landscape architect, engineer, or architect properly licensed and in good standing in North Carolina.

- (2) All applications for establishment of a conditional district shall be submitted in accordance with § 155.702(C).
- (3) A traffic impact analysis shall be required if the proposed master plan meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the master plan for review by the Technical Review Committee. The Technical Review Committee shall review the master plan for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- (3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, master plan and any related application materials shall be forwarded to the Town Council.

(H) **ACTION BY THE PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed conditional district request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a conditional district proposal, the Town Council shall consider the recommendation of the Planning Board (if applicable) and the Planning Director.
- (2) The Town Council shall approve, approve with conditions, or disapprove the conditional district. Any conditions of approval must be signed (or declined) by the applicant prior to the Council rendering a decision.
- (3) Concurrently with adopting, denying, or remanding any conditional district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest. If the Council adopts a conditional district that is

inconsistent with any adopted future land use map a note must be placed on the map or maps that an amendment inconsistent with the map has been adopted and that the map is deemed amended.

(J) **CONDITIONAL ZONING DISTRICT APPROVAL CRITERIA**

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;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed conditional district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed conditional district;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (6) It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- (7) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

(K) **MASTER PLAN CONTENTS AND APPROVAL CRITERIA**

- (1) At a minimum, the master plan shall designate:
 - (a) Where and which uses or groups of uses will occur.
 - (b) The proposed intensity/density of those uses.
 - (c) The general location of the internal and external network of public rights-of-way and public infrastructure.
 - (d) All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering.
 - (e) 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;

- (2) The master plan shall include and the applicant shall be responsible for successfully addressing the following:
 - (a) 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;
 - (b) Consistency with the Clayton General Design Guidelines;
 - (c) Conformance of the proposal with the stated purpose of the requested conditional zoning district;
 - (d) Compatibility of the proposed development with the adjacent community;
 - (e) 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;
 - (f) Compatible relationships between each component of the overall project;
 - (g) Self-sufficiency of each phase of the overall project;
 - (h) The fiscal impact of the proposal and the proposed financing of required improvements;
 - (i) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
 - (j) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(L) **ACTION AFTER APPROVAL**

- (1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved master plan) shall be an integral part of the approved proposal.
- (2) The approved conditional district and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved master plan shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707.
- (6) Special uses identified as such in the approved master plan require approval in accordance with § 155.711.
- (7) The master plan shall run with the land perpetually, or until a subsequent rezoning is approved.

(M) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same or substantively similar conditional district contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- (2) When the Town Council has voted on a conditional district and the proposed rezoning has failed to be adopted, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a conditional district for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

Approved master plan modifications

- (6) Amendments or modifications to an approved master plan, if minor in scope, shall be approved administratively by the Planning Director. Minor modifications shall include up to 10% modifications (by area, intensity, or dwelling units) from the original approval to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal transportation infrastructure provided connectivity is not reduced. Changes in boundaries between land uses are permitted so long as the boundary abutting outside zoning districts does not change and the boundary between areas within the conditional district does not shift more than 100' for master plans covering 20 acres or less, 200' for master plans of 20-100 acres, or 300' for master plans of greater than 100 acres. Minor modifications to the typical project details, which include but are not limited to signage, lighting, parking, amenities, and landscape requirements shall also be approved administratively by the Planning Director provided they conform to all other aspects of the approved master plan, this Chapter, and other Town policies and specifications, as appropriate. Master plan modifications that require the judgement of a licensed landscape architect, engineer, or architect are not minor modifications.

- (7) Major modifications include anything not identified as minor. Major modifications shall require resubmittal and reconsideration by per this Section. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town, or the conditions of the district, or that would otherwise negatively impact surrounding properties in any manner exceeding the originally approved master plan.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-06-01, passed 6-2-08; Am. Ord. 2009-03-04, passed 3-2-09; Am. Ord. 2015-02-01, passed 2-2-15; Am. Ord. 2016-04-04, passed 04-04-2016; Am. Ord. 2018-07-02, adopted 07-16-2018)

§ 155.705 CONDITIONAL ZONING DISTRICT**(A) APPLICABILITY**

- (1) Conditional zoning district review (also known as conditional rezoning) shall occur in accordance with the provisions of this section.
- (2) The Town Council shall consider conditional districts, as may be required from time to time.
- (3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- (4) A conditional district is not appropriate for developments that could be substantially achieved through traditional subdivision and conventional district rezoning.
- (5) A conditional zoning district of less than 20 acres in size and only proposing a single principal use shall require a Site Plan to be submitted with the rezoning request. A separate site plan application is not required.
- (6) A conditional zoning district 20 acres in size or larger, or proposing multiple principal uses, shall require a master plan and narrative to be submitted with the rezoning request.
- ~~(5) At a minimum, and to avoid the potential for spot zoning, a conditional zoning application shall include a minimum amount of land of either:~~
 - ~~(a) 5 acres, or~~
 - ~~(b) One full city block (either existing or proposed) of at least 1 acre whose abutting street network connects to or extends in alignment with the existing public street network.~~

(B) INITIATION OF AMENDMENT

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council to establish a conditional district.

(C) PRE-APPLICATION CONFERENCE

All applicants petitioning for a conditional district shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) NEIGHBORHOOD MEETING

All applicants petitioning for a conditional district shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) APPLICATION REQUIREMENTS

- (1) Concurrent with a request for establishment of a conditional district, an applicant shall submit a site plan (meeting the requirements in §155.707) or a master plan and narrative document, as detailed in this section, to govern the development and maintenance of the land within the conditional district. The master plan shall be prepared by a professional landscape architect, engineer, or architect properly licensed and in good standing in North Carolina.
- (2) All applications for establishment of a conditional district shall be submitted in accordance with § 155.702(C).
- (3) A traffic impact analysis shall be required if the proposed master plan meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the ~~master plan~~Conditional Zoning District for review by the Technical Review Committee. The Technical Review Committee shall review the ~~master plan~~Conditional Zoning District for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- (3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, ~~master plan~~Conditional Zoning District request and any related application materials shall be forwarded to the Town Council.

(H) **ACTION BY THE PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed conditional district request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a conditional district proposal, the Town Council shall consider the recommendation of the Planning Board (if applicable) and the Planning Director.
- (2) The Town Council shall approve, approve with conditions, or disapprove the conditional district. Any conditions of approval must be signed (or declined) by the applicant prior to the Council rendering a decision.
- (3) Concurrently with adopting, denying, or remanding any conditional district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest. If the Council adopts a conditional district that is inconsistent with any adopted future land use map a note must be placed on the map or maps that an amendment inconsistent with the map has been adopted and that the map is deemed amended.

(J) **CONDITIONAL ZONING DISTRICT APPROVAL CRITERIA**

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;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed conditional district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed conditional district;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (6) It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- (7) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

(K) **MASTER PLAN AND NARRATIVE CONTENTS AND APPROVAL CRITERIA**

- (1) At a minimum, the master plan shall designate:
 - (a) Where and which uses or groups of uses will occur.
 - (b) The proposed intensity/density of those uses.

- (c) The general location of the internal and external network of public rights-of-way and public infrastructure.
- (d) All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering.
- (e) 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.

(2) At a minimum, the narrative shall include:

- (a) A description of the proposed development, including any phasing, development timeline and uses.
- (b) A list of permitted and/or prohibited uses in the Conditional Zoning District.
- (c) A description of how the proposed Conditional Zoning District will meet the Approval Criteria listed in subsection J above.
- (d) Description of how the development will address stormwater requirements.
- (e) Description of how the development will be served by water, sewer and electric providers.
- (f) Dimensional standards for the development.
- (g) Architectural standards and elevations (when possible) for residential and non-residential structures in the development.
- (h) A list of proposed conditions for the development. At a minimum, the conditions should address permitted and/or prohibited uses, dimensional criteria, architectural standards, transportation improvements, water/sewer/electric infrastructure requirements, and any "Community Benefit Bonus Points" taken in a Wastewater Allocation request.

(L) SITE PLAN OR MASTER PLAN AND NARRATIVE APPROVAL CRITERIA

- (1) The Site Plan shall include and the applicant shall be responsible for successfully addressing the Approval Criteria listed in Article 7, Section 155.707 – Site Plan Review.
- (2) The master plan and narrative shall include and the applicant shall be responsible for successfully addressing the following:
 - (a) 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;
 - (b) Consistency with the Clayton General Design Guidelines;

- (c) Conformance of the proposal with the stated purpose of the requested conditional zoning district;
- (d) Compatibility of the proposed development with the adjacent community;
- (e) 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;
- (f) Compatible relationships between each component of the overall project;
- (g) Self-sufficiency of each phase of the overall project;
- (h) The fiscal impact of the proposal and the proposed financing of required improvements;
- (i) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- (j) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(M) ACTION AFTER APPROVAL

- (1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved site plan or master plan and narrative) shall be an integral part of the approved proposal.
- (2) The approved conditional district and associated site plan or master plan and narrative shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved site plan or master plan and narrative shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where a site plan has been submitted in place of a master plan or the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.
- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707, unless a site plan is approved in conjunction with the Conditional Zoning District.
- (6) Uses which require Special Use Review under conventional zoning shall be exempt from the provisions of §155.711 Special Use Review if designated as Permitted on the approved Master Plan.

- (7) The site plan or master plan and narrative shall run with the land perpetually, or until a subsequent rezoning is approved.

(M)(N) TIME LAPSE BETWEEN SIMILAR APPLICATIONS

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same or substantively similar conditional district contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- (2) When the Town Council has voted on a conditional district and the proposed rezoning has failed to be adopted, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a conditional district for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(O) APPROVED SITE PLAN OR MASTER PLAN AND NARRATIVE MODIFICATIONS

~~(6)~~(1) Amendments or modifications to an approved site plan or master plan and narrative, if minor in scope, shall be approved administratively by the Planning Director. Minor modifications shall include up to 10% modifications (by area, intensity, or dwelling units) from the original approval to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal transportation infrastructure provided connectivity is not reduced. Changes in boundaries between land uses are permitted so long as the boundary abutting outside zoning districts does not change and the boundary between areas within the conditional district does not shift more than 100' for master plans covering 20 acres or less, 200' for master plans of 20-100 acres, or 300' for master plans of greater than 100 acres. Minor modifications to the typical project details, which include but are not limited to signage, lighting, parking, amenities, and landscape requirements shall also be approved administratively by the Planning Director provided they conform to all other aspects of the approved site plan or master plan and narrative, this Chapter, and other Town policies and specifications, as appropriate. Site Plan or Master plan and narrative modifications that require the judgement of a licensed landscape architect, engineer, or architect are not minor modifications.

~~(7)~~(2) Major modifications include anything not identified as minor. Major modifications shall require resubmittal and reconsideration by per this Section. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town, or the conditions of the district, or that

would otherwise negatively impact surrounding properties in any manner exceeding the originally approved site plan or master plan and narrative.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-06-01, passed 6-2-08; Am. Ord. 2009-03-04, passed 3-2-09; Am. Ord. 2015-02-01, passed 2-2-15; Am. Ord. 2016-04-04, passed 04-04-2016; Am. Ord. 2018-07-02, adopted 07-16-2018)

§ 155.705 CONDITIONAL ZONING DISTRICT

(A) APPLICABILITY

- (1) Conditional zoning district review (also known as conditional rezoning) shall occur in accordance with the provisions of this section.
- (2) The Town Council shall consider conditional districts, as may be required from time to time.
- (3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- (4) A conditional district is not appropriate for developments that could be substantially achieved through traditional subdivision and conventional district rezoning.
- (5) A conditional zoning district of less than 20 acres in size and only proposing a single principal use shall require a Site Plan to be submitted with the rezoning request. A separate site plan application is not required.
- (6) A conditional zoning district 20 acres in size or larger, or proposing multiple principal uses, shall require a master plan and narrative to be submitted with the rezoning request.

(B) INITIATION OF AMENDMENT

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council to establish a conditional district.

(C) PRE-APPLICATION CONFERENCE

All applicants petitioning for a conditional district shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) NEIGHBORHOOD MEETING

All applicants petitioning for a conditional district shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) APPLICATION REQUIREMENTS

- (1) Concurrent with a request for establishment of a conditional district, an applicant shall submit a site plan (meeting the requirements in §155.707) or a master plan and narrative document, as detailed in this section, to govern the development and maintenance of the land within the conditional district. The master plan shall be prepared by a professional landscape architect, engineer, or architect properly licensed and in good standing in North Carolina.

- (2) All applications for establishment of a conditional district shall be submitted in accordance with § 155.702(C).
- (3) A traffic impact analysis shall be required if the proposed master plan meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the Conditional Zoning District for review by the Technical Review Committee. The Technical Review Committee shall review the Conditional Zoning District for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- (3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, Conditional Zoning District request and any related application materials shall be forwarded to the Town Council.

(H) **ACTION BY THE PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed conditional district request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a conditional district proposal, the Town Council shall consider the recommendation of the Planning Board (if applicable) and the Planning Director.
- (2) The Town Council shall approve, approve with conditions, or disapprove the conditional district. Any conditions of approval must be signed (or declined) by the applicant prior to the Council rendering a decision.
- (3) Concurrently with adopting, denying, or remanding any conditional district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans

and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest. If the Council adopts a conditional district that is inconsistent with any adopted future land use map a note must be placed on the map or maps that an amendment inconsistent with the map has been adopted and that the map is deemed amended.

(J) **CONDITIONAL ZONING DISTRICT APPROVAL CRITERIA**

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;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed conditional district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed conditional district;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (6) It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- (7) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

(K) **MASTER PLAN AND NARRATIVE CONTENTS**

- (1) At a minimum, the master plan shall designate:
 - (a) Where and which uses or groups of uses will occur.
 - (b) The proposed intensity/density of those uses.
 - (c) The general location of the internal and external network of public rights-of-way and public infrastructure.
 - (d) All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering.
 - (e) 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.

- (2) At a minimum, the narrative shall include:
 - (a) A description of the proposed development, including any phasing, development timeline and uses.
 - (b) A list of permitted and/or prohibited uses in the Conditional Zoning District.
 - (c) A description of how the proposed Conditional Zoning District will meet the Approval Criteria listed in subsection J above.
 - (d) Description of how the development will address stormwater requirements.
 - (e) Description of how the development will be served by water, sewer and electric providers.
 - (f) Dimensional standards for the development.
 - (g) Architectural standards and elevations (when possible) for residential and non-residential structures in the development.
 - (h) A list of proposed conditions for the development. At a minimum, the conditions should address permitted and/or prohibited uses, dimensional criteria, architectural standards, transportation improvements, water/sewer/electric infrastructure requirements, and any “Community Benefit Bonus Points” taken in a Wastewater Allocation request.

(L) **SITE PLAN OR MASTER PLAN AND NARRATIVE APPROVAL CRITERIA**

- (1) The Site Plan shall include and the applicant shall be responsible for successfully addressing the Approval Criteria listed in Article 7, Section 155.707 – Site Plan Review.
- (2) The master plan and narrative shall include and the applicant shall be responsible for successfully addressing the following:
 - (a) 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;
 - (b) Consistency with the Clayton General Design Guidelines;
 - (c) Conformance of the proposal with the stated purpose of the requested conditional zoning district;
 - (d) Compatibility of the proposed development with the adjacent community;
 - (e) 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;
 - (f) Compatible relationships between each component of the overall project;

- (g) Self-sufficiency of each phase of the overall project;
- (h) The fiscal impact of the proposal and the proposed financing of required improvements;
- (i) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- (j) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(M) ACTION AFTER APPROVAL

- (1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved site plan or master plan and narrative) shall be an integral part of the approved proposal.
- (2) The approved conditional district and associated site plan or master plan and narrative shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved site plan or master plan and narrative shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where a site plan has been submitted in place of a master plan or the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.
- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707, unless a site plan is approved in conjunction with the Conditional Zoning District.
- (6) Uses which require Special Use Review under conventional zoning shall be exempt from the provisions of §155.711 Special Use Review if designated as Permitted on the approved Master Plan.
- (7) The site plan or master plan and narrative shall run with the land perpetually, or until a subsequent rezoning is approved.

(N) TIME LAPSE BETWEEN SIMILAR APPLICATIONS

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same or substantively similar conditional district

contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.

- (2) When the Town Council has voted on a conditional district and the proposed rezoning has failed to be adopted, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a conditional district for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(O) **APPROVED SITE PLAN OR MASTER PLAN AND NARRATIVE MODIFICATIONS**

- (1) Amendments or modifications to an approved site plan or master plan and narrative, if minor in scope, shall be approved administratively by the Planning Director. Minor modifications shall include up to 10% modifications (by area, intensity, or dwelling units) from the original approval to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal transportation infrastructure provided connectivity is not reduced. Changes in boundaries between land uses are permitted so long as the boundary abutting outside zoning districts does not change and the boundary between areas within the conditional district does not shift more than 100' for master plans covering 20 acres or less, 200' for master plans of 20-100 acres, or 300' for master plans of greater than 100 acres. Minor modifications to the typical project details, which include but are not limited to signage, lighting, parking, amenities, and landscape requirements shall also be approved administratively by the Planning Director provided they conform to all other aspects of the approved site plan or master plan and narrative, this Chapter, and other Town policies and specifications, as appropriate. Site Plan or Master plan and narrative modifications that require the judgement of a licensed landscape architect, engineer, or architect are not minor modifications.
- (2) Major modifications include anything not identified as minor. Major modifications shall require resubmittal and reconsideration by per this Section. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town, or the conditions of the district, or that would otherwise negatively impact surrounding properties in any manner exceeding the originally approved site plan or master plan and narrative.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-06-01, passed 6-2-08; Am. Ord. 2009-03-04, passed 3-2-09; Am. Ord. 2015-02-01, passed 2-2-15; Am. Ord. 2016-04-04, passed 04-04-2016; Am. Ord. 2018-07-02, adopted 07-16-2018)

TOWN OF CLAYTON
ORDINANCE AMENDMENT
CONSISTENCY STATEMENT

[2022-206-OA SUP Text Amendment]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced ordinance amendment IS APPROVED.

Section 2: The above referenced ordinance amendment IS CONSISTENT with:

The Comprehensive Growth Plan 2045, specifically:

- Goal LU3: Encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- Strategy LU3.1.3: Consider adjustments to the Unified Development Code (UDC) to allow for a higher density development in certain areas.

The requested ordinance amendment is consistent with the above referenced goals from the Comprehensive Growth Plan 2045. The proposed amendment seeks to modify the UDC Sections 155.202 – Land Use, 155.203(L) – Conditional Zoning District Standards, 155.402(E)(2)(d) – Project Boundary Buffers, and 155.705 – Conditional Zoning District. The proposed amendments seek to allow for certain residential uses to be approved through the legislative Conditional Zoning District process instead of the quasi-judicial Special Use Permit process, as well as clarify several processes and requirements for Conditional Zoning Districts.

Section 3: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically

that the ordinance amendment is consistent with Chapter 155 of the Town of Clayton’s Code of Ordinances and the Comprehensive Growth Plan 2045.

**TOWN OF CLAYTON
AMENDMENT TO THE CODE OF ORDINANCES
AMENDING CHAPTER 155**

BE IT HEREBY ADOPTED THAT THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, amends the Clayton Code of Ordinances Chapters 155.202, 155.203(L), 155.402(E)(2)(d), and 155.705 to read as follows:

155.202 LAND USE REGULATIONS

(A) USE REGULATIONS TABLE

The use regulations table is subject to the explanation as set forth below.

(1) Key to Types of Use

- i. ***Permitted.*** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.
- ii. ***Special Use Review.*** An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.
- iii. ***Conditional Zoning District Required.*** A "C" in a cell of the principal use table indicates that a specific use type is permitted as part of the approval of a Conditional Zoning District, provided the Conditional Zoning District request is accompanied by either a Site Plan or Master Plan and Narrative in accordance with Section 155.203(L) of this Article.
- iv. ***Specific Use Section.*** The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.
- v. ***Uses Not Permitted.*** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:
 1. Open dump;
 2. Outdoor gun range; and

3. Any use prohibited by an applicable overlay zoning district.

(2) **Uses**

Table 2-1 “Use Regulations” lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type		Zoning Districts													Specific Use Section
	Residential					Nonresidential									
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	P F		
Residential Uses															
Group Care Home (2-6 residents)	P	P	P	P										\$155.301(A)	
Group Care Home (7-12 Residents)	S	S	S	S		S	S		S					\$155.301(A)	
Group Care Home (13+ Residents)							S		S					\$155.301(A)	
Apartments					C									\$155.301(B)	
Boarding House				S			S		S					\$155.301(C)	
Duplex					C									\$155.301(G)	
Manufactured Home	P													\$155.301(D)	
Manufactured Home Park	S													\$155.301(E)	
Nursing Home (Congregate Living Facility)	P						P		P	P				\$155.301(F)	
Townhouse					C									\$155.301(H)	
Security/Caretaker Quarters	P									S			S	\$155.301(I)	
Single Family House	P	P	P	P		P								\$155.301(J)	
Upper-story Residence						P	P	P	P	P				\$155.301(K)	
Zero Lot Line House		P	P	P										\$155.301(L)	
Public and Civic Uses															
Assembly	S						P	S	S	P			P	\$155.302(A)	
Cemetery	P									S			P	\$155.302(B)	
Church or Place of Worship	S	S	S	S			P		P	S				\$155.302(C)	
College or University							P						P	\$155.302(D)	
Day Care Facility	S	S	S	S		S	P		P	P				\$155.302(E)	
Government Service	S	S	S	S		P	P	P	P	P	P	P	P	\$155.302(F)	
Hospital or Medical Center							P			P			P	\$155.302(G)	
School (Elementary or Secondary)	S	S	S	S			P						P	\$155.302(H)	
School (Technical, Trade or Business)	S	S	S	S			P			P	P	P	P	\$155.302(I)	
Recreational Uses															
Entertainment, Indoor							P	S	P	P	P		P	\$155.303(A)	
Entertainment, Outdoor										S	P		P	\$155.303(B)	
Fitness/Recreation Center							P	S	P	P	P		P	\$155.303(C)	
Golf Course	P	P	P	P									P	\$155.303(D)	
Gun Range								S		S	S	S	S	\$155.303(E)	
Park	P	P	P	P		P	P	S	P				P	\$155.303(F)	
Stable, Private	P													\$155.303(G)	
Agricultural Uses															
Agriculture, Livestock	S													\$155.304(A)	
Agriculture, Sales and Service	P											S		\$155.304(B)	
Nursery	P						P	S	P	P			P	\$155.304(C)	
Commercial Uses															
Adult Oriented Business											S			\$155.305(A)	
Bed and Breakfast	P			S		S		S						\$155.305(B)	
Car Wash/Auto Detailing									P	P				\$155.305(C)	
Contractor Office							P			P	P	P		\$155.305(D)	
Convenience Store with Gas Sales									P	P	P			\$155.305(E)	
Creative Studio						P	P	P	P	P				\$155.305(F)	
Financial Institution							P	S	P	P				\$155.305(G)	
Funeral Home	S					P	P							\$155.305(H)	
Hotel/Motel							P	S	P	P				\$155.305(I)	
Kennel	S								P	P				\$155.305(J)	

Use Type		Zoning Districts														Specific Use Section
	Residential					Nonresidential										
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	P F			
Laundry Services									P	P	P	P			\$155.305(K)	
Lounge, Cocktail								S	S	S	S				\$155.305(L)	
Microbrewery								P	S	P	P	P			\$155.305(M)	
Publisher							P			P	P	P			\$155.305(N)	
Office, General						P	P	P	P	P	P		P		\$155.305(O)	
Office, Medical						P	P	P	P	P					\$155.305(P)	
Outdoor Seating/Sidewalk Cafe							P	P	P	P					\$155.305(Q)	
Parking Lot							S	S	S	S	S	S	S		\$155.305(R)	
Pawn Shop										P	P				\$155.305(S)	
Radio or Television Studio										P	P	P			\$155.305(T)	
Restaurant							P	P	P	P					\$155.305(U)	
Retail Sales								P	P	P	P				\$155.305(V)	
Self-storage Facility										S	P				\$155.305(W)	
Service						P	P	P	P	P					\$155.305(X)	
Tattoo Parlor										P					\$155.305(Y)	
Towing Service and Storage										S	S	P			\$155.305(Z)	
Vehicle Repair or Service										S	P	P			\$155.305(AA)	
Vehicle Sales and Rental										S	P	P			\$155.305(BB)	
Veterinary Clinic							P		P	P					\$155.305(CC)	
Industrial Uses																
Building Supplies, Wholesale											P	P			\$155.306(A)	
Crematorium											P	P			\$155.306(B)	
Gas and Fuel, Wholesale											P	P	P		\$155.306(C)	
Laboratory, Research							P				P	P			\$155.306(D)	
Manufacturing, Light											P	P			\$155.306(E)	
Manufacturing, Heavy												P			\$155.306(F)	
Research and Development							P				P	P			\$155.306(G)	
Warehouse, Freight Movement										S	P	P			\$155.306(H)	
Utilities																
Recycling Center											S	P	P		\$155.307(A)	
Renewable Energy Facility	S										S	S	S		\$155.307(B)	
Telecommunication Facility	S	S	S	S		S	S	S	S	S	S	S	S		\$155.307(C)	
Utility, Minor	P	P	P	P		P	P	P	P	P	P	P	P		\$155.307(D)	
Utility, Major											P	P	P		\$155.307(E)	
Waste Service											S	P	P		\$155.307(F)	
Accessory Uses																
Accessory Dwelling Unit	S	S	S	S											155.308(C)(1)	
Food Truck							P	P	P	P	P	P	P		155.308(D)(2)	
Day Care Facility	S	S	S	S			P		P	P	P	P	P		155.308(D)(3)	
In-Home Daycare	P	P	P	P		P									155.308(C)(3)	
Park										P				P	155.308(D)(4)	
Outdoor Display/Sales								P	P	P					155.308(D)(5)	
Outdoor Dining							P	P	P	P					155.308(D)(6)	
Outdoor Storage, Limited										S	P	P	P		155.308(D)(7)	
Outdoor Storage, General											P	P	P		155.308(D)(8)	
			Key:													
			P – Permitted													
			S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)													
			C – Conditional Zoning District required for this use (\$155.203(L) and §155.705)													

155.203 CONDITIONAL ZONING DISTRICTS**(L) CONDITIONAL ZONING DISTRICT STANDARDS****(1) General Provisions for all Conditional Zoning Districts****(a) *Rezoning Criteria***

In approving a rezoning for a conditional district, the Town Council shall find the district designation and site plan or master plan and narrative comply with the general standards of this section and the specific criteria of (§ 155.705).

(b) *Site Plan or Master Plan and Narrative*

The development proposed in the site plan or master plan and narrative is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The site plan or master plan and narrative shall be prepared by a professionally certified landscape architect, engineer or architect.

(c) *Design Guidelines and Dimensional Standards*

Each site plan or master plan and narrative shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area, and dimensional standards shall be established by the Town Council at the time of approval.

(d) *General Development Standards*

Unless granted Variance by the Board of Adjustment, all standards specified in §§ 155.400 through 155.405 shall apply.

(e) *Specific Use Standards*

Unless modified standards are approved by the Town Council through one or more conditions, the specific use standards in Article 3 of this Ordinance shall apply to all Conditional Zoning Districts.

(f) *Resource Conservation Areas*

See Article 5 for restrictions on the use of resource conservation areas.

(g) *Recreation and Open Space*

The site plan or master plan and narrative shall meet or exceed the recreation and open space requirements of an open space residential subdivision (see § 155.203(H)).

(h) *Stormwater Management*

The site plan or master plan and narrative shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the state.

(i) *Phasing*

If development is proposed to occur in phases, the site plan or master plan and narrative shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

(j) *Landscaping, Buffering, and Screening*

As otherwise required by Article 4, with a minimum requirement of a 15 ft wide buffer meeting Class "C" perimeter buffer planting requirements.

155.402(E)(2)(d) *Project Boundary Buffers*

Project boundary buffers are established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply.

1. Open Space Residential Subdivision

A Class C buffer is required along all project boundaries of an open space subdivision (see § 155.203(H)(8)).

2. Conditional Zoning Districts

A. A Class C buffer is required along all project boundaries of a Conditional Zoning District.

B. The continuous visual barrier of Class C buffers is not required for the street-side of non-residential Conditional Zoning Districts where they abut major or minor thoroughfares.

C. A Class B buffer may be used when a Conditional Zoning District - Commercial (CZ-C) abuts a non-residential district (see § 155.203(L)).

3. Manufactured Home Park

A Class C buffer is required along all project boundaries of a manufactured home park (see § 155.301(G)(4)).

155.705 CONDITIONAL ZONING DISTRICT

(A) APPLICABILITY

- (1) Conditional zoning district review (also known as conditional rezoning) shall occur in accordance with the provisions of this section.
- (2) The Town Council shall consider conditional districts, as may be required from time to time.
- (3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- (4) A conditional district is not appropriate for developments that could be substantially achieved through traditional subdivision and conventional district rezoning.
- (5) A conditional zoning district of less than 20 acres in size and only proposing a single principal use shall require a Site Plan to be submitted with the rezoning request. A separate site plan application is not required.
- (6) A conditional zoning district 20 acres in size or larger, or proposing multiple principal uses, shall require a master plan and narrative to be submitted with the rezoning request.

(B) INITIATION OF AMENDMENT

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council to establish a conditional district.

(C) **PRE-APPLICATION CONFERENCE**

All applicants petitioning for a conditional district shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for a conditional district shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for establishment of a conditional district, an applicant shall submit a site plan (meeting the requirements in §155.707) or a master plan and narrative document, as detailed in this section, to govern the development and maintenance of the land within the conditional district. The master plan shall be prepared by a professional landscape architect, engineer, or architect properly licensed and in good standing in North Carolina.
- (2) All applications for establishment of a conditional district shall be submitted in accordance with § 155.702(C).
- (3) A traffic impact analysis shall be required if the proposed master plan meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the Conditional Zoning District for review by the Technical Review Committee. The Technical Review Committee shall review the Conditional Zoning District for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- (3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, Conditional Zoning District request and any related application materials shall be forwarded to the Town Council.

(H) **ACTION BY THE PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed conditional district request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a conditional district proposal, the Town Council shall consider the recommendation of the Planning Board (if applicable) and the Planning Director.
- (2) The Town Council shall approve, approve with conditions, or disapprove the conditional district. Any conditions of approval must be signed (or declined) by the applicant prior to the Council rendering a decision.
- (3) Concurrently with adopting, denying, or remanding any conditional district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest. If the Council adopts a conditional district that is inconsistent with any adopted future land use map a note must be placed on the map or maps that an amendment inconsistent with the map has been adopted and that the map is deemed amended.

(J) **CONDITIONAL ZONING DISTRICT APPROVAL CRITERIA**

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;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed conditional district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed conditional district;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (6) It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- (7) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

(K) **MASTER PLAN AND NARRATIVE CONTENTS**

- (1) At a minimum, the master plan shall designate:
 - (a) Where and which uses or groups of uses will occur.
 - (b) The proposed intensity/density of those uses.
 - (c) The general location of the internal and external network of public rights-of-way and public infrastructure.
 - (d) All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering.

- (e) 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.
- (2) At a minimum, the narrative shall include:
- (a) A description of the proposed development, including any phasing, development timeline and uses.
 - (b) A list of permitted and/or prohibited uses in the Conditional Zoning District.
 - (c) A description of how the proposed Conditional Zoning District will meet the Approval Criteria listed in subsection J above.
 - (d) Description of how the development will address stormwater requirements.
 - (e) Description of how the development will be served by water, sewer and electric providers.
 - (f) Dimensional standards for the development.
 - (g) Architectural standards and elevations (when possible) for residential and non-residential structures in the development.
 - (h) A list of proposed conditions for the development. At a minimum, the conditions should address permitted and/or prohibited uses, dimensional criteria, architectural standards, transportation improvements, water/sewer/electric infrastructure requirements, and any “Community Benefit Bonus Points” taken in a Wastewater Allocation request.

(L) SITE PLAN OR MASTER PLAN AND NARRATIVE APPROVAL CRITERIA

- (1) The Site Plan shall include and the applicant shall be responsible for successfully addressing the Approval Criteria listed in Article 7, Section 155.707 – Site Plan Review.
- (2) The master plan and narrative shall include and the applicant shall be responsible for successfully addressing the following:
 - (a) 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;
 - (b) Consistency with the Clayton General Design Guidelines;
 - (c) Conformance of the proposal with the stated purpose of the requested conditional zoning district;
 - (d) Compatibility of the proposed development with the adjacent community;
 - (e) 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;
 - (f) Compatible relationships between each component of the overall project;
 - (g) Self-sufficiency of each phase of the overall project;
 - (h) The fiscal impact of the proposal and the proposed financing of required improvements;

- (i) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- (j) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(M) **ACTION AFTER APPROVAL**

- (1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved site plan or master plan and narrative) shall be an integral part of the approved proposal.
- (2) The approved conditional district and associated site plan or master plan and narrative shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved site plan or master plan and narrative shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where a site plan has been submitted in place of a master plan or the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.
- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707, unless a site plan is approved in conjunction with the Conditional Zoning District.
- (6) Uses which require Special Use Review under conventional zoning shall be exempt from the provisions of §155.711 Special Use Review if designated as Permitted on the approved Master Plan.
- (7) The site plan or master plan and narrative shall run with the land perpetually, or until a subsequent rezoning is approved.

(N) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same or substantively similar conditional district contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- (2) When the Town Council has voted on a conditional district and the proposed rezoning has failed to be adopted, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a conditional district for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.

- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(O) **APPROVED SITE PLAN OR MASTER PLAN AND NARRATIVE MODIFICATIONS**

- (1) Amendments or modifications to an approved site plan or master plan and narrative, if minor in scope, shall be approved administratively by the Planning Director. Minor modifications shall include up to 10% modifications (by area, intensity, or dwelling units) from the original approval to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal transportation infrastructure provided connectivity is not reduced. Changes in boundaries between land uses are permitted so long as the boundary abutting outside zoning districts does not change and the boundary between areas within the conditional district does not shift more than 100' for master plans covering 20 acres or less, 200' for master plans of 20-100 acres, or 300' for master plans of greater than 100 acres. Minor modifications to the typical project details, which include but are not limited to signage, lighting, parking, amenities, and landscape requirements shall also be approved administratively by the Planning Director provided they conform to all other aspects of the approved site plan or master plan and narrative, this Chapter, and other Town policies and specifications, as appropriate. Site Plan or Master plan and narrative modifications that require the judgement of a licensed landscape architect, engineer, or architect are not minor modifications.
- (2) Major modifications include anything not identified as minor. Major modifications shall require resubmittal and reconsideration by per this Section. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town, or the conditions of the district, or that would otherwise negatively impact surrounding properties in any manner exceeding the originally approved site plan or master plan and narrative.

Duly adopted this 20th day of February 2023, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, NCCMC
Town Clerk

Jim Cauley
Town Attorney



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

February 20, 2023

Agenda Location

PUBLIC HEARINGS

Item Title

2022-214-RZ Town of Clayton Rezoning

Presenter(s)

Bruce Venable, Planner I Trainee

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

Other/Special Instructions: Signs posted at location

Summary

The site is within the Clayton Town limits. The site is located at 3798 Powhatan Rd, Clayton, NC, 27527. The Town of Clayton is initiating this rezoning of the above-mentioned parcel from the Public Facilities (PF) to Industrial-Light (I-1). The property is currently developed as a wastewater treatment facility. Only Town owned properties may be within the PF zoning district; thus, a rezoning from PF to an appropriate zoning district such as I-1 is required due to having been sold to Novo Nordisk.

The Planning Board held a Public Hearing on January 23, 2023. With no new recommendations or questions the Planning Board proceeded to vote unanimously to recommend the proposed rezoning for approval.

Recommendation

Approval

Funding Source

N/A

Cost

N/A

Corresponding Documentation

[1 2022-214-RZ 3798 POWHATAN RD Town of Clayton Rezoning](#)

[2 2022-214-RZ Town of Clayton Rezoning Application](#)

[3 2022-214-RZ Neighborhood Meeting Materials](#)

[4 2022-214-RZ Survey](#)

[5 2022-214-RZ Staff Report Map](#)

[Rezoning Ordinance #2023-02-02](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Ben Howell, Planning Director

Rich Cappola, Town Manager

Heidi Holland, Town Clerk

Approved - Feb 12 2023

Approved - Feb 13 2023

Approved - Feb 13 2023



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

*Planning Board, 1/28/2023
Town Council, 2/20/2023*

STAFF REPORT

Application Number: 2022-214-RZ
Project Name: 3798 Powhatan Rd Town of Clayton Rezoning

TAG #(s): 05I05019E
Town Limits/ETJ: Town Limits
Applicant: Town of Clayton
Location: 3798 Powhatan Rd, Clayton, NC, 27527
Project Planner: Bruce Venable, Planner I

Public Noticing Dates:

- **Neighborhood Meeting:** January 9, 2023
- **Sign posted:** January 9, 2023
- **Legal Ad Published Dates:** February 8 & 15, 2023
- **TC Adjacent Property Letters Mailed:** February 8, 2023

REQUEST: Rezoning from Public Facilities (PF) to Industrial-Light (I-1)

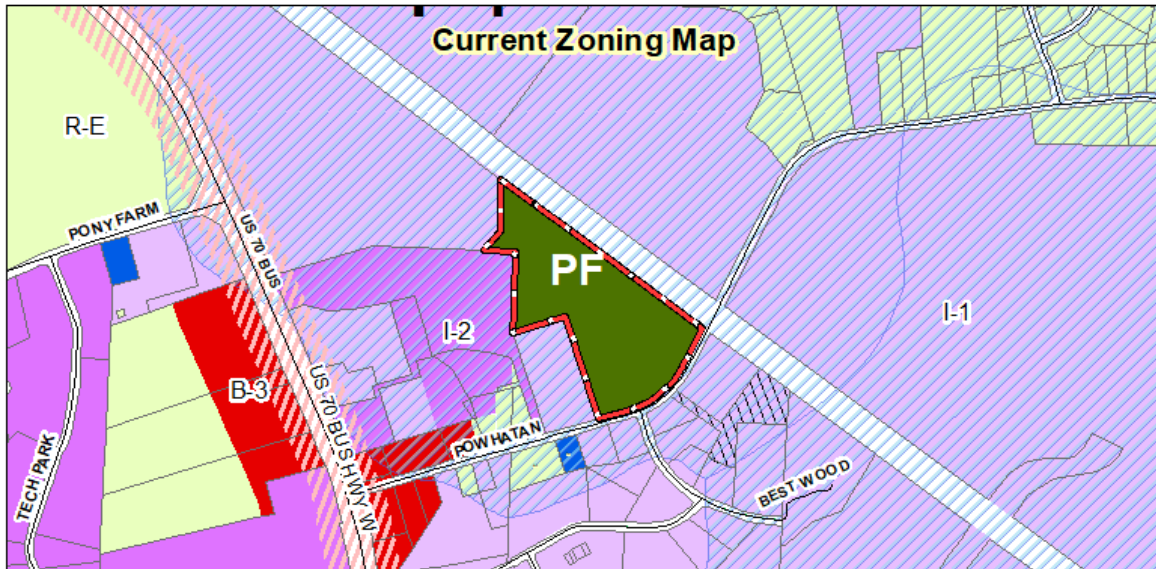


SITE DATA:

Acreage: +/- 22.02 acres
Existing Use: Wastewater Treatment Facility

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	I-1 (INDUSTRIAL-LIGHT)	LAB RESEARCH (Novo Nordisk)
South	I-2 (INDUSTRIAL-HEAVY)	VACANT
East	I-1 (INDUSTRIAL-LIGHT)	VACANT
West	I-1 (INDUSTRIAL-LIGHT)	LAB RESEARCH (Grifols)



STAFF ANALYSIS AND COMMENTARY:**Overview**

The site is within the Clayton Town limits. The site is located at 3798 Powhatan Rd, Clayton, NC, 27527. The Town of Clayton is initiating this rezoning of the above-mentioned parcel from the Public Facilities (PF) to Industrial-Light (I-1) Zoning Districts. The property is currently developed as a wastewater treatment facility. Only Town owned properties may be within the PF zoning district; thus, a rezoning from PF to an appropriate zoning district such as I-1 is required due to having been sold to Novo Nordisk.

REZONING APPROVAL CRITERIA

In connection with its legislative decision on a rezoning request, the Planning Board may consider factors including, but not limited to, the following:

(1) Consistency with the adopted plans and policies of the Town;

Staff Response: The Future Land Use Map shows as this area as an "Employment Center" which calls for uses that support new and established employment opportunities. This change in zoning is consistent with that purpose and intent.

(2) Suitability of the subject property for uses permitted by the current versus the proposed district;

Staff Response: The use is not changing, only the zoning district. This is due to the property changing ownership. The use is appropriate and consistent with the proposed zoning district of I-1 (Industrial-Light).

(3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;

Staff Response: The change is consistent with the Town of Clayton's practices and meets the requirements laid out in the Town's Unified Development Ordinance.

(4) The capacity of adequate public facilities and services including schools, transportation infrastructure, recreation facilities, wastewater treatment, water supply facilities, and stormwater drainage facilities for the proposed use;

Staff Response: The proposed change will not negatively affect public facilities as the current use of the site is not changing.

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

Staff Response: The legal purposes for which zoning exists—namely, to protect the health, safety, morals, and general welfare of the public—shall not be violated by the requested action. The Purpose of this rezoning is not contrived and it is consistent with legal zoning practices within the Town of Clayton.

(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 Response: Rezoning the property to I-1 is compatible with the neighboring properties and general area and supports the businesses operating on the adjacent parcels. The land is currently developed and already in use. No new development nor is a change in use being proposed that would have a negative effect on adjoining property owners.

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

Staff Response: This proposal shall not unfairly benefit any one property owner or a small group of property owners. This proposal will have no negative impact on the general public.

Consistency with the Comprehensive Growth Plan 2045

The Future Land Use Map identifies this area as an "Employment Center". (see map below). Page 21 of the Comprehensive Growth Plan provides guidance that the Town should encourage the following uses within in the Employment Centers, use shall include but are not limited to, "industrial, warehouse, office, research and development, tech-flex, hospital, renewable energy, recycling, fabrication, assembly, and technology...". This rezoning request to Industrial-Light consistent with the Future Land Use Map.

Comprehensive Growth Plan Goals supporting the rezoning request include:

Goal LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas.

Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.

Strategy LU 1.1.1: Review development proposals for consistency with the Future Land Use Map.

Policy LU 1.3: Encourage non-residential land uses in areas consistent with the Future Land Use Map.

Strategy LU 1.3.1: Ensure the scale of non-residential uses are consistent with the Future Land Use Map.

Policy LU 1.4: Encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

Strategy LU 1.4.1: Encourage a mix of non-residential land use in Employment Centers including industrial, warehouse, office, research and development, tech-flex, renewable energy, recycling, fabrication, assembly, and technology uses.

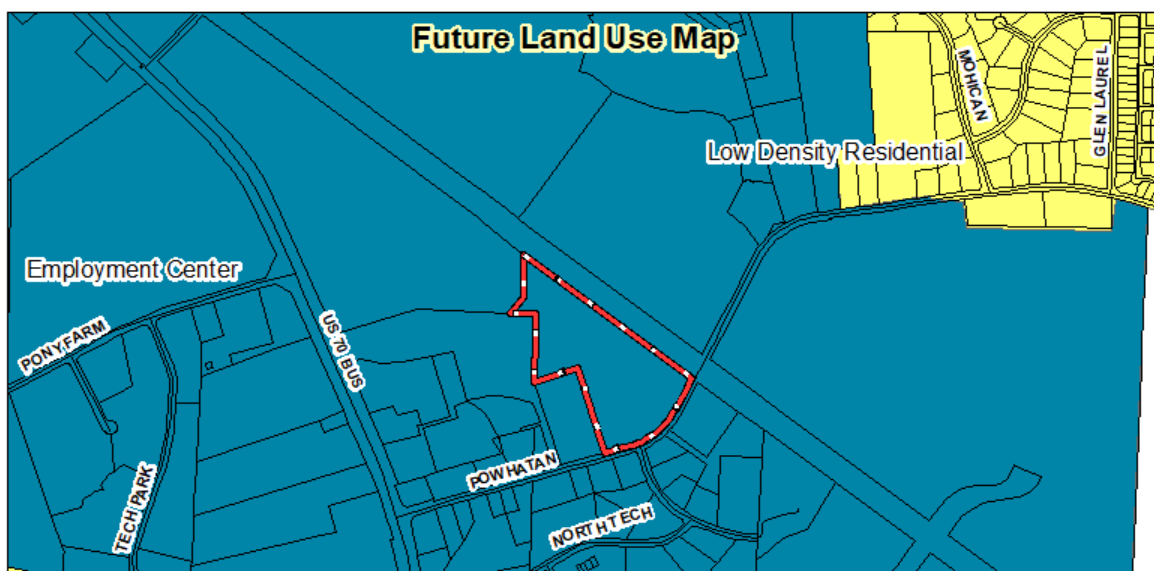
Strategy LU 1.4.3: Allow for integration of compatible uses in Employment Centers including commercial development as a supporting use.

Goal ED 1: Increase opportunities for companies that provide well-paid jobs.

Policy ED 1.5: Continue business retention efforts and support existing commercial corridors.

Strategy ED 1.5.1: Continue business retention and expansion strategies to engage with existing businesses to support existing operations and expansions.

Strategy ED 1.5.2: Increase employment and redevelopment opportunities along key corridors including 70 Bus and NC 42 and at 70 Bypass interchanges.



CONSIDERATIONS:

- ◆ Approval of the rezoning would allow any permitted use within the I-1 Zoning District to be constructed on the site. Town Council should consider all potential uses of the site when giving their recommendation for this rezoning.

PLANNING BOARD:

The Planning Board held a Public Hearing on January 23, 2023. With no additional recommendations or questions the Planning Board proceeded to vote unanimously to recommend the proposed rezoning for approval. Board members made a motion using the follow statement of reasonableness and consistency.

Statement of Reasonableness and Consistency:

“We find this rezoning action consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Policy LU 1.3, Strategy LU 1.3.1, Policy LU 1.4, Strategies LU 1.4.1, LU 1.4.3, Goal ED 1, Policy ED 1.5, Strategies ED 1.5.1, ED 1.5.2 of the Comprehensive Growth Plan 2045.”

And

“We find this rezoning action reasonable and in the public interest because it will bring the parcel into zoning compliance and furthers the objectives of the Zoning Ordinance and the Comprehensive Growth Plan 2045.”

STAFF RECOMMENDATION:

- ◆ Staff recommends APPROVAL of the proposed rezoning request.
- ◆ Planning Board recommends APPROVAL of the proposed rezoning request

ATTACHMENTS:

- 1) Staff Report
- 2) Application/Owner’s Consent Form
- 3) Neighborhood Meeting Materials
- 4) Survey
- 5) Staff Report Maps



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

REZONING APPLICATION COVER SHEET

Name of Project: TOWN OF CLAYTON REZONING **Date:** 12/20/2022
Applicant Name: TOWN OF CLAYTON

The following checklist to be completed by applicant:

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

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

REZONING APPLICATION

☐ Rezoning Fee: \$750 + \$10 per acre

SITE INFORMATION

Name of Project: TOWN OF CLAYTON REZONING
Acreage of Property: 22.02 Zoning District: PUBLIC FACILITIES (PF)
County Tag #: 05105019E NC Pin #: 167800-40-6031
Address/Location: 3798 POWHATAN RD, CLAYTON, NC, 27527
Existing Zoning District: PF Proposed Zoning District: I-1

APPLICANT INFORMATION

Applicant: TOWN OF CLAYTON
Mailing Address: 111 E 2ND ST, CLAYTON, NC, 25720
Phone Number: (919) 553-5002 Fax: _____
Contact Person: BRUCE VENABLE
Email Address: BVENABLE@TOWNOFCLAYTONNC.ORG

PROPERTY OWNER INFORMATION

Name: TOWN OF CLAYTON
Mailing Address: 111 E 2ND ST, CLAYTON, NC, 25720
Phone Number: (919) 553-5002 Fax: _____
Email Address: PLANNING@TOWNOFCLAYTONNC.ORG

OFFICE USE ONLY

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

EXPLANATION OF PROJECT

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

The Town is proposing a rezoning of this parcel from PF to I-2. This parcel is in the process of being sold to Novo Nordisk which requires that the parcel be rezoned out of the PF Public Facilities Zoning District as only Town owned property may within the PF Public Facilities Zoning District. The rezoning to I-1 Industrial Light is applicable to the use and similar to neighboring property uses and consistent with the Town's 2045 Future land Use Map.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The Future Land Use Map shows this area as an "Employment Center" which calls for uses that support new and established employment opportunities. This change in zoning is consistent with that purpose.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The use is not changing, only the zoning district. Due to the property changing ownership.
The use is appropriate and consistent with the proposed zoning district of I-1.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The change is consistent with Town of Clayton's practices and meets the requirements laid out in the Town's Unified Developmental Ordinance.
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
The proposed change will negatively affect public facilities as the current use is not changing.
5. It has been determined that the legal purposes for which zoning exists are not violated.
The purpose of this rezoning is not contrived and is consistent with legal zoning practices within the Town of Clayton.
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.
The land is developed and already in use. No new development or is a change of use being proposed that would have a negative effect on adjoining property owners.

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

This proposal shall not unfairly benefit any one property owner or a small group of property owners. This proposal will have
no negative impact on the general public.

APPLICANT AFFIDAVIT

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

Bruce Venable
Print Name

Signature of Applicant

Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held prior to the 1st scheduled public meeting date. It is recommended to hold the meeting at least 10 days prior to the 1st scheduled public meeting date, however, it is **not** a requirement.

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 scheduled public meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- ☐ Copy of the letter mailed *Should be submitted with original application packet*
- ☐ Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- ☐ Neighborhood Meeting Summary Form with minutes (see below) *Submit no later than 10 days prior to the 1st public meeting 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

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 Town will be present to explain their application, answer questions, and solicit comments.

When and Where?

The Neighborhood Meeting will take place **Virtually** on **January 9, 2022, at 6:00pm using the meeting materials provided below.**

Meeting Date: January 9, 2023

Meeting Time: 6:00 - 8:00 PM*

Meeting Location: Virtual Meeting - Use the INFO BELOW

Type of Application: Rezoning

Project Address: 3798 POWHATAN RD, CLAYTON, NC

Property TAG ID: 05I05019E

URL: CLAYTONNC.ORG/TOCREZONE

Software: Microsoft Teams

Meeting ID: 257 132 328 136

Passcode: GVfcG8

2022-214-RZ Town of Clayton Rezoning

Description of Proposal: The Town is proposing to change the zoning of this parcel from Public Facilities Zoning District which is reserved for Town owned properties to Industrial-Light (I-1) Zoning District due to selling this property to a private party, and therefore can no longer be under the Public Facilities Zoning District.

For more information see Map attached to this document.

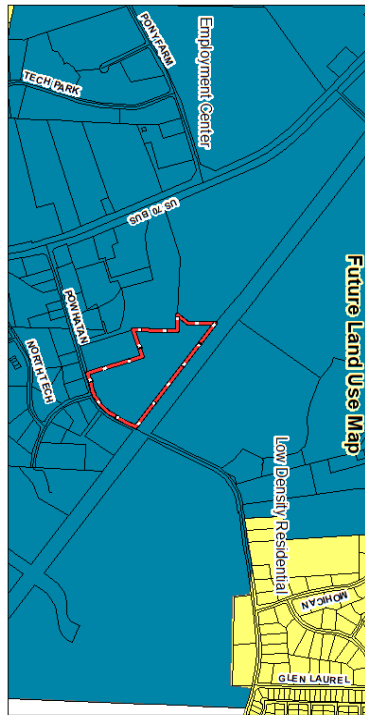
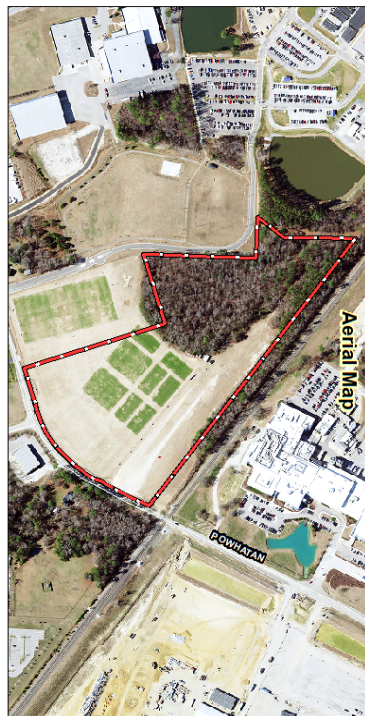
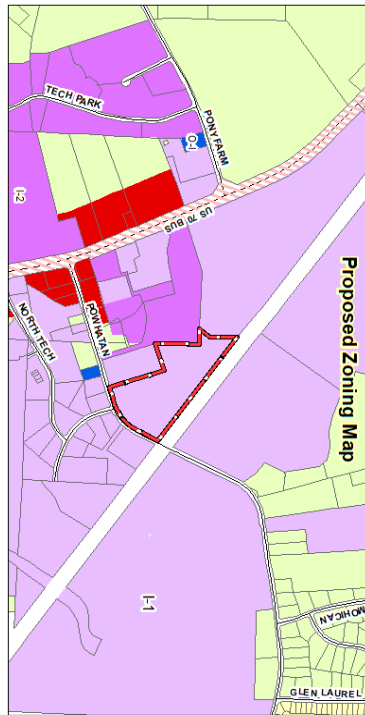
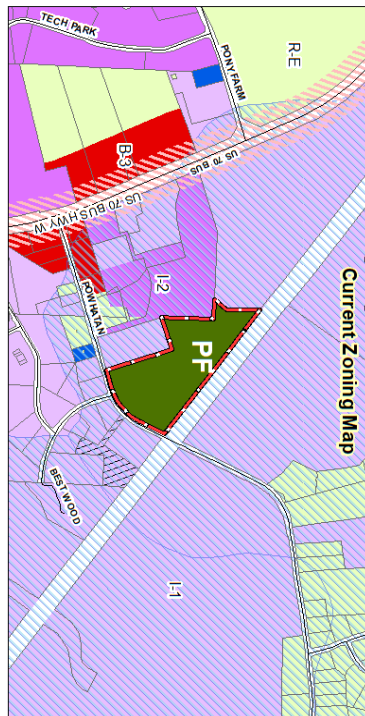
For any comments or concerns please reach out to Planning Staff in the following ways:

Phone: (919) 553-5002

Email: planning@TownofClaytonnc.org

Sincerely,

Town of Clayton Planning Department



Request:
 2022-214-RZ, to Rezone a parcel from
 Public Facilities (PF) to Industrial-Light (I-1).

Applicant: Town of Clayton
 Property Owners: Town of Clayton
 Tag #: 0505019E

Legend
 Site



Staff Report Map
 Prepared by: TOC Planning Department
 December 20, 2022

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

Document Path: O:\PLANNING\REZONING\Reporting\2022\2022-214-RZ Town of Clayton Rezoning\Staff Report Map

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 2022-214-RZ Town Of Clayton

Date of Mailing: 12/28/2022

Time of Meeting: 6pm

Location of Meeting: Held Virtually Through Microsoft Teams

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:

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.*

meeting began at 5:55pm and ran until 6:30pm with no one in attendance but Town staff.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 2022-214-RZ- Town of Clayton Rezoning

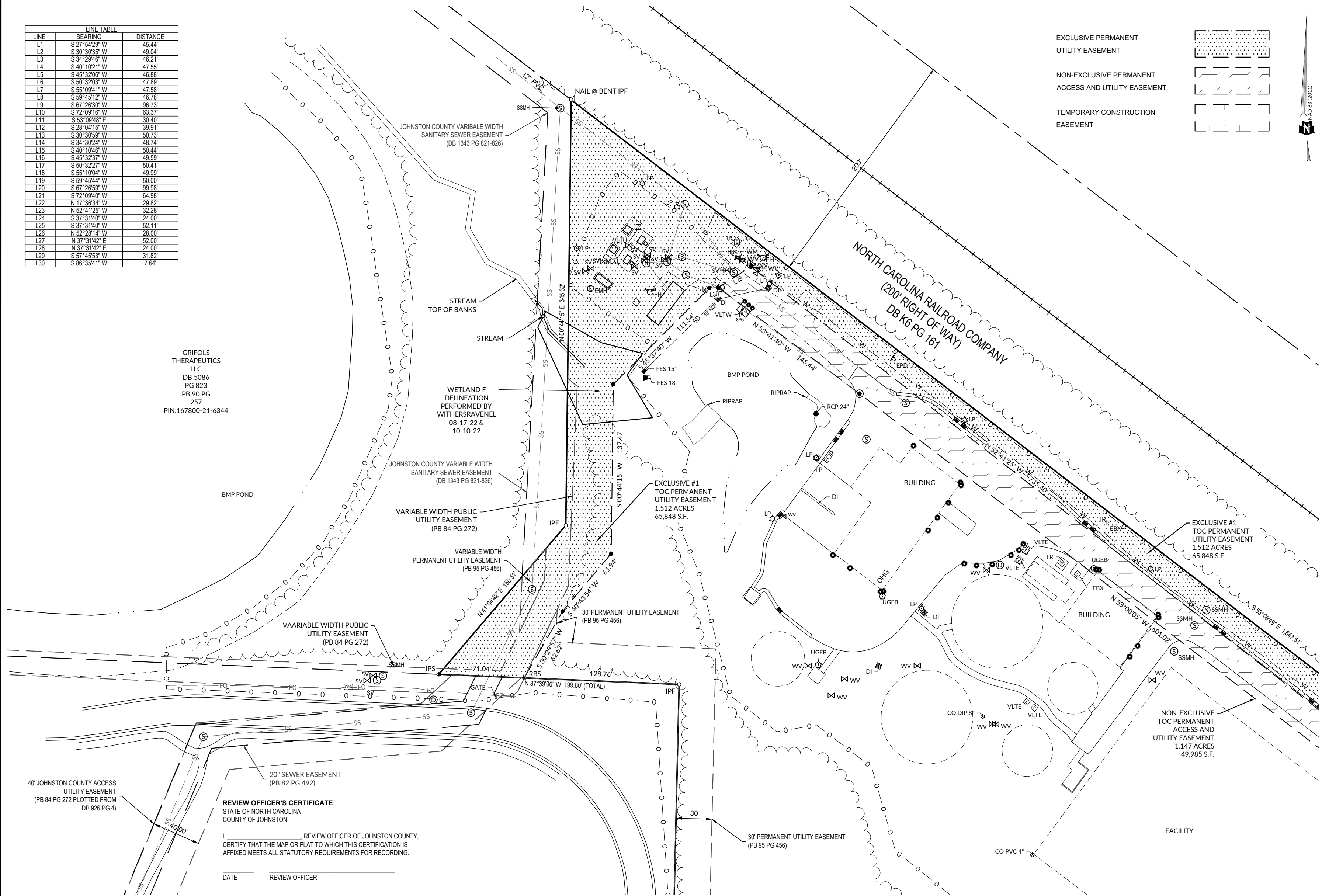
Application: 2022-214-RZ

Location/Date: Online Teams Meeting January 9th 2023

	NAME	ADDRESS
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LINE TABLE		
LINE	BEARING	DISTANCE
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L30	S 86°35'41" W	7.64'

GRIFOLS
THERAPEUTICS
LLC
DB 5086
PG 823
PB 90 PG
257
PIN:167800-21-6344



SURVEYOR'S CERTIFICATE

I, MARSHALL G. WRIGHT, PLS. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:145,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL.

I ALSO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF A SUBDIVISION.

THIS 19th DAY OF DECEMBER, A.D. 2022

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER, L- 5034

PRELIMINARY PLAT
NOT FOR CONVEYANCE,
RECORDATION, OR SALES

**EASEMENT PLAT OF
3798 POWHATAN ROAD**

**PROPERTY OF
TOWN OF CLAYTON**

CLAYTON TOWNSHIP | JOHNSTON COUNTY | NORTH CAROLINA
PIN: 167800-40-6031
ZONING: PF

WR Job No.: 02201012.00
DATE: 10/07/2022
SURVEYED BY: RJ
DRAWN BY: MGW
CHECK & CLOSURE BY: MGW

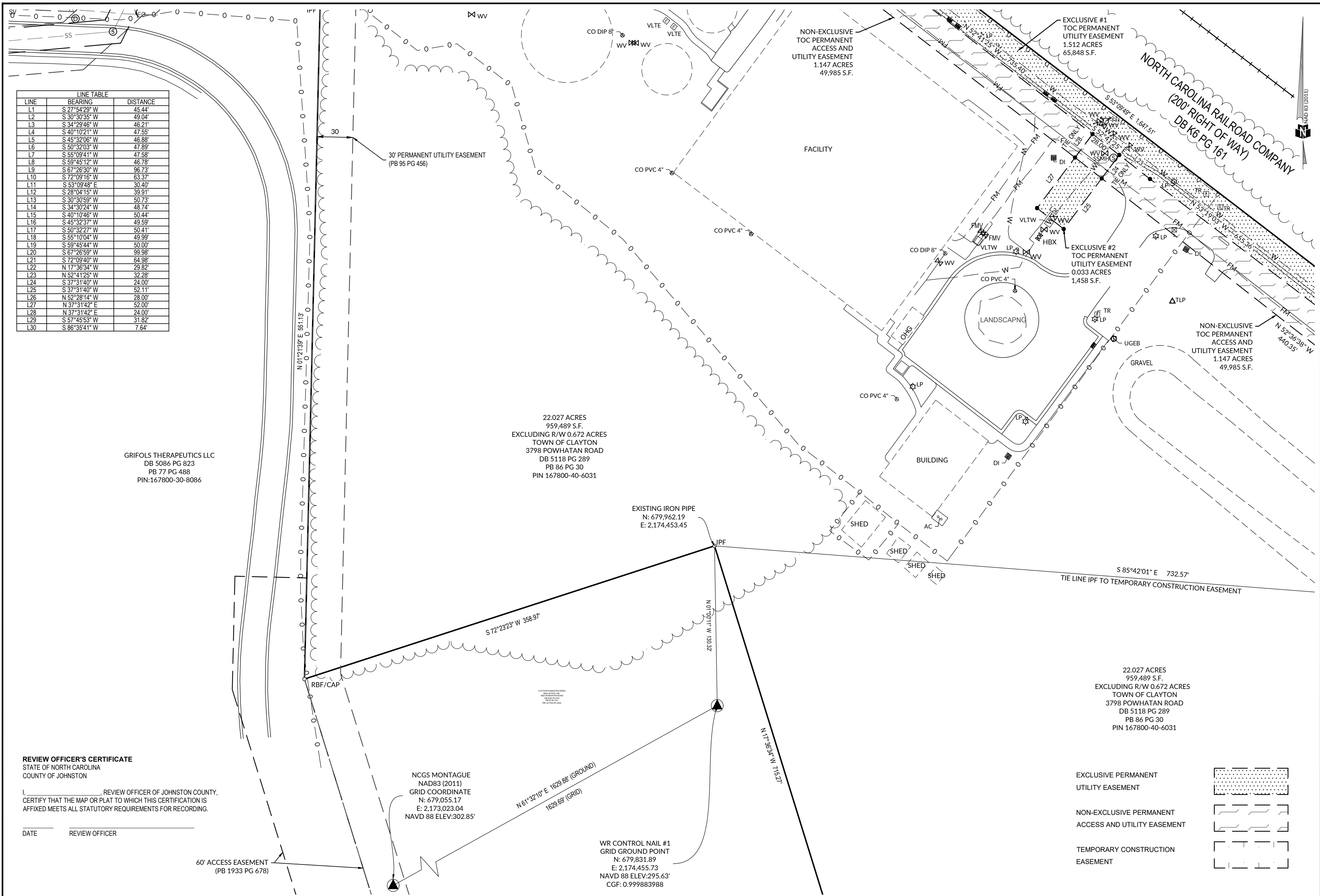
0 25 50
SCALE: 1 inch = 50 ft.

SHEET: 2 OF 5



WithersRavenel

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



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REVIEW OFFICER'S CERTIFICATE
STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

I, _____, REVIEW OFFICER OF JOHNSTON COUNTY,
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

SURVEYOR'S CERTIFICATE
I, MARSHALL G. WRIGHT, PLS. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY
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EASEMENT PLAT OF
3798 POWHATAN ROAD

PROPERTY OF
TOWN OF CLAYTON

CLAYTON TOWNSHIP | JOHNSTON COUNTY | NORTH CAROLINA
PIN: 167800-40-6031
ZONING: PF

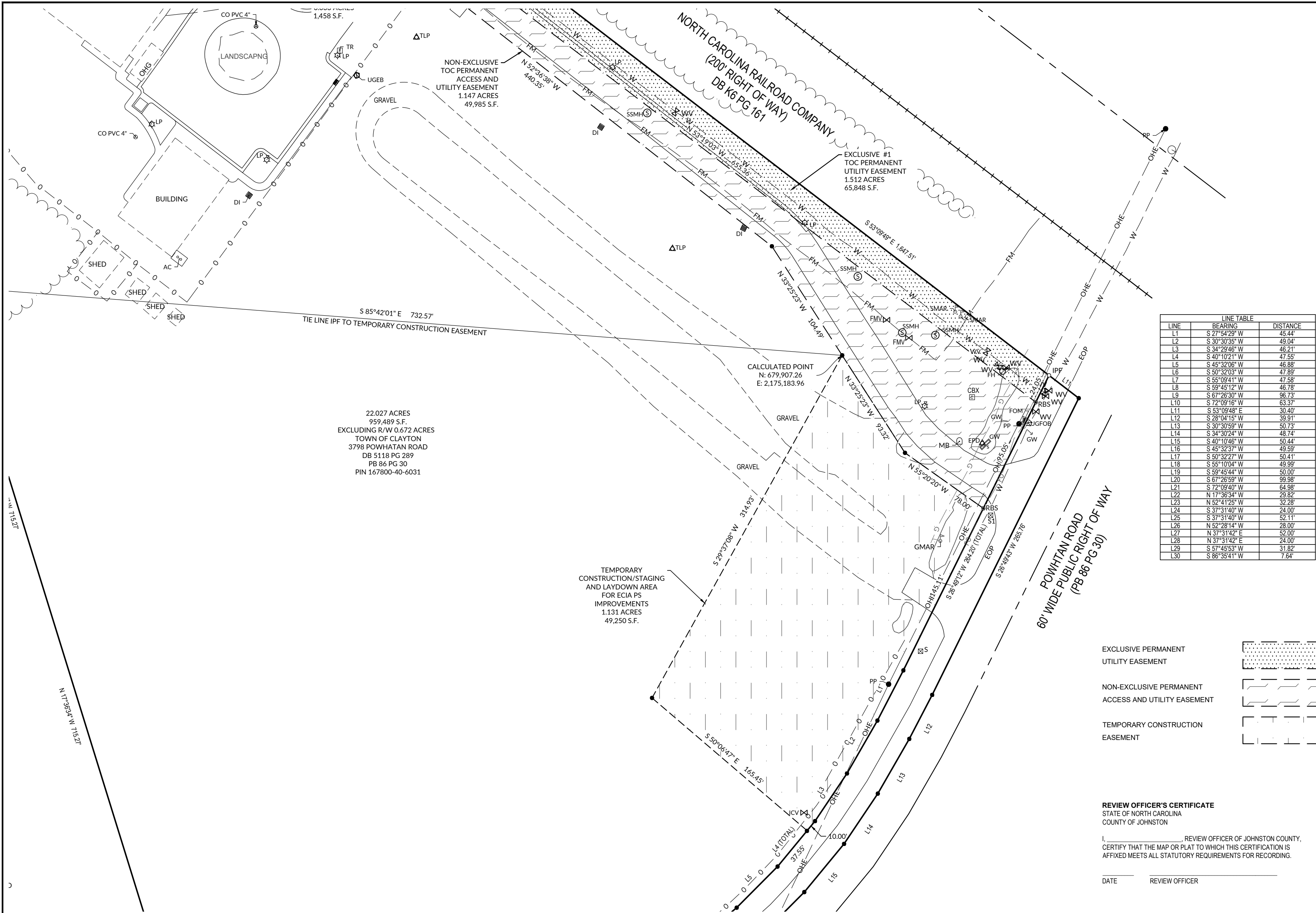
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0 25 50
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SHEET: 3 OF 5



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



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3798 POWHATAN ROAD

PROPERTY OF
TOWN OF CLAYTON

CLAYTON TOWNSHIP | JOHNSTON COUNTY | NORTH CAROLINA

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SHEET: 4 OF 5



WithersRavenel

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

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CLAYTON POWHATAN ROAD
REAL ESTATE, INC.
3826 POWHATAN ROAD
DB 6281 PG 693
PB 59 PG 316
PIN 167700-49-3426

30' PERMANENT UTILITY EASEMENT
(PB 95 PG 458)

60' ACCESS EASEMENT
(PB 1933 PG 678)

POWHATAN ROAD
60' WIDE PUBLIC RIGHT OF WAY
(PB 86 PG 30)

TEMPORARY
CONSTRUCTION/STAGING
AND LAYDOWN AREA
FOR ECIA PS
IMPROVEMENTS
1.131 ACRES
49,250 S.F.

EXCLUSIVE PERMANENT
UTILITY EASEMENT

NON-EXCLUSIVE PERMANENT
ACCESS AND UTILITY EASEMENT

TEMPORARY CONSTRUCTION
EASEMENT

REVIEW OFFICER'S CERTIFICATE
STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

I, _____, REVIEW OFFICER OF JOHNSTON COUNTY,
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

SURVEYOR'S CERTIFICATE

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THIS 19TH DAY OF DECEMBER, A.D. 2022.

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER, L- 5034

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NOT FOR CONVEYANCE,
RECORDATION, OR SALES

EASEMENT PLAT OF
3798 POWHATAN ROAD

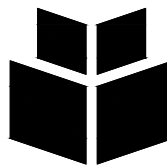
PROPERTY OF
TOWN OF CLAYTON

CLAYTON TOWNSHIP | JOHNSTON COUNTY | NORTH CAROLINA
PIN: 167800-40-6031
ZONING: PF

WR Job No.: 02201012.00
DATE: 10/07/2022
SURVEYED BY: RJ
DRAWN BY: MGW
CHECK & CLOSURE BY: MGW

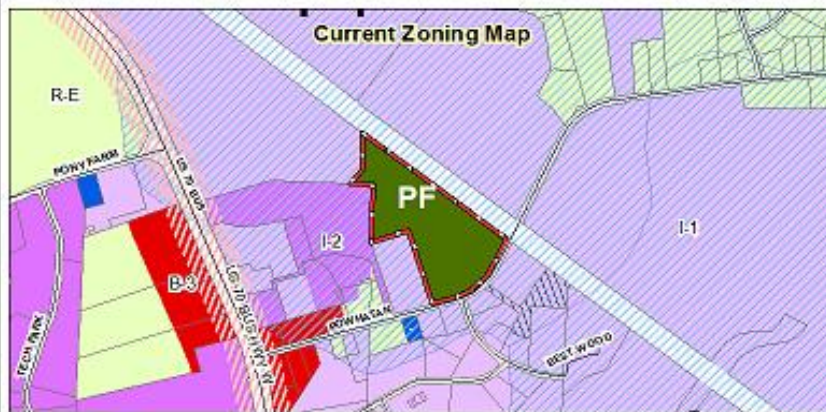
0 25 50
SCALE: 1 inch = 50 ft.

SHEET: 5 OF 5



WithersRavenel

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



Request:
2022-214-RZ, to Rezone a parcel from
Public Facilities (PF) to Industrial-Light (I-1).

Applicant: Town of Clayton
 Property Owners: Town of Clayton
 Tag #: 05105019E

Legend



Staff Report Map
 Prepared by: TOC Planning Department
 December 20, 2022

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

Document Path: G:\PLANNING\REZONING\Rezoning\2022\2022-214-RZ Town of Clayton Rezoning\Staff Report Map

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP
OF THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in Industrial-Light (I-1) zone to the properties described below, said property formerly being zoned Public Facilities (PF); and

WHEREAS said property is owned by Town of Clayton

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listing, and to the owners of all parcels of land abutting that (those) parcels(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS notice of the proposed zoning classification action was posted on the property as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on February 20, 2023, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change to make relevant comments; and

THEREFORE, after duly considering the matter, **THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:**

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Industrial-Light (I-1) zone of the following described properties:

General Description:

Located within the Town of Clayton's Jurisdiction and limits at 3798 Powhatan Rd, Clayton, NC, 27527

Specific Description:

NC Parcel TAG Number(s): 05I05019E

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include the Industrial-Light zone to the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Ordinance

SECTION 4. That the Town Council hereby adopts the following Statement of Consistency and Reasonableness for the proposed rezoning:

“We find this rezoning action consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Policy LU 1.3, Strategy LU 1.3.1, Policy LU 1.4, Strategies LU 1.4.1, LU 1.4.3, Goal ED 1, Policy ED 1.5, Strategies ED 1.5.1, ED 1.5.2 of the Comprehensive Growth Plan 2045.”

And

“We find this rezoning action reasonable and in the public interest because it will bring the parcel into zoning compliance and furthers the objectives of the Zoning Ordinance and the Comprehensive Growth Plan 2045.”

SECTION 5. That this ordinance shall become effective immediately upon its adoption

Duly adopted this 20th day of February, 2023, while in regular Session

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, CMC and NCCMC;
Town Clerk

Jim Cauley
Town Attorney



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

February 20, 2023

Agenda Location

PUBLIC HEARINGS

Item Title

2022-197-RZ Lot 8 Gateway Drive Rezoning

Presenter(s)

Bruce Venable, Planner I

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

Other/Special Instructions: Signs posted at location

Summary

Applicant is proposing a rezoning of a parcel that this site that is within the Clayton Town limits, and located off of Gateway Drive, Clayton, NC, 27520. The applicant is requesting to re-zone the property from the Highway-Business Special Use District (B-3 SUD) to Office-Institutional (O-I). The property is currently Vacant.

The Planning Board held a Public Hearing on January 23, 2023. A member from the community had some questions about the rezoning and how it may affect neighboring property which was answered by staff. Planning Board proceeded to vote unanimously for the proposed rezoning with no further recommendations.

Recommendation

Approval of proposed rezoning

Funding Source

N/A

Corresponding Documentation

[1 2022-197-RZ Lot 8 Gateway Dr](#)

[2 2022-197-RZ Application](#)

[3 2022-197-RZ Neighborhood Meeting Materials](#)

[4 2022-197-RZ Boundary Survey Lot 8 Gateway Drive](#)

[5 2022-197-RZ Staff Report Map](#)

[Rezoning Ordinance #2023-02-03](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Ben Howell, Planning Director

Rich Cappola, Town Manager

Heidi Holland, Town Clerk

Approved - Feb 12 2023

Approved - Feb 13 2023

Approved - Feb 13 2023



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

Planning Board, 1/28/2023
Town Council, 2/20/2023

STAFF REPORT

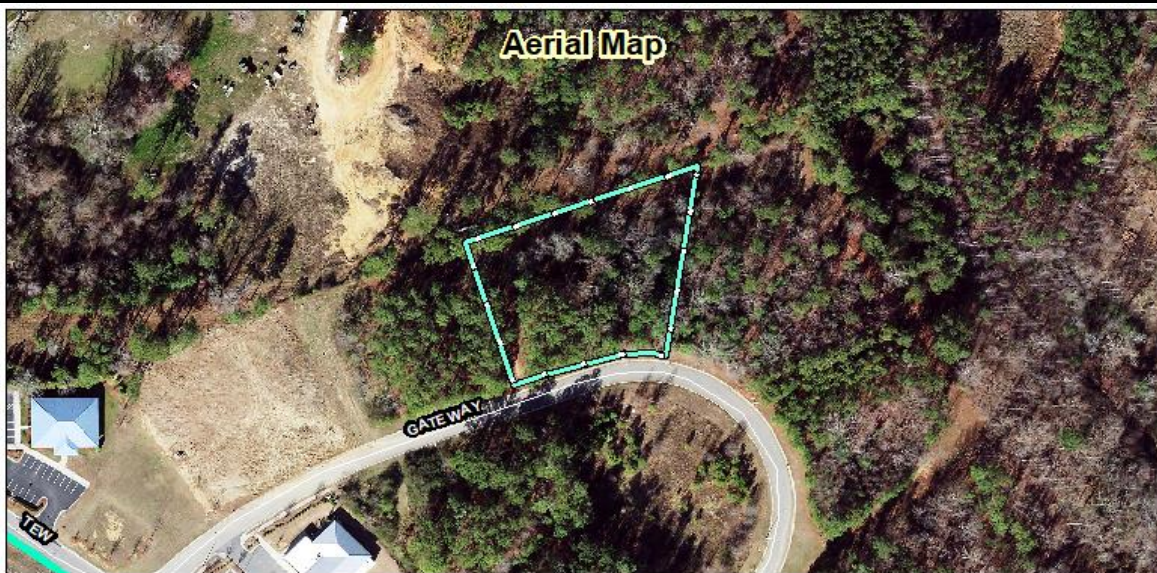
Application Number: 2022-197-RZ
Project Name: Lot 8 Gateway Drive – Rezoning

TAG #(s): 05G02003D
Town Limits/ETJ: Town Limits
Applicant: Thomas H Johnson Jr. & William Mullen.
Owner: Wisdom for the Heart, Inc.
Location: Lot 8 on Gateway Drive, Clayton, NC, 27520
Project Planner: Bruce Venable, Planner I

Public Noticing Dates:

- **Neighborhood Meeting:** October 17, 2022
- **Sign posted:** January 9, 2023
- **Legal Ad Published Date:** February 8 & 15, 2023
- **TC Adjacent Property Letters Mailed:** February 7, 2023

REQUEST: Rezoning from Highway-Business Special Use District (B-3 SUD) to Office-Institutional (O-I)



SITE DATA:

Acreage: +/- 1.24 acres

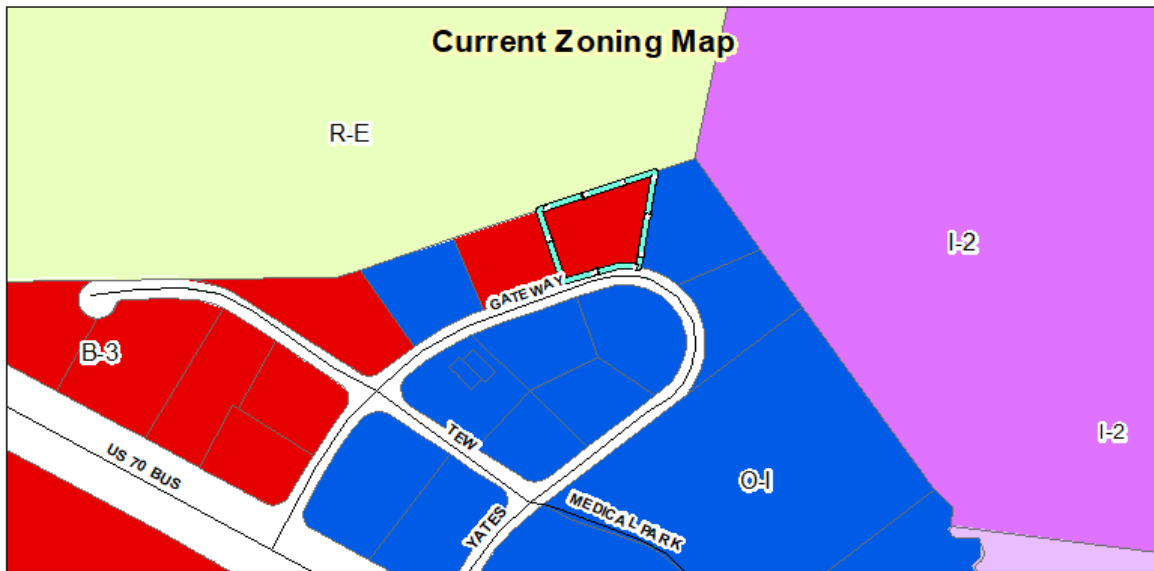
Page 1 of 6

Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	R-E (Residential-Estate)	Vacant
South	O-I (Office-Institutional)	Vacant
East	O-I (Office-Institutional)	Vacant
West	B-3 SUD (Highway-Business Special Use District)	Vacant

D



STAFF ANALYSIS AND COMMENTARY:

Overview

The site is within the Clayton Town limits. The site is located at off of Gateway Drive, Clayton, NC, 27520. The applicant is requesting to re-zone the property from the Highway-Business Special Use District (B-3 SUD) to Office-Institutional (O-I). The property is currently Vacant.

REZONING APPROVAL CRITERIA

In connection with its legislative decision on a rezoning request, the Planning Board may consider factors including, but not limited to, the following:

(1) Consistency with the adopted plans and policies of the Town;

Applicant's Response: The subject property proposed for rezoning, identified as Lot 8 of the Gateway Park subdivision, is designated within the Employment Center category on the Future Land Use Map of the Clayton 2045 Comprehensive Growth Plan. The entire Gateway Park subdivision are also within the Employment Center designation. The proposed rezoning is for office-Institutional zoning to allow for development of office use on the property. The Comprehensive Growth Plan describes the Employment Center designation as encouraging office use in addition to various other types of non-residential development that provides locations for primary employment

The proposed rezoning to O-I is also consistent with supports multiple policies of the Comprehensive Growth Plan, Including: Land Use and Housing:

Policy LU 1.3 – Encourage non-residential land uses in areas consistent with the Future Land Use Map

Policy LU 1.4 – Encourage new businesses and no-residential development in Employment Centers designated on the Future Land Use Map. Services and Infrastructure: Policy SI 1.2 – Ensure utility and broadband capacity exists to facilitate continued industrial, commercial, and residential growth.

Staff Commentary: Staff believe that the current zoning and the proposed zoning changes are consistent with currently adopted plans for this project

(2) Suitability of the subject property for uses permitted by the current versus the proposed district;

Applicant's Response: The subject property is located within the Gateway Drive subdivision. The design and layout of the roads and lots within this subdivision are more consistent with an office park-type of development having uses more typical of those found in proposed O-I zoning and not the existing Highway Business (B-3) zoning for the parcel. The O-I zoning is more consistent with the Employment Center designation of the subject site and surrounding area on the Future Land Use Map of the Clayton Comprehensive Growth Plan.

Staff Commentary: Staff believes that this request is appropriate and achieves the best use and practice for this site and agree with the reasons listed by the applicant on suitability of the subject property.

(3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;

Applicant's Response: The proposed O-I zoning for the subject property increase the consistency and compatibility of existing and future development within the Gateway Park subdivision. The requested zoning reduces potential for certain types of non-residential uses (e.g. retail sales, vehicle sales and repair) to be proposed/located in close proximity to existing and future uses within Gateway Park that more consistent with Future Land Use Map designation of Employment Center for this area.

Staff Commentary: Staff believes that this will address the need for office/commercial space near and around emerging communities in the Town.

(4) The capacity of adequate public facilities and services including schools, transportation infrastructure, recreation facilities, wastewater treatment, water supply facilities, and stormwater drainage facilities for the proposed use;

Applicant's Response: Based on Town of Clayton GIS maps, the subject property has frontage on and is accessed by Gateway Drive, a public street maintained by the Town of Clayton. The site is also adjacent to public water and sewer infrastructure maintained by the Town. Stormwater management for development on the site will be designed consistent with Town of Clayton requirements and other applicable regulations.

Staff Commentary: The rezoning should not affect the Town's compacity of public facilities, services nor will it negatively affect the current infrastructure.

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

Applicant's Response: The proposed zoning for O-I for the subject property is consistent with both Employment Center designation for this site and surrounding properties as shown on the Future Land Use Map of the Clayton 2045 Comprehensive Growth Plan, and existing zoning for multiple properties within the Gateway Park Subdivision including adjacent parcels to the east and south.

Staff Commentary: Staff believe that this request is not contravened and is aligned with the comprehensive future land use plan of 2045 and will serve the community under its 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;

Applicant's Response: The adjacent properties to the east and on the opposite side of Gateway Drive from the subject site (to the south) are zoned O-I, providing for development of similar types of uses. Future use and design of the subject site will be consistent with applicable requirements of the Unified Development Code.

Staff Commentary: There should be no adverse effect upon any of the adjoining property owners.

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

Applicant's Response: The proposed Office-Institutional zoning designation for the subject property facilitates development of the site more similar and consistent with parcels located in this area of Gateway Park subdivision already zoned O-I

Staff Commentary: No one property owner or small group will benefit materially from this change.

Consistency with the Comprehensive Growth Plan 2045

The Future Land Use Map identifies this area as "Employment Center" (see map below). Page 21 of the Comprehensive Growth Plan states that Employment Center areas are designated "to provide locations for primary employment and economic development opportunities" and are "located along a major transportation corridor..." These guidelines are consistent with the purpose and function of O-I zoning, as stated above. The rezoning request would be consistent with the Employment Center Future Land Use designation.

Comprehensive Growth Plan Goals supporting the rezoning request include:

Goal LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas.

Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.

Strategy LU 1.1.1: Review development proposals for consistency with the Future Land Use Map.

Policy LU 1.4: Encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

Strategy LU 1.4.1: Encourage a mix of non-residential land use in Employment Centers including industrial, warehouse, office, research and development, tech-flex, renewable energy, recycling, fabrication, assembly, and technology uses.



CONSIDERATIONS:

- ◆ Approval of the rezoning would allow any permitted use within the O-I Zoning District to be constructed on the site. Town Council should consider all potential uses of the site when giving their recommendation for this rezoning.

PLANNING BOARD:

The Planning Board held a Public Hearing on January 23, 2023. A member from the community had some questions about the rezoning and how it may affect neighboring property which was answered by staff. Planning Board proceeded to vote unanimously for the proposed rezoning with no further recommendations. Board members made a motion using the follow statement of reasonableness and consistency.

Statement of Reasonableness and Consistency:

"We find this rezoning action consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Policy LU 1.4, Strategy LU 1.4.1 of the Comprehensive Growth Plan 2045."

And

"We find this rezoning action reasonable and in the public interest because it updates a defunct zoning district and brings the parcel in to an active zoning district and furthers the objectives of the Zoning Ordinance and the Comprehensive Growth Plan 2045."

STAFF RECOMMENDATION:

- ◆ Staff recommends **APPROVAL** of the proposed rezoning request.
- ◆ Planning Board Recommends **APPROVAL** of the proposed rezoning request.

ATTACHMENTS:

- 1) Staff Report
- 2) Application/Owner's Consent Form
- 3) Neighborhood Meeting Materials
- 4) Survey
- 5) Staff Report Maps



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

REZONING APPLICATION COVER SHEET

Name of Project: Lot 8 Gateway Drive - Rezoning Date: 11/28/22

Applicant Name: Thomas H. Johnson, Jr. - attorney (Williams Mullen), Agent for Owner

The following checklist to be completed by applicant:

- [X] Pre-Application Meeting on: April 12, 2022
- [X] Review Fee ~~\$762.40~~ ~~$\$750.00 + \$10 \text{ per acre } (\$10 \times 1.24 \text{ ac} = \$12.40)$~~ \$770 Paid
- [X] Advertisement Fee
- [X] Completed Application
- [X] Owner's Consent Form
- [X] Adjacent Property Owner's List
- [X] Neighborhood Meeting Notice Letter (1 copy)
- [X] 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
- [X] Signed & Sealed Boundary Survey *
- [X] Copy of signed & sealed boundary survey in PDF on USB (*emailed to Planning Dept. staff*)

** for legal description of property to be rezoned, see attached instruments recorded in Johnston County Register of Deeds:*

- *Special Warranty Deed (Deed Book 6324, Page 832-833)*
- *Subdivision Plat (Plat Book 54, Pages 476-478)*

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

REZONING APPLICATION

☒ Rezoning Fee: \$750 + \$10 per acre

SITE INFORMATION

Name of Project: Lot 8 Gateway Drive - Rezoning
Acres of Property: 1.24 ac Zoning District: Highway Business (B-3) - Special Use District
County Tag #: 05G02003D NC Pin #: 165909-27-2055
Address/Location: Lot 8, Gateway Drive, Clayton, NC
Existing Zoning District: Highway Business (B-3) - Special Use District Proposed Zoning District: Office-Institutional (O-I)

APPLICANT INFORMATION

Applicant: Thomas H. Johnson, Jr. - attorney (Williams Mullen), Agent for Owner
Mailing Address: 301 Fayetteville Street, Suite 1700, Raleigh, NC 27601
Phone Number: 919.981.4006 Fax: _____
Contact Person: Wayne Nicholas-senior land planner (Williams Mullen)
Email Address: wnicholas@williamsmullen.com 919.981.4084

PROPERTY OWNER INFORMATION

Name: Wisdom for the Heart, Inc.
Mailing Address: 2703 Jones Franklin Rd, Suite 105, Cary, NC 27518
Phone Number: _____ Fax: _____
Email Address: _____

OFFICE USE ONLY

Date Received: _____ Amount Paid: \$750 PAID File Number: 2022-197-R2

RECEIVED
DEC 01 2022
TOWN OF CLAYTON
PLANNING DEPARTMENT

EXPLANATION OF PROJECT

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

Request to rezone 1.24-acre property (NCPin 165909-27-2055) located on Gateway Drive, Clayton, shown as Lot 8 on plat recorded with Johnston County Register of Deeds in Plat Book 54, page 476-477, from current zoning of Highway Business (B-3) Special Use District to Office-Institutional (O-I).

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
(see Exhibit A attached to rezoning application)

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
(see Exhibit A attached to rezoning application)

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
(see Exhibit A attached to rezoning application)

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
(see Exhibit A attached to rezoning application)

5. It has been determined that the legal purposes for which zoning exists are not violated.
(see Exhibit A attached to rezoning application)

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.
(see Exhibit A attached to rezoning application)

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.

(see Exhibit A attached to rezoning application)

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.

Thomas H. Johnson, Jr.

Print Name



Signature of Applicant

11/28/22

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: Lot 8, Gateway Drive Rezoning **Address or PIN #:** 165909-27-2055

AGENT/APPLICANT INFORMATION:

Thomas H. Johnson, Jr. - attorney (Williams Mullen) 301 Fayetteville Street, Suite 1700
(Name - type, print clearly) (Address)
Raleigh, NC 27601
(City, State, Zip)

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

Rezoning

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.

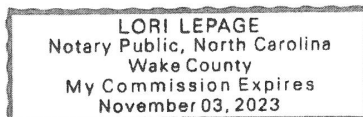
OWNER AUTHORIZATION:

Scott Wylie - Executive Director 2703 Jones Franklin Road, Suite 105
(Name - type, print clearly) (Address)
Scott Wylie Cary, NC 27518
(Owner's Signature) (City, State, Zip)

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me Lori Lepage, a Notary Public for the above State and County, this
the 8 day of November, 2022.

SEAL



July 2018

Lori Lepage
Notary Public

My Commission
Expires: 11 3 23

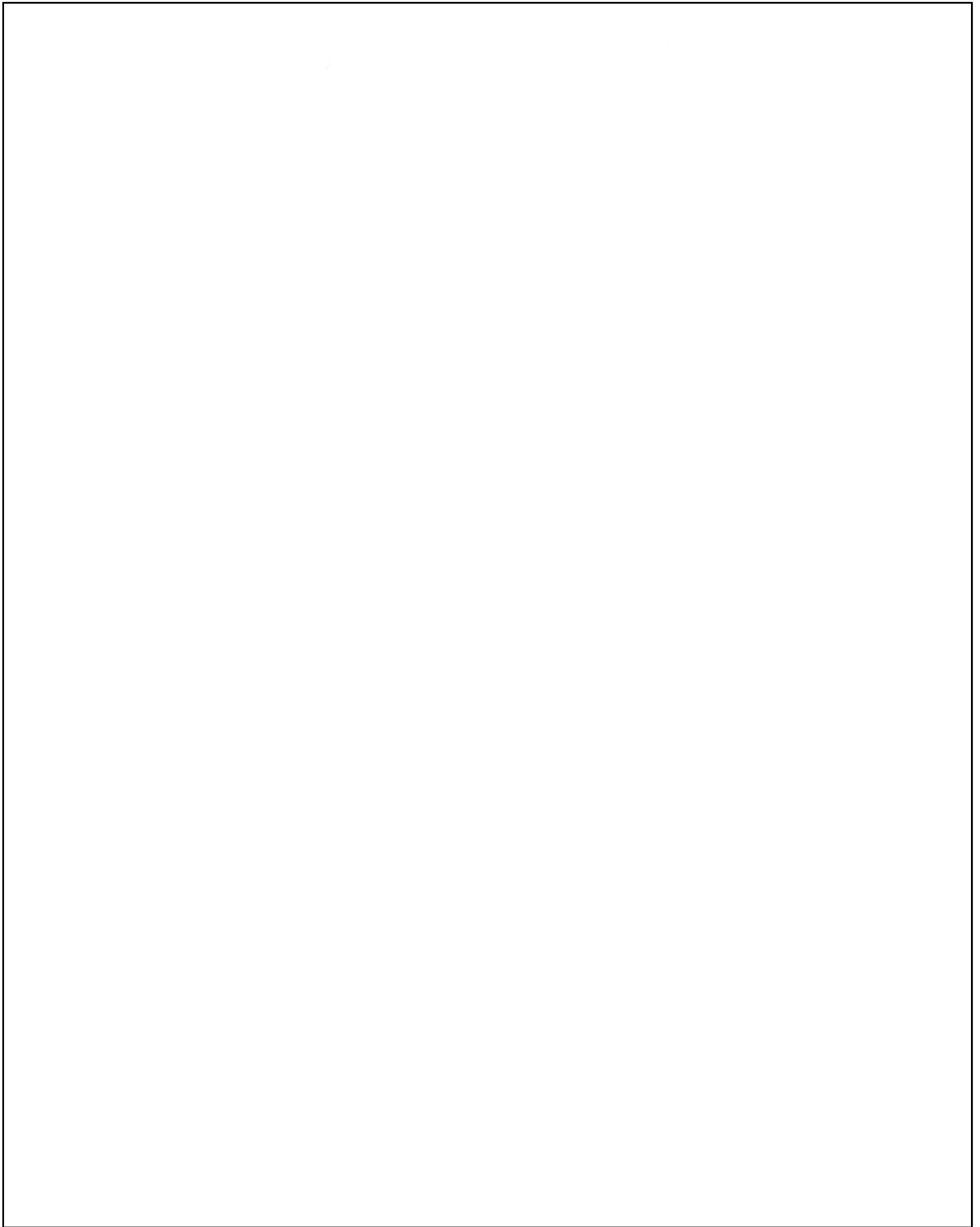


EXHIBIT A

APPLICANT'S NARRATIVE – REZONING REVIEW CRITERIA:
CLAYTON UNIFIED DEVELOPMENT CODE, SECTION 155.704(J)
Gateway Drive, Lot 8 (PIN: 165909-27-2055); Wisdom for the Heart, Inc. (Applicant)

Below are the applicant's statements (bold text) in response to the rezoning criteria in Section 155.704(J) of the Clayton Unified Development Code (italics).

(J) Approval criteria. In connection with its legislative decision on a rezoning 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;

The subject property proposed for rezoning, identified as Lot 8 of the Gateway Park subdivision, is designated within the Employment Center category on the Future Land Use Map of the Clayton 2045 Comprehensive Growth Plan. The entire Gateway Park subdivision and properties immediately adjacent to the west, north and east of the subdivision are also within the Employment Center designation. The proposed rezoning is for Office-Institutional zoning to allow for development of office use on the property. The Comprehensive Growth Plan describes the Employment Center designation as encouraging office use in addition to various other types of non-residential development that provides locations for primary employment.

The proposed rezoning to O-I is also consistent with and supports multiple policies of the Comprehensive Growth Plan, including:

- **Land Use and Housing:**
 - *Policy LU 1.3 – Encourage non-residential land uses in areas consistent with the Future Land Use Map.*
 - *Policy LU 1.4 – Encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.*
- **Services and Infrastructure:**
 - *Policy SI 1.2 – Ensure utility and broadband capacity exists to facilitate continued industrial, commercial, and residential growth.*

(2) Suitability of the subject property for uses permitted by the current versus the proposed district;

The subject property is located within the Gateway Drive subdivision. The design and layout of the roads and lots within this subdivision are more consistent with an office park-type of development having uses more typical of those found in the proposed O-I zoning and not the existing Highway Business (B-3) zoning for the parcel. The O-I zoning is also more consistent with the Employment Center designation of the subject site and surrounding area on the Future Land Use Map of the Clayton Comprehensive Growth Plan.

EXHIBIT A

APPLICANT'S NARRATIVE – REZONING REVIEW CRITERIA:
CLAYTON UNIFIED DEVELOPMENT CODE, SECTION 155.704(J)
Gateway Drive, Lot 8 (PIN: 165909-27-2055); Wisdom for the Heart, Inc. (Applicant)

(3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the town;

The proposed O-I zoning for the subject property increases the consistency and compatibility of existing and future development within the Gateway Park subdivision. The requested zoning reduces potential for certain types of non-residential uses (e.g. retail sales, vehicle sales and repair) to be proposed/located in close proximity to existing and future uses within Gateway Park that are more consistent with the Future Land Use Map designation of Employment Center for this area.

(4) The capacity of adequate public facilities and services including schools, transportation infrastructure, recreation facilities, wastewater treatment, water supply facilities and stormwater drainage facilities for the proposed use;

Based on Town of Clayton GIS maps, the subject property has frontage on and is accessed by Gateway Drive, a public street maintained by the Town of Clayton. The site is also adjacent to public water and sewer infrastructure maintained by the Town. Stormwater management for development on the site will be designed consistent with Town of Clayton requirements and other applicable regulations.

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

The proposed zoning of O-I for the subject property is consistent with both the Employment Center designation for this site and surrounding properties as shown on the Future Land Use Map of the Clayton 2045 Comprehensive Growth Plan, and existing zoning for multiple properties within the Gateway Park subdivision including adjacent parcels to the east and south.

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

The adjacent properties to the east and on the opposite side of Gateway Drive from the subject site (to the south) are zoned O-I, providing for development of similar types of uses. Future use and design of the subject site will be consistent with applicable requirements of the Unified Development Code.

(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.

The proposed Office-Institutional zoning designation for the subject property facilitates development of the site more similar and consistent with parcels located in this area of the Gateway Park subdivision already zoned O-I.

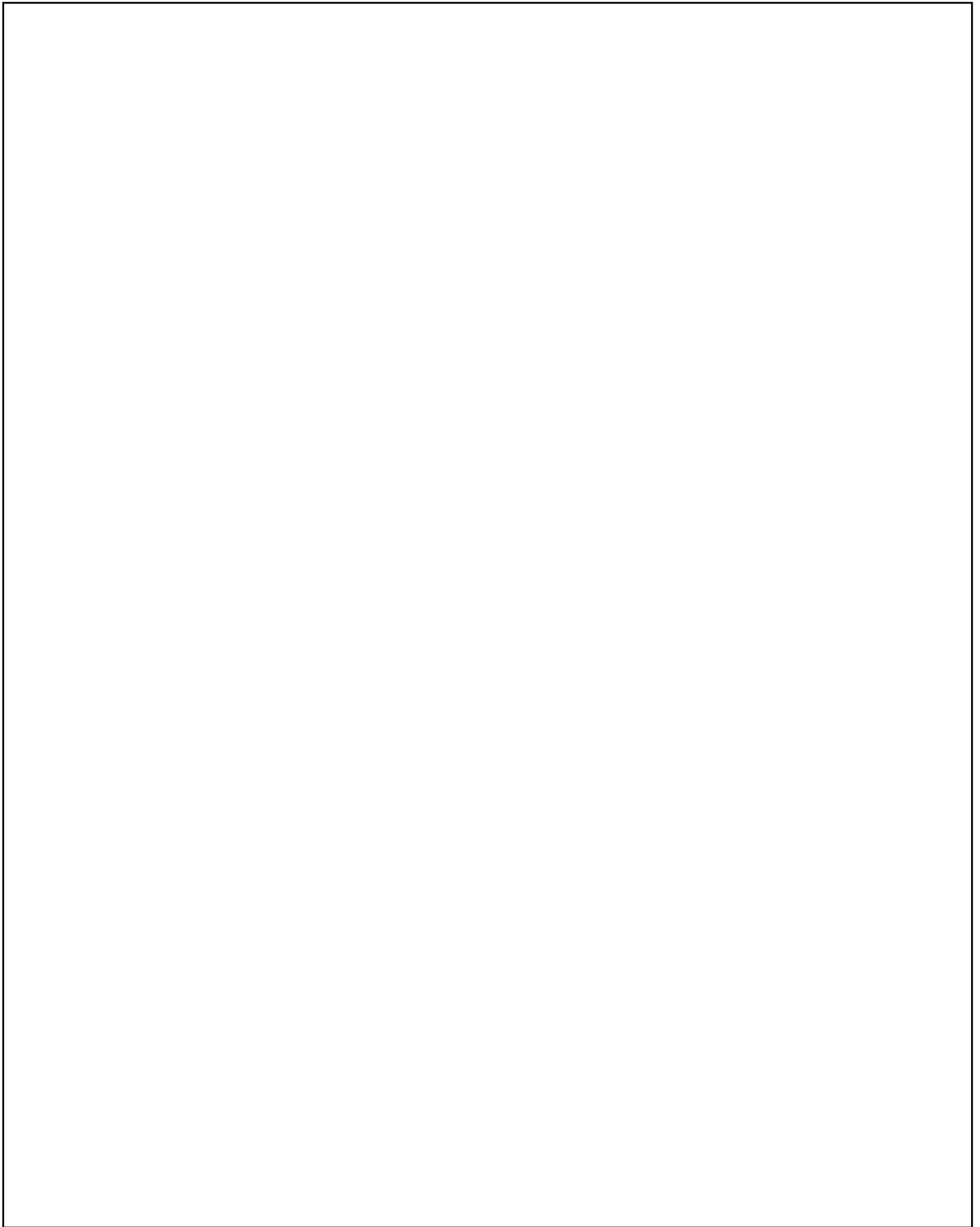
ADJACENT PROPERTY OWNERS LIST

Project Name: Lot 8 Gateway Drive - Rezoning

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]



Lot 8 Gateway Drive - Rezoning

Town of Clayton GIS Viewer

Developments Zoning Future Land Use Transportation Planning Environ

MapClick

JOHNSON COUNTY, NORTH CAROLINA

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Buffer Area

Enter Buffer Distance:

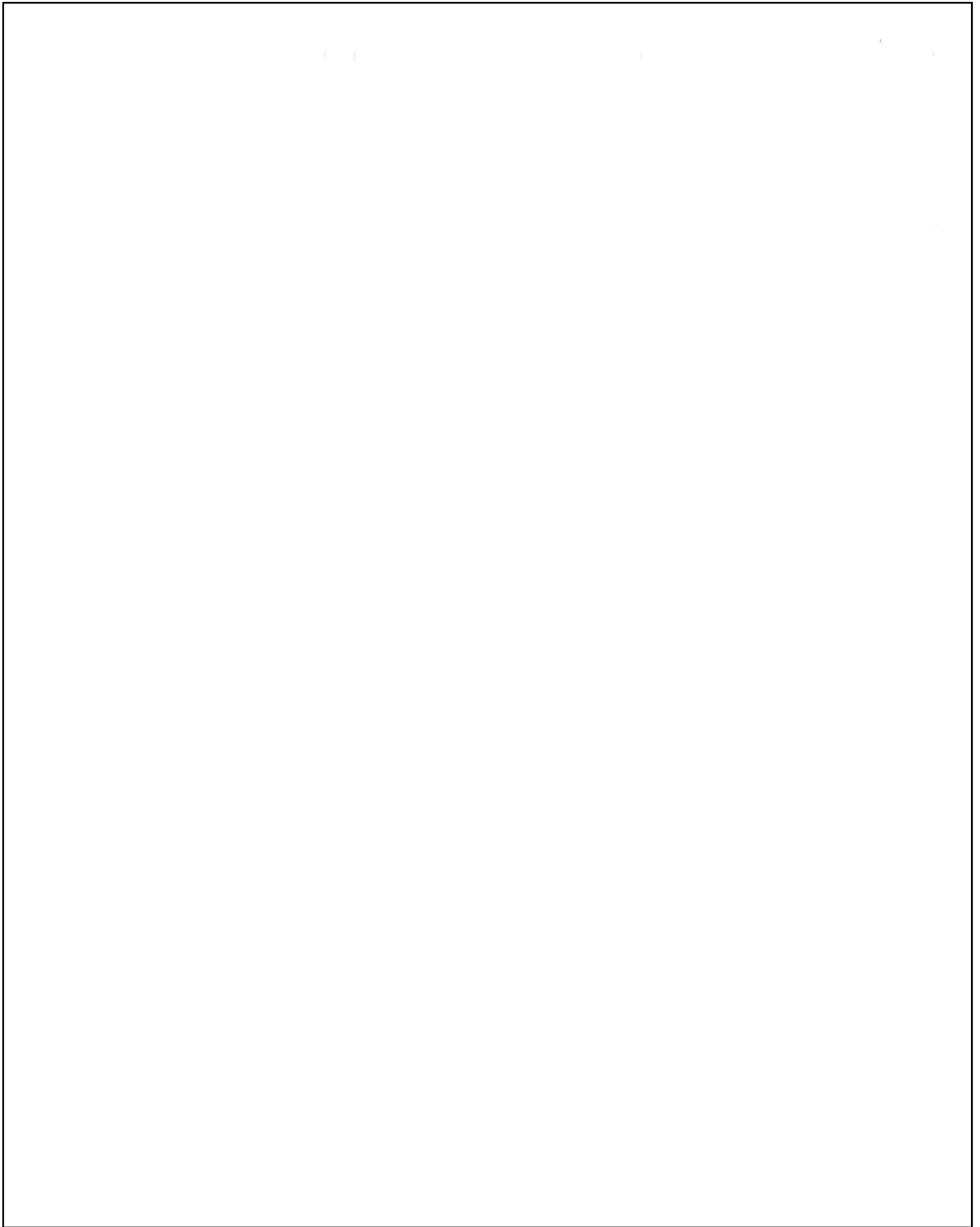
Click on a parcel.

Results

Results for Item 1	
ID	05G02003D
Tag	05G02003D
Owner Name 1	WISDOM FOR THE HEART, INC
Owner Name 2	
Main Address 1	2703 JONES FRANKLIN RD STE 105
Main Address 2	

Addresses Map & Results

Pan ZoomBox Zoom In Zoom Out Full Extent Previous Next Refresh Print



ADJACENT PROPERTY OWNERS MAP & LIST
Lot 8 Gateway Drive - Rezoning

Results for item 1

id	05G02003D
Tag	05G02003D
Owner Name 1	WISDOM FOR THE HEART, INC
Owner Name 2	
Mail Address 1	2703 JONES FRANKLIN RD STE 105
Mail Address 2	
Mail Address 3	CARY, NC 27518-7172
Book	06324
Page	0832

Results for item 3

id	05G02003G
Tag	05G02003G
Owner Name 1	MAROOF, MOHAMMAD
Owner Name 2	MAROOF, SHAHEDA
Mail Address 1	3917 CITY OF OAKS WYND
Mail Address 2	
Mail Address 3	RALEIGH, NC 27612
Book	05173
Page	0680

Results for item 2

id	05G02003E
Tag	05G02003E
Owner Name 1	BOBBY DENNING PROPERTIES LLC
Owner Name 2	
Mail Address 1	1126 N BREAZEALE AVE
Mail Address 2	
Mail Address 3	MOUNT OLIVE, NC 28365-1121
Book	04313
Page	0607

Results for item 4

id	05G02003J
Tag	05G02003J
Owner Name 1	ARKEMIA PROPERTIES LLC
Owner Name 2	
Mail Address 1	1621 KIRKBY LN
Mail Address 2	
Mail Address 3	RALEIGH, NC 27614-7228
Book	04102
Page	0526

ADJACENT PROPERTY OWNERS MAP & LIST
Lot 8 Gateway Drive - Rezoning

Results for item 5

id	05G02003C
Tag	05G02003C
Owner Name 1	RSKIN LLC
Owner Name 2	
Mail Address 1	11708 US 70 HWY W
Mail Address 2	
Mail Address 3	CLAYTON, NC 27520-2273
Book	03328
Page	0179

Results for item 6

id	05E99020F
Tag	05E99020F
Owner Name 1	NORTH CAROLINA DEPT OF AGRICUL
Owner Name 2	
Mail Address 1	CENTRAL CROPS RESEARCH STA
Mail Address 2	13223 U S HWY 70 WEST
Mail Address 3	CLAYTON, NC 27520-0000
Book	
Page	

WILLIAMS MULLEN

Thomas H. Johnson, Jr.
Direct Dial: 919.981.4006
tjohnson@williamsmullen.com

October 3, 2022

**Re: Notice of Neighborhood Meeting for Proposed Rezoning:
Lot 8, Gateway Drive, Clayton, NC (NCPin: 165909-27-2055)**

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application proposed to be filed with the Town of Clayton for a land use change (rezoning) 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 proposed application, answer questions, and provide area residents the opportunity to share feedback with the applicant before the rezoning request is formally submitted to the Town. The following are the details for the Neighborhood Meeting:

Meeting Date: Monday, October 17, 2022 **Meeting Time:** 6:00 PM – 7:00 PM

Meeting Location: Clayton Community Center (Room #111), 715 Amelia Church Road, Clayton

Type of Application: Rezoning request to change existing zoning of property from
B-3 (Highway Business) Special Use District to Office-Institutional (O-I)

Subject Property Address: Lot 8, Gateway Drive, Clayton, NC (NCPin: 165909-27-2055)
(as shown on enclosed map)

Description of Proposal: Rezone property to allow for development of office building

At a minimum, the following will be available for your inspection at the Neighborhood Meeting: 1) a draft 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 vicinity map is enclosed with this letter showing the location of the property that is subject to this application for proposed rezoning. I represent the applicant, Wisdom for the Heart, Inc., the organization that intends to submit the application described above. If you have any questions about this proposed rezoning prior to or after this meeting, please contact me at 919-981-4006 or tjohnson@williamsmullen.com. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,



Thomas H. Johnson, Jr.

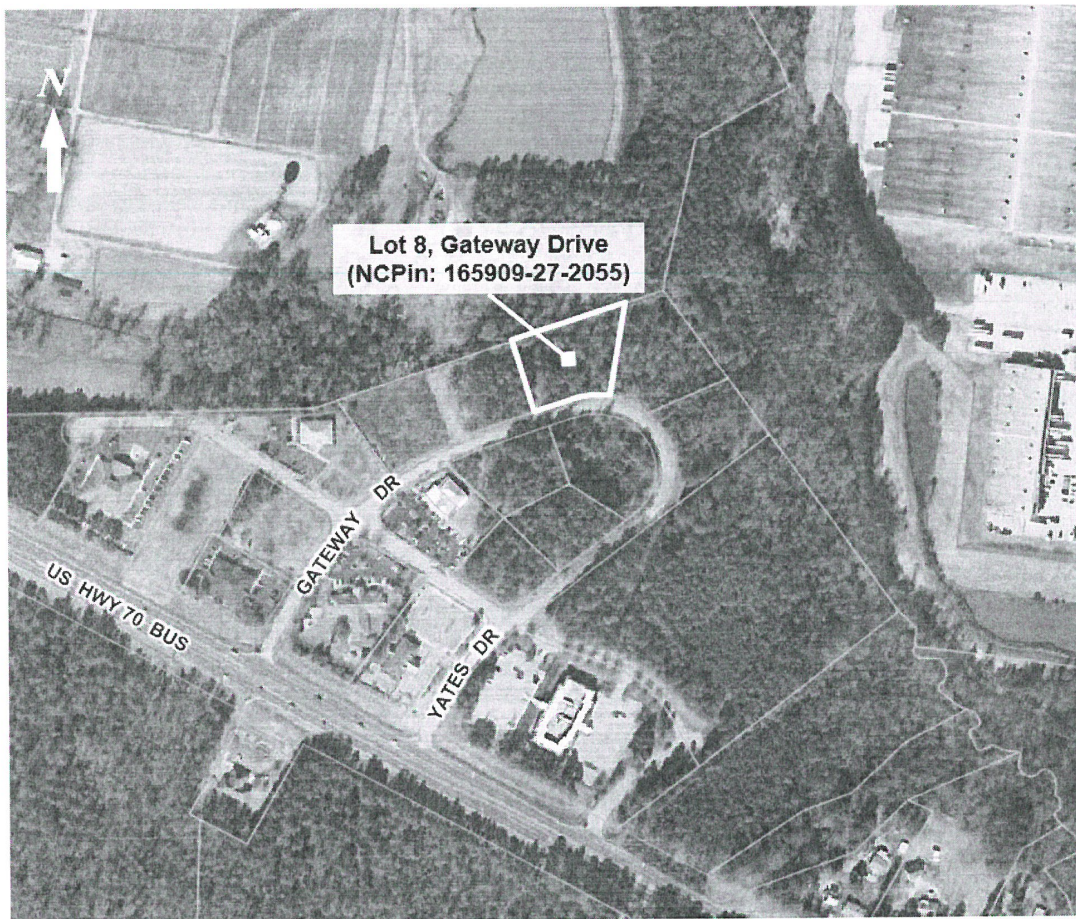
cc: Town of Clayton Planning Department

301 Fayetteville Street, Suite 1700 (27601) P.O. Box 1000 Raleigh, NC 27602 T 919.981.4000 F 919.981.4300
williamsmullen.com | A Professional Corporation

WILLIAMS MULLEN

Thomas H. Johnson, Jr.
Direct Dial: 919.981.4006
tjohnson@williamsmullen.com

Vicinity Map (2021 aerial photograph)



Parcel boundaries, street names and 2021 aerial image source: Town of Clayton GIS Viewer (9/30/22)

301 Fayetteville Street, Suite 1700 (27601) P.O. Box 1000 Raleigh, NC 27602 T 919.981.4000 F 919.981.4300
williamsmullen.com | A Professional Corporation

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Lot 8 Gateway Drive - Rezoning

Application: Request to rezone Lot 8 Gateway Drive (NCPin 165909-27-2055) from Highway Business (B-3) Special Use District to Office-Institutional (O-I)

Location/Date: Clayton Community Center (Room #111), 715 Amelia Church Rd, Clayton / October 17, 2022

	NAME	ADDRESS
1		
2	* NO ATTENDEES AT NEIGHBORHOOD MEETING OTHER THAN OWNER/APPLICANT AND AGENT FOR APPLICANT (see Meeting Summary)	
3		
4		
5		
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20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

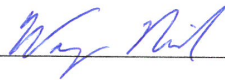
Application: Lot 8 Gateway Drive - Rezoning

Date of Mailing: October 4, 2022

Date of Meeting: October 17, 2022 Time of Meeting: 6:00 PM

Location of Meeting: Clayton Community Center (Room #111), 715 Amelia Church Rd, Clayton

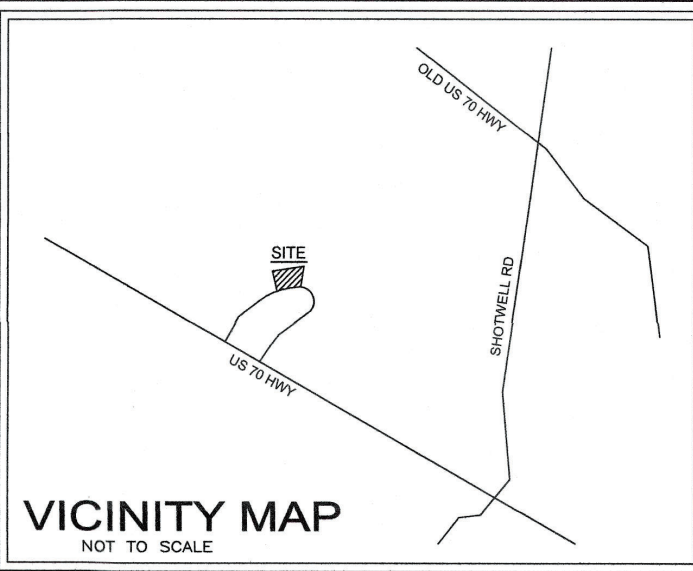
I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Wayne Nicholas Signature: 
(Williams Mullen)

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.*

Scott Wylie (Wisdom for the Heart, Inc.) and Wayne Nicholas (Williams Mullen) were present at the neighborhood meeting representing the applicant/owner and agent for owner. There were no attendees at the meeting; no questions or issues expressed about the proposed rezoning, and no changes made to the application.

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



NC GRID NORTH
(NAD 83/2011)

LINE TABLE		
LINE	LENGTH	BEARING
L1	98.69	N 71°17'27" E

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	104.11	210.00	S 85°30'22" W	103.05

NC DEPARTMENT
OF AGRICULTURE
PIN: 164900-57-5937

LEGEND and NOMENCLATURE

SYMBOLS

- Ex. iron pipe/rod or nail
- Ex. concrete monument
- New iron pipe
- ⊙ Calculated point
- ⊕ Cable pedestal
- ⊕ Telephone pedestal
- ⊕ Electric pedestal
- ⊕ Fiber-optic marker
- ⊕ Hotbox
- ⊕ Gas meter
- ⊕ Water meter
- ⊕ Fire hydrant
- ⊕ Valve (water or gas)
- ⊕ Sanitary sewer manhole
- ⊕ Sanitary sewer cleanout
- ⊕ Storm curb inlet
- ⊕ Drainage inlet (w/ grate)
- ⊕ Storm drain manhole
- ⊕ D.I.
- ⊕ Utility pole
- ⊕ Lamp post
- ⊕ Signal pole
- ⊕ Guy wire
- ⊕ Sign post

LINETYPES

- X — Fence
- OU — Overhead utility
- W — Waterline (blue paint)
- SS — Sanitary sewer
- SD — Storm drain
- E — Underground electric (red paint)
- G — Gas line (yellow paint)
- T — Communications / Fiber (orange paint)

ABBREVIATIONS

- DB Deed Book
- PB or BM Plat Book / Book of Maps
- PG Page
- S.F. Square feet
- AC. Acres
- R/W Right-of-way
- EX. Existing
- D.I. Drop inlet (storm)
- C.I. Curb inlet (storm)
- AG Above-ground
- BG Below-ground
- RCP Reinforced concrete pipe

SURVEY NOTES:

- All distances are horizontal ground distances in u.s. survey feet unless otherwise noted. Area(s) computed by coordinate geometry.
- This survey does not include nor depict any environmental evaluations. No investigation into the existence of wetland or riparian buffers performed in the preparation of this survey.
- Field survey(s) performed April 11, 2022.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose and may not be shown hereon.
- The locations of underground utilities as shown hereon (if any) are based on aboveground structures & aboveground visual evidence only. Locations of underground utilities/structures may vary from location shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures.
- Subject property is not located within a special flood hazard zone per FEMA Flood Insurance Rate Map (FIRM) #3720081200K, effective date October 19, 2018.
- The State Plane Coordinates for this project were produced with RTK GPS observations and processed using the North Carolina VRS network. The network positional accuracy of the derived positional information is $\pm 0.07'$.

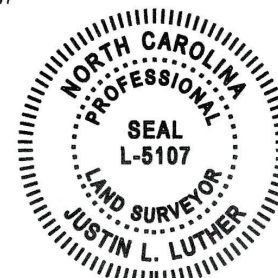
Horizontal Datum = NAD 83/2011
Vertical Datum = NAVD 88

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

I, Justin L. Luther, certify that this plat was drawn under my supervision from an actual survey made under my supervision from references as noted on said plat; that the boundaries not surveyed are clearly indicated as drawn from information as indicated under references; that the ratio of precision or positional accuracy as calculated is greater than 1:10,000; that this plat was prepared in accordance with NCGS 47-30 as amended.

Witness my original signature, license number and seal this
27th day of April, 2022.

Professional Land Surveyor (L-5107)



REFERENCES:

DEED BOOK 4862, PAGE 77
PLAT BOOK 54, PAGE 477
*OTHERS SHOWN HEREON

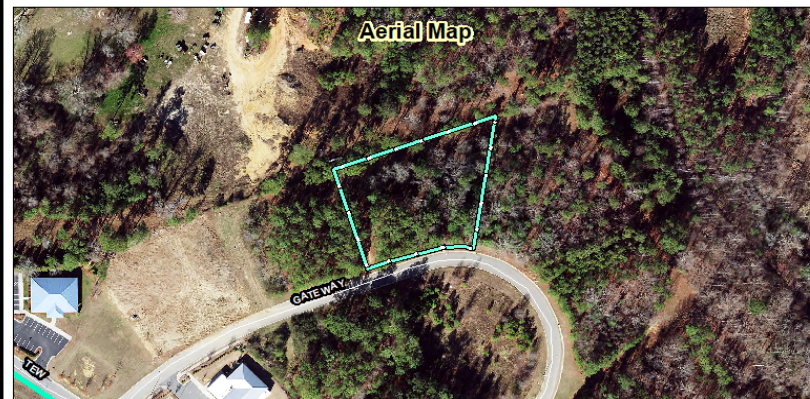
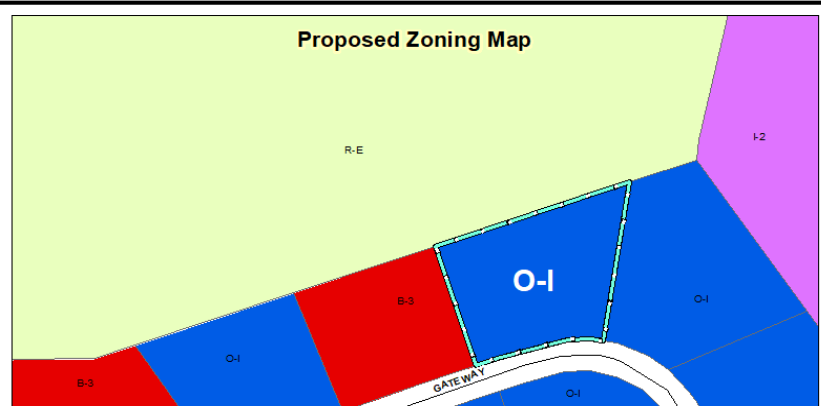
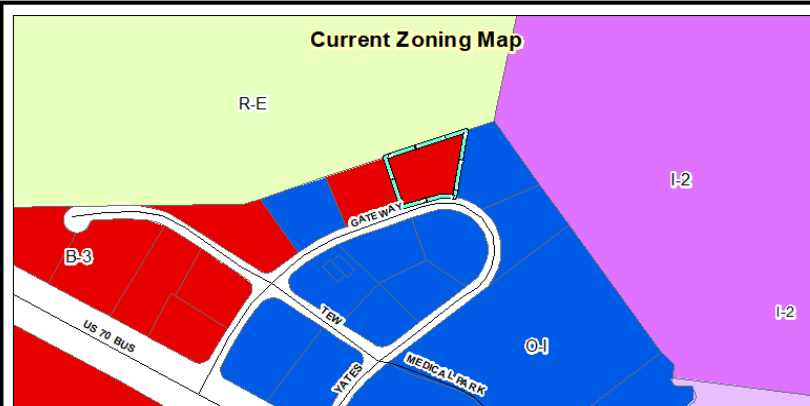
BOUNDARY & TOPOGRAPHIC SURVEY

PROPERTY OF
CAMPBELL UNIVERSITY FOUNDATION, INC.
CLAYTON TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

30 15 0 30 60
SCALE: 1"=30'

JOB NO.: 228969
FILE NAME: B/T
PLOT DATE: 4/27/22

NEWCOMB land surveyors, pllc, 7008 Harps Mill Road, Ste. 105, Raleigh, NC 27615, (919) 847-1800, NC License #P-0203



Request:
2022-197-RZ, to Rezone a parcel from Highway
Business Special Use District (B-3 SUD) to Office-Institutional (O-I)

Applicant: Thomas H. Johnson, Jr. & Williams Mullen.
 Property Owners: Wisdom for the Heart, Inc.
 Tag #: 05G02003D



Staff Report Map
 Prepared by: TOC Planning Department
 December 9, 2022

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

Document Path: O:\PLANNING\REZONING\Rezoning\2022\2022-170-RZ Clayton Pawville Rezoning\Staff Map

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP
OF THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include Office-Institutional (O-I) zone to the properties described below, said property formerly being zoned Highway-Business Special Use District (B-3 SUD; and

WHEREAS said property is owned by Town of Clayton

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listing, and to the owners of all parcels of land abutting that (those) parcels(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS notice of the proposed zoning classification action was posted on the property as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on February 20, 2023, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change to make relevant comments; and

THEREFORE, after duly considering the matter, **THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:**

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Office-Institutional zone to of the following described properties:

General Description:

Located within the Town of Clayton's Jurisdiction and limits at lot 8 off Gateway Drive, Clayton, NC, 27520

Specific Description:

NC Parcel TAG Number(s): 05G02003D

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include the Office-Institutional zone to the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Ordinance

SECTION 4. That the Town Council hereby adopts the following Statement of Consistency and Reasonableness for the proposed rezoning:

“We find this rezoning action consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Policy LU 1.4, Strategy LU 1.4.1 of the Comprehensive Growth Plan 2045.”

and

“We find this rezoning action reasonable and in the public interest because it updates a defunct zoning district and brings the parcel in to an active zoning district and furthers the objectives of the Zoning Ordinance and the Comprehensive Growth Plan 2045.”

SECTION 5. That this ordinance shall become effective immediately upon its adoption

Duly adopted this 20th day of February, 2023, while in regular Session

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, CMC and NCCMC;
Town Clerk

Jim Cauley
Town Attorney



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

February 20, 2023

Agenda Location

OLD BUSINESS

Item Title

Rolling Stock Reimbursement Resolution

Presenter(s)

Robert McKie, Finance Director

Suggested Action

Adoption of Resolution

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

Adoption of the resolution provides the Town with the flexibility to reimburse itself for rolling stock expenditures with the proceeds from a future financing that will not require approval by the Local Government Commission (LGC).

Background/History

The adopted budget included \$1.5 million to finance rolling stock purchases.

Recommendation

The Finance Director recommends approval of the reimbursement resolution.

Funding Source

Debt Proceeds

Cost

Yes

Submitted By: Robert McKie, Finance Department

Reviewed By:

Rich Cappola, Town Manager
Heidi Holland, Town Clerk

Approved - Feb 13 2023
Approved - Feb 13 2023

TOWN COUNCIL
OF THE TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting on
February 20, 2023

Present: Mayor _____ presiding, and

Councilmembers : _____

Absent: _____

* * * * *

The following resolution was discussed and its title was read:

RESOLUTION OF OFFICIAL INTENT TO PURSUE
TAX EXEMPT FINANCING AND TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Town Council of the Town of Clayton, North Carolina (the “Town”) intends to finance the purchase of rolling stock for various departments of the Town (the “Project”);

WHEREAS, the Town may advance its own funds to pay expenditures related to the Project, may borrow funds on a short term taxable or tax exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON,
NORTH CAROLINA:**

1. The Town intends to utilize the proceeds of tax-exempt indebtedness, including but not limited to revenue bonds or notes (the “Indebtedness”) or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$2,500,000.
2. The Town intends that the proceeds of the Indebtedness be used to reimburse the Town for Expenditures with respect to the Project made on or after the date that is no more than

60 days prior to the date of this resolution. The Town reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Indebtedness or other debt.

3. The Town intends that the adoption of this resolution confirms its "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

4. This resolution shall take effect immediately upon its passage.

Councilmember _____ moved the passage of the foregoing resolution,
Councilmember _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not Voting: _____

Duly adopted this the 20th day of February, 2023, while in regular session.

Jason A. Thompson
Mayor Pro Tem

* * * * *

I, Heidi Holland, Town Clerk of the Town of Clayton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council at a regular meeting duly called and held February 20, 2023, as it relates in any way to the resolution hereinabove set forth. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council is on file in my office.

WITNESS my hand and the common seal of the Town, this ____ day of February, 2023.

Clerk, Town Council
Town of Clayton, North Carolina

(SEAL)